

The “Ugly Duckling” Model for an Australian Republic

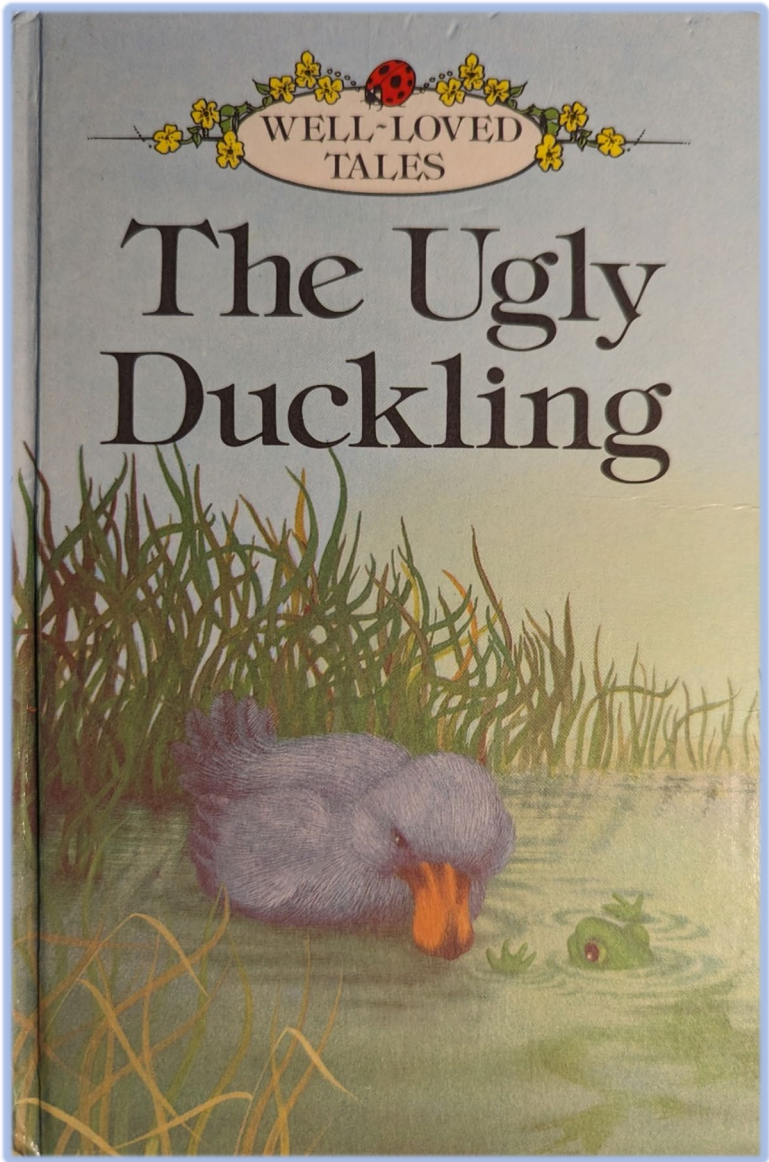
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The "Ugly Duckling" Model for an Australian Republic

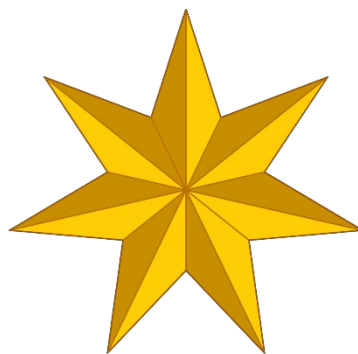
The "Ugly Duckling" Model for an Australian Republic proposes a unique approach to democratizing the divisible Crowns of Australia, which are presently monarchical and hereditary in nature. Drawing inspiration from the fairy-tale of the same name, this model likens the Crown of Australia to an "Ugly Duckling" – misunderstood and lacking the democratic image they could embody. The central idea is to retain these Crowns while replacing the monarch with elected Australian representatives who serve fixed terms as heads of State.

In this model, the existing divisible Crowns, representing Australia's states and the Commonwealth, would undergo a transformation to become truly democratic entities. Currently non-democratic and hard to envision as democratic, these Crowns would be reimagined as symbols of inclusivity and popular choice. By electing Australians to hold ceremonial office under these divisible Crowns, the model seeks to bridge the gap between the existing monarchical structure and a more democratic vision for the future.

