

AUSTRALIAN REPUBLIC
TO BE OR NOT TO BE?

COMMUNIQUÉ



OLD PARLIAMENT HOUSE
CANBERRA 2008
29 APRIL TO 1 MAY

13TH NATIONAL SCHOOLS
CONSTITUTIONAL CONVENTION



Australian Government

Department of Education, Employment
and Workplace Relations

Thirteenth National Schools' Constitutional Convention

Background

The thirteenth National Schools' Constitutional Convention (NSCC) was held at Old Parliament House in Canberra from 29 April to 1 May 2008.

One hundred and twenty two students attended from government, independent and Catholic schools from across Australia, covering both metropolitan and country areas. Approximately 45% of the students were from government schools, 30% were from independent schools and 25% were from Catholic schools.

The National Schools' Constitutional Convention seeks to promote understanding and informed discussion amongst young Australians about the Australian Constitution and system of government. Its main aims are:

1. to provide an opportunity for senior students to explore constitutional issues;
2. to encourage senior students to become better informed about the Australian system of government and how the Australian Constitution provides the framework for our democracy; and
3. to encourage senior students to take an active interest in the traditions, processes and practices of government.

Students participate in regional and state/territory schools' constitutional conventions, where they are either selected or elected to attend the National Schools' Constitutional Convention.

Visits and Receptions

Student delegates to the 2008 Convention attended a Prime Minister's Reception in the Mural Hall at Parliament House. The Hon. Anthony Byrne MP, Parliamentary Secretary to the Prime Minister, welcomed students to Parliament House on behalf of the Prime Minister. Student delegates participated in a role play hosted by the Parliamentary Education Office and were conducted on a tour of Parliament House.

The Convention Dinner, sponsored by the ACT Department of Education and Training, was held in Anzac Hall at the Australian War Memorial. Students were welcomed to Canberra by Ms Mary Porter AM, Member for Ginninderra and to the Australian War Memorial by Ms Helen Withnell, Assistant Director Public Programs, at the Australian War Memorial. Mr Lars Olsen, Queensland Young Australian of the Year for 2008 presented an address to the students.

The Convention was officially opened by the Hon Julia Gillard MP, Minister for Education, and Mrs Matilda House, Ngunnawal Elder, welcomed Convention participants to Ngunnawal country. Mr Dale Elliott, 2008 Kerry Nairn Scholar, gave a presentation titled 'Public Speaking and Civics and Citizenship'.

Convention Focus

The topic for the 2008 Convention was 'Australian Republic: To be or not to be?' which allowed students to engage in discussions about the issues surrounding Australia adopting a republican system. Professor John Williams from the Law School at the University of

Adelaide and Dr Clement Macintyre, Reader in Politics, University of Adelaide, developed the two day program and facilitated the Convention proceedings at Old Parliament House.

Student delegates were provided with pre-reading and presentations about republican systems used elsewhere in the world. During the presentation sessions students were asked to concentrate on the following issues:

- the method of election of the Head of State;
- the method of dismissal of the Head of State;
- the constitutional powers of the Head of State eg their role in the appointment (and dismissal) of an Executive or government; and
- the symbolic functions of the Head of State.

Students were also asked to:

- consider which aspects of these other systems might be suitable for Australia; and
- analyse what might be some of the problems if aspects of these other republican models were adopted in Australia.

Convention Processes

Delegates heard two addresses that provided arguments for and against Australia becoming a republic. The case for Australia becoming a republic was presented by Senator Kate Lundy and the case against by Senator Cory Bernardi. Following each thirty minute presentation students were given an opportunity to clarify points and to seek further information as well as to challenge the views put forward by the speakers.

After reflecting on the Senators' perceptions an indicative plebiscite was held on the threshold question: 'Are you in favour of the Australian Constitution being amended to establish the Commonwealth of Australia as a republic?' The responses revealed that 54% (66 votes) of the 122 delegates were in favour of Australia becoming a republic and 45% (55) were not. (There was one informal response.)

The first Working Group required delegates to identify up to six arguments for and against the proposal that Australia should become a republic. A report back session enabled delegates to briefly report on the most significant arguments expressed by their group for and against Australia becoming a republic.

Some of the key arguments for Australia becoming a republic were:

- A republic provides symbolic benefits of controlling our own destiny such as deepening our national pride.
- The monarchy is already seen by many Australians as being obsolete because of Australia's multi-racial and multi-cultural society.
- Decisions about Australian matters should not be determined by a foreign monarch.
- Becoming a republic would be a natural progression of our commitment to democracy.
- Asserting our independence from the Crown may increase our standing internationally.
- We are able to look to other models and select those features that best suit our circumstances.
- All offices in the Australian political system should be open to all Australians.

