

## Chapter 11

### “The” Republic, Royals and Religion

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In 2013 I attended the premiere of the farewell tour of Dame Edna Everage. It was, I expect, the first of many. It was in Sydney at the Capitol Theatre. As the curtain went up a familiar voice – Alan Jones – announced that the Dame would first wish to pay her respects to the traditional owners – the Reinhardt family.

In like manner I would like to pay my respects to the founders of our Federal Commonwealth and to the founders of this Society, members of this Society who almost alone have kept the flame of federalism alive. And today we all remember and honour the late Bryan Pape and the late Ray Evans.

The subject of my paper is, “‘The’ Republic, Royals and Religion”. After this introduction, I propose to explain some essential definitions. In the following section I examine the evidence concerning support for constitutional change involving the removal of the Crown.

That evidence includes the framing of the question, polling results according to age, polls about the end of the reign, what happens to support between polling and a referendum – there are, I think, some universal truths applicable to other referendums – the strength of support, the popularity of the direct election model, plebiscites, and the Prime Minister’s role.

In the next section, I look at the reasons for such constitutional change. There are the reasons offered for change, the real reasons, the reasons why this became a national issue, and the reasons people have for supporting removal of the Crown. I then offer my conclusions.

The title of my paper, “ ‘The’ Republic, Royals and Religion,” is somewhat broader than the original title suggested by Julian Leeser when he found me recently in the Imperial capital, St Petersburg. Julian’s suggestion was I speak on the impact of the 2014 Royal tour on support for a republic under this title: “The magic returns: the 2014 Royal Tour and its effect on support for the republic”.

As I see it, the 2014 Royal tour was only the culmination of a long-term trend of rising support for the Crown. Republicans pretend that the Royal Tour and the impact of the younger members of the Royal family is just a blip, an aberration, in the path to the achievement of “the” inevitable republic.

This is yet another fabricated and repeated myth. It joins others. How often have you heard the myth that John Howard rigged the 1998 Constitutional Convention – most of the appointed members including those in his own gift turned out to be republicans – and the myth that he fixed the referendum question?

The question was, in fact, approved, unanimously, by both Houses of Parliament, two-thirds of the members of which were republicans. In the process both of finalising that question, both Australians for a Constitutional Monarchy (ACM) and the Australian Republican Movement (ARM) unsuccessfully argued for changes.

As the question should summarise the issues, ACM thought it important that it include not only the method of appointment, but also the method of dismissal. This could be done in writing by the Prime Minister without notice, without reasons and without any appeal, at least one where the president could be restored to office.

The ARM proposed to the parliamentary committee settling the question that two words be removed from the question. The first was the word, “president”. The second, surprisingly, was the word “republic”.<sup>1</sup> One can only wonder what the polls and focus groups were telling them.

A new myth has recently been invented by the ARM, one to which I shall return. Suffice to say that it claims that every poll in the last 30 years has shown the young to be the most republican, that is, the most supportive of change to a politicians’ republic.

## **Definitions**

The removal of the Crown, our oldest institution, is essentially a constitutional issue rather than one about the popularity of Royal personalities. The standing of the monarch and of members of the Royal family may well affect support for the institution, but this is not the fundamental issue. Accordingly, ACM concentrated in its referendum campaign on the constitutional issues, and not the service and, indeed, the popularity of the monarch. The result was that the ARM accused constitutional monarchists of “not mentioning The Queen.”

Nevertheless, the essence of our Federal Constitution is to give effect to the agreement of the people to unite in a Federal Commonwealth under the Crown. The greater part of it is, therefore, about the peace, order and good government of the Commonwealth.

Any debate about constitutional change must be about this.

When he was once asked what should be first done to restore good government, Confucius replied: “What is necessary is to rectify names,” that is, that words be used properly and not be manipulated. Confucius continued:

If names be not correct, language is not in accordance with the truth of things. If language be not in accordance with the truth of things, affairs cannot be carried on to success.<sup>2</sup>

When affairs cannot be carried on to success, proprieties and music do not flourish. When proprieties and music do not flourish, punishments will not be properly awarded. When punishments are not properly awarded, the people do not know how to move hand or foot.

Therefore a superior man considers it necessary that the names [words] he uses may be spoken appropriately and also that what he speaks may be carried out appropriately. What the superior man requires is just that in his words there may be nothing incorrect.

What Confucius is saying is that the first thing we should do to restore good government is to use words correctly, to call things by their right name rather than euphemisms.

The actions and proposed actions of government today seem to involve the manipulation of words. We live in a time of government by spin. Just think of the word, “multiculturalism”, or

how every piece of legislation has become a “reform” and, worse, is often reported as such in the media.

Those pushing for removal of our oldest constitutional change particularly use and, I would argue, misuse the words, “republic” and “head of state.”

## **Republic**

As we have seen, the word “republic” caused the republicans angst during the referendum. Their polling and focus groups had apparently shown them that the word has negative implications.

The word can be used “incorrectly”, as Confucius would say. In trying to limit the meaning of these words to suit their agenda, the republicans have demonstrated the same attitude that Humpty Dumpty had when he famously said to Alice: “When I use a word”, Humpty Dumpty said, in rather a scornful tone, “it means just what I choose it to mean – neither more nor less”.

The *Macquarie Dictionary* offers three definitions of the word “republic.” First, “a state in which the supreme power rests in the body of citizens entitled to vote and is exercised by representatives chosen directly or indirectly by them.”

Second, “a body of persons, etc., viewed as a commonwealth.”

Third, “a state, especially a democratic state, in which the head of government is an elected or nominated president, not a(n) hereditary monarch.”<sup>3</sup>

Clearly the Commonwealth of Australia fits easily into the first two definitions. It can also come under the third if the Prime Minister is accepted as the elected or nominated chairman or “president” of the cabinet. In Spain, for example, the Prime Minister is *El presidente del Gobierno*. Certainly in Australia, and in any constitutional monarchy, the monarch is not the “head of government.”

