

AUSTRALASIAN STUDY OF PARLIAMENT GROUP

(Queensland Chapter)

The roles of Governors and Governors-General

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Ms MALONE: Ladies and gentlemen, members of parliament and special guest Major General Arnison: it is my pleasure to welcome you here this evening for our discussion on the roles and processes of appointing governors and governors-general. It is pleasing to see so many interested people assembled for this presentation this evening. My name is Nonie Malone. I am the current chair of the Queensland chapter of the Australasian Study of Parliament Group. Before we start, I would like to tell you a little about the group. There are some people present who have not been here before.

The Queensland chapter of the ASPG was established in May 1993 as a nonpartisan body to encourage and stimulate research, writing and teaching about parliamentary institutions in Australia in order to generate a better understanding of their functions and our democratic system of governance. The Queensland chapter holds three seminars each year on topical issues relating to the parliament in Queensland and in Australia. Past topics have included: 30 years as a political reporter by Peter Charlton; the role of the Speaker with two past Queensland speakers and one from New South Wales; an Australasian examination of movement towards a modern committee system; and one fairly close to this evening's topic, state constitutions in a federal Australian republic.

The topic this evening is an interesting one to explore. Australia has not become a republic and so the positions of governors and governors-general are as important to our democratic system as ever. Events from time to time bring both the incumbents and their roles into prominent public view. But tonight it is not sensational public events that bring them to our attention. Rather, it is the interest generated by a parliamentary review and by usual academic inquiry.

To explore the black, the white and the varying shades of grey associated with the place of governors and governors-general in our political system, we are most fortunate to have the benefit of the expertise of Ms Karen Struthers and Mr John Pyke and the experience of Major

General Arnison. The form of the discussion this evening is that Ms Karen Struthers will speak on the roles of governors and governors-general and Mr Pyke will speak on the processes of appointing. In between I shall invite Major General Arnison to comment from his perspective. Additionally, I shall invite Ms Struthers to comment on the processes of appointing following Mr Pyke's address. After this, there will be ample opportunity for questions from the floor to be directed to the speakers before we adjourn to the Belle Vue Room for refreshments.

It is now my great pleasure to introduce the first speaker of the evening, Ms Karen Struthers. Ms Struthers has been a member of the Queensland parliament for five years. She has served the parliament and the government in a number of capacities but is currently the chair of the Legal, Constitutional and Administrative Review Committee. In this role, she has recently overseen a review of the Queensland Constitutional Commission's recommendations regarding entrenchment of the Queensland Constitution. Issues surrounding the role of Governor of Queensland are integral to this review, but Karen has enthusiastically agreed to take the discussion this evening beyond Queensland to the roles of governors and governors-general more broadly. The title of her address will be 'From British Aristocrats Sent Down Under to the Emergence of a True People's Representative - The Changing Role of Governors and Governors-General'.

Ms STRUTHERS: Thank you, Nonie. To my parliamentary colleagues Kev Lingard, Terry Sullivan, Bill Flynn; the former Governor, Major General Peter Arnison - it is great to see you here tonight, and it is a bit of a shame you have a visitors badge; this country is a great leveler, isn't it? - ladies and gentlemen: I am enthusiastic in being asked to speak tonight, but I am also a little surprised to be asked for two reasons really. Firstly, I am a republican. On that fateful day - 6 November 1999 - I had my green yes cap on in the hot sun trying to woo voters to vote yes for the republic. It was very disappointing to be scrutineering at the count later on to see that at that time and for a range of reasons the yes vote lost out, but I still have my yes cap ready for the next time. Secondly, without putting myself down in any way on matters constitutional, I am no great constitutional scholar. I will leave some of the more technical and scholarly details on this topic to John Pyke. But it is an important area. There have been a number of events recently that have brought the roles into public scrutiny and discussion in a lot more ways than they have been in the past. I want to cover a few of those issues tonight as well.

Having laid my republic cards on the table, though, I have enormous respect for the great leadership, the compassion and the humanity shown by governors in Queensland and many of our governors-general at the federal level. As I said, it is great to have Peter Arnison here tonight. I was at many events where Peter and his wife Barbara were officiating and giving support, particularly to some of the major charities that I shared an interest in. I remember events here at Parliament House and other places. That is a very important role of the Governor - that is, as an independent or impartial person lending their authority and support to many of these very important social causes. Peter and Barbara did that extremely well.

I certainly had great respect for Mrs Leneen Forde in her role as Governor, and I think it is worth mentioning a man for whom I had great respect, and that is Sir William Deane, and I will comment on him shortly. But republicans do not have a grievance with individuals in the role. We want to see the system changed, so I will comment on that a little bit tonight. In discussing the role of governors and governors-general, I want to canvass the need for changes to the role and processes for appointment but, as Nonie has said, I will focus more on the role and touch on the appointment stuff a little later. I might do that while I am up here, though, rather than wait for John. So I am breaking the convention already. Sorry about that.

Three significant events or trends have been pushing along this change. There are probably others, but I just want to comment on three here tonight. Firstly, our sense of ourselves as an independent nation has been growing. Our early vice-regal appointments were largely, as Nonie referred to in her introduction, as British aristocrats sent down under for sabbatical. Many commentators talk about people who had no great commitment to Australia as a nation - as an independent nation. We have had many home-grown appointments since those early times - many people who are very proud Australians and very proud to support the Australian nationhood. We have shed ties with the mother country and have become a much more independent nation. With my yes to the republic flag here, let me say that, in my view - and some

of the research is clearly showing - the majority of Australians are favouring a republic system of government. So that has been a significant change over past decades.

Secondly, we have seen the limits of an appointment process that relies primarily on one man's pick, and that is really the way it has been in our system. The resignation of the former Governor-General, Peter Hollingworth, under public pressure exposed the shortcomings of this appointment process and many Australians did not like what they were seeing. We are hearing a growing public call for wider community input into the appointment process. The public generally wants to see the emergence of a true people's representative.

Thirdly, a number of recent appointees to the job of governors and governors-general have been outspoken on social issues. So I think many commentators and many people are seeing the role being taken into new directions with what might be called some small 'p' political activity - that is, people who are prepared to comment on social issues and play a role that many would see in a critical light as probably overstepping the mark a little. Certainly, critics would see that as being beyond the representative and ceremonial roles that governors and governors-general have. Traditionally or conventionally, the role, as you know, has some very clear traditions and conventions around it. The federal and state constitutions confer considerable powers on the governors-general and governors, yet the principles of responsible government mean that, except in very limited circumstances, he or she must act in accordance with ministerial advice.

