

# 2018/11: Should Australian schoolchildren be able to remain seated during the national anthem?

## What they said...

*'When I didn't stand up a teacher came over to me and told me I had to stand. I refused. I didn't mean to be disrespectful. I just chose to stop pretending to support something that didn't seem true'*

Queensland primary school student, Harper Nielsen

*'The schools have rules... If...as a parent, if you don't like that your child will have to stand for the anthem then go somewhere else. Schools have rules and they have to be abided by'*

Today co-host Karl Stefanovic

## The issue at a glance

On September 12, 2018, it was reported that a nine-year old girl, Harper Nielsen, had been given an after-school detention and warned of possible suspension after repeatedly refusing to stand while Australia's national anthem, 'Advance Australia Fair', was being played at her Queensland primary school. <https://www.couriermail.com.au/news/queensland/year-4-student-harper-nielsens-advance-australia-fair-boycott-leads-to-detention/news-story/4368e8e72309376d9e6ae0eee994c06f>

The report, initially published in The Courier Mail, provoked widespread reaction. Politicians such as One Nation federal senator for Queensland, Pauline Hanson, and Jarrod Bleijie, Queensland's shadow minister for education, have been highly critical of Harper Nielsen's actions. <https://www.daily-sun.com/post/335576/2018/09/12/Australian-schoolgirl-Harper-Nielsen-protests-at-national-anthem> Similar disapproval has been voiced by media personalities and commentators such as Sydney 2GB's talkback presenter, Alan Jones, and Channel 9's Today co-host, Karl Stefanovic. <https://www.daily-sun.com/post/335576/2018/09/12/Australian-schoolgirl-Harper-Nielsen-protests-at-national-anthem><https://www.news.com.au/lifestyle/parenting/school-life/queensland-schoolgirl-threatened-with-suspension-after-refusing-to-stand-for-national-anthem/news-story/33a07500c2cbf17d765af7da742c5dfc>

Harper Nielsen has, however, attracted significant support from Indigenous groups and spokespeople and from a variety of media commentators and sportspeople.

<https://www.sbs.com.au/nitv/article/2018/09/13/indigenous-community-sits-anthem-schoolgirl>

The schoolgirl's actions and the response they have received has been covered in a number of overseas media outlets. <https://www.nytimes.com/2018/09/13/world/australia/national-anthem-protest-girl.html>

## Background

The information printed below is an abbreviation of that contained in the Wikipedia entry titled 'Advance Australia Fair'

The full text can be accessed at [https://en.wikipedia.org/wiki/Advance\\_Australia\\_Fair](https://en.wikipedia.org/wiki/Advance_Australia_Fair)

### History of 'Advance Australia Fair' as Australia's national anthem

"Advance Australia Fair" is the national anthem of Australia. Created by the Scottish-born composer Peter Dodds McCormick, the song was first performed in 1878 and sung in Australia as a patriotic song. It replaced "God Save the Queen" as the official national anthem in 1984, following a plebiscite to choose the national song in 1977. 'God Save the Queen (or King)' (depending on the gender of the then British monarch) had been Australia's national anthem since federation in 1901.

### First proposed change

In 1951 there was a competition for a new national anthem to celebrate the golden jubilee of the Federation of Australia. The entry by the Austrian-born conductor Henry Krips, 'This Land of Mine', won the competition but it was decided to make no change to the status quo.

### Second proposed change

In 1973 the Whitlam government decided that the country needed an anthem that could represent Australia with "distinction" and started a competition to find one. This decision by Whitlam was driven by the desire to forge a new nationalism separate from Great Britain. In 1973, Gough Whitlam dedicated an entire Australia Day speech to the search for a new anthem saying that it will be a "symbolic expression of our national pride and dignity". The Australia Council for the Arts organised the contest, which was dubbed the "Australian National Anthem Quest". The contest was held in two stages, the first seeking lyrics and the second music, each having an A\$5,000 prize for the winning entry. On the recommendation of the Council for the Arts, none of the new entries were felt worthy enough, so the contest ended with the suggestions for "Advance Australia Fair", "Waltzing Matilda" and "Song of Australia".

### Nationwide opinion survey resulting in new tentative anthem

In 1974 the Whitlam government then performed a nationwide opinion survey to determine the song to be sung on occasions of national significance. Conducted through the Australian Bureau of Statistics, it polled 60,000 people nationally. 'Advance Australia Fair' was chosen and was enshrined as the national song, to be used on all occasions excepting those of a specifically regal nature. A spokesman for the Prime Minister Gough Whitlam stated that the Government regarded the tune primarily as the national anthem.

### Plebiscite to find an anthem

In January 1976 the Fraser government reinstated 'God Save the Queen' for royal, vice-regal, defence and loyal toast occasions as well as making plans to conduct a national poll to find a song for use on ceremonial occasions when it was desired to mark a separate Australian identity. This was conducted as a plebiscite to choose the National Song, held as an optional additional question in the 1977 referendum on various issues. "Advance Australia Fair" received 43.29% of the vote, defeating the three alternatives, "Waltzing Matilda" (28.28%), "Song of Australia" (9.65%) and the existing national anthem, "God Save the Queen" (18.78%).

### 'Advance Australia Fair' proclaimed as Australia's national anthem

'Advance Australia Fair', with modified lyrics from the original, was adopted as the Australian national anthem on 19 April 1984 by a proclamation by the Governor-General, Sir Ninian Stephen, on a recommendation by the Labor government of Bob Hawke. "God Save the Queen", now known as the royal anthem, continues to be played alongside the Australian national anthem at public engagements in Australia that are attended by the Queen or members of the Royal Family.

