

OPEN LETTER TO THE CHAIR OF THE AUSTRALIAN REPUBLICAN MOVEMENT

This is an open letter to the Chair of the Australian Republican Movement. The private version was posted to Peter FitzSimons with a copy to National Director Tim Mayfield on 25/2/16. They apparently never arrived. I sent them again on 11/4/16. I received no acknowledgement. The open version—call it version 2—was slightly extended and updated. It was distributed in October and has been variously called objective, frustrated, despairing, angry, and slanderous. This, version 2.1 (Feb 2017), is again slightly modified.

Update, May 2020: time has shown my underlying pessimism to have been realism. This edition has a few short notes added but no changes.

mike.pepperday@gmail.com

0431 606 380

November, 2016

Peter FitzSimons, ARM Chair,
Australian Republican Movement
PO Box 7188 WATSON LPO
WATSON ACT 2602

Cc: Tim Mayfield, ARM National Director

Dear Peter,

You prefer to be addressed by your given name so I use it. I am retired, a former surveyor and businessman. I also have a PhD in political science. During the 1990s I was in the political science department at the University of Western Australia and participated in many a debate, seminar and conference on the republic. I have written on it including a shot at your game, journalism, most notably in *The Financial Review* which in 1999 twice gave me double-page spreads. Regarding the Australian republic I've probably heard all the arguments and all the counter-arguments.

I still regularly chat to a friend from those days about politics and the republic. Like you, we think the break with the monarchy would be beneficial to the country. We've had 16 disappointing years. I hoped your speech at the National Press Club last August might mark a turning point but my mate snorted and said the organisation doesn't change its spots and it's flogging a dead horse and we can forget it for another few years.

I write in the hope that the ARM might change its tactics. Your dynamism is a breath of fresh air and you have done more to get the republic back on the front page than everyone else in those 16 years put together. A fair bit of the press is hostile. Commentators have been deaf to your plea to cut the narkiness and make the republic less divisive and to cut the deadly earnestness and make it fun. All publicity is good publicity but—are you as deaf to what they are saying? If you are, the divisiveness will not decline. For a republic to happen will take a radical rethink on your part.

You are trying to coax the horse back onto its feet and I would like to help. This letter crystallises thoughts I have had for years. The intention is to show (a) that a republic cannot succeed as the object of elite manoeuvring, and (b) how a republic might be achieved by

popular participation. It is a long letter (14K words) but the republic is a mess and sorting it out won't fit in a tweet. It is quite earnest, no fun at all.

Part 1 states some bottom-line facts as I see them, namely that your models and the plebiscite can go nowhere. In Part 2 I reflect on how we got into this muddle, namely that the RAC report of 1993 was biased and has distorted debate to the present day, and that the ARM was, and remains, fatally unrepresentative. Part 3 offers suggestions for a path toward a republic, namely: (i) End the top-down manipulations and let the people discuss it; (ii) Conduct an internet-based, competitive Republic Model Search to identify models and to generate publicity; (iii) Postpone the republic itself until the problem of appointment of the GG is solved. I sketch a version of the Missouri Plan as a suggestion for appointment.

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Part 1: Some basic facts

The well-known models, and current approaches, are unviable.

Models—direct election is no go

It is impossible for the Australia we know to have a popularly elected president. No such proposal will ever be put to a party room let alone to parliament let alone to the people. This has been apparent since before the referendum when Peter Reith, a senior minister in the Howard government, could get nowhere with it among his colleagues. The politicians foresee

a power disturbance—a Donald Trump storming the land—and they expect direct election would lose at referendum for, though supported by a majority of republicans, only a minority of voters agree with it. The correctness of these reasons is hardly relevant for the politicians are the gatekeepers and if they won't have it, it is a dead duck.

Earnest talk of direct election from people in responsible positions is dissembling. It is politeness, a sop, a pretence to avoid frightening away republic supporters. I heard National Director Tim Mayfield say the ARM is “absolutely open” to direct election. That is what the ARM said throughout the 1990s. Direct electionists didn't believe it then and don't believe it now. Why not speak honestly? If the polliies won't have it, why pretend? Because Tim wants to be inclusive. He doesn't want to turn people off.

Nothing turns direct electionists off more than this charade. Tim may be right not to back any particular model but it is ridiculous to refuse (vigorously, at length) to talk about models. It is the only topic worth discussing. It is pretty much the only topic that needs discussing. Tim's assertion that the monarchists “goad” republicans into arguing over models is fanciful. The division among republicans is not caused by discussion. The division is real and principled. It will not heal by suppressing discussion; on the contrary, there can be no healing without discussion.

We have had 16 years of such shilly-shallying. We must stop thinking we can kid our way to a republic. Just think: if the ARM were to declare that it absolutely *rules out* direct election it would be believed utterly. That would turn no one off who is not already turned off and it would win respect. The milquetoast claim to be “absolutely open to direct election” gains nothing and is seen as deceitful by those it is intended to mollify.

Models—current proposals are politically infeasible

You say the ARM is a broad church with a cathedral full of models. Where are they? On the ARM website there are no models at all. At the Press Club you expounded the virtues of parliamentary appointment: the 1999 model with the now standard tweak that the PM would not be able to dismiss the president. Then—apropos of nothing—you immediately explained a fault with having a popularly elected president. Why bring that model up? What about all the others in the cathedral? As long as we go on presuming there are only two models—*politicians appoint versus people elect*—the monarchy wins.

You stressed that parliamentary appointment was merely your personal preference and not ARM policy. The trouble is, it has been the personal preference of every member of the ARM executive except the founding chair, Thomas Keneally (who favoured appointment and dismissal by the people). Until a couple of years ago the ARM website (back when it was called “arm”) had, or pretended to have, five or six models. One was that the PM would simply appoint the president. Another was that we could have a US style president. Why were they there? No one championed them; no one even justified them. And no one thought they had any prospect. What were they doing there? In addition there have been a couple of bunyip aristocracy models—also ludicrous.

The infeasibility of these models was so obvious no one ever spoke of them except to dismiss them. Yet they stayed there, year in, year out, space fillers to complicate and to mislead the less politically aware. The only conceivable purpose was to present a facade of open-mindedness to make parliamentary appointment look good. Far from recognising its defeat at referendum and casting it out, this comparison made it seem that of all the models in the universe, it was the only reasonable one. I expect ARM members sincerely believed this but to opponents of that model the ARM was saying my way or the highway. They saw the same manipulative ARM that had so incensed them in the 1990s.

The “no” activists who had campaigned against parliamentary appointment in 1999 could not possibly join an organisation where it was being promoted. With everyone in the ARM of one mind, the bias that had prevailed before the referendum continued. The truth is—and this has been true since the 1990s campaign began—if the ARM were representative of Australians, appointment by politicians would never get a look-in. For the post-referendum ARM to be representative, it would have to have ruled out the failed model at its first meeting.

Models—we need fresh ideas

People are entitled to campaign for their preference. They are still entitled after it has failed at referendum. Just because a proposal was knocked back at referendum doesn't mean it can't be looked at again. But does that hold for an organisation which purports to be inclusive? Shouldn't the failure mean it would examine other possibilities? Shouldn't it mean it would only return to the failed model after finding all alternatives to be wanting? For all those years, whenever the question of a model was raised publicly, the ARM was evasive, declaring it was up to the people to choose the model. Until recently it was a mantra: the actual model was for the people to choose and it was not the ARM's job to “foist” a model on the public. But this was precisely what the ARM was attempting to do.

The 2004 Senate inquiry found there was a “plethora” of models. (Does a plethora beat a cathedral-full?) The ARM ignored them. Where should this plethora of models be discussed if not at the ARM? Where else is a forum for people to choose a model? How are models to be culled and hammered out if not under the auspices of the ARM?

When it was reconstituted after the 1999 referendum, there was much leadership rhetoric claiming the ARM was reformed and inclusive. The reality was the exact opposite. The same ARM continued to promote the same 1999 model. It set out a list of pretend alternatives which made parliamentary appointment look good and ignored real alternatives. *Carefully* ignored. Discussion did not merely fail to take place; it was discouraged, just as Tim discourages it now.

