Australia, Canada, NZ independent nations? Legally Certainly NOT!

Of all people, Canadians ought to know that legally they are and remain British subjects with allegiance to the Crown in the sovereignty of the United Kingdom. It is not that long ago, that French speaking Quebec sought to secede from Canada. The local authorities engaged five leading international scholars to prepare a document (available on the internet) to determine a) if Quebec had a legal right to secede? b) what was legally required? c) what would be the law at the point of secession?

Of course it did not surprise that the referendum was lost by mere 1%. I dare to suggest that the People of Quebec had been duped.

Under both international and the natural law all people have the natural right to secede from their appointed government. This right is in fact codified under the UN Charter. Legal government is totally dependent on the consent of the People, who in truth and reality form the real sovereign body within each nation. Sovereignty means supreme, total, and complete authority. No part or shared sovereignty exists in law, only in fiction. The king, queen, or president become upon their coronation/inauguration contract with Almighty God (Jeremiah 31: 33-34) the Viceroy to God and are only appointed as Trustees of the National Estate. This contract with Almighty God and the People is sealed by a sworn oath of acceptance on the Bible. Only after this they are allowed to govern the National Estate which belongs to the People in common as Viceroy to God. As Trustees, they and their government appointees can lawfully act, but only in the best interest of the People, who are the true beneficiaries to the National Estate. The National Estate constitutes the inalienable inheritance of the People who equally share in the wealth of the nation. **It is a fiction that the king or queen owns all the wealth within the National Estate**. Furthermore, Heads of States and their Ministers (e.g. Government) are prohibited from acquiring personal wealth during their term in Office. It is well established under common law that anyone who has advanced notice as decision maker, would have an unfair advantage over others who have not and be liable to a charge of insider trading. Since kings, queens, and presidents have the power to declare law by providing assent to Bills passed by their Houses of Parliament, they naturally enjoy an unfair advantage. However they, their families, or acquaints are prohibited from taking advantage.

Governments **cannot by enactment of a statute change the nationality** of the People **without their explicit consent**. There has been no referendum in Canada in relation to secession or nationality. In Australia there was a referendum in 2000 seeking to secede and become a republic, but the People voted against this. Therefore the term 'Canadian' or 'Australian' **is not a description of citizenship** but a term describing the area where the person resides, not unlike a New Yorker, Melbournian, Texan or Victorian.

It should be noted that whilst Our Creator, Almighty God, made a covenant/contract with David there was also **an exit clause** included in the contract in case David or his successors would break the contract :

> "20. Thus saith the Lord; **if ye can break my covenant** of the day, and my covenant of the night, and that there should not be day and night in their season;
> 21. Then may also **my covenant be broken with David my servant, that he**

should not have a <u>son</u> to reign upon his throne . . . " (Jeremiah Chapter 33)

The above exit clause is enshrined in our common law. If one party violates a term of the contract then the contract is deemed void and the parties are absolved from the terms thereof. He who breaks to contract may be sued for damages inflicted on the other party. Please note that God's contract with David only extended to male heirs of the king and for that reason it was ever so important that the king had a son. A queen at best can only be the spouse of a king, but never have any lawful right to ascend the throne or exercise authority.

The Canadian government for years tried to find a way to 'patriate' the British North America Act 1867, the British constitution act under which they operated, and make it a Canadian Act. However they were forced to admit that a 'legal' way to manage that was not available. The Canadian constitution had the same clause 2 that was included into the Australian Constitution Act 1900, and which read:

> "2. The provisions of this Act referring to the Queen shall extend to Her Majesty's heirs and successors **in the sovereignty of the United Kingdom**."

The Australian Constitution Act, however, allowed for changes to be made to clause 9 "the Constitution" pursuant to s.128 which required the consent of the People expressed at referendum. However clauses 1 - 9 could not be altered. There was no such provision included under the as British North American Act. Now since it became increasingly more embarrassing to claim Canada to be an independent nation whilst clearly being subject to British law, the Westminster Parliament assisted and repealed clause 2 of the British North America Act. But would this assist the Canadians with their problem? **Of course it would not**, lawfully anyway. Canada's independence would require the **consent of the Canadian People** expressed at a referendum. Only a 'yes' vote result would allow the Canadians to claim *'uti possidetis juris*' (I rightfully claim where I stand) which is the international format towards **legal independence**. From the moment the Canadian People approve secession all governments stand down though its public service remains operating. Canada would be secured under international law until a new constitution is approved by the people. When a new constitution has been approved by the People fresh elections for the Parliament must be held. **Legal independence from the United Kingdom cannot result by merely claiming they 'patriated' the British North American Act**. The way it was purportedly done was by *'smoke n mirrors'*. For those who do not understand what was meant by patriating, it is merely passing an act from the Westminster Parliament in the United Kingdom that reads exactly like the British North American Act 1867 through the Canadian Parliament. In so doing the act then becomes a Canadian act. The reality is that the Canadian people were being hoodwinked.

Sir Robert Randolph Garran G.C.M.G., Q.C. former Solicitor-General of Australia wrote the following regarding the so-called 'independence' of the colonies attained under the Statute of Westminster 1931 (UK) in his book 'Proper the Commonwealth', p.325/6:

> "It will be seen that the Statute of Westminster does not repeat in so many words the much quoted reference to the group of self-governing communities composed

of Great Britain and the Dominions already quoted as follows:

> 'They are autonomous communities within the British Empire, equal in status and no way subordinate one to another in any aspect of their domestic or external affairs, though united by a common allegiance to the Crown and freely associated as members of the British Commonwealth of Nations.'

. . . These words have not only been an insoluble puzzle to foreign commentators, but they caused considerable difficulties to British jurists. Precise political scientists were shocked at the apparent contradictions - "self-governing communities" . . . " in no way subordinate one to another" . . . "united by a common allegiance to the Crown" . . . "freely associated" . . . contradictory? Yes. Mystical? Yes. But it works. The British have a genius for sliding into constitutional changes that derive not from statute law but from practice, and so they accepted a mere declaration in a report that in reality the relation of Britain to the oversea Dominions had by custom and tradition changed for all practical purpose from what it seemed to be - that of a central sun to a group of independent planets - to an association of co-equal suns-that Britain had in effect renounced the parenthood of her children and stepped down to a senior sisterhood."

In reality the above just shows that the British politicians are dishonest whilst thinking to be ever so smart. President Trump would say: *'These people are stupid*" because they had committed treason in doing so. Someone obviously forgot to remind him that the coronation contract to which the king had agreed, under oath, had made it compulsory to treats all of his subject equally under the Laws of God. Therefore by allowing his subjects to be subjected to 'foreign' law, **the king broke his contract and abdicated government**. The temporal Crown became thereby vacant. As a direct result nothing could stand on a foundation of law today. Not in the United Kingdom nor in any of its other Dominions and Territories.

The sole reason behind the creation of the British Commonwealth Nations was so that Great Britain could control the League of Nations by controlling the votes of its represented territories. The League of Nations turned out to be a flop since hardly any other country wished to join. However the Brits were more successful in 1945 by instigating the United Nations. Since most countries now joined the UN, and each had equal voting power, this would pose a threat to UK supremacy. This however was neutralized by the creation of the Security Council of which the UK would be a Permanent Member. Permanent Members have the power to veto any resolution passed in the General Assembly. Hence nothing can be implemented if against the interest of the UK. It would be naturally vetoed. So much for the UN which turned out to be just a fraudulent organisation and a waste of tax payers money.

In the year 2000 the Australian de facto government also held a referendum to become an independent republic. In the lead-up to the referendum the government controlled both the argument *for* and *against*. Millions of tax payers dollars were spent. But to their surprise **the People still voted NO**. This however was ignored by the Australian government which in a clandestine manner created a mirror image and continued with their fraudulent program.

The following document was sent to every judge, magistrate, and every professor and lecturer of law within Australia in the year 2000. The silence was deafening, only 6

polite acknowledgments of receipt were received. One from the chief-justice of a Supreme Court arrived 18 months after receipt thanking me whilst advising that he was retiring at the end of the week. You can only wonder why he bothered to answer? The document "**The Argument is Untenable . . . but there is a Solution**" was sent together with a letter charging all, but giving each the opportunity to address the issues raised.

This Coat of Arms (or more properly Achievement of Arms) was granted
Under Letters Patent by the Sovereign of the United Kingdom

The Argument is Untenable

But

There is a Solution

FOREWORD

The following Chapters will show beyond doubt that the Federal Parliament and those of the States **hold no valid authority** and must stand down by operation of law.

What you are to read is easily checked today by way of internet or local library and we urge everyone to check the facts for themselves. We also encourage everyone to seek further information and we shall assist wherever possible. Most Judges and some Magistrates already know the real legal situation in Australia today. So of course do solicitors, who are 'Officers of the Court'. Many are most concerned with the endless stream of draconian and invalid legislation that comes from our Parliaments today, which in turn the courts are then forced to uphold.

Judges and people alike are concerned with what is happening and where it is all leading. The time has come now to stand up, accept the facts, **and apply the law**. The Parliaments are not our highest legal authority, but our judiciary is and it has the duty and care of defending the Constitution and protecting the people from the Parliaments.

Cleverly, under the disguise of certain provisions of the Statute of Westminster 1931, our Governments **have legislated powers for themselves without valid authority**. A good example, for instance, is the Australia Act 1986, when the Parliament used **s51 (xxxviii)** to purportedly create the Australia Act. However, a sober legal fact is that the Parliament of the United Kingdom had, and still has no legal authority, to change the Constitution by granting powers to the Federal Parliament **outside those conferred to it under the Constitution.**

That can only legally be done by the **Australian people by way of referendum**. **Sovereignty**, or ultimate legal power, **was vested in the Australian people** under the Constitution, and **no Government** can change the Constitution, its interpretation or text, by an act of Parliament. Ironically both the Australian and British Parliaments are restricted and bound by the terms and conditions of the Constitution, and neither have the authority to violate a British Act such as our Constitution Act.

It goes without say, that the "little kings" in this country will not like for you to have this information, **which is specifically designed to help and return this country to its people**. Definitely not in the best interest of those in power, as you can imagine, and as such the author has already been financially and legally harassed. To coin a popular sporting phrase they are "*playing the man and not the ball*," **but the truth cannot be denied** and **will continue to surface**. They might attempt to have the High Court rule it "*untenable*" and try to shove it under the carpets once again, but it will continue to surface, **the truth will not, and cannot be denied**.

I like to leave you with the words of popular Australian songwriter Paul Kelly:

"… in the land of little kings
justice don't mean anything
and everywhere the little kings
are getting away with murder…"

INTRODUCTION

It is well known to many thousands of Australians and others around the world, that our Federal Parliament and those of the States **hold no valid authority**.

The difficulty is no longer proving that this is so, **but rather to find a solution** that allows for the correction of this problem without damage to the nation or its people.

Because this invalid situation has been allowed to continue for so long, you can imagine the complications that derive from such things as for instance the passing of invalid legislation. Especially since the courts have upheld such legislation **at all cost even in cases where it was challenged**.

To continue as if the problem does not exist will of course only make the task of correcting it even greater. **If the parliaments and courts continue to dispense with the laws of the land, which are acts of treason and anarchy**, then it is only a matter of time, before the people will take up arms in order to protect their rights and livelihoods.

These rights are **inviolable** within a democratic society, and must be preserved at all cost. At present our Parliaments are totally out of control and legislate whatever they fancy regardless of law. In the process many Australians become the victims of *ultra vires* legislation, which is upheld by the courts. The courts were originally set up under the Constitution to be separate from the Parliament, '**separation of powers**', in order **to protect the people from the Parliament**. However, most of us know that this is no longer the case today.

The Parliament is already preparing for civil unrest, that is to say, for people demanding to have their legal and human rights acknowledged and upheld.

Under the disguise of the Y2K bug, the Olympics etcetera, the Parliaments of the States and Commonwealth have given themselves already **emergency and martial law like powers** in order to quell any anticipated uprising of the people.

This makes for an explosive situation, which every fair minded and decent Australian wants to avoid at all cost. Australia must not go this route, after all, we are the 'lucky' country, and have been spared the misery of armed conflict that others around the world had to endure en route towards democracy.

Fortunately**, there is a simple and peaceful solution**. The details are spelled out within the documents enclosed. I sincerely urge every decent, and law abiding citizen to read it. The content within these documents is important for your country, your children, and yourselves. Please ask any questions if you like, or **feel free to put any alternative view forward**, regardless of what it may be.

We have here a wonderful opportunity to correct our system once and forever. Our Constitution remains valid and in place, therefore law and order is maintained. The Public Service structure remains, and in general life goes on like nothing had ever happened. The situation created is no different from when the Parliament is in recess, nobody even knows that Parliament is closed, **and nobody will even miss the Parliaments of the States and the Commonwealth**, when they do stand down by operation of law. We need no new laws at present, we have already more than enough.

If Australians believe in law, and I sincerely hope we all do, then law must apply equally to all and prevail at all times. **Neither parliament nor court can be allowed to be above the law.**

An amnesty should be proclaimed and granted to all, **who have knowingly or unknowingly deceived the Australian people** and denied them their rights in law.