Some of the key arguments against Australia becoming a republic were:

- The cost of running a referendum and consequential costs associated with changing the way we are governed is substantial.
- There is a lack of consensus about what republican model to adopt.
- Becoming a republic could de-stabilise what is now a very stable system.
- The presidential role could be brought into conflict with the prime ministerial role.
- Current checks and balances invested in the Crown and Governor-General could be lost.
- We could possibly have a President who has not been popularly elected.
- There is a possibility of unforeseen factors producing a worse model than we currently have.
- There is no compelling argument for making any change.
- Establishing a republic is not a priority issue.
- Attempts to bring in a republic have already failed.
- The model for a republic is only symbolic and would not generate substantial change.

Further input to stimulate delegates' thinking in relation to the republican issue was provided through a panel session that outlined existing republican systems from France, Ireland and the United States of America. Clémence Cousin, Trainee Assistant to the Ambassador and Nickolas Cherrier, Cultural Assistant, Embassy of France outlined the republican model adopted in France. Aidan Cronin, First Secretary, Embassy of Ireland outlined the republican model adopted in Ireland and David Sohler, Labor Attaché/Political Officer, Embassy of the United States discussed the USA republican model.

The second Working Group followed this panel discussion and required delegates to:

- Discuss the overseas models and identify the most attractive and useful features (when thinking of change for Australia) and any potential weaknesses in these models (as a group).
- Outline the strengths and weaknesses of these models (an individual activity).

Students noted that:

- the Irish model is not dissimilar to the minimalist republican model and if adopted would involve little change to our existing system;
- the French model is a semi-presidential system that allows direct election and some discrete powers to be held solely by the President; and
- the American model provides for a stronger presidential role and a much clearer separation of powers between the executive, the legislature and the judiciary.

A Soap Box session followed enabling students to advance arguments in favour and against Australia becoming a republic and to highlight the features of the three overseas republican systems that appealed to them or that they did not like.

Some of the features of the other republican systems that students were attracted to were:

- the direct election of the President (i.e. the people elect the country's leader);
- the President being chosen by elected representatives (because this is less costly than a direct election);

- the President having no executive powers and being above party politics;
- the President being a representative of all the people;
- the President performing important ambassadorial functions and representing the country in various ways (e.g. receiving delegations from other countries, visiting other countries on behalf of the nation and opening or presiding over important national events);
- the codification of the powers of the President being clearly articulated in all of the overseas models;
- the arrangements in place to remove Presidents who are unable or unwilling to fulfil their role being outlined in the Constitution;
- checks and balances are provided through the Congress having the power to approve the actions of the President;
- the ability of the President to assume power in extreme/exceptional circumstances;
- the five-year term for the President (which avoids having presidential elections too frequently); and
- the ease of transition to the Irish system in particular.

Some of the features of the other republican systems that students were not attracted to were:

- the President being both the Head of State and the Head of Government;
- the use of ‘electoral colleges’ to determine who is elected as President;
- the high cost of running a presidential campaign;
- too much power being invested in the President (e.g. the power to declare war).

At the opening session of the final day Professor John Williams and Dr Clement Macintyre presented additional information about Australia’s current system of government including the Office of Governor-General. They then outlined three possible republican models for Australia, with the Head of State being referred to as President in all models:

- Model 1: (Minimalist) - A republic with the Queen and Governor-General being replaced by a President selected and appointed by the Prime Minister.
- Model 2: (Semi-minimalist) - A republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.
- Model 3: (Direct election) - A republic with the Queen and Governor-General being replaced by a President elected directly by the electors of Australia.

The purpose of the third Working Group was to consider the best republican model for Australia by addressing the following tasks:

- As a group, evaluate and assess the merits of the different proposals.
- Individually, list the strengths and weaknesses of each model presented, then use these to consider any comments that you may wish to make at the Soap Box Session that follows this Working Group.

This was followed by a Soap Box session where students had the opportunity to present the case for or against one of the three models that were discussed.

Delegates generally were divided into those in favour of and those opposed to Australia becoming a republic and advocated their positions in the Soap Box session. The following points were raised through this session.