The Governor-General's functions are broadly defined in three key areas: firstly, those arising under Commonwealth legislation or under the Constitution in relation to which the Governor-General acts on ministerial advice; secondly, the so-called reserve powers, and at times controversial use of the reserve powers which allow the Governor-General to act as a constitutional umpire; and, thirdly, the ceremonial and representative roles. I did not want to go into those in too much detail. What I want to pick up on are some of the ways those roles have been used or interpreted. Sir Zelman Cowan, for instance, wrote that the critics of the Governor-General exercising political influence argue that the role should be purely ceremonial and divorced from the exercise of real political power that he - in his words because he was a he, but let me say he or she - has or should have no real powers but to open fairs, cut ribbons and the like. So Sir Zelman Cowan was being critical of that view, of that reliance on the ceremonial and representative role. He argues that by the exercise of functions and influence within acceptable limits a Governor-General can, in appropriate cases, exercise an effective influence on the processes of government. He described his own experience of the workings of the federal Executive Council as one where a great deal of governmental business was done, including the making of regulations, orders, proclamations and a wide range of appointments as well as other diverse governmental business and that this was required to be overseen and approved by the Governor-General.

In relation to the role of Governor, the Hon. Dean Wells recently in the parliament - I think in the debate around the appointment of Quentin Bryce as our new Governor - stated that the Office of the Governor is above politics but the position is not entirely ceremonial. It also requires a fine mind and a canny understanding of the processes of government. The Governor presides over Executive Council, which has always been the body which formally ratifies the decisions of the executive arm of government from the time of the earliest governmental systems on this continent. He goes on to talk about the monarch's representative always takes the advice of ministers and it is reaffirmed on a weekly basis when, at the end of each Executive Council meeting, the Governor asks, 'Do ministers wish me to ratify these Executive Council minutes?' Do you miss that question?

The convention that the Governor does not play a role in setting policy is a very old one. The minister quoted the great constitutional writer Walter Bagehott to explain that the role of the monarch's representative is, he says, to be consulted, to encourage and to warn. The minister said that it is entirely within the scope of a non-political office to address issues of good governance, though not issues of political objectives. So it is entirely appropriate for the Governor to occasionally ask a minister questions like, 'Would the effect of this measure be to do so and so and is this what you intend?' Dean Wells stated that such interventions by governors have, to his knowledge and experience, occurred in the last 12 years in Queensland to the benefit of good governance in this state.

But there is, as I was saying earlier, a changing role where previously the Governor-General - in referring to the federal role, anyway - is literally an officer of the Crown, yet some commentators have said after Sir William Deane's time in that role that he himself became the property of the people and transformed that role quite significantly through his advancement of a number of social issues, and most well known I guess is the support he gave to reconciliation in this country. He was very highly regarded, but many commentators have criticised his role. In fact,

Sir William Deane was said to have been the conscience of the people, but the critics said that he certainly went beyond the call of duty. Alan Ramsey, I think quite ungraciously, said in the *Australian* at the time that Sir William Deane was a one-man opposition party operating out of Yarralumla - often more effectively than the ALP, sadly. The more successful John Howard became, the more desperately the Left cheered Sir William Deane on. I do not believe that Sir William Deane would have seen his role in this way, but let me tell you that there were many of us who were cheering him on.

Another example of change is the recent appointment of Richard Butler as Governor for Tasmania and just the fact that these sorts of people are being put up for these roles and others who have been talked about. Again, when Dr Lowitja O'Donoghue was being talked about or touted as a possible Governor-General, people were saying, 'But she's too much of an activist. She can't do that job. She'd speak out too much.' So there is a sense of criticism of that, but also a lot of people who are urging that on and a lot of people who want to see the use of these roles by impartial people - not party political people but people who have views on things and using that opportunity to bring the nation along and show leadership in a way that, at times, the major political party leaders are not doing.

So Richard is an interesting appointment. In Richard we have a high-profile social activist. We have a man who has spent his life speaking his mind, a man who has described the invasion of Iraq as illegal and the warnings about the dangers of Iraq's weapons as pumped up, a man who has been appointed to help put Tasmania on the world map. Is this the appropriate role for a state Governor? Are these the sorts of activities that we believe should be befitting that role? Is Richard Butler someone who ought to occupy that role? I have my own view. I would probably put my green cap on and say yes; others would say no. The *Canberra Times* was a bit unkind. It ran an article entitled 'Governor Butler: turncoat or Trojan horse?'

Many critics of the appointment saw Richard Butler as someone who would not be befitting of that role. Some said Richard Butler was a turncoat who had become the Queen's representative. They asked if he needed the money or if he was attracted by - get this; I did not realise this - the 73-room Gothic mansion set on 15 hectares overlooking the Derwent River. That is not a bad seduction, is it? I do not think there is a putting green there, though. But Richard rationalised the position by saying that the Crown enshrined in the Constitution was a mere process. When Australia eventually changed to a republic, there would still be a need for a Governor-General and state governors. The only difference would be the method of their appointment, which in a republic would not involve the Queen's approval. So we are really talking about a new type of Governor, potentially activist and someone in a role that many people believe would not be befitting of that kind of role.

Some have said - and I think quite unkindly - that Quentin Bryce, a prominent advocate for the rights of children and women, may have difficulty containing herself within the conventional role of the state Governor. It will be interesting to see how she develops in that role - a very competent woman with a tremendous background that she brings to that role. Our former Governor, Leneen Forde, brought change to the role of Governor in Queensland, and I see these roles as quite appropriate. I remember having the great pleasure of attending a very intimate lunch at Government House in the early days of Leneen taking up that office. I was promoting domestic violence education work and I had a guest in Australia from America, the sister of the woman OJ Simpson had allegedly slain.

She was on a speaking tour here in Australia. Leneen rang me up and said that she had heard that she was here - and I have a blank on this woman's name at the moment, sadly - and to bring her to lunch. That was an amazing thing for a state Governor to do. I was shaking in my boots at this sort of prospect, but it was a great thing. Out of that, we actually generated media and more support. Leneen's support of this particular speaking tour gave a legitimacy to it that we

had struggled to get for many months and created interest in the tour. So it was a great thing and I think quite an appropriate thing. Others would say, and did say, that it was quite inappropriate. So it would be interesting to see what your thoughts are on these sorts of roles.

They are small 'p' political activities in my view, but is that sort of thing any different from our new Governor-General, Michael Jeffrey, calling for more religion in schools? They are all kind of social issues. We have differing views on some of these issues, but in their roles they are actually able to give some legitimacy and support to these issues. On balance, I think it is an important part of the job. I am probably taking too much time, so I might just whiz through some of this quickly and talk about some of the recent developments in Queensland where we have been trying to give I suppose more public input into the role. This is about the appointments, so I will be very quick here.