Such amnesty must only apply to those, who are willing to co-operate in the smooth transition towards **true democracy and law and order**. Those, who co-operate shall not be prosecuted or held to answer, but those, who wish to argue or defend their actions can and may do so in a proper court of justice, **but answer to a charge of treason**. If found guilty, they will face the full consequences of their conviction.

A temporary assembly of academically qualified and high profile Australians will form an 'interim' government. This assembly of men and or women shall remain caretakers, **without the right to legislate other than in emergency situations**. The Natural Law must **at all times remain the basis of all law** in Australia, as indeed it was meant to be.

The people of Australia may seek their **inviolable right of self-determination**. They have the right to remain a British colony or they may formally seek to secede. If they wish to secede they may seek a new constitution, which must embrace **the Law of Nature and rights for the people**. These rights must be granted to them, their children and all future generations forever, and these rights **must be inviolable**. The power must not only come back to the people where it belongs, but must remain there forever.

Again, I urge you to read the following pages, and support the notion **that the law must prevail at all cost** in order to preserve a peaceful existence within this wonderful nation.

This is an unique opportunity, **which allows to correct in a peaceful manner an intolerable defect in law**, without any harm or disruption to the ordinary people.

In the name of all honest and law abiding Australians, I thank you in anticipation of your time for reading the following papers and for your support in helping to bring back **a valid legal and democratic system**.

…….

Wolter Joosse

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HAS THE AUSTRALIAN PARLIAMENT THE LEGAL AUTHORITY TO CHANGE THE TITLE OF THE QUEEN UNDER THE CONSTITUTION?

The answer is…. a most definite **NO**!

The only Queen, with the authority under the Constitution of the Commonwealth of Australia, is clearly defined under Section 2 of the Covering Clauses as **the Queen in Council and the Queen in Parliament at Westminster**. The Queen, who carries the Style and Title given to Her by the Parliament of the United Kingdom.

"2. The provisions of this Act referring to the Queen shall extend to Her Majesty's heirs and successors **in the sovereignty of <u>the United Kingdom</u>**."

Covering Clause 2, the Commonwealth of Australia Constitution Act, 1900.

The Covering Clauses, 1 – 8, which precede Clause 9, which is "the Constitution", cannot be altered, repealed or revoked by the Parliament of the Commonwealth of Australia, and no authority exists to do so. Only Clauses within the Constitution can be changed by virtue of Section 128, **by a referendum of the Australian people**.

The Style and Title of the Queen, in relation to the Queen under the Constitution, can not be changed by the **Federal Parliament**. Firstly, because that Parliament has no legal authority to do so, and secondly it would violate the *Treason Acts, 1351, 1795* and *1817,* which states as follows:

> "…when a man doth compass or imagine the death of our lord the King…or if any man levy war against our lord the King, or be adherent to the king's enemies… giving them aid and comfort…that ought to be judged treason…"
>
> <u>The Treason Act, 1351</u>

> "…this statute (*the Treason Act, 1351*) (to clear any doubt) extends to all persons, as well ecclesiastical as temporal (including Ministers of State and Justices) and so has it ever been put into execution…If any levy war … **against any statute**…without warrant: this is levying war against the king: because they take upon them royal authority, which is against the king… …if they had risen of purpose to alter religion established within the realm, or laws…this is a levying of war… **because the pretence is public and general, and not private in particular.**"
>
> <u>Lord Chief Justice Sir Edward Coke, 'The Institutes of the Laws of England Third Part, pages 4 and 9.</u>

> "1. If any person or persons whatsoever…shall, within the realm or without, compass, imagine, invent, devise, or intend death or destruction, or any bodily harm tending to death or destruction, maim or wounding, the king, heirs and successors, **or to deprive or depose him or them from <u>the style</u>, honour, or kingly name of the imperial crown of this realm**, or of any other of his majesty's dominions or countries; or to levy war against his majesty, his heirs and successors, within this realm, in order, by force or constraint, to compel

him or them to change his or their measures or counsels, or in order to put any force or constraint upon, or to intimidate or overawe both houses, or either house of parliament; or to move or stir any foreigner or stranger with force to invade this realm, or any other his majesty's dominions or countries, under the obeisance, of his majesty, his heirs and successors; and such compassings, imaginations, inventions, devices or intentions, or any of them, shall express, utter, or declare, by publishing any printing or writing, or by any overt act or deed…**shall be deemed**, **declared, and adjudged to be a traitor…and shall suffer pains of death…"**

The Treason Act, 1795

" Be it…enacted, that all and every the herein before recited provisions (the Treason Act, 1795) which relate to the heirs and successors of his majesty, the sovereigns of these realms, **shall be and the same are hereby made perpetual**."

The Treason Act, 1817

The *Royal Styles and Titles Act*, 1953, No.32 of 1953 (3), was an Act creating a Style and Title for the Queen**, as Head of the (British) Commonwealth, in relation to constitutional relationships within the British Commonwealth of Nations, to reflect the special position of the Sovereign as Head of the Commonwealth**.

The Imperial Parliament by the passing of the *Statute of Westminster Act, 1931*, (4) granted the Dominions the authority to pass a Styles and Titles Act for the 'Head of the Commonwealth' in recognition of that new legal entity that had been created the "British Commonwealth of Nations." It was recognized, by the various Prime Ministers of the British Commonwealth of Nations, during the Imperial Conferences of 1926 and 1930, that the Style and Title of the King of the United Kingdom, as Head of the Commonwealth, was for some Member countries no longer appropriate.

However, whilst the aforesaid Statute conferred authority upon the Parliaments of the Dominions to create a Style and Title for the Head of the Commonwealth, Section 8 specifically **denied any such authority for a change in the Style and Title of the Queen referred to under the Constitutions of the Commonwealth of Australia and New Zealand**. **Sections 8 and 9 of the *Statute of Westminster, 1931***, are most explicit and state as follows:

"8. Nothing in this Act shall be deemed to confer any power to repeal or alter the Constitution or the Constitution Act of the Commonwealth of Australia or the Constitution Act of the Dominion of New Zealand otherwise than in accordance with the law existing before the commencement of this Act."

"9. – (1) Nothing in this Act **shall be deemed to authorize** the Parliament of the Commonwealth of Australia to make laws on any matter within the authority of the States of Australia, **not being a matter within the authority** of the Parliament or Government of Australia".

Statute of Westminster Act, 1931

The above Sections of the *Statute of Westminster, 1931*, make it **abundantly** clear

that the authority conferred upon the Parliaments of the Dominions related **only** in regards to the **constitutional relationships within the British Commonwealth of Nations**, and **do not extend beyond those**, nor could they have any effect upon the authority conferred upon those Parliaments under their respective Constitutions prior to the commencement of the *Statute of Westminster Act.* This point of law was clearly echoed by the late Prime Minister Sir Robert Menzies in the House of Representatives during the Second Reading of the *Royal Style and Titles Bill, 1953*. (5)

> "…Therefore, **in the literal, legal sense** the Queen is Queen of Canada and of South Africa and of New Zealand, and so on, because she is the **Queen of the United Kingdom**."
>
> page 55, Hansard, House of Representatives, 18 February, 1953

> "…The fact is that in **section 8 of the Statute of Westminster**, the relevant sections of which we adopted by legislation in 1942, there is a provision which reads: -
> **Nothing in this act** shall be deemed to confer any power to repeal **or alter** the Constitution or the Constitution Act of the Commonwealth of Australia…"

> "…If we look at the Constitution Act, and what are now called the covering clauses of it, we find two interesting things…**Section 2 of that act states**: -
> **The provisions of this Act referring to the Queen shall extend to Her Majesty's heirs and successors in the sovereignty of the United Kingdom,** we must remember that the Queen is our Queen because, **in point of legal right**, she succeeded to the throne under the Act of Succession…'
>
> page 56, Hansard, House of Representatives, 18 February, 1953

Please keep in mind, that the Head of Commonwealth, is at all material times a totally different legal entity, even though it is the same person, to that of the King or Queen in the sovereignty of the United Kingdom. Only the King or Queen of the United Kingdom and Northern Ireland holds the powers under our Constitution, *the Australian Constitution Act, 1900*. Therefore the Governors of the States, and Governor-General **must** at all material times be appointed by the **Sovereign in Council**, and the Sovereign in Parliament at Westminster, Elizabeth II by the Grace of God of **the United Kingdom and Northern Ireland** Her other Realms and Territories, **Defender of the Faith**.

In 1973, the Government under Prime Minister Gough Whitlam repealed the Royal Styles and Titles Act, 1953, and passed the *Royal Styles and Titles Act, 1973* (6). Thereby **only** changing the Style and Title of the **Head of the Commonwealth** (the British Commonwealth of Nations) to 'Elizabeth II by the Grace of God Queen of Australia and Her other Realms and Territories, **Head of the Commonwealth**'.

In 1984, the Government under Bob Hawke **dispensed with the law**, namely the Constitution Act, by appointing the office of Governor-General under a Letters Patent issued in the name of the **Head of the Commonwealth** (the British Commonwealth of Nations) namely "Elizabeth the Second by the Grace of God Queen of Australia Her other Realms and Territories, **Head of the Commonwealth**." However, as already established, the Style and Title of the Queen referred to in the Constitution

Act **cannot legally be changed by an act of the Australian Parliament**. The Style and Title of the Queen of the United Kingdom is created by **an Act of the Parliament at Westminster.**

The **Head of the Commonwealth** holds no powers or prerogatives under the Constitution Act, and as such, a Governor-General, appointed by the Head of the Commonwealth, holds no powers under our Constitution. Therefore such Governor General cannot legally issue Writs for elections, **swear in any Parliament**, or give the **Royal Assent to any Bill**. Those rights and prerogatives are reserved for the representative and appointee of the Queen of the United Kingdom of Great Britain and Northern Ireland, the Queen in Council, and the Queen in Parliament at Westminster, the Queen defined under our Constitution or otherwise known as 'the Queen in right'.

A Governor-General appointed by the Queen of Australia is merely the representative of the Head of the Commonwealth. The Head of the Commonwealth does not hold powers within the Parliaments of India, Pakistan or South Africa, and cannot legally hold any powers within the Parliaments of Australia.

The Queen of Australia is a totally different legal entity and personality to the Queen of the United Kingdom and Northern Ireland. This has been confirmed by the High Court of Australia in *Sue v Hill* on 23rd June, 1999 (6).

> "57…there is only **one person** who is the Sovereign within the British Commonwealth… in matters of law and government the Queen of the United Kingdom, for example, is entirely independent and distinct from the Queen of Canada." Gleeson CJ, Gummow and Hayne JJ, Sue v Hill HCA\99

The above statement is obviously correct, as in matter of law and government within the Australian Constitution Act 1900 (UK), the Queen of the United Kingdom and Northern Ireland is the **only** Queen with authority, but who is entirely independent and distinct from the Queen of Australia, **who holds no authority**. This is what the framers Quick and Garran wrote in 1901"

> " **Delegated Sovereignty**.- In all the constitutional Acts passed by the British Parliament conferring the right of self-government on British colonies, it is expressed or implied that the sovereignty is vested in the Queen. This form of expression is in accordance with traditional theory and usage, and it has been continued as matter of courtesy, notwithstanding the fact that the form is at variance with the reality and the substance; as elsewhere pointed out (Note #11) **the Queen shares with the Houses of the Parliament in the sovereignty of the British Empire**
>
> The constitutional Acts of the colonies of Great Britain are illustrations of this delegation of sovereign powers. The office of legislation, like the judicial and executive functions of sovereignty, may be delegated by the sovereign principal to subordinate persons or bodies, such as colonial governors and colonial parliaments. **Within the limits** of their constitutional Acts and charters, **such governors and parliaments may exercise all the ordinary authority of a sovereign**, in the same way as the Queen in the British parliament, subject only to the same moral checks and restraints which have

already enumerated. (Dicey, Law of the Constitution p. 95)

> But colonies, dominions, or commonwealths, having such a system of government, substantially free and practically independent, are still subject to the original sovereign body, the Queen in the British Parliament. That power, though dormant, is not extinguished or abandoned by the delegation. There is merely an implied compact not to interfere with those communities as long as they govern themselves according to the terms of their respective Constitutions." (Markbys's Elements of Law, pp. 3, 4, 20)
> (Annotated Constitution of the Australian Commonwealth, pp 327, 328)

The above **clearly** illustrates that the **Crown of the United Kingdom is indivisible**.

As further proof that the Parliaments have no power to change the title of the Queen, my paperback "Australian Constitution Act 1900 (UK), which clearly states on the front cover "**As in force on 1st of July 1999**," shows **no Queen of Australia**, but the original version of " **Her Majesty's heirs and successors in the sovereignty of the United Kingdom**," who is a totally different and legal entity.

The Solicitor-General for the State of South Australia also confirmed this in his Discussion Paper No.3 (7), which was published just prior to the November 1999 Referendum. His interpretation, however, that the Constitution effectively had been re-written, and that we should now read Queen of Australia wherever it is written Queen of the United Kingdom, **is of course totally incorrect**. Firstly, no **valid authority exists** to change section 2, secondly no changes can be made, under the Constitution, **without a referendum**, and thirdly the Constitution may only be interpreted according to the original framers intentions (see various High court rulings).

