

CONSTITUTIONAL CONVENTIONS IN WESTMINSTER SYSTEMS

Controversies, Changes and Challenges

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Constitutional Conventions In Westminster Systems Controversies Changes And Challenges

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Constitutional Conventions in Westminster Systems Brian Galligan, Scott Brenton, 2015-08-04 Conventions are fundamental to the constitutional systems of parliamentary democracies Unlike the United States which adopted a republican form of government with a full separation of powers codified constitutional structures and limitations for executive and legislative institutions and actors Britain and subsequently Canada Australia and New Zealand have relied on conventions to perform similar functions The rise of new political actors has disrupted the stability of the two party system and in seeking power the new players are challenging existing practices Conventions that govern constitutional arrangements in Britain and New Zealand and the executive in Canada and Australia are changing to accommodate these and other challenges of modern governance In Westminster democracies constitutional conventions provide the rules for forming government they precede law and make law making possible This prior and more fundamental realm of government formation and law making is shaped and structured by conventions

Constitutional Conventions Nicholas Barry, Narelle Miragliotta, Zim Nwokora, Haig Patapan, 2025-02-18 This book analyses constitutional conventions as a powerful but largely neglected framework for studying the law and politics of constitutions Constitutional conventions are the unwritten rules that inform and circumscribe the political behaviour of individuals organisations and a political system They are as important as the formal legal rules that define written constitutions and shape modern states yet unlike formal written rules conventions have received only limited scholarly attention This book considers conventions as a lens to theorise and to analyse the institutional dynamics of contemporary constitutions Interrogating constitutional conventions in a wide variety of contexts including in Westminster parliamentary systems in presidential systems and in non democratic regimes the book offers new perspectives for understanding diverse aspects of constitutional politics such as the capacity of conventions to constrain populists how conventions influence constitutional transformation how they reflect and reshape core democratic values such as citizenship and constitutional identity and what they reveal about the character of authoritarian regimes The book thus demonstrates how the dynamics of conventions shape the very character of constitutions The book will be of interest to legal theorists constitutional lawyers and political scientists

The Constitution of Western Australia Alan Fenna, Sarah Murray, 2023-06-16 This book provides the first comprehensive introduction to and enquiry into the rules of Western Australia's WA system of government The WA Constitution is not well known or understood or even easy to identify and this book provides an essential guide It brings academic expertise and careful scholarship to the exploration of sometimes complex constitutional issues in a way that will be invaluable for those with specialist interest in constitutional law and government while also being engaging and accessible for a wider audience In doing so it combines authorial expertise from constitutional law and political science

something essential to a well rounded understanding of the simultaneously legal and political nature of a Constitution

Westminster and the World W. Elliot Bulmer, 2020-10-23 Constitutional scholar Elliot Bulmer considers what Britain might learn from Westminster derived constitutions around the world Exploring the principles of Westminster Model constitutions and their impact on democracy human rights and good government this book builds to a bold re imagining of the United Kingdom s future written framework

Parliament's Secret War Veronika Fikfak, Hayley J Hooper, 2018-02-22 The invasion of Iraq in 2003 and the Coalition Government s failure to win parliamentary approval for armed intervention in Syria in 2013 mark a period of increased scrutiny of the process by which the UK engages in armed conflict For much of the media and civil society there now exists a constitutional convention which mandates that the Government consults Parliament before commencing hostilities This is celebrated as representing a redistribution of power from the executive towards a more legitimate democratic institution This book offers a critical inquiry into Parliament s role in the war prerogative since the beginning of the twentieth century evaluating whether the UK s decisions to engage in conflict meet the recognised standards of good governance accountability transparency and participation The analysis reveals a number of persistent problems in the decision making process including Parliament s lack of access to relevant information government legalisation of parliamentary debates which frustrates broader discussions of political legitimacy and the skewing of debates via the partial public disclosure of information based upon secret intelligence The book offers solutions to these problems to reinvigorate parliamentary discourse and to address government withholding of classified information It is essential reading for anyone interested in war powers the relationship between international law and domestic politics and the role of the Westminster Parliament in questions of national security

The Oxford Handbook of the Australian Constitution Cheryl Saunders, Adrienne Stone, 2018 Providing an interdisciplinary overview of Australian constitutional law and practice this Handbook situates the development of the constitutional system in its proper context It also examines recurrent themes and tensions in Australian constitutional law and points the way for future developments