The regular peak meeting of the Commonwealth of Nations is the Commonwealth Heads of Government Meeting (CHOGM). This demonstrates that while both executive presidents and prime ministers can be heads of government, a constitutional monarch never is.

The word, “republic,” or “Commonwealth,” has long been known in England and the British Isles. As long ago as the sixteenth century, Sir Thomas Smith, Vice-Chancellor and Regius Professor of Civil Law at Cambridge University, an English diplomat and one of the greatest classical scholars of his time, used the term “republic” to describe the English system.<sup>4</sup>

Nevertheless, the suggestion that Australia is already a republic may come as a surprise to many. But this would have been the assessment of those great political philosophers, Rousseau and Montesquieu.

As Sir Henry Parkes, to many the Father of Federation, wrote:

Every constitution is in reality a republic. There is just as much a republic in England as there is in the United States, the only difference being, that in the one case the word is not used, and in the other it is.<sup>5</sup>

Cardinal Moran, the leader of Australia’s Catholics during the final phase of the nineteenth-century movement for Federation, described our constitutional system as the “most perfect form of republican government.”

The careful well-debated choice of the word “commonwealth” to describe our Federation, the Commonwealth of Australia, is consistent with this line of reasoning.<sup>6</sup> That word, “Commonwealth”, is, after all, the English equivalent to a republic. But, as with the word, “republic,” it does not necessarily mean a state in which there is no monarch or sovereign.

The Republic Advisory Committee, established by the then Prime Minister, Paul Keating, in 1993, chaired by Malcolm Turnbull and consisting exclusively of republicans, conceded that it may be appropriate to regard Australia as a “crowned republic.”<sup>7</sup>

The republicans try to make the argument even narrower by talking about “the” republic, as if only one self-evident model is available. As we can see, the word, “republic,” by itself, is so imprecise as to be almost meaningless. It requires some qualification to explain what is intended. Using the definite article does not in any way explain what is intended.

There are a vast number of republican models. These include our crowned republic or, as the *Constitution Act* puts it, our Federal Commonwealth under the Crown.<sup>8</sup>

Whatever the meaning of the word, “republic,” the aim and purpose of every republican movement in Australia has been to remove the Crown from our constitutional system.<sup>9</sup>

### **Head of State**

“Head of state” is a generic diplomatic term which emerged in the twentieth century. It replaced the long-standing generic term, “prince.”<sup>10</sup> It was so obscure and so specialised that it did not even appear in the first edition of the *Macquarie Dictionary* (1981). In other words, it had not entered into general conversation. It was the republicans who, through the media, inserted it into more common usage. Even then, there is considerable confusion both in the United Kingdom and Australia as to its precise meaning.<sup>11</sup>

As a diplomatic term, its usage is governed by international law rather than Australian constitutional law. Under international law there is no standard role, nor are there standard functions, of a head of state. In essence, a head of state is the person, persons or organ held out by a government to be a head of state and is so recognised by other governments and international organisations.

In my view, this is the best definition of a head of state. And, in fact, the Australian Government has long held out the governor-general to be head of state.

What does international law say about a head of state? Until recently a head of state enjoyed absolute immunity from the courts of other jurisdictions. Apart from that, there was not much more, except that a head of state is to be accorded certain courtesies, for example, a 21-gun salute.

Although never formally used in constitutional law in Australia, the term, “head of state,” has been introduced into foreign constitutions, the first being those of the then fascist states, Spain and France. When he restored the Spanish throne, Generalissimo Franco kept it vacant while he became *Jefe d'Estado*. When Marechal Petain dissolved the Third Republic in France, he became *Chef de l'Etat*.

The head of state of a given nation state – and there can be more than one – is the person who is held out to be and is generally recognised by other nation states. A number of countries have or have had more than one head of state – Andorra has two, Switzerland has seven and the former USSR, through its Presidium of the Supreme Soviet, had 37.

Although not a term of art nor an office under constitutional law, it may be used descriptively when referring to our Constitution. In 1907, the High Court, composed of a bench of founding fathers, unanimously agreed to describe the Governor-General as “ the constitutional head of the Commonwealth” and the King as sovereign.<sup>12</sup>

Consequently, ACM has long argued that the Governor-General is the Australian head of state. Apart from referring to The Queen as the sovereign or monarch, ACM has never said that The Queen is not a head of state. Our position has been that we have an Australian head of state, the Governor-General.

One thing is clear. Australians are not lying awake at night wondering who their head of state is.

### **Opinion poll**

As I refer to polls, it is helpful to recall that during an address at the time of the referendum campaign, the nation’s leading psephologist, Malcolm Mackerras, cited the following definition of an opinion poll:

An opinion poll consists of the answers of those willing to respond to uninvited questions put without notice on matters on which the respondents have not had time to consider.

That definition succinctly sets the advantages and, most importantly, the disadvantages and weaknesses of an opinion poll.

### **Religion**

I use the word, “religion”, in the title of this paper to refer to religious beliefs. A religious belief, in my understanding, is one which is supported by faith and not necessarily by what would usually be regarded as factual evidence in such fields as the law, history, science or journalism.

Modern times are marked, as we all know, by a decline in religion and an increase in agnosticism and atheism. On this, G. K. Chesterton is said to have observed that, “When a man stops believing in God it is not that he believes in nothing. It is that he will believe in anything.”

In my estimation, man, including those in the elite intelligentsia, is programmed to believe. With the significant decline in religious belief, the Australian intelligentsia demonstrates a clear tendency to seize upon any new fashionable belief, ones often imported after their use-by date – climate alarmism, Chomsky’s whole language teaching, cultural relativism and so on . . .

