

AC PAPER NO. 9

40+ quotes by the Hon. Malcolm Turnbull MHR against Direct Election *The 'Bible' on the problems of Direct Election.*

Because of his role as the Keating-appointed leader of the overall 1999 republican campaign and his special constitutional expertise combined with his experienced strategic skills, a separate list of his informed statements against direct election is quoted herewith, and includes a select few criticisms of Direct Election by others.

A case for the benefits of direct election has never been published. It relies on the populist myth that constitutional expertise resides in those not aware of its serious dangers, i.e. the essentially uninformed electorate. And those whose qualifications lie in other directions, e.g. as a top cricketer or similar. See paper no. 8 for over 30 of Australia's leading republicans diametrically opposed to it.

Except where indicated, the following quotes are from Malcolm Turnbull's book *Fighting for the Republic* (Hardie Grant books 1999, (page numbers quoted)).

"Other groups with 'Direct Election' or similar slogans in their titles did very badly. For example, a series of groups called 'Elect the President' polled only 1.4 per cent nationally." (Page 33)

"Direct election has always been like the sugar coating on a cough drop: superficially beguiling until you taste what lies within." (Page 36)

"I wrote to (Kim) Beazley ... arguing that the Labor Party had the most to lose from a directly elected President." (Page 36)

"...the ALP conference ducked the issue... we were able to ensure that the resolution ... highlighting obstacles to establishing a directly elected presidency." (Page 38)

"It was clear, however...that-.there was no prospect of reaching consensus behind a direct election model." (Page 39)

"It was difficult to see how we could accommodate the direct electionists." (Page 40)

"The Prime Minister (Mr Keating) on 23 January 1999 ... repeated his opposition to a directly elected head of state." (Page 40)

"...due to the mistaken belief on the part of many people that the popular election of a president would deliver an impeccably neutral, non-party-political head of state who would impartially soar above the whole political firmament. Nothing could be further from reality ... An elected presidency seems to me to be a sure way of politicising the office and creating unparalleled tensions..." (Page 45)

" Paul Keating had argued, correctly I believe, that a President so elected (by popular Election) would have greater political legitimacy... than the current Governor-General, ... and the Cabinet. Such a president ... 'above politics' as Governor-Generals have been almost exclusively in our history... a popularly elected president would almost certainly be a politician"... (Pages 45 & 46)

"Like the two previous speakers, I spent some time pointing out the pitfalls of direct election." (Page 46)

"The direct electionists were never united on anything..." (Page 47)

"Clem Jones appeared to favour a model similar to that of France... Other direct electionists favoured an Irish model." (Page 47.)

"Only two out of 152 delegates spoke in favour of Ted Mack's United States-style system." (Page 47)

“An umpire must by definition be impartial... And therefore cannot credibly be directly elected.” (Page 48)

“To graft an Irish-style presidency on to the Australian political system would require an extensive rewriting of the Constitution.” (Page 49)

“What they failed to recognise was that a directly elected presidency was inevitably going to be a much bigger change and thus much easier to attack” (Page 49)

“Mary Delahunty... ‘Direct election will not cure the dark side of our democracy... We will not solve the problems of our parliament by washing our hands of them and hoping the president will conquer or quell them.’ (Pages 49 and 50)

“Ted Mack was unable to obtain support for his US-style (popularly elected) republican model.” (Page 50)

“Direct election was not an achievable outcome from the convention, regardless of how we felt about it.” (Page 50)

“The direct-election group... knew that nobody in their right mind would support a directly elected President who had all the reserve powers of the Governor-General.” (Page 51)

“the direct-election group continued to fight for a directly-elected President. They justified this on purely emotional grounds.” (Page 51)

“ ‘There is no in-between system’ (Victorian Leader) Brumby said. ‘An elected president cannot be an impartial umpire. Even with good faith and the best of intentions, conflict will inevitably arise between an (directly) elected President and the elected Prime Minister of the day’.” (Page 52)

“... other Labor leaders, not least the Premier of New South Wales, Bob Carr, spoke out firmly against direct election.” (Page 53)

“While very capable, Tim Costello and Moira Rayner were only half-hearted in their support for direct election; they recognised that there were many more important issues than how you elected the President and, most importantly, they understood that you could not elect the President without a complete codification of the powers.” (Page 53)

“While Gallop’s model was by far the best direct-election proposal seen at the convention, it still suffered from the flaw of politicising the office of President... he knew, as did everybody else, that it could never get the numbers.” (Page 69)

“If we had allowed a conscience vote on that issue, the vast majority of the ARM’s team would have rejected a directly elected President.” (Page 75)

“A remarkable feature of the republican debate was that, although it had kicked off in 1991, there had been little or no advocacy for a directly elected President before the calling of nominations for the convention election in late 1997.” (Page 76)

“Direct election, on the other hand, would have been opposed by a united Liberal party, including republican Liberals like Costello, Kennett, Peter Collins, John Fahey, John Olsen and many others.” (Page 76)

“It is one thing for people to say in an opinion poll that they would like to have a directly elected President. But would they feel the same way after listening to some of the most respected leaders in the country telling them a directly elected President would radically undermine Australia’s system of parliamentary government? (Pages 76 and 77)

“The truth is that, even if the bipartisan-appointment model was not sufficiently popular to win a referendum... a direct-election model was also certain of defeat, at least for many years to come.” (Page 77)

“It was very clear that unless we could ensure Australians understood that a directly elected President would inevitably be a politician chosen in a political contest, we were unlikely to make headway against the direct-election fixation.” (Page 84)

“The Sydney Daily Telegraph noted the contradiction in an editorial on 4 March 1998, pointing out that direct election absolutely guaranteed a politician as President ...the first being their prime concern should be achieving change. The second is that the direct-election argument is not only flawed, it is just what monarchists need to sabotage the republican cause.” (Page 84)

“Mack’s ‘real’ republic is a right royal republican mess, and one that the Australian people would never, ever accept if they were told what it actually involved.” (Page 115)

“The problem with direct election, I remind Kim [Beazley], is that there is no model.” (Page 128)

“The Labor Party has enormous problems with a directly elected President, because it will almost certainly mean a more powerful Senate. Most Labor leaders are quite opposed to a directly elected President.” (Page 189)

“A directly elected President will be a politician. That is an absolute certainty. Look at America.” (Page 191)

“A directly elected President, however, would inevitably be a politician elected in a bruising political contest costing taxpayers at least \$60 million every five years.” (Page 195)

“A directly elected President will mean complex, radical changes to our system of government. It would politicise an office that is designed to be non-political.” (Page 196)

“A directly elected presidential model would inevitably be much more complex and involve more change than the model Australia rejected yesterday.” (Page 248)

“What we have to recognise is that it is likely to be harder, not easier, to get such a message through. Distrust of politicians sank this referendum. It could easily sink a proposal for a directly elected President as well.” (Page 248)

“This would give us the worst of all worlds.” (The Australian 14.6.2002)

“Conservative republicans will never agree to abandon the Westminster system.” (The Australian 16.7.2001)

“They (i.e. Clem Jones and Ted Mack etc.) wanted a directly elected president... Did we hear anything further? Of course not. They were full of hot air.” (Lindsay Tanner MHR SMH 25 March 2010 p.15)

“The most worrisome aspect of a directly elected presidency is that the enhanced authority that will inevitably accrue to that office will destabilise and radically alter Australian government.” (The late Prof.

George Winterton in *Constitutional politics: the republic referendum and the future* (Brisbane: UQP, 2002; p. 230.)

“[Direct election is like] A car with 2 steering wheels.” – ALP’s Barry Jones, 1999.