Power Beyond Constitutions Miloš Brunclík, Michal Kubát, Attila Vincze, Miluše Kindlová, Marek Antoš, Filip Horák, Lukáš Hájek, 2023-07-12 This research monograph examines presidential constitutional conventions and the role they play in the political systems of four Central European countries the Czech Republic Slovakia Hungary and Poland As primarily unwritten rules of constitutional practice constitutional conventions represent political arrangements and as such are political in origin Not only this constitutional conventions in general and presidential constitutional conventions in particular have significant political implications They shape both the everyday operation and character of regimes Central Europe represents a particularly useful example on which this role of constitutional conventions can be studied and assessed

Courts and Democracies in Asia Po Jen Yap, 2017-09-28 What is the relationship between the strength of a country s democracy and the ability of its courts to address deficiencies in the electoral process Drawing a distinction between democracies that can be characterised as

dominant party for example Singapore Malaysia and Hong Kong dynamic for example India South Korea and Taiwan and fragile for example Thailand Pakistan and Bangladesh this book explores how democracy sustains and is sustained by the exercise of judicial power In dominant party systems courts can only pursue dialogic pathways to constrain the government s authoritarian tendencies On the other hand in dynamic democracies courts can more successfully innovate and make systemic changes to the electoral system Finally in fragile democracies where a country regularly oscillates between martial law and civilian rule their courts tend to consistently overreach and this often facilitates or precipitates a hostile take over by the armed forces and lead to the demise of the rule of law

Australian Politics in the Twenty-First Century Stewart Jackson, Joff Lelliott, Shannon Brincat, Josephine Bourne, Nick Economou, 2022-09-02 The global political environment in the twenty first century is proving dynamic and challenging for Australian policymakers and political institutions Australian Politics in the Twenty first Century contextualises the Australian political landscape through an institutional lens It examines the legislative and judicial bodies minor parties lobby groups the media and the citizenry providing historical and contemporary facts explaining political issues and examining new challenges The second edition has been updated to reflect the application of political theories in today s civic environment New spotlight boxes highlight issues including marriage equality COVID 19 and federalism the inclusion of First Nations peoples in the political system and gender equality in public policy Short answer reflection research and discussion questions encourage students to test and extend their knowledge of each topic and to clearly link theory to practice Written in an accessible and engaging style Australian Politics in the Twenty First Century is an invaluable introduction to the Australian political system

National Security Constitutionalism in the Commonwealth Five Eyes States Paul F Scott, 2025-03-06 This book examines the constitutional treatment of national security in the UK Canada Australia and New Zealand These four states share their Commonwealth heritage and are members alongside the USA of the Five Eyes intelligence sharing alliance The book takes a comparative approach to the institutions through which and tools with which these four states seek to protect their national security against the threats of both terrorism and hostile state activity and how they have evolved over time It identifies and examines the various specialised institutions inside and outside of legislatures which have grown up to oversee the exercise of public power for national security purposes while maintaining the required secrecy It argues that the extent of the borrowing and sharing between these jurisdictions in the domain of national security now and in the past permits us to talk about a Commonwealth model of national security constitutionalism

The Collaborative Constitution Aileen Kavanagh, 2023-10-26 Argues that protecting rights in a democracy is a collaborative constitutional enterprise between all three branches of government

The Codes of the Constitution Andrew Blick, 2016-09-22 This book describes an astounding feat of constitutional writing and publication For a number of decades officials working across different branches of the United Kingdom UK constitution have been engaged in a series of separate projects Taken in their totality they amount to a vast enterprise Yet