In my view, one of these religious beliefs which captured the elites was a belief in the need to remove the Crown to establish some form of politicians’ republic. That the belief in republicanism can border on a religious belief is supported by the fact that republicans seem to be unable to demonstrate or even attempt to demonstrate how a politicians’ republic would improve the governance of Australia or, in its 1999 emanation, would not have removed a significant check and balance in our constitutional system. A significant pointer to this was the near religious frenzy which accompanied the Yes campaign prior to the referendum. This included experts who had denounced the 1999 model, and who campaigned for its acceptance in 1999.<sup>13</sup>

## **Evidence of support**

The central piece of evidence concerning support for a politicians' republic must remain the 1999 referendum, held at a time most propitious for change. The nation was not only preparing for the Centenary of Federation and the Sydney Olympic Games, the new century and the new millennium were imminent. In addition, Australians looked askance at some of the problems in the marriages of younger members of the Royal family, exacerbated by the tragic death of Diana, Princess of Wales, in a car accident in Paris. Much blame for this was cleverly laid by the British press at the feet of the Royal family, thus avoiding concern at their behaviour.

The Yes case enjoyed the overwhelming support of about two-thirds of sitting politicians and most of the media. Much of the media, indeed, campaigned strongly for the removal of the Crown. In addition, the republican campaign was lavishly endowed.

The result, however, was a landslide in which the No case won nationally, in every State and in 72 per cent of electorates.

The referendum apart, most evidence concerning support for a politicians' republic comes principally from opinion polls and surveys.<sup>14</sup>

It is reasonable to assume that the politicians also undertake confidential opinion polls and focus groups on this issue. On this, it is relevant to recall that about two-thirds of the politicians in the 1990s had supported the removal of the Crown from the Constitution through adoption of the referendum model, Keating Turnbull Republic Mark II.

So, if the confidential opinion polls and focus groups were at all encouraging, the republican politicians could have been expected to push for the holding, if not of a second referendum, at least a plebiscite.

The fact is that, since 1999, politicians have long been singularly reticent to take any action towards a second referendum or even a plebiscite. A glaring example may be seen in the negotiations concerning the formation of the Gillard minority government in 2010. In the negotiations to form a government, the ultra-republican Greens Party Senator Bob Brown could have had anything he wanted, at least anything he wanted about a republic.

This could have been a plebiscite or even a referendum. A prime minister prepared to break a promise about a carbon dioxide tax would have obviously agreed to this.

So why did Senator Brown not insist on action on a republic vote? The most likely explanation is that he knew from both public and confidential polling, as well as focus groups, that support for the removal of the Crown was then low. Not only would a referendum or plebiscite be defeated, the electorate might have been inclined to think this was an indulgence, a waste of time and money. The electorate might, then, have been inclined to punish the perpetrator.

## **Public opinion polls**

Opinion polls do not claim absolute accuracy and will usually indicate a margin of error. There can be errors or a bias in taking the sample. For example, a telephone survey excludes those who do not have landlines. In addition, some people will be reluctant to answer, or may give an answer which they think the questioner wants. But, by looking at broad trends emerging from a range of different polls taken over time, differences in polls taken in different ways can be neutralised.

The question asked in a poll is crucial. Opinion polls on this issue usually test support for some vague, undefined republic. This will most likely be different from the referendum question which must relate to the chosen republican model.

Some questions concerning constitutional change can also be misleading. For example, republicans and constitutional monarchists have different views on the meaning of the term, Head of State. Moreover, the referendum question may not even use that word.

So, asking a question using the term such as, “Do you think an Australian should be Head of State instead of The Queen?”, assumes we do not already have an Australian Head of State, which is a principal point in issue in the debate.

This is important. In the 1999 referendum Yes/No booklet, the Yes case used the argument that only under a republic could we have an Australian as Head of State. This was used not once but nine times, more than any other argument.

By way of contrast, ACM has long argued that we already have an Australian as Head of State.

The use of the term, “republic”, without some qualification, is also misleading. If a question asks whether Australia should become a republic, the question assumes we are not already a republic. Yet there is a respectable argument that we are already a crowned republic, a term used by former High Court Justice, Michael Kirby, John Howard, the former Prime Minister, former Justice Ken Handley, and the Prime Minister, Tony Abbott, and in the ACM Charter.

## **Trends**

Before we look at the trends across the polls and over time, it should be noted that a “rogue” poll can go against the trend. What is clear is that trend lines across the polls and over time indicate declining support for a vague, undefined politicians’ republic. Isolated polls should obviously be treated with caution. The trend in polling from different pollsters over time is a better indicator. It is particularly unwise to rely on one poll which goes against the trend.

One example was in 2009, when the republicans released a poll by UMR which curiously coincided with ACM’s celebration of the tenth anniversary of the referendum.<sup>15</sup> Going against all the trends, it found an extraordinary 59 per cent support for “a republic,” significantly higher than other polls. This was widely reported in the media both here and in the United Kingdom. It was clearly wrong.

In 2014 the republicans released results of yet another UMR poll, one which they revealed they had commissioned. They declined to reveal the precise question. This result was widely reported, notwithstanding Press Council guidelines against publishing opinion polls without also publishing the precise question. The poll went against all the trends and was what may best be called a “rogue poll”, which, we hasten to add, is not to suggest any impropriety on the part of the pollster.

In any event, since the 1999 republic referendum, there has been a long-term decline in support for a vague undefined republic. Polling from just before the Federal election in 2013 indicates that overall support for such a republic ranges between 33 per cent to 40 per cent.

## Age

It is interesting to compare results according to where the respondents live and, more importantly, according to their age. As to where republicans live, the referendum demonstrated that supporters of the removal of the Crown are concentrated in inner city electorates.