### Current lyrics of 'Advance Australia Fair'

*Australians all let us rejoice,  
For we are young and free;  
We've golden soil and wealth for toil;  
Our home is girt by sea;  
Our land abounds in nature's gifts  
Of beauty rich and rare;  
In history's page, let every stage  
Advance Australia Fair.  
In joyful strains then let us sing,  
Advance Australia Fair.*

*Beneath our radiant Southern Cross  
We'll toil with hearts and hands;  
To make this Commonwealth of ours  
Renowned of all the lands;  
For those who've come across the seas  
We've boundless plains to share;  
With courage let us all combine  
To Advance Australia Fair.  
In joyful strains then let us sing,  
Advance Australia Fair.*

### **Internet information**

On September 22, 2018, The Saturday Paper published a comment by Harper Nielsen which the paper titled 'Nielsen's Column'. Nielsen gives an account of the actions Harper Nielsen took, her motivations and the school's response.

The full text can be accessed at <https://www.pressreader.com/australia/the-saturday-paper/20180922/281599536417096>

On September 17, 2018, The Big Smoke published a comment by Loretta Barnard titled 'Advance Australia Fair - or not?' Barnard's piece is a defence of the lyrics and tune of the current Australian anthem.

The full text can be accessed at <http://thebigsmoke.com.au/2018/09/17/advance-australia-fair-or-not-australia/>

On September 16, 2018, Quadrant published a comment by John Dawson titled 'Meet Harper, Australia's Future', Dawson criticises the appropriateness of Harper Nielsen's actions.

The full text can be accessed at <https://quadrant.org.au/opinion/ged/2018/09/meet-harper-australias-future/>

On September 16, 2018, published an opinion piece by Warwick McFadyen titled 'Advance Australia Fair is an anthem that is racist at so many levels'

The piece criticises aspects of the lyrics of 'Advance Australia Fair'.

The full text can be accessed at <https://www.theage.com.au/national/advance-australia-fair-is-an-anthem-that-is-racist-at-so-many-levels-20180916-p5043s.html>

On September 15, 2018, The Conversation published a comment by Gwenda Tavan, Associate Professor, Politics and International Relations, La Trobe University, titled 'Outrage over schoolgirl refusing to stand for anthem shows rise of aggressive nationalism'

Tavan notes the rise of an aggressive nationalism in Australia and other nations.

<https://theconversation.com/outrage-over-schoolgirl-refusing-to-stand-for-anthem-shows-rise-of-aggressive-nationalism-103160>

On September 13, 2018, The Courier Mail published a report titled 'Aboriginal activist Sam Watson backs schoolgirl's anthem boycott'

The report details the Indigenous support received by Harper Nielsen.

The full text can be accessed at <https://www.couriermail.com.au/news/queensland/aboriginal-activist-sam-watson-backs-schoolgirls-anthem-boycott/news-story/0485db5d1945e63756c62a0496e41843>

On September 13, 2018, the British edition of The Guardian published a report titled 'Rightwing Australian politicians attack girl, 9, over anthem protest'.

The report details Harper Nielsen's refusal to stand for the national anthem and the response of her school, Kenmore South State School. It also gives an overview of the criticisms she has

received and the support she has been given, especially from Indigenous spokespeople.  
The full text can be accessed at <https://www.theguardian.com/education/2018/sep/12/rightwing-australian-politicians-criticise-girl-9-in-row-over-anthem>

On September 13, 2018, The Sydney Morning Herald published an opinion piece by Wendy Squires titled 'Harper is not an impudent child, she is hope'  
The comment is a defence of Harper Nielsen's right to protest.  
The full text can be accessed at <https://www.smh.com.au/national/harper-is-not-an-impudent-child-she-is-hope-20180913-p503ht.html>

On September 13, 2018 Junkee published a report titled ' Pauline Hanson's 9yo Nemesis Nailed It On 'The Project', Should Probably Be Given Hanson's Job'  
The report describes Nielsen's appearance on Channel 10's 'The Project'.  
The full text can be accessed at <https://junkee.com/harper-nielsen-project/174992>

On September 13, 2018, The Advocate published a comment by Anthony Haneveer titled 'Nine-year-old calls out our divisive national anthem, draws fire from hotheads' which defends Harper Nielsen and criticises some of her more vocal critics.  
The full text can be accessed at <https://www.theadvocate.com.au/story/5644453/student-takes-a-stand-adults-crack-the-sads/>

On September 13, 2018, The Courier Mail published a selection of letters to the editor expressing a range of views on Harper Nielsen's protest.  
These can be accessed at <https://www.couriermail.com.au/news/opinion/letters-to-the-editor-september-13-2018/news-story/e6b60b42a8588e6531c71e2e2224819d>

On September 12, 2018, The Courier Mail published a comment by Jane Fynes-Clinton titled 'The problem with a 9-year-old's anthem protest' which presents a series of arguments against the actions taken by Harper Nielsen.  
The full text can be accessed at <https://www.couriermail.com.au/rendezview/the-problem-with-a-9yearolds-anthem-protest/news-story/a453871f94731f2d59b6a80c58356b4d>

On September 12, 2018, news.com.au published a comment by Stephanie Bedo titled 'Why Australia should back off the Brisbane schoolgirl who refused to stand for the national anthem'  
The opinion piece asks Australians to treat Harper Nielsen with understanding and compares the 9-year-old's experience with her own when as a child she also refused to stand for the anthem.  
<https://www.news.com.au/lifestyle/real-life/why-australia-should-back-off-the-brisbane-schoolgirl-who-refused-to-stand-for-the-national-anthem/news-story/a908c7fd17a9260c9876bbc916c025e0>

On September 12, 2018, ABC News ran a report titled ' National anthem protest: 9yo refuses to stand because anthem is for "white people of Australia"  
The report details Harper Nielsen's actions, the response of her parents, the school's justification of its actions and the support Nielsen has been given by Indigenous groups.  
The full text can be accessed at <http://www.abc.net.au/news/2018-09-12/national-anthem-protest-school-brisbane/10235792>

On September 12, 2018, The Courier Mail published a report titled 'Year 4 student Harper Nielsen's Advance Australia Fair boycott leads to detention'  
The report details Harper Nielsen's refusal to stand for the national anthem and the response of her school, Kenmore South State School. It also includes comments from Nielsen's father and mother and a spokesperson from the Queensland Department of Education.

