

## **The Trajectory of the Australian Republic Debate\***

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### **Introduction**

The trajectory of the Australian republic debate since the 1999 referendum has been generally flat with occasional spikes and dips.<sup>1</sup> That has continued despite the election of the republican Rudd Labor Government in November 2007. Monarchist critics of the proposed constitutional change can point out that there has not yet, a decade later, been a repeat of the unsuccessful 1999 referendum and that support for an Australian republic may be now below its peak levels. Supporters can point out that despite a barren period during which a long-serving prime minister made no secret of his personal opposition and was determined not to allow the issue to thrive, republicans still outnumber monarchists by about three to two in Australia. Republicans can also point out the failure of monarchists to gain any ground with the younger generation and to a new emphasis on the future of the monarchy post-Elizabeth II.

The debate has changed in character since 1999 despite the continued presence of some key elements, such as the comparative merits of tradition versus constitutional change, monarchy versus republicanism and the relevance or otherwise of the British monarchy to Australia's needs in the twenty-first century. There have been important new developments in the way the issues are argued. These include the emphasis on a plebiscite-driven process prior to a referendum, new and greater emphasis on the role of the Governor-General vis-à-vis the monarch, increasing attention given to Prince Charles as future King of Australia, and tying the timing of change to the passing of Queen Elizabeth II.

The debate has also largely not been conducted by those who took centre stage in 1998–99, though John Howard's opposition has framed the debate until recently, Malcolm Turnbull's identification with the republican cause remains, and some

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<sup>1</sup> I. McAllister, 'Election without Cues: the 1999 Australian Republic Referendum', *Australian Journal of Political Science*, vol. 36, no. 2, 2001, pp. 247–69; J. Warhurst, 'From Constitutional Convention to Republic Referendum: a Guide to the Processes, the Issues and the Participants', Parliamentary Library Research Paper No. 25, 29 June 1999; J. Warhurst and M. Mackerras (eds), *Constitutional Politics: the Republic Referendum and the Future*. St Lucia, Qld, University of Queensland Press, 2002.

politicians active in 1999, like Senator Nick Minchin, have continued to express their views. Most of the delegates to the Constitutional Convention in 1998, on all sides, have moved on to other questions and some key figures, such as Donald Horne, Richard McGarvie, Clem Jones, and George Winterton have since died.

Debate is both specialized and popular, being about both constitutional law and appeals to public sentiment. It is conducted in the community, in the popular media, in specialized magazines and in parliaments as well as at functions arranged by the protagonists. The contours of the debate can be difficult to track as there is also a subterranean element that rarely sees the light of day.

The overall contention of this lecture is that the Crown in all its non-constitutional aspects is in continuing decline in Australia in terms of public attention, public affection and its reflection in Australian symbols. Furthermore, the arguments used by defenders of the status quo in public debate against moving to a republic, involving deliberately diminishing the role of the Queen, contribute to hastening this decline by switching emphasis away from the monarchy in Australia.

However, despite the continuing decline of the monarchy in Australia the odds are against Australia moving to a republic in the short to medium term. A republican Australia remains possible but certainly not inevitable. It may happen within the next twenty years but the odds are that it will not. Australians remain republican in spirit but an increasing number of young Australians are disengaged from the issue. Furthermore many leading Australians who are republicans have a timid approach to the question for a variety of reasons. By the time change occurs, if it does, the majority of those voters who take part in the referendum may have had little or no experience of meaningful monarchy in Australia.

### **Relevant developments since 1999**

The spikes and dips in interest have followed a very mixed bag of issues and events. They include broader political events, specific community and parliamentary efforts to lead republican debates and relevant and irrelevant aspects of the life of the British Royal family.

First, John Howard won the next two elections after the referendum to consolidate the Coalition government in office. This inhibited public debate. From July 2005 the Coalition also controlled the Senate, putting further Senate efforts by Labor, the Democrats and the Greens to popularize the republic off the agenda, particularly as the Liberal Senate leadership (Nick Minchin and Eric Abetz) were determinedly monarchist. However at that same 2004 election that gave the Howard Government control of the Senate the republican leader in 1999, Malcolm Turnbull, entered Parliament and raised the hopes of republicans that he would contribute to reinforcing republican numbers and voices within the Liberal Party.

In 2007 Howard was defeated and left the Parliament, followed shortly afterwards by another prominent monarchist, Alexander Downer. While Howard's initial successor, Dr Brendan Nelson was also a royalist-cum-monarchist, Turnbull eventually defeated Nelson to become Liberal leader in September 2008.

The arrival of the Rudd Government raised republican hopes given Labor policy, but there has been little or no action. However, indirectly, the 2020 Summit in April 2008 did give a vote of confidence to a republic with overwhelming support among delegates, both in the Governance stream and in the summit at large.<sup>2</sup>

Prior to this the appointment by the Howard Government of Archbishop Peter Hollingworth as Governor-General in 2001 eventually brought the position into disrepute through his forced resignation which highlighted to the public the method of appointment by the Queen on the recommendation of the Prime Minister. The appointment of an Anglican Archbishop as Governor-General also led to critical discussion of church–state relations involving the implications for Australia of the British Monarch’s role as head of the Church of England.

Secondly, there were peaks of activity and publicity to keep the issue alive associated with specifically republican community and parliamentary activities. An important theme since 2001 has been discussions of the best process by which the question might be moved forward.