> "…it is now clear that Her Majesty the Queen of Australia **is a separate legal body** from Her Majesty the Queen of the United Kingdom… the effect of all this is that the Queen of Australia is **a separate legal person**, **and a separate sovereign** from the Queen of the United Kingdom, although the same person wears both Crowns."
> (Solicitor General's Discussion Paper No. 3, BMS.332\1999)

The above examples clearly show, that the **Queen of the United Kingdom**, the Sovereign **who holds all powers** and prerogatives under our Constitution, **is a total different legal entity** from the Queen of Australia, **who holds none**.

The **Queen of Australia** is only the title conferred by the Parliament of Australia upon the Head of the Commonwealth, who holds no authority whatsoever, under *the Constitution*. **This is confirmed by s2 of *the Constitution*, and s8 of the *Statute of Westminster, 1931*.**

Interestingly enough none of the States have ever legislated a *Royal Styles and Titles Act*, or a *Royal Styles and Titles (Request and Consent) Act*, and remain **at all times** under allegiance to the Queen of the United Kingdom and Northern Ireland.

In **1986**, in concurrence with the Australia Acts, UK and Commonwealth coming into effect, every **Office of State Governor** was appointed by Letters Patent issued in the name of Elizabeth II, by the Grace of God Queen of the **United Kingdom and**

Northern Ireland, Her other Realms and Territories, Defender of the Faith. This is of course in stark contrast with the controversial Letters Patent, that appointed the **Office of Governor General** in **1984**, signed by Bob Hawke, which were issued in the name of Elizabeth II, by the Grace of God **Queen of Australia** and Her other Realm and Territories, **Head of the Commonwealth**.

The latter appointment, as we now all understand, was made by the **Head of the Commonwealth**, who holds no legal authority under the Constitution, to confer the powers and prerogatives of the **Queen of the United Kingdom** upon the Governor General. As such the Office of Governor General was not established in accordance with the law **and holds no legal authority.**

That in turn means, that anyone appointed to the Office of Governor General under a Letters Patent in the name of the **Queen of Australia, Head of the Commonwealth** holds no valid appointment to exercise the Royal powers of the **Queen of the United Kingdom** and Northern Ireland. It therefore follows that such Governor-General cannot issue any writs for elections, swear in Parliaments or give Assent to any Bill, **and no laws can be passed.**

WHAT IS THE VIEW OF THE HIGH COURT?

On each and every occasion the High Court has held the view, that the Australian Constitution may only be interpreted in accordance with the intentions of its framers. And as such the Constitution cannot be interpreted to suit a particular situation today, or be interpreted what might be seen to be in the best interest to our community today.

> *" ...However, the judiciary **has no power to amend or modernise** the Constitution to give effect **to what Judges think is in the best public interest**. The function of the judiciary, including the function of this Court, is **to give effect to the intention of the makers of the Constitution** as evinced by the terms in which they expressed that intention. That necessarily means that decisions, taken almost a century ago by people long dead**,** bind the people of Australia **today even in cases** where most people agree that those decisions are out of touch with the present needs of Australian society…The starting point for a principled interpretation of the Constitution **is the search for the intention of its makers**"*
>
> Gaudron J (Wakim, HCA27\99)

> *"...But in the interpretation of the Constitution the connotation or connotations of its words should remain constant. **We are not to give words a meaning different from any meaning which they could have borne in 1900**. Law is to be accommodated to changing facts. **It is not to be changed as language changes**."*
>
> Windeyer J (Ex parte Professional Engineers' Association)

> *"**A Federal constitution must be rigid**. The government it establishes **must be one of defined powers**; within those powers it must be paramount, but it must **be incompetent to go beyond them**. "*
>
> Gummow and Hayne JJ (Wakim, HCA27\99)

The above clearly and unambiguously demonstrates that the *Constitution* **must only be interpreted in the way it was intended back in 1900**, and makes a mockery of the statement made by the Solicitor General of South Australia that you can pretend to read something different to what is written. In any event both the **Parliament and the Judiciary are bound not only by the text, but also by its original interpretation** and **legally cannot go beyond that**.

Provisions for change were provided for within the Constitution by virtue of s128, a referendum of the Australian people. This section allows to make changes to the Constitution, and keep pace with the changes of time. However, both the Parliaments and the judiciary of the Commonwealth of Australia **and the United Kingdom** are bound by the terms of the *Constitution*, and in particular s128.

This necessarily means that the Parliament of the United Kingdom cannot grant any powers to the Federal Parliament outside those already granted under the Constitution, or diminish them, without approval of the Australian people (s128, by referendum). Any powers granted to the Federal Parliament solely by an Act of the Parliament of the United Kingdom, by request of the Commonwealth, States or otherwise, without a referendum of the Australian people, **is not only a violation** of the *Constitution*, but also of British law, **and the Act is null and void** by operation of law.

WHAT THEN WERE THE INTENTIONS OF THE FRAMERS?

Sir John Quick and Sir Robert Garran were instrumental in framing the Australian Constitution Act, 1900, and together they wrote "the Annotated Constitution of the Australian Commonwealth" in 1901. This volume contains some 1008 pages and explains the entire Constitution almost word for word. As such they clearly illustrated how the framers intended that the Constitution should be interpreted and or used. Below an extract commencing on p346:

§ 33. "And all Laws"

No difficulty is suggested by the words, "and all the laws made by the Parliament of the Commonwealth under the Constitution." **The words "under the Constitution" are words of limitation and qualification**. They are equivalent to the words in the corresponding sanction of the Constitution of the United States "in pursuance thereof." Supra. **Not all enactments purporting to be laws made by the Parliament are binding**; but laws made under, in pursuance of, and within the authority conferred by the Constitution, and those only, are binding on the courts, judges, and people. **A law in excess of the authority conferred by the Constitution is no law; it is wholly void and inoperative; it confers no rights, it imposes no duties; it affords no protection**. (Norton v. Shelby County, 118 U.S. 425; see note **§** 447 " Power of the Parliament of a Colony.")

The Act itself is binding without limitation or qualification because it is passed by the sovereign Parliament, but the laws passed by the Parliament of the Commonwealth, **a subordinate Parliament**, must be within the limits of the delegation of powers **or they will be null and void**. To be valid and binding they must be within the domain

of jurisdiction mapped out and delimited in express terms, or by necessary implication, in the Constitution itself. **What is not so granted** to the Parliament of the Commonwealth **is denied to it**. What is not so granted is either reserved to the States, as expressed in their respective Constitutions, **or remains vested but dormant in the people of the Commonwealth**. The possible area of enlargement of Commonwealth power, by an amendment of the Constitution, will be considered under Chapter VIII.

"Every legislative assembly existing under a federal constitution **is merely a subordinate law-making body**, **whose laws are of the nature of by-laws**, valid whilst within the authority conferred upon it by the constitution, **but invalid or unconstitutional if they go beyond the limits of such authority.** There is an apparent absurdity in comparing the legislature of the United States to an English railway, company or school board, **but the comparison is just**…a law passed by Congress which is in excess of its legal powers, as contravening the Constitution, is invalid;… a law passed by Congress is called an 'Act' of Congress, and if ***ultra vires*** is described as '**unconstitutiona**l'; a law passed by the Great Eastern Railway Company is called a 'by-law', and if ultra vires is called , not 'unconstitutional' but 'invalid'.

"Differences, however, of words must not conceal from us essential similarity in things. Acts of Congress, or of the Legislative Assembly of New York or of Massachusetts, **are at bottom simply 'by-laws'**, depending for their validity upon their being within the powers given to Congress or to the State legislatures by the Constitution. Congress and the Great Eastern Railway Company are in truth each of them nothing more than subordinate law-making bodies" (Dicey's Law of the Constitution, p.137.)

"**Every Act** of Congress and every Act of the legislatures of the States, and every part of the Constitution of any State, which are repugnant to the Constitution of the United States, **are necessarily void**. **This is a clear and settled principle of (our) constitutional jurisprudence**."

(Kent's Commentaries, L, p.314.)

"**The legal duty therefore of every judge**, whether he acts as a judge of the State of New York or as a judge of the Supreme Court of the United States**, is clear**. **He is bound to treat as void every legislative act**, whether proceeding from Congress or from the State legislatures, **which is inconsistent with the Constitution** of the United States. His duty is as clear as that of an English judge called upon to determine the validity of a by-law made by **the** Great Eastern Railway Company or any other Railway Company. The American **judge must in giving judgment obey the terms of the Constitution**, just as his English brother must in giving judgment obey every Act of Parliament bearing on the case."

(Dicey, Law of the Constitution, p.146.)

"It was a rule of common law that a colonial legislature was subordinate to the English and afterwards to the British Parliament; that it could not pass laws in conflict with the laws of England expressly applicable to the colonies. This rule was confirmed by Statute."

the Annotated Constitution of the Australian Commonwealth
Quick & Garran, 1901, pages 346, 347

"….But colonies, or commonwealths, having such a system of government, substantially free and practically independent, **are still subject to the original sovereign body, the Queen in the British Parliament**. That power, though dormant is not extinguished or abandoned by the delegation. There is merely an implied compact not to interfere with those communities **as long as they govern themselves according to the terms of their respective Constitutions**."

(Markby's Elements of Law, pp. 3, 4, 20.)
the Annotated Constitution of the Australian Commonwealth
Quick & Garran, 1901, page 328

The framers of the Constitution therefore made it abundantly clear, that the Parliament of the Commonwealth of Australia was bound, in no uncertain terms, by

rigid and strict guidelines indicating the limits of its power to legislate. It cannot go outside those limits, if it does, **the legislation is necessarily void**.

Since there is no express authority conferred upon the Parliament to create a Styles and Titles, it is therefore explicitly denied. It would indeed be most odd, if a colony or Dominion were to be granted the right to create their own Kings and Queens.

It is **denied** under the Australian Constitution Act, 1900, and it is specifically **denied** under s8 of the Statute of Westminster, 1931, that is to say, to change the Style and Title effecting the Queen referred to under the Constitution Act, 1900.

Interestingly it should also be noted that no authority exists, under the constitution, to create Australian citizens. Section 51. (xix) only allows for the naturalization of aliens into British subjects. " Subjects of the Queen, or British subjects, have rights, privileges, and immunities secured to them by Imperial law, which they may assert and enjoy without hindrance in any par of the Queen's dominions, and in British ships on the high seas." (p957, Quick & Garran)

SO WHAT DOES IT ALL MEAN?

The Constitution was prepared for the future and the changes of time. Section 128 allows for changes to be made under the Constitution by way of a referendum of the Australian people. Remember that sovereignty lies with the people of Australia, a view already held by the High Court in *Joosse v Australian Securities & Investments Commission (1998), Nationwide News v Wills (1992), Australian Capital Television Pty Ltd v The Commonwealth (1992), and Theophanous v Herald & Weekly Times Ltd (1994).* **Only the Australian people** are **legally** capable to make changes to the Constitution.

History proves, however, that the Australian people, do not like to vote for changes without informed consent, and often vote 'no' in referendums. Our politicians being aware of this habitually by-pass the Constitution and ignore the law and the rights and wishes of the people, and make changes without going to referendum. Maybe, that is what the High Court meant when stating that 'the operation of the Constitution had changed whilst the text had not' in *Sue v Hill (1999).* Our politicians habitually dispense with the law, and freely legislate outside the authority conferred upon the Parliament under the Constitution. The powers of Australian Parliament are limited under Section 51 (8), and our framers intended that to be so. They only allowed it to create '***by-laws'*** in regards to and limited by the sub-sections defined within Section 51 of the Constitution.

The Constitution is Section 9 of the *Australian Constitution Act* (short title), which is and remains an Act of the Parliament of the United Kingdom. Neither the Parliament of the United Kingdom, the Federal Parliament nor the Parliament of any of the States can make changes under the Constitution, Section 9, other than by the provisions established by law. That means that no Parliament can make any changes other than by way of Section 128, **a referendum of the Australian people**. It should be understood, that the **Parliament of the United Kingdom is also bound** by the terms and conditions of its own statutes, such as *the Australian Constitution Act*.

For **<u>any</u>** Parliament, **including that of the United Kingdom**, to pass legislation and make changes in regards to the Constitution, or the meaning thereof, is a violation of existing law, and any such legislation is **void** by virtue of the Bill of Rights, 1688, and the Statute of Monopolies, 1623. The Parliament of the United Kingdom is bound by the terms of its own legislation, and neither can expand nor diminish the powers granted to the Federal Parliament under the Constitution. **It would constitute a breach of contract**. At all times a referendum (plebiscite) of the Australian people in accordance with s128 **<u>must</u>** be held. As such **the Federal Parliament was incapable of exercising s51(xxxviii) to enact the Australia Act 1986**.

Australia is and remains a Dominion, a British possession, as defined under Section 18 (2) of the Interpretation Act 1889 (UK),

> "…any part of Her Majesty's dominions exclusive of the United Kingdom, and where parts of such dominions are under both a **central** and a **local legislature**, all parts under the central legislature shall, for the purposes of this definition, **be deemed to be a British possession**."

