

BOOK REVIEWS

Monarchy to Republic: Australian Republican Government by George Winterton (Oxford University Press, Melbourne, 1986) pp. i-xi, 1-211 (including index). Price \$40.00 (hardback) \$19.95 (soft cover). ISBN 0 19 554563 X (hardback) ISBN 0 19 554862 1 (soft cover).

George Winterton, Associate Professor of Law at the University of New South Wales, has written a timely book entitled *Monarchy to Republic* which discusses most contemporary varieties of republican government. It also discusses the consequences of their possible adoption in Australia. It thus focuses on a central aspect of Australian political life, though one often ignored in mainstream political debate — the structure of our fundamental institutions. The approaching bi-centennial may draw longer term political issues, such as those discussed in this book, into the lime-light. I hope it does. My instinct is, however, that the spin-off benefits of our 200th birthday will more likely be enjoyed by less specifically relevant but more emotionally appealing works than this. Robert Hughes' recently published *flesh and blood* account of our convict past, *The Fatal Shore*, springs to mind.

Australia does not suffer, of course, from any lack of political discussion. Debate is regular and often impassioned. But it infrequently looks beyond the next (likely premature) election. Hardly surprising you say. Yet political discussion in Canada, for example, over the last decade or so has had a consistent and lively long term component threaded through it. Debate over matters, such as constitutional patriation and entrenchment of individual rights, has not just been fashionable academically. These topics and others have become important, continuing political issues. A feeling of 'change in the air' appears to have fuelled this phenomenon. Major constitutional modifications have resulted.

It is true that the events of the Whitlam era (1972-1975) created a widened interest in this nation's constitutional structure. But as the constitutional rubber hits the political road in Australia, the debate usually degenerates into partisan sloganizing. In the lucky country, one detects an odour of constitutional stalemate more often than any whiff of significant change.

George Winterton confirms that the discussion of republicanism in Australia has suffered from dim perceptions of basic issues and misinformed argument. And the debate has never achieved continuing status as a serious political (as against academic) issue. Nevertheless, this book is premised on the view that an Australian republic is inevitable. Support for republicanism, particularly amongst those under 34 years, suggests, says the author, that within another generation, majority attachment to the present long-distance, constitutional monarchy will have been displaced by a desire for some sort of republican structure. The statistics quoted in the book's opening chapter appear to endorse this view. If the author is correct, the growing public bias towards republicanism will eventually place this issue squarely on the mainstream political agenda. The book itself should jockey this process along. In other words, it could play a part in fulfilling its own prophecy.

The potential of Winterton's book to act as a catalyst for change may well be enhanced by its general tone and message. It is no alienating panegyric on republicanism. We are gently reassured that moderate republicanism would be a good thing for Australia not only because it is inevitable but also because it is desirable.

The book proceeds from the view that the drawbacks of the present head of state structure will continue to undermine its current, widespread, sentimental support. What are these drawbacks? In the first place, retention of the Queen as head of state in Australia is posited as a continuing obstacle to full development of Australia's national identity. It is also suggested that the present structure aggravates Australia's equivocation over its identity as an Asian-Pacific nation and confuses, to some degree, Australia's foreign relations. Throughout the book, great pains are taken to put to rest the notion that republicanism means brash and rampant 'Uncle Samism'. There are many versions of republicanism alive in the world. And some of what might be termed the milder forms bear a close resemblance to our existing structure.

Perhaps the most dramatic aspect of this book is its title. The text itself presents a patient unfolding

of the various republican options. These range from the American executive-presidential system through hybrid, split executive options practised in France and Sri Lanka to the parliamentary-executive systems used, *inter alia*, in India and Ireland. The author's sympathies lie with the last named option. He favours a largely ceremonial president, elected by collegiate rather than popular vote, with powers probably more attenuated than those of the present Governor-General. Such a change is not linked to dealing with wider constitutional issues, such as the Senate's power over supply. In circumstances similar to those which prevailed in 1975, the author implies that a president might retain a power to dismiss a government which actually ran out of funds (this did not happen in 1975) and which attempted to spend non-appropriated funds. Thus, in a Winterton republic, the present long-distance Monarch and her local representative would be replaced by a single Australian president but not a lot else would change. The strengths of this proposal are almost as much procedural as substantive. Substantively, Australia's national identity would be given more room to develop. Procedurally, because the substantive changes foreshadowed are largely symbolic, the proposal's achievability is enhanced significantly. The author is able to draw on the implicit support of one of Australia's leading conservative jurists, Justice Dawson of the High Court, for his views. His Honour acknowledged, in 1984, that a bare change from a monarchy to a republic could be achieved quite simply and possibly with some benefit.

The position of the states is discussed too. The author notes that, theoretically, any state that wished could be allowed to retain the Queen as its head of state under a republican federal government. He also concludes, though, that a republican Commonwealth could attempt to force republicanism upon the states — albeit through the cumbersome mechanism of section 128 of the Australia Constitution. At another point, the possibility of a state or states adopting a republican constitution prior to the Commonwealth doing so is reviewed. The severing of remaining state colonial links to Britain in March 1986 may have made the unilateral establishment of state republics a legal possibility. This arresting prospect is not addressed at any length, however. Unfortunately the text was completed before March 1986. As the author explains in the preface, this resulted in these important constitutional changes being discussed in the text in a less than complete way.

Monarchy to Republic has been very well researched. The exposition of what republicanism is and the discussion of its current variants are lucid, informative and easily hold one's interest. I did not find this clarity pervaded the entire book though. At times it becomes cryptic. At other times there is a feeling of incompleteness. The section on presidential powers in chapter seven ought to have drawn together earlier discussion related to this topic and summarized the possible powers which might be conferred. The section consists mostly of a brief review of the difficulty of delineating powers, the dangers of their abuse and the factors that might influence their exercise. Just what the powers ought to be we are left to conclude from a few clues as to what they ought not be and by reference to earlier reflections on existing Crown powers. At another point, the author argues for collegiate voting for any Australian president on the grounds that a popularly elected president might feel sufficiently empowered by the people to disregard her formal limitations in a crisis. No evidence from countries with popular elected, formal heads of state, such as Ireland, Iceland and Austria is elicited to support this view, however.

On the structural side, the index is very good, the layout is clear and helpful and the text is sensibly organized. The book is also free from recurring typographical slips. The writing style is a touch pedantic but this is a reasonable price to pay for the informative thoroughness of the text.

In summary, *Monarchy to Republic* is a welcome, scholarly and accessible book on a topic central to Australian life — the structure of our fundamental institutions. It is at its best in its exposition of republicanism's many forms. Its mild prescriptive conclusions, though, at times lack focus. Within its own brief of examining the practical issues involved in establishing an Australian republic, it does a thorough and worthy job. It has largely divorced itself from wider constitutional concerns in its execution, however. One comes away from the book feeling that the really difficult constitutional issues, such as the power of the Senate or, more fundamentally, the long term future of federalism in Australia, continue to taunt us all from the sanctuary of the too hard basket.

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