I was very pleased to see that the Premier, the Hon. Peter Beattie, made what he called a tentative but historic step to involve the people in the selection of the Governor. He placed the appointment of our new Governor, Quentin Bryce, before our parliament where we as members who are representing our constituents could actually have the opportunity to talk about and debate the appointment. In doing this, Queensland was the first parliament in Australia to allow the nomination of the Governor Designate to be put before the parliament with the aim of gaining two-thirds or more majority voting in favour of the motion. The Premier stated that he also believed it is appropriate that with the first appointment of the Queensland Governor in the 21st century we acknowledge the right of electors to play an even greater role in our democracy, in our democratic institutions. So it was a small step, but I think a very important and symbolic step.

Mr Springborg raised quite a valid concern at the time. He said that something which has traditionally not been political may become political through this sort of process - that is, there may be an opportunity in a full-blown debate for people to be not as bipartisan or not as keen to reach unanimity as the Premier might like. So there is certainly some debate around that process itself, but I think a very important first step was taken there.

At the federal level, the Australian Labor Party has proposed a consultative committee including a senior public servant, the most recently retired Chief Justice of the High Court and a representative of the Prime Minister. The committee would put a short-list of candidates to the Prime Minister, who would not be bound to choose any of the nominations but would be required to explain that selection to the parliament. So there is certainly talk about a need for change. A further and growing push for a republic will bring about significant change.

Finally, the comment I would make is that I think that we can learn from a lot of these recent developments. I think we need to take heed of these recent trends and developments and the call from the public to have greater input into the appointment of these positions. I would certainly recommend that the Prime Minister particularly should consider a wider consultative process, and I think it is time he appointed a woman. Thank you.

Ms MALONE: Thank you very much, Karen, for taking us through the challenges of some of those roles. It seems quite simple to say that it is to consult, to encourage and to warn. It also seems quite simple to say that the Governor or the Governor-General is the people's representative, but it is over the shades of meaning of all of these that there is so much dispute. Major General Arnison has been in the role for some time and is known to all of us as our recent distinguished and popular Governor of Queensland. During his term as Governor he travelled widely throughout the state and took a genuine interest in the concerns of the people - of all of the people of Queensland but particularly the people of regional Queensland. He was known to have maintained a special concern for the state's Aboriginal and Torres Strait Islander peoples. We are fortunate then to have his special perspective from his experiences in the role. He would have had to have interpreted the shades of meaning of all of those nominal roles ascribed to the Governor. I now invite Major General Arnison to comment from his own perspective on those roles.

Major Gen. ARNISON: Thank you very much, Nonie, and I also thank Karen for her very interesting and very good comments. I have a sense of déjà vu coming in here, because I have been here on a number of occasions, from a constitutional point of view, the main one being to formally open the parliament - and I will talk about that in a moment - otherwise it has been when

this chamber was used as an educational facility with youth parliaments, a school CHOGM, a number of debates and the like. So I think it is just wonderful that this chamber is used, because it not only carries great symbolism, but it is part of the Queensland parliament. It is part of the building even if not part of the system of government. It is good to see it being used.

One of the things that struck me very early as Governor was that, whereas the roles talk about constitutional, representational, ceremonial duties, and while most of the Governor's time is devoted to the ceremonial and the representational roles, the nub of the position are the constitutional responsibilities. And this is happening in a very quiet way and behind the scenes. Queensland of course is unique amongst the states and the Commonwealth in that it has a single chamber. If you look at the history of government in Queensland, since it became a single chamber parliamentary system, it seems to me that you have periods of very strong government, (essentially a large majority), and then periods of instability - that is, those strong governments decay.

Coming in here to open the parliament, the Governor reads his speech and the first words are 'my government will'. This really brings home the nub of the matter in terms of what the office is, because the Governor is there as head of state and it is his government which is now delivering to the people of Queensland. The government is democratically elected, the Governor is appointed. One of the things that has struck me is that in a very strong, rich and deep democracy like ours, the strong offices are those who are elected; the weak are those who are appointed. Weak positions are appointed officers. The strong positions are elected officers. That is the way it should be in a democracy.

I think the first thing that I would like to emphasise is that there is a very strong and important constitutional dimension to the office. While it does not get a lot of play most of the time, it sits there all of the time as the key aspect of what the office is about. For four of my six years in office Queensland had minority governments and in the last two years a government with a very strong majority. The constitutional issues which arose in the first four years were significantly different to the ones which arose in the last two years. Indeed, hardly any arose in the last two years. During the first few years questions arose such as; how does the Governor deal with Independent members? Should he deal directly with Independent members if they are going to support a particular party to enable it to form government, or should the Governor regard that as a political process and only deal with potential premiers, which was the view I took which was different to the view that one of my counterparts took in Tasmania a number of years ago.

To illustrate, in 1998, when the Borbidge government was returned without a majority and the Beattie opposition was not able to achieve a majority in its own right; and both leaders had said that they would not go into coalition with One Nation, it was obvious that there was only one party which could form government, and that would be the Labor Party if it could get the support of the two Independent members - Wellington and Cunningham. As soon as it became apparent that that would happen, the Premier, who was Rob Borbidge, rang me and said that he would like to call to tender his resignation. That was on a Friday morning. Up he came and I said, 'Yes, but before I accept your resignation I wish to have a discussion with the Leader of the Opposition to see if he can form government. You've told me you believe he can, but I want him to tell me that.' So we then had Peter Beattie contact me and he advised me that he had the support of the two Independent members and he could form government.

I said, 'What I would suggest you do is have those Independent members state very clearly the conditions and the circumstances under which they will support you on the floor of the House, as well as the circumstances when they would withdraw their vote. This detail should be made publicly so the electorate could tell - could judge them - as to their level of support. I think you also ought to indicate the arrangements you are contemplating with them so the electorate knows.'

Peter Beattie was very pleased to do this and both Independent members made statements on the Friday about the nature of their support for a Beattie government in prospect. Peter Beattie also said, 'Look, I'd be very happy for Premier Borbidge to stay until Monday because caucus hasn't met and we haven't decided who's going to be the ministers.' I said, 'No, I'm afraid that's not acceptable. The Premier, Rob Borbidge, has advised me that he wishes to go now so I'm going to accept that resignation. I'm going to have to swear you in as Premier and you're going to have to make some arrangements to overcome this administrative difficulty.'

