



## Précis Paper

### The Australian Constitution and Australia as a Republic

The Australian *Constitution* - discussion on the possibility of a republic - 35 minute discussion. This is an introduction to a series on the *Constitution*.

#### Discussion Includes

- Should businesses express an opinion on the issue of whether Australia should be a republic?
- Australia's national symbols when dealing with trade in Asia
- Is this the time to have a community conversation and demand political action on whether Australia should be a republic?
- Influence of head offices overseas on the issue of whether Australia should be a republic

## Précis Paper

### The Australian Constitution and Australia as a Republic

1. In this edition of BenchTV, Andrew Bragg, Director of Policy & Global Markets at the Financial Services Council, and Stephen Blanks (Solicitor & President of the NSW Council of Civil Liberties) discuss the possibility of Australia becoming a republic.

#### Benefits for Business

2. While people have told Mr Bragg that the issue of Australia becoming a republic is a distraction or a waste of time, Mr Bragg believes that Australia changing to a republic could have significant benefits for business. Bragg believes the threshold point is whether it would enhance Australia's standing as a country and thus whether Australian businesses would do better in an economic sense. For over 150 years, Australia's trade policy has been very successful and in recent decades Australia has become very skilled at assembling trade agreements. The question becomes how much more skilled can Australia become when dealing with trade in Asia if Australia had national symbols which reinforced that Australia belongs in this part of the world, not somewhere else. Bragg believes that to "refurbish" the Australian brand would do benefits to Australian businesses.
3. Bragg suggests that the symbols a country puts forward say a lot about that country's past and future aspirations. Bragg admits that some of Australia's symbols, like the Union Jack on the Australian flag, can be confusing, compared to the reassuring Australian symbols of the kangaroo, emu and coat of arms. Bragg believes that having symbols that will be durable in this century is important for Australia's economic future in Asia.

#### Is it the Time to have a Community Conversation and Demand Political Action on Whether Australia should be a Republic?

4. The outcome that is trying to be achieved is constitutional change. Bragg notes that there is a "log jam" of plebiscites and referenda due over the next 3-5 years including controversial issues such as the constitutional recognition of Indigenous Australians and plebiscites for same-sex marriage (which is not a constitutional issue). Bragg believes it is more likely to have a referendum on the issue of a republic at the beginning of the next decade, which would be more than 20 years after the last one in 1999 which was not successful.
5. Blanks suggests that now is the time to increase community engagement with the issue, since the discussion has started up again with the election of Malcolm Turnbull as Prime Minister and the State Premiers being willing to express their views on the issue. While it might be a 5 year project, he believes it is necessary to get the conversation started.

## Connection between Issue of Indigenous Recognition and the Republican Issue

6. Eight from 44 constitutional referenda have been successful in Australia, which is quite a low percentage. Bragg believes that the more complicated the questions and the more content people have to wade through, the harder it will be to get constitutional change. Bragg thinks each issue should be dealt with separately as they are different issues. While a big update of the *Constitution* would be great, Bragg believes it would not actually happen and is thus an advocate for separating the issues.

## Tactics

7. Bragg suggests that once a timetable for a referendum is worked out, it is then necessary to examine tactics that need to be employed. He notes that there needs to be momentum – that is a genuine community ground swell of support. In order to generate this, Bragg believes it is necessary to make the issue real and tangible to people.
8. In the 1999 election, there was a top-down approach – Paul Keating put it on the agenda, and appointed Malcolm Turnbull to the position chairing the Australian Republican Movement (ARM). Along with other factors, this approach did not work. Rather than getting the politicians on side, it is necessary to gain the support of hundreds of thousands of people from the community.

## Involvement of Business in Promoting a Transition to Republic

9. Bragg believes that businesses should express an opinion on the issue of whether Australia should become a republic. The business community has been very good at supporting other causes. For example, marriage equality has over 800,000 signatories from the business community. This shows that business will "stick its neck out" if it is in their interests to do so.
10. If the community is able to see business support the issue, that would be very positive for the movement. Bragg believes business generally should do a better job at being ambitious and bold in its policy agenda. In terms of advocating on the republic, businesses need to find an economic footprint and an economic rationale for doing so. Bragg believes it has one through questioning the durability of the Australian symbols. At the moment, Bragg can only hope that business will support the issue.
11. There is potential for influence from head offices overseas, often in republican countries, on the issue. However, Australian management is likely to take the lead on the issue, according to Bragg. The questions for management are 1. Whether they can go into the public domain and support a republic? and 2. If they do that, what type of blowback will they get if any?

Bragg does not think there would be any blowback risk for an Australian company that supports the republican movement.

#### Opponents to the Republic

12. The only opponents to the republic seem to be a small group of conservative politicians with disproportionate influence on the debate who were able to successfully split the republican movement in the 1999 referendum to achieve no change through tactics rather than overwhelming community support. The movement would have to plan against these opponents.

#### Community Understanding

13. Bragg does not believe that there is enough community understanding on the issue. While there has been more visibility in the last 6-12 months, much more groundwork needs to be done to improve community knowledge. It is also possible that the increase in the celebrity standing of the British noble family in last 20 years has potentially switched the community off the issue.
14. Business has a role and can contribute to community understanding. Bragg believes it is important for leaders to gain corporate supporters – not for their money but the platforms business leaders have access too. For example, business leaders have large amounts of followers on Twitter. If social media can be harnessed that could be a very powerful tool to support the issue.
15. Blanks believes it is important to get away from three words slogans like "Australian Head of State" which do not really allow people to understand the significance of the issue. More information needs to be given about the institutional changes that would follow a referendum that do not change the system of government but change the symbols with which the government works in and provides more opportunity for Australians to feel pride in our symbols. As Australia becomes a more multicultural, less British-based population, engagement with the Monarchy's symbols is less relevant. Other truly Australian symbols would be a significant improvement.

#### Leaders

16. Bragg notes that any movement needs a leader. Leaders are needed from all walks of life and with varying life experiences to be able to talk in various forums. The use of social media could be a useful tool. Thus, leaders are needed who can engage with different social platforms and are from various regions across Australia. Bragg suggests that it cannot just be a group of inner-city elites trying to run the campaign.

## **BIOGRAPHY**

### Andrew Bragg

Director of Policy & Global Markets

Andrew is the Director of Policy & Global Markets at the Financial Services Council (FSC), which represents Australia's retail and wholesale funds management businesses, superannuation funds, life insurers, financial advisory networks, trustee companies and public trustees. He holds a Bachelor of Arts and Master of Business (Accounting) from the Australian National University and a Master of Financial Regulation from Macquarie University.

### Stephen Blanks

Solicitor, SBA Lawyers, Sydney

Stephen Blanks was admitted as a lawyer in 1985. He commenced his own legal practice in 1991, which has been operating for 24 years. His primary practice is in commercial litigation, which he became an accredited specialist in 1996. He is President of the NSW Council of Civil Liberties.