

Chapter 2

One In, All In – The Simultaneous Implementation of a Republic at Commonwealth and State Levels

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Introduction

Can a Commonwealth referendum that transforms Australia into a republic at a national level also sever the links between the States and the Queen? The question is simple but the issues are very complex indeed. In 1999 the Commonwealth Government took the pragmatic approach of leaving it to the States to decide whether or not to cut their constitutional ties to the Queen if the republic referendum succeeded.¹ This approach avoided all the constitutional and political difficulties discussed below and would still appear to be the most sensible way of addressing the issue.

If, however, it were accepted that the Commonwealth and the States should all cut their ties with the Queen at the same time, implementing a republic across the nation at all levels of government, how might this be done? There are several ways this could occur, which are discussed below. First, however, it is necessary to understand the extent to which State links to the Queen are entrenched in State Constitutions, in order to analyse how these links might be cut as a consequence of a Commonwealth referendum and what problems this might cause.

State constitutional links to the Queen

State Constitutions contain provisions concerning both the Queen and the State Governor. The Governor is appointed by the Queen and is her representative by virtue of both s 7 of the *Australia Acts*

1 *Constitution Alteration (Establishment of Republic) 1999* (Cth) Schedule 3, which if passed would have inserted clause 5 of Schedule 2 into the *Commonwealth Constitution*. It provided: 'A State that has not altered its laws to sever its links with the Crown by the time the office of Governor-General ceases to exist retains its links with the Crown until it has so altered its laws'.

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