The proposal ensures that the Governor-General and State Governors, as representatives of the elected head of State, retain their roles, and the concept of reserve powers continues. This maintains the balance of power and prevents the elected head of State from becoming a political rival to the Prime Minister. The model's emphasis on short terms and apolitical campaigns further ensures the ceremonial nature of the role.

In essence, the "Ugly Duckling" Model strives to redefine the divisible Crowns of Australia by infusing them with democratic principles. By electing representatives to these Crowns while preserving their ceremonial functions, the model seeks to create a harmonious blend of tradition and modern democracy in the Australian context.

In a nutshell, this model aims to replace the monarch with an elected Australian while preserving and democratising the Crown of Australia, and keeping everything else as it is.



The Crown in Australia

A summary of several key ideas related to the Crown of Australia, its constitutional structure, and the challenges in transitioning from a constitutional monarchy to a republic. Here's a summary of the main points:

- 1) **Federation and Crown:**
After the 1901 Federation, Australia operated under the British Crown. It's a constitutional monarchy with a Westminster system consisting of federal, state, and local governments.
- 2) **Independence and the Statute of Westminster:**
Australian independence began around 1930, culminating in the Statute of Westminster Adoption Act 1942 and the Australia Acts 1986. This changed Australia's relationship with the British Crown, marking a foundational shift.
- 3) **Nature of the Crown:**
The nature of the Crown of Australia is debated. States define their own divisible Crowns, but there's also the view of a federal Crown. The head of state is the monarch, with independent vice-regal representatives at the federal and state levels.
- 4) **Governor-General and State Governors:**
Australia has multiple vice-regal representatives, distinct from other Commonwealth nations. Comparing Australia with Ireland, where a one-to-one relationship between the monarch and the vice-regal representative existed before Ireland became a republic, demonstrates Australia's uniqueness.
- 5) **Structural Challenges:**
Converting Australia into a republic is complex due to the one-to-many relationship between the monarch and their representatives. Changing roles while maintaining the Federation's structure poses challenges.
- 6) **The Federation Star:**
The Australian National Flag symbolizes the Commonwealth and six states with a seven-pointed "Federation Star," representing both the bodies' political and, since the Australia Acts 1986, the divisible Crowns.
- 7) **Role of the Monarch:**
The monarch provides personal unity for the divisible Crown of Australia, a role often overlooked in republic models.

8) High Court's Perspective:

The High Court of Australia identified different meanings of "the Crown," including its role as the body politic, the international representative, the government, and the sovereign office. (Sue vs Hill 1999)

In essence, this approach delves into Australia's historical ties to the British Crown, the complexities of its unique constitutional monarchy, and the challenges of transitioning to a republic while preserving the country's federal structure.

