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Committee Secretary
Joint Select Committee on the Republic Referendum
Department of the House of Representatives
Parliament House
Canberra ACT 2600
AUSTRALIA

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Dear Committee

One of the ironies of this republic debate is that the ARM is strenuously attempting to discredit direct election of a President, saying that it will alter the balance between the Head of State and Prime Minister, when the ARM model itself quietly shifts the balance in favour of the PM.

Under the current system, the Queen may dismiss the Governor General upon the PM's advice. Although by convention she will usually act on this advice, she will not necessarily act on it immediately in the atmosphere of a constitutional crisis; she may seek further particulars from the PM or take time to consider the matter, and it could be that in extraordinary circumstances she would decline to act at all. One can readily imagine the Queen hesitating in circumstances where the PM has been acting illegally; or the GG has incurred the PM's wrath by deferring assent to a Bill for the imprisonment of all members of a particular political party; or where the PM has been unable to obtain Supply; or where an election or by-election has produced a hung Parliament and it is not clear whether the incumbent PM can maintain a government.

In these sorts of situations it is important that the Head of State be able to negotiate confidently with the PM without fear of instant dismissal. Under the current system, the GG at least knows that there is an independent third party in the background. In providing that the PM can instantly dismiss the President, the ARM model diminishes the authority of the latter in precisely the situation where he or she is most needed. This could be destabilising and lead to the President acting precipitously to avoid dismissal. One can easily imagine the farcical scenario of PM and President circling each other with signed letters of dismissal in their jackets. And who will have to arbitrate if there is a dispute about who dismissed whom first? Not, one hopes, the Australian Defence Force.

So the ARM model is not a minimalist model; it is a model that would effect a substantial and undesirable change to our system, irrespective of whether one personally supports a republic or constitutional monarchy. Couple that with a change in the voting system for the Senate and the PM would be a very powerful figure indeed (and it seems likely that we are slowly heading in that direction). Our system would become more authoritarian.

The ARM are well aware of this defect and seek to disguise it in a number of ways. First, they eagerly point out that one month after dismissing a President the PM must present his or her reasons to the House of Representatives. It hardly needs to be said that this is no check at all because given the reality of party discipline in Australian politics the House of Representatives will almost certainly obey the PM. Even if the House disapproved of the PM's action, this would not reinstate the President. In any event, if a week is a long time in politics, a month can be a political aeon, especially if events are moving quickly in a crisis. And anyone can concoct a semi-plausible statement of reasons in a month with the help of a few spin doctors.

The second ARM argument is that the PM will be reluctant to dismiss the President because the most senior State Governor will automatically succeed to the President's position and (so the argument goes) the PM will take the view that "the devil you know is better than the devil you don't know". However, a PM may just as easily conclude that no one is more threatening than the incumbent President, especially if there have been dealings between the two and the President has put a deadline or some other condition or ultimatum to the PM. And what is to stop the PM from instantly dismissing the Acting President and so on until someone more pliable takes office?

A third argument put by some supporters of the ARM model is that it is imperative that we become a republic by the turn of the millennium; that it is the patriotic thing to do; that we will look like adolescents on the world stage if we don't; and that it will spoil the Olympic party to mention possible constitutional tensions between the Head of State and the PM because they will rarely occur. However, a mature nation should put aside mystical appeals to nationalism and the millennium and take note of the fact that in Australia this century there have been two examples of the Crown's representative dismissing a political leader and further examples of Governors playing a substantial role in determining who can form government in the context of hung parliament. Any lawyer who has drafted a partnership deed or a lease will know that it is negligent not to attempt to anticipate potential problems, even if one hopes they will never occur. Surely it's not too much to expect a similar level of care in relation to a constitutional amendment that could have effect for several centuries. As far as our international reputation is concerned, the ARM model, if adopted, is more likely than not to damage our democratic credentials. People will wonder how we possibly could have been cajoled into voting for it.

If, as we are constantly being told by those who insist that they know best, a direct election republic is beyond our ingenuity, then the dismissal procedure should be amended to provide for dismissal only at the instance of a two-thirds majority of parliament, as was the case with the original Keating model. Alternatively, we should be considering the McGarvie model, which at least interposed a "council of elders" between the PM and the President, thereby maintaining the relative strength of the present system compared with ARM model. The AMR model should be returned to the factory as a defective product.

Simon Taylor