What I suggest you could do is what Whitlam did, which was I'd swear you into half the portfolios and I'd swear your deputy into the other half and then once caucus has met we could revisit the matter on Monday and start again. And that is exactly what we did. So Peter Beattie was sworn on the Friday with his deputy, Elder, and then on Monday he and Elder resigned and I swore them in in front of their fellow cabinet ministers and swore all the cabinet ministers in and then swore them all in as members of the Executive Council. I say this to demonstrate that there are important issues which arise in the constitutional nature of the position, even though the Governor does not spend a lot of time being involved in constitutional matters.

I touched on the Executive Council. I think one of the most interesting and enjoyable aspects of the constitutional side of the job was Executive Council, because it was an opportunity to meet with ministers and to discuss broader matters than those which arose formally and also to have a quiet influence.

There are two final points that I would like to make. Firstly, Executive Council essentially takes matters that arise out of the cabinet meeting. They have been seen by all members of the cabinet and they are initialled off by the Premier. I was always at pains to ensure that I would not take any matter in Executive Council out of session unless I could be assured that the Premier was aware of the issue.

If for some reason cabinet did not sit - and this would occur three or four times a year perhaps - matters would then come up where there had not been the opportunity for cabinet discussion. So in those Executive Councils I would be familiar with the matters before the meeting but the attending councillors would not, so I said 'I want councillors to take as much time as they like to be familiar with these matters because they have not been subject to Cabinet deliberation or consideration.'

The final point I want to make goes back to that first point I made about a single chamber parliament. The head of state in our Westminster system must be advised, and in Queensland I think we have the best system for that to happen - that is, the Governor receives cabinet papers about the same time that ministers receive them. The cabinet papers are issued and a set goes to Government House. The Governor reads the cabinet submissions and all the cabinet detail at the time Ministers are going into cabinet

I do not think this happens in any other jurisdiction. It certainly does not happen at the Commonwealth level. I think it is something that Queensland has had since Sir Walter Campbell's time. It is to Queensland's great credit that the Governor does have access to cabinet papers and is able to be well informed on what is coming forward to Executive Council.

Just one final comment about involvement on social issues and the like. I am a great democrat. I am a great believer in democracy. So I am a great believer in those who are elected actually determining the policies, raising the taxes and spending the money to implement those policies. I am a great believer in the electorate being the group of people who will say, 'Not good enough' or 'Really good' and then make a decision after the Government's term and keep them in or move them on. I frankly do not think it is the position of an appointed head of state to be talking publicly about policy matters that are at issue with what government is doing.

This is perhaps where we get into when is it small 'p' policy or when is it significant. But I do think there is a very important role the Governor can play - that is, very quietly. I have written on a number of occasions to the Premier. I saw things which I thought were just not particularly good or right. The aged people's facility on Palm Island in 1998 would have been the worst facility I have seen anywhere, and I have been in Somalia, Rwanda and to Vietnam in the 1960s. It was just terrible. It was not terrible because governments did not want it to be good; they did. It was just a mismatch between the Commonwealth, the state and ATSIC and people who did not have the ability or had not been given the ability to fight those battles in an effective way. The government very quickly picked it up and sorted it out.

Thank you very much.

Ms MALONE: Thank you, Major General Arnison. It is most useful to have those illustrations that bring the role very much to life and show the extent to which judgment is required on so many of those matters. We will now move on to discuss the processes of appointing Governors and Governors-General. This has been fairly controversial, I know, in recent times and John Pyke will very ably, I am sure, draw out some of the changes and the new answers in

processes of appointing. I understand that current understandings do not reflect how they have always been seen.

So we have had a broad consideration of the roles and now the issue is really whether Prime Ministerial or Premierial prerogative is perhaps the way in which these roles or these positions should take shape. To address us on this, Mr John Pyke comes to us with degrees in science and law. He is a lecturer in constitutional law at QUT and the author of a text on judicial reasoning. He has been active in the process of review of the Queensland Constitution since 1993. He was a consultant in EARC in its last formal review and has been an active respondent in the recent LCARC review. Tonight John is to speak on the mode of selection of Governors General and Governors. Please welcome him to the podium.

Mr PYKE: Thank you, Nonie, and good evening distinguished guests all. I suppose in some ways what I am going to say might sound a bit more technical and boring after we have had Major General Arnison's discussion of the very publicly significant things that the Governor can do. But I will try not to be totally boring in that one of the things I want to do is in fact incite every backbencher and I think there is one minister here to feelings of rebellion against their party leaders when the party leader insists on this prerogative that they have the sole right to select a Governor or a Governor-General. I started to think about this issue when the Queensland parliament had its historic debate endorsing the appointment of the new Governor. I thought, 'This is something that's never happened before. I'll have a read of the *Hansard*.'

I found everybody of course saying what an excellent choice Mrs Bryce was. One of the criticisms of the process was that, since the name had already been announced and approved by the Queen, what else could they do? I was particularly interested in the response of the leaders of the National Party and of the Liberal Party. Mr Lawrence Springborg started his speech before actually addressing the issue of the appointment of the new Governor by saying that the Queensland National Party supports absolutely the right of the Premier as laid down by convention as exercised over a century or more now to make recommendations to the Queen and for Her Majesty the Queen to accept the recommendation which is made to the Queen by the Premier. That is implicitly saying, 'Well, it's nice of you, Mr Beattie, to give us this opportunity to approve a resolution, but it's not really necessary. It is your prerogative.' Similarly, Mr Quinn started his speech and the very first thing he said is that the Liberal Party supports the right of the Premier to recommend to Her Majesty the appointment of Quentin Bryce to become the next Governor and that process has served this state well over many years - in fact, for over 150 years.

The cynic in me, the person who has been taught always to look for the subtext, says that what they are saying here is that if we were leader it would be our prerogative and why should we be surrendering it to anybody else? This made me start to think about where the presumed right of the one person - the Premier or the Prime Minister - to make the selection of the next Governor or Governor-General had come from. Thinking in general principles, we have the system which is generally known as cabinet government. Walter Bagehott famously described this in the 1860s as government by a committee of parliament. We do not always know a lot about what happens in cabinet. The principle was stated by one of the English prime ministers of the 19th century that whatever they decide they had better decide something and that they had better be unanimous in presenting the decision to the outside world. Cabinet secrecy and indeed in this state the *Cabinet Handbook* and the Executive Council handbook make it quite clear that we are not supposed to know whether there was any dissent in the cabinet meeting.

I have not found many discussions of dissent in cabinet in Australia, but particularly in Britain we know that prime ministers have not always got their own way. We have a statement of Gladstone cited by Sir Ivor Jennings that 'decisions in cabinet did not often go to a vote, but when they did I as Prime Minister only had one vote like every other minister'. We know of quite a number of specific instances in English cabinet history - British cabinet history - where the Prime Minister did not get their own way. How often there is a formal vote, how often the Prime Minister uses influence, how often the Prime Minister gets his or her own way by threatening to resign if people do not fall into line we do not quite know. We understand that the Prime Minister certainly will have a very strong influence. They are rather more than first among equals; they are something a little bit more than equal among the other equals.