During that year Senator Natasha Stott Despoja on behalf of the Australian Democrats moved a bill to hold a plebiscite on the question. Later that year in December a large community conference was organized in the town of Corowa by former Victorian Governor Richard McGarvie, the proponent of the Council of Elders type republic at the 1998 Constitutional Convention. This big experiment in community engagement drew together many established republican leaders and new ones such as Tim Fischer. The so-called Royal Hotel Resolution brought together these republican spokespersons behind an agreed process, including plebiscites.<sup>3</sup>

Then in 2003–2004 a Senate inquiry by the Legal and Constitutional References Committee was chaired by Senator Nick Bolkus with Democrat and Liberal support. This non-partisan public inquiry maintained republican momentum but, not unexpectedly, brought no government reaction at all. It recommended constitutional education and plebiscites as the best way forward.<sup>4</sup>

A little later, in December 2005, republican MPs from all parties launched Parliamentarians for an Australian Head of State in the federal Parliament as yet another way of building consensus and trust across party lines.

In 2008/09 a Greens Bill calling for a plebiscite at the next federal election has led to another Senate inquiry which is currently under way, having taken submissions. Public hearings will follow shortly.<sup>5</sup>

Throughout this time regular debates about issues like the Queen’s Birthday holiday and Australian national identity generally have helped keep the focus on the republic.

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<sup>2</sup> Australian 2020 Summit, Initial Summit Report, April 2008, pp. 32–3.

<sup>3</sup> For discussion of the Corowa conference see Senate Legal and Constitutional References Committee, *The Road to a Republic*, August 2004.

<sup>4</sup> Ibid.

<sup>5</sup> The Senate Standing Committee on Finance and Public Administration’s report, *Inquiry into the Plebiscite for an Australian Republic Bill 2008*, was tabled on 15 June 2009.

Liberal Senator Guy Barnett, for instance, has argued that the Queen's Birthday is an inappropriate day on which to present Australian Honours awards.

Earlier this year Australia Day debate initiated by new Australian of the Year Mick Dodson suggests that Republic Day has considerable support as a new public holiday if Australia Day is ever moved from 26 January.

Thirdly, the major development in Britain has been the marriage of Prince Charles and Camilla Parker Bowles in April 2005 and subsequent public acceptance of their relationship, which focused attention on the succession process in which Australia can play no part. Well-publicised surveys have demonstrated the relative unpopularity among Australians of Charles as future King of Australia compared to his mother and thus generated further republican/monarchist debates.<sup>6</sup>

There were also the regular shenanigans of the next generation of the British Royal Family, William and Harry, to amuse the Australian tabloids and to demand responses from republicans and monarchist representatives alike. Such media debates rarely advanced sensible debate but they could not be avoided.

It should not be forgotten, however, that for every republican spike there has been a 'crowding out' effect of other issues like reconciliation, refugees, climate change, a bill of rights, and an apology to the stolen generation on the one hand, and global financial crisis, the Iraq War, and the war against terror on the other hand. In this context republicans become distracted and/or apologetic about raising the issue. Monarchists confidently play 'the time is not right' card and regularly compare purported costs of constitutional referenda with popular social services and other government spending possibilities.

Finally it should be noted there has been no other attempt to achieve constitutional change through the referendum method over the past decade (In fact there has not been a successful referendum since 1977). The republic is not alone if it is on the back burner.

### **The interested groups**

The contribution of interest groups to the debate must be put in context. They are smallish groups rather than large social movements. This means that debate is conducted in the media and in specialized forums by a relatively few individuals rather than through large public events. Republicans have never had the large numbers or the campaigning style to march or demonstrate for their cause in the same way, for instance, as the reconciliation, anti-war or environmental movements. This has always been the case except for a short period in 1999 when the Yes and No sides received government funding producing a campaign atmosphere. The British media, in particular, continue to be bemused by this, seeking something that is just not there.

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<sup>6</sup> See footnotes below.

Many of the main protagonists are also ageing and organizational regeneration will soon become a major dilemma on both sides of the debate if it is not already.

The two main specialist groups remain the Australian Republican Movement (ARM), based in Canberra, and Australians for Constitutional Monarchy (ACM) based in Sydney. Both are non-government organizations without any government funding.

ARM, now chaired by Major-General Michael Keating, has moved forward with a new democratic emphasis, considerable generational change, and, recently a new green and gold image. It is robust, but a smaller organization than it was at its peak in 1999. It has no tax deductibility to encourage financial support. Since early this century it has concentrated its efforts on a plebiscite-driven process and a facilitation role in public debate. It is open to any responsible model supported by the Australian people and is not at all committed to the defeated 1999 model.

ACM remains a vocal organisation with Professor David Flint its indefatigable hard-line public voice. Its biggest achievement, with tax deductible status, is the creation of Constitutional Education Fund-Australia (CEFA) with Kerry Jones, the leader of the No campaign in 1999, in a new role as its CEO.

There are other smaller organizations on both sides that play a part in media-generated debates. The spokesman for the Monarchist League, Philip Benwell, is a regular, gentler participant in media debate and has been known to disagree publicly with the views of the ACM.

Among republicans the Clem Jones team, now led by David Muir, has inherited a large bequest from Mr Jones that will be used, on behalf of direct election, in any future republican campaign. Women for an Australian Republic is a thoughtful contributor to parliamentary enquiries and to the gendered aspects of republican debate within the women's movement in particular. The Democracy First group led by stockbroker Jim Bain has good political connections. Many of these republican groups have demonstrated their desire for unity by participating in regular conferences under the banner of the Republican Gathering since August 2005. But republicans remain divided on key issues. The Republican Party of Australia remains a determinedly idiosyncratic outlier.

