

Chapter 6

Monarchical States under a Republican Commonwealth

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The suggestion that the Commonwealth could become a republic while one or more States retained their present monarchical arrangements has provoked some colourful responses, to say the least. That situation has been described as a 'constitutional monstrosity',¹ a 'constitutional aberration',² 'bizarre and ludicrous',³ 'simply absurd',⁴ 'incongruous and certainly not ideal',⁵ 'anomalous at the very least'⁶ and 'admittedly somewhat untidy'.⁷ Nevertheless, the prevailing view amongst constitutional scholars has been that at least as a matter of constitutional theory it would be possible to have monarchical States in a Commonwealth republic.⁸ That was also the conclusion reached by the Republic Advisory Committee chaired by Malcolm

- 1 See Republic Advisory Committee, *An Australian Republic – The Options* (1993) Vol 1, Ch 8, 126 footnote 14.
- 2 Joint Select Committee on the Republic Referendum, *Advisory Report on Constitution Alteration (Establishment of Republic) 1999 and Presidential Nominations Committee Bill 1999* (1999) 87, quoting submission of Dr Gavan Griffith QC.
- 3 See the submissions cited in footnote 14 in Chapter 8 of Republic Advisory Committee, above n 1, Vol 1, Ch 8, 126 footnote 14.
- 4 Sir Harry Gibbs, 'The States and a Republic' in Margaret Stephenson and Clive Turner (eds), *Australia: Republic or Monarchy?* (1994) 298.
- 5 George Winterton, 'Can a Republic Work? Formula for a Presidency' (1992) March *Independent Monthly* 18, 21.
- 6 Wayne Goss, 'The Republic and the States' (1999) 20 *University of Queensland Law Journal* 294, 297.
- 7 George Winterton, 'An Australian Republic' (1988) 16 *Melbourne University Law Review* 467, 470.
- 8 See, for example, George Winterton, *Monarchy to Republic – Australian Republican Government* (1986) 103-104; Greg Craven, 'The Constitutional Minefield of Australian Republicanism' [1992] *Policy* 33, 35; and Anne Twomey, 'Monarchy or Republic? The Constitutional Options of the States' in Commonwealth of Australia, *The Constitution Papers – Parliamentary Research Service Subject Collection No 7* (1996) 141, 151.

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