

Chapter 2

Prelude to the Tasmanian Dam Case – Constitutional Crises, Reserve Powers and the Exercise of Soft Power

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The 30th anniversary of the *Tasmanian Dam Case* has proved a useful time for reflection on a tumultuous political and constitutional period. Much has been written about the case from an environmental, political and legal perspective. Its momentous constitutional outcome, in terms of the expansion of the external affairs and corporations powers and its effect on the federal balance in Australia, has obscured from sight the other important constitutional issues that arose in the lead-up to the case. This chapter seeks to fill in that constitutional history, which has so far been largely ignored.

The first part of the chapter explores the prelude to the *Tasmanian Dam Case*, with all its twists and turns, from challenges to the validity of elections, to the removal of a Premier by his party, an inconclusive referendum and the defeat of a Labor Government on the floor of the House by the casting vote of the former Labor Premier.

The second part explores in more depth the three occasions on which the Governor, Sir Stanley Burbury, was called on to consider the exercise of his reserve powers to deal with the constitutional crises thrown up by these political events. Given the few examples in Australia of the use of reserve powers, much can be learnt from experiences where those powers *could* have been exercised, but the matter was dealt with by other means. In particular, this chapter explores the use of 'soft power' by vice-regal representatives in dealing with a constitutional crisis in a way that avoids the need to exercise hard power through the formal use of the reserve powers.

This is a preview. Not all pages are shown.