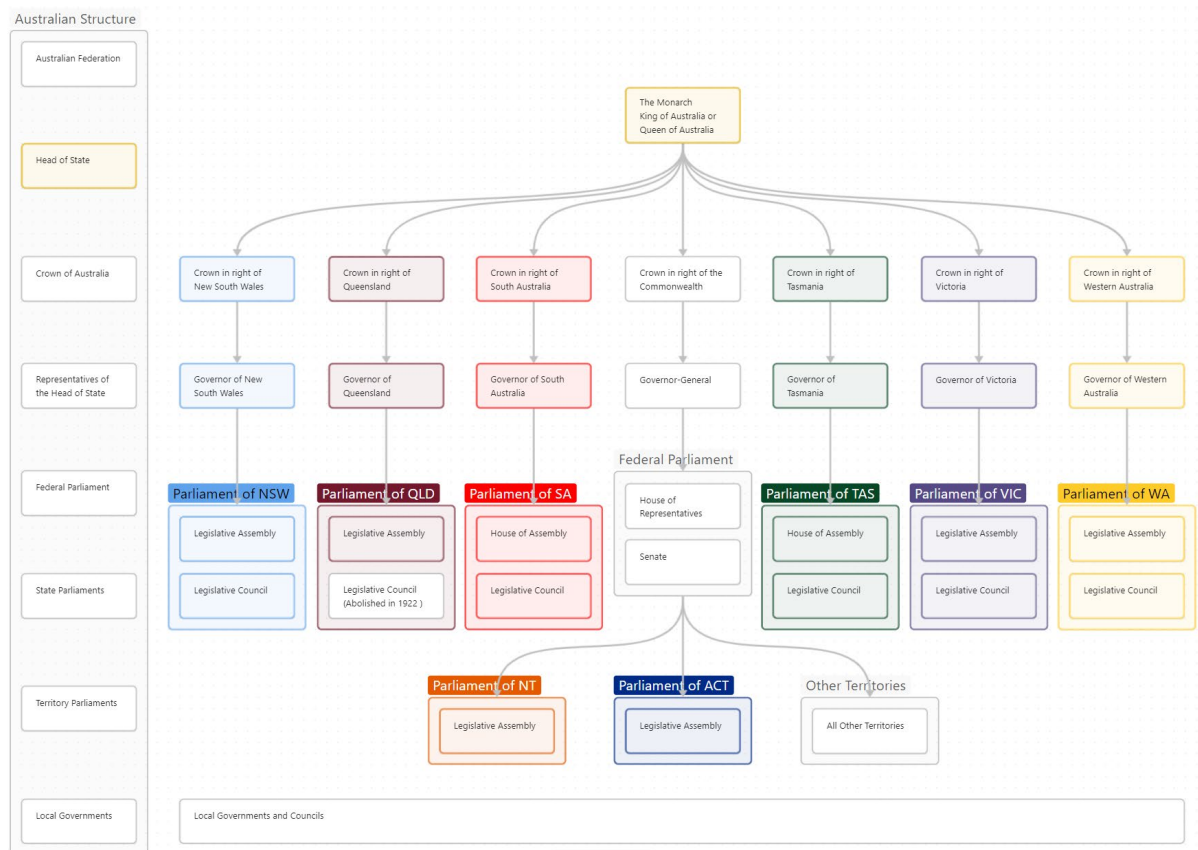


Figure 1. Structure of the Australian Federation as a constitutional monarchy under the divisible Crown of Australia

<https://7gs.au/wp-content/uploads/2023/08/structure.png>

Round Robin model for an Australian Republic

Here's a summarized version of the proposed model for an Australian republic:

- 1) **Single Head of State:**
One person will serve as the head of state for all of Australia, unifying the Federation and reflecting the personal unity of the divisible Crowns of Australia.
- 2) **Monarch Replacement:**
Replace the monarch with an elected Australian head of state while retaining the existing constitutional framework.
- 3) **Values-Based Model:**
The new head of state represents Australian values of democracy, rule of law, service, fairness, and more, reflecting the nation's highest ideals.
- 4) **Term and Representation:**
The elected Australian head of state will serve a fixed term, with existing vice-regal representatives retained to represent the new head of state.
- 5) **Reserve Powers Justification:**
Maintain reserve powers of the Governor-General and State Governors to preserve the separation of powers in a republic and prevent deadlock situations.
- 6) **Election Process:**
Head of state elections will take place within each State and within the Territories for the Commonwealth in a round-robin fashion, alternating between the seven divisible Crowns of Australia.
- 7) **Compulsory or Voluntary Voting:**
Voting for the head of state may be compulsory or voluntary (to be decided). The candidate with the most votes, using a first-past-the-post system, will win the election.
- 8) **Term and Gender:**
The elected head of state's term will be one year, alternating genders each term, beginning and ending on September 3rd.

9) Transition Period:

The first elected Australian head of state, titled "Australian of the Year," is targeted for September 3rd, 2032, commemorating the independence of the Commonwealth from the British Crown on September 3rd, 1939.

10) Deputy Roles:

The elected head of state will serve as a deputy for six months before and after their term, ensuring a smooth transition.

11) Two-Year Service: Each elected head of state will serve for two years, with a shared duty arrangement, combining periods as a deputy and the head of state.

12) Gender Diversity:

Both genders will be represented in the head of state and deputy roles at all times.

13) Role Constraints:

The "Australian of the Year" head of state role is ceremonial, adhering to conventions and refraining from political involvement. The elected head of state cannot exercise reserve powers.

14) Replacement Mechanism:

In case of misadventure or impeachment, the Governor-General or respective Governors will act as replacements.

15) Misconduct and Removal:

Processes for removing an elected head of state due to misconduct will be established.