In the case of *John Sharp & Sons v The Ship Katherine Mackall,* the High Court of Australia held that " **the British possession was the Commonwealth**."

The Commonwealth of Australia is also clearly defined as a 'Dominion' in the Statute of Westminster, 1931, and as a 'self-governing colony' under Covering Clause 8 of the Australian Constitution Act. Neither the *Australia Act, 1986, (UK) nor (Commonwealth*) **could alter anything under** *Australian Constitution Act, 1900*, **without at the very least a referendum of the Australian people**. Besides by passing the *Australia Act, 1986*, the Parliament dispensed with and suspended the law, and **<u>the Act is void</u> and <u>the Parliament abdicates</u> by operation of law**.

If a Parliament dispenses with the law, **it is deemed to be wageing war with the King** (or Queen), and by virtue of the Bill of Rights, 1688, and the Statute of Monopolies, 1623, **the Parliament abdicates**.

It is the duty of every judge and or **Magistrate to void** any legislative Act, made by the Parliament **outside the conferred authority of the *Constitution*** (that was the intention of the framers, Quick and Garran) To enable to do just that, the *Constitution* setup the Judiciary separately from the Parliament or Executive. This is called "The Separation of Powers."

Sadly for Australians today, we experience, partly because the judiciary is appointed by the Government, **no such thing** and our courts have become nothing more than **rubber stamps to enforce the invalid legislation**, passed by the Parliaments. In so doing they violate their oath of office, and commit offences under both the ***Habeas Corpus Act, 1640***, and the **Crimes Act, 1914 *(Cth)***, **s42**-Conspiracy to defeat justice, **s43**-Attempting to pervert justice, **s44**-Compounding offences. **Each offence carries a jail sentence of either 3 or 5 years**.

Our courts were not meant to be setup **as collectors of fines, taxes and levies**, but to defend the law, the Constitution, and for **the protection of the people from the**

Parliament. Law is to be created for peace and good order, and not to fine, levy or tax people beyond their means and in doing so force them into slavery or crime.

Without independent courts and tribunals, the people have **no protection from Parliaments out of control**, Parliaments that dispense with and suspend the law. Australians already suffer anarchy within our courts and Parliaments today, now, **we must find a way to avoid anarchy in the streets**.

The Governor General and the Governors of the States have **not been validly appointed**. Our Parliaments are not validly sworn in and thus **hold no valid authority**.

Australians are becoming more aware of this situation, and also angrier with the lack of protection provided by our courts. **On a daily basis livelihoods are destroyed** because our courts habitually are forced to uphold the invalid and unconstitutional laws passed by our Parliaments, which should to be ruled **null and void** and ***ultra vires*** by operation of law.

The truth is not going away, and must be faced. The system **must be corrected** and corrected now. It can still be done peacefully and in an orderly fashion. No one will be harmed or prosecuted for events or deeds in the past. We must look ahead, **we must look towards law and order and equality for all men**. **We must look towards fairness and prosperity.**

WE MUST ACT NOW!

HOW DO WE CORRECT THIS SITUATION?

To ensure a smooth transition the following procedure is proposed:

1. Present members of Parliament, States and Commonwealth, are advised that they hold no valid authority and **must stand down**. The Governor General and the Governors of the States must stand down since they hold no valid authority under the Constitution, and there is no need in Australia for an Office for the Head of the Commonwealth.

2. Invitations are extended to some 30 Australians to act as caretakers in the "Interim Government". They are only to be in place to deal with emergencies, and do not have the power of general legislation.

3. Australians need to be **fully advised about the past**, in order to make pertinent decisions for the future. The future holds 2 options:

   a) we **remain** a self-governing Dominion or, **b)** we formally **secede** from the United Kingdom.

4. In case of the latter being accepted, a proper Constitutional Forum must be set up to prepare options for an Australian constitution. Such constitution

should be based on the Natural Law. The foundation of our Constitution is meant to be the Natural Law, which provides protection for the people. The Coronation Oath of the Queen guarantees that the Natural Law and the Rights of the People are upheld.

5. A debit tax will immediately be introduced replacing our current taxation system. This is the **only form of taxation** which brings funds in instantly from the time that it is installed, and thus ensures that the public sector can be funded and function correctly without interruption. The mechanism for such tax is already in place, it is simple, it is cost effective and certainly **the fairest tax of all**.

6. Most Australians will not feel any effect of the changes other than financially. Everyone will be better off, due to the debit tax. In general life goes on like normal as if the Parliaments are in recess. **Nobody will even miss them**.

7. We might only get one chance to do this peacefully, orderly and controlled way. For the sake of future generations let us be responsible and no longer listen to those who deceived us, and led us into this mess. Let **the voice of the people** of Australia decide the destiny of this nation, and let us once again be **proud to be Australian**.

8. The option provided is so simple and so effective. By **removing those who caused this mess**, we can correct the system forever without damage to the nation or the people. Judges and Magistrates no longer need to be responsible for irresponsible Parliaments, forced to uphold *ultra vires* acts, no longer be forced to cause damage and despair. Instead they can again become **proud Justices of Law** and exercise their duties for the benefit and protection of all.

WHY IS THIS ALL NECESSARY?

At present Australians are governed by invalid Parliaments, that are willing to make deals with anyone, such as bankers and foreign nations, at great detriment to this country and it's people.

Many people have been hurt to such a degree, and without legal justification, that they simply will not accept any more decisions from either governments or courts. The people's rights must be upheld by independent tribunals, which comply with the laws of the land. It is the inalienable legal right of every person to defend his livelihood against unlawful aggression.

> **"If the courts of common law do not uphold the rights of the individuals by granting effective remedies, <u>they invite anarchy</u>, for nothing breeds social disorder as quickly as the sense of injustice which is apt to be generated by the unlawful invasion of a person's rights, particular when the invader is a <u>government official</u>"**
>
> (Gaudron, Toohey JJ, Plenty v Dillon &Ors HCA\91)

Should hostilities commence Australia will never be the same place ever again. The grief and sorrow, the thirst for revenge, will not only tear this country apart, but haunt it for generations to come.

There is nothing to fear from this proposal put forward to correct and neutralize our current situation. The laws of this land are governed by our Constitution and clearly outline without any doubt, that those who are in Parliament hold no valid authority **and must stand down**. Neither the Parliaments nor the courts can legally dispense with the law.

The Parliaments habitually break the law, and over a period of time have illegally removed the rights from the people. Instead they have installed powers for themselves in an effort to 'control' the Australian people. They have deceived the people, sold them out to foreign interests, and installed a system of compulsory voting, which guarantees re-election, but denies freedom of choice.

Those in Parliament represent **not** the people, but the major political Parties in violation of the Constitution. They do **not** represent the choice of the people, but are elected by default, by means of the invalid 'preferential voting' system, which denies the people their legal right not to vote for either the Liberal or Labor Party.

Our Parliaments are governed and restricted by law, the Constitution, and cannot be compared with or act like the Parliament of the United Kingdom. Therefore to mirror that style of Government cannot be legally obtained by Australian Governments.

Australia is hurting and so are many of its people, we no longer can turn away and pretend that it will all go away. We **must** face **our responsibilities**, we must act and do so now. **The law should not be feared but upheld.**

If we believe in law, then **law must prevail** at all cost. It must be equally applied to all, and must be applied right now, without delay, and **before it is too late**.

IN CONCLUSION

History proves over and again, that the truth is like cream, it always rises to the surface.

It has surfaced, and will never again allow itself to be denied. It must be acknowledged and accepted and correct for all times to come.

Too many Australians have been hurt by invalid legislation and by government authorities without valid authority. The officers of those so-called authorities are often encouraged by incentives to use force and intimidation to collect more taxes, levies and fines. If they dare to question the legalities, they are often threatened with unemployment.

Australians have suffered enough. Life styles have slumped at an alarming rate compared to those in other nations. Our foreign debt is rapidly nearing **half a trillion dollars** ($500,000,000,000) and **our country has been all but sold off to foreign**

interest. Our Governments, both State and Federal, have **sold every public asset**, including our **essential services** and our **gold reserves**, then they legislated additional taxes and invented new levies and penalties to "fund Government."

More than **10%** of families live **below the poverty line** and **every 4 hours** someone **commits suicide** in this "lucky country". Our farmers, whose families helped to build this nation, are **driven off** their land in record numbers by the banks and **for the benefit of foreign farmers**. They are in **total despair**. Our industries have been run out of the country or sold to foreign corporations who need not pay any tax in Australia.

Our **healthcare** and **care for the elderly** is a **total disgrace**. Our dollar which used to fetch US$2 is now only buying US$0.52 and still dropping. Petrol and diesel prices are highly inflated due to Government excise and taxes, creating a huge stress on family and business budgets. Then because of this we are told our economy is boiling so **now interest rates must rise to keep inflation down**.

We are told that **we cannot afford to have any relief** from the current high fuel costs, yet the Government has a proposed aid budget of $246.6 million of Australian taxes to aid Multilateral Banks. I will repeat that nearly **a quarter of a billion dollars in Australian taxes to aid Multilateral Development Banks.** Our industries have been run out of the country thanks to international treaties such as the Lima Declaration. For those who do not know, in 1973, the Labor Government, the so called "workers party" signed this treaty which **guaranteed the reduction of manufacturing in Australia by some 30% in favor of imports from countries such as China**.

These invalid governments, who claim that they act in the best interest of the people, not seem to care if families go without food, or if another owner operator goes into liquidation. Liberal or Labor, it does not matter, **do not care for the people** and do not take any notice **of** the law.

But what happens when people find out that those who created all this misery, under pretence of responsible government, held no legal authority in the first place**,** none whatsoever?

As much as some would like to do otherwise, we **must** avoid violence, the sort of violence that have ripped other countries apart, and seek a peaceful solution. By simply obeying the law, namely the Constitution, we can neutralize this situation, without disruption to the community at large.

The law shows that those in Parliament **hold no authority**, therefore by operation of law they **must stand down**. No need for alarm, no chaos, because the Constitution and **law and order remain**. The situation is no different from when Parliament is in recess and nobody will miss the Parliament. The public service sector just keeps running the daily routines in State and Commonwealth. The sovereign powers then return to the people, who must be fully informed on what has happened, and what has been allowed to go on for so long, so as **to insure that this can never happen again**.

Amnesty for those who co-operate and trials for those who do not. Full disclosure of all financial interest, including those overseas, must be made. Failure to disclose fully,

could lead to prosecution and possible confiscation of assets, if found these were unlawfully obtained. All that has been voluntarily and fully declared, shall be pardoned and not challenged under the amnesty.

An "Interim Committee" should be appointed numbering no more than 30 people, who will only make decisions on behalf of the country in **emergency situations only**, and without legal powers to legislate generally. All invalid taxes will be removed and replaced with a simple "**Debit Tax**" **of 2%**, which will more than allow for the public service and essential services to function normally without interruption.

Remember if the law exists, then it **must apply to all**, and the Judiciary has a sworn legal duty to defend the Constitution. The preferential voting system does not reflect the true and honest choice of the people. **The elections are void**, the Parliaments have not been sworn in according to law, and have illegally taken office and usurped authority which was not validly theirs to exercise.

Let us use a tool called **"the law"** to clean up this mess, properly and for good, without residue, without hangover, without disruption, and without bloodshed.

There is too much to loose, we cannot and must not fail our children of tomorrow. How could we possibly face them and justify, that we did not have the courage to uphold the law, and to stand up for our rights. Our Governments have dispensed with and suspended the laws of the land and in doing so **they have abdicated government** by operation of law.

Against all odds the Berlin Wall came down, the U.S.S.R. collapsed, China opened its doors to the West, President Suharto was thrown out, who would or could have believed it at the time?

The changes required here are but <u>minor</u> by comparison. There might **<u>never</u>** be a better solution, or a better time than right **<u>NOW</u>**. Let us embrace this chance, which allows for the correction without pain, without loss and without bloodshed. This solution is so simple and so right, **<u>please help us</u> to correct it once and for all**.

Stand up Australia, **let us care** about what is happening and where we are heading. Let us rebuild this nation from a base of honesty and integrity, **let us <u>all</u> obey law**, and let us be proud to be **Australian** for the good of our children and future generations.

We call on all fair minded and **law abiding citizens** to exercise their sovereign rights, and **we call on all honest Judges and Magistrates,** who have sworn to **defend** the Constitution and **protected** the Australian people from invalid legislation and violations of their rights <u>to uphold the law</u>.

Three causes will bring the downfall of the State,

unequal privilege, corruption of Justice, and apathy.

Three things are lost without firm foundation,

Peace, Property, and Law.

Three birthrights accrue to every man.

Freedom of movement, protection of the sovereign, and equality of privilege and restriction.

Three things test Civil Liberty.

Equality of Rights, Equality of Taxation, and Freedom of Movement

Three things depend on each other

Sovereignty, National Courage, and just Administration of the Law

Three things unite a Nation,

its Law, Equality of Privilege, and its language

(extracts from Druid Triads Laws, more than 3,000 years ago, which formed the basis of the Molmutine Law)

‘ Where there is no Love, there are no miracles,
but there are always miracles where there is love”

Let the law prevail, and return the sovereign powers back to the Australian people.

