

Expert: Even Queen Elizabeth can't choose PM
MalaysiaKini.com
Sept 24, 2014

No ruler, not even Queen Elizabeth II, has the power to select the prime minister under the Westminster parliamentary system, says senior lawyer Tommy Thomas.

Using the British political crisis in 1990 and 1991 as an example, Thomas said, the Conservative Party wanted to get rid of Margaret Thatcher and John Major was appointed to replace her to lead the party.

And still, the ruler did not intervene and appointed Major as the next prime minister.

"Did Queen Elizabeth, as the constitutional monarch, have a choice and say 'I do not like Major (left) and I do not want him to be the PM', and 'I prefer (Michael) Hasseltine' to lead the Conservative Party?"

"She is a constitutional monarch, she has no say in the selection of the leader of the Conservative Party," Thomas said at an international conference today.

Moving on to Australia, he said the governor-general also did not intervene in the Labour Party tussle involving Kevin Rudd and Julia Gillard.

"Did the governor-general of Australia, who has the power of a constitutional monarch, have the discretion to say 'Gillard, I won't accept you and I noticed that you are a woman'?" Thomas (right) asked.

Like the two classic examples of the application of the Westminster systems in appointment of chief executives, he said, India's president too did not have a say when Narendra Modi won the country's last general election earlier this year.

"The president of India couldn't say, 'I don't like Mr Modi or I do not like the outfit he wears, give me three other names'," he said at the International Malaysia Law Conference in Kuala Lumpur.

Thomas was responding to a question from the floor from a lawyer on what is taught in constitutional law classes and what is applied in the present situation, especially with the Selangor crisis.

Yesterday, PKR deputy president Azmin Ali was sworn-in as Selangor menteri besar upon the sultan's selection, although his party nominated its president, Dr Wan Azizah Wan Ismail.

'Party chooses the leader'

Thomas said what was happening in Selangor was wrong.

“If this question is asked to Tun Razak or Tun Ismail and they have had difficult *menteri besar* during their time, they would ask, ‘are you kidding?’ The party chooses the leader and that is the end of the matter,” he said.

Thomas said this in response to a question from the floor from a lawyer on what is taught in constitutional law classes and what is applied in the present situation, especially with the Selangor crisis.

Yesterday, PKR deputy president Azmin Ali was sworn-in as Selangor *menteri besar*, upon the sultan's selection, although his party and DAP nominated PRK president Dr Wan Azizah Wan Ismail to take over from Abdul Khalid Ibrahim.

The Selangor sultan in a statement issued through his private secretary Mohd Munir Bani yesterday, said that the palace was not interfering in the choice of the *menteri besar* and the long wait was due to Pakatan Rakyat's inability to agree on who would assume the post.

To questions on which parts of the Federal Constitution would the three speakers at the conference like to see amended, Universiti Malaya associate professor Azmi Sharom, said he would not amend anything.

“However, the judges need a constitutional law class and it would preferably be conducted at UM,” Azmi, who is one of those facing sedition charges, said, apparently in jest.

The other speaker, senior lawyer, Cyrus Das (right), said he would not amend the constitution but emphasised that respect for the fundamental rights of the citizens, as outlined in Part II, cannot be amended.

Das said the problem right now is that everyone has got their own ideas as to what the constitution should be.

If we looked at the basic document (the Federal Constitution) and the Reid Report, he said, we would like to see that the basic rights are maintained and undisturbed, no matter which party holds a two-thirds majority in Parliament.

On another question on how to educate the people on the correct position of the law with regard to the Selangor *menteri besar* issue, Azmi said there has to be a strong stand from the academia and Bar as to what the law actually says on the matter.

“The concept of constitutional monarchy is to hang on to certain history... and the role of royalty in this kind of system cannot be like in the past anymore. I don't think it is desirable.

“We just have to say that the way you do it is different from what we have been seeing,”

Azmi (left) said, adding he regretted that the mainstream media would not publish his views on this matter.

This, he acknowledged, was a continuous struggle that Malaysians should labour on.

Das said educating the people in this area was an impossible task as everybody would put forward a viewpoint that would be to their interests or persuasion.

“You can never get an objective view of this issues. I often see one cannot reach out that this is the actual constitutional position and not the other.

“So long there are politicians, each one of them will put their viewpoints forward and they will put that across to the wider public,” Das added.

Copyright © 1999-2012 Mkini Dotcom Sdn. Bhd
Source <http://www.malaysiakini.com/news/275606>