When we know we are right we have little patience for the fools who are wrong. It seems the ARM's position was that despite the referendum, there is one right model. If only the supporters of direct election would understand that it is inferior, they would support parliamentary appointment and we could all be united republicans together. In the meantime they must be humoured until enough of them are persuaded of the error of their ways. With lip service to direct election, providing there's no talk about models, when the time comes hopefully enough will want a republic to get the proper model “over the line.” Meanwhile keep it simple: list several obviously unsuitable models, seriously present only the two—of which direct election is anyway politically impossible—and don't yap about it.

A couple of years ago the ARM website changed. It was no longer “arm.org” but “ouridentity.org” and it became content-free. It became very professional-looking and turned into a propaganda site. Recently it has changed again to “republic.org.au” and is even more superficial. The site has no specific models (no specific anything except the proposal for a single plebiscite) and instead we have you verbally claiming there exists a cathedral full of models that will “fly,” and we have Tim referring vaguely to “the models which have been out there for a long time.”

None of the models you and he are thinking of (and so doggedly refuse to talk about) will fly. The cathedral is bare. Fresh ideas are imperative. The ARM could have had a cathedral-full or even a plethora if it had been open (let alone “absolutely open”) to other models. You can still have them—but you have to be genuinely open. By admitting them, and

addressing them, the ARM's credibility would skyrocket. Whether any of them will fly nobody knows till they are examined—and if that is not the ARM's concern, whose is it?

Models—a 1999 reprise won't work

You say you are “passionate” about parliamentary appointment. This is a mistake, and it is not going to work.

Firstly, consider that the politicians will not put any model to referendum unless they are certain it will pass. Certain. They probably do think in terms of a re-run of 1999 (they know no better) but they are not game to try it. It is too late, Peter, to tweak the parliamentary appointment model by excising the provision for the PM to dismiss the president. Had that been done in 1999, it might have worked but that's history. That tweak is not enough to guarantee to the pollies that the model will pass.

The politicians know a bipartisan attempt to retry parliamentary appointment would be widely viewed as a cynical insistence on politicians' dominance and the outraged counter campaign is easy to predict: Which part of “No” don't politicians understand? How many sham referendums are we going to have? No PM will give this a second thought.

Secondly (as a sort of consolation) you might consider the possibility that for sound constitutional reasons, parliamentary appointment is intrinsically a poor model, that those who object to it are not just nervous Nellies. You regard 1999 opponents as low-brow from which it might follow that educated people would be in favour. This is far from being the case. Even the then Labor leader and prominent promoter, Kim Beazley, admitted it had problems and I doubt there is a single political science paper that has a good word for it. You dismiss such people as nervous Nellies and naysayers but they are knowledgeable and if they are right it never deserved a first chance, let alone this relentless push for a second go.

Or, thirdly, you might consider propriety. The referendum failed although (its promoters' complaints notwithstanding) the proposal actually got a very fair go: there was no competing model, the ARM promoted it, every celebrity endorsed it and the newspapers supported it. Overall, the organisation and publicity in favour far exceeded that against, yet the people said no. How is it proper for the ARM to be trying to force its preference on so many who do not want it? Is it not disrespectful of the people? And un-republican?

Well, bad model or not, improper or not, the pollies have got the message even if the ARM hasn't. Politicians have thick hides and when the people get it wrong they tend to see it as a mere hiccup. Like the ARM, they tend to presume it means that the people need to be talked into it. Fruitlessly repeating referendums is almost standard practice in Australia. But not for the republic. It is an exception. Their hides aren't *that* thick. You object to divisiveness in the republic debate? The pollies know all about it. They won't try another republic referendum unless they are certain it will get up.

The policy of lobbying federal politicians for a rerun of the “politicians' republic” is a loser's game. It makes you look as if you are siding with the pollies against the people, yet the pollies don't want to know you and at the same time the direct electionists (who, polls tell us, are the majority of republicans) write you off. Supporters of the monarchy are laughing.

This policy has failed steadily for 16 years. For a chance of progress, the ARM needs to recognise that the 1999 model is done and finished. Continuing to promote it just doesn't have anything going for it. In terms of both propriety and pragmatism, it is poison.

The lesson is that we must have a model that is a sure bet. To be a sure bet it will have to be seen to be a people's republic, not a politicians' republic. And it has to be a kind of people's republic which the politicians will wear.

Right now you are thinking of the reverse: a politicians' republic which the people will wear—or which 51 per cent of the people can be talked into wearing. It is all very well to insist that you are only giving your personal opinion but maybe, like the Treasurer re interest rates, the ARM Chair is not allowed a personal opinion. To make pragmatic progress, you will need to resile from that. If you wish to think of yourself as representing the people, you will have to resile from it in your heart, as well as in words.

Models—a big majority is necessary

You want to get the republic “over the line,” or “over the top of the hill.” That is insufficiently ambitious and it is inconsistent with your vision. You want unity among republicans but, by definition, seeking a narrow win is to set course for a vicious campaign with a view to celebrating a victory over the distress of nearly half the voters. This is no way for the country to change its identity. Inevitably, such a narrow triumph would be perceived as the result of media bias or a rigged convention or other political manipulation.

If the ARM won't accept the 55-45 result of 1999, why would the narrowly defeated the other way accept the result? Wouldn't they campaign in the states, some of which might end up remaining monarchies? Is this how we should start our new republic? The rules require a pass in a majority of states but to be convincing a republic referendum must achieve a solid win in all the states.

The vote percentages of the eight referendums which have succeeded since federation are: 83, 55, 74, 54, 91, 73, 78, 80. Where should the republic lie on that spectrum? In 1998 when the East Timor independence referendum was looming there was discussion of the need for a solid majority. Shouldn't that also apply to us? In East Timor, 78 per cent voted for it. Why should Australia settle for less? Where there is a clear majority, the defeated have to accept that their fellow-citizens think differently; they know their cause is lost.

The republic is supposed to resolve problems caused by having an English head of state but a republic that squeaked in would create problems which would echo for decades. In short: unless a big majority is in favour of a proposal, *nobody* should want it.

The politicians are not going to embark on any attempt to “get it over the line.” Their timid holding out for a model with genuine popular endorsement is at the same time the moral high ground. The republic will be done with a will or it won't be done. Either we vote for a republic with a *big* majority or they aren't going to let us vote at all.

None of the ARM models, past or present, is viable. None is guaranteed a bare majority, let alone could take us to a republic we can all celebrate. At bottom this is because they are intrinsically faulty but the more immediate, pragmatic argument against them is that the politicians won't support them. It is futile to discuss the pros and cons of models which have no prospect of being put to the vote. A prerequisite for progress is that they be replaced with models with realistic prospects—ones which a clear popular majority would vote for and which are acceptable to the politicians.

The plebiscite is politically impossible

You have centred your campaign on a plebiscite which isn't going to happen.

The plebiscite is also a dead duck and for the same reason: the pollies won't have it. The expectation (or fear) is that the vote would be strongly affirmative which would pressure the politicians to do something. But without a plausible republic model, they don't know what to do, so holding the plebiscite would be political idiocy.

Imagine a PM has a brain-snap and tells the party room he wants a plebiscite on the republic. In instantaneous chorus the MPs cry: “What's ya model?” “Oh,” the PM breezily replies, “We'll worry about the model later.” Then they take him away in a straight-jacket.

Through the years I don't think any of your predecessors, or anyone in a leading position, ever actively promoted the plebiscite, or plebiscites. They sat there—two of them—on the ARM website but no one seemed to mention them. I always assumed the plebiscite idea was introduced to damp down the row after the 1999 fiasco while they tried to think of what to do next. It appears, though, that you believe in it. Well, consider:

A plebiscite has been ALP policy since 2000. In 2004 the federal Senate held an inquiry into “the road to a republic.” It received over 700 submissions and its report recommended two plebiscites. The ALP won government in 2007 and could implement its policy. Nothing happened. The Rudd government's “2020 Summit” in 2008 advised a plebiscite. Nothing happened. Malcolm Turnbull became Opposition leader a few months later. The stars were aligned—and nothing happened. In 2009 the Senate held an inquiry into whether to hold a plebiscite worded: “Do you support Australia becoming a republic?” There were 249 public submissions. Did the inquiry endorse it? Criticise it? The recommendations of their report say not a word about any plebiscite! The very purpose of the inquiry is not mentioned! Here we have a measure of the political respect for the plebiscite proposal. The 2009 report is online.

