

Why I am not a Republican

Michael Gronow

Expressing enthusiasm for Australia's present system of government is like preferring test cricket to one day matches, or still barracking for Hawthorn after they stopped winning premierships. It is not politically incorrect in the sense of being offensive; it is nevertheless rather boring, and evidence that you are a fuddy duddy. Proponents of the change say it is inevitable. They also say that it won't hurt a bit. I suppose my reasons for not being a republican are that I do not agree with either of those two statements.

Inevitability

The first is a way of avoiding any kind of rational debate or argument. It doesn't really matter whether a republic is a good idea or can be supported by logical arguments or not. It is inevitable, so you might as well get used to it. The inevitability argument is also useful for painting those who question the need to abandon a system of government which works well as reactionaries, or arch-conservatives. They are not just people who prefer the old to the new, they are like ostriches with their heads in the sand, standing in the way of change. And as we all know, change is inevitable. The implication is that in time, opponents of republicanism will be swept aside by the tide of history, and regarded as having been as bizarrely wrong as those who opposed acceptance of the Copernican universe, or votes for women.

To me, that is not good enough. Votes for women were justified on the logical ground that women are as entitled to be represented in a democracy as men. Acceptance of the Copernican model of the universe was justified because it accorded better with observed reality than previous models did. Those people who opposed them after the presentation of the logical arguments, deserved to be written off as dinosaurs. Those who demanded the presentation of logical arguments before accepting change did not.

Remember also the people who proposed an irrigation system to make the central Australian desert suitable for farming, and a Marxist state as the cure to all social ills. We now know enough about our environment to realise that the first would

have been catastrophic for the Australian ecosystem. Unfortunately, the second proposal was implemented, and was catastrophic for hundreds of millions of people. We are still living with the damage. Yet the proponents of each scheme said it was inevitable, and branded those who questioned the need for change as people out of touch with the times, who stood in the way of progress.

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In the same way, I demand logical arguments before I agree to changing the way we are governed. The onus to justify change is on those proposing it. They must point to some difficulty with the way the present system works, or alternatively to some advantage which the proposed new system would offer which the present system does not. Nonsense about the Queen's (never exercised) nominal powers, and Justice Nathan saying in the Sunday Age that "the monarchy has cost us dear" is not good enough. The republicans have had plenty of time to put up their hard arguments about why the present system is inadequate. They haven't done so. That suggests they have none.

I am also unconvinced that Australia's present system of government is not one which allows it to function on the practical, political and cultural levels as a fully independent democratic nation. The suggestion that it stops us having a sense of national identity is not borne out by the fact that we all regard ourselves as Australian, and are proud of it. Mr Bruce Ruxton is wrong: Australians didn't fight for the King in the Second World War. They fought for Australia. They fought to preserve our free and democratic way of life from those who sought to change it. Until the present round of the republic debate started, it was generations since anyone had seriously suggested that Australia was not an independent nation.

It won't hurt a bit

I am even more concerned by the second argument, namely that the change to republicanism will not hurt a bit. Our system of government is very complicated. Very few people participating in the republic debate fully understand it. I am not convinced I fully understand it myself, and I am a lawyer.

It depends on both a written and an unwritten Constitution. Proponents of the minimalist change to a republic say that it will be sufficient to go through the written Constitution with a red crayon, cross out "Queen" and "Governor General" and write in "President".

But the written Constitution is only half the story. The other half lies outside it, in a culture of conventions and practices built up in Westminster-style governments around the world over hundreds of years. Most relevantly for this debate, they include conventions about how the Head of State (in Australia at the moment the Governor-General) should exercise the immense powers which are nominally given to him or her under the written Constitution. For example, the Governor-General is Commander in Chief of the armed forces. That does not mean however, that Sir William Deane can order out the army and invade New Zealand because they beat us at rugby. There is a convention that he will only exercise that power on advice from his ministers. Similarly, an Act of Parliament does not become law until the Governor-General assents to it. At first sight, that might seem to give him or her a power of veto over new laws similar to that enjoyed by a US President. Yet in practice, the Governor-General must assent to any Act which is validly passed by the Commonwealth Parliament. Even in the most controversial exercise of power in recent years, the Whitlam sacking, all the Governor-General could do was to ensure that an election was held.

