

## FACT SHEET 14

## Executive Power - The Role and Powers of the Sovereign

Australia is a constitutional monarchy, but does that make the Sovereign (i.e. the King or Queen of Australia) powerful? Can he or she decide the content of Australian laws or dismiss a government that he or she doesn't like?

### What does the Constitution say?

On its face, the Commonwealth Constitution gives some important powers to 'the Queen'. When the Constitution was written, it was referring to Queen Victoria, as well as her successors. Since King Charles III became King of Australia on 8 September 2022, we now read every reference to 'Queen' in the Constitution as meaning 'King'.

The Constitution gives the King important powers concerning the making of laws. However, in reality, [Section 1](#), by itself, doesn't really confer any power that can be exercised. Rather, the King's role in making laws flows from the power over royal assent.

The Constitution also gives the King executive power. [Section 2](#) says that the King appoints the Governor-General, as his representative, and that he or she holds office during the King's 'pleasure'.

[Section 61](#) says that the executive power of the Commonwealth is vested in (i.e. given to) the King, although it is exercisable by the Governor-General as the King's representative.



Queen Victoria  
Source: Wiki Commons



*King Charles III speaking at the Accession Council ceremony, Sep 10, 2022  
Source: The Royal Family*

## Is the Sovereign really that powerful in Australia?

In practice, the King exercises very few powers in relation to Australia. While he is formally part of Parliament, his role is filled in practice by the Governor-General.

It is the Governor-General who assents to bills passed by the houses. In practice, bills are no longer reserved for the King's personal assent, unless they relate to the King personally – such as a law that sets out what the King's royal title is in relation to Australia. No Commonwealth law has ever been disallowed by the King, and if for some reason he were to exercise this power in the future, convention requires that he only do so upon the advice of his Australian Ministers. He has no personal choice about whether to assent to a bill or disallow a law.

The King's executive power under section 61 is exercised by the Governor-General. The references to judicial appeals to the King in Council means an appeal to a court known as the Judicial Committee of the Privy Council, which formally advises the King on its judicial findings. But those appeals have now all been abolished.

## What does this leave for the Sovereign to do in relation to Australia?

The King's main power and role is to appoint (and potentially remove) the Governor-General and the State Governors as his representatives in Australia.

Even in doing this, he acts upon the advice of Australian Ministers. He does not get a free choice. The Prime Minister advises him about the Governor-General and the relevant State Premier advises him about the appointment of a State Governor (under [section 7](#) of the *Australia Acts 1986* and State constitutions).

## Symbolism and Ceremony

Sir Peter Cosgrove, the former Governor-General of Australia (2014-2019), described the Prime Minister as the Head of Government, and the Governor-General as the representative of the Sovereign who performs constitutional functions on behalf of the Sovereign, as well as the functions and powers directly conferred upon the Governor-General by the Constitution. Sections 61 and 68 of the Commonwealth Constitution make certain powers held by the Sovereign exercisable by the Governor-General as the Sovereign's representative and section 2 allows the Sovereign to assign other powers and functions to the Governor-General.

When the Australian Constitution came into force in 1901, it was Queen Victoria who, as Queen of the United Kingdom and the British Empire, was Australia's head of state.

As Australia became more independent of the United Kingdom, the notion of having separate Crowns was developed (known as the 'divisibility of the Crown'). Today, it is King Charles III, as 'King of Australia', who fulfils this role.

The King's formal royal title in Australia is: 'Charles the Third, by the Grace of God King of Australia and His other Realms and Territories, Head of the Commonwealth'. This title recognises that the King is also the head of the Commonwealth made up of 56 nations.

The Sovereign fulfils a symbolic role for Australia, offering messages of consolation and support in times of disaster. When there are major bushfires or floods, the Sovereign will send a message of sympathy and support, especially for those affected and for the emergency workers who provide aid in the time of need.



*Queen Elizabeth and the Duke of Edinburgh, with the official party including Chief Justice Barwick, after the opening of the High Court in 1980.*

*Source: National Archives of Australia*

The Sovereign also visits or sends family members to support moments of celebration, such as Australia's bicentenary, the opening of the Olympics and the opening of significant buildings, such as the Sydney Opera House and the High Court of Australia.

When the Sovereign is visiting in Australia, he or she can exercise powers that have been conferred on the Governor-General by statute. This is permitted by the Royal Powers Act 1953 (Cth).

The Sovereign also supports a number of charities in Australia, as their patron. These include the Royal Children's Hospital in Melbourne, the Royal Humane Society of Australasia, and the Duke of Edinburgh Awards Program for schools. The Sovereign also holds a number of honorary titles in the Australian Armed Forces where there is more than one (Colonel-in-Chief).



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