But a number of republican bodies active in 1999 have all but ceased to exist in any real operational sense despite attempts to engage them in debates. These include Conservatives for an Australian Head of State, organized at the time by the present Liberal shadow minister Andrew Robb, and A Just Republic, committed in 1999 to a Yes vote with an eye on a subsequent move to a directly elected President. They represent important segments of republicanism and may revive should another referendum be held.

The number of other interest groups that participate in the debate is patchy and limited. Should there be a second referendum it will be important how some of them decide to jump and with what energy and resources. The biggest groups, like the business community and the trade union movement scarcely raise their heads on this issue.

The Returned Services League has exhibited a diminishing interest. Get Up, the grass roots organization, has not yet taken the issue on board in a serious way. But debates occur elsewhere. The government-funded National Schools Constitutional Convention, for instance, considered the issue last year in a referendum-style format and narrowly supported a republic.

For many leaders in public life the issue is too difficult or too complex for them to make a public contribution. Some are deterred by the protocols of their public role as corporate heads, public servants, judges or military officers. Some would like a more radical edge to the debate, incorporating broader issues such as the national flag or Indigenous reconciliation, while others are worried by any support for popular election.

### **The political parties**

Ultimately debate has to be led by the political parties. Interest groups can encourage a groundswell and strive to speak for the popular view, but it is governments who can take action.

But political activists overwhelmingly give priority to their political party allegiances over issue concerns. To date this has benefited monarchists. One of the tasks of republicans is to change that so that party leaders come to recognise the positive electoral benefits rather than the potential risks of backing constitutional change.

Labor has continued to advocate a republic with an Australian head of state as a matter of party policy.<sup>7</sup> Their enthusiasm is sporadic. State Labor leaders prominent as republicans in 1998–1999 have been all talk but no action once in office. There is internal division within the party over the most appropriate type of republic. Most significantly of all, despite the contribution of MPs like Bob Debus and Mark Dreyfus, Labor has failed to produce a true champion of republicanism from within its ranks as there have been champions of other issues.

Liberals are divided broadly between conservatives and liberals on the question, although there are exceptions to this general rule. The party membership is probably more monarchist in inclination than the federal parliamentary party, which puts pressure on republican MPs. There have been bravely outspoken Liberal republicans over the past decade nevertheless, such as Senators Marise Payne and Amanda Vanstone.

Notably, there has been a decisive change in the balance at the senior levels of the parliamentary party recently. Of the five candidates for leadership after the 2007 defeat, for instance, only one, Nelson was not a republican. The others were Turnbull, Julie Bishop, Christopher Pyne and Robb. To that latter leadership group can be now be added another republican in Joe Hockey, the Shadow Treasurer. This is a significant development in internal Liberal politics, although whether it is a trend or just cyclical is hard to predict.

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<sup>7</sup> Australian Labor Party, National Platform and Constitution 2007, chapter 11 'Reforming Government', sections 17–25 'Constitutional Reform'.

The Nationals, an officially monarchist party, are an enigma in this debate with the formal position masking some quiet republican support among its leaders and members. Since 1999 one former leader, Tim Fischer, has enthusiastically advocated a republic, in the spirit of other former leaders Ian Sinclair and Doug Anthony, but the party has not altered its position.

Both the Australian Democrats and the Greens have played a more considerable role in the debate beyond what their numbers might suggest. They have moved bills at critical stages and often urged the major parties to get moving. As the Democrats, who have had more active republicans in their parliamentary ranks than any other party, went into decline from 2004 onwards the emerging Greens took up the slack.

### **Federal elections and prime ministerial opinions**

Generally the republic has not been a major issue in any of the three federal elections since 1999, despite the efforts of minor parties. It was up to the Labor Party to put it there and that they have not done so says a lot about how the question has been framed. The issue was perceived to be a potential liability. Each Labor leader, reflecting party policy, has promised a plebiscite followed, if successful, by a referendum. Nevertheless there have been nuances in the approach of the three Labor leaders who have taken the party to an election during this period.

In 2001 it was probably too early to expect too much urgency from Kim Beazley. In 2004 Mark Latham thought speed was of the essence and promised a referendum within his first term. He also presented the republic question attractively as part of a larger story about new politics. In 2007 Kevin Rudd emphasized his personal republican beliefs and his party's policy but tried to hose down enthusiasm by declaring the republic to be a second-order issue.

Since his election Rudd has always spoken cautiously even at times such as the 2020 Summit when other Labor ministers like Debus called for a plebiscite in 2010. A typical example of Rudd's stance came in April 2008 in London, when he told BBC One: 'Our position as a party is clear—we are committed to an Australian republic. I am a republican and that is what we will work towards over time, but it is not a top-order issue just now.'<sup>8</sup>

On the day Turnbull was elected Liberal leader Rudd offered him a bipartisan approach to the republic, suggesting the Government would work with the Opposition on a timetable.<sup>9</sup> But, if it was a genuine offer it was a clumsy one that appears not to have been followed up yet.

### **Public opinion and social surveys**

The purpose of the debate is to win the support of the public at large. But among the public there is one segment among which a clear majority has emerged. Australians holding senior office in the public and private sectors are very strong in their support for a republic. Any random selection would confirm this. The 2020 Summit was

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<sup>8</sup> Australian Associated Press, 6 April 2008.

<sup>9</sup> *The Australian*, 16 September 2008.

neither rigged nor unrepresentative in this regard (though 98.5 per cent support for a republic in the governance section was a remarkably high figure). Such summits are drawn from professionals, higher income earners and the better educated and support for a republic grows stronger as income and education increase.

