

# CONSTITUTION ALTERATION

## (ESTABLISHMENT OF REPUBLIC) BILL 1999

Address by Hon Gareth Evans QC MP to the House of Representatives, Canberra, 12 August 1999 (Extract from *Hansard* p. 6649).

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### Consideration of Senate Message

Mr GARETH EVANS (Holt)(1.44 p.m.) — I rise to express my extreme disappointment with the course of the constitutional debate over the last few days, not least on this question of the title of the referendum bill now before us. I acknowledge that I have not given myself much opportunity to influence the course of events over the last few days by virtue of being in Honduras, Haiti and miscellaneous other exotic locations, but, nonetheless, I do express that disappointment notwithstanding.

I express it not least because what has been happening is so much at odds with the kind of picture of Australia that I have been trying to promote around the world in 20-odd different countries in the last few weeks while I have been campaigning for this UNESCO position — a picture of an Australia as sophisticated, mature, proudly independent and capable of wrestling with these issues in a way that is not squalidly partisan but actually rises to the occasion. We have not seen the Prime Minister rising to the occasion on this question of the title of the bill, nor, of course, on the preamble, nor on anything else to do with this debate.

Once we all focused a few weeks ago on the particular form of the question in this bill it was obvious that it was flawed and needed attention. It was flawed because one essential element in the whole process — the replacement of the Queen by an Australian President — was missing altogether from the formulation of the title.

The other crucial component of it, the method by which the President is to be determined or elected, was incompletely stated in the form of the title, so incompletely as to be misleading. It was incomplete in that it left out the question of the nomination process being participated in by the Australian public at large, and incomplete in particular in that it left out the reference to the nomination having to be simultaneously agreed to by both the Prime Minister and the Leader of the Opposition.

That is far more significant as a constraint on this being a political appointment than the requirement even of a two-thirds majority. That is the critical point. It is missing from the

formulation and it makes the formulation misleading as a result. In the context of a debate about this referendum proposal, which is being much influenced by arguments about things being left too much to politicians, it is crucial that the question be stated with absolute clarity in this respect.

The all-party committee that was formulated to look at this issue wrestled with the issue and came up with an almost unanimous recommendation requiring or proposing that the essential issue of the replacement of the Queen be explicitly stated, and also suggesting that the detail of the process be omitted altogether because the alternative was to express something of such nauseous length as to be unworkable in a referendum context.

It was an extremely sensible proposal that emerged from the all-party committee, and if the Prime Minister had any shred of decency about him, any sense of high-mindedness about him, any sense of public spirit about him, he would have actually embraced this. But no, he has been playing politics on this as we all know from day one, much reinforced by that opinion poll earlier in the week making it clear that the form of the question will indeed do much to influence the outcome. He has acted accordingly.

Faced with the Prime Minister and the government's intransigence on this, we have now got the Senate voting to strip the question back to its really most basic form of all, its absolutely bare essentials, leaving the whole of the detail, in effect, to be filled in in debate.

I do not think that is necessarily the best outcome. I personally very much believe that a better outcome would have been to embrace the language of the all-party committee that was put together on a high-minded basis and which had regard to the larger interests of the nation that are involved here. That has not happened in the way the Prime Minister has approached it. The Senate has, as a result, gone for a formula that strips it right back.

The question now, of course, is what will happen in this House, and what will happen in the Senate when the resolution goes back there later today. The Attorney-General has already made it clear that the government will stick intransigently to its position. Everything now depends on what the Democrats do when this issue goes back to them.

Can I just urge the Democrats on this, even if they have abandoned ship on the preamble, to stick to their guns and get us a question that really will matter. The Democrats' leader is becoming known as the Oklahoma girl of Australian politics at the moment, the girl who just can't say no. You remember the one who is in such a terrible fix all the time because she always says, 'Come on, let's go,' when what she ought to be saying is, 'Nix.'

My submission, and that of the Labor Party, is that instead of saying, 'Come on, let's go,' on the preamble, and instead of saying, 'Come on, let's go,' with this lousy version, this

politically partisan version that the Prime Minister is insisting he shove down our throats, the Democrats ought to get up and say nix to this, just as they should be saying nix to this preamble proposal that is also coming forward later in the day.