As to age, polling is crucial. If the republicans do not have the support of the nation's youth, as they so often assume, there is little chance of their hopes being fulfilled.

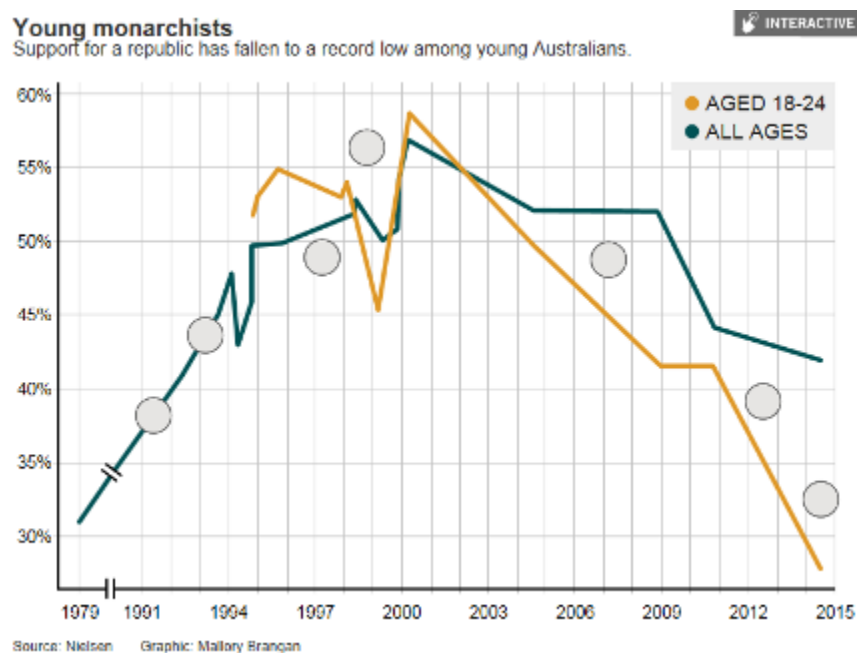
From before the referendum, polling has indicated that the middle-aged are the most supportive of a vague, undefined republic, with lower support among the young and, until recently, even lower support among the aged.

This can best be represented by a slightly lopsided bell curve.<sup>16</sup> The crucial fact is that republicanism is weaker among the young than the middle-aged. The consequences seem to have escaped the notice of the republican leadership. Not long after the referendum, former Senator Susan Ryan told the ABC that once the present generation of constitutional monarchists moved on, a republic was assured. Nicola Roxon, former federal Attorney-General, once observed: "There are no new monarchists being born. If we bide our time they will all die off . . ."<sup>17</sup>

Yet, in a radio debate in 2014, the current director of the Australian Republican Movement, David Morris, claimed that every poll in the last 30 years had shown that the young are the most republican.<sup>18</sup>

But, from 2013, there has been a further development which must concern republicans. This is that the young now appear to be turning more against a vague, undefined republic than even the elderly. In the graph following, based on the Fairfax AC Nielson 2014 poll, overall support for a vague, undefined republic stands at 42 per cent with youth support (18-24) at 30 per cent; both are falling.

The ACM experience is relevant. Our Facebook page now has over 50,000, overwhelmingly based in Australia. 49 per cent are women compared with an average of 46 per cent across Facebook. 16 per cent are under 18, 38 per cent are under 25 and 50 per cent are under 35.





### **End of reign of polls**

Polls taken now about some event in the future, in this case, whom respondents would prefer or expect to succeed Queen Elizabeth II at the end of the reign, are clearly unreliable as indicators of what opinion will be then. In brief, people can and do change their minds.

A variation of this is the proposal by Bob Hawke, Prime Minister, 1983-91, that a referendum be taken now to make Australia a Republic at the end of the reign of Queen Elizabeth II. This is based on the assumption that Australians will overwhelmingly want a republic, so why not do it now. No significant group has adopted this, probably because they realise how distasteful a referendum based on the end of The Queen's life would be to most Australians.

### **Between the poll and the referendum**

What happens to opinions between polls and a referendum? Experience indicates that in a referendum campaign, support for the Yes case falls significantly between the announcement of a proposal and the actual vote. This is, no doubt, because the proponents of constitutional change have considerable initial advantages. They raise their proposal first and present only the arguments for change. The media, who are excited by novelty, take notice, and give the proposal free publicity. If it is a proposal from the Government, the YES case could have an enormous initial and continuing advantage.

In 1999, however, the Howard Government behaved impeccably in not giving any advantage to either case. There is no guarantee that this will be repeated in future referendums, as those involved in the proposed local government referendum in 2013 can testify.<sup>19</sup>

The decline in support between the call for change and the referendum is at least in part because the voters will by then have had some opportunity of hearing both sides of the debate and also of reading the Yes/No booklet. Apart from a leakage from the Yes case supporters, those who in opinion polls say they are undecided tend to move to the No case or have not revealed an intention to vote No.

In a referendum on a republic, this could be because the republican camp, including media outlets, have successfully suggested that the monarchist case is old-fashioned, dated, and so on. Further respondents fear that there may be consequences for those who are known to have voted No.

Once a republican model is announced as the preferred republic and the one to appear in the referendum, the Yes case will suffer a further blow. This results from the application of the Condorcet criterion, espoused by psephologist Malcolm Mackerras. The Condorcet winner is the candidate (in a referendum, the model) which is preferred by the most voters.

Thus, in a republican referendum, a significant number of republicans will always prefer the constitutional monarchy over whatever republican model is finally offered. This is why, since 1999, the ARM has consistently refused to reveal what sort of republic it is actually campaigning for.