Do you still think the pollies will hold a plebiscite? They just aren't going to do it. They might string you along for the plebiscite is the policy you have when you don't have a policy. It is convenient since it can be postponed indefinitely but sounds plausible to republicans. Even those political reporters at the Press Club who assured you it would get a strong vote appear to have fallen for it. Mass delusion.

Prime minister John Howard at the beginning of the 1998 constitutional convention hesitantly mentioned a plebiscite but two weeks later was adamantly opposed, interjecting from the floor of the convention that he did not want it and would not have it. Only a few years ago Malcolm Turnbull MP was in favour of it.¹ But PM Turnbull wants to wait till the Queen dies and there is strong public support. No government is going to make difficulties for itself by deliberately kicking such an own-goal.

Last year opposition leader Bill Shorten said Australia should become a republic within ten years and he brought it up again when Turnbull became PM. But he didn't mention it during the recent federal election. Wouldn't an election promise of a plebiscite have been an opportunity to embarrass the PM, to accuse him of reneging? And wouldn't it have been a way for Shorten to show commitment? Though a plebiscite is Labor policy, he is never going to advocate it while there is the slightest chance he might find himself PM. [Update, May 2020: I was wrong: before the 2019 election he did advocate it and he did expect to win. He apparently hadn't thought it through.]

The ARM now seems to be staking everything on a plebiscite. It is not so much flogging a dead horse as a wooden horse—something superficially attractive but which never was alive and never could come to life.

A second plebiscite or “democratic engagement”?

The ARM website says the first step is a plebiscite to “decide by a vote of all Australians that we wish to become a republic” and it says the second step is to “decide by democratic engagement” on choosing the model. Tim spoke of “models which have been out there for a long time” from which “the Australian people in a process of democratic engagement” will decide so that then “Australians... can unite behind it.”

¹ “...it seems to me that the first step should be a plebiscite...” Malcolm Turnbull in Benjamin T Jones and Mark McKenna (eds) *Project republic: plans and arguments for a new Australia*. Black Inc, Collingwood Victoria Australia 2013.

What does “democratic engagement” mean? We are to have a plebiscite followed by “democratic engagement” to choose a model. Why the evasive, formulaic words? The ARM proposed two plebiscites to the 2004 Senate inquiry and this was ARM policy until recently. The Senate inquiry not only endorsed the ARM’s double plebiscite but said that the first plebiscite should only be held “ON THE CONDITION” that a yes vote would be followed by a second plebiscite to choose the model. Those capitals are original and appear to be the only such emphasis in the 2004 report. The 2004 report is online.

What was eating the Senators that they should so emphatically insist that the first plebiscite must only be held if there was to be a second plebiscite? I think their basic problem was the awkwardness of trying to invent a procedure which has no constitutional basis. The current ARM executive apparently knows better than the Senators and has dropped its policy of having two plebiscites and decided that Australia should have a single plebiscite. Instead of the second plebiscite we will have “a process of democratic engagement.” (How did this policy change come about? Was there a committee decision to introduce some meaninglessness? A captain’s pick? It is a big change. On whose whim does the official process for Australia to become a republic flip-flop? Why no explanation? Why does the ARM to do everything behind closed doors?)

The ARM wants a plebiscite but supporters of the monarchy do not. Why is this? Because both sides think it would pass. If it were expected to fail, republicans would be against and monarchists would be clamouring for it. The claim that the plebiscite is needed to see *whether* Australians want a republic is bogus. The reason promoters of a republic want to conduct this expensive public opinion poll is so that the positive result would pressure the government. In that event, the movers and shakers would presumably feel free to proclaim “a process of democratic engagement” and to again try to steamroll the country into their republic as the ARM attempted in 1990s. It’s all a pipe dream.

Your current efforts are directed toward generating sufficient momentum to get the plebiscite onto the agenda. I doubt having a large number of members is going to do any good at all, but if you could get some important people to publicly support it, the idea might get an airing. Your getting most of the premiers to back a republic in writing was good publicity but why didn’t they call for a plebiscite? You would have talked to them about it. The premiers say they are in favour of a republic but are they willing to actually do anything?

If you did manage to get prominent people to publicly demand a plebiscite it might trigger a discussion. Any discussion of the republic is a good discussion but this is when we would find that the simple plebiscite idea is not so simple. As the debate, highly politicised, progressed, the two Senate reports would be dusted off and we would see some kind of repeat or reflection of the sequence of events outlined above—spiced up by the derision of those who favour the status quo.

Some, including many of your new members, would begin to think that the plebiscite was constitutionally dubious. To counter the so-called “blank cheque problem” some would conclude, like the 2004 inquiry, that the a first plebiscite should only be held on the condition of an assured second plebiscite to choose the model.

The 2004 inquiry accepted the ARM’s set of phony models (without offering a word in justification, by the way) and stated that the second plebiscite should choose from among them by preference voting. The senators said voting should be compulsory but didn’t pause to ponder whether supporters of the monarchy would decide to vote for the model they least despised or for the model they thought would be most likely to fail at a subsequent referendum. Is this really “the road to a republic”? Preference voting suited the ARM because it was foreseeable that popular election would get the most primary votes but that parliamentary appointment would win on second preferences (which would somehow then

pass a referendum initiated by the brave politicians in the face of national ridicule). Might not the manipulations be a tad obvious and might not the public demand the inclusion of a model called “keep the status quo”? That is where the monarchists and all second preferences would go—and kill the republic stone dead.

What *were* they thinking of? Would these lawmakers pass bills by preference voting on multiple options? Whoever made the decision, it was right to abandon the second plebiscite. The ARM’s fatuous “process of democratic engagement” makes more sense.

Now the ARM must abandon the first plebiscite too, for even if (as I doubt) you can get the idea into public discussion, it will be revealed as a quagmire and ultimately go nowhere. The idea of a plebiscite is naivety or trickery, a device to skirt the real problem—for republicans, a pathetic hope to build momentum and force the republic into being; for politicians, an expedient they can use to put off any real action.

The plebiscite is a stratagem to get the country to commit to change the constitution without saying what the actual change is. Like Brexit, it is a plebiscite whose meaning is not known. It is not a suitable process for Australia to change its identity and the 2009 Senate committee’s extraordinary null response perhaps indicates that it had woken up to this.

There will be no blue-sky plebiscite, whatever the politicians are telling you. The only way they could entertain a plebiscite would be if you also took a sure-fire model to them. But if they saw a model had solid support there’d be no point in a plebiscite as they could just follow proper constitutional procedure and hold a referendum according to section 128. Show the politicians a model with broad support. That is the republican task.

The ARM must change

I salute your energy and enthusiasm Peter, but for republicans the whole plebiscite plan has been another blunder and its cause is the usual one: a biased ARM. As long as there is no consultation, as long as everyone who disagrees with the narrow ARM view is outside the tent, the ARM will continue to ignore opposing views and bad decisions can be expected.

For me, the plebiscite plan is the most depressing aspect of your campaign. Its extensive promotion now makes it awkward to let go. Yet until it is abandoned you are kidding yourself and duping your new members. As I say, any discussion is good but I doubt you can get the necessary prominent endorsement to get a discussion started. And, anyhow, just how Machiavellian do you want to be? It would surely be easier to generate publicity through discussion of models and much more likely to lead somewhere useful.

If you do manage to change your mind, how free are you to say so? Who is looking over your shoulder? Are all members of the ARM executive convinced of the plebiscite? I can only think that you might express the hopelessness in your own words and circulate it for comment. Then if you have the numbers, call a meeting and formally overturn it. You should get some decent press for the republic out of it.