What of the public at large, the ones who ultimately matter? There has been no shortage of opinion polls and social surveys since 1999; that in itself is an indication that the question is seen to be a live one. The polls generate debate and commentary, often placing republicans on the defensive whenever public support appears to have fallen. But the question is complex, and there is little or no agreement as to how the survey question should be phrased. The polls differ and generate different responses as a consequence.

For instance, three polls taken in April–May 2008 around the time of the 2020 Summit showed contradictory results and the contradictions were glossed over in media reporting.

A Morgan Poll reported that ‘Now only 45 per cent of Australians want a republic with an Elected President (Down 6 per cent since 2001)’. This generated media headlines such as ‘Republic support lowest in 15 years’. Forty-two per cent supported the monarchy. Notably, support for the monarchy fell 10 per cent to only 32 per cent should ever Prince Charles become King.<sup>10</sup>

The *Sun-Herald/Taverner* Poll about the same time reported that 49 per cent favour Australia breaking ties with Britain and becoming a republic *now* compared to 42 per cent support for the status quo. This generated media headlines such as ‘The last of the Royals’. Notably again, in this poll support for the status quo fell 16 per cent to only 26 per cent once the Queen’s reign ends.<sup>11</sup>

An *Advertiser* Poll reported 51 per cent of South Australians supported a republic while 40 per cent opposed change. At the same time 81 per cent believed a republic is inevitable. The *Advertiser* headline was ‘Voters want to dump the Queen.’<sup>12</sup>

Now consider two large surveys. The Australian Election Survey has studied the issue at each election since 1987. The investigators at the Australian National University conclude that support for a republic has remained at about 60 per cent over the past ten years, since before the referendum.<sup>13</sup> That was the figure in 2007. The question asked is: ‘Do you think that Australia should become a republic with an Australian head of state or should the Queen be retained as head of state?’ In the same survey 64 per cent thought that the Queen and the Royal Family are not very important to Australia. Only 11 per cent thought they were very important (presumably the same people as the 10 per cent who strongly favour the monarchy).<sup>14</sup>

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<sup>10</sup> AAP, *The Australian*, 7 May 2008; Morgan Poll Finding No 4290, 7 May 2008.

<sup>11</sup> *Sydney Morning Herald*, 13 April 2008.

<sup>12</sup> *Advertiser* (Adelaide), 9 May 2008.

<sup>13</sup> I. McAllister and J. Clarke, Trends in Australian Public Opinion: Results from the Australian Election Study 1987–2007, Australian National University, 2008; *Herald Sun* (Melbourne), 6 September 2008.

<sup>14</sup> Australian Election Study 2007.

UMR Research reported in November 2008 that, in answer to the simple question: 'Do you support or oppose Australia becoming a republic?', 50 per cent said Yes and 28 per cent said No. Men favoured a republic by 58 per cent to 24 per cent, while women (43 per cent to 32 per cent) were not as convinced. That gender difference has long been the case.<sup>15</sup>

Overall all polls show more republicans than monarchists (a plurality) and most polls show a republican majority of the whole population. Republicans have strong support and should win a general plebiscite. But realistically they need to increase that support to be confident of achieving a double majority in a referendum.

One continuing weakness of republicans has been the relatively low intensity with which a republic is supported. To take the AES survey, for instance, only 31 per cent of respondents *strongly* support a republic, about half of all republicans. On the other hand only 10 per cent of respondents strongly favour retaining the Queen, which is only about a quarter of all monarchists.<sup>16</sup>

Another continuing weakness of republicans is internal disagreement about the type of republic, one of the key problems in 1999. In the AES survey 80 per cent favour election of the head of state by voters (50 per cent strongly favour so-called direct election).<sup>17</sup> In the UMR survey exactly the same figure (80 per cent) want the president elected by the people.<sup>18</sup> These figures send a strong message.

Another way of measuring the trajectory of public opinion is to investigate the opinions of younger people, who didn't vote in 1999. Here opinion is divided. The Morgan Poll mentioned above reckoned that younger Australians favoured the monarchy rather than the republic, but that is not the general view.<sup>19</sup> UMR Research reported that those under 30 favoured the republic most clearly (49 per cent to 18 per cent),<sup>20</sup> but, as other polls like Newspoll have also reported, not because they were more republican than the rest of the community, but because of two other factors. The first is that younger Australians are less monarchist than older age groups and the second is that a much larger percentage of the younger electorate is undecided either way. In a January 2006 Newspoll 29 per cent of younger Australians were undecided.<sup>21</sup> There is no joy here for monarchists. At the same time there is plenty of work for republicans to do in connecting with those under 30.

## **Media coverage**

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<sup>15</sup> UMR Research, *Australians Want a Republic, Quantitative and Qualitative Findings*, November 2008.

<sup>16</sup> Australian Election Study 2007.

<sup>17</sup> Australian Election Study 2007.

<sup>18</sup> UMR Research 2007.

<sup>19</sup> Morgan Poll, 7 May 2008.

<sup>20</sup> UMR Research 2007.

<sup>21</sup> Newspoll January 2006; J. Warhurst 'Younger people and the republic', *Canberra Times*, 7 April 2006; R. Huntley, 'Trust Matters: Politics, Trust and the Republican Cause', Democratic Audit of Australia Discussion Paper 36/06, December 2006 (National Republican Lecture, 29 November 2006).