### **Strength of support**

At the time of writing, support for republican change is generally weak and declining. According to the July 2014 Newspann, self-described "strong" supporters of change fell from 25 per cent in

2011 to 22 per cent. Among the young, strong supporters were down from 20 per cent to 17 per cent.

While republicans will often describe themselves as “passionate”, the measure of this is in what they are actually prepared to do to promote the republican cause. For example, with massive media support, the ARM called for a large demonstration in Parramatta just before the referendum, during visits of The Queen and, in addition, when they promoted their Mate for a Head of State campaign.<sup>20</sup> All of these were failures. Few people turned up.

By way of contrast, when ACM called a demonstration in 1996 to protest about the eviction of the governors from Government House, Sydney, by the republican Premier, Bob Carr, more than 20,000 attended in one of the largest peaceful non-union demonstrations in Sydney.

ACM built up a support base of more than 55,000 to help during the referendum campaign. The ARM essentially relied on the ALP and ACTU for foot soldiers.

From this it is reasonable to come to the conclusion that a significant number of core constitutional monarchists hold their cause more strongly than any equivalent of the republicans. Although a republican campaign may be better endowed and have more support from the political-media establishment, as it did in 1999, the constitutional monarchists have a strong corps of rank and file campaigners throughout Australia. This can balance the considerable advantages in terms of wealth and the media support which republicans may enjoy and certainly did enjoy in 1999.

### **Direct elect model**

There is a common belief that a referendum based on the “direct elect” model – that is, the model where the people and not the politicians elect the president – will triumph.

The evidence suggests otherwise. The latest poll on the “direct elect” republican model – the one which provides that the people rather than the politicians elect the president – can be misunderstood. When asked how the president should be chosen if Australia were to become a republic, respondents indicate a very strong preference for direct election. In the 2014 Newspoll, the young were, at 87 per cent, the most supportive of direct election.

The problem for the republicans is this. The young strongly support direct election if we remove the Crown, but at the same time they reject the removal of the Crown. Australians – and especially the young – seem to be saying: “We don’t want a politicians’ republic but, if one is forced on us, we – and not the politicians – will choose the president.”

From this data we conclude that another referendum on the 1999 model would be overwhelmingly defeated and that a referendum on a model involving the direct election of a president would also be defeated.

### **Plebiscite**

ACM has always been opposed to what it calls the “blank cheque plebiscite.”<sup>21</sup> We believe that if a plebiscite were to be held, the question would be manipulated by taxpayer-funded “spin doctors”. We warn there is likely to be substantial taxpayer funding for “education” and “information,” probably little or no public funding for the No case, possibly no Yes/No booklet, and with strong support from about two-thirds of the politicians and from the mainstream media.

A favourable result for the republicans in a plebiscite cannot be used to effect a constitutional amendment, perhaps absent a highly activist High Court. Accordingly, it can only delay republican divisions over the model which must be included in the referendum itself. It would seem that the republican desire for a plebiscite is based on the belief that people will feel “locked in” to vote in favour of a republic just to be consistent with their vote in the plebiscite. There is no guarantee that this will be so.

Since the 1999 referendum, the ARM declines to reveal what republican model it is proposing. Accordingly, ACM argues: “It is as if the ARM were marching down the street chanting, ‘We want a Republic . . . but we haven’t the foggiest idea what sort of Republic we want.’”

### **Prime Ministerial role**

Much has been made by republicans about the role of the then prime minister, John Howard, in 1999. As we have seen, it is untrue that he fixed either the convention or the question.

His opposition to the referendum brought by his Government – which was certainly unusual – no doubt encouraged his supporters, but they were unlikely to be republicans needing to be converted by prime ministerial fervour.

On the other hand, it may be that the support of an unpopular Prime Minister and/or government may harm the Yes case. This was said to be one of the reasons why Paul Keating chose not to put a referendum on a republic.

Even if the Prime Minister and the Leader of the Opposition were to support the Yes case in a referendum, this will not ensure success, as was demonstrated in one of the referendums in 1967. But if the Parliament unanimously supports a referendum, there will be no official No case, which would disadvantage those campaigning against the referendum.

### **Reasons for change**

Let us look now at the reasons advanced for the removal of the Crown in the 1999 referendum and its successor campaign. (To date there have been five principal campaigns in Australia for a republic involving the removal of the Crown.<sup>22</sup>) The reasons for republican change can be considered on four levels. We can distinguish between

- first, the reasons offered for change;
- second, the real reasons for that change;
- third, the reasons why the proposal has become a national issue; and, finally,
- the reasons individual members of the public have for supporting the change.

As with so many other proposals, the reasons announced by the proponents can be significantly different from their real reasons. And different proponents naturally can have different reasons.

Sir Walter Campbell, the former Governor of Queensland, warned this Society almost a quarter of a century ago that he believed that “. . . republicanism . . . is being used by certain people as a pretext or as a blind or a screen to conceal a deeper purpose or purposes.”<sup>23</sup>

These deeper purposes can perhaps be revealed when we consider why this issue was elevated from being just another typical subject for conversation at dinner parties among the elites in the inner city suburbs of Sydney, Melbourne and Canberra.

There were two principal factors. The first factor reveals the real reason why some significant proponents wanted to be rid of the Crown.

### **The dismissal**

The first factor was the dismissal in 1975 of the Prime Minister, Gough Whitlam, by the Governor-General, Sir John Kerr, who had exercised the reserve powers.

The Keating Turnbull Mark II model – the referendum model – was clearly going to neutralise or even get rid of the reserve powers.

It was notoriously to be the only republic in the world and in recorded history where the prime minister could dismiss the president without notice, without grounds and without any appeal which could restore him or her to office. The president would have, in ACM's view, become the prime minister's poodle. It would have concentrated even more power in the prime minister and other politicians who already control the Executive Government, the House of Representatives and the legislative program.