Part 2: How we got into this muddle

Why the 1999 referendum failed

How much ink has been spilt explaining the 1999 failure? I will be brief. It was not because opponents mounted a scare campaign, not because opponents dishonestly promised a referendum for an elected president, not because John Howard cunningly undermined it, not because of devious wording on the voting paper, not because Australians are curmudgeons who always say no, not because our Constitution is hard to change (it is about average), not

because the Queen was still breathing, not because of any self-serving excuse put forward by its disappointed advocates.²

Would the 1999 referendum have squeaked in if those alleged hindrances had been absent? Possibly. But you never have everything your way and there were significant plus factors: the media were in favour, almost all elites were in favour, and it was boosted by middle-class voters, particularly in Liberal electorates, who were frightened of direct election.

The main reason the model failed is the same as for most of those other failed national referendums: it was seen as a politicians' power grab. Given that your personal inclination is to the left, you might note that Labor has form here: since federation, Labor governments have submitted 25 proposals to referendum and only one passed (the one with 54%).³

Post mortems with a view to figuring out how to get the same parliamentary appointment proposal "over the line" are futile because that model is now too politically risky. Let's get over it. Let's assume we dodged a bullet in 1999. Let's move on.

Top-down versus bottom-up

Promotion of the 1999 proposal was mainly from Labor and opposition was mainly from the Liberal-National side yet the division within republican voters which sank the referendum was largely contrary to that official backing. You interpret this as high-brow versus low-brow and it is true that support was greater in inner metropolitan and among higher socio-economic strata. But as analysis this misses the mark. The pertinent characterisation of the two republican camps is top-down versus bottom-up. The important people who pushed the top-down model are generally going to be high-brow.

You construe the Eureka Stockade as low-brow but its essence was the bottom-ups angry at the top-downs. You may or may not be right that low-brow is Australian. You seek unity—is that Australian? A stouish is Australian and it is very Australian to resist politicians trying to increase their power. In your Press Club speech you implied (twice) that the low-brows do not understand the word "plebiscite." That is patronising and top-down. Republican resolution of difference would be through negotiation and compromise but you seek unity through bottom-up surrendering to top-down. If Peter Lalor is your hero, he is turning in his grave. Sixteen years of nothingness tells us the bottom isn't bothering to argue.

The very point of moving from a monarchy to a republic is to go from top-down to bottom-up. (There's nothing low-brow about the US independence declaration.) The 1999 model wanted to go from top-down to top-down. As long as everyone believes the only alternatives are *politicians appointing* versus *people electing* there will be no resolution. Your suggestion that a convention or citizens' assembly could somehow resolve the difference is unrealistic. Both were tried in 1998. A convention is grandstand theatre which hardens preconceived positions; a deliberative assembly is ineffectual. The resolution will have to be a different model and it will take hard thinking. That thinking has yet to be started. It will need to have been done, and the model decided, *prior* to any convention.

The 1993 RAC's artificial dichotomy

The 1993 Republic Advisory Committee chaired by Malcolm Turnbull was supposed to do that prior thinking. Instead the RAC report set in train the whole republic debacle. The RAC's attempt to steamroll the republic is the reason the public thinks there are only the two options, *parliament appoints* versus *people elect*. These are extremes. Where are the corresponding moderate positions? Where is *parliament elects*? Where is *people appoint*?

² Not all yes-voters make excuses. For a sober analysis of reasons see John Warhurst, *The republic campaign in Australia: past present and future*, APSA conference 2003.

³ Non-Labor's score is 7 out of 17, excluding 1999.

The idea that the *people appoint* the president was suggested in 1992 by the founding chair of the ARM, Thomas Keneally. He proposed a head of state “who is appointed by and can be removed by the Australian people.”⁴ The Governor-General is currently appointed by the Queen and over the years the various proposals have included appointment by the PM, appointment by parliament, appointment by judges, and appointment by an electoral college but Keneally seems to be only prominent person to suggest appointment by the people. Much grief might have been avoided if he had been listened to but by 1993 the chair of the ARM was Malcolm Turnbull, who was also chair of the RAC.

As for *parliament elects*—it was actually required by the RAC’s terms of reference. Election is generally more democratic than appointment and parliamentary election is roughly what Germany and Italy do for their presidents. The RAC Terms of Reference said: “...the report should address... ..appointment following election by the Federal Parliament.” Election by parliament: it is in black and white and it was ignored. Instead the report promotes appointment by parliament which is actually not explicit in the Terms of Reference, the nearest thing being: “selection by the government and endorsement by both houses.”

By ignoring the instruction to consider parliamentary election and instead promoting parliamentary appointment, the committee made a bid for maximum political power. It not only backfired, but has poisoned the whole concept of politicians having anything to do with selecting the president. Any attempt now to have parliament elect the president would be viewed as another push for the “politicians’ republic.”

The RAC report makes no mention of popular appointment. The Turnbull Committee held hearings around Australia and received over 400 submissions. The report complains that many witnesses advocated popular election but the submissions are not published and I have always wondered: did no one ever rise and assert that in a republic the people are sovereign and therefore, since our sovereign appoints the GG, the people should appoint the president?

Turnbull himself wrote at the time, “At present, the Governor-General is appointed by the Queen acting on the advice of the prime minister.”⁵ Did the highly intelligent Mr. Turnbull, prominent lawyer, chairman of both RAC and ARM, really not see that to make a minimalist republic all he needed to do was to put “people” for “Queen” in that sentence?

The only skerrick of sovereignty the Queen has is her appointment power. That’s what all the argument is about. Is a republic a place where the people are sovereign? If it is, shouldn’t the very *first* republic option be for the people to take over the monarch’s job? If this is a bad idea it should be shown; it should not be simply disregarded.

Popular appointment is not done for any head of state (to my knowledge) but it is the way half the states of the USA appoint their judges and it is how Japan’s Supreme Court judges are appointed. It is known as the Missouri Plan and it was adopted in US states precisely because of problems with popular election.

Are you indignant that you never heard of it? You should be. What are its pros and cons? That is what an expensive inquiry is supposed to advise. What other ideas were quashed? Eleven years after the RAC report, the 2004 Senate inquiry received its plethora of suggested models. What do you know of them? The 2004 inquiry’s recommendations ignored the plethora and endorsed the ARM’s policy of fake models and two plebiscites.

Back in 1993, the Turnbull Committee’s Terms of Reference required it to “describe and analyse the possibilities and main arguments for and against them.” The Committee “should not make recommendations” yet of its two extreme possibilities, the RAC Report has three pages of argument against popular election (pp. 69-73) and no word in its favour, and it

⁴ *The Australian*, 15 February 1992.

⁵ Malcolm Turnbull, *The Reluctant Republic*, Heinemann 1993, page 122.

has four pages of argument for parliamentary appointment and no word against (pp. 66-69). If the ARM still has an office it will have this report on its shelves. Check it out: popular election is all bad and parliamentary appointment is flawless. On each proposal there is even a sub-heading in italics: *Arguments for and against*, but for the parliament there are only arguments *for*, and for the people only arguments *against*.

The RAC was supposed to set out the options. Instead they invented a proposal for *parliamentary* appointment which they praised to the skies and were oblivious to *popular* appointment. They ignored their instructions to consider *parliamentary* election and made a bogeyman out of *popular* election. That is how they followed the instruction not to make recommendations. The RAC report set up the crude polarisation which has hobbled the republic ever since. In view of the expert criticisms, then and later, of parliamentary appointment, the RAC's uncritical endorsement of it was irresponsible.

If they'd done their job properly we'd have had both pros and cons and we'd have had four options, not two. As well as their two extremes we'd have had two moderate models. In particular, comparing parliamentary appointment with the hoopla of popular election is like comparing apples with eggs, whereas to compare politicians appointing the PM's choice with the people appointing the PM's choice might be comparing apples with pears. Of course this reasonable comparison would have made parliamentary appointment very hard to defend.

The RAC report gives a nod to more than its two extreme models: it also mentions appointment by the PM and appointment by an electoral college. It gives these each a single page. Here is the source of the fake models the ARM has peddled down the years—models which the RAC did not take seriously but which the ARM kept on their list in order to make parliamentary appointment look good.

