

**Constitutional Reform, Then and Now**  
**Speech to ACT ARM Dinner**  
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**Andrew Leigh**

**Introduction**

I acknowledge Ngunnawal people, the traditional owners of the land, and thank the organisers – Terry Fewtrell and John Warhurst – for inviting me.

I also acknowledge the waiters, who are doing a terrific job tonight. We in the Australian Republican Movement have a special affinity with you. We are all waiters. We have been waiting a very long time.

Twelve years ago next Thursday, then Prime Minister Paul Keating strode to the floor of parliament, and said firmly ‘It is the government’s view that Australia’s head of state should be an Australian’.

Keating admitted that some were unsure about the prospect of change, but said ‘Governments can wait for opinion to force their hand, or they can lead. They can wait for the world to change and respond as necessity demands, or they can see the way the world is going and point the way.’

A dozen years later, some of you may feel that Australia is no closer to being a Republic than it was in 1995. But I want to argue tonight that the challenges of the early-21<sup>st</sup> century are not that different from the challenges of the late-19<sup>th</sup> century federation movement. Just as they felt frustration and disappointment in the 1890s, so we do today.

In particular, Australian Republicans face the same three challenges as supporters of federation in the 1890s:

- The wrong economic climate
- Radical supporters
- Extreme enemies

**The wrong economic climate**

Let me begin by talking about economics.

In the late-1880s, momentum seemed to be building for federation. Part of this was a sense that Australia was doing well. From the gold rushes to the 1880s, Australia had enjoyed steady economic growth, with full employment and rising wages. Rising incomes helped lead to rising national sentiment.

Yet in 1891, all that changed. A drought, falling world prices for wool and wheat, a maritime strike, and a shearer’s strike all led to a feeling of malaise. The federation movement, which had looked strong at the 1891 federation convention, was essentially dropped by colonial legislatures until 1895. The depression of the 1890s didn’t kill the federation movement, but it certainly maimed it for a few years.

Fast forward eleven decades, and the booming Australian economy is – perversely – doing just the same for the Australian republican movement. Having skipped through the Asian Economic Crisis of 1997, and the US economic downturn of 2002, and with the mining boom fuelling our economy, Australian living standards are higher than ever before.

But with the boom has come reform complacency. It is a strange paradox about modern Australian politics that the times of greatest reform – the early-1970s, early-1980s and early-1990s – have all been periods when unemployment was on the rise. Without the sense of urgency created by an economic downturn, it has proved strikingly difficult to drag Australians towards the ballot box and away from their flat-screen TVs and newly renovated kitchens.

National conversations about the constitution are difficult at the best of times. One of its greatest fans, Greg Craven, begins his book with the sentence: ‘Saying the Australian Constitution does not have a strong hold on our popular imagination is like saying fish survive better in water than on land: a statement so obvious as to be remarkable only because someone could be bothered making it.’

Most Australians adopt the prospect of Constitutional reform with all the excitement of a 10<sup>th</sup> grader sitting an algebra exam. Without a national sense of urgency, it will inevitably take longer for the groundswell to build. But build it will.

### **Radical supporters**

The second problem facing Republicans today – and one that also faced federationists in the 1890s – is our more radical supporters.

Before I make the case as to why radicalism is a problem, I want to be clear about my own position. I’m co-author of a book that argues not only that Australia should become a Republic, but also that we should change our flag, our anthem, make Eureka our central national story, settle a Treaty with Indigenous Australians, and replace the Queen’s Birthday with Eddie Mabo Day.

You can’t get much more politically suicidal than that.

But because constitutional reform must be supported by a majority of Australians in a majority of states, no Australian referendum has ever won with the support of less than 54% of Australians. That may not sound like much, but in political terms, it’s a landslide. Bob Hawke, Paul Keating and John Howard have all been popular in their time, but none ever won 54% of the two-party vote.

And Australians are not a radical people. In their next election, Americans will be choosing between the most charismatic black leader since Martin Luther King, a man who was tortured in the Vietnam War, the wife of a former President, and the person who directed rescue operations on September 11.

Meanwhile, Australian will be choosing between Kevin Rudd and John Howard - two serious guys with glasses whose have basically spent their entire careers working for the government, and whose idea of a great night out is appearing on the *7.30 Report* and *Lateline*.

Same goes when it comes to Constitutional matters. While Americans opted for a Constitution that talked about ‘domestic tranquillity’, ‘the blessings of liberty’, and ‘the right of the people to be secure’; Australia chose a Constitution whose most exciting provision was the guarantee of free intercourse between the states. (Perhaps it was no surprise that the High Court spent more time discussing this provision than any other in its first 80 years.)

If it is a choice between excitement and continuity, Australians will choose continuity. Those who believe that the last referendum failed because it wasn’t radical enough need to trade the *Canberra Times* and radio 666 for the *Herald Sun* and Alan Jones for a week.