Arguments presented in favour of Model 1 (Minimalist) included:

- least complicated to implement as it requires the least change;
- the President is subordinate to the Prime Minister;
- no election is required and so is the least costly;
- easy process for dismissing the President; and
- provides symbolic change.

Arguments presented against Model 1 included:

- it is not democratic as the people do not elect the President;
- easy dismissal of the President;
- wasted opportunity to really review the roles and powers of the Head of State;
- there is a potential for conflict between the President and the Prime Minister;
- politicians are making the choice, not the people;
- only provides symbolic change.

Arguments presented in favour of Model 2 (Semi-minimalist) included:

- the candidate emerges from consensus;
- empowers the Parliament ahead of the President;
- saves money as no costly election required;
- it is likely to restrict candidates to 'safe' people – those already approved by the majority of the Parliament;
- it is a safe first step on the way to going further later; and
- gives power back to the legislature against the executive.

Arguments presented against Model 2 included:

- it gives control to the Parliament over an elected President;
- it is not democratic;
- it is likely to restrict candidates to 'safe' people – those already approved by the majority of the Parliament;
- could set the candidates up for ridicule from the one third of the politicians who do not support the nomination;
- politicians are choosing on behalf of the people; and
- it gives power back to the legislature against the executive.

Arguments presented in favour of Model 3 (Direct election) included:

- the people get to choose – it is democratic;
- there will be popular support for the President;
- anyone can become a candidate; and
- the President will clearly represent the nation.

Arguments presented against Model 3 included:

- an elected President with a very strong majority could be in conflict with the government;

- it will require careful codification of the President's reserve powers;
- it will require a complex set of changes to the Constitution;
- likely to get either a politically active candidate or glamour candidate;
- as the whole of Australia determines it is unlikely that a candidate from a smaller State/Territory will be elected;
- good people may not be prepared to go through an election process and so will not put themselves forward;
- the cost of the election;
- the cost of campaigning to be elected may restrict candidates to the very wealthy or those affiliated with political parties or associations with large finances;
- it could attract people with a political agenda to push; and
- it is unclear what a person is actually 'running' for.

Following the Soap Box session an indicative plebiscite was conducted to determine the preferred model for the referendum. Prior to voting delegates were provided with an explanation of an indicative plebiscite.

The three models used in this plebiscite to determine which model was presented to the mock referendum were:

- Model 1: Head of State appointed and dismissed entirely at the discretion of the Prime Minister.
- Model 2: Head of State appointed and dismissed by two-thirds majority of a joint sitting of the Federal Parliament.
- Model 3: Head of State directly elected by a ballot of all eligible Australian voters.

The results from this plebiscite were:

- 22 (18.5%) votes for Model 1
- 87 (73.1%) votes for Model 2
- 10 (8.4%) votes for Model 3.

There were two informal votes and one of the delegates who was unwell was unable to register a vote.

Consequently the following proposition was presented for the referendum.

- To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

Before voting, delegates were provided with an explanation of what a referendum is and how a referendum is initiated by staff from the Australian Electoral Commission's Electoral Education Centre.

Delegates' perspectives on the proposition to amend the Constitution

After voting results were tallied. The referendum to amend the Constitution in this manner was successful.

The detailed results of this mock referendum are outlined on the following tally board designed by the Electoral Education Centre of the Australian Electoral Commission. One hundred and twenty-one formal votes were cast.

Proposal: To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament.

National Tally Board	Formal YES	Formal NO	Is the majority in favour?	
New South Wales	21	8	Yes	Yes
Victoria (1 informal)	18	7	Yes	
Queensland	14	12	Yes	
Western Australia	3	12	No	
South Australia	4	8	No	
Tasmania	4	1	Yes	
Australian Capital Territory	3	1		
Northern Territory	3	2		
NATIONAL TOTAL	70	51	Is there a majority of voters in a majority of states in favour of the alteration?	Yes
			HAS A DOUBLE MAJORITY BEEN ACHIEVED?	Yes
			HAS THE AUSTRALIAN CONSTITUTION BEEN ALTERED?	Yes

This is only the second time in thirteen years that delegates to the National Schools' Constitutional Convention have voted in favour of amending the Constitution.

Convention Outcomes

This Communiqué outlining the Convention program, processes and outcomes was developed and endorsed by delegates. Senator John Hogg, Senator for Queensland, Deputy President for the Senate joined the delegates in the House of Representatives chamber of Old Parliament House and accepted the Convention Communiqué for presentation to the Parliament and incorporation into Hansard.

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