Much of the 1993 RAC report seems to have been written for the purpose of criticising popular election. It is sprinkled with pejorative references. For example, it repeatedly worries that an elected president might be too popular (e.g., pages 4, 70, 71, 72). Why no disquiet about an *unpopular* president? The Queen is popular. The allegedly flawless parliamentary appointment would have left the president as unknown to the wider public as the GG is. In what way would such a public nonentity be a replacement for the Queen? Nowhere in the report is this discussed.

If the people appointed the president we would not see the president's grandchildren being chased by paparazzi but at least everyone would know the office existed and who occupied it. The report does not consider this. Half this RAC panel were lawyers. Didn't they know how lawyers become judges in the US? How could they find direct election to have problems and ignore the remedy applied for appointing judges in a couple of dozen jurisdictions?

It suited the proponents of top-down rule to exclude moderate options; it suited them to set their preferred model against a bogeyman and it has been remarkably influential. Twenty-two years later you followed their script at the Press Club when you praised parliamentary appointment and in the next breath condemned popular election.

The 1993 Republic Advisory Committee disregarded its instructions, delivered a polemic instead of a report and took the Queen's shilling for it. This biased report politicised the republic by moulding the two-model caricature which the referendum campaign later set in concrete. They set up a parliament versus people quarrel and a division between two factions which generated years of ratbag argument, a bun-fight national convention, and a failed referendum. It has left us trapped in a polarised stalemate where each faction can veto the other by joining with supporters of the status quo. All this and hundreds of millions of dollars and we haven't even twigged that the approach was faulty.

The RAC's two-volume report contains much useful material on how the polity works but the committee's disregard of their terms of reference and their prejudiced treatment of their central commission set the pattern of the republic as an elite plaything.

It was breach of trust which has ongoing consequences. The two-model dichotomy is now taken for granted in practically everything said or written on the republic. It is part of the background. In 2012 former Queensland Labor premier Peter Beattie said bluntly that "in reality" there are only these two choices.⁶ If he thinks that is reality, what chance have ordinary people got? No one asks where this dichotomy comes from. It is like a law of nature: politicians appoint or people elect—what else could there possibly be? The polarisation is an artefact of the preconceptions and political preferences of the Republic Advisory Committee. They are responsible for the extent to which Beattie and the general public came to think in terms of binary alternatives. For as long as we go on believing this, the republic will be out of reach.

Who actually read the report? The important people. It was the handbook to the 1998 con-con. So the breach of trust should have been called out by the high-brows who run things but it wasn't and the tactic nearly succeeded: 45 to 55 is not a huge loss. Who among the low-brow read the report? Almost nobody. Who among the low-brow smelt a rat? Almost everybody. Somehow the Australian low-brows' built-in bullshit detectors were triggered and the referendum failed. Now, after 23 years of failure let us admit that the con is not working—not on its own terms and not for the country.

It is widely presumed that opponents of the 1999 model were people who favoured a popularly elected president. But actually no such option existed. (In 2006 the ARM brought together a number of republican groups for a weekend. *None* of the models presented involved direct election.) Popular election barely existed beyond the spectre created by the RAC. It was a straw man and by harping on it proponents of parliamentary appointment distracted from the faults of the model that was actually on offer.

The result was a sort of mass stimulus-response conditioning: those who favoured one side were conditioned, not to defend their model, but to criticise the other side. This went on for years. Neither side answered criticism; instead they just attacked the perceived alternative. It continues to the present day: at the Press Club, after speaking warmly of parliamentary appointment, you immediately criticised popular election. Late last year [2015] Paul Keating did the same in an interview with Kerry O'Brien. It is astonishing how motivated parliament supporters are to instantly attack, as if by reflex, a model which has no chance of realisation and which does not even exist in a coherent form.

At the 1999 referendum parliamentary appointment was the only model—take it or leave it—so the tactic of attacking the direct election phantom couldn't be applied. In the official information pamphlet, the "no" case filled its allocated space with the well-rehearsed faults of parliamentary appointment but the "yes" case had no target to disparage. It did not respond to the alleged faults in its proposal and could find so little to say in favour of its own case that it left most of its allocated pages blank. The voters decided to leave it.

The 1993 RAC's failure on legitimacy and non-partisanship

The essential reason the first response to criticism of the preferred model is to attack the competing model (real or imagined) is that neither model is actually defensible—so the only defence is to attack.

⁶ P Beattie, "So long as the Queen reigns, an Australian republic is on ice", *The Australian*, 17 November 2012.

In addition to the general republican principle of switching from top-down to bottom-up, Australia has its own particular principle: minimalism. Both parliamentary appointment and popular election violate it.

The RAC's Terms of Reference required it to find "the minimum constitutional changes necessary to achieve a viable Federal Republic of Australia, maintaining the effect of our current conventions and principles of government." Most (not all) republicans agreed with this and would still agree with it. They would say the less disturbance the better and most people seem to accept that the president should be a replacement for the present GG.

Two vital aspects of the present system need maintaining for there to be minimal disturbance: *legitimacy* and *non-partisanship*.

Legitimacy

Cut to its bare bones, the current position is that the GG lacks the legitimacy to intervene in day-to-day governing yet possesses the legitimacy to sack the government. It's a paradox: huge authority to determine the fate of cabinet and parliament yet no authority regarding mundane governance. That is what a minimalist solution to the appointment problem has to achieve. That is the fundamental problem the members of the RAC were engaged to address. They never did so.

The GG acts in the name of the Queen; the republican president can only act in the name of the people. The people are the source of legitimacy for the president to sack the government. If (as in the 1999 model) parliament were to *appoint* the president, the parliament would be replacing the Queen so the president would have no authority from the people to sack an elected government. On the other hand, if the president were *popularly elected*, the president would have that authority along with a mandate to intervene on whatever day-to-day issues he or she had campaigned on. Thus neither model is minimalist on *legitimacy*.

Non-partisanship

The Queen and the GG are non-partisan. Though many GGs have been former politicians, appointment by Her Majesty as her representative has enabled them to stand above the partisan fray. If (as with the 1999 proposal) the appointment depends on the cooperation of the opposition party, the candidate becomes a party-political pawn. This regularly occurs in the US and in the case of Supreme Court Judge Scalia, who died last February, partisan squabbling has completely prevented appointing a replacement. On the other hand, campaigning for popular election requires partisan support and involves partisan favours and debts, which is why state after US state introduced the Missouri Plan for judge appointments. Thus neither model is minimalist on *non-partisanship*.

The two RAC models are not minimalist. This is the underlying reason the respective proponents cannot defend their own model and find it easy to attack the other model. If we are to progress we must move on from the RAC's two-model dichotomy.

Truly minimalist models must be developed. To be minimal, the president must (a) appear non-partisan and, (b) have the legitimacy to sack the government but lack any authority to intervene in day-to-day governing.

My ARM

I moved to Canberra in 2004 and joined the ARM. I was a member for three or four years. It took me a while to realise that the monthly meetings were a sort of displacement activity, mainly about raising money, and that we didn't actually discuss the republic. A lot of money was raised, particularly with the annual lottery, and a couple of years ago someone donated \$100K. There is nothing to show for it and the republic is more remote than ever.

I couldn't understand why so much effort was being put into promoting "a" republic. That was the one thing which had been achieved by the 1990s campaign. Exit polls at the referendum had indicated over half the "no" voters were actually in favour of a republic but disagreed with the referendum model.⁷ Australians obviously didn't need convincing of the basic idea. The support was there; all that was needed was a practical proposal. And anyway what on earth was the point of promoting a republic without a practical proposal?

Even now, after 16 years in the wilderness and many new young voters, the republic scarcely needs promoting. If you are able to make it a live issue—if you can make it seem that something could actually happen—this will suffice to bring it well into positive poll territory. The monarchy is an anachronism. It is not in the nature of Australia to be a monarchy. Selling "a republic" is essentially unnecessary.

In 2006 the ARM executive, then still in Sydney, decided to set up a web site to discuss models. Great! But then we heard it would not be ready in time for the upcoming gathering of republic groups. Then there were more delays and after a while it became clear they were not going to do it and it became embarrassing to mention it. I was mystified by the lack of frankness and the atmosphere of controlling politeness.

