

Chapter Nine

Don't! You'll Just Encourage Them

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There are many stories about Sir Frank Packer. One story goes that Sir Frank would march out of a dinner if they refused “to toast the Queen. ‘No Queen, no Packer’ was one of his more famous remarks”.¹ It is a long time since a media proprietor has taken that sort of attitude towards the Crown in Australia.

Compare Sir Frank’s remarks with those of Rupert Murdoch, proprietor of *The Australian* – an American who gave up the most precious gift Australia has to offer, its citizenship, for 30 pieces of cinema. Speaking in 1999, Mr Murdoch said:

“The British monarchy has become irrelevant to this generation of Australians...It’s not just a question of the monarchy, it’s a question of whether Australia has any self-confidence”.²

Remarks of this sort may have prompted Sophie Panopoulos to quip that:

“Australia’s independence ...[is]...more at threat from the House of Murdoch than the House of Windsor”.³

The performance of *The Australian* newspaper, indeed much of the press during the referendum, could not leave anyone with the view that Australia possesses an intelligent, independent and vigorous press. Despite a gushing campaign by the media, the republic was defeated in all six States, 72 per cent of federal electorates, and by 55 per cent of Australian voters.

When *The Australian* newspaper actually campaigned for the “Yes” vote, handing out “vote yes” stickers, the conduct of the media reached a new low. The press will never be held in high regard while its partisanship is so blatant. Rarely has there been a more demonstrable sign that the press and the electorate are living in two very different countries.

In November, 2002 a Newspoll result revealed that a majority of Australians still think that the republic is a distraction from our real problems.⁴ However, *The Australian* continues to barrack for it. On 16 and 17 November, 2002 *The Australian*, in conjunction with Griffith University and the Australian Republican Movement, held a conference “to restart and broaden debate about the kinds of public institutions which Australians need for the coming century”.

Like a constitutional “Packer Whacker” the conference, called *Australian Constitutional Futures: The nature of our Nation*, tried to bring the republican corpse back from the dead.

Registration for the event was free but, as usual with any republican event, “suggested accommodation options” had been negotiated with a 5-star hotel in Brisbane. You can’t create a people’s republic if you spend the night in a Best Western!

The conference comprised 22 papers⁵ and seven sessions. These were:

- Republicanism in its Global and Historical Context.
- Imagining a Republic and Republicanism.
- A Responsive Republic.
- We the people = All the people.
- Australian Constitutional Futures: Visions for the Australian polity in 2020.
- Options for an Australian Head of State.
- A New Path: What kind of Process should be adopted to achieve Constitutional Change?

Despite the promise of a “new path”, the conference appears to have been the same old faces and

the same old thinking. None the less, the size and scope of the conference, and the level of public exposure *The Australian* attempted to give it, made this effort the most significant attempt by republicans to revive their cause since the 1999 referendum. As such, it is deserving of close scrutiny by a Society dedicated to upholding the Constitution, both for what it proposed, and what it revealed about the contemporary state of republicanism in Australia.

I have called my paper *Don't! You'll Just Encourage Them* as a plea to *The Australian* to reconsider its stance on republicanism. Every time it sponsors these sorts of events, it gives republicans comfort for the view that the Australian people want another divisive debate about a problem that does not exist. Every time such groups get together and agree with each other on this proposition, they run a grave risk of coming away from the gathering in the belief that it is true. So to the management of *The Australian*, I say "Don't! You'll just encourage them".

Developing this theme, I have divided my paper into three parts which reflect the challenges for Australian republicans:

Don't! It's too hard – a discussion of the divisions among republicans, and their inability to draft and debate an alternative Constitution;

Don't! It's too simplistic – a discussion of why republicans think they lost in 1999, and how they think they will win next time; and

Don't! You'll go blind – an examination of republican reliance on symbols, sophistry and silliness.

Don't! It's too hard

Three and a half years since the referendum, republicans remain divided. The conference highlighted those continuing divisions, which have always existed among republicans but which have grown since the Constitutional Convention in 1998. Most branches of republican opinion were represented at the conference.

