

AC PAPER NO. 21
THOUGHTS ON A REPUBLIC

The inspiration for this paper derives from the following quote by Republican supporters, John Hartigan, Malcolm Turnbull and Greg Craven:

*“For a genuine democracy to be satisfied the voter must be in a position to cast an informed vote” – John Hartigan, CEO of News Ltd, in *The Australian* 14-15 March 2009. (Our underlining).*

*“The key to restoring faith in our democracy is ensuring that Australians understand it” Malcolm Turnbull in his book *“Fighting for the Republic”* pp ix*

“My view has been that no State should be compelled to a republican form of government simply because of a corresponding change in the Commonwealth sphere. I also think that the better view is that such a change could not be forced upon a State against its will” Prof Greg Craven Vice Chancellor of the Australian Catholic University and constitutional expert (in a private correspondence of the 16/7/2009).

This paper arose from an informal discussion between R H Allert AO, a member of ARM and Philip Gibson, a retired ACM supporter, both of whom have put aside their personal preferences for Australia’s constitutional future and have joined australianconstitution.com.au to highlight some of the issues to be clarified which may not be understood by many. The third person involved was Dr Frank McGrath AM, OBE, author of the book “The Framers of the Australian Constitution” who was awarded his PhD by the University of Sydney for the contents of this book which followed six or more years of research. He was awarded the Pitt Corbett prize in Constitutional Law. He was also a Judge, and finally, Chief Judge of the NSW Compensation Court. He wrote a book as a person of no allegiance to any party or group; but as a neutral constitutional scholar.

Briefly at a meeting of all three on the 25th of October 2013, the following abbreviated summary of some of Dr McGrath’s findings were read out as follows:

“As Australian Law stands at present, the Federal Constitution cannot be changed into a Republic unless a federal referendum under S128 succeeds and all six States agree and change their State Constitutions into a republic one.

“Realistically this could mean that changing to a republic would be extremely difficult and practically impossible.”

All three agreed that these words fairly stated the present position because the words may be challenged by some constitutional expert and because of australianconstitution.com.au’s view that all such proposals have two sides, it will publish a response from ARM (Australian Republican Movement) on this website so that voters can make their own decision. That response should:

- a) Be received by australianconstitution.com.au at ARM's convenience by mid-February 2014 and be mailed to australianconstitution.com.au at P.O. Box 533, Woollahra, NSW 1350
- b) In the case of ARM, its response should avoid promotion of a preferred republican model; but only address the constitutional argument referred to in the above statement

The wording of a) and b) above was agreed to by all three