During a debate at Corowa in 1999, I asked one of the two independent republicans on the Vote No committee, Ted Mack, whether the republican establishment understood that the referendum model would give undue power to the prime minister. He replied: "Yes, and that is precisely what they want."

Whenever the Yes case was challenged about this, the line would be that the model provided no different power to the prime minister who can advise the Queen at any time to remove a governor-general. This is not so. In fact, there is an example of the sovereign delaying acting on advice and counselling a prime minister.<sup>24</sup>

Curiously, even experts who had previously warned about the dangers in the model when it emerged from the Convention subsequently joined the elite media political establishment in supporting the Yes case in the referendum campaign.<sup>25</sup> This was consistent with republicanism then taking the characteristics of a religious frenzy, where evidence was ignored in favour of blind faith. There were similarities with the fervour seen in, say, *The Witches of Salem*, where anyone not succumbing or even seeming not to succumb to the prevailing dogma was to be denounced, as we saw in the last session of a deliberative poll held on 23-24 October 1999 in Old Parliament House, Canberra, before the referendum.

At the present time the former Foreign Minister and NSW Premier, Bob Carr, remains a strong proponent of the referendum model with one difference: the head of state retains the title, "Governor-General."

But under this model the reserve powers would go. Bob Carr actually revealed in 2005 that the reason – or a principal reason – for his expulsion of the governors of New South Wales from their independent domain, Government House, was the reserve powers.

Launching the third edition of Gough Whitlam's book, *The Truth of the Matter*, in 2005, he had said that one lesson from Mr Whitlam's dismissal by the Governor-General in 1975 was the "potentially corrupting role of the vice-regal office." The trappings of vice-regal life had drawn Sir John to the "delusion" that his role was to exercise real power rather than serve as a ceremonial figurehead. Mr Carr said:

Living in the gilded cage of Admiralty House and Government House at Yarralumla, being

attended on by security chiefs, ambassadors and visiting heads of state, and created the illusion in this man that the paper role of governor-general had a reality.

In a surprise admission, he then said that this was the reason he had decided NSW governors should no longer live in their purpose-built home and on their independent domain at Government House.

His speech at the book launch was reported in the press.<sup>26</sup> He did not deny this at the time. Nor did he complain to the Press Council.

But when I reminded Mr Carr at the BBC/ABC IQ2 debate on 24 June 2014 that republicanism was all about power and that he had admitted in 2005 that he had expelled the New South Wales governors because of the reserve powers, he denied that he had said this.<sup>27</sup> Mr Carr also strongly lamented the fact that the Governor had returned to Government House.<sup>28</sup>

### **Republican leadership**

But the Whitlam dismissal alone was not a sufficient reason for the removal of the Crown to become a major political issue. The second factor which assured this was the emergence of an alliance between two singularly strong personalities, the Prime Minister, Paul Keating, and Malcolm Turnbull.

Until he became Prime Minister, Paul Keating had shown little interest in a politicians' republic. But, once in office, he realised its value as a wedge issue among members of the parliamentary Liberal Party, dividing off those Liberal politicians naive enough to swallow the argument that "the" republic was inevitable.

Malcolm Turnbull was already well-known, not least because of his role as advocate in the Spycatcher case and as a prominent media lawyer. He had, however, long been thwarted in his ambitions for political office. Leadership of the ARM, which he funded lavishly, was to make him a household name.

Their alliance resulted in the drafting of the Keating-Turnbull Republican models Mark I and Mark II, both of which were to be doomed. With this political support and leadership, and with the media rushing to support this new religious belief, a number of celebrities and prominent business people rushed to climb aboard the republican bandwagon.

While it was relatively easy to attract these and other elites, the problem was to persuade an essentially uninterested public. The republicans already had a slight advantage in that many Australians were somewhat disaffected because of matrimonial problems among the younger members of the Royal family. While about one-half of Australian marriages are dissolved, and de facto relationships have become respectable, Australians seem to expect higher standards from the Royal family whom they wish to look up to. No doubt to the chagrin of republicans today, all this is in the past, as all current Royal marriages seem to be particularly secure.

But the state of certain Royal marriages in the 1990s was not in itself sufficient. Other arguments had to be found.

Prominent republicans then competed one with another to produce the most ridiculous reasons for Australia becoming a vague, undefined politicians' republic. These highly embarrassing claims were well-documented by Sir David Smith when he addressed this Society.<sup>29</sup>

Sir David told how the former Minister for Immigration, Al Grassby, claimed that the monarchy was responsible for the recession of the late 1980s, for the one million Australians who were unemployed, for the business excesses of that period, and for the exodus from Australia of our top scientists. He also told how the former Premier of New South Wales, Neville Wran, claimed that changing to a republic would boost jobs and invigorate Australia's spirits.

We were told that the monarchy stifled artistic talent, preventing our artists from fully expressing themselves. Janet Holmes à Court said she wanted a new flag and a new Constitution because an Asian minister had told her that his country would help the Australian people in their struggle for independence from Britain.

Later, the editor of the *Sydney Morning Herald*, Irish citizen Paul McGeough, said: "As soon as this country stands on its own two feet with its own head of state and becomes a real country, then I'll be a citizen of it." <sup>30</sup>

This tactic became so ridiculous it was eventually abandoned by the ARM.

They had previously introduced the term, "head of state," to everyday language – remember it did not appear in the first edition of the *Macquarie Dictionary*. They argued that only by removing the Crown could we have an Australian as head of state. This was completely untrue as we have long had a head of state recognised internationally as such who is almost invariably now an Australian citizen. The argument about a head of state was to become so central to the ARM and to the Yes case that it is made nine times in the referendum Yes/No booklet.