Direct Election: On the one hand, pragmatic direct electionists argue that consistent polling indicates that, in so far as Australians favour a republic, they overwhelmingly favour a directly elected President. Jenny Macklin is one such advocate who believes that:

"Instead of lambasting the public for their decision ... we who want a republic must find a way to make an elected Head of State work".⁶

For similar reasons *The Australian* now also supports direct election:

"[T]he republic we need would be a people's republic, the creation of the nation's will. ... Voters can be trusted to decide on a republic and who should lead it. That's surely not such a radical idea".⁷

Another pragmatic direct electionist is Will Fowles, former Victorian ALP Legislative Council candidate and "yoof" convenor of the Australian Republican Movement (ARM). He's happy to support whatever the ARM comes up with. He says:

"I will support almost all the options on the republican continuum ... What's important is that we select something that is politically achievable. It is for this reason that I support direct election".⁸

Other republicans support direct election because they see it as the logical model to approach after the failure of the 1999 referendum campaign. Professor George Winterton, one of few republicans to engage in the constitutional as opposed to symbolic debate, observes that:

"After the defeat of the 'ConCon' model in the 1999 referendum, a directly elected presidency is certain to be on the agenda, at least for consideration".⁹

Professor Winterton apparently declared at the conference that "it's popular election or nothing".¹⁰ Outlining the advantages of direct election, he argued:

"It enshrines popular sovereignty, it creates public ownership of the office, it validates the Head of

State's role to represent the nation and it will limit the Prime Minister's executive dominance".¹¹

While I disagree with his views on the republic, Professor Winterton's intellectual honesty is to be admired. Although a convert to direct election, he has also acknowledged that there are concerns with a popularly elected president. He states:

"The most worrisome aspect of a directly elective presidency is that the enhanced authority that will inevitably accrue to that office will destabilise and radically alter Australian government".¹²

This new ARM direct election proposal, with some inspiration from the Irish model, is also advocated by Professor Glyn Davis, who suggests that it is "a viable meeting point between the republican tribes".¹³ This is despite the fact that both he and Professor Winterton were members of the Republic Advisory Committee, which found that there were some serious deficiencies with the Irish system, the success of which had been due to recent occupants of the office of President, not the system itself.¹⁴

Minimalism: In contrast to the direct election position is the minimalist position advocated by supporters of the referendum model or the McGarvie model. These republicans believe that direct election will be unsaleable as it is too much of a threat to the current system of government, or that it will not get bipartisan support. Amanda Vanstone for instance argued that:

"Strong, simple numbers for an Australian Head of State didn't translate into a 'Yes' vote last time. Strong simple numbers for a direct election model will not necessarily translate into a 'Yes' vote next time... We should argue for the smallest possible change to become a republic".¹⁵

Peter Botsman drifted "back towards"¹⁶ minimalism because:

"The risk of the Parliament or the Prime Minister of the day making an unpopular decision about who should become President or Head of State to me far outweigh the risks of an unworkable political system of direct election".¹⁷

The ultra-minimalist Professor Greg Craven, who despite writing and authorising an advertisement bearing the slogan, "Who will you put first? Your family or The Royal Family?",¹⁸ which appeared in the nation's press on referendum day, finds himself, a self – described constitutional conservative, uncomfortably consorting with the "constitutional left" by attending these conferences. Craven argues:

"There is no point in expecting narrow and broad republicans readily to agree on a republican model on the grounds that they are all the same species. On the contrary, each group has distinctly different constitutional suppositions".¹⁹

In a warning against direct election, he says:

"We cannot go from being alleged 'Chardonnay republicans' – those who devise republics in North Shore restaurants – to 'Cocaine republicans' – republicans who are just deeply, deeply deluded".²⁰

More than the President: A third group of republicans want to use the republic as a stalking horse for a broader constitutional agenda. Greg Barns called for the republic to be combined with a new commitment to human rights, notably for asylum-seekers, a Bill of Rights and a rethink of federalism.²¹ While Jenny Macklin reverts to a traditional ALP agenda of undermining the Constitution by supporting removal of the power of the Senate to delay or reject supply, "protection of the rights of the most disenfranchised", fixed four-year terms for the House of Representatives, simultaneous elections, and the removal of the spent provision in s.25.²²

American-style direct election: An interesting point to note is that republicans seem to have rejected American-style direct election out of hand. Professor Winterton, for instance, has written that:

"Notwithstanding the undeniable merits of the American system ... its transplantation into the

present Australian constitutional environment would entail a reckless and unnecessary risk of radical and possibly undesirable constitutional metamorphosis”.²³

I believe that the American Republic is the one with which Australians most easily identify. It is the republic with which Australians are most familiar due to our shared heritage, the influence of American popular culture – and to some degree the constitutionalisation of that culture.

