

Republicans Need an Intellectual Approach

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The changing of the guard at the Australian Republican Movement has not yet led to a change of approach. There is still no intellectual depth to the republican movement.

A persistent under-current in the republic debate is a smug assumption - that, on the whole, our political system functions well, and needs only minor change, to the head of state. It isn't broken, so why fix it? This view is a celebration of ignorance.

The purpose of a Constitution is to provide stable Government according to known rules. In 1975, those rules gave the House of Representatives the right to support the Whitlam Government. The Senate had the power to defer consideration of the budget bills. The Governor-General had the power to choose the Prime Minister, and to call an early election of the House. The Constitution does not say which of these powers takes precedence.

So with everyone acting within their nominal powers, the result was an imminent breakdown of Government. The crisis was 'resolved' only by abandoning the fundamental tenet of democracy - that the elected majority in the House governs.

1975 only occurred because our Constitution allows ancient royal powers to be manipulated by local politicians. The real issue with a republic is whether we should retain or remove these royal powers.

Of 128 sections in our Constitution, 43 confer power or a role on the Queen or the Governor-General. Forget independence and identity. Constitutional change is about *power*. What should we do with all those royal powers? If we cannot answer this question, then we are not ready for change. Stop pretending it's simple. Altering powers is complex.

Our most important rules fail a basic test - they lack clarity. The Constitution actually provides two sets of rules: undemocratic written rules which grant extensive powers to the Crown, and democratic constitutional conventions, which are unwritten. Prior to 1975 it had been accepted that unwritten conventions controlled how the written powers in the Constitution were exercised. That consensus was torn up by the Whitlam dismissal. The result showed that the written rules prevail over the unwritten. The problem is the written rules are not democratic.

We only have constitutional conventions because of the Crown. Abolishing the Crown provides the opportunity to remove the confusion of conventions and have one set of democratic written rules.

Unlike America's, Australia's founding fathers never considered the ideal allocation of powers to run a new country. Our founders just grafted rules for the then six colonies onto a new body politic - a federated colony. They assumed that 1890s British practice was best. (Within 10 years, Britain actually made major changes to its system, which were never copied here).

In moving to a republic, we cannot afford to repeat that mistake. We must consider, for the

first time, which powers should exist within our system.

If we do not, and just transfer all the Crown's powers to a new civilian president, we will simply create an alternate monarch. Consider this:

- ▶ From the 1300s, the King had the power to dissolve Parliament. This rule was written in to our Constitution in relation to the House of Representatives. It allows the Governor-General to ambush a Government by calling an early election (1975). Alternatively, with the connivance of the Prime Minister, the head of state may do the same to ambush the Opposition (1955, 1963). Should such a power should exist in the 21st century, when the record shows it is open to abuse?
- ▶ We expect that the winners of the election will govern. But sections 62 & 64 allow the Governor-General to appoint anyone to govern. It is legal to appoint the losers of the last election to govern, as in 1975. Democracy is an optional extra under our Constitution. We need a written rule that the Government will be appointed by majority vote of the House of Representatives.
- ▶ The Queen can veto laws passed by Parliament. She never does. But a populist new 'president' may. Why should one person be able to override all of Parliament? This power should be abolished, not transferred.

If we remove the monarchy, but leave intact the power relationships under which it operated, we will still have a monarchical system.

Removing royalty should be the catalyst for improving our system. The Advancing Democracy model addresses the above problems, and also makes the new head of state take the role of the speaker. Imagine an impartial, independent chair of Parliamentary debates. Or maybe you prefer Bronwyn Bishop.

For twenty years, republicans have assumed that abolishing royalty is easy. This is simply wishful thinking. It puts us on the path to another failure. Success requires a proposal with intellectual depth.