The full text can be found at <https://www.couriermail.com.au/news/queensland/year-4-student-harper-nielsens-advance-australia-fair-boycott-leads-to-detention/news-story/4368e8e72309376d9e6ae0eee994c06f>

On October 18, 2017, CBS News published a report detailing the views of Eugene Volokh, professor of law and First Amendment expert at the University of California at Los Angeles School of Law on the non-binding nature of Section 36 of the United States Code of Law. The full text can be accessed at <https://www.cbsnews.com/news/roy-moore-claims-its-against-the-law-for-players-to-kneel-during-national-anthem/>

On May 27, 2017, the ABC posted a comment by Ben Pobjie titled ' Why does everyone think 'Advance Australia Fair' is flawed?' Pobjie writes in defence of 'Advance Australia Fair' The full text can be accessed at <http://www.abc.net.au/news/2017-05-27/why-everyone-think-australian-national-anthem-flawed/8565134>

On June 28, 2016, The Conversation published a comment by Alan Bairner, Professor of Sport and Social Theory, Loughborough University. The piece is titled 'Why national anthems cause so much trouble' and details some of the factors that make national anthems difficult symbols about which to gain consensus. The full text can be accessed at <https://theconversation.com/why-national-anthems-cause-so-much-trouble-61220>

On November 6, 2015, Independent Australia published a comment by Dr Geoff Davies titled 'Let's dump our anthem's outdated lyrics and replace with these: Australia We Share' The opinion piece criticises the lyrics of the current Australian anthem. The full text can be accessed at <https://independentaustralia.net/australia/australia-display/lets-dump-our-anthems-outdated-lyrics-and-replace-with-these-australia-we-share,8351>

On October 20, 2015, The Conversation published a comment by Deborah Cheetham Associate Dean, Music, University of Melbourne, titled 'Young and free? Why I declined to sing the national anthem at the 2015 AFL Grand Final'. Cheetham explains the denial of indigenous culture and history she believes is embodied in the lyrics of 'Advance Australia Fair' <https://theconversation.com/young-and-free-why-i-declined-to-sing-the-national-anthem-at-the-2015-afl-grand-final-49234>

The Australian National Anthem Protocols, issued by the Department of the Prime Minister and Cabinet can be accessed at <https://www.pmc.gov.au/government/australian-national-anthem/australian-national-anthem-protocols> These detail the manner in which it is expected the anthem will be performed and how the audience should behave.

The Australian National Archives Australian national anthem factsheet can be accessed at <http://www.naa.gov.au/collection/fact-sheets/fs251.aspx> It details some of the changes in the anthem since Federation.

Section 36 of the United States Code of Law makes recommendations as to the manner in which the United States anthem should be performed and in which the audience should receive it. The full text of this section can be accessed at <https://www.law.cornell.edu/uscode/text/36/301>

The federal Attorney-General's Department has issued public sector guidance sheets regarding the human rights of Australian citizens. These can be accessed at <https://www.ag.gov.au>

[/RightsAndProtections/HumanRights/Human-rights-scrutiny/PublicSectorGuidanceSheets/Pages/default.aspx](#)

The Queensland Department of Education's Strategic Plan 2018-2022 details the Department's aims regarding developing critical thinking among students and promoting an awareness of Indigenous history and culture.

The full document can be accessed at <https://qed.qld.gov.au/det-publications/strategiesandplans/Documents/strategic-plan-2018-2022-a4-booklet.pdf>

The Queensland Department of Education's Code of School Behaviour can be accessed at <http://behaviour.education.qld.gov.au/SiteCollectionDocuments/disciplinary-decisions/code-school-behaviour-a4.pdf>

The Queensland Law Handbook supplies details that apply to the behaviour and management of children in Queensland school.

It can be accessed at <https://queenslandlawhandbook.org.au/the-queensland-law-handbook/family-law/children-and-education/behaviour-management-and-discipline-in-school/>

### **Arguments in favour of allowing Australian schoolchildren to sit through the national anthem**

1. Standing for the Australian anthem is customary, not obligatory

Those who argue that Australian schoolchildren should be able to choose to remain seated during the national anthem note that there is no legal obligation for them to do otherwise.

The Australian Government, through the Department of the Prime Minister and Cabinet, have issued a set of protocols regarding the manner in which the Australian national anthem should be played and the manner in which an audience should then conduct itself.

The second of the protocols states, 'When the Australian National Anthem is played at a ceremony or public event it is customary to stand.' <https://www.pmc.gov.au/government/australian-national-anthem/australian-national-anthem-protocols>

It should be noted that the statement regarding standing as the anthem is played is not a direction, it merely indicates what is 'customary' or usual. This does not mean that any school or other group overseeing the playing of the anthem would not be able to allow alternate audience behaviour.

Further, a protocol has no legal force, it is a recommendation, guideline or accepted practice. It would only have legal status if supported by a complementary law. The legal status of protocols was shown in 2018 when the Queensland Government issued a 'Homelessness Protocol for the 2018 Gold Coast Commonwealth Games'. This was a statement regarding how the use of public spaces might be managed during the Games, especially with regard to the homeless, who effectively live within these spaces. The opening to the protocol stated that it had no binding legal force and did not override existing law: 'The Protocol...does not override existing laws, statutory requirements or regulations, or reduce the powers of organisations, or their authority, to enforce specific laws and regulations.' <http://www.hpw.qld.gov.au/SiteCollectionDocuments/HomelessnessProtocolGuidelines.pdf>

The situation regarding the national anthem and the need to stand is similar in the United States, even though the advice to stand is actually enshrined in law. Section 36 of the United States Code of Law has a series of recommendations regarding behaviour as the national anthem is played. Military personnel in uniform should stand and remain at salute, while 'all other persons present should face the flag and stand at attention with their right hand over the heart, and men not in uniform, if applicable, should remove their headdress with their right hand and hold it at the left shoulder, the hand being over the heart.' <https://www.law.cornell.edu/uscode/text/36/301>

Eugene Volokh, professor of law and First Amendment expert at the University of California at Los Angeles School of Law has stated, 'It's not clear to me that 36 U.S.C. 301 was ever meant

to be legally binding - it says what people 'should' do rather than what they 'shall' or 'must' do," Volokh argues that legal precedent holds that 'should' indicates a recommended, but not required, course of action, unlike the obligatory connotation of the word 'shall'.