The coverage has been patchy, but, not surprisingly there has generally been less than during the 1999 campaign. Perhaps the media was bruised by that experience. The debate is hampered by the apparent lack of new developments to report. But there is still a great deal of coverage, often stimulated by the publication of opinion polls or by the various developments discussed earlier, including the 2020 Summit. Major speeches by protagonists such as Senator Nick Minchin or Alexander Downer are reported as are the speeches of those in high office when they choose to declare their hand as republicans, such as the South Australian Governor, Kevin Scarce or Justice Robert French then of the Federal Court, now Chief Justice of the High Court.<sup>22</sup>

A lot of the debate which does occur takes the form of ‘cheap’ media beat ups, usually relating to members of the British Royal family other than the Queen. Both monarchists and republicans are trotted out by the media for meaningless rituals which only obscure the important aspects of the debate. But they are opportunities that neither ACM nor ARM can refuse because they are valuable chances to address the bigger picture.

### **Changing emphases and strategic moves**

The debate has changed in character since 1999. Certain approaches to the question still have bite, including general arguments for or against monarchy/republic as well as the nationalist appeal of a republic in Australia and the cost to the public purse of constitutional change. But there are a number of new developments that have altered the character of the debate over the past decade.

Before addressing these new issues there is one thing that republicans and monarchists alike do agree upon. That is the prevailing ignorance within the Australian community about constitutional matters, such as those in question here, that hamper any debates. That has long been the case and was to be addressed by the Civics Expert/Education Group in the 1990s. It called into question the depth of the debate during the referendum. Addressing this issue was a major element of *The Road to a Republic*, the 2004 report of the Legal and Constitutional References Committee of the Senate. In order to build ‘increased awareness and understanding within the community of our constitutional system’ the committee called for a Parliamentary Joint Standing Committee on Constitutional Education and Awareness.<sup>23</sup>

Just last month the National Civics Assessment Report on civics and citizenship in Years 6 and 10 reported disturbing results about the continuing lack of basic knowledge among Year 10 students. Only 34 per cent could identify the correct answer (‘The framework for the ways Australia is governed’) from four alternatives to the basic question: ‘What is the Australian Constitution?’ There remains a great need

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<sup>22</sup> N. Minchin, Queen’s Birthday speech to Australian Monarchist League 13 June 2008; R. French, ‘Dreams of a new republic’, Sir Ronald Wilson Lecture, Law Society of Western Australia, 8 May 2008.

<sup>23</sup> Op. cit.

for community education as identified by the Senate Report for the debate about a republic to be better informed.<sup>24</sup> It is the obvious place for any government to start.

The inevitable first new aspect of the debate has been about the meaning of the 1999 referendum result. An important thread of monarchist argument, often picked up in popular contributions to debate like letters to the editor, has been that the matter has been decided because the people have spoken. Republicans have had their chance and should cease the debate (or as Kerry Jones once put it, the republicans had their chance and they blew it).<sup>25</sup>

This argument has no substance at all other than as a debating point. The referendum was won by a coalition of monarchists and direct election republicans. The No Committee was constructed in this way with the participation and support of key republicans including Ted Mack, Phil Cleary and Clem Jones. The slogan was: 'Say No to this Republic', implying a further referendum if/when this one was defeated. Furthermore the most comprehensive study of the referendum demonstrates conclusively that republicans actually carried the No vote over the line. Indeed, even a majority of the 55 per cent No voters declared themselves to be republicans.<sup>26</sup> Whether or not a second referendum can be carried is another matter.

Secondly, both the ARM and the Labor Party have switched from supporting a particular type of republic in 1999 to a plebiscite-driven process by which Australians themselves would choose which type of presidential selection process would be included in the referendum. This is a change from a top down to a bottom up approach. There would be two plebiscites, one asking a general Yes/No question and the second asking a choice between types of republic such as parliamentary appointment or popular election.

Monarchists have attacked the plebiscite approach on various grounds. These attacks have included questioning the constitutional propriety and/or cost of the exercise and daring the ARM to declare its preferred model. But this method of ascertaining public opinion is quite a respectable one and has been used in Australia previously in the matter of the choice of the new National Anthem to replace God Save the Queen.

There has been a considerable hardening of the position of ACM that the Governor-General is the Head of State of Australia. The burden of this argument has been provided by Sir David Smith, former Official Secretary to various Governors-General, but taken up enthusiastically by others in the ACM and its supporters. In a recent speech, Senator Nick Minchin claimed that it was a 'lie' to describe the Queen as the Australian Head of State.<sup>27</sup>

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<sup>24</sup> *The Australian*, 18 February 2009; CEFA E-Newsletter, 2, 2009; the other three incorrect answers were: the rules about how the major Australian political parties are run; the policies of the Australian federal government; and all the laws that Australian citizens must obey.

<sup>25</sup> K. Jones, 'Why Australians Voted No in the 1999 Republican Referendum', in Warhurst and Mackerras 2002, op. cit., p. 47.

<sup>26</sup> McAllister 2001, op. cit.; J. Kelley et al, 'Public opinion on Britain, a Directly Elected President and an Australian Republic' in Warhurst and Mackerras 2002, op. cit.

<sup>27</sup> Sir David Smith, *Head of State: the Governor-General, the Monarchy, the Republic and the Dismissal*. Paddington, NSW, Macleay Press, 2005; Minchin, op. cit., 2008.