The whole time I was there, models got discussed twice and both times I was the instigator. Both occasions were lively discussions and it was only afterward that it dawned on me that members of the executive who were present did not participate. For a couple of years I attended each meeting hoping that this time we would sit down and begin to nut out a model that the politicians could put to referendum. It never happened. Over time I became aware that model suggestions, oral or in writing, evoked no glimmer of interest from the executive, not even casual, polite interest. No objections—just blank nothing.

ARM policy was also never discussed or even explained. It seemed to be a matter that was no concern of ordinary members. There were always so many urgent things to do: organise a trivia night or man a booth or sell lottery tickets or print T-shirts or report that a letter had been written to the queen or what some politician had said, or what the latest outrageous claim by the monarchists was, or that a lecture had been given or attended. Busy, busy, busy. The activity achieved nothing and polls on the republic went south.

The members attending meetings were stalwarts; some had been members since the early 1990s. I am sure it included no one who voted no in 1999. Occasionally young people would join. They would come to a few monthly meetings and then we wouldn't see them again. I came to realise that the ARM membership had evolved, by a kind of natural selection, to consist of well-meaning people content to mark time.

The ARM's "key objectives" listed in 2014 illustrate the situation:

- 1) Communicate a republican Australian story
- 2) Build support
- 3) Build partnerships
- 4) Raise funds
- 5) Transform the Australian Republican Movement to achieve the above.

The number one key objective is to spin the public a yarn! It is hard to credit anyone would ever believe these were key objectives let alone go on believing in them after more than a decade of utter failure. The ARM has lost sight of its purpose. The real key objective is to become a republic, and the key to that is a viable model. Whenever the republic is

⁷ Mackerras, Malcolm and William Maley, 2002. "1999 Republic Referendum Results: Some Reflections", in J. Warhurst and M. Mackerras (eds), *Constitutional Politics: The Republic Referendum and the Future*, University of Queensland Press Australian Studies.

mentioned, the first question asked is: What's the model? Everyone knows this. But the ARM is officially oblivious, diligently distracting itself and everyone else with make-work.

Honestly, if the ARM were a monarchist fifth column it couldn't have done a better job. Couldn't have. For 16 years it has occupied the stage and sucked the oxygen out of the republic debate. It attracted, exploited, and neutered those who wanted to contribute and the republic steadily receded. Sixteen years of blah. Now your key objective is a plebiscite. That is more to the point but it is still a displacement activity; it is still a yarn and it is a dead end to boot. Why not set about solving the real problem?

Years passed, I eventually grasped the unspoken rule—don't mention models. I wondered what the members were there for and finally realised the ARM was still dreaming of winning the 1999 referendum, that the reason no one was allowed to say or do anything meaningful was because the strategy was to hold the fort till the political stars aligned. Since I did not believe that would work, I gave it away. Now, nearly a decade later, the stars are perfectly aligned and the strategy is indeed not working.

It seemed that while waiting for the messiah PM, the task was to steer the rank and file, and that the executive aloofness was not so much contempt for the hoi polloi as fear of them. Power is not wielded by chattering so one must be careful of talk. Some months ago, the Pope upset conservative bishops by allowing delegates to the Catholic synod to talk to each other. This was seen as dangerous, just as Tim sees talk of models as dangerous. I say: do a Pope Francis. Sort out that web site and get a discussion going over models. Since we don't even know what models there might be, the ARM is way behind the Pope: it is as if he had never heard the word "divorce" let alone freed up discussion of it.

No PM will lead us to the promised land. That's your job.

Part 3: What is to be done?

I have from time to time wondered why your predecessors took on the job of heading the ARM. It seems such a thankless task. Were your immediate predecessors prevailed upon to accept the job because no one wanted it? A couple of years ago the website changed its name from arm.org to ouridentity.org. Whatever the explanation for this (Why is it a secret?) it was extraordinarily bad for publicity. Around the same time the list of fake models disappeared and the site took on a glitzy look. Then suddenly I discovered that National Director David Morris and Chair Geoff Gallup had become unpersons—vanished without trace. In their place there were two acting officers, Michelle Wood and Allison Henry. What had happened? No one is saying. Then they, too, suddenly became unpersons. Why doesn't the ARM have an honour board of past office-holders? Why keep erasing the past?

Suddenly you popped up. For six months the site had names and photos of you and Tim but no biographical info, no indication of other executive positions or who fills them and no information as to a board of directors or what committees there are and who is on them. Presumably meetings are no longer held. The site has now once again changed its name. It is republic.org.au and now does give some information about the executive. This is good but otherwise there is, if anything, less content than ouridentity.org had: just promotional verbiage, photos of smiling republicans, and very sophisticated Twitter windows.

Was the ARM collapsing? If so, and if you stepped in try and rescue it, you have nothing to lose by getting real. And there *is* a republic to gain. The ARM still has cachet—it got you in front of the Press Club and gets you some media coverage—and it would be perfectly possible for the ARM to get a debate going. There is a lot of goodwill; people do really want to see Australia become a republic. But if we are going to get there we must be able to talk about it. Ignorance is not strength. Present policies will at best send the ARM toward another barren 16 years and more likely destroy it.

Stop the hypocrisy

On the ARM website you “invite everyone to join the conversation.” What conversation? There is none. Orwell would be dumb with admiration. All we have is you and a few members of the commentariat occasionally pontificating (or slinging off) in the newspapers. The website doublespeak waffles about models “generated through informed community discussion.” There is no hint of discussion.

Why isn’t there a blog talking about the cathedral’s alleged inventory with analysis of tactics and external links to sources and articles on the republic? Who should host such discussion if not the ARM?

The sort of money the ARM has raised over the years could have set up an encyclopaedic website. Instead, we have hypocrisy and propaganda. If there were “informed community discussion” someone would have long since held the plebiscite policy up to the light. Instead of getting out of hand, the policy would have been binned as soon as articulated. An ARM that wanted discussion would welcome such informed contributions; it would post them and invite comments.

The last thing the ARM wants is discussion. Free speech is basic to a healthy polity but the ARM wants to control, control, control. The ARM wants to guide the country to a republic by taking all possible measures to stop public discussion of it!

At the Press Club you stared at the camera and said, “We need engagement. Camera one on me—we need engagement, okay? Email us, write us, tweet us, get on with it, send us your money.”

Having made this direct appeal for public engagement, you never mentioned the people again. You spent the rest of your speech talking about politicians, how the political stars should be aligned, how it needs bipartisan support in parliament and how you are going to have lunches with captains of industry. Given a good plebiscite result, you would work out a model with the direct electionists, Ted Mack and Phil Cleary. Is this the “process of democratic engagement”?

The republic must cease being a plaything of the elites, not only because it is anti-republican but because the elites have such a perfect track record of incompetence. The wisdom is in the crowd, especially with something as complicated as the republic.

All is in vain unless you turn this on its head. The money will be thrown to the winds as it has been since the beginning. There are countries where unity can be achieved by suppressing dissent but that won’t work where referendums are honest. The unity must come from agreed compromise. The ARM has to lose its visceral fear of talk. Unless the people can discuss the republic there won’t be one.

It’s up to you whether, after 25 years, we can begin real discussion of an Australian republic. Open up that website—and then “invite everyone to join the conversation.”

Be frank about the political (im)possibilities.

It can’t be often that a new broom has so many creepy-crawlies and their accumulated droppings under the carpet waiting to be swept away. If you can relish the dust-up, your position is exciting. And so easy! All you need is to speak the truth and they’ll be scuttling in all directions. You do need to be able to say, “I’ve changed my mind,” but that might win you more points than it loses.

With the ARM so closed and veiled, I cannot judge how much autonomy you have. You are not a politician and there is the possibility of being “played” as Frank Lowy was by the FIFA executive. In that case I could only suggest you think up ways to rock the boat. For instance, undermine the plebiscite as I suggest above. Recognition that the plebiscite is

baloney is probably necessary for the republic to go anywhere. [Update, May 2020. In early 2020 the ARM suddenly dropped the plebiscite plan.]