<https://www.cbsnews.com/news/roy-moore-claims-its-against-the-law-for-players-to-kneel-during-national-anthem/>

2. Students should be able to exercise their freedoms of conscience and of expression and to peaceful protest

Those who argue that Australian schoolchildren should be able to choose to remain seated during the national anthem note that its lyrics contain connotations which some students may find objectionable. In this instance, Harper Nielsen sees them as endorsing white Australia and discounting the ancient heritage of indigenous Australians. It is claimed that to prohibit schoolchildren from acting according to their beliefs undermines their freedoms of conscience, protest and expression.

Though Australia has no Bill of Rights, its laws are passed within a framework influenced by the rights and freedoms outlined in the seven core international human rights treaties to which Australia is a party. <https://www.ag.gov.au/RightsAndProtections/HumanRights/Human-rights-scrutiny/PublicSectorGuidanceSheets/Pages/default.aspx>

One of these rights states, 'All persons have the right to think freely, and to entertain ideas and hold positions based on conscientious or religious or other beliefs. Subject to certain limitations, persons also have the right to demonstrate or manifest religious or other beliefs, by way of worship, observance, practice and teaching. Legislation, policies and programs must respect the right to freedom of thought, conscience and religion or belief, unless they clearly fall within one of the permissible limitations...' <https://www.ag.gov.au/RightsAndProtections/HumanRights/Human-rights-scrutiny/PublicSectorGuidanceSheets/Pages/Righttofreedomofthoughtconscienceandreligionorbelief.aspx#1what>

This derives specifically from Australia being a signatory to the International Covenant on Civil and Political Rights. This right may be applied to the actions of Harper Nielsen who, from a position of conscience, believed it was inappropriate to stand for the Australian national anthem as its lyrics contain sentiments she finds offensive. She also considers she should not be punished or treated differently because her beliefs are different from those of other students and her school's administration.

When asked how she felt about the option given to her by the school to leave the room when the anthem was played, Harper Nielsen stated, 'I don't think I should be made to leave the room or do something different because I have different beliefs.' <https://junkee.com/harper-nielsen-project/174992>

Harper Nielsen is also acting on her right to peaceful protest and expression of opinion.

Australians have a right to freedom of expression and opinion which also derives from Australia being a signatory to the International Covenant on Civil and Political Rights. This right allows Australians 'to hold opinions without interference ... or restriction. [It] protects freedom of expression in any medium, for example written and oral communications, the media, public protest, broadcasting, artistic works and commercial advertising.' <https://www.ag.gov.au/RightsAndProtections/HumanRights/Human-rights-scrutiny/PublicSectorGuidanceSheets/Pages/Righttofreedomofopinionandexpression.aspx#4Harper>

Nielsen's refusal to stand can be seen as an act of public protest.

In an opinion piece published in The Sydney Morning Herald on September 13, 2018, Wendy Squires stated, 'Like the NFL players in the US who have been kneeling during the US national anthem to bring awareness to black people's deaths at the hands of authorities, Harper is displaying her right to protest...' <https://www.smh.com.au/national/harper-is-not-an-impudent-child-she-is-hope-20180913-p503ht.html>

3. Sitting for the national anthem is a peaceful, non-disruptive action

Defenders of Harper Nielsen's actions have noted that they are not disruptive or intended to

promote disorder within the school.

Nielsen has made it clear that she did not want to be disruptive. She has stated, 'At the next assembly, when we were told to stand for the national anthem, I just sat. I thought this was the best way to make my point. A silent protest. I did not really want to be disruptive or force my views on anyone else.' <https://www.pressreader.com/australia/the-saturday-paper/20180922/281599536417096>

Harper Nielsen's supporters have argued that the school's response was an over-reaction to a passive gesture of protest that involved no violent action. Harper Nielsen's mother, Yvette Miller, associate professor in the faculty of Health at Queensland University of Technology, stated, 'We were surprised behaviour such as a passive non-participation might be considered in the same realm as something like bringing a knife to school or being violent towards others.'

<https://www.theguardian.com/education/2018/sep/12/rightwing-australian-politicians-criticise-girl-9-in-row-over-anthem>

Harper Nielsen's father, associate professor at the School of Psychology at the University of Queensland, has also stressed that this was not a simple act of pointless disobedience on his daughter's part. He has stated, 'This is not just someone wanting to do whatever the heck they want - this is...a very specific isolated incident for which there are sound, thoughtful reasons...that have to do with human rights. This is not someone just saying they don't want to go to math class.' <http://www.abc.net.au/news/2018-09-12/national-anthem-protest-school-brisbane/10235792>

Harper Nielsen explained that her act of disobedience was not intended as disrespect for her school or her teachers. She has stated, 'When I didn't stand up a teacher came over to me and told me I had to stand. I refused. I didn't mean to be disrespectful. I just chose to stop pretending to support something that didn't seem true.' <https://www.pressreader.com/australia/the-saturday-paper/20180922/281599536417096>

Nielsen and her parents argue she was not seeking to challenge the school or its teachers, rather she was peacefully challenging some of the attitudes expressed within the national anthem.

4. Encouraging critical thinking and awareness of indigenous history and culture is part of the function of Australian schools

Defenders of Harper Nielsen's actions have noted that they are in accord with one of the principal purposes of education as declared by the Queensland Department of Education - to encourage critical thinking.

The Queensland Department of Education's 2018-2020 Strategic Plan states as one of its key aims 'Supporting students to be...creative and critical thinkers, and active and informed citizens with intercultural competence.' <https://qed.qld.gov.au/det-publications/strategiesandplans/Documents/strategic-plan-2018-2022-a4-booklet.pdf>

Defenders of Harper Nielsen claim that her actions are in accord with this principle as she is demonstrating critical thinking, is behaving as an active and informed citizen and is showing intercultural awareness.