In essence, this proposed model outlines the transformation from a constitutional monarchy to a republic by electing an Australian head of state while preserving key aspects of the existing constitutional structure.

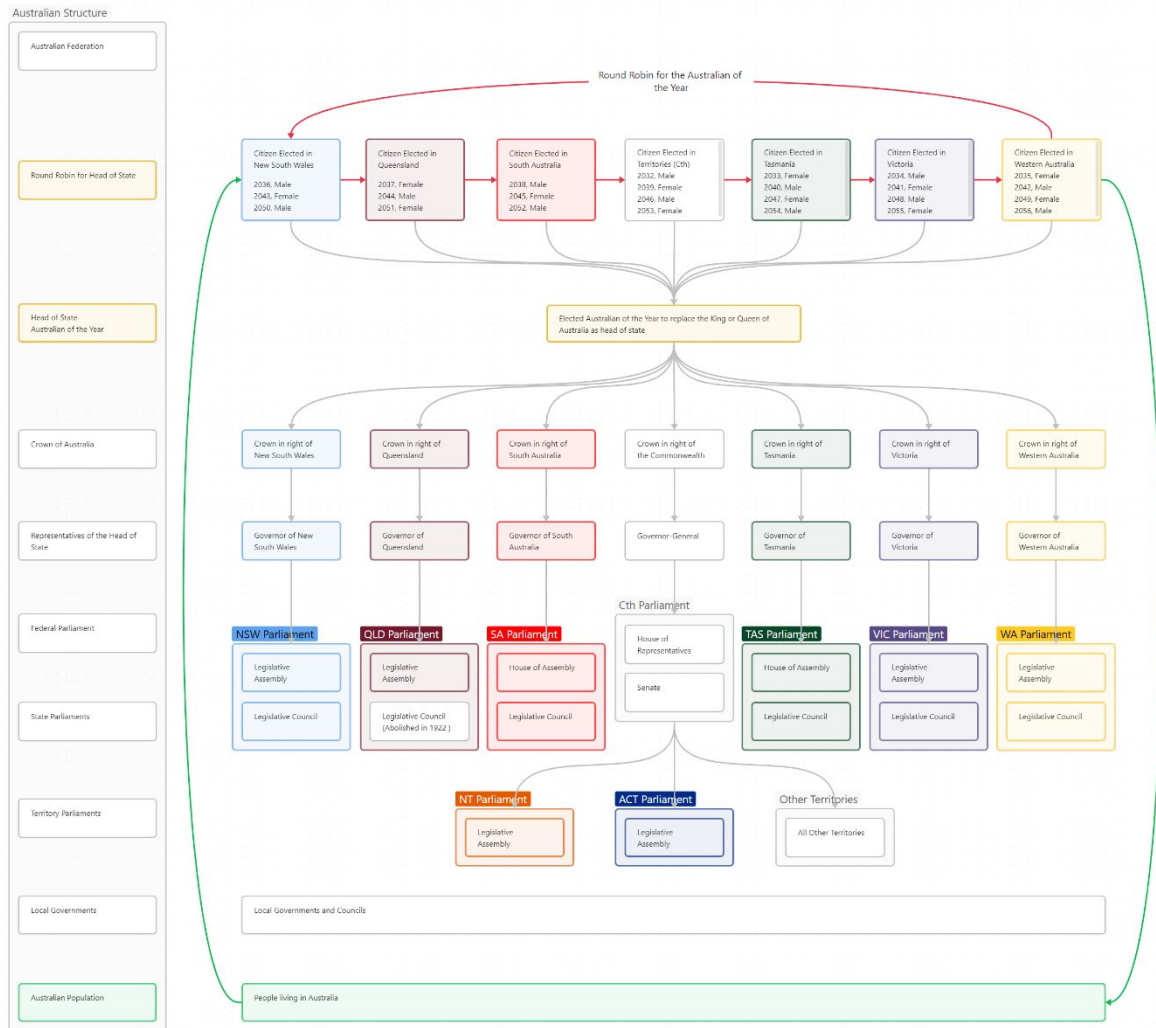


Figure 2. Structure of the Australian Federation as a constitutional republic under a democratic Crown of Australia – closing the circle


https://7gs.au/wp-content/uploads/2023/09/Structure_of_Australia_Round_Robin.png

On the following page,

Figure 3. Showing the timeline and development of the Crown in Australia since Federation in 1901.

