

## AC PAPER NO. 8: DIRECT ELECTION

The following leading Republican experts are **diametrically opposed** to direct election of a President:-

- NO** Says **Republican Hon. Julia Gillard**  
 “She damned the model in which the people elect the President.” (Interview with *The Age*, 13 August 2010. Accessible from < <http://media.smh.com.au/opinion/national-times/part-3-gillard-on-the-republic-debate-1777300.html> >)
- NO** Says **Republican leader Malcolm Turnbull**  
 “Nothing worried me more than the direct election argument” (*Fighting for the Republic*. Melbourne: Hardie Grant Books, 1999; at p. 27.)
- NO** Says **Republican Hon. Julie Bishop MP**  
 “I do not support Direct Election.” (Letter, 7 Feb. 2011..)
- NO** Says **Republican Paul Keating**  
 “That [a popularly elected President] would constitute a very dramatic – and undesirable – change to a system which all of us agree has served us well.”  
 (Quoted in Malcolm Turnbull’s / *Fighting for the Republic*. Melbourne: Hardie Grant Books, 1999; at p16)  
 “A directly elected president fundamentally changes our system of government. That is why it would never be carried. You would have all of the Coalition and much of the Labor Party against it. On the other hand, if it was carried, then for the sake of an Australian head of state you have made fundamental and undesirable changes to our system of parliamentary government.” (Ibid, at p 122)
- NO** Says **Republican Neville Wran**  
 “As a matter of tactics, those who want a republic in place must take the direct electionists head on – the principle of popular vote – is a recipe for chaos and confusion.” (*The case for Yes*. Federation Press 1999, at p22)
- NO** Says **Republican Bob Carr**  
**Agreeing** “Most Labor Leaders are opposed to a directly elected President.”  
 (Weekend Australian 16/17 June 2001; and  
 “NSW Premier Bob Carr warned that any proposal more radical than the parliamentary appointment model rejected last November ‘would not have the remotest chance of being carried’.”  
 - Mike Steketee’s article in *The Australian*, 1<sup>st</sup> August 2000.  
 “**The Monarchy was preferable to a direct election Republic.**”  
 (*AFR* Nov. 12 1999; *News Weekly* Nov. 20 1999, p.3)
- NO** Says **Republican Peter Costello**  
 See The Australian 14 June 2000, p11  
 And “Adamantly opposed” (The Australian Jan. 14 2001, p. 11)  
 “I don’t think you can run a Westminster system with a US-style presidency, so I think he’ll have to do some work on that” he said (ABC News Online Asia-Pacific, Dec. 11, 2003.)
- NO** Says **Republican Sir Anthony Mason**, former Chief Justice of Australia  
 (University of Wollongong Video 1997 “Millenium Dilemma”)
- NO** Says **Republican Amanda Vanstone**  
 “It would be complete folly to have an elected head of state whose political power may tempt them into using that power.” (*UNE Earle Page lecture*, 21.5.97)
- NO** Said **Republican the Late Prof. George Winterton** – leading and respected Constitutional expert  
 “Popular election would almost guarantee the election of a politician. Do we want a succession of millionaire entrepreneurs as President?” (*Republican Monarchy*’ p22 UQP)

He also stated<sup>1</sup>:

*“There are two principal concerns regarding a directly elected President: that the type of person likely to be elected and the method of choosing the President are inherently unsuited to the position of a head of state in a parliamentary republic; and that direct election would so enhance the power, or at least authority, of such a head of state that the stability, and perhaps even continuity, of the present governmental system would be jeopardised. The second issue will be considered here (for further discussion of both issues, see Winterton 2001a, 7-19; 2001b, 32-44; 1997a; 1995, 142-5 in bibliography).*

**Presidential powers**

*The most worrisome aspect of a directly elective presidency is that the enhanced authority that will inevitably accrue to that office will destabilise and radically alter Australian government. A directly elected President will be the only person elected by the entire nation – or at least 50 percent plus one – whereas members of Parliament, including the Prime Minister, are elected only by one electorate. Even if the President’s election platform is devoid of policy content, as it should be, the President will be able to at least claim a ‘mandate’ from the entire electorate to ensure probity, compassion and wisdom in Australian government. As Irish President Mary Robinson asserted during her election campaign in 1990:*

*“As President directly elected by the people of Ireland, I will have the most democratic job in the country. I’ll be able to look [the Prime Minister] in the eye and tell him to back off if necessary because I have been directly elected by the people as a whole and he hasn’t”* (Mee 1996, 3).

*The concern is that a directly elected President will challenge government policy in speeches, perhaps addresses on television, and by meeting foreign and domestic leaders both at home and abroad, leaving both the Australian people and foreign governments confused regarding government policy, destabilising government, and jeopardising the political neutrality of the presidency. **Barry Jones<sup>2</sup> graphically described such a system as ‘a car with two steering wheels’** (Jones 1999).*

(Emphasis ours.)