Harper Nielsen's father, Mark Nielsen, who is an associate professor at the School of Psychology at the University of Queensland, explained his daughter's motivations: 'One of the things she was really hoping to do with this is to raise awareness and get people thinking about institutionalised racism and how that looks and how that might feel to people who these kinds of things affect.' <https://www.couriermail.com.au/news/queensland/aboriginal-activist-sam-watson-backs-schoolgirls-anthem-boycott/news-story/0485db5d1945e63756c62a0496e41843>

Further, in common with education departments across Australia, the Queensland Department of Education recognises the importance of acknowledging Australia's indigenous history and heritage. Its 2018-22 Strategic Plan states, 'A better understanding and respect for Aboriginal and Torres Strait Islander cultures develops an enriched appreciation of Australia's cultural heritage and can lead to reconciliation. This is essential to the maturity of Australia as a nation and fundamental to the development of an Australian identity.' <https://qed.qld.gov.au/det->

[publications/strategiesandplans/Documents/strategic-plan-2018-2022-a4-booklet.pdf](https://www.couriermail.com.au/news/queensland/year-4-student-harper-nielsens-advance-australia-fair-boycott-leads-to-detention/news-story/4368e8e72309376d9e6ae0eee994c06f)

Explaining her position, Harper Nielsen stated, 'When it ['Advance Australia Fair'] says we are young it completely ignores the fact that indigenous culture was here for over 50,000 thousand years before colonisation.' <https://www.couriermail.com.au/news/queensland/year-4-student-harper-nielsens-advance-australia-fair-boycott-leads-to-detention/news-story/4368e8e72309376d9e6ae0eee994c06f>

Clarifying her point of view further in an interview during Channel 10's 'The Project', Harper Nielsen stated, 'I feel we should respect Indigenous people and their culture. [The anthem] says Advance Australia Fair, which when it was originally written meant advance white Australia. It says we are young, but we're not young if we count the Indigenous Australians, who were here for over 50,000 before the British colonised Australia.' <https://junkee.com/harper-nielsen-project/174992>

5. National symbols, such as anthems, can change over time

Defenders of Harper Nielsen's action note that national symbols, such as anthems, are not immutable. They can change over time if they cease to reflect the country's values.

This is obviously the case with the Australian national anthem, the current version of which has only been in place since 1984. Between 1901 and 1977, Australia's national anthem was the same as that of Britain, 'God Save the Queen/King'. The Australian national anthem fact sheet, issued by the National Archives of Australia, notes, 'Over the twentieth century - and especially during times of war - there were periods of interest in it being replaced by an anthem representing Australian nationalism and achievement.' <http://www.naa.gov.au/collection/fact-sheets/fs251.aspx>

In 1976, the government of Malcolm Fraser declared 'God Save the Queen' as the 'national anthem' to be played on all regal and vice-regal occasions but provided that for civilian events, any of four songs selected in a 1974 opinion poll could be played. Another poll to select a tune for a national song was conducted in May 1977. Fuelled by debate in 1976 over an appropriate song to represent Australia at the Montreal Olympic Games, the Fraser government requested the Australian Electoral Office hold a direct national poll in conjunction with a set of constitutional referenda. Over 7 million of the 8.4 million people on the electoral roll chose to vote. 'Advance Australia Fair' was the preferred song, followed by 'Waltzing Matilda', 'God Save the Queen' and 'Song of Australia'.

Even after the plebiscite, a further seven years and a change of government passed before 'Advance Australia Fair' was proclaimed as Australia's national anthem. <http://www.naa.gov.au/collection/fact-sheets/fs251.aspx>

Changing demographics and cultural values (including attitudes toward Indigenous Australians) have created a situation in which the appropriateness of the lyrics of 'Advance Australia Fair' are now being questioned.

Songwriter Shane Howard noted in response to the furore surrounding Harper Nielsen's actions, "'Advance Australia Fair' is an anthem that is racist at so many levels, written for a white Australia that is irrelevant, or should be..It's time for a new anthem and a new flag while we're at it. They had their time and now they're irrelevant. Let's move on.' <https://www.theage.com.au/national/advance-australia-fair-is-an-anthem-that-is-racist-at-so-many-levels-20180916-p5043s.html>

On November 6, 2015, Dr Geoff Davies writing for Independent Australia, similarly noted a number of objections to the lyrics of 'Advance Australia Fair'. Davies wrote, 'No mention of the First Australians. Too redolent of old British Empire attitudes: we have to be better than everyone else, rah rah! The land is to be owned and used, rather than being a wonder we preserve and a provider we care for and pass on. The antiquated phrasing (and not just "girt": "joyous strains", etc.) The rank hypocrisy of "we've boundless plains to share.' <https://independentaustralia.net/australia/australia-display/lets-dump-our-anthems-outdated-lyrics-and-replace-with-these-australia-we-share,8351>

The Indigenous campaign group 'Recognition in Anthem' also claims the reference to

Australians as a 'young' people 'excludes those Australians whose ongoing culture and connection with our land is not young at all, but ancient'. It notes the lyrics were 'written in 1878, in the colonial era'. <https://www.theguardian.com/education/2018/sep/12/rightwing-australian-politicians-criticise-girl-9-in-row-over-anthem>

## **Arguments against allowing Australian schoolchildren to sit through the national anthem**

1. Many Australians believe that schools should promote Australian values and national identity. The Australian national curriculum sees values education as important. It outlines nine values that it considers important for young people to develop as Australian citizens. These are: Care and Compassion; Integrity; Doing Your Best; Respect; Fair Go; Responsibility; Freedom; Understanding, Tolerance and Inclusion; and Honesty and Trustworthiness.