This argument was very much adopted by the political and media establishment and it was repeated over and over as republicanism took on the nature of a religious belief supported only by blind faith. Clearly it had some impact with the general public. Until then only diplomats and international lawyers were at all familiar with the term, head of state.

### **Royalism and republicanism**

It is a mistake to think that, among the Australian public, there is a dichotomy between republicanism, on the one hand, and royalism on the other.

These overlap. Many Australians have some affection or respect for The Queen and the Royal family, including some who are also republicans. Royalty is especially fascinating to high level political and celebrity republicans. So much so that on the occasion of Royal visits I sometimes issue the following warning to supporters: "Never stand between republicans and visiting royalty. Otherwise you will be knocked over in the rush."

If you do not believe me, just go to any function attended by Royalty, even minor European royalty.

### **"Smell test" and stability**

At the time of the 1999 referendum, and after talking to many people, I was coming to the conclusion that what would kill support for republican change was the "smell test". To put it as a vernacular, the average voter at worst smelt a rat or, at best, was concerned that a stable functioning benign institution was about to be thrown out without good reason.

After all, here was a benign monarchy that did them no harm and there were the politicians and the media screaming to get rid of The Queen.

The evidence I have is anecdotal. Let me give an example. I remember, five years or so after the referendum, when I was going to my car at Bondi Junction, I had passed – and tried to avoid – an unsteady figure on the car park ramp for pedestrians. He called out to me:

David . . . David , what's your name? Ah yes, David Flint. Now, I'm a republican myself, and I'm sorry, but I'm p\*\*\*ed. Yes I'm Bob. I'm a republican, but that other thing – what's it called – ah, yes, monarchy – it sure has one thing going for it. Stability. Yes, stability. Gees, I'm really p\*\*\*ed, – are you?

I assured him I was not, to which he replied. Waving, and almost losing his balance, he insisted: “Good on you, Dave!”

He staggered off into the distance. I was relieved later to see he was not looking for his car but just the way out of the complex which, quite frankly, can be confusing even to the sober.

I was sure of one thing about Bob. He had voted “No” in the referendum and he would vote “No” in any future referendum. He associated monarchy, and monarchy only, with stability.

### **Irrelevant reasons**

Sometimes voters latch onto reasons to support the change which seem irrelevant. I recall a taxi driver of Middle Eastern appearance insisting to me that the Crown must go because of the role of the British in the Middle East and the subcontinent. This was also probably true of some Australians who felt some grudge against something which the British or the English had done in the past.

I also remember discussing the debate with a passenger on a plane, an Australian of Korean origin. He said he would be voting “Yes” because he believed that Australia needed a strong man to rule it. I tried to explain to him that the office of president would be the weakest in the Western world. I doubt that he realised that the prime minister would be made far more powerful under this model.

What was particularly surprising was the lack of knowledge of the working of the new Constitution among some who should know better – some of the lawyers.

There is no simple answer to what were the reasons for the campaign to remove the Crown from the Constitution. What is of most concern is that some significant people hoped to neutralise the reserve powers, that is a check and balance on the political arms of the Constitution.

### **Projections**

A consideration of the first of our republican movements demonstrates that when the *raison d'être* of the campaign disappears, the movement fades away and even evaporates.

This was the nineteenth century movement, led by *The Bulletin*, to establish a separate white republic. This was a reaction against Chinese immigration into the goldfields, and the belief that the only way to control immigration was by leaving the British Empire. With Federation, the immigration power was effectively transferred to the new Commonwealth Parliament and government and the result was introduction of a restrictive immigration policy without any need to leave the Empire. The imperial authorities were mollified slightly by the policy being camouflaged under a dictation test.

If we come to the current campaign to remove the Crown, the public *raison d'être* is to have an Australian as head of state. If the general public were to accept the argument that we already have an Australian head of state in the Governor-General or, if they merely tired of the argument, the republican movement would be even more weakened than it is now.

Hence ACM's concentration on education. It is noteworthy that neither in the national curriculum nor in the universities is there any significant attempt to teach about the role and function of the Crown in our constitutional system. Nor is there any serious attempt to ensure and to require that new citizens understand this or, indeed, that they have an adequate understanding of the institutions and values of their new country.

The theme of any future plebiscite or referendum for the removal of the Crown from the Constitution will probably be around the proposition that only a politicians' republic can deliver an Australian head of state.

There is no other argument. The republicans hitherto have been supremely uninterested in a model which would actually answer the wish that the politicians and judges be made more accountable. In any event I would argue that this can be done while retaining the Crown as a check and balance.<sup>31</sup>

In the meantime, support for such change is likely to continue to decline. This does not mean that this could not be revived in the future.

One mistake some republicans make is to assume that a revival of republicanism will occur at the end of this reign. The argument is that the succession of Prince Charles will be unacceptable to the Australian public. It will be the silver bullet which will deliver their republic.

The ARM forgets that they have already tried this. During the referendum campaign, unpleasant attacks, including flyers which were distributed to voters, were made on Prince Charles and on Camilla Parker-Bowles as she then was. In one particular ABC radio debate I had with the former Premier of New South Wales, Neville Wran, his central argument was all about this.

The end of this reign is most likely to be marked not by a revival of republicanism, but by a media retrospective into the Elizabethan era which will exceed most other media campaigns, even the Royal wedding and the Royal baby. This will be followed by growing fascination with that ancient ceremony, the only remaining Coronation and anointing of a Sovereign, one which links us through the years back to the ancient kings of Israel.

And then there will be a fascination with the new Prince of Wales and his family. Such is the magic of monarchy.

And, in the meantime, there may be growing interest in real issues, how to cure the subversion of federalism, how to break the stranglehold of the powerbrokers and how to make the politicians truly accountable.