But most of the decisions which are made about matters of high principle and policy by our governments are made by a unanimous decision or by some form of vote in the cabinet room. Indeed, as the ex-Governor has been saying, we have in Queensland a very formalised process by which cabinet meets on a certain day of the week and all the papers have to be presented there and there is a process by which an Executive Council minute is not supposed to be on the Executive Council agenda unless it has been approved by cabinet. This is a collective process of government as compared to the American process where, in constitutional theory and to a degree in practice, the entire executive power of the United States is vested in the one man. He meets with somebody called a cabinet, but they can all say, 'Mr President, we don't think you're doing the right thing.' Usually if the opposition is unanimous, the President will of course give way, but the Constitution says the executive power is vested in that one person. I know there have been a lot of comments over the last 30 or 40 years that we are drifting from cabinet government to a more presidential, prime ministerial, premiership form of government in England and in Australia. I suppose to some extent I am being rather traditionalist here. It seems to me that collective decision making has a great deal to be said for it over the individual decision making of the temporary elected king, yet there are two particular decisions which have been stated time and time again to be totally the prerogative of the one boss - that is, the choice of election dates and the choice of a name to nominate to Her Majesty to be the next Governor or Governor-General.

As to election dates, the same thing has happened in England. Because there are more textbook studies of the process in England than Australia, I was very interested to find that the two major English scholars, Sir Ivor Jennings and the lamented recently deceased Geoffrey Marshall, both make a very strong point. In Jennings' text on cabinet government and Marshall's text on constitutional conventions, both make a very strong point of saying that this is a recent aberration, emphasising that through the 19th century a date of dissolution was always discussed at a cabinet level and that a perversion occurred somewhere - maybe 1905, more likely 1918 - and they both blame it particularly on Bonar Law, who made the statement that the Prime Minister had always decided whether there was to be a dissolution and the election date. He was misquoting and a couple of the previous precedents and prime ministers have relied on Bonar Law's statement ever since, and it has evolved the same way here.

Of course, we do not have any English precedents for the appointment of governors because they indeed have the Queen and sometimes a King, and usually this is completely dictated by heredity. They do of course have something of a history of stepping in with acts of parliament to change the succession rather more times than somebody who believes in the peaceful continuity of the English monarchy would like to believe. But there is no role to play for a cabinet or a Prime Minister in selecting somebody who is going to be appointed as some formal delegate of the Queen because she is there. So then I started to look through what books I could find - this is preliminary research; this is work in progress - for indications of when it started to become taken for granted that the Premier or the Prime Minister could choose the next vice-regal nominee by themselves. I found in Chris Cunneen's book on the history of the early governors - his lovely book called *Kings' men: Australia's governors-general from Hopetoun to Isaacs* - an indication that certainly in the 1920s and 1930s it was taken for granted that it was a cabinet decision. The first occasion on which the Australian executive actually had an input into who the next Governor-General was going to be was not the celebrated occasion on which Sir Isaac Isaacs was appointed but when Lord Forster was appointed in 1920. Billy Hughes had told the Colonial Office, 'We don't want you just to give us one name. We want a short-list.'

This was the first small victory for Australian autonomy. The Colonial Office argued for a while but finally gave in and submitted a short-list. The government chose the third on the shortlist to emphasise its independence perhaps and because he was known to be a great cricket fan. But, as Cunneen sums it up, the dominion ministers - ministers in the plural, and I have gone through my photocopies highlighting all these collective words - were allowed the final choice. Cunneen says the Hughes government chose the third man on the list.

Then, in the celebrated case where Sir Isaac Isaacs was chosen, with long exchanges of cables between Prime Minister Scullin, the Foreign and Colonial Office and the King himself, on Cunneen's account, Scullin advised Passfield, His Majesty's Private Secretary, that both he and his cabinet felt strongly and unanimously that the Rt Hon. Isaac Isaacs would be by far the most

suitable appointment. He said the names considered by cabinet were those of Isaacs and Sir John Monash, who was the other contender.

It seems that in the 1920s and the 1930s it was taken for granted this was a decision that was not made by the one boss person but made collectively. Then, in my historical research at least, there is a total gap. All I know is that for the last 20 years every time it has been discussed it has been taken for granted that the Prime Minister may consult a bit, but in the end the Prime Minister chooses the Governor-General. The Premier may consult a bit, but in the end the Premier chooses the next Governor.

The late Richard McGarvie wanted to elevate this into a major constitutional principle, and the whole thrust of his model for a republic was that the Prime Minister alone would choose a president. Because he recognised that there needed to be some sort of brake on the Prime Minister, there was going to be a council of three wise men who had to be consulted before there could be a dismissal. Having been a state Governor himself, McGarvie, in a paper that he gave to a schools convention which was printed in a law journal, states the present position flatly as: 'At present, a Governor is chosen by the Premier.'

Somewhere between 1930 and 1980, collective decision making was subverted by a series of prime ministers and premiers by much the same process, I guess, as the personal choice of election date - proof by constant assertion. If you are the leader, you assert it loudly enough, you do it. Nobody is impolite enough to raise objections to this in party room or cabinet, then you gradually get away with it.

I thought tonight I would point out that this is an anomaly in what is otherwise a fairly collective process of decision making. We have acts of parliament that leave a specific power to a minister, we have acts of parliament which leave a specific power to a premier or to a prime minister, but otherwise most of the major decisions are left to the Executive Council, which ratifies decisions, sometimes made after much debate by the cabinet. Even John Mackintosh, one of the writers who claimed that Britain had become more "presidential", noted that Cabinet was still "the place where certain categories of decisions are taken, disagreements ironed out and compromises registered."

My purpose in doing this is, I suppose, twofold. One is to raise seditious thoughts among those members of various parties who are here that, perhaps if we do not go the way foreshadowed by Mr Beattie and have a more open debate in parliament, next time a party leader says, 'It's my prerogative,' some of you might challenge that in party rooms or cabinets. The other is to suggest that, if we do move down the path foreshadowed by Mr Beattie towards a full parliamentary debate, it would not be quite so radical as he was suggesting and as the leaders of the National and Liberal parties seem to be suggesting by starting off their speeches saying, 'I support your right to do it, Pete, old boy.'