Blesseth are the peacemakers.

GLOSSARY

A Letters Patent = a Royal Command or Appointment, such as the appointment of Governors, Governor General, or a Royal Commissions require a Letters Patent. It shows the Queen's signature and Great Seal and the Royal Sign Manual to identify that it is by command of the Queen.

The British Commonwealth of Nations = a voluntary association of nations and British Dominions working together towards common principles, each nation or Dominion has created its own title for use in relation to the Head of the Commonwealth. Whilst the titles are different, it was agreed to keep a common element in each title: "Her other Realms and Territories, Head of the Commonwealth."

The Head of the Commonwealth = is at all times the King or Queen of the United Kingdom, and in Parliament at Westminster. It is only a symbolic title, which hold not power anywhere in the Commonwealth. The Head of the Commonwealth is also a separate legal entity to the Queen of the United Kingdom and Northern Ireland, who holds authority under our Constitution (see section 2).

The Queen of Australia= the title the Federal Parliament created for the Head of the **British** Commonwealth of Nations, a **titular title only** without any power under the Constitution.

The Queen of the United Kingdom and Northern Ireland=the **only Queen** (of Australia), who holds all executive powers and prerogatives under s61 of the Constitution.

The framers = or **makers,** were those who actually were involved in the writing and construction of the Constitution.
The Constitution = Section 9 only of 'an Act to Constitute the Commonwealth of Australia' which is and remains an Act of British Parliament.
The Australian Constitution Act = the short title, we are allowed to use, for 'an Act to Constitute the Commonwealth of Australia, 1900 UK' (full title) including the Preamble and s1 –s8 incl.

Full Sovereignty=Also called 'True' sovereignty is ultimate and total legal power. This type of sovereignty cannot be challenged from either within or without. The United Kingdom enjoys **Full** sovereignty.

Delegated Sovereignty=is the type of sovereignty enjoyed in Australia where the rights to self govern are expressed within an act of the United Kingdom. Our Constitution implies that sovereignty is vested in the Queen in the sovereignty of the United Kingdom, meaning Queen, House of Lords and Commons.

'ultra vires' = means in excess of power. A law passed by a Government which violates an existing law (which is beyond its power) is deemed to be ***ultra vires*** and null and void ***ab initio*** (from the beginning).
Statute of Westminster, 1931 = the Act that formally constituted the British Commonwealth of Nations, which had the Union of South Africa, Canada, New Foundland and the Irish Free State as its foundation members. Australia only joined when it adopted the Statute in 1942.
A Dominion = a British possession which has both a central and local government, with predominant white population, or where whites were 'in control'. Canada, New Zealand, Australia and South Africa were classed as 'Dominions'.
Hansard = the official journal of the Parliament, which records all debate

Sovereignty = ultimate legal authority, **true sovereignty** cannot be challenged from either within or without. Australia enjoys what is known as **delegated sovereignty or 'quasi' sovereignty.**

Independence= a self-governing colony enjoys 'independence to a degree limited by the law (constitution) of the host nation. A City Council may enjoy 'independence' within guidelines set by Parliament. Australia today enjoys a greater degree of autonomy then say maybe in 1900, but remains a British possession.

An Australian citizen= a British subject, who resides in Australia a self-governing 'Dominion' or colony under the Crown of the United Kingdom.

A British subject= any person born on British territory, who is under allegiance to the Queen of the United Kingdom and is under the protection of the Queen of the United Kingdom see s117

EXHIBITS (The Covering Clauses)

Commonwealth of Australia Constitution Act

An Act to constitute the Commonwealth of Australia [9th July 1900]

WHEREAS the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the Constitution hereby established:

And whereas it is expedient to provide for the admission into the Commonwealth of other Australasian Colonies and possessions of the Queen: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title

1. This Act **may be** cited as the **Commonwealth of Australia Constitution Act**.'

Act to extend to the Queen's successors

2. **The provisions of this Act referring to the Queen shall extend to Her Majesty's heirs and successors in the sovereignty of the United Kingdom.**

Proclamation of Commonwealth

3. It shall be lawful for the Queen, with the advice of the Privy Council, to declare by proclamation[2] that, on and after a day therein appointed, not being later than one year after the passing of this Act, the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, and also, if Her Majesty is satisfied that the people of Western Australia have agreed thereto, of Western Australia, shall be united in a Federal Commonwealth under the name of the Commonwealth of Australia. But the Queen may, at any time after the proclamation, appoint a Governor-General for the Commonwealth.

Commencement of Act

4. The Commonwealth shall be established, and the Constitution of the Commonwealth shall take effect, on and after the day so appointed. But the Parliaments of the several colonies may at any time after the passing of this Act make any such laws, to come into operation on the day so appointed, as they might have made if the Constitution had taken effect at the passing of this Act.

Operation of the Constitution and laws

5. This Act, and all laws made by the Parliament of the Commonwealth **under the Constitution**, shall be binding on the courts, judges, and people of every State and of every part of the Commonwealth, notwithstanding anything in the laws of any State; and the laws of the Commonwealth shall be in force on all British ships, the Queen's ships of war excepted, whose first port of clearance and whose port of destination are in the Commonwealth.

Definitions

6. "The Commonwealth" shall mean the Commonwealth of Australia as established under this Act.

"The States" shall mean such of the colonies of New South Wales, New Zealand, Queensland, Tasmania, Victoria, Western Australia, and South Australia, including the northern territory of South Australia, as for the time being are parts of the Commonwealth, and such colonies or territories as may be admitted into or established by the Commonwealth as States; and each of such parts of the Commonwealth shall be called "a State." "Original States" shall mean such States as are parts of the Commonwealth at its establishment.

Repeal of Federal Council Act

7. The Federal Council of Australasia Act, 1885, is hereby repealed, but so as not to affect any laws passed by the Federal Council of Australasia and in force at the establishment of the Commonwealth. Any such law may be repealed as to any State by the Parliament of the Commonwealth, or as to any colony not being a State by the Parliament thereof.

Application of Colonial Boundaries Act

8. After the passing of this Act the Colonial Boundaries Act, 1895, shall not apply to any colony which becomes a State of the Commonwealth; **but the Commonwealth shall be taken to be a self-governing colony for the purposes of that Act.**

Constitution

9. The Constitution of the Commonwealth shall be as follows:

EXHIBIT

Chapter I - The Parliament

PART V - POWERS OF THE PARLIAMENT

Legislative powers of the Parliament

51. The Parliament shall, subject to this Constitution, have power[12] to make laws for the peace, order, and good government of the Commonwealth with respect to:

(i) trade and commerce with other countries, and among the States;

(ii) taxation; but so as not to discriminate between States or parts of States;

(iii) bounties on the production or export of goods, but so that such bounties shall be uniform throughout the Commonwealth;

(iv) borrowing money on the public credit of the Commonwealth;
(v) postal, telegraphic, telephonic, and other like services;
(vi) the naval and military defence of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth;
(vii) lighthouses, lightships, beacons and buoys;
(viii) astronomical and meteorological observations;
(ix) quarantine;
(x) fisheries in Australian waters beyond territorial limits;
(xi) census and statistics;
(xii currency, coinage, and legal tender;
(xiii) banking, other than State banking; also State banking extending beyond the limits of the State concerned, the
(xiv) incorporation of banks, and the issue of paper money;
(xv) insurance, other than State insurance; also State insurance extending beyond the limits of the State concerned;
(xv) weights and measures;
(xvi) bills of exchange and promissory notes;
(xvii) bankruptcy and insolvency;
(xviii) copyrights, patents of inventions and designs, and trade marks;
(xix) naturalization and aliens;
(xx) foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth;
(xxi) marriage;
(xxi) divorce and matrimonial causes; and in relation thereto, parental rights, and the custody and guardianship of
(xxii) infants;
(xxiii) invalid and old-age pensions;
(xxiiiA) the provision of maternity allowances, widows' pensions, child endowment, unemployment, pharmaceutical, sickness and hospital benefits, medical and dental services (but not so as to authorize any form of civil conscription), benefits to students and family allowances;
(xxiv) the service and execution throughout the Commonwealth of the civil and criminal process and the judgments of
(xxv) the courts of the States;
(xxvi) the recognition throughout the Commonwealth of the laws, the public Acts and records, and the judicial
(xxvii) proceedings of the States;
(xxvi) the people of any race for whom it is deemed necessary to make special laws;
(xxvii) immigration and emigration;
(xxviii) the influx of criminals;
(xxix) external affairs;
(xxx) the relations of the Commonwealth with the islands of the Pacific;
(xxxi) the acquisition of property on just terms from any State or person for any purpose in respect of which the
(xxxii) Parliament has power to make laws;
(xxxiii) the control of railways with respect to transport for the naval and military purposes of the Commonwealth;
(xxxiv) the acquisition, with the consent of a State, of any railways of the State on terms arranged between the
(xxxv) Commonwealth and the State;
(xxxiv) railway construction and extension in any State with the consent of that State;
(xxxvi) conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State;

(xxxvi) matters in respect of which this Constitution makes provision until the Parliament otherwise provides;

(xxxvii) matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States,[15] but so that the law shall extend only to States by whose Parliaments the matter is referred, or which afterwards adopt the law;

(xxxviii) the exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States directly concerned, of any power <u>which can at the establishment</u> of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australasia;

(xxxix) matters incidental to the execution of any power vested by this Constitution in the Parliament or in either House thereof, or in the Government of the Commonwealth, or in the Federal Judicature, or in any department or officer of the Commonwealth.

Exclusive powers of the Parliament

52. The Parliament shall, subject to this Constitution, have exclusive power to make laws for the peace, order, and good government of the Commonwealth with respect to:

(i) the seat of government of the Commonwealth, and all places acquired by the Commonwealth for public purposes;

(ii) matters relating to any department of the public service the control of which is by this Constitution transferred to the Executive Government of the Commonwealth;

(iii) other matters declared by this Constitution to be within the exclusive power of the Parliament.

Powers of the Houses in respect of legislation

53. Proposed laws appropriating revenue or moneys, or imposing taxation, shall not originate in the Senate. But a proposed law shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licences, or fees for services under the proposed law.

The Senate may not amend proposed laws imposing taxation, or proposed laws appropriating revenue or moneys for the ordinary annual services of the Government. The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.

The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting, by message, the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make any of such omissions or amendments, with or without modifications. provided in this section, the Senate shall have equal power with the House of Representatives in respect of all proposed laws

EXHIBIT (Section 128)

CHAPTER VIII

Alteration of the Constitution

Mode of altering the Constitution

128. This Constitution **shall not be altered except** in the following manner:

The proposed law for the alteration thereof must be passed by an absolute majority of each House of the Parliament, and not less than two nor more than six months after its passage through both Houses the proposed law shall be submitted in each State and Territory to the electors qualified to vote for the election of members of the House of Representatives.

But if either House passes any such proposed law by an absolute majority, and the other House rejects or fails to pass it, or passes it with any amendment to which the first-mentioned House will not agree, and if after an interval of three months the first-mentioned House in the same or the next session again passes the proposed law by an absolute majority with or without any amendment which has been made or agreed to by the other House, and such other House rejects or fails to pass it or passes it with any amendment to which the first-mentioned House will not agree, the Governor-General may submit the proposed law as last proposed by the first-mentioned House, and either with or without any amendments subsequently agreed to by both Houses, to the electors in each State and Territory qualified to vote for the election of the House of Representatives.

When a proposed law is submitted to the electors the vote shall be taken in such manner as the Parliament prescribes. But until the qualification of electors of members of the House of Representatives becomes uniform throughout the Commonwealth, only one half the electors voting for and against the proposed law shall be counted in any State in which adult suffrage prevails.

And if in a majority of the States a majority of the electors voting approve the proposed law, and if a majority of all the electors voting also approve the proposed law, it shall be presented to the Governor-General for the Queen's assent.

No alteration diminishing the proportionate representation of any State in either House of the Parliament, or the minimum number of representatives of a State in the House of Representatives, or increasing, diminishing, or otherwise altering the limits of the State, or in any manner affecting the provisions of the Constitution in relation thereto, shall become law unless the majority of the electors voting in that State approve the proposed law.

In this section, "Territory" means any territory referred to in section one hundred and twenty-two of this Constitution in respect of which there is in force a law allowing its representation in the House of Representatives.

EXHIBIT

(Oath that each member of Parliament must take)

Schedule

Oath

I, *A.B.*, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law. SO HELP ME GOD!

Affirmation

I, *A.B.*, do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law.