- NO** Wrote **Republican the Late Richard McGarvie** Former Governor of Victoria and Victorian Supreme Court Judge:-  
“Each of these models [*Popular Election and Parliamentary Majority*] ‘would ruin our democracy’” – (*The McGarvie Papers*, p. 6)
- NO** Says **Republican Peter Botsman** Former Whitlam Institute Director  
“The Australian people will ultimately not support direct election when they are presented with the very real problems it will cause.” (*The Australian* 20.11.02 p1)
- NO** Says **Republican Professor Greg Craven** – Former Professor of Constitutional Law, Curtin University W.A. Now Vice-Chancellor: Australian Catholic University, Sydney.  
“Direct election will be spread like a corpse on a mortuary slab.” (*AFR* 27.07.2004 p39)  
“All direct election models will fundamentally disturb the Constitution.” (*The Australian* 20.11.02 p11)  
“If the republican movement embraced direct election, then any future referendum was doomed.” (*The Australian* 20.11.2 p1)  
“The Constitution is the greatest asset we have.” (*CEFA News* Vol. 1, 2004.)  
- Confirmed: 27 August 2010 on Radio 2RDJ Sydney
- NO** Says **Republican Sir Gerard Brennan AC KBE** former Chief Justice of the High Court.  
“*The model of direct election could be adopted only at a price, namely the virtual elimination of eminent non-political citizens for the Presidency.*” (Fourth Geoffrey Sawer lecture, 18.7.2001)
- NO** Says **Republican Sir Zelman Cowen AK GCMG GCVO QC**  
“*I believe very strongly that such a mode of election (direct election) is unwise and inappropriate.*” It poses “*a potential challenge to the Prime Minister who does not have such a base ... The direct election of a President would ensure political outcomes.*” (Williamson Community Leadership lecture – Uni of Wollongong, 31.5.1995)
- NO** Says **Republican Marise Payne**  
(Was a YES but believed to have been convinced to reject popular election by Prof. Greg Craven)
- NO** Says **Republican John Fahey** – former Premier of NSW  
“**He also warns that, if there were another referendum on direct election, he would be campaigning for a No vote.**” (Loc cit. (*Fighting for the Republic*), at p.179)

<sup>1</sup> Warhurst, J. et Mackerras, M. (eds.) : *Constitutional politics: the republic referendum and the future*. Brisbane: University of Queensland Press, 2003. p.230.

<sup>2</sup> Former ALP President, 2005

- NO** Says **ARM official brochure** pre-1999 referendum  
“This would mean another major election like the US presidential race. It would turn our Presidency into an expensive political event and a popularity contest”  
Authorised by G (Greg) Barns (Republican)
- NO** Says **Republican Prof George Williams**  
“Direct election ... has the potential to create a new and potentially destabilising, centre of political power, with a popular mandate.” (*Constitutional Politics* UQP 2002, at p. 135)
- NO** Says **Republican John Brumby** – former Victorian MP  
“An elected President cannot be an impartial umpire – conflict will inevitably arise.”
- NO** Says **Republican Elizabeth Evatt AC** former Judge  
University of Wollongong Video 1997 ‘*Millennium Dilemma*’
- NO** Says **Republican Peter Consandine** Head of “The Republican Party of Australia”  
“Beazley’s 10 year plan (for Direct Election) and initial plebiscite is ‘preposterous’”  
(*Australian Financial Review* 23.10.2002)
- NO** Says **Republican Leslie Zines AO**  
University of Wollongong Video 1997 ‘*Millennium Dilemma*’
- NO** Says **Republican Nicola Roxon**, Shadow Attorney-General – letter: 21.01.2006
- NO** Says **Republican Nick Greiner** former Premier of NSW – letter: 13.12.2005
- NO** Says **Rt Hon J D Anthony, Republican** and former Deputy P.M.  
“One of my strongest concerns is the concept of having a directly elected president. Such a move would immediately undermine our present British parliamentary system where the Prime Minister is appointed by elected parliamentary representatives of his party. The other point is that I dread that a popularly elected person might not have any knowledge or experience of governing a country e.g. a popular sportsman, actor, entrepreneur etc.” Letter: 9 Nov., 2006.
- NO** Wrote **the Late Republican Hon Jeff Shaw QC** former Justice, Supreme Court of NSW and MLC  
“Our rationale was that we did not want to do anything which would detract from prime ministerial government and did not want to create unnecessary tensions between an elected president and a prime minister appointed from the majority party in the House of Representatives.” (*Weekend Sydney Morning Herald* “Podium” Dec 31 2005-Jan 1, 2006.)
- NO** Says **Republican George Cardinal Pell** Roman Catholic Archbishop of Sydney  
“Directly elected President would be a significant break with our current arrangements, and possibly have a destabilising effect through the mandate that direct election naturally gives.  
*Letter*, 12 November 2008.
- NO** Says **Republican Rt. Hon Malcolm Fraser AC CH**  
“I am against a popularly elected President.” (*Letter*, 26 Nov. 2009.)
- NO** Wrote **ALP (republican) Julie Owens MHR**  
“I am opposed to the direct election of a President.” (*Email*, 27 Apr. 2011.)
- NO** Wrote **Hon. Peter Garrett MHR**  
“I am not in favour of a directly elected President.” (*Email*, 13 May. 2011.)

**From the 1998 Constitutional Convention:**

“There was only one genuinely direct election recommendation brought before the [1998] convention. It only got 6 votes out of the total of 157 people’s delegates” (*i.e. 151 were against it.*)  
(Bill Hayden in *No Case Papers* Standard Publishing House 1999, p. 39.)

Others against popular election include many not yet positively identified. Hon. Michael Kirby AC (former High Court Justice) is also against popular election.

“Most republican leaders are opposed to a directly elected President.” (*Weekend Australian* 16/17 June, 2001)

Australians deserve the courtesy of knowing what changes are proposed so that they can assess whether they will – and in what way – produce benefits for all Australians. After all, you wouldn’t change your house or your spouse without first seeing it/him/her. But Ms Gillard, Mr Rudd and their fellow republicans refuse to publish any detail whatsoever of an alternative republican constitution and whether or not it includes or omits a directly elected President.

### **Summary**

Direct election is strenuously opposed by virtually all leading republican constitutional experts (30), e.g. Paul Keating’s appointed leader of the 1999 republican referendum campaign the Hon. Malcolm Turnbull.

***Additional NO quotes by republicans opposing a directly elected President and/or opposing codification keenly sought***

*If you know of other well-known republicans whose name (with references please) can be added, please send details to the address below as soon as possible. Kindly ask others to help identify more.*

*Many are needed.*