But the politicians' republic will not go away. To paraphrase Monty Python, the republic is not dead. It is just resting.

## Endnotes

1. [http://www.norepublic.com.au/index.php?option=com\\_content&task=view&id=3956&It](http://www.norepublic.com.au/index.php?option=com_content&task=view&id=3956&It)



- [emid=85](#) (retrieved 20 August 2014).
2. The Analects Attributed to Confucius [Kongfuzi], 551-479 BCE by Lao-Tse [Lao Zi], Translated by James Legge (1815-1897).
  3. The *Macquarie Dictionary*, Macquarie Library, 1981.
  4. Sir Thomas Smith, “De Republica Anglorum; the Manner of Government or Policie of the Realme of England”, 1583.
  5. <http://www.crownedrepublic.com.au> (retrieved 20 August 2014).
  6. This was proposed by Sir Henry Parkes and adopted by a substantial majority at the Federal Convention in 1891. John Quick & Robert Garran, *The Annotated Constitution of the Australian Commonwealth*, 1901 [reprinted 1995], 313-4.
  7. *An Australian Republic*, Vol 1, 1993, 3.
  8. Many constitutional monarchists – Michael Kirby, John Howard, Tony Abbott, Ken Handley distinguish between “crowned republics” and “politicians’ republics”.
  9. See fn xxii, post.
  10. David Flint, *The Cane Toad Republic*, 1999, chapter 3, 37-48; David Flint, “The Head of States Debate Resolved,” *Quadrant*, May 2008.
  11. *The Cane Toad Republic*, *op. cit.*, 42.
  12. *R v Governor of South Australia* [1907] HCA 31; (1907) 4 CLR 1497 (8 August 1907); <http://www.austlii.edu.au/au/cases/cth/HCA/1907/31.html> (accessed 9 May, 2008).
  13. *The Cane Toad Republic*, *op. cit.*, 146.
  14. In Australia, the best known pollsters are Newspoll, published in News Limited’s *The Australian* newspaper; Roy Morgan Research; Galaxy Polling – published in News Limited’s newspapers; AC Nielsen Polling – published in Fairfax newspapers. Although less well known, UMR has also conducted polls on this issue. Its polls usually find a higher level of republican support than the others. Essential Media is a new pollster more associated with trade unions, without this resulting in any bias. Its political polling produces results broadly in line with the other pollsters.
  15. [http://www.norepublic.com.au/index.php?option=com\\_content&task=view&id=2133&Itemid=56](http://www.norepublic.com.au/index.php?option=com_content&task=view&id=2133&Itemid=56) (accessed 16 August 2014).
  16. It would be too early to conclude that, as people move into middle age, they become more republican; as they age further they become less republican?
  17. Stephanie Peatling, “England, England, England, oi, oi, oi”, *Sydney Morning Herald*, 13 March 2005.
  18. Debate broadcast on Neil Mitchell’s program on Melbourne talkback station 3AW, Wednesday, 26 March 2014 (podcast 260314),

- [http://www.norepublic.com.au/index.php?option=com\\_content&task=view&id=4883&Itemid=56](http://www.norepublic.com.au/index.php?option=com_content&task=view&id=4883&Itemid=56) (retrieved 16 August 2014).
19. In the proposed local government referendum the Commonwealth Government and local government decided the Yes case would receive substantial financial advantages. The Commonwealth Government introduced the “garbage tin” provision. This was that the Yes/No booklet only go to the householder and not to each individual voter. In residences where there are more than one adult, for example, young people sharing, it is unlikely that the booklet would be seen. Instead of the Yes and No cases being on opposite pages, the Yes case was to appear first.
  20. [http://www.norepublic.com.au/index.php?option=com\\_content&task=blogcategory&id=70&Itemid=77](http://www.norepublic.com.au/index.php?option=com_content&task=blogcategory&id=70&Itemid=77) (retrieved 16 August 2014).
  21. David Flint, *The Cane Toad Republic, op. cit.*, chapter 9, 150-61; *Twilight of the Elites*, 2003, 112.
  22. The first four are the 19th century white Australia, 20th century Soviet Communism, Keating Turnbull Mark II, the current movement for a “blank cheque” republic: <http://www.crownedrepublic.com.au/index.php/crowned-republic>, (retrieved 20 August 2014). The current extremist movement for an Islamic republic with its terrorist arm, is not examined there.
  23. Address Launching [1990] *Upholding The Australian Constitution*, Volume 2 <http://www.samuelgriffith.org.au/papers/html/volume3/v3app2-1.htm>.
  24. *The Cane Toad Republic, op. cit.*, 141-147.
  25. *The Cane Toad Republic, op.cit.*, 146.
  26. Tony Stephens, “Whitlam leaves past behind with gifts from high time and low,” *Sydney Morning Herald*, 8 November 2005, <http://www.smh.com.au/news/national/whitlam-leaves-past-behind-with-gifts-from-high-time-and-low/2005/11/07/1131212008743.html> (retrieved 20 August 2014).
  27. This was a debate in which Julian Leeser participated.
  28. BBC/ABC IQ2 debate on 24 June 2014 “The Queen should be the last Australian monarch”, [http://www.norepublic.com.au/index.php?option=com\\_content&task=view&id=4888&Itemid=4](http://www.norepublic.com.au/index.php?option=com_content&task=view&id=4888&Itemid=4) (retrieved 20 August 2014).
  29. David Smith, “A Funny Thing Happened on the Way to the Referendum,” *Upholding The Australian Constitution*, Volume 10, 1998, chapter 1.
  30. *The Cane Toad Republic, op. cit.*, 30.
  31. David Flint and Jai Martinkovits, *Give Us Back Our Country*, 2<sup>nd</sup> edition, 2014.