until now no one has fully recognised or critically analysed what has taken place There has been a proliferation in the UK of publicly available codes normally lacking a basis in statute providing official accounts of a variety of different features of UK constitutional rules and principles They cover institutions ranging from the Cabinet to the Civil Service to the judiciary and relationships between entities such as central government and the devolved executives and between the UK executive and the Westminster Parliament Among them are prominent texts such as the Ministerial Code the Cabinet Manual the Guide to Judicial Conduct and the devolution Memorandum of Understanding as well as more obscure documents that nonetheless contain important stipulations regarding the operation of the system Similar developments have taken place in countries including Australia Canada and New Zealand The author explores the history of this phenomenon in the UK how it functions today here and elsewhere in the Commonwealth and its implications for the UK constitution *Constitutional Dialogue* Geoffrey Sigalet, Grégoire Webber, Rosalind Dixon, 2019-05-02 Identifies how and why dialogue can describe and evaluate institutional interactions over constitutional questions concerning democracy and rights *Responsible Government and the Australian Constitution* Benjamin B Saunders, 2023-06-15 This book looks at responsible government under the Australian Constitution It undertakes a detailed examination of the history leading to the incorporation of responsible government into the Constitution examining the political history and constitutional ideas which informed the framers views It draws on this history to develop a theory of responsible government and explore its implications for the interpretation of the Constitution and the structure of modern government in Australia The book fills a major gap in our knowledge of the intellectual background of the Australian Constitution by explaining the constitutional ideas that have shaped the text and structure of the Australian Constitution It contributes to worldwide debates about constitutional interpretation by showing how rigorous use of history can lead to novel interpretations of constitutions without being tied to the dead hands of the founders

Questions of Accountability Matthew Flinders, Chris Monaghan, 2023-09-21 This book explores accountability from a range of perspectives crossing traditional disciplinary thematic and professional boundaries It asks fresh questions about accountability and its place and importance in democratic societies Accountability matters It matters because it connects the governors with the governed and for this reason it is a hallmark of democratic governance And yet amidst a backdrop of concerns about democratic backsliding the rise of populism the role of algorithmic governance moral barbarism and post truth politics to mention just a few issues a number of potentially far reaching questions of accountability have been asked It is for exactly this reason that this book explores the concept of accountability from a range of perspectives crossing traditional disciplinary thematic and professional boundaries It asks fresh questions about accountability and its place and importance in democratic societies The book considers the questions raised by the shifting architecture of accountability Whilst some scholars suggest that accountability processes have never been so effective trumpeting the rise of monitory democracy with its dense array of watchdogs sleaze busters auditors legislative committees statutory supports and

investigative mechanisms others express concern about the risk of overloads gaps and traps This has led to a focus on fuzzy accountability and diagonal accountability pointing to increasing conceptual confusion Bringing together world leading scholars and former politicians and public servants the book cuts through this confusion and provides the reader with the answers to the most debated issues including rarely discussed pathologies of accountability post human governance and a novel focus on balance and proportionality

The Constitution in a Hall of Mirrors David E. Smith, 2017-01-01 In *The Constitution in a Hall of Mirrors* David E Smith presents a learned but accessible analysis of the interconnectedness of Canada's parliamentary institutions

Viceregalism H. Kumarasingham, 2020-07-18 This book examines how the Crown has performed as Head of State across the UK and post war Commonwealth during times of political crisis It explores the little known relationships powers and imperial legacies regarding modern heads of state in parliamentary regimes where so many decisions occur without parliamentary or public scrutiny This original study highlights how the Queen's position has been replicated across continents with surprising results It also shows the topicality and contemporary relevance of this historical research to interpret and understand crises of governance and the enduring legacy of monarchy and colonialism to modern politics This collection uniquely brings together a diverse set of states including specific chapters on England Scotland Northern Ireland Sri Lanka Malaysia Brunei Ghana Nigeria Zimbabwe Rhodesia Australia Tuvalu and the Commonwealth Caribbean *Viceregalism* is written and conceptualised to remind that the Crown is not just a ceremonial part of the constitution but a crucial political and international actor of real importance

Leading Works in Public Law Patrick O'Brien, Ben Yong, 2024-10-08 This book brings together a group of leading scholars working in public law and constitutional theory It examines accepted leading works of public law while also exploring those that deserve greater attention Over 13 chapters a group of leading public law experts each examine one leading work from the UK public law canon Each chapter critically reflects on the context of a work in public law taking into account not just the work and its context but also how it shapes and contributes to the broader discipline The final chapter offers an international overview of the chapters themselves reflecting critically on the scholarly canon of UK public law from the perspective of American constitutional scholarship The book will be of interest to scholars and students of constitutional law

Beyond Presidentialism and Parliamentarism Steffen Ganghof, 2021 This book elaborates a theory of semi parliamentary government an often neglected form of government that instantiates the principle of the separation of powers by demonstrating how it reconciles important benefits of both presidential and parliamentary systems

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