This strategy followed a period when monarchists began to argue that head of state was not a constitutional term, therefore it was inappropriate to use it at all in the republican debate. The new position is an arcane argument that moves away from the more sensible position adopted by the No case in 1999 that the Queen is the official Head of State, while the Governor-General is a de facto Head of State carrying out the role as the Queen's representative in her absence. This new strategy has probably been a short-term winner for monarchists in muddying the waters about the central republican claim that only a republic will give Australia its own head of state. But it is a longer term dead end for monarchists as it reduces the Queen to the much vaguer position of sovereign reigning over Australians. This vastly underestimates the continuing social and cultural role of the Queen and her successors in Australian public life. It will only accelerate the eventual disappearance of the Queen from Australian life.

The most recent development in the debate, though it has a long history, is the suggestion that Australians should wait for the Queen to die before pursuing the issue further. Former prime minister Bob Hawke was of this view. Now it is gaining more general currency. Another former prime minister Gough Whitlam has apparently recently become an adherent. Public opinion polls suggest an electoral logic for this view, given that Prince Charles is far less popular than the Queen.

Malcolm Turnbull, leader of the Yes case in 1999, now holds this view too.<sup>28</sup> This sincerely held belief enables him to reconcile for the time being his republican sentiments and his uncomfortable position within the Liberal Party which remains divided on the question. But no one who holds this position, including Turnbull, has fleshed out what it might mean in practice in Australia.

It is an ill-thought-out soft option that should be unacceptable public policy, certainly to republicans and even to monarchists. Does it mean the end of public discussion about monarchy/republic until the death of the Queen, whenever that might occur? Does it mean that the necessary public consultation, including perhaps a general plebiscite on the question, so that the nation should be in a state of readiness, should not proceed? We await answers.

### **Conclusion: The trajectory**

My overall conclusion is that the odds favour the status quo. Republicans have a reasonable chance of success, perhaps one in three, but the odds are not in their favour. A republic is certainly not inevitable. Republicans need to take their chances, which is all any movement or group seeking change can expect. The same could be said of many other proposals for reform.

The visibility of the monarchy in Australia is, nevertheless, likely to continue to diminish in many non-constitutional aspects of Australian life whatever the fate of the movement for an Australian Republic. This outcome may be small comfort to

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<sup>28</sup> ABC News, 28 January 2008; *The Age* (Melbourne), 22 April 2008.

republicans. In large part this development has been encouraged by the defensive strategy of monarchists to downplay the role of the monarchy. While some monarchists may be happy with such an outcome if it preserves the constitutional status, those who would like the British monarchy in Australia to play anything like the broader social role that it does in Britain will be disappointed. It will ensure a hollow constitutional monarchy in Australia.

In the short term it is more likely than not that the Rudd Government will choose not to act even should it win a second term. In this first term other issues, like the Bill of Rights consultation, have been placed ahead of the republic in the government's crowded pecking order. But a statement of intent during the 2010 election campaign remains possible.

The medium term, five to ten years, is harder to predict. But should Turnbull become prime minister prior to the end of the reign of the present monarch it is more likely than not that he too will choose not to act. It is an intriguing question, however, whether a future republican Liberal PM like Turnbull might be more likely to forge a non-partisan republican consensus than a Labor PM like Rudd.

There is, however, a great deal of unpredictability in any scenario about the future trajectory of the debate. Within Australia the major unpredictability is the future path of party politics in terms of leadership and election outcomes. Outside Australia there is the uncertain longevity of Queen Elizabeth II. There may be other triggers but triggers, like the Bicentenary in 1988 and the Centenary of Federation in 2001, have not proved enough in the past. They have limited power.

Should Australia not become a republic over the next twenty years or so then it may be because of lack of interest rather than active and informed support for the status quo. Lack of interest is enough for a monarchist status quo to prevail. The necessary clear majority of the population, while republican in principle, may not believe that the constitutional change required is worth the effort. The task of republicans is to convince them that it is, while the hope of monarchists is that the limited appeal of the status quo will prevail.

The task of republicans is to turn the majority support that undoubtedly exists among leading Australians (known dismissively as elites) into the sort of popular majority that would carry a referendum. The task of defenders of the status quo is to prevent that or to hope that it doesn't happen.

Is there more that the republican movement can do? Some republicans certainly have advocated that a change in strategy is in order. The movement does have at least two strategic options that have been raised in debates over the past decade.

The first is to broaden the agenda of constitutional change. The suggestions have included linking the republic to Indigenous Reconciliation.<sup>29</sup> The second is to revert to supporting a model, but on this occasion to support direct election rather than

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<sup>29</sup> M. McKenna, 'The Republic' in R. Manne (ed.) *Dear Mr Rudd: Ideas for a Better Australia*. Melbourne, Black Inc. Agenda, 2008; and *This Country: a Reconciled Republic*. Sydney, UNSW Press, 2004.

parliamentary appointment. Research suggests that this may be the second preference of many monarchists anyway and it is extremely popular in the wider community.<sup>30</sup>

My personal view is that the movement should not be tempted by either option at this stage. The single issue of the republic is big enough on its own. And the best role for the Australian Republican Movement is to be an umbrella under which all republicans can be comfortable and from which position ARM can facilitate rather than determine the choice of the community. But the longer the debate continues it is likely that strategic options like these will be given considerable attention.



**Question** — I must admit to being a little disappointed by your speech. I think it was short on a few facts. My question particularly in relation to ties with Britain and the Queen. My question is, what is your definition of the Crown?

**John Warhurst** — My definition of the Crown is the monarchy, as represented in Australia at the moment by Queen Elizabeth II.