I say this for no Machiavellian purpose. I merely observe that republicans seem to be comparatively limited in their thinking about models. In the same way that, before the Con Con, the ARM declared that direct election was a “non-starter”,²⁴ they have been too quick to declare the American system to be in a similar position. Save for Ted Mack, no one is seriously advocating an American style model. The preferred republican direct election model is based on the Irish system. While many Australians are of Irish descent, the political system of Ireland is, to most, an obscure one. A referendum involving the American system would give Australia a true choice involving something more substantial than the republic of simplistic symbols.

One participant in the republic debate recognised the advantages of the American system. Having examined polling data in 1993 that showed that 72 per cent of Australians wanted a “strong presidential figure”, he noted:

“[O]f course we can have a republic if a sufficient majority vote for it; if the Americans can run a republic for two hundred years with only one (very bloody) civil war, Australians could run two republics before breakfast....if you want me to nominate a republican system I would presently favour, it is the USA; we know it is safe and that it works, in its way, and has done so for over two hundred years”.²⁵

That person, you may be surprised to hear, is Justice Lloyd Waddy. However, he observed that the American system remains vastly inferior to our own. Anyway, I make the point that it is interesting that the republicans do not want to create an American system, given its potential popular appeal and relative familiarity with the electorate.

The discussion of all models reveals one thing. Republicans are united in their disunity. Beyond a desire to “kick out the foreign Queen”, they have little in common. Other than the late Richard McGarvie, who was neither republican nor monarchist, and George Winterton, there are no republicans designing models and considering constitutional issues in any great depth.

There seems to be no real attempt to form a national congress of republicans to undertake the laborious and painstaking task of drafting alternative Constitutions and then debating their provisions.

The ARM has led the republic debate for years, but on no occasion has it sought to hold its own constitutional convention, complete with drafting and debate over provisions. It should not be up to the taxpayer to fund these initiatives. Republicans should be undertaking this task among themselves and trying to create a consensus on which model is the best alternative. I imagine that they have failed to do so because this task is not glamorous; it is difficult; it requires a level of patience, technical skill and knowledge that seems absent from many of the speeches and papers presented at republican conferences.

Yet it is only through this method that any sort of compromise may arise. The ultimate difficulty republicans face is that any referendum will involve putting a model up against one of the world’s oldest continuous and most successful Constitutions.

One must expect that any model will be subjected to intense scrutiny. The Australian people are, as McGarvie says, “instinctively a wise constitutional people”.²⁶ We are not going to be railroaded into changing a system that works for something that won’t, or that has manifest inadequacies. Every referendum involves assessing a different model. Every referendum will see a number of republicans campaigning with monarchists against the particular republican model. Anything coming close to a republican consensus is unlikely to be created without a range of soundly drafted models and vigorous, technical debate. But that seems too hard for republicans to attempt.

Don't! It's too simplistic

While there was not much agreement on a republican model, republicans have a greater degree of agreement on why they lost in 1999 and, to a lesser extent, what they should do next time.

The republicans have a simplistic view about why they were beaten in 1999. Most lay the blame on one or more of the following:

The “No” campaign.²⁷

The Prime Minister.²⁸

Lack of education.²⁹

The referendum question.³⁰

The word “republic”.³¹

Broadcaster Alan Jones.³²

Peter Reith.³³

(Surprisingly)the unsympathetic media.³⁴

Republican disunity.³⁵

The quality or focus of the “Yes” campaign.³⁶

Lack of interest in the issue.³⁷

The process of devising a model.³⁸

Incompatibility of the republican model with our Constitution.³⁹

Élites and the narrow focus of the ARM. (On this point Peter Botsman notes, “I think it is fair to say that the ARM started with the true believers and didn’t get too far in advance of them”.)⁴⁰

There is not the space here to address these excuses. Suffice to say that Sir David Smith’s papers to this Society, *The Referendum: A Post Mortem*,⁴¹ and *A Funny Thing Happened on the Way to the Referendum*,⁴² have previously dealt with a number of these claims in a devastating manner.

Where to now: Having listed republicans’ complaints, it is useful to examine their strategies for the next referendum. Three and a half years after their loss, republicans have had a chance to reflect on what they should do next time. The current thinking is:

- Republicans are unanimous that they must be united;
- A future republic has to come from the people – popularise or perish; and
- The republic has to appeal to Australians who had not previously been inclined to support it .