(**NOTE** - *The name of the King or Queen* ***of the United Kingdom of Great Britain and Ireland*** *for the time being is to be substituted from time to time.)*

EXHIBIT

Australia Act 1986

TABLE OF PROVISIONS

AUSTRALIA ACT 1986

An Act to bring constitutional arrangements affecting the Commonwealth and the States into conformity with the status of the Commonwealth of Australia as a sovereign, independent and federal nation

WHEREAS the Prime Minister of the Commonwealth and the Premiers of the States at conferences held in Canberra on 24 and 25 June 1982 and 21 June 1984 agreed on the taking of certain measures to bring constitutional arrangements affecting the Commonwealth and the States into conformity **with the status of the Commonwealth of Australia as a sovereign, independent and federal nation**:

AND WHEREAS in pursuance of paragraph 51 (xxxviii) of the Constitution the Parliaments of all the States have requested the Parliament of the Commonwealth to enact an Act in the terms of this Act:
(the Parliament of the United Kingdom holds no authority to make changes to the Constitution, thus s51(xxxviii) cannot grant the Federal Parliament that authority)
BE IT THEREFORE ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Termination of power of Parliament of United Kingdom to legislate for Australia

1. No Act of the Parliament of the United Kingdom passed after the commencement of this Act shall extend, or be deemed to extend, to the Commonwealth, to a State or to a Territory as part of the law of the Commonwealth, of the State or of the Territory.

Legislative powers of Parliaments of States

2. (1) It is hereby declared and enacted that the legislative powers of the Parliament of each State include full power to make laws for the peace, order and good government of that State that have extra Territorial operation.

(2) It is hereby further declared and enacted that the legislative powers of the Parliament of each State include all legislative powers that the Parliament of the United Kingdom might have exercised before the commencement of this Act for the peace, order and good government of that State but nothing in this subsection confers on a State any capacity that the State did not have immediately before the commencement of this Act to engage in relations with countries outside Australia**.**

Termination of restrictions on legislative powers of Parliaments of States

3. (1) The Act of the Parliament of the United Kingdom known as the Colonial Laws Validity Act 1865 shall not apply to any law made after the commencement of this Act by the Parliament of a State.

(2) No law and no provision of any law made after the commencement of this Act by the Parliament of a State shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of the Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Parliament of a State shall include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of the State.

Powers of State Parliaments in relation to merchant shipping

4. Sections 735 and 736 of the Act of the Parliament of the United Kingdom known as the Merchant Shipping Act 1894, in so far as they are part of the law of a State, are hereby repealed.

Commonwealth Constitution, Constitution Act and Statute of Westminster not affected

5. Sections 2 and 3(2) above:

(a) are subject to the Commonwealth of Australia Constitution Act and to the Constitution of the Commonwealth; and

(b) do not operate so as to give any force or effect to a provision of an Act of the Parliament of a State that would repeal, amend or be repugnant to this Act, the Commonwealth of Australia Constitution Act, the Constitution of the Commonwealth or the Statute of Westminster 1931 as amended and in force from time to time.

Manner and form of making certain State Laws

6. Notwithstanding sections 2 and 3(2) above, a law made after the commencement of this Act by the Parliament of a State respecting the constitution, powers or procedure of the Parliament of the State shall be of no force or effect unless it is made in such manner and form as may from time to time be required by a law made by that Parliament, whether made before or after the commencement of this Act.

Powers and functions of Her Majesty and Governors in respect of States

7. (1) Her Majesty's representative in each State shall be the Governor.

(2) Subject to subsections (3) and (4) below, all powers and functions of Her Majesty in respect of a State are exercisable only by the Governor of the State.

(3) Subsection (2) above does not apply in relation to the power to appoint, and the power to terminate the appointment of; the Governor of a State.

(4) While Her Majesty is personally present in a State, Her Majesty is not precluded from exercising any of Her powers and functions in respect of the State that are the subject of subsection (2) above.

(5) The advice to Her Majesty in relation to the exercise of the powers and functions of Her Majesty in respect of a State shall be tendered by the Premier of the State.

State laws not subject to disallowance or suspension of operation

8. An Act of the Parliament of a State that has been assented to by the Governor of the State shall not, after the commencement of this Act, be subject to disallowance by Her Majesty, nor shall its operation be suspended pending the signification of Her Majesty's pleasure thereon.

State laws not subject to withholding of assent or reservation

9. (1) No law or instrument shall be of any force or effect in so far as it purports to require the Governor of a

State to withhold assent from any Bill for an Act of the State that has been passed in such manner and form as may from time to time be required by a law made by the Parliament of the State.

(2) No law or instrument shall be of any force or effect in so far as it purports to require the reservation of any Bill for an Act of a State for the signification of Her Majesty's pleasure thereon.

Termination of responsibility of United Kingdom government in relation to State matters

10. After the commencement of this Act Her Majesty's Government in the United Kingdom shall have no responsibility for the government of any State.

Termination of appeals to Her Majesty in Council

11. (1) Subject to subsection (4) below, no appeal to Her Majesty in Council lies or shall be brought, whether by leave or special leave of any court or of Her Majesty in Council or otherwise, and whether by virtue of any Act of the Parliament of the United Kingdom, the Royal Prerogative or otherwise, from or in respect of any decision of an Australian Court.

(2) Subject to subsection (4) below:

(a) the enactments specified in subsection (3) below and any orders, rules, regulations or other instruments made under, or for the purposes of; those enactments; and

(b) any other provisions of Acts of the Parliament of the United Kingdom in force immediately before the commencement of this Act that make provision for or in relation to appeals to Her Majesty in Council from or in respect of decisions of courts, and any orders, rules, regulations or other instruments made under, or for the purposes of; any such provisions, in so far as they are part of the law of the Commonwealth, of a State or of a Territory, are hereby repealed.

(3) The enactments referred to in subsection (2) (a) above are the following Acts of the Parliament of the United Kingdom or provisions of such Acts:

The Australian Courts Act 1828, section 15
The Judicial Committee Act 1833
The Judicial Committee Act 1844
The Australian Constitutions Act 1850, section 28
The Colonial Courts of Admiralty Act 1890, section 6.

(4) Nothing in the foregoing provisions of this section:

(a) affects an appeal instituted before the commencement of this Act to Her Majesty in Council from or in respect of a decision of an Australian court; or

(b) precludes the institution after that commencement of an appeal to Her Majesty in Council from or in respect of such a decision where the appeal is instituted:

(i) pursuant to leave granted by an Australian court on an application made before that commencement; or

(ii) pursuant to special leave granted by Her Majesty in Council on a petition presented before that commencement,

but this subsection shall not be construed as permitting or enabling an appeal to Her Majesty in Council to be instituted or continued that could not have been instituted or continued if this section had not been enacted.

Amendment of Statute of Westminster

12. Sections 4, 9(2) and (3) and 10(2) of the Statute of Westminster 1931, in so far as they are part of the law of the Commonwealth, of a State or of a Territory, are hereby repealed.
(No Australian Parliament can amend a statute of a other parliament, unless authority to do so is granted under that statute, please note that

s9(2) and 10(2) were never adopted in the first place and cannot be tampered with)

Amendment of Constitution Act of Queensland

13. (1) The Constitution Act 1867-1978 of the State of Queensland is in this section referred to as the Principal Act.

(2) Section 1 lA of the Principal Act is amended in subsection (3):

(a) by omitting from paragraph (a):
(i) "and Signet"; and
(ii) "constituted under Letters Patent under the Great Seal of the United Kingdom"; and

(b) by omitting from paragraph (b):
(i) "and Signet"; and
(ii) "whenever and so long as the office of Governor is vacant or the Governor is incapable of discharging the duties of administration or has departed from Queensland".

(3) Section 1 lB of the Principal Act is amended:

(a) by omitting "Governor to conform to instructions" and substituting "Definition of Royal Sign Manual";
(b) by omitting subsection (1); and
(c) by omitting from subsection (2):
(i) "(2)";
(ii) "this section and in"; and
(iii) "and the expression 'Signet' means the seal commonly used for the sign manual of the Sovereign or the seal with which documents are sealed by the Secretary of State in the United Kingdom on behalf of the Sovereign".

(4) Section 14 of the Principal Act is amended in subsection (2) by omitting", subject to his performing his duty prescribed by section 1 lB,".

Amendment of Constitution Act of Western Australia

14. (1) The Constitution Act 1889 of the State of Western Australia is in this section referred to as the Principal Act.

(2) Section 50 of the Principal Act is amended in subsection (3):
(a) by omitting from paragraph (a):
(i) "and Signet"; and
(ii) "constituted under Letters Patent under the Great Seal of the United Kingdom";
(b) by omitting from paragraph (b):
(i) "and Signet"; and
(ii) "whenever and so long as the office of Governor is vacant or the Governor is incapable of discharging the duties of administration or has departed from Western Australia"; and

(c) by omitting from paragraph (c):
(i) "under the Great Seal of the United Kingdom"; and
(ii) "during a temporary absence of the Governor for a short period from the seat of Government or from the State".

(3) Section 51 of the Principal Act is amended:
(a) by omitting subsection (1); and
(b) by omitting from subsection (2):
(i) "(2)";
(ii) "this section and in"; and
(iii) "and the expression 'Signet' means the seal commonly used for the sign

manual of the Sovereign or the seal with which documents are sealed by the Secretary of State in the United Kingdom on behalf of the Sovereign".

Method of repeal or amendment of this Act or Statute of Westminster

15. (1) This Act or the Statute of Westminster 1931, as amended and in force from time to time, in so far as it is part of the law of the Commonwealth, of a State or of a Territory, may be repealed or amended by an Act of the Parliament of the Commonwealth passed at the request or with the concurrence of the Parliaments of all the States and, subject to subsection (3) below, only in that manner.

(2) For the purposes of subsection (1) above, an Act of the Parliament of the Commonwealth that is repugnant to this Act or the Statute of Westminster 1931, as amended and in force from time to time, or to any provision of this Act or of that Statute as so amended and in force, shall, to the extent of the repugnancy, be deemed an Act to repeal or amend the Act, Statute or provision to which it is repugnant.

(3) Nothing in subsection (1) above limits or prevents the exercise by the Parliament of the Commonwealth of any powers that may be conferred upon that Parliament by any alteration to the Constitution of the Commonwealth made in accordance with section 128 of the Constitution of the Commonwealth after the commencement of this Act.

Interpretation

16. (1) In this Act, unless the contrary intention appears:

"appeal" includes a petition of appeal, and a complaint in the nature of an appeal;
"appeal to Her Majesty in Council" includes any appeal to Her Majesty;
"Australian court" means a court of a State or any other court of Australia or of a Territory other than the High Court;
"court" includes a judge, judicial officer or other person acting judicially; "decision" includes determination, judgment, decree, order or sentence;
"Governor", in relation to a State, includes any person for the time being administering the government of the State;
"State" means a State of the Commonwealth and includes a new State; "the Commonwealth of Australia Constitution Act" means the Act of the Parliament of the United Kingdom known as the Commonwealth of Australia Constitution Act;
"the Constitution of the Commonwealth" means the Constitution of the Commonwealth set forth in section 9 of the Commonwealth of Australia Constitution Act, being that Constitution as altered and in force from time to time;
"the Statute of Westminster 1931" means the Act of the Parliament of the United Kingdom known as the Statute of Westminster 1931.

2. The expression "a law made by that Parliament" in section 6 above and the expression "a law made by the Parliament" in section 9 above include, in relation to the State of Western Australia, the Constitution Act 1889 of that State.

2. A reference in this Act to the Parliament of a State includes, in relation to the State of New South Wales, a reference to the legislature of that State as constituted from time to time in accordance with the Constitution Act, 1902, or any other Act of that State, whether or not, in relation to any particular legislative act, the consent of the Legislative Council of that State is necessary.

Short title and commencement

2. (1) This Act may be cited as the *Australia Act 1*986.

2. This Act shall come into operation on a day and at a time to be fixed by Proclamation.

NOTES

2. Act No.142, 1985; assented to 4 December 1985 and came into operation on 3 March 1986 at 5.00 a.m. Greenwich Mean Time (see Gazette 1986, No. S85, p.').

2. In addition to this *Australia Act 1986 an* Australia Act 1986, in substantially identical terms, was enacted by the United Kingdom Parliament (1986 Chapter 2) pursuant to a request made and consent given by the Parliament and Government of the Commonwealth in the *Australia (Request and Consent) Act 1986* and with the concurrence of all the States of Australia (see the *Australia Acts Request Act*

1985 of each State).

EXHIBIT

STATUTE OF WESTMINSTER

Statute of Westminster Adoption Act 1942

An Act to remove Doubts as to the Validity of certain Commonwealth Legislation, to obviate Delays occurring in its Passage, and to effect certain related purposes, by adopting certain Sections of the Statute of Westminster, 1931, as from the Commencement of the War between His majesty the King and Germany.

Preamble

WHEREAS certain legal difficulties exists which have created doubts and caused delays in relation to certain Commonwealth legislation, and to certain regulations made thereunder, particularly in relation to the legislation enacted, and regulations made, for securing the public safety and defence of the Commonwealth of Australia, and for more effectual prosecution of war in which His Majesty the King is engaged:

AND WHEREAS those legal difficulties will be removed by the adoption by the Parliament of the Commonwealth of Australia of sections two, three, four, five and six of the Statute of Westminster, 1931, and by making such adoption have effect as from the commencement of the war between His Majesty the King and Germany:

BE it therefore enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:

Short title

1. This Act may be cited as the *Statute of Westminster Adoption Act 1942*

Commencement

2. This Act shall come into operation on the day on which it receives Royal Assent.

Adoption of Statute of Westminster, 1931

3. Sections two, three, four, five and six of the Imperial Act entitled the Statute of Westminster, 1931 (which Act is set out in the Schedule to this Act) are adopted and the adoption shall have effect from the third day of September, One thousand nine hundred and thirty nine.