If it is an aberration, if it really should have been a collective decision in the first place, then it is less dramatic to make that a broader collective decision. If it is somehow part of our constitutional conventions that it really should be the decision of one person, then it really is a very generous step by the Premier to surrender this power to the whole of the parliament. If it is an aberration and it really should have been done all along by a bigger group called the cabinet, then it is a smaller step.

I do not have a lot to say about the way it may go in the future. I have not said a thing about a republic. Anybody who knows anything about my recent political history will know that I am one of them, too. But, assuming that we are to stay a constitutional monarchy for a decade or so, it seems to me that a constitutional monarchy has always evolved. From the days of Henry VIII and James I - even before that to the days of the Edwards - their word was law. The word of Henry VIII was law, but he consulted parliament fairly regularly because he felt it tactically useful. James I tried to turn the clock back a bit. We went from the days when the monarch really was the boss. We have the Bill of Rights 1688, where the monarchy ceases to have any power over legislation and is acknowledged to have no power over the judiciary. It still remains in a real sense

the boss of the executive, but by the accession of Queen Victoria it is clear that the monarch is no longer even the boss of the executive and that she simply takes advice from a cabinet - let me emphasise that - not simply from the Prime Minister.

It seems to me that maybe terminology has led to the confusion, because of course the

Prime Minister always tenders the advice. From insisting on the Prime Minister's right to tender the advice - which properly should be the advice of cabinet - maybe it is a small step to suggest that the Prime Minister has the right to make up the advice about a governor-general or a dissolution date. Since it has always evolved, it seems to me that it would not in any way be inconsistent with continuing to be a constitutional monarchy for it to evolve further.

As both Ms Struthers and Major General Arnison have pointed out, we are now seeing the Governor not just as the Queen's representative but also as the people's representative. There is no tremendous bar in constitutional theory against the Commonwealth or a state parliament passing an act that says that a governor could be elected. There would still be a process of passing the successful name on to Her Majesty. This would not be taking away from Her Majesty's prerogative to receive advice from her advisers. Her Majesty and her representatives in Australia these days sign acts of parliament that have been publicly debated. There is no secrecy about the advice that goes to Her Majesty about the content of a new law. It seems to me there would be no terrible subversion of the system - and some of us might regard it as a rehearsal for a republic, but it need not be - if we had a system where the Governor was chosen either by a vote in the parliament or perhaps even by a vote of the people. The system has always evolved and it will continue to evolve. However, one thing that struck me when I started doing some reading about this issue is that one of the recent bits of the evolution has been something of a perversion, as I see it, of our cabinet system. Instead of evolving to a broader selection process - in the twenties and thirties at least the whole cabinet was involved in the selection - it evolved backwards to a situation where it is the choice of one person. Again, I encourage all members of the parliament - backbenchers and ministers - to start to suggest within their parties that perhaps that never was quite the way it should have been. Thank you very much.

Ms MALONE: Thank you, John, for demonstrating to us how the processes have evolved over time and for provoking us into thinking beyond where we are now to what the possibilities are.

At this point, I would like to open the floor for questions of each of our three speakers. Perhaps at this stage if Major General Arnison would like to make comments on the processes of appointing he could do that.

Major Gen. ARNISON: I thought that was a very, very interesting talk, John. I agree with you; it is surprising when you lay out how the processes seem to have concentrated back with the premiers and prime ministers. Cabinet is interesting. One of the interesting things for me in the last six years, coming out of the military, where you have a culture of leadership which represents what the military is about, is that I have been very interested to see how political leaders demonstrate and practice leadership.

It is a much more difficult thing, I think, because in the military you are all shaped together by your training, but when you have a premier and his or her cabinet and a prime minister and his or her cabinet you have people from a wide range of areas with a whole range of views. To hold that all together and to get alignment and a degree of consensus and cabinet solidarity is something that underpins our system. I guess ministers can dissent, but if they continue to dissent outside of cabinet either they fall or the Premier or the Prime Minister falls.

I suspect there is much more discussion that goes on in cabinet than we get to hear about or see. I would not know how much discussion there was on my appointment or other appointments amongst premiers and ministers. I would be surprised if there were not some. I

think the point John makes as to why that has happened is a very interesting and very good one. There is always this point: ministers owe their portfolio responsibility to the Prime Minister and the Premier, and I think they are mindful of that. Some are much more mindful of it than others.

Also, matters such as election dates I think are also interesting. One of the great things Premier Beattie has done is to state very clearly his general view on when the election date should be. For governors there is an adage in a three year parliamentary term that if an election is asked for in the first year it ought to be refused, if it is asked for in the second year you think about it very carefully, and if it is asked for in the third year you grant it. I did not have that

problem, but I thought I might have had it when neither side looked like they could form a government in the election when One Nation won a large number of seats in 1998.

On the general notion of appointment, sometimes I wonder whether the discussion about it - and I think it is an important discussion - does not draw away a little from the real discussion, which is: what is the nature of the job? What constitutional duties do we want our head of state to do? Do we think it should change over time? Should it continue to reflect the doctrine of ministerial responsibility, which underpins our system, or do we want it to move to some other form - perhaps one which is more American? I personally have a concern. As I said earlier, in a democracy, if you are appointed it is a very weak position, but if you are elected it is a very strong position. I particularly worry that, if we have a head of state who is elected directly by the people and premiers/prime ministers who are elected by a small electorate and further elected by their ministerial colleagues, we could get fragmentation of the system, and that is something that would concern me.

I think the main debate should be on what we want the office to do. If we continue with our current system of ministerial responsibility, the power or the authority should rightly rest with the elected government and, through the government, the ministers to determine the policies and raise the taxes and spend the money.

Ms MALONE: Ladies and gentlemen, this discussion is being reported by *Hansard*. So, as we move to question time, would anybody who is asking questions please state their name first.

Mr TERRY SULLIVAN: Terry Sullivan, government backbencher, who will not be agitating in the way that Mr Pyke asked us to - unless you have a good employment agency to which you could refer me! My question is directed to Major General Peter Arnison. I heard something today that I have never heard before and that is the fact that the Governor receives the cabinet bag. As the end of one week draws near, the ministers would be gathering the material for the cabinet bag for the following Monday. Do I understand from what you said that on the Monday you receive the cabinet bag and that therefore you have the opportunity to see what the ministers are discussing?