**Question** — I wonder if you would comment further on the nature of the plebiscite process because it seems to me that a two-stage plebiscite is rather a foolish option. I would much prefer to have a single preferential plebiscite, with all the options on the table. I think there are many people who would put the idea of representative democracy in the form we have, two houses of Parliament etc, ahead of whether we have some form of republic. I think there is a subterranean scare campaign that really is all about introducing an American system that most people don't want. I would prefer to see all those options explicitly in a single plebiscite that would make it rather hard for monarchists to engage in a dishonest campaign against having a republic because they would allege it would be in a form that people didn't want. I think if you did that and you had a period of about a year or so to really educate people on the major options you could have a sensible vote, and one particular option (presuming it was a republic one or a monarchist one) would come out ahead. I think many republicans and monarchists would be reconciled by the preferential process. Could you comment on that suggestion?

**John Warhurst** — Firstly, one of the points you made was about an American-style republic. That's certainly not favoured by the Australian Republican Movement; we have made that quite clear for some time and make it clear again in our submission to the current Senate inquiry.

There has been a lot of debate about how the plebiscite process should be approached. If it was to go ahead, that decision would be made by the government of the day and hopefully, by discussion with the opposition of the day. Yes, you want people to be absolutely reconciled, or sure that a first general plebiscite would be followed by another opportunity to give their preference, and some people would argue that you

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<sup>30</sup> J. Pyke, 'The republic: has Labor got the perfect wedge?', *IPA Review*, May 2008, pp. 40–1.

should have them together and do it at once. Others argue that this is too expensive a process not to have them both at once and that cost would become an issue. On the other hand a measured discussion of the process in the community might be the best way to go ahead.

Ultimately it will be for the government and Parliament to decide the best sort of community discussion to have, and whether it should be held in an election climate or between elections; and if there are two plebiscites whether they be held both at the same time or with a year or eighteen months between them.

**Question** — I'm speaking as the founding convener in 1992 of the ACT Branch of the Republican Movement, of which I am no longer a member, although I still support its basic principals. I have to express my disappointment that the Movement is not taking a position on the question of direct election. It seems to me that at the present time in the debate it desperately needs a catalyst to refocus and revive interest that we all agree has waned. To my mind there is one sure way that would achieve that catalyst and that is that you change your mind and also the mind of the Republican Movement and get in the saddle and ride that horse for a direct election as policy of the Australian Republican Movement. I will be interested in your comments.

**John Warhurst** — As I said in my talk, that is something that is being talked about and it may be one of the options that we consider in the future. In terms of the media, there is no doubt that if the ARM was to adopt a direct election model, it would be an enormous spike in media attention. You and I share a desire for the best way forward in the long term, and at the moment there are different views as to whether that is the best way or not. My view is that republicans are of different persuasions; frustration has to be endured in keeping all those republicans discussing the issues across the parties and across the different views in the community, and despite your wishing to get me up there in that saddle, I think that's the best way to proceed. Rest assured there are plenty of republicans who are arguing for that position with vigour and persuasion not just yourself. John Pyke, who I footnote in the written version of this paper, has written a couple of very interesting papers, one published in *Institute of Public Affairs Review*, urging just this position.

**Question** — My question follows the last speaker. I notice that there are people we need at the top of society, prime ministers, leaders of the opposition, who seem to be frozen, and people at the bottom: grass roots. What can we do to open up? The feeling for me is that people want a republic. The thing is to bring it up. What can we do at the grass roots level to start this? I know that we need a prime minister like Paul Keating who actively went to it and opened up everybody else at the bottom. We need that help. At the moment how can we overcome that abysmal ignorance of the Australian population about the present system and the republic?

**John Warhurst** — I think there are two questions there. I take the last one first. I think both sides of the debate should be in favour of greater education and public awareness and I think that both sides are in favour of that. Ultimately, that is a matter for parliaments and governments and education systems, mainly because of the amount of money that is involved in mounting any substantial campaign as far as public awareness is concerned. They really are enormously expensive activities. In 1999, even for that very short period, each side was given seven and a half million

dollars by the government and then there were lots of critics of the quality of the public awareness material which was produced during that stage.

My view is that you will get to a certain level of constitutional awareness and beyond that there will be no more. People's lives naturally are not wrapped up in the Constitution, they are wrapped up in their own families and careers and homes, and that's how it will be. I don't think that necessarily means that there won't be constitutional change; after all, we run very successful election campaigns and we produce governments and parliamentarians and you would be equally shocked if you looked at the figures on what very well-educated people know about the electoral process, and their local member and their senators, and how Parliament works. It is not just the Constitution that is unknown in the community, it is the whole process, so I think constitutional change and constitutional defence is a fair thing to be involved in. We can raise the level of awareness perhaps by 10 or 20 per cent but if it gets to 50 or 55 per cent I don't think we are going to get further than that and we are going to have to live with that.

There is no magic bullet as everyone involved in politics says. There are ways of trying to get involved in politics and both sides in this debate are doing those. I suppose there are mainly two ways: there is the grass roots approach, which involves not just local activities but local MPs and local communities, and to the best of your ability generating debate, whether it is street stalls or whether it is bumper stickers or whatever ... both sides on any issue are engaged in this sort of thing. And secondly, there's the parliamentary lobbying process, which I know republicans are actively engaged in, and I am sure monarchists are actively engaged in as well. That is, you take your opportunity with parliamentary committees, you try and buttonhole members of Parliament and ministers and shadow ministers, you work the field and everyone is involved. You're trying to build some sort of a consensus. And ultimately, the magic of achieving a political objective I think is bringing those two together. All the political science in the world won't tell you how to ultimately do that: it will either happen or it won't; there may be a trigger there or maybe not; there may be a conjunction of political forces along with the appropriate social and economic circumstances.

