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Constitutional Conventions And The Headship Of State: Australian Experience



DONALD MARKWELL

**CONSTITUTIONAL
CONVENTIONS AND THE
HEADSHIP OF STATE:
AUSTRALIAN EXPERIENCE**



Synopsis

Constitutional systems frequently depend upon conventions - unwritten rules based on principle and precedent - to guide their operation, including regarding the role of the head of state. The Queen is Australia's head of state, with her Australian federal representative, the Governor-General, serving in day-to-day practice as a de facto head of state. Papers in this volume discuss conventions and other practice relating to the Crown in Australia's Westminster-style system of government responsible to Parliament. Papers consider the "Australianisation" of the Crown since federation in 1901, the evolution of a modern Australian office of Governor-General (exemplified by Sir Zelman Cowen, Dame Quentin Bryce, and others), and the continuing debate on an Australian republic. Controversies analysed include the exercise of the "reserve powers" by Governor-General Sir John Kerr to resolve the 1975 constitutional crisis, the long but now controversial practice of Governors-General consulting High Court judges on the exercise of their constitutional discretions, and the conventions that relate to "hung parliaments" and to ministerial resignations. These studies highlight the need for careful consideration of constitutional principles and precedents to an understanding of conventions and the office of Governor-General of Australia.

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