

**COMMENT:
NO COMPROMISE ON DISMISSAL MECHANISM**

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I write as the recipient of much of the blame for the defective dismissal mechanism last inserted by its sponsors into the republic model for next year's referendum. I admit that from May 1997 I pointed out that the original dismissal mechanism would ruin our democracy; that when Mr Turnbull withdrew that provision on the first day of the Convention and proposed substitutes on that and later days, I drew attention to their unworkability; and that before he moved his motion for the adoption of the model I warned of the dangers of its latest dismissal mechanism,¹ a warning now taken up by many, including some who voted for the model. I endure with equanimity statements such as John Hirst's that this blot on the scheme reflects my baleful influence.² It is of the nature of public life to be blamed for the errors of others that one has vigorously sought to prevent.

But I draw the line at the statement by Professor Cheryl Saunders in the article in the June *Forum* containing her conclusion that minimalism has been a mistake,³ where she describes the defective dismissal mechanism as designed through a compromise that "was reached between the ARM position and the supporters of the McGarvie model".⁴ I know nothing of any such compromise. The hazardous unsuitability of the dismissal mechanism was obvious at first sight to those who understand how our constitutional system works. It is unlikely to have appealed to supporters of my model who are typically supporters because they have that understanding. Generally, I had no knowledge of who supported my model until they indicated as they spoke in the Convention debate. Almost without exception, delegates who had expressed support for my model voted for it in the final vote and not for the model with the defective dismissal mechanism. That is evidence against a compromise.

I ask that, in fairness to the supporters of my model, this comment be published.

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1 Constitutional Convention, *Transcript of Proceedings*, p 839.

2 J Hirst, "In Defence of the Republic" (1998) 42(6) *Quadrant* 58 at 59.

3 See C Saunders, above, at 872.

4 *Ibid.*