https://7gs.au/wp-content/uploads/2023/08/time_line_main2.png

Head of State for Australia

Queen Elizabeth II - Queen of Australia				Charles III	Elected 'Australian of the Year'
					
Queen Victoria	Edward VII	George V	Edward VIII	George VI	
British Crown & Divisible Crowns of Australia					
British Crown			British Crown		
Crown in right of the Commonwealth of Australia			Crown in right of the Commonwealth of Australia		
Crown in right of the State of Queensland (a)			Crown in right of the State of Queensland		
Crown in right of New South Wales (b)			Crown in right of New South Wales		
Crown in right of Victoria (c)			Crown in right of Victoria		
Crown in right of Tasmania (d)			Crown in right of Tasmania		
Crown in right of this State (South Australia) (e)			Crown in right of this State (South Australia)		
Crown in right of the Government of Western Australia (f)			Crown in right of the Government of Western Australia		
Statute of Westminster Adoption Act 1st of January 1901			Australia Acts 3rd of March 1986		
48 years & 6 months			48 years & 6 months		
3rd of September 1939			3rd of September 2032 (Proposed)		

Continuity of the Representatives of the Head of State into a Republic

Governo-General	Governor-General	Governor-General	Governor-General
Governor of Queensland	Governor of Queensland	Governor of Queensland	Governor of Queensland
Governor of New South Wales	Governor of New South Wales	Governor of New South Wales	Governor of New South Wales
Governor of Victoria	Governor of Victoria	Governor of Victoria	Governor of Victoria
Governor of Tasmania	Governor of Tasmania	Governor of Tasmania	Governor of Tasmania
Governor of South Australia	Governor of South Australia	Governor of South Australia	Governor of South Australia
Governor of Western Australia	Governor of Western Australia	Governor of Western Australia	Governor of Western Australia

Australia has developed from a constitutional monarchy under the British Crown to a constitutional monarchy under the divisible Crowns of Australia. We can complete our independence by replacing the monarchy with elected Australians to serve as head of state for fixed terms under the Crown of Australia.

The Commonwealth of Australia first gained independence from the British Crown on the 3rd of September 1939. Since then, the monarch unifies all the divisible Crowns of Australia through a personal union. An elected Australian could also provide this personal union for our Federation as head of state.

The nature of the divisible Crowns of Australia is contested. While each state has passed legislation defining the Crown in right of their respective state, there is a view that the divisible Crown of Australia is a federal Crown. As long as succession within Australia does not diverge, this shouldn't matter.

Why keep the Crown? In *Sle v Hill* the High Court considered the meaning of 'the Crown'. A brief summary of the meanings of the Crown include: 1) identifying the body politics, 2) the office and international personality of the body politics, 3) the Government, etc. Keep what we need, replace what we don't.

The Crown of Australia is misunderstood. It is thoroughly democratic, egalitarian and 100% Australian. As in the story 'The Ugly Duckling' by Hans Christian Andersen, the Crown of Australia is despised, mocked and ridiculed by republicans. Yet, once we see it for what it is, it is the most beautiful model

Australian State Divisible Crowns: (a) Crown Proceedings Act 1980 - QLD, (b) Crown Proceedings Act 1988 No 70 - NSW, (c) Interpretation of Legislation Act 1984 - VIC, (d) Crown Proceedings Act 1993 - TAS, (e) Crown Proceedings Act 1992 - SA, (f) Crown Suits Act 1947 - WA

Path to an Australian Republic

Here is a summarized version of the path to a republic outlined in the text:

- 1) **Formal Agreement:**
The Commonwealth and States should agree to consult on the head of State issue to maintain unity during the transition, preserving a single unifying head of State.
- 2) **Harmonisation of the Crown of Australia:**
Standardise the terminology, naming convention and scope for the divisible Crowns across states and the Commonwealth to achieve consistency.
- 3) **Avoid Divergence:**
Prevent the risk of different heads of State for the Commonwealth and States by finding a consensus to avoid division or potential secession.
- 4) **Constitutional Convention:**
Hold a Constitutional Convention to discuss the shift to a republic, building a consensus among experts and stakeholders.
- 5) **Pre-Referendum Test:**
Test the process of electing an Australian head of State before the actual referendum, possibly through modified Australian of the Year Awards.
- 6) **Campaign through Australian of the Year Awards:**
Use the existing Australian of the Year Awards platform for nominating and campaigning for the role of head of State. Election campaigns are conducted through competitive philanthropy – raising funds and awareness of organisations and people who work for the welfare of the community.
- 7) **Rules Formalization:**
Formalize rules for selecting an Australian head of State as new sections in the Australian Constitution.
- 8) **Referendum:**
Present the formal rules for selecting a head of State to the public through a referendum under Section 128 of the Australian Constitution.