For the federalists in the late 19<sup>th</sup> century, radicalism took the form of interstate sniping. In the early-1880s, a New South Wales legislator referred to Victoria as ‘that cabbage garden’. In 1883, *The Age* editorialised about New South Wales and Queensland: ‘A great part of their populations grew up in the days when education was not enforced by the state, and their disadvantage in this respect has placed them at the mercy of the squatters and importers, who together control the legislatures of Sydney and Brisbane.’ In 1887, NSW Premier Henry Parkes attempted to change the name of New South Wales to Australia – prompting the Victorian Premier to quip that ‘Convictoria’ would suit them better, and the South Australian government to respond that if New South Wales called itself Australia, then South Australia would call itself ‘Australasia’. These were not the best of times for the federation movement.

For the Federation movement, success came from finding modest proposals that would bridge their differences. The differences that now divide direct election Republicans from those who favour an appointed head of state are no larger than the gulf that once separated the Protectionists and the Free Traders. When it comes to the next Republican referendum, we should be open to new ideas. But we should not let the perfect become the enemy of the good.

### **Extreme Enemies**

The third similarity between the Republican movement today and the federation movement in the 1890s is that we both have extreme enemies.

In the 1890s, opponents of Federation called the proposed Senate ‘undemocratic’, and the proposed High Court ‘an oppression to the people’. The Constitution was called ‘a mongrel ... neither Federation nor unification’. It was claimed that it would lead to a ‘reduction in wages in most industries’.

Opponents of federation had no scruples about making silly arguments, either. Here’s one of the songs that the ‘Anti-Billites’ used in their Victorian campaigns:

Up with the people’s flag, boys,  
And warn the Billites ‘Nay’  
We’ll never let them drag, boys,  
Our hard won rights away,  
Ours is our children’s cause, boys,  
Ours is freedom’s cause, boys,  
Ours is Australia’s cause, boys,  
Australia.

There are two things to note about this song. The first is that with its inane repetition and appeal to the lowest common denominator, the Anti-Billites campaign neatly anticipates phrases like ‘Don’t know? Vote no.’, and ‘Vote no to the politicians’ Republic’. The second is that – a century on – no-one remembers the anti-Billites. Their name sounds as strange to us today as the Australian Monarchist League will sound to Australians at the end of the 21<sup>st</sup> century.

But the extreme enemies of federation have nothing on organisations such as Australians for a Constitutional Monarchy and the Australian Monarchists’ League. Here’s David Flint, writing in 2006 to his fellow members of Australians for a Constitutional Monarchy.

Australia’s second republican movement was for long subsidized and under the instructions of the Soviet Union. Without the Soviet Union it would have been impoverished and directionless. It is unlikely that it would have been able to occupy the positions of significance it did in the trade union movement and in political life. ... Had they [the Bolsheviks] not come into power, there would have been no significant Communist Party of Australia, and no second republican movement.

Of course, we can all see how this has shaped the Republican movement today. Who can forget the massive TV campaign run by the Communist Party in 1999, with their image of the hammer and sickle intertwined with the Southern Cross? And we all recall turning up to the polling booths to see the Communist Party workers, a sea of red t-shirts handing out their ‘Vote Yes for the Proletarian Republic’ cards. While it was a pity to lose the referendum, the fifth column strategy will at least create some entertaining moments when communist agent Malcolm Turnbull finally announces that his first act as Prime Minister will be to abolish private property.

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Extreme enemies make for light entertainment, but they also impede reform. As we saw in 1999, opponents who have no regard for the truth can be dangerously successful.

## **Conclusion**

I have talked tonight about the challenges that stood in the face of federation movement in the late-19<sup>th</sup> century. To some of you, the message may sound pessimistic. This is how the supporters of federation felt in the early-1890s. At the time, prospects for federation were not looking good. But they persevered, and federation became a reality.

For us, it will require perseverance, and the knowledge that logic is on our side. If we were writing the Australian Constitution today, would we really decide that a Briton should be head of state? The Australian Republican movement has demographics on our side too. This afternoon I took my three-month old son Sebastian to attend the first birthday party of his friend Phoebe. It offends me that Sebastian and Phoebe cannot aspire to be Australia’s head of state. But to them, it will probably just seem quaint and outmoded, like snuff boxes, fountain pens, and rotary dial phones.

As well as logic and demographics, small things may help us along. In the 1880s and 1890s, Australia enjoyed a number of cricketing victories over England, leading *The Bulletin* to reflect that ‘this ruthless rout of English cricket will do – and has done – more to enhance the

cause of Australian nationality than ever could be achieved by miles of erudite essays and impassioned appeal'. Just as the cause of federation was helped by the flick of Fred Spofforth's wrist, so too the fortunes of modern-day Republicanism may be affected by factors well outside our control. With a change of prime minister, or a change of monarch, Republicanism may enjoy a surge of approval. The principle is the same, but to many Australians, voting for one of our own as head of state may look a little more attractive when it is Charles III, rather than Elizabeth II, on the throne.

Above all, we must remain optimistic. Manning Clarke once said that Australians could be divided into two groups – the enlargers and the straighteners. We Republicans should be proud to carry on the mantle of enlarging the great Australian project.

As Henry Parkes told the 1890 Federation Conference in Melbourne, 'We have everything in our favour – the differences between us are small and temporary; the bonds of union are large and lasting'. We may not prevail tomorrow, but we will prevail.

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