THE SCHEDULE

Section 3

STATUTE OF WESTMINSTER, 1931.

An Act to give effect to certain resolutions passed by Imperial Conferences held in the years 1926 and 1930.

[11th December, 1931.1

WHEREAS the delegates of His Majesty's Governments in the United Kingdom, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland, at Imperial Conferences holden at Westminster in the years of our Lord nineteen hundred and twenty-six and nineteen hundred and thirty did concur in making the declarations and resolutions set forth in the Reports of the said Conferences:

AND WHEREAS it is meet and proper to set out by way of preamble to this Act that, inasmuch as the Crown is the symbol of the free association of the members of the British Commonwealth of Nations, and as they are united by a common allegiance to the Crown, it would be in accord with the established constitutional position of all the members of the Commonwealth in relation to one another that any alteration in the law touching the Succession to the Throne or the Royal Style and Titles shall hereafter require the assent as well of the Parliaments of all the Dominions as of the Parliament of the United Kingdom:

AND WHEREAS it is in accord with the established constitutional position that no law hereafter made by the Parliament of the United Kingdom shall extend to any of the said Dominions as part of the law of that Dominion otherwise than at the request and with the consent of that Dominion:

AND WHEREAS it is necessary for the ratifying, confirming and establishing of certain of the said declarations and resolutions of the said Conferences that a law be made and enacted in due form by authority of the Parliament of the United Kingdom:

AND WHEREAS the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland have severally requested and consented to the submission of a measure to the Parliament of the United Kingdom for making such provision with regard to the matters aforesaid as is hereafter in this Act contained:

NOW, THEREFORE, be it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

Meaning of "Dominion" in this Act

1. In this Act the expression "Dominion" means any of the following Dominions, that is to say, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland.

Validity of laws made by Parliament of a Dominion 28 and 29 Vict. c.63

2.- (1) The Colonial Laws Validity Act, *1865*, shall not apply to any law made after the commencement of this Act by the Parliament of a Dominion.

(2) No law and no provision of any law made after the commencement of this Act by the Parliament of a Dominion shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Parliament of a Dominion shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of the law of the Dominion.

Power of Parliament of Dominion to legislate extra-territorially

2. It is hereby declared and enacted that the Parliament of a Dominion has full power to make laws having extra-territorial operation.

Parliament of United Kingdom not to legislate for Dominion except by consent

3. No Act of Parliament of the United Kingdom passed after the commencement of this Act shall extend, or be deemed to extend to a Dominion as part of the law of that Dominion, unless it is expressly declared in that Act that that Dominion has requested and consented to, the enactment thereof.

Powers of Dominion Parliaments in relation to merchant shipping 57 and 58 Vict.c.60

4. Without prejudice to the generality of the foregoing provisions of this Act, sections seven hundred and thirty-five and seven hundred and thirty-six of the Merchant Shipping Act, 1894, shall be construed as though reference therein to the Legislature of a British possession did not include reference to the Parliament of a Dominion.

Powers of Dominion Parliaments in relation to Courts of Admiralty 53 and 54 Vict.c.27

5. Without prejudice to the generality of the foregoing provisions of this Act, section four of the Colonial Courts of Admiralty Act, 1890 (which requires certain laws to be

reserved for the signification of His Majesty's pleasure or to contain a suspending clause), and so much of section seven of that Act as requires the approval of His Majesty in Council to any rules of Court for regulating the practice and procedure of a Colonial Court of Admiralty, shall cease to have effect in any Dominion as from the commencement of this Act.

Saving for British North America Acts and application of the Act of Canada

7.- (1) Nothing in this Act shall be deemed to apply to the repeal, amendment or alteration of the British North America Acts, 1867 to 1930, or any order, rule or regulation made thereunder.

(2) The provisions of section two of this Act shall extend to laws made by any of the Provinces of Canada and to the powers of the legislatures of such Provinces.

(3) The powers conferred by this Act upon the Parliament of Canada or upon the legislatures of the Provinces shall be restricted to the enactment of laws in relation to matters within the Competence of the Parliament of Canada, or of any of the legislatures of the Provinces respectively.

Saving for Constitution Acts of Australia and New Zealand

8. Nothing in this Act shall be deemed to confer any power to repeal or alter the Constitution or the Constitution Act of the Commonwealth of Australia or the Constitution Act of the Dominion of New Zealand otherwise than in accordance with the law existing before the commencement of this Act.

Saving with respect to States of Australia

9.-(1) Nothing in this Act shall be deemed to authorize the Parliament of the Commonwealth of Australia to make laws on any matter within the authority of the Parliament of the States of Australia, not being a matter within the authority of the Parliament or Government of the Commonwealth of Australia

(2) Nothing in this Act shall be deemed to require the concurrence of the Parliament or Government of the Commonwealth of Australia in any law made by the Parliament of the United Kingdom with respect to any matter within the authority of the States of Australia, not being a matter within the authority of the Parliament or Government of the Commonwealth of Australia, in any case where it would have been in accordance with the constitutional practice existing before the commencement of this Act that the Parliament of the United Kingdom should make that law without such concurrence.

(3) In the application of this Act to the Commonwealth of Australia the request and consent referred to in section four shall mean the request and consent of the Parliament and Government of the Commonwealth.[2]

Certain sections of Act not to apply to Australia, New Zealand or Newfoundland unless adopted

10. (1) None of the following sections of this Act, that is to say, sections two, three, four, five and six, shall extend to a Dominion to which this section applies as part of the law of that Dominion unless that section is adopted by the Parliament of the Dominion, and any Act of that Parliament adopting any section of this Act may provide that the adoption shall have effect either from the commencement of this Act or from such later date as is specified in the adopting Act.

(4) The Dominions to which this section applies are the commonwealth of Australia, the Dominion of New Zealand and Newfoundland.

Meaning of "Colony" in future Acts 52 and 53 Vict.c.63

11. Notwithstanding anything in the Interpretation Act, 1889, the expression "Colony" shall not, in any Act of the Parliament of the United Kingdom passed after the commencement of this Act, include a Dominion or any Province or State forming part of a Dominion.

Short title

12. This Act may be cited as the Statute of Westminster, 1931.

Notes

1. Act No.56, 1942; assented to 9 October 1942.

6. Sections 4, 9 (2) and (3) and 10 (2) of the Statute of Westminster, 1931, in far as they were part of the law of the Commonwealth, of a State or of a Territory have been repealed by section 12 of the *Australia Act 1986.* The Parliament of the Commonwealth of Australia has on three occasions passed

Acts requesting and consenting to the enactment by the Parliament of the United Kingdom of Acts extending to Australia. The Acts of the Parliaments of Commonwealth and of the United Kingdom, respectively, are as follows:

Australia	**United Kingdom**
Australia (Request and Consent) Act 1985	Australia Act, 1986
Christmas Island (Request and Consent) Act 1957	Christmas Island Act, 1958
Cocos (Keeling) Islands (Request and Consent) Act 1954	Cocos Island Act, 1955

EXHIBIT

ROYAL STYLE AND TITLES.

No.32 of 1953.

An Act relating to the Royal Style and Titles.

[Reserved for Her Majesty's pleasure, 18th March, 1953.
[Queen's Assent, 3rd April, 1953.] [Queen's Assent proclaimed, 7th May, 1953.]

WHEREAS it was recited in the preamble to the Statute of Westminster that it would be in accord with the **established constitutional position of all the members of the British Commonwealth of Nations to one another** that any alteration in the law touching the Royal Style and Titles should, after the enactment of that act require the assent as well of the Parliaments of all the Dominions as of the Parliament of the United Kingdom":

AND WHEREAS the Style and Titles appertaining to the Crown at the time of the enactment of the Statute of Westminster, 1931 had been declared by His then Majesty King George V. in a Proclamation in pursuance of the Royal and Parliamentary Title Act, 1927 of the United Kingdom, and were, in consequence of the establishment of the Republic of India, subsequently altered with the assent as well of the Parliaments of Canada, Australia, New Zealand and the Union of South Africa as of the Parliament of the United Kingdom

AND WHEERAS **it was agreed between the Prime Ministers** and other representatives of her Majesty's Governments in the United Kingdom, Canada, Australia, New Zealand, the Union of South Africa, Pakistan and Ceylon assembled in London in the month of December, One thousand nine hundred and fifty-two, that the Style and Titles at present appertaining to the Crown are not in accord with current constitutional relationships within the British Common-wealth and that there is a need for a new form which would, in particular,

“reflect the special position of the Sovereign as Head of the Commonwealth”.

AND WHEREAS **it was concluded by the Prime Ministers** and other representatives that, in the present stage of development of the British Commonwealth relationship, t would be in accord with the established constitutional position that each member country should use for its own purposes a form of the Royal Style and Titles which suits its own particular circumstances but retains a substantial element which is common to all:

AND WHEREAS it was further **agreed by the Prime Ministers** and other representatives that the various forms of the Royal Style and Titles should, in addition to the appropriate territorial designation, have as their common element the description of the Sovereign as "Queen of Her other Realms and Territories and Head of the Commonwealth".

AND WHEREAS **it was further agreed by the Prime Ministers** and other representatives that the procedure of prior consultation between all Governments of the British Commonwealth should be followed in future if occasion arose to propose a change in the form of the Royal Style and Titles used in any country of the British Commonwealth

Be it therefore enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows

Short title.
1. This Act may be cited as the *Royal Style and Titles Act* 1953.

commencement
2. This Act shall come into operation on the day' on which it -receives the Royal Assent.

Definition.
3. In this Act, "the United Kingdom" means the United Kingdom of Great Britain and Northern Ireland.

4.- (1.) The assent of the Parliament is hereby given to the adoption by Her Majesty, for use in relation to the Commonwealth of Australia and its Territories, in lieu of the Style and Titles at present appertaining to the Crown, of the Style and Titles set forth in the Schedule to this Act, and to the issue for that purpose by Her Majesty of Her Royal Proclamation under such seal as Her Majesty by Warrant appoints.

(2.) The Proclamation referred to in the last preceding sub-section shall be published in the *Gazette* and shall have effect from the date upon which it is so published.

The assent of the Parliament is hereby given to the adoption by Her Majesty, **for use in relation to Her other Realms and Territories**, in lieu of the Style and Titles at present appertaining to the Crown, of such Style and Titles as Her Majesty thinks fit, **in accordance with the principles that were formulated by the Prime Ministers and other representatives of British Commonwealth countries assembled in London, as recited in the Preamble to this Act.**

THE SCHEDULE.

Elizabeth the Second by the grace of God of the United Kingdom, Australia and Her other Realms and Territories, **Head of the Commonwealth**, Defender of the Faith.

EXHIBIT

p52/53/54/55/56/57/58/59/60 HANSARD [18 FEBRUARY, 1953.]

Royal Style [REPRESENTATIVES] Titles Bill 1953.

ROYAL STYLE AND TITLES BILL 1953.

Motion (by Mr. MENZIE5)-by leave-agreed to-:
That leave be given to bring in a bill for an act relating to the Royal Style and Titles.
Bill presented, and read a first time.

SECOND READING.

Mr. MENZIES (Kooyong - **Prime Minister**) [S1] .-*by leave*- I move

That the bill be now read a second time. This is a bill for an act relating to the Royal Style and Titles. It has become necessary to introduce a measure of this kind because, as all honorable members' know, in modern times there have been **changes in the constitutional structure of the British Commonwealth**. Those changes, which were, first of all, dealt with in terms of form in more recent times in the preamble to the Statute of Westminster, have now called for fresh consideration, because since the Statute of Westminster India has become a republic, **the title "Head of the Commonwealth" has been devised**, and there have been additions to the number of those nations which form, in total, the Commonwealth of Nations.

The Bill is quite short. Perhaps I should begin by saying that what this Parliament is being invited to approve is that the Royal Style and Title in Australia in respect of the reign of her present Majesty should be: -

Elizabeth the Second, by the Grace of God of the United Kingdom, Australia and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

If honorable members will look at the bill, they will see that it recites in fairly full terms the decisions that were taken by the conference of Prime Ministers in London in December. At one stage, I contemplated reading to the House the communique that was issued on this point at the end of that conference, but if honorable members look at the recitals, they will see the substance of what was then done. Perhaps it will be convenient if I run through the preamble in that sense. It begins with the statement that was recited in the preamble to the Statute of Westminster, 1931, that it would be in accord with the established constitutional position of all the members of the British Commonwealth of Nations in relation to one another, that any alteration in the law touching The Royal Style and Titles should, after the enactment of that act "require the assent as well of the Parliament of all the Dominions as of the Parliament of the United Kingdom".