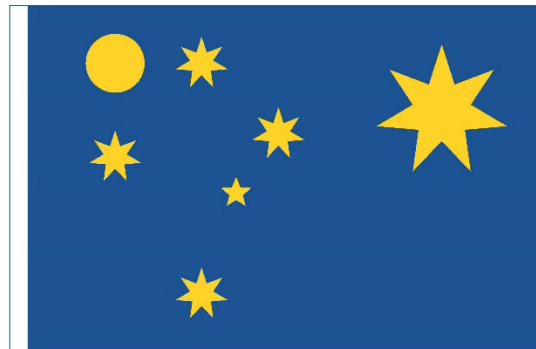
- 9) Incorporate Divisible Crown:
Ensure that the option of retaining the divisible Crown of Australia is included in any vote or plebiscite on an Australian republic. A comparable clause was added to the Flags Act for any vote to change the National Flag.
- 10) Safeguard Against Secession:
Request the United Kingdom and Canada to enact changes in Acts related to the Statute of Westminster to ensure consistent democratic rules for the Crown of Australia in every state.
- 11) Transition Ceremony:
On the specified date, transfer sovereignty from the monarch to the Australian people symbolically through the first elected Australian head of State.
- 12) Promote Democracy:
An independent Australia with an elected head of State can serve as a democratic example within the Commonwealth of Nations and promote liberal democracies globally.
- 13) Embrace Complexity:
Acknowledge the emergence of complex systems, like democratic divisible Crowns, as a natural evolutionary process.
- 14) Expert Understanding:
Ensure that experts advocating for a republic have a basic understanding of Australia's democratic system and the nature of the Crown of Australia.

In summary, the path to an Australian republic involves consultation, harmonization of terminology, preventing divergence, a Constitutional Convention, testing the election process, using existing platforms for campaigns, formalizing rules, holding a referendum, safeguarding against secession, requesting international changes, and symbolically transferring sovereignty. The goal is to transition to a republic while maintaining unity and preserving Australia's democratic values and system.

Proposed Alternative Flags for Australia

I acknowledge the Traditional Custodians of country throughout Australia and their connections to land, sea and community. I pay my respects to their elders past, present and future, and extend that respect to all Aboriginal & Torres Strait Islander peoples today.

These designs honour & include the First Nations on our national flags.



Proposed Australian National Flag

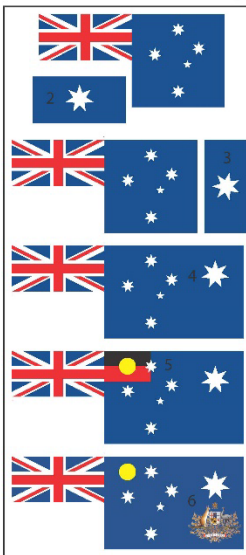
Construction of the new Flag

The new flag features the Southern Cross, Commonwealth Star and Sun. These new flag designs for Australia are based on the Australian National Flag. The new designs represent an evolution of the current flag in a way that reflects our independence, and respects and acknowledges our past. They present Australia in a new light to the world.

- Step 1. Start with the National Flag.
- Step 2. Detach the quarter below the Union Jack.
- Step 3. Move this quarter to the right of the fly, turned to 90 degrees.
- Step 4. Align the Commonwealth Star to the Southern Cross symmetrically.
- Step 5. Add the Sun from the Aboriginal Flag to the new canton.
- Step 6. Add the Coat of Arms.
- Step 7. Change all the stars to gold.
- Step 8. Remove the Union Jack.
- Step 9. Add a white strip to the hoist to centre Delta Crucis.