[http://www.curriculum.edu.au/values/val\\_national\\_framework\\_nine\\_values,14515.html](http://www.curriculum.edu.au/values/val_national_framework_nine_values,14515.html)

Love of country or patriotism is not promoted as a value; however, there is an expectation in a significant part of the broader Australian community that schools will foster a positive sense of national identity and an attachment to Australia and its national symbols. Kenmore State High School, the senior school in the town where Harper Nielsen's primary school is located, was criticised by parents in December, 2017, for setting a Year 8 English assignment in which students were asked to design a new Australian flag. <https://www.frasercoastchronicle.com.au/news/brisbane-school-accused-of-politicising-classroom/3297426/>

The importance of national identity is stressed by the Australian Sports Commission's participation plan which places a strong focus on schools. The plan states, 'Australians love sport. It is a defining characteristic of our national culture - one that is recognised across the world. In sport, Australia's diverse population discovers a shared identity. We come together to play sport at local ovals, fields, courts, parks and beaches. We flock to great stadiums around the country to watch the contest. We celebrate and exude national pride when our athletes represent us on the world stage.' [https://www.ausport.gov.au/\\_data/assets/pdf\\_file/0006/625902/PlaySportAustralia\\_brochure\\_MARCH\\_15\\_web.pdf](https://www.ausport.gov.au/_data/assets/pdf_file/0006/625902/PlaySportAustralia_brochure_MARCH_15_web.pdf)

Civics and Citizenship studies, as outlined in the national curriculum, also includes consideration of Australian identity and encourages students to identify factors they believe typify Australians, including 'language, accent, looks, national colours, symbols, songs.'

[https://www.civicsandcitizenship.edu.au/cce/we\\_are\\_australian\\_activity\\_1,9210.html](https://www.civicsandcitizenship.edu.au/cce/we_are_australian_activity_1,9210.html)

Given the recognition that there is no single accent or appearance that typifies someone as an Australian, national markers such as national colours, symbols and songs are an accessible means of helping Australian citizens, especially those new to the country, assume an Australian identity. The Australian Government's Department of Trade and Foreign Affairs lists Australia's national symbols as the Australian flag, national colours of green and gold, its coat of arms, its national anthem and its national day. <https://dfat.gov.au/about-australia/land-its-people/Pages/australias-national-symbols.aspx> These symbols are expected knowledge for the Australian citizenship test administered to immigrants to Australia wishing to become Australian citizens.

2. Maintaining order in schools requires students to follow teacher directions

It has been argued that in order to function effectively schools need to be able to enforce certain standards of behaviour among their students. Central to this is that students follow teacher directions.

Responding to the controversy that has surrounded the actions of Harper Nielsen, a spokesperson for the Queensland Department of Education has stated, 'State schools set out clear standards of behaviour that they expect from their students in their Responsible Behaviour Plan for Students.' <https://www.9news.com.au/national/2018/09/12/11/57/student-refuses-to-stand-for-national-anthem-in-brisbane>

The Department's Code of School Behaviour expects that 'Each school will detail particular strategies to promote appropriate behaviour as well as consequences for unacceptable behaviour within its Responsible Behaviour Plan for Students'. The same Code of School Behaviour notes that one of the key expectations of students is that they 'cooperate with staff

and others in authority'. <http://behaviour.education.qld.gov.au/SiteCollectionDocuments/disciplinary-decisions/code-school-behaviour-a4.pdf>

It is clear that student obedience when given a teacher direction is a key element of school student management plans. Though suspension from school is regarded as a strategy of 'last resort' the first ground stated for suspension within the Queensland Education Act 2006 is 'disobedience or misbehaviour'. <https://queenslandlawhandbook.org.au/the-queensland-law-handbook/family-law/children-and-education/behaviour-management-and-discipline-in-school/> A number of those who have supported the actions of Kenmore South Primary School have stressed the importance of students following teacher directions in the overall management of a school.

In a comment published in The Courier Mail on September 12, 2018, Jane Fynes-Clinton argued, 'Conviction about a particular issue is one thing, but overt disobedience when given an inoffensive, inside-the-rules alternative course of action is another.

Harper's refusal to obey a teacher's direction leaves the school with no choice but to mete out a punishment, lest the other students interpret it as a sign that all teacher's directions are loaded with optional responses.' <https://www.couriermail.com.au/rendezview/the-problem-with-a-9yearolds-anthem-protest/news-story/a453871f94731f2d59b6a80c58356b4d>

Fynes-Clinton argued that Harper Nielsen's conduct seemed particularly inappropriate when she had been given the alternative of leaving the assembly while the anthem was being played. Fynes-Clinton wrote, 'Little Harper should leave the assembly hall when the anthem plays. It still registers her particular objection to the national song. It still makes her point. And it would not spit in the eye of the teachers' requests and would obey the school's rules.'

<https://www.couriermail.com.au/rendezview/the-problem-with-a-9yearolds-anthem-protest/news-story/a453871f94731f2d59b6a80c58356b4d>

In an opinion piece published in Quadrant on September 16, 2018, John Dawson similarly noted, 'The school had to expend time and teaching capital to maintain discipline amongst pupils who can't be blamed for wondering which rules they might flout, just as Harper did when she disrupted the weekly assembly.' <https://quadrant.org.au/opinion/qed/2018/09/meet-harper-australias-future/>

A similar point was made by Channel 9's 'Today' co-host Karl Stefanovic, who stated, 'The schools have rules...If you don't like that as a parent, if you don't like that your child will have to stand for the anthem then go somewhere else. Schools have rules and they have to be abided by.' <https://www.news.com.au/lifestyle/parenting/school-life/queensland-schoolgirl-threatened-with-suspension-after-refusing-to-stand-for-national-anthem/news-story/33a07500c2cbf17d765af7da742c5dfc>

3. Students who do not wish to stand can be offered alternatives as part of the Queensland Education Department's inclusiveness policy

Defenders of the actions of Kenmore South Primary School note that the school offered Harper Nielsen an alternative to standing for the national anthem. The Queensland state education department has indicated that the school's principal had met with Harper and her parents to discuss alternatives to her protest.