Major Gen. ARNISON: I think over the period I would get it on the Tuesday. Occasionally, it would slip to the Wednesday, but invariably the Tuesday afternoon or Wednesday morning. So it was about the time that the ministers would be considering the matters. All the cabinet submissions would be there. Also, there would be the minutes of the cabinet deliberations from the previous week's cabinet. But as we know, a lot of matters go on in cabinet which are not written down and which do not appear in the minutes. Of course, no political matters are in there. That would not be appropriate in my view, anyway. What it means is that arising out of the Cabinet Meetings are the Executive Council matters. After a month or so trying to work out how to do this, I would allocate a couple of hours on Tuesday afternoons and an hour on Thursday mornings - Wednesday nights, but mainly Thursday mornings - to read the cabinet papers and then to read the Executive Council matters on the Wednesday night, Thursday morning. Every now and again I would ask Justin O'Connor, the official secretary, to ring up one of the Clerks of the Executive Council and say, 'The governor has a bit of a problem here and he would like some further advice on this matter' or 'He notes' - and this happened early in the piece 'that he is being asked to terminate someone whom the minute indicates ceased to be paid two months ago. Of course, that official cannot be terminated until he is terminated by the Governor-in-Council and the Governor declines to terminate him retrospectively. So someone has a problem. The individual had better be re-employed and paid until legally terminated today.'

Other times there would be cases where there was a judicial appointment. I think the appointment had apparently come into effect before the Executive Council meeting. I formed the view that this was then an unsafe appointment and it had to be remade. So the period that it was 'unsafe' was quarantined and the fresh appointment was made from the date of the Executive Council meeting.

I do not think that you can do the job properly unless you know what the government is doing. Of course, in terms of confidentiality it is the Governor who swears the ministers and swears the Executive Councils to secrecy. So the Governor has to be the centre of the trusted group, if you like. But as I said, it does not happen in some of the other states and certainly it does not happen at the Commonwealth level.

Mr TERRY SULLIVAN: Just by way of time line, is it the case that you receive those documents on a Tuesday before the Executive Council on a Thursday?

Major Gen. ARNISON: Yes, I think what happens is that the cabinet secretariat sends out all the documents and the Governor's are sent out as the ministers' are sent out. So from point of dispatch, there is not an issue there, because the Governor obviously does not attend cabinet. The Governor is not as excited to read the matters as Ministers are as they will sit around the cabinet table. So they can lag when they come up to Government House. But it is generally the same time. I never felt the need to do this, but if I had said, 'I really want the Cabinet papers to arrive up here on Tuesday morning or a little bit earlier,' I am sure that the Clerks of the Council would then talk to the cabinet secretariat and that would have happened.

Mr LINGARD: I have got a little bit of a different concept of being a member of cabinet. You are invited by the Premier to come to cabinet to offer advice. In my years in cabinet, I have never seen a vote around a cabinet table. You would not lose something 10-8. You would generally resolve that everyone agrees. So my concept of the cabinet is that it really is the Premier who is the leader making that decision. There are 18 other people who are offering advice. You are invited to be part of cabinet; you are not selected to be part of cabinet. Therefore, whatever comes out of cabinet is really a decision basically by the Premier who has been advised by people around the table. Can I also say to Karen that in using that word by the Governor, 'Do you "wish" me to sign this?' I think that you have put a different concept on it. Whenever a decision was made that was like a minute, there used to have to be two cabinet ministers go to the Executive Council with the Governor. You had to explain something to the Governor and get his approval if it was something that they had not seen and had not been advised about - like a late minute. You really did have to go through that explanation process to prove to the Governor why it had to be done and virtually ask the Governor if he agreed. So I have a different concept of the words 'Do you wish me to sign this?' But certainly, can I go back to the other thing: I have never seen a vote in cabinet and, personally, I do not think that you are appointed to cabinet; you are asked by the Premier to come and offer him advice during cabinet meetings, and never would I have ever seen a vote in cabinet.

Major Gen. ARNISON: The words are, as I recall them, the Governor says, 'Do Executive Councillors wish me to confirm these minutes?' And then, 'Executive do wish,' and by confirming the minutes you put into law, if you like, the matters that are in there.

Mr PYKE: Yes, I am sure, Mr Lingard, there are lots of cabinets which last the term of parliament where there is never a vote and where there is little dissent. We do, however, know from English history that there have been things pretty close to 10-8 votes. I am sure that they sometimes still occur. It depends on the strength of character and dominance of the personality of your Premier, among other things. As to the difference between being invited and appointed, constitutional theory - at least in the 19th century; maybe I am being terribly old-fashioned here - said that all of the members of cabinet were the King's or Queen's ministers who were advising the King or Queen and that the Prime Minister was, in theory, first among equals. I have already said that surely they are a little bit more than that. As I said, not a lot leaks out about dissent within cabinets in Australia, but if you read the English texts on cabinet government like Jennings and Mackintosh, you certainly find that there have been instances where a good deal is known about the decision making and who has been in favour of something and who has been opposed. If they have been opposed enough, of course, they resign. Otherwise, they swallow their objections. Call me old-fashioned,

but I really think that you are a collective body which is making a collective decision. If the Premier stands out from the rest of you by virtue of talent, force of personality or whatever so that you always agree, then fine. But it is not a necessary part of the institution that we know as cabinet government.

Prof. REYNOLDS: I just want to pick up a point that John made in his speech about Prime Ministerial or Premierial prerogative over election dates. I think that needs to be put in some context, although I realise that this is not directly what our topic is tonight. This derives from the fact that there are no fixed terms in Westminster. The British parliament sits for five years maximum, but only twice in the 20th century did any British parliament go for the full five years. That was as much at the convenience of the government of the day on both occasions as having an early election.

I also observe that there have been only two early elections in Queensland since World War II. That was 1957 in the overthrow of the Gair government and when Bjelke-Petersen went early in 1974 to capitalise on the unpopularity of the Whitlam government. So in Queensland, despite the Premier having this prerogative, it is very, very rarely exercised outside the normal three-year cycle.

My favourite cartoon from the Bjelke-Petersen days - and there were many of them, so this is one of the favourite ones - was by Patrick Cook who did a two-panel cartoon. There was Bjelke-Petersen with the cane toad at his feet - he always drew him with a cane toad - and it said in the first panel, 'This is the election date', and in the second panel, 'And these are the results'. Any further questions?

Mr FLYNN: Major General Arnison, I just want to question the interpretation of your word a 'weak' position if you are appointed. Quite clearly, I think there are those involved in the discussions over the Kerr-Whitlam affair who would suggest that the person appointed to the position of Governor-General was hardly weak and that using the unwritten reserve powers was, in actual fact, an extraordinarily powerful position. Perhaps you could educate me on your interpretation of the word 'weak', because I think being an appointed position can be quite powerful.

Major Gen. ARNISON: I was using the term 'weak' to describe the way the Governor should act in the position in a normal and routine set of circumstances. In relation to reserve powers, it gets back to the point that I made right at the beginning - that the Governor administers the government. One of the fundamental things that a Governor does, in our system, is to ensure that the government always acts within the law. By that, I mean that it does not try to do things like remain in government if it does not have the majority of seats on the floor of the parliament.