In order to achieve their aims the ARM plans to pursue specific “target” groups and hold plebiscites.

The ARM has decided to target various groups, including: women, young people, Aboriginal people, people from a non-English-speaking background (“NESB”), and people living in regional Australia and outer metropolitan areas.⁴³ This strategy is simplistic and patronising. It assumes that people vote on a particular issue because they are young, or female, or from a NESB or indigenous or whatever. This is just not the case. Human beings make individual judgments on issues, on their merits, not necessarily on the basis of the social group with which they are identified. Furthermore, people inevitably identify with more than one social group, thus complicating the possibilities and rendering such analysis useless.

The ARM has tried this approach in the past. Their segmented campaign in 1999 was often patronising. For instance, Jason Yat-Sen Li’s *Give an Australian the Head Job* T-shirt targeted at young people only served to bring ridicule on its promoter. Whether the ARM’s latest targeted offensive is successful remains to be seen.

Plebiscite: The other major strategy is a plebiscite. On this point republicans also seem to be divided. It is possible that the plebiscite is an abrogation of leadership, as Amanda Vanstone has argued,⁴⁴ or that it just serves to mask republican divisions. Paul Kelly has presciently observed:

“It is futile to think a plebiscite will solve the problem. This conflict is not just about models. It is about fundamentally different conceptions of the republic. It is a dispute about ideology and values. Many of these differences among republicans are greater than the originating dispute between monarchy and republic”.⁴⁵

Will Fowles gives specious reasons for why the ARM and the ALP want a plebiscite. A plebiscite, Fowles argues, will make the ARM feel better about itself:

“From an organisational perspective, it ...serves to give the ARM a tangible and achievable goal, the delivery of which can be claimed as a win”.⁴⁶

It will also make the ALP feel better about itself:

“Labor’s leadership debate, for as long as it distracts the federal caucus, can only serve to undermine Jenny Macklin’s policy review. But Labor has an opportunity to deflect some of the focus on Simon Crean by getting stuck into the big picture stuff in the manner that republican hero Paul Keating did”.⁴⁷

His comments on a plebiscite and the Liberal Party are novel, to say the least. Peter Costello, so Fowles argues, has an opportunity:

“... now, to take what pressure there is on Howard off him by promising a delayed succession attempt if Howard agrees to conduct a threshold plebiscite in conjunction with the 2004 federal election”.⁴⁸

At the moment the ARM does not have a comprehensive plebiscite policy. Mark McKenna has outlined his plan for a series of plebiscites and constitutional conventions, followed by a referendum to be supervised by a “Referendum Commission”:

“... which would ensure that the electorate had access not only to the propaganda supplied by the formal Yes and No Cases, but *also to information in which they could place their trust*”.⁴⁹

This sort of manufactured consent seems more at home with Robespierre’s regime with its Committee for Public Safety than in the Australian polity (the Compliance Committee of the Australian Democrats notwithstanding).

Those advocating a plebiscite believe it ensures that “principle is decided before detail”.⁵⁰ However, principle without detail is meaningless and simplistic. It ignores the important question – not whether a republic, but what sort? The major problem with a plebiscite is that it will de-legitimise the Constitution without putting anything in its place – what message might this send to an activist High Court? A plebiscite will not achieve constitutional change. It is only possible to change the Constitution by the procedure laid down in s.128. The problems of a plebiscite have been encapsulated by Professor David Flint in his paper to this society, *Mr Beazley and his Plebiscites*.⁵¹

The republican movement is still largely controlled by left-wing baby boomers and wannabe followers of the next generation. Their tactics are based on a patronising view of Australians, which was the hallmark of the social and cultural policy of the Keating era – a policy which has been comprehensively rejected by the electorate. If the ARM is going to convince Australians to embrace a republic, they will have to present their arguments in a more sophisticated way and stop treating Australians as fools. At the moment this seems unlikely as their campaign, and their view of Australians, remain too simplistic.

Don’t! You’ll go blind

This brings me to the final section of my paper. You can’t have a republican gathering without lashings of symbolic hyperbole. This conference was no different. For instance, Jenny Macklin has argued that:

“A decent job, effective telecommunications, a good education – these are some of the things basic to a truly democratic republic”.⁵²

Sorry, I thought that becoming a republic was about changing the Constitution.