Current Australian National Flag



The Commonwealth of Australia first gained Independence from the British Crown on September 3, 1939.

The six Australian States gained Independence on March 3, 1986.

We can unify the 7 divisible Crowns of our Federation under an elected Australian who replaces the Queen only, serving a fixed term as head of state.



National Sporting Team Flag



Western Australia



South Australia



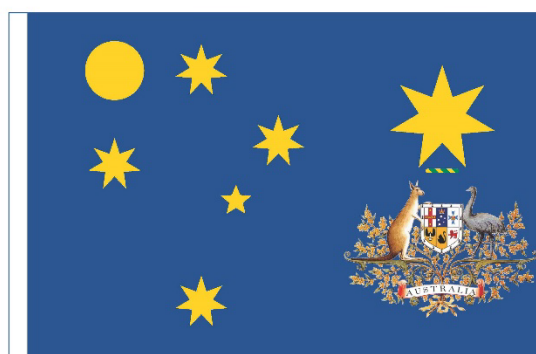
Tasmania



Northern Territory



Aboriginal Flag



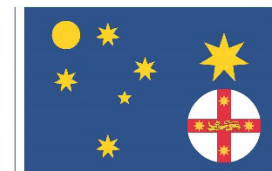
Proposed Australian State Flag



Green & Gold Sporting Flag



Queensland



New South Wales



Victoria



Australian Capital Territory

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Figure 4. Proposed Alternative Flag for Australia, suitable for a republic.

https://7gs.au/wp-content/uploads/2023/07/7gsPoster_2022_V03-scaled.jpg

Benefits of this model for an Australian Republic

Here is a summarized version of the model for a republic, along with the benefits and objections associated with it:

Model Summary:

- The model proposes an elected head of State, replacing the monarchy while preserving the Crown of Australia.
- Governors-General and State Governors retain reserve powers, appointed by the head of State on the Prime Minister's and Premier's advice, respectively.
- The directly elected head of State's short one-year term ensures no political rivalry with the Prime Minister.
- Conventions prevent the head of State from engaging in politics; election campaigns remain apolitical.
- Candidates and electorate are based on states and Territories, ensuring a focus on regional representation.
- The model maintains the Australian Federation, the Westminster system, and the unity of one head of State.

Benefits:

- Supporters of a direct election republic benefit from having an elected head of State.
- Supporters of a Parliamentary Appointed republic retain a Governor-General with reserve powers and a short, apolitical term for the head of state.
- Conservatives favour maintaining the Crown, Australian Federation, and Westminster system.
- Monarchists find continuity in the model, preserving conventions and stability.
- The model can adapt to a declining monarchy and offers a democratic alternative.

Objections:

- There might be concerns about the one-year term's stability and perceived inexperience.
- The model counters this objection by focusing on ceremonial roles, community engagement, and symbolizing unity.
- The role of the elected head of State is not intended to be presidential; it complements the Prime Minister and Cabinet.
- The model anticipates a new generation of leaders emerging and emphasizes engagement beyond the term.

Overall:

- States have equal representation in the head of State role, promoting a successful referendum outcome.
- Utilizing the well-established Australian of the Year Awards framework makes the election process accessible.
- The model promotes gender equality by alternating between male and female heads of State.
- It separates the Crown from the monarchy and aligns the democratic process with Australia's values.
- Voter impact is minimal, with only one head of State election in seven years, alongside federal and state elections.
- A democratic Crown of Australia closes the loop so that the highest office in Australia is realistically accessible for men and women in every state and territory of Australia.

National Days of Celebration:

- The Third of September as the anniversary of the independence of the Commonwealth from the British Crown on the 3rd of September 1939.
The term in office for an elected Australian of the Year will start and end on the 3rd of September.
- The Third of March as the anniversary of the independence of the states from the British Crown on the 3rd of March 1986.
An elected Australian will begin and end their service six months before and six months after their year in office, entering and leaving service in the deputy role on the 3rd of March.

Recognition of First Nations:

- When Australians are elected to replace the monarch as our head of state, it is appropriate to have a symbol that represents Australian sovereignty to replace the Union Jack in the National Flag. A proposed design for an Australian Flag replaces the Union Jack with the Sun from the Aboriginal Flag. There are many versions of this design.



Robert Vose

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<https://7gs.au>

Robert.vose@7gs.au