My suggestion for getting real would be to start by announcing that you doubt the direct election model has any prospect. If you get a bite, up the ante and declare it is impossible then finally declare ARM policy to rule it out entirely. That sounds far-fetched in today's mealy-mouthed environment but the facts have to be faced sooner or later. This single action would probably receive more publicity than all your efforts to date. The bigger the furore, the better.

You need never discuss the merits of direct election per se. That can be left to the politicians; it is they who won't have it; let them do their own explaining. Sufficient reason—your sole reason—for ruling it out is that the pollies won't allow it. Peter Reith will back you with alacrity and a few more politicians or ex-politicians will join him. The commentariat will be divided, which is excellent. Will it get politicians offside? I doubt it but if so it is no loss and should yield more publicity. Like countries, politicians don't have friends, only interests. People who think they can keep politicians onside may wind up like Lowy.

All I am suggesting is candour. Can you do it? Or will you continue to claim, well knowing direct election can never “fly,” that you are “absolutely open” to it? This lets the politicians off the hook, makes you suspect in the eyes of the parliamentary appointment supporters, and alienates the direct electionists who know it's not dinkum. By declaring it dead, you would get its proponents offside. That's engagement. Clarification will be needed so you will need to explain for the umpteenth time that it is not your fault—it's the politicians who won't have it. The media will love you. You seek unity among republicans? You *might* get it from a compromise after a barney; you *won't* get it by suppressing discussion.

There will always be supporters of direct election. They have been the majority for 25 years. A republic is unlikely unless they decline to a minority. Since 25 years of devious top-down opposition has failed to achieve this, it needs a rethink. Isn't it time to give honesty a try? With a bit of openness, you could test the water, maybe even settle the matter. If you could generate a decent row, you would not only get people who superficially like direct election to ponder the implications, but if you can effectively mock the perennial proviso of codification (mockery is all it deserves), the logical conclusion would be politicians admitting that direct election has no chance. I wouldn't bet logic will prevail but the main thing is that the matter be aired and direct election be pushed to the background.

Support for direct election will remain strong as long as opposition to it automatically implies favouring a “politicians' republic.” So during the brawl over exclusion of direct election, discussion of the parliamentary appointment model would be off-topic—though you could say vaguely that all models are under review by the executive. Given your publicly expressed preference that should be a useful stir. Eventually, as the dust begins to settle on the direct election row, lift the carpet on parliamentary appointment. Declare it dead because it was swept out in 1999. After all, what sort of republic does not respect the people's verdict? The politicians' subsequent inaction indicates they do respect it. Therefore it, too, is dead. Since you are repudiating 16 years of ARM policy, you might get some push back. Hopefully. There might be media discussion of various models—terrific.

Expose those other putative models as political cloud-cuckoo land and declare the cathedral empty. There is no point in discussing the merits or demerits of any models in the current cathedral since they are all politically infeasible. They are also divisive and we should become a republic with a will. Some people would choke but all you'd be doing is telling it like it is. Some might be jerked out of their fixed positions. A majority of Australians want a republic and this would be the ARM finally accepting that the politicians will do nothing unless a viable model is handed to them on a plate.

As far as I can see, your close contacts among politicians are of little use to the republic until you have a bargaining position. You really can't rely on them you know: one day they promise to head a parliamentary friends of the republic and the next day they resign from parliament. Your bargaining position is non-existent until the ARM has a model which the people support. To find one, it is as you say: you need to engage the people. Real engagement, not pat-on-head engagement.

Hold a competitive Republic Model Search.

Because there is no conversation, because debate has been distorted by the dichotomy created by the RAC report and because discussion has been so restricted, no one participates and no one knows what the possibilities for models are. I suggest a process to discover them, a process which would genuinely engage the people and which at the same time should be educative and generate publicity to dwarf everything since 1999.

Set up a board composed of achiever republicans such as Janet Holmes à Court, Greg Craven, Phil Cleary, an ex-politician, a journalist, an artist, a TV personality, a sporting personality, raise \$250K, announce a competition for models with significant prizes, say \$10K for ones the judging panel thinks have prospects. Prizes are a proven method of solving knotty problems. Break it into stages with graded payouts, the final one being for a complete schedule of necessary constitutional amendments. Have merit prizes of \$500 for good tries. Put all stages on the web and subject them to blog discussion.

Emphasise in the rules the necessity for political feasibility, i.e., that it must be acceptable to both parliament and people. Hire a half-time academic to moderate the site. Get schools involved. Those Senate inquiries are chock-a-block with sanctimonious recommendations for public instruction to counter an allegedly woeful lack of constitutional understanding. Indeed, that peculiar 2009 Senate report implicitly blames public ignorance for the lack of progress toward a republic. Prime minister Malcolm Turnbull says the deliberative assembly of 1998 showed that education is all that is needed to persuade people to the parliamentary model so he will be delighted to fund teaching kits. A competitive model search would do wonders for public education about the Australian political system. Aging academics would resurrect half-forgotten models from bottom drawers. After two years of letting a hundred flowers bloom, hopefully heavily reported in the media, hold a gala night and present prizes. In Alice Springs, rather than Canberra.

Think how this would clear the air. We would learn of, and refine the details of, every conceivable model. The stifling dichotomy the RAC has saddled us with would be gone, and both the event and its results would be widely known. Then instead of going, bandanna in hand, as a supplicant to the politicians, the ARM would be a negotiator, showing them the way. If you had a convincing model, backed by public enthusiasm, you'd put the politicians on the spot. Yet they'd also be glad to see how to heal a running sore. If the process were successful, the politicians' only contribution would be to formalise it.

Such a competition would be fair, fun, and genuinely democratic. It would cost a fraction of the ineffectual top-down inquiries we have known to date. The cost would be almost invisible compared with the 43 million of taxpayers' money given to Frank Lowy for his FIFA failure. And unlike those inquiries, it would resolve something.

Temporarily shelve the republic

Section 2 of the Constitution provides that the GG shall be "appointed by the Queen... during the Queen's pleasure." This is the only mention of appointment. These few words are what the argument has been about for 25 years. For us to be a republic someone, other than the Queen, must appoint the GG/president. Every entry to the model competition must offer a solution to this problem.

It might be smart strategy to resolve this appointment question before moving to a republic. Since the republic is so difficult it might be easier to do one thing at a time. Changing just the appointment procedure would not itself affect the monarchy. Though the purpose would be to clear the way for a republic, if the ARM were to set the republic aside and concentrate on solving the problem of appointing the GG, it would not actually be attacking the monarchy.

If a proposal which dealt solely with the appointment of the GG were put to referendum its opponents would have to argue the Queen does a better job appointing GGs than the proposal would. Presumably their concern would be safety. This a valid concern (not nervous nellyism) and a new appointment procedure would need to show it was safe.

If a new, domestic, Australian method of appointing the GG became law it would have two effects. Firstly, the division in the republic camp would be gone so in a subsequent campaign for a republic, the monarchy would have to be defended on its merits, whatever they might be, rather than by relying on internecine republican division.

Secondly, we could consider what sort of republic we want. We could discuss the details of becoming a republic without the distraction of the appointment procedure which has dogged us for 25 years. There are about two dozen mentions of the monarchy in the Constitution to be dealt with. Some concern powers now considered defunct—which simply means they have accrued to politicians. Should they be devolved to the people? This is a republican concern and deserves open public consideration. In 1999 they were lost in the swirling fog of argument over the selection of the president.

Missouri Plan for popular appointment

I would resolve the appointment question with a version of the Missouri Plan. I sketch it with some hesitation for I am not writing this letter to promote a particular model. I offer it as evidence for the existence of models with a prospect of broad appeal.

For the people to appoint the GG, replace *Queen* with *People* in two places in section 2 of the Constitution. It would then specify a GG “appointed by the People... ..during the People’s pleasure.” This transfers the appointment power from Queen to people.