A spokesperson for the Department has noted within a formal statement, 'The school has been respectful of the student's wishes and has provided other alternatives including remaining outside the hall or not singing during the national anthem.'

<https://www.telegraph.co.uk/news/2018/09/12/nine-year-old-attacked-refusing-stand-australian-anthem-white/>

The primary school has further stated, 'Kenmore South State School is an inclusive and tolerant school which supports the diverse points of view of all students and families.'

<https://edition.cnn.com/2018/09/12/australia/australia-nine-year-old-anthem-intl/index.html>

The Department's statement also indicated that 'at no time' did the school suggest the student would be suspended or excluded for refusing to take part in the national anthem.

<https://www.9news.com.au/national/2018/09/12/11/57/student-refuses-to-stand-for-national->

### [anthem-in-brisbane](#)

The Department acknowledges, 'Students enrolled in Queensland state schools come from diverse social, cultural, geographic and family backgrounds, are of many identities, and of all abilities.'

The Department consequentially states, 'The Department of Education's Inclusive Education Policy document supports our shared vision that all students in Queensland state schools receive the support they need to belong to the school community, engage purposefully in learning and experience academic success.' achieve academically and socially with reasonable adjustments and supports tailored to meet their learning needs.' <http://education.qld.gov.au/schools/inclusive/index.html>

The Department further states, 'The department commits to continuing our journey towards a more inclusive education system at all levels and as part of our everyday practice in schools, educational settings and classrooms.

Our commitment means that children and young people across Queensland, from all social, cultural, community and family backgrounds, and of all identities and all abilities are able to: attend their local state school or education centre and be welcomed; access and participate in a high-quality education and fully engage in the curriculum along-side their similar-aged peers; learn in a safe and supportive environment, free from bullying, discrimination or harassment; achieve academically and socially with reasonable adjustments and supports tailored to meet their learning needs.' <http://education.qld.gov.au/schools/inclusive/index.html>

4. A school assembly is an inappropriate protest venue and there are better ways of promoting debate

Critics of Harper Nielsen's actions have suggested that a school assembly is neither an appropriate venue in which to make a protest nor the best manner in which to promote debate. Readers commenting to The Courier Mail noted that a school assembly was not a suitable place to raise the issue of Australia's national anthem. One noted, ' It is not appropriate that a school assembly is used to demonstrate [Harper Nielsen] and/or her parents' refusal to acknowledge our national anthem in the traditional way.

A primary school assembly is the opportunity to showcase the school's and students' successes.' <https://www.couriermail.com.au/news/opinion/letters-to-the-editor-september-13-2018/news-story/e6b60b42a8588e6531c71e2e2224819d>

Former Prime Minister, Tony Abbott, also commented on the inappropriateness of Harper Nielsen's actions, stating, ' It's just a sign of good manners and courtesy to stand for the national anthem.' <https://twitter.com/SydneyLive2GB/status/1039765970183643136>

Responding to a news report on Harper Nielsen's protest on the website startsat60, one reader similarly stressed the importance of appropriateness and good manners, stating, 'It isn't just about refusing to stand - it's way deeper than that. It's also about being disrespectful of something that's important to others. If we go to a neighbour's for dinner, it would be tasteless to object to the way they serve their meal or organise the table settings.' <https://startsat60.com/news/politics/blatant-disrespect-schoolgirl-punished-after-refusing-to-stand-for-anthem>

Critics of Harper Nielsen's refusal to stand for the national anthem have further argued that there are other and better ways of making her point and of attempting to raise awareness than continuing to refuse to stand for the anthem.

Nielsen notes that she was advised by her teachers 'that if [she] felt so strongly [she] should try other ways of explaining [her] reasons, such as writing to people who were higher up than they were.' <https://www.pressreader.com/australia/the-saturday-paper/20180922/281492162234696>

The same point was made by Dr Jane Fynes-Clinton, a journalist and University of the Sunshine Coast journalism lecturer, who has stated, 'If a change of our nation's song to something more suitable, inclusive and stirring is a burning desire... there are better, more respectful ways to stand up and bring about change.' <https://www.couriermail.com.au/rendezview/the-problem-with-a-9yearolds-anthem-protest/news-story/a453871f94731f2d59b6a80c58356b4d>

Another reader from the startsat60 website has similarly noted, 'A group of both adults and children should sit down with [Harper Nielsen] and have an in-depth discussion on both our national anthem and when it is appropriate to stand up for your rights and how and when it should be done. I wonder if this girl would be prepared to take further action such as showing her concern for aborigines by becoming involved in aid programs, writing to politicians, newspapers, trying to get on current affairs radio and TV programs etc. Just not standing for the national anthem is not really much of a demonstration of standing up for your rights.'

<https://startsat60.com/news/politics/blatant-disrespect-schoolgirl-punished-after-refusing-to-stand-for-anthem>

5. Australia's anthem is a positive symbol of national cohesion

Critics of Harper Nielsen's refusal to stand for the national anthem claim that 'Advance Australia Fair' has become a significant marker of Australia's national identity which promotes social cohesion. Social cohesion is the sense that a group of people have shared values and belong together.

As well as taking the pledge of commitment to Australia, people formalizing their Australian Citizenship also sing 'Advance Australia Fair'. The anthem's supporters claim that since 1984 the song has become an important national symbol and a public expression of pride in being Australian. <http://blog.perthmint.com.au/2015/11/30/advance-australia-fair-plays-key-role-in-citizenship/>

The Australian Government's Adult Migrant English Program says of Advance Australia Fair: '[It] is used at important public ceremonies, sporting and community events. All Australians are encouraged to sing Australia's national anthem. As an important national symbol, it should be treated with respect and dignity.'

