This research will compare how four Westminster states –Canada, Australia, New Zealand, and the United Kingdom—have reformed royal prerogative powers. Prerogative powers are traditional authorities that the monarch possessed according to common law, rather than by acts of Parliament. Today, they are exercised on the advice of ministers and allow the executive to act with discretion in a number of significant areas, such as international and military affairs, appointments, and the holding of elections. In addition, courts have often approached these powers with caution and have been reluctant to curb their use. Because these powers are not granted by Parliament, and because they elicit judicial deference, advocates of democratic reform argue that prerogatives should no longer be the source of significant executive power. These powers, they argue, should be replaced by acts of Parliament and be subject to unfettered judicial review. In the United Kingdom, calls for prerogative reform have led to significant constitutional change, with Parliament taking greater control of these powers. In Canada, by contrast, prerogative reform has been executive-driven and has largely benefited the government. The courts in Australia, in turn, have recently constrained the scope of prerogatives, while calls to entirely replace these powers are growing louder in New Zealand.

In light of this variation, this research asks how and why prerogative power reform has differed in these four Westminster countries. To structure this comparison, the research will examine reforms of four sets of prerogatives: treaty powers, military deployments; judicial appointments; and parliamentary dissolution. Comparing these four countries and four types of powers will allow the research to explain variations in prerogative reform within and across these Westminster states. The research will provide the first comparative analysis of prerogative power reform in these four states and make important and original contributions to the study of the Westminster system and democratic reform in Canada, Australia, New Zealand, and the United Kingdom.

Since prerogative reform involves political and legal change, the research brings together an interdisciplinary team of political scientists and legal scholars from all four countries to study this question. Our analysis will be guided by theories of gradual institutional change that explain how the interaction of political actors and legal interpretations shape how reform efforts vary in terms of strategies and outcomes. Our research will involve extensive semi-structured interviews with parliamentarians, ministers, government officials, and retired judges in each country, as well as wide-ranging primary source collection and analysis. We will train and involve graduate students in each aspect of the research, including international fieldwork and interviews.

Our results will be published in eight peer-reviewed journal articles in leading academic journals and a peer-reviewed book with an established university press that will present our full findings and analysis. We will also make our findings available to parliamentarians, governments, and democratic reform advocates through workshops, papers published by influential think tanks, op-eds and blog posts, and in testimony before parliamentary committees that are examining these powers. This research promises to better inform parliaments, governments, and democratic reform advocates across the Westminster system about which efforts to tame these executive powers have succeed, which have stalled or had unintended consequences, and which have failed or been reversed. In so doing, the research will improve understandings of these little known, but still significant, executive powers.