No accompanying statutes are needed if normal conventions continue. Conventions are centuries-old practices which are not set out in any written law but which make up our unwritten constitution. The first relevant convention is that there exists a “prime minister” (who, by convention, is appointed by the GG who, by convention, expects the PM to have majority support in the House of Representatives). When the time comes, the PM informally discusses the appointment of the next GG with the Queen.⁸ The PM then formally writes to her requesting that she appoint the candidate and she writes back doing so.

To follow these conventions with the people as sovereign, would require the PM to informally discuss the suggested candidate via the media and then hold a postal referendum:

Dear sovereign citizen,

The time has again come to appoint a new Governor-General. I am delighted to recommend Jo Bloggs AO. Ms Bloggs has an outstanding record of public service including... I ask you to appoint Ms Bloggs by ticking the green box on the card and posting it in the pre-paid envelope. Thank you for your attention.
Your humble and obedient servant, Malcolm Turnbull, Prime Minister.

⁸ The common assertion that the Queen obediently appoints the PM’s candidate is incorrect. See Sir David Smith’s evidence to the 2004 Senate inquiry.

By the green box would be: “Dear Prime Minister, I am pleased to appoint Jo Bloggs as Governor-General for five years.” By the red box: “Dear Prime Minister, I regret I must decline to appoint this candidate. Kindly submit another for my consideration.”

The prospect of rejection of the PM’s candidate should be apparent from opinion polls prior to the referendum and the PM could withdraw the nomination. Compared with current arrangements, the PM loses a small amount of power but gains in that a Hollingworth would be exposed before, not after, taking office. In the normal course of events, the five-yearly appointment would be a moment of national concord.

Present advocates of direct election might be content that, apart from the PM, politicians continue to play no role. Present advocates of parliamentary appointment might be content that there is no campaign or policy promises. (No politician participation plus no campaign satisfies the minimalism requirement discussed above.) Neither camp would actually lose anything and as republicans they should have the same answer to the question: Which is better, the Queen does it or the people do it?

I have been discussing the ins and outs of popular appointment with friends and colleagues for many years and it has been published a few times.⁹ Unlike the better known models, all of which are constitutionally flawed, popular appointment seems to have no flaws—though that could really only be judged by subjecting it to much broader discussion.

Most people, when they hear of it, think popular appointment promising—except ARM executive members from whom I could not elicit any interest. But then in 2011 David Donovan, a member of the executive, got very interested. He asked fellow member and constitution expert, Professor George Williams, for his opinion.

Williams saw flaws. He was concerned about what I mean by “people” and whether that would include those under 18, non-citizen residents, prisoners and those “attached of treason etc.” He thought the Constitution would need to define “people” in order “to avoid significant litigation over each appointment.” He said the plan would “displace existing conventions around the role of the Prime Minister” though he did not say which ones or how; he worried that parliament might “manipulate the process” but did not elaborate; and he “personally” thought it would only be viable if the reserve powers were codified but he did not say why.

I got no reply when I queried these objections. I think they are empty. It struck me that the disparagement epitomised the republic debate. There is little inclination to be positive, to say, “Oh what an interesting idea; let’s see if we can knock it into shape.” Instead the polarised atmosphere has generated an automatic reaction of rule-it-out antipathy. In place of a desire to figure something out, one has one’s position and anything else is to be put down. This particular instance may be complicated by an assertion of authority. George’s sub-text may have been a message to David that he was out of line and that popular appointment should not be brought up among the ARM executive.

To hold a position and not budge is usual in party politics but it has been destructive for the republic. The ARM’s commitment to parliamentary appointment made the republic project moribund for it entailed restricting alternative models to the non-viable and restricting public participation to the superficial. The strategy has failed.

We will progress toward a republic when the ARM is genuinely open and the public genuinely involved. Should you decide you would like to test popular appointment by publishing it on the ARM website, I will be delighted to contribute an article.

⁹ More on popular appointment may be found at: <https://sites.google.com/site/mikepepperdayastronavigation/republic-of-australia/-popular-appointment>

Part 4: Conclusion

On logical and historical grounds, I have argued that:

- the politicians will not conduct a plebiscite under any circumstances.
- they will not risk failure and will only hold another republic referendum when they have a model which is certain to pass.
- this rules out both parliamentary appointment and popular election making it necessary to find another model.
- the root problem is elite exclusiveness and disdain of popular input.
- the successful model will be a people's republic acceptable to the politicians and until such a model is in sight, the republic will not be on the agenda.

With an eye to the candour and the publicity required for progress, I have suggested that you:

- repudiate the well-known models and the plebiscite as politically infeasible.
- structure the website as a wiki and blog, as both an authoritative source for all things republic and as a public forum.
- initiate a competitive "Republic Model Search" to genuinely engage the people, to educate about the constitution, to generate national exposure and debate, and to discover all feasible models.
- publicise the Missouri Plan to test its acceptability as a way to resolve the appointment problem.

The top-down versus bottom-up division within the population is pervasive. It is broader than the republic issue. By and large neither side is ever persuaded to the other side so resolution of issues is by compromise. This division was magnified by the bias of the 1993 RAC Report which ignored its terms of reference and, despite the numerous submissions for bottom-up, promoted its top-down model and disparaged direct election. This simplistic dichotomisation set up the angry polarisation which has characterised discussion of the republic ever since. We are left with an impasse: a majority of Australians want to break the last legal tie to the mother country and take the final step to national independence but each republic faction, voting with status quo supporters, has a veto.

Peter, I congratulate you for getting more publicity than all your (post referendum) predecessors combined. But momentum won't be enough. The PM will be influenced by the political possibilities and from his perspective there aren't any. Direct election is impossible. Parliamentary appointment is impossible. A plebiscite is impossible. If the Queen died tomorrow there'd be more publicity but nothing would change with respect to the republic.

The polarisation must be disrupted. If we are ever to get a republic we must recognise that it is not going to occur through one faction being victorious over the other. To be pointed: parliamentary appointment is not viable and your supporting it is a mistake. We must consider other models and find a compromise which a *big* majority of Australians could endorse. I have sketched a version of the Missouri Plan as an example of one possibility but what we need is a genuine public debate.

Celebrity jollyng did not and will not get us an Australian republic. Nor will petitions do it. Nor will entrepreneurial puffery. The republic is not a sales problem requiring you to drum up support for "a" republic. The support is long since there. The need is to find a politically viable model, and the key to that is *real* public engagement.

You recently received a \$250K donation from James Packer, coincidentally the sum I estimated to conduct a "Republic Model Search." Unless you allow the people to genuinely participate, it will achieve the same as all monies received since the referendum—nothing.

There is much to do and with the hard yards on models yet to be started, actually achieving the republic in your tenure is a big ask. But you have the power to turn the game around and get within sight of the goal. You just have to apply it. Perhaps consult some who showed they knew how to seize a moment to exercise power. I am thinking of your contacts among former PMs and their strategists.

You are uniquely placed to disrupt the stagnation of the last 16 years. History has tossed you the ball. She will not be forgiving if you fumble it. Each incoming ARM executive has declared it was going to be different. They vanished without trace but you have actually made yourself heard, so that play is now exhausted. In other words, it's crunch time: if *you* don't score, the ARM will fold and the republic will be dead.

You have a chance to make a difference. It requires a personal rethink and a drastic change of tactics. Still, I expect you would enjoy being controversial. Regard it, perhaps, as a chance to have a go, to show, in your words, guts and gumption, talent and application.

Yours sincerely,

Mike Pepperday.

mike.pepperday@gmail.com 0431 606 380 November 2016

[Update, May 2020: the ARM still exists with nothing achieved. After 5 years Peter FitzSimons is still in the chair but has not been heard from for a couple of years. The ARM's address has moved from Canberra to a PO box in Leura in the Blue Mountains.

The name of the website has again been changed. Now: < <https://republicmovement.org.au/> > It remains content free, saying merely that it campaigns for a republic, defined solely as Australia without the Queen.

Recently, the executive suddenly told its supporters that the plebiscite plan had been dropped and that a republic model should be worked out instead. The ARM has now caught up to where it was in 1991. It still cannot bring itself to talk about models: the site invites people to submit their opinions but it is not publishing them.]