Supporters of the anthem point to the positive nature of its lyrics and compare it favourably to anthems from some other countries. Writing in The Big Smoke on September 17, 2018, Loretta Barnard noted, 'Consider the French national anthem, the Marseillaise, with its lyrics of bloodshed and cutthroats, of fighting against oppression and injustice; and America's Star-Spangled Banner with its celebration of a military victory against the British. Ours is in marked contrast to such sentiments: it revels in our rich agricultural land, the natural beauty of the country. It praises our hard work beneath the Southern Cross.' <http://thebigsmoke.com.au/2018/09/17/advance-australia-fair-or-not-australia/>

Barnard further notes, ' Advance Australia Fair is...intended to be a joyful anthem - it's an upbeat melody and we're told to rejoice because we're young, free and prosperous. It exhorts us to sing "in joyful strains". ' <http://thebigsmoke.com.au/2018/09/17/advance-australia-fair-or-not-australia/>

Ben Pobjie, in an opinion piece published by the ABC, on May 27, 2017, similarly championed 'Advance Australia Fair' in comparison to other anthems. He wrote, 'A common example cited is France's La Marseillaise, which is a nice tune, but descends into a nightmare as soon as you translate the lyrics.

The French anthem's first verse warns of tyrannical soldiers approaching "to cut the throats of your sons, your women". The chorus calls upon the people to "let an impure blood soak our fields". It proceeds along similar lines, the entire thing an exhortation to bloody slaughter...

The Americans...national anthem was written by a man who watched a fort getting bombed, and went home and wrote a song about a fort getting bombed (and added in a little bit about how great it was to kill slaves in the third verse)... And the Spanish national anthem doesn't even have words!

Referring to the frequent criticism that 'girt' is an antiquated word, Pobjie notes, 'The anthem derives from its language a timeless quality, the impression that these lines will stand solid and unyielding against the buffeting of history's winds.' <http://www.abc.net.au/news/2017-05-27/why-everyone-think-australian-national-anthem-flawed/8565134>

## Further implications

National symbols, whether flags or anthems, are often problematic. They are intended to represent the nation, however, as values and demographics shift, these symbols are prone to be seen as anachronistic or no longer reflective of the national identity.

National anthems first became popular in Europe during the 18th century, with famous composers including Haydn (Germany) and perhaps Mozart (Austria) sometimes providing the music. While anthems have now spread around the world, only in some countries are anthems regularly played and heard outside major sports events; most people in the world have to wait for an international sporting contest to hear their national songs sung, and for others to listen.

<https://theconversation.com/why-national-anthems-cause-so-much-trouble-61220>

While some anthems focus on past battles or honour national leaders, most celebrate the nation as a physical entity, focusing on the natural landscape. Croatians celebrate their 'beautiful homeland', Danes their 'lovely land' and Swedes the 'loveliest land on earth'.

<https://theconversation.com/why-national-anthems-cause-so-much-trouble-61220>

Reflecting contemporary political and cultural reality remains a struggle for many anthems. The lyrics of the German and Russian anthems evolved to reflect the upheavals of the 20th century. Switzerland has struggled to incorporate its four national languages. The current South African anthem is essentially a merger of 'The Call of South Africa', the anthem of the apartheid era, and 'God Bless Africa', formerly used an expression of political defiance. The lyrics now incorporate five of the country's 11 official tongues. <https://theconversation.com/why-national-anthems-cause-so-much-trouble-61220>

The struggle to reflect an evolving national identity is evident in regard to the Australian anthem. Formally adopted in 1984, 'Advance Australia Fair' replaced the former anthem 'God Save the Queen'. In 1973, Australian Prime Minister, Gough Whitlam, began the process of selecting a new anthem which would represent Australia with 'distinction'. [https://en.wikipedia.org/wiki/Advance\\_Australia\\_Fair](https://en.wikipedia.org/wiki/Advance_Australia_Fair) Whitlam sought something that would present Australia as an independent nation on the world stage. At that point, Australia shared its anthem, 'God Save the Queen', not only with Great Britain, but with a number of other Commonwealth countries, including New Zealand. [https://en.wikipedia.org/wiki/Advance\\_Australia\\_Fairhttps://en.wikipedia.org/wiki/National\\_anthems\\_of\\_New\\_Zealand](https://en.wikipedia.org/wiki/Advance_Australia_Fairhttps://en.wikipedia.org/wiki/National_anthems_of_New_Zealand)

The lyrics of 'Advance Australia Fair' have already undergone numerous revisions. The opening line originally read 'Australia's sons let us rejoice'. The obviously gendered nature of this resulted in the current revision. Less well known is that two of the former four verses have been dropped completely and that the former third verse (now the second and itself substantially revised for Federation in 1901) has been modified further, removing references to sharing 'our boundless plains' with 'loyal sons beyond the seas'. Among other references now gone are 'From England soil and Fatherland, / Scotia and Erin fair, / Let all combine with heart and hand / To advance Australia fair.' [https://en.wikipedia.org/wiki/Advance\\_Australia\\_Fairhttps://www.sbs.com.au/nitv/nitv-news/article/2015/11/06/judith-durhams-new-anthem-lyric-contemporary-australia](https://en.wikipedia.org/wiki/Advance_Australia_Fairhttps://www.sbs.com.au/nitv/nitv-news/article/2015/11/06/judith-durhams-new-anthem-lyric-contemporary-australia)

Regarding the freedom of students to choose not to stand during the anthem, the situation that exists in Victorian schools is interesting. The Victorian Education Department's policy for ceremonies states 'Schools must hold ceremonies for students to acknowledge their roles as citizens of Australia at intervals and with content determined by the school council in accordance with Ministerial guidelines and using the Australian National Flag.' However, the policy also states that 'Schools must not compel students to recite a declaration or take part in a ceremony if the student or parents/guardians object based on religious, cultural, philosophical or other beliefs.' <https://www.education.vic.gov.au/school/principals/spag/community/Pages/ceremonies.aspx>

The option Kenmore Primary School gave Harper Nielsen to not attend the assembly is

Victorian Education Department policy; however, Victorian primary schools may not have allowed her to remain at the assembly and not follow teacher directions. The question of student rights within institutions which rely on the mass management of children is a vexed one.