It is the Governor who commissions the Premier and commissions ministers. It is also the Governor who can terminate premiers and terminate ministers. But so long as a government is acting lawfully and properly and getting about its business in the normal way, I think that the position is a relatively weak position. Should a government act illegally or not lawfully, then the reserve powers that vest in the Office of Governor confer great strength. But they are used only in exceptional circumstances.

The heart of all of this, I think, is the trust that has to develop between the Office of the Governor and the government. By 'government' I mean the ministers and I mean all the members of parliament. I get back to the words 'It is my government' - 'My government will do this and will do that,' and that includes the opposition. So there has to be that sense of trust. Once trust breaks down, that is when difficulties arise. I think that is essentially what happened in the Whitlam-Kerr situation. Trust broke down over an Executive Council matter a year before the dismissal when, as I understood it, the Governor-General was presented with what purported to be federal Executive Council minutes which were to do with the Khemlani loan matter. The Governor-General had never summoned a meeting of the federal Executive Council to discuss this matter. The meeting did not occur and Kerr signed the minutes in retrospect. That is something, in my view, that he should not have done. I think he felt badly about it afterwards. I

think he felt that the Prime Minister had not acted properly, either. From that point, I think all trust broke down between them and then it just took its course and resulted in the dismissal 12 months later. Others know more about it than I do - whether people agree with that or not, but from my reading of both sides, that seems to me to be what happened there.

But I guess when I say 'weak' rather than strong, what I am saying is that I do not think it is right for a governor or governor-general - someone in this position - to be spending their time in the limelight, taking strong positions over a whole range of issues and matters. If you want to do that, get elected, because elected representatives are the people who do it in our democratic system. But reserve powers, I agree, as you say, give an extraordinary power if they are exercised.

Mr PYKE: It seems to me that even when they are exercising their reserve powers, governors and governors-general are at least in a fairly vulnerable position. If Jack Lang had got re-elected, Sir Philip Game's position would have been intolerable. If Whitlam had got elected - and it might have been remotely possible until that moment on the steps when he said, 'Nothing will save the Governor-General' and he blew it completely - then Kerr would not have lasted long in the position, either. So I think even when they make those very strong decisions, there is an element of vulnerability about their position still underlying it.

Ms MALONE: I would like to call on Paul Reynolds, the immediate past chair of the chapter, to thank Karen Struthers.

Prof. REYNOLDS: Thank you. It is my pleasure to move a vote of thanks to Karen. She is doing a good job in LCARC, which is a very important committee. The other thing that I can say about Karen is that she is looking after one of my students as an intern for the committee. I am very grateful that the student concerned is very excited about the possibility of working with her and her colleagues on the committee.

I wanted to say that I think the discussion has been very, very good and to thank Karen for initiating it. The quote from Walter Bagehott has been quite extensively used tonight - as indeed it always is when this matter comes before us - but nobody ever quotes the second part of what Bagehott said. He said after the consulting advice warning, 'and no sagacious monarch would ever want any other power.' I think it is very important to remember the second half of that quotation, because it is indeed on the interpretation of that second half of the quotation that Paul Kelly's excellent analysis of 1975, which was published 25 years later, rests. For those of you who

have not read the book, I strongly urge you to do so if you are interested in this topic. It is in my opinion one of the best things that has ever been written not only about 1975 but about the whole vice-regal position in contemporary Australian life. But enough of that. Thank you very much, Karen. Thank you for supporting us. We are indeed very grateful for all the members and former members who do support us. So thank you for your stimulating talk.

Ms MALONE: Bill Hewitt, former Member of Parliament and long-serving member of the chapter.

Mr HEWITT: It is my pleasant task to say thank you, John. As ever, your contribution has been much valued and useful and we are very grateful to you for that. I want to tell you about John, because we have enjoyed a friendship for a long time. That friendship is greatly enriched by the fact that we very seldom agree. We are very civilised and we are able to talk things through in a very civilised fashion and I think that adds greater value to the friendship. But I startled John on one occasion when I told him that I had voted yes in the republican referendum. He found that a little bit hard to believe, but I assured him that I did vote yes and I voted yes because I thought that the saying, 'If it ain't broke, don't fix it' is too simplistic and, secondly, the question satisfied my requirement for a minimalist solution. So I voted yes. I further advised John that if the republicans come out and propose that there would be an elected president, I would certainly vigorously vote against it and I would threaten to come out of my dotage and even campaign against it. John's response was this. He said, 'If I win Lotto, I will

finance a trip overseas for you to Iceland and Ireland and other places so that you can go and study those structures.' John, since you have said that, I have had my bags ready. My wife is tripping over them and is starting to complain. I have arrived at the reluctant conclusion that you are not buying enough Lotto tickets. I would be grateful if you could expend a little bit more. But having said that, I look forward to a clash of minds with you when and if that republican question is ever put forward. But for the moment, thank you for your contribution tonight.

Ms MALONE: Thank you. I endorse those thanks to John and Karen. I would like to now thank Major General Arnison for his contribution this evening. It was somewhat of a surprise to me that Major General Arnison accepted the invitation to speak tonight, particularly when one takes into account the turmoil of the transition that must be under way from a very busy life as Governor to probably a busier life as a private individual. I am very grateful that you accepted the invitation. The discussion was enhanced so greatly by having the benefit of your particular perspective from that position. I think it was a wonderful discussion this evening where we have had a former cabinet minister, backbenchers, and people with other interests all buying into the debate from those various perspectives. But to have the perspective of Major General Arnison I think has been magnificent. I thank him also for the frankness with which he expressed his opinions tonight. Please join me in thanking Major General Arnison. Ladies and gentlemen, that now draws our discussion to a close. Please join us in the Bellevue Room for refreshments. Thank you.

Endnotes to Mr Pyke's speech:

1. There is an excellent discussion of the debate, in Britain, about the powers of the Prime Minister and Cabinet at-
<http://www.rdg.ac.uk/AcaDepts/lp/PolIR/bgovt4lect.html>
2. Since delivering this speech, I have become aware of a proposal by Mike Pepperday, a postgraduate student at the University of WA, to make the most minimal possible amendment to the Commonwealth Constitution. He proposes that we should amend "appointed by the Queen" in section 2 to "appointed by the People". The Prime Minister would nominate a candidate by writing a letter to the people, and they would write Yes or No in a postal ballot. While I have reservations about the Prime Minister's power to nominate only one candidate, this would certainly be a step in the right direction.