That's a disappointing message for anyone involved in politics; you just keep battling away. You win some and you lose some and ultimately because you believe in a cause you are willing to put a lot of time and effort into it and only time will tell, and no one can give a more concrete answer about the trajectory of a monarchy/republic debate. I have tried to speculate but ultimately none of us know in 10 or 20 years time, even in five years time, what will happen with this particular issue, because things do change quickly.

**Question** — Professor Warhurst, in your address you concentrated on what I think one would call the minimalist approach to a republic. Could you develop a little further why you apparently wouldn't see such a significant change to the Constitution? Also, how would you address what I and others see as two of the other great issues: some form of recognition of indigenous people, and some way of identifying in the Constitution that the source of sovereignty is the people. Whether it's a ringing declaration: 'We the people', or some other form of recognising where the source of sovereignty is.

**John Warhurst** — I certainly didn't mean to concentrate on a minimalist approach to achieving a republic. What I did say was that I favoured a single-minded, single issue approach to achieving a republic. Constitutional change, as you know, is very difficult to achieve, as the referendum record shows in Australia. Watching similar attempts in Canada, for instance, to achieve constitutional change, I have come to the view, although I can see both sides, that focusing your attempt at constitutional change may be the better way to achieve it. I think maybe there was too much caution in 1999, and that was one of the reasons why it failed: the aspirations weren't large enough.

For the time being, it gets back to the second of the strategic issues that I posed at the end, and that is: should republicans go for a broader attempt at constitutional change? The positive would be that it would certainly bring more energy to the campaign because there are some aspects: preamble, sovereignty to the people, indigenous reconciliation, that would add enormous energy to a republican campaign. But it would ultimately run the risk of being divisive. In any campaign where you have two or three objectives, you have to get people on side with all of them. One of the things about the last ten years of debate is that there are always attempts to divert the single-minded republican from that position by saying: 'Oh yes, you also believe in this, or you also believe in that, or you also want to change that', and the fact is for most republicans their focus is the republic and that's what they want to change. They may also have other views, but the single-minded focus is what brings them to the cause.

**Question** — I'm wondering if you can tell us how many members of the Liberal Party are registered members of or supporters of the Australian Republican Movement? The reason I ask this question is that you read in the paper that certain people are described as republican. For example: the premier of Western Australia has been described as a republican. Now the Leader of the Opposition in Tasmania is described as being republican, although his father is the most monarchist person you could find; you only need to get a letter from him to see that he is a monarchist. It seems to me that if you adopted a direct election model, you would more or less guarantee that you would lose all of these Liberal Party people that you have at the moment. I'm just wondering how many do you actually have?

**John Warhurst** — That is one of the issues that people raise in terms of moving to supporting a particular model: what are you going to do about parliamentarians who support another model, are you just going to leave them out in the cold? The idea would be that in the long run, if you did choose a direct election model for instance, while it may lose you ground in the short run, with people in those positions, in the long run given 80 per cent public support for such a move that they would come on board anyway. Getting back to your question, I'm not going to tell you how many are actually members of the ARM; my view has always been that 40 to 45 per cent of the Liberal parliamentary MPs are probably republican. Not half, but a good solid close to half. I can tell you with certainty that the Tasmanian opposition leader is, because he has been a member of the ARM and a very active one. He was actually on the branch council in Tasmania for quite some time and he has talked about the amazing dinner table conversations he has with his father over the question of monarchy/republic. He said at the time that he thought that everyone in the Tasmanian Liberal Party in Parliament was a republican apart from his father, so that's an interesting dynamic. I can't say about Colin Barnett in Western Australia, but I think he is on the record of

saying he is a republican. Within the parliamentary Liberal Party there are a number of ARM members; there are other republican Liberals who would prefer to go their own way and not have a Liberal Party affiliation, but whenever we try to identify supporters of republicanism among the federal Liberal Party, we target about half of the membership on our count. That's where it stands at the moment and I think that is one of the things that hasn't changed very much since 1999. I talked about the dynamics of the leadership which I think have changed, but I think the balance of Liberals is about the same.

**Question** — I must confess that I too was disappointed in your talk. It is the most entertaining political speculations that you have given us on questions of law, on which you are a professor. The question of the fact that at federation, the Constitution was a compact among the states, you made very passing reference to in your talk. A Commonwealth republic with monarchist states, because they have their own governors and their own links with the crown, I find that a nonsense. Would you care to comment?

**John Warhurst** — This was an issue that was raised in 1999, and it was an issue that was taken up at premiers' conferences in 1999. You're quite right; each of the states is a constitutional monarchy in its own right and they have their own links with the crown. That certainly is an issue which would have to be addressed. We can assume that if a referendum passed that at least four states would have voted in favour of a republic. In some states there may have to be a second referendum to ascertain that view in that particular state, but probably not. I don't think in 1999 there were any particular worries. I think ultimately the opinion of the Australian people would prevail if the referendum process delivered an Australian republic and Australian constitutional change. If it wasn't six-nil and there were one or two states who voted no, then sure, the premiers of those states would have to debate the issue within their own state. I suspect that if that occurred, just as in the case of imperial honours in Australia, in the end there would be pressure both from within Australia and from Buckingham Palace to make an end to it all and to ensure that a national decision by an Australian electorate was the end of the matter. I'm quite confident that would be the case.