Often the symbolic side of the republic debate is characterised by unoriginal rebellion, like sitting during a loyal toast, or being disappointed that the Queen didn't personally intervene in the Fiji coup⁵³ – two reasons advocated for being a republic by a Professor of Law, Charles Sampford.

Other views illustrate Paul Kelly's hypothesis that the Republic may be weighted down by too many dreams. Peter Botsman tried to argue that “an Australian republic is the most secure and safe form of government for all Australians in an age of global terrorism”.⁵⁴ Mark McKenna argued that a republic should be entwined with reconciliation:

“Our national identity can only be genuinely transformed when we achieve the final separation from the motherland and restore Aboriginal people as the original owners of this country deserving of special rights”.⁵⁵

McKenna is very interested in the “cultural force of Constitution-making and the energizing effect this could have on the fabric of Australian democracy and our national self-confidence”.⁵⁶ But becoming a republic will not make us more self confident. The only group which felt worse about themselves were elements of the media and the “Yes” campaign. Our economy has boomed since 1999. Australia hosted the “best ever” Olympics the following year. These arguments about confidence and symbols make no sense. I've yet to see any evidence whatsoever to support the view of Malcolm Turnbull that the result “broke the nation's heart”,⁵⁷ or that of Greg Barns that it “made losers of us all”.⁵⁸

Republicans also like to use misleading language to create a view that the republic is more part of an Australian tradition than it actually is. While a classical republic is part of an Australian tradition, broad support for a republic in the context of the recent debate (i.e., republicanism meaning removing the Crown) has only a shallow tradition within our history. Greg Barns and John Warhurst have tried to make the argument that republicanism in the context of the current debate is quintessentially Australian:

“Republican values are part of Australia's heritage. They are no strangers to our past Australians are natural republicans. But it has taken us a long time to express those values loudly and publicly to ourselves and to our world”.⁵⁹

Conclusion

It is important to remember that the recent republican push did not have an idealistic birth. It began as the product of too much chardonnay on an afternoon in Woollahra.⁶⁰ It was then championed by Paul Keating as a cynical diversion from the economic problems that he was unable to deal with. It was often used as a political wedge and a diversion. Don Watson, Paul Keating's former speech writer, in *Recollections of a Bleeding Heart*, notes that the real reason Keating decided to announce that the “government was handing the republic process to the people”⁶¹ was to create a story which was “big enough to at least partly smother anything emerging from [the release of the Hawke Memoirs]”.⁶²

If the republic was born of political expediency, nationalism was its midwife. The ugliest side of the republic has been the arguments of symbols and nationalism. Those opposed to a republic were accused of being less Australian or un-Australian. There was a real xenophobia relating to calls to remove the “foreign Queen”. I was therefore amazed to read that Professor Sampford thought that the debate had been “largely devoid of strident nationalism”.⁶³ Base appeals to nationalism by republicans constituted the ugliest feature of the republic referendum debate, along with the denigrating of our Constitution and our history.

It is almost 1,300 days since the most culturally significant event in recent Australian history. Since that time there remains a still active and potentially well-funded republican movement that should not be underestimated. However, that movement has failed to capture the hearts and minds of the Australian

people. People resent the republic because it is a distraction. The more attention the republic gets, the more it annoys Australians. As Don Watson observed:

“For many Australians the republic was one of the more infuriating indications that their Prime Minister [Keating] was interested in everything except their concerns”.⁶⁴

Given the lack of interest in the debate, the solution seems to me not to encourage republicanism, but to encourage an interest and pride in our own Constitution and its history. Its history is long and unique and is worthy of study and celebration. No matter how much republicans profess to be selling a positive message, their inescapable premise is the constitutionally erroneous view, that something is wrong with Australia and needs to be fixed. This is why the republican movement has failed to inspire.

Australians don't believe the negative republican view of their own country. Perhaps the key to increasing the circulation of *The Australian* may be for it to adopt a position which is not reliant upon continually telling its readers that there is something innately wrong with a country in which they have justifiable pride.⁶⁵

Endnotes:

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29. Greg Barns, *op. cit.*, p. 52.
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31. *Ibid.*, p. 58.
32. *Ibid.*, p. 59.
33. Charles Sampford, *Once and Future Republics, W[h]ither Republicanism? What Kinds of Public Institutions do we need for the 21st Century: and Should they be Republican?*, a paper delivered at *Australian*

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