

## SCHOOL GOVERNANCE: DEMOCRATIC PRINCIPLES:

It's required of us, to maintain our registration as a school, that we "support and promote the principles and practice of Australian democracy, including a commitment to elected government, the rule of law, equal rights for all before the law, freedom of religion, freedom of speech and association, and the values of openness and tolerance."

We do support and promote the principles and practice of Australian democracy, but note that glib and superficial statements are not helpful in developing the kind of sophisticated and complex thinking that we expect from our students. We would not see a list of slogans, like the one above, as particularly helpful or meaningful in encouraging understanding of the workings of Australian democracy.

For example, according to the Australian government's own website: "Australia's Head of State is the Queen of Australia, Her Majesty Queen Elizabeth II. Under the Australian Constitution, the executive power of the Commonwealth is vested in the Queen and is exercised by the Governor-General as the Queen's representative."

Her Majesty, our Head of State, is not of course part of an elected government, but derives her powers from her position as an hereditary monarch. Strangely, Her Majesty's role is completely omitted from the description of Australian democracy quoted in the first paragraph above.

According to Wikipedia, the Governor General, as the Queen's representatives, holds the following reserve powers:

- *The power to dissolve (or refuse to dissolve) the House of Representatives. (Section 5 of the Constitution)*
- *The power to dissolve Parliament on the occasion of a deadlock. (Section 57)*
- *The power to withhold assent to Bills. (Section 58)*
- *The power to appoint (or dismiss) Ministers. (Section 64)*

*These powers are generally and routinely exercised on Ministerial advice, but the Governor-General retains the ability to act independently in certain circumstances, as governed by convention. It is generally held that the Governor-General may use their powers without ministerial advice in the following situations:*

- *if an election results in a Parliament in which no party has a majority, the Governor-General may select the Prime Minister*
- *if a Prime Minister loses the support of the House of Representatives, the Governor-General may appoint a new Prime Minister*
- *if a Prime Minister advises a dissolution of the House of Representatives, the Governor-General may refuse that request, or request further reasons why it should be granted. It is worth noting that convention does not give the Governor-General the ability to dissolve either the House of Representatives or the Senate without advice.*

*The use of the reserve powers may arise in the following circumstances:*

- *if a Prime Minister advises a dissolution of Parliament on the occasion of a deadlock between the Houses, the Governor-General may refuse that request*
- *if the Governor-General is not satisfied with a legislative Bill presented to him, he or she may refuse Royal Assent*
- *if a Prime Minister resigns after losing a vote of confidence, the Governor-General may select a new replacement contrary to the advice of the outgoing Prime Minister*
- *if a Prime Minister is unable to obtain Supply and refuses to resign or advise a dissolution, the Governor-General may dismiss him or her and appoint a new Prime Minister.*

In 1975, the Governor General, did famously and controversially dissolve the elected Senate and House of Representatives, relying upon section 57 of the Constitution, without reference to ministerial advice or to convention.

The role of the Governor General in Australian democracy is, like the role of Her Majesty the Queen, ignored in the statement quoted in the first paragraph of this document.

We note also many examples of departure from the rule of law in Australia, by the Australian government itself, and that these departures can seriously impact the concept of equal rights for all before the law – for example, the violation of international treaties to which Australia is a party concerning the rights and treatment of refugees.

Referring again to the list of principles to which schools must adhere, we note that although freedom of religion is more or less enshrined in the Australian Constitution (section 116), freedom of association is not. It is however specified in the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (ICCPR) (1966). Australia is a signatory to the latter and Australians can complain to the United Nations Human Rights Committee if they believe their rights to freedom of association have been violated, and they have been unable to obtain redress from Australian courts.

Although many people would see the "values of openness and tolerance" specified in the list as desirable, within a liberal democracy people are free to hold beliefs which others might view as narrow-minded and intolerant. Many of the policies and practices of successive Australian governments – for example, the limiting of "marriage" until recently to heterosexual couples, and the fencing of refugee camps with electric wire – are viewed by many Australians as narrow-minded and intolerant. The paradoxical nature of liberal western democracies like Australia is such that they are expected to be broadminded enough to tolerate and even accommodate ignorance and bigotry.

It is hoped that the preceding helps to give a sense of the depth of thinking that is encouraged and respected at Alice Miller and Candlebark: a way of looking at the world which we believe to be of greater value than essentially meaningless statements about extremely complex matters.

John Marsden

(revised, February 2018; next revision February 2020)