One political scientist told me that that kind of power can lead to "all forms of tyranny". It is odd to describe a democratic election as a form of tyranny.

What we have is a combination of immense nominal power with constitutional conventions that strictly limit its use in practice. That gives Australia the balance of power between Head of State, Executive, Parliament and Judiciary which it presently enjoys. That balance of power works extremely well. No republican has yet (in spite of my frequent invitations) pointed to a country overseas that is better governed than Australia. On one hand, we have an impartial apolitical head of state who stands above all those things, to ensure that the powers are not abused, and the government does not step over the line of what is permissible in a democracy. On the other hand, the Executive and Parliament have full powers to run the country as they see fit. Unlike Mr Clinton in the United States, Mr Howard is entirely free to pursue his own budgetary and health policies. If we do not like it, we have only two choices. We can seek to persuade him or his government to change the policies, or we can decline to vote for them at the next election. The option of stacking congress so that no policy of any kind can be passed is not open to us. Most observers think that is a good thing.

Many other countries around the world, particularly a lot of republics, would love to have such a system. It would have saved them innumerable revolutions, collapses of government and other constitutional upsets. No one has yet shown how the unwritten constitutional conventions can be incorporated into a republican system in Australia. There is no republican system in the world that has such conventions. That is not surprising. They are an integral part of and a consequence of our inherited Westminster system of government.

Their virtue is that they not only act as a check on government

power, but they can also evolve with time. The powers of Governor Phillip in 1788 were light years away from the powers which modern State Governors and the Commonwealth Governor-General have. No one can know what the powers will need to be like in 200 years time. We cannot foresee the future. To codify the powers (as suggested by Mr Malcolm Turnbull) would be to limit their evolution. They might be alright to govern Australia at present, but would not be able to change for the future. The consequences of a fully written Constitution, where all those things are set in stone and cannot evolve, can be seen in the United States. They have the kind of legislative gridlock described above largely due to having to govern a country now with a system fashioned in the Eighteenth Century.

Any kind of republic would change the way the balance of power operates in Australia. A President would inevitably feel less bound by the conventions restraining use of the nominal powers of a Head of State than a Governor General, because a President would be elected. Elected people think they have a mandate to govern. Unelected people do not. At the moment, the only people with that mandate in our present system are the Executive and the Members of Parliament. Whether, as most Australians seem to favour, a President is chosen directly by the people, or, as Messrs Keating and Turnbull propose, by a two thirds majority of Parliament, the President would have a

bigger mandate than the Government. Our present system works so well because between elections the Government is left to govern, yet is subject to an apolitical minder to ensure it doesn't get too far out of line.

In addition, changing Australia to a republic would cut the historical links with the conventions, and so make a President feel less bound by them. It would do that even if, as some commentators have suggested, the President is chosen in the same way as a Governor General is now (ie effectively by the Federal Cabinet). That would be dangerous. It would concentrate too much power in one person's hands. Rather than being a person with ceremonial and governmental procedural functions (such as

opening buildings, calling elections and signing legislation), our Head of State would have huge nominal substantive power, and need not feel constrained about using it. That would happen under any of the republican systems that has been proposed so far. No one has yet come up with a convincing suggestion about how it is to be avoided.

Conclusion

I am not saying a workable republic is necessarily impossible. What I am saying is that none has yet been proposed. Until one is, I will remain an anti-republican. I will do it with the same vigour that I remain a watcher of test cricket and a Hawthorn supporter.

Michael Gronow BA (Hons) LLB (Hons) LLM (Melb) is a young-ish Melbourne solicitor who is on the Victorian Council of the No Republic campaign.

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