The Preamble goes on to refer to a proclamation that was made by His late Majesty, King George V., just before the enactment of the Statute of Westminster. Then it recites that at the conference in London in December there represented agreed that changes should be made. The following paragraph or the preamble indicates what the real substance of the agreement was. It states: -

And whereas it was concluded by the Prime Ministers and other representatives that, in the present stage of development of the British Commonwealth relationship, it would be in accord with the established constitutional position that each member country should use for its own purposes a form of the Royal Style and Titles which suits its own particular circumstances but remains a substantial element which is common to all.

That conference represented a real attempt to satisfy both of those conditions. If I may interrupt myself, I should like to say to honorable members that not all of the portions of the Royal Title, as we have been accustomed to it, can be regarded as appropriate in every portion of the British Commonwealth. In the British Commonwealth we now have great countries like India, Pakistan and Ceylon, in which the vast majority of the inhabitants are not of the same religious faith as the people of the United Kingdom, Australia, Canada and other countries. The ancient reference, which all of us in this place value so much, to "the Grace of God" and the position of the Monarch as the Defender of the Faith are not necessarily regarded as appropriate by some of the other nations of the British Commonwealth. Therefore, we all met, realizing that accommodation had to be granted on those points one to another, but that, as far as possible, we should retain certain common elements which would serve to remind everybody that the Crown still remains the great symbol of unity of the whole family of nations.

I shall say something about the reasons in a moment, but, in the result, the titles that will be used in the various countries of the British Commonwealth may seem, on the surface, to be quite varied. I believe that the United Kingdom Parliament has already introduced legislation to provide for the new title. **In the case of the United Kingdom, it will be**: -

"Elizabeth the Second by the Grace of God of the United Kingdom and Northern Ireland Queen, and Her other Realms and Territories, Head of the Commonwealth, Defender of the Faith."

In the case of Canada, the title will be Elizabeth the Second, by the Grace of God of the United Kingdom, Canada and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

In the case of Australia, as I have just indicated, the title will be the same, except that " Australia " will be substituted for " Canada ", the United Kingdom having been first referred to. The same applies to New Zealand where "New Zealand" will appear after "the United Kingdom". In the case of South Africa, where there are certain problems which (we recognizes very willingly and which distinguish the case of that country from that of other countries of the British Commonwealth}, the title will be Elizabeth the Second, Queen of South Africa and of Her other Realms and Territories, Head of the Commonwealth.

In the case of Pakistan the title will be Elizabeth the Second, Queen of the United Kingdom and her other realms and territories, Head of the Commonwealth. In the case of Ceylon the title will be Elizabeth the Second, Queen of Ceylon and Her other Realms and Territories, Head of the Commonwealth.

At first blush that may seem a great variety, but it is necessary to point out that the British Commonwealth represents a very great variety. One of the things that has made it in the course of its history is that it has recognized diversity but has always produced unity. Therefore, these variations are not to be taken as exhibiting some oddity on the part of anybody. Some countries of the British Commonwealth are in one tradition and in one religious tradition. Other countries are not. They have their own religious faith to which they adhere most strongly and most properly. **Then, we recognize that there are certain things, which may not apply to other nations within the British Commonwealth**.

One of the things many of us like to look back upon is that ever since William Rufus was crowned there has been a reference in the title of the monarch to "the grace of God", because ever since that coronation it has been recognized that the coronation is a Christian ceremony and, therefore, this reference runs through the history of the Crown. That does not apply to other countries. It certainly applies to us because we stand in the direct line of that tradition.

The preamble goes on to recite that:
Whereas it was **further agreed by the Prime Ministers** and other representatives that the procedure of prior consultation between all governments of the British Commonwealth should he followed in future if occasion arose to propose a change in the form of the Royal Style and Titles used in any country of the British Commonwealth.

This may, perhaps, appear to be rather tedious and technical, but, as honorable members know, **in the preamble to the Statute of Westminster the condition was set up as a constitutional convention to which I have referred** and which is set out in the first paragraph of the preamble to this bill that all should agree to the changes made by all. Let me put it in that fashion. On this occasion we all met and discussed this matter. Having arrived at agreement, the question then came up, "Are we in future, if there is to be some change once more, to consult with each other?" It was agreed that we should, that that was a good practice and that we ought to follow it. I leave to other people the argument on some other occasion because it does not vastly concern us at the moment whether the convention established by the Statute of Westminster has now been replaced by another convention which does not strictly require consultation although it does indicate the desirability of such consultation. That is a matter which the theorists can thrash out to their heart's content. In the drafting of this bill we have thought it proper merely to put the question beyond doubt and proceed as if the convention established by the Statute of Westminster still operates. Therefore, we have provided in clause 5 of the bill that the consent of this Parliament is given to the titles which will be advised to Her Majesty **on the part of each of the other countries in the British Commonwealth**. So, if it is necessary to follow the convention of the Statute of Westminster, **we have followed it**. It is not a matter of importance for our present purpose whether that convention continues or not. It will be observed that in the title in the schedule we have used the summary form "the United Kingdom". It is possible to use the long form, "the United Kingdom of Great Britain and Northern Ireland ". Statutes in the United Kingdom provide that one means the other. As a result of our discussion in London we felt that the title should not be mug and cumbersome. Therefore, honorable members will see that, first, we have used the expression “the United Kingdom", and, secondly, in clause 3 we define "the United Kingdom " to mean "the United Kingdom of Great Britain and Northern Ireland " so that the whole matter is put beyond ambiguity. We have merely used the short title in the schedule and defined it in the bill. In clause 4 there is a provision about the issue by Her Majesty of a royal proclamation. I refer to it only to say that it provides for the issue by Her Majesty of' a royal proclamation under such seal as her Majesty by warrant appoints. I confidently anticipate that for that purpose Her Majesty will appoint a seal which will contain in appropriate form the style and title to be used in Australia in accordance with the provisions of this Bill.

Having said those things, some of which may appear to be rather pedantic, I should like to say that at the conference in London we had two things before us. One was that we should secure, if we could the greatest measure of common ground in the description of the Queen. That, of course, is tremendously important because-I urge this upon the house – as I should like to urge it upon the country-we must not allow the Crown to cease to be a real symbol of unity. **We are not to divide the Crown up artificially**. We should, as far as possible, maintain our view of the Crown and of the wearer of the Crown as the symbol of unity among countries which are otherwise entirely, or in some respects, diverse one from the other. Therefore, unity was something to which we all directed attention. Secondly, it was felt by some-it is not a feeling that I share or ever have shared-that the territorial reference in the royal title ought to be solely a reference to the particular territory represented that is, that Her Majesty should he described in the case of Australia, for instance the Queen of Australia and of her other realms and Canada and of her other realms and territories"; and so on. I want to be plain on this matter. I have no sympathy with that approach to this matter. It is essential that we should retain this unity. Therefore, I strongly advocated and as honorable members will see it turned out at any rate in the case of four of the countries concerned that we ought in the territorial reference begin by referring to the United Kingdom and then to refer in our own way to Australia, in the case of Australia, and so on. Honorable members may be disposed to say to me, "Why do that? After all the phrase ' and all her other realms and territories' is a comprehensive expression. Why refer to the United Kingdom

first? " I should like to answer that, because I confess I have the strongest possible views on it. In the first place I think that, juristically speaking, it would be fantastic to eliminate a reference to the United Kingdom, **because the plain truth is that Her Majesty Queen Elizabeth the Second sits on the throne not because of some law of Australia but because of the law of the United Kingdom**. She sits there by virtue of two acts of parliament. The first is the Act of Settlement of 1791; the second is the Abdication Act, which signalised the departure of Edward VIII from the throne and the installation of His late Majesty King George VI. in 1936. **Therefore, in the literal, legal sense the Queen is Queen of Canada and of South Africa and of New Zealand, and so on, because she is Queen of the United Kingdom**. We have no act of succession. We have never assumed to make an Act of Succession. I hope we never shall. We have a perfect right to do so, but I hope the day never comes

Mr. JAMES.-We never shall.
Mr. MENZIES -I agree with the honorable member for Hunter (Mr. James). I hope the day will never come when seven or eight countries of the British Commonwealth will each want to make an act of succession of its own and perhaps have five or six or seven kings or queens instead of one, because when that day comes the crown, as the symbol of unity, will have disappeared. This is not a party matter. Whatever ~artv b~s we have never assumed to pass an act of succession or to determine the succession to the throne. **Therefore I say, in strict terms of law Her Majesty is our Queen because, under the act of Succession of the United Kingdom, as modified by the Abdication Act of 1936 she is the Queen of the United Kingdom.**

There is another rather interesting aspect of that matter. I do not refer to it in order to provoke an argument about it, but I mention it as one of those things that it might be interesting to ponder over at some time or another. **The fact is that in section 8 of the Statute of Westminster**, the relevant sections of which we adopted by legislation in 1942, **there is a provision which reads**:-

'**Nothing in this act shall be deemed to confer any power to repeal or alter the Constitution or the Constitution Act of the Commonwealth of Australia…..'**

If we look at the Constitution Act, and what are now called the covering clauses of it, we find two interesting things. The first is the recital which is now, I agree, out of harmony with modern facts. That recital reads:- Whereas the people of—then follow the names of the various colonies as they then, were humbly relying on the blessing of Almighty God, having agreed to unite in one indissoluble Federal Commonwealth **under the Crown of the United Kingdom of Great Britain and Ireland.**

Section 2 of that act states-

'The provisions of this Act referring to the Queen shall extend to Her Majesty's heirs and successors in the sovereignty of the United Kingdom.'

I leave to another time, as I am sure the Leader of the Opposition (Dr. Evatt) also will, the question of whether under those circumstances we could in Australia evolve an Act of Succession of our own. I have merely referred to the matter to emphasize the first point I was making, which is **that we must remember that the Queen is our Queen because, in point of legal right, she succeeded to the throne under the Act of Succession** and the later modifying act of the United Kingdom. ~ feel always that when you have something of that kind it is a good thing to recognize it in the title that you confer, and I offered that view as strongly as could to my colleagues at the conference of Commonwealth Prime Ministers. I am happy to say that Canada, New Zealand and, of course, the United Kingdom agreed with that view.

The second aspect of this matter is that this is not a barren question of constitutional law. I think it is a question of very great historical significance. If we have a parliament here, as we have and it is a free parliament, **we derived it from Westminster**. If there is a parliament in India, as there is, and it is a free parliament with cabinet government and all those benefits of the sovereignty of parliament and of the rule of law, those things were derived from those who sat in the Parliament of Westminster or who moved around outside the Courts of Common Law at Westminster in the Middle Ages. These are great historic truths, of which we ought to be, and are, proud. Even if the Act of Succession had not had to be taken into consideration I should still have said, as I did, that to deny the first mention to the country that is the cradle of our sovereignty, the cradle of our system of parliamentary government and the cradle of our legal system would he to deny our own history. A country that denies its own history is

in a bad way. Therefore, putting all the legal arguments to one side, it seemed clear that to preserve this magnificent nexus that exists between Great Britain and ourselves, and between Great Britain and all those other outlying countries, it was of the first importance that in describing the style and titles of Her Majesty we should begin by saying- Elizabeth the Second, by the Grace of God of the United Kingdom-and then of our country, whatever that country may be, and then of-her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith. This is a proud title. I hope that it is a title that will be worn by Her Majesty for many years. I hope that whatever changes may come to it in the future-because we do not know what is hidden in the future-people who come after us in 100 years time, or 200 years time, will still be able to stand upon appropriate occasions and still feel that behind the Crown there is the Grace of God. and Royal Style and that the Crown is the defender of our faith; still feel that of all our nations, and of ourselves in particular, he, or she, is the enduring monarch, the monarch who dies as an individual but who passes on a crown that will always be the sign and proof that, wherever we may be in the world, we are one people.

Dr. EVATT (Barton-Leader of the Opposition) [8.30] -The Opposition has considered this bill and will give it full support. **At first glance it may seem anomalous and self-contradictory that Her Majesty the Queen to whom we all owe allegiance, will have, as the result of the recent London conference, a different title in every part of the British Commonwealth**. In no two of the eight components of the Commonwealth will the titles be identical. In Australia, for instance, as the Prime Minister has said, Her Majesty will be known as "Elizabeth the Second by the Grace of God of the United Kingdom, Australia and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith". In Pakistan, Her Majesty will be known as "Elizabeth the Second, Queen of the United Kingdom and of Her other Realms and Territories, Head of the Commonwealth". The title will be different again in South Africa, and in the other countries of the British Commonwealth, Canada, New Zealand, India and Ceylon.

Mr. JAMES.-And Northern Ireland.

Dr. EVATT.-No. The United Kingdom is the "United Kingdom of Great Britain and Northern Ireland", **but the full reference to that appears only in the case of the United Kingdom itself**. In India, which, although a republic is still a member of the British Commonwealth, the title will not be, in the ordinary sense, a royal title at all because of the status of India. However, in spite of these anomalies, the decision that was reached in London was inevitable. **There was no other way of giving direct effect to the position of Her Majesty as the head of the Commonwealth** and, at the same time, recognizing the special desires and policies of some of the components of the Commonwealth. No such difficulty has ever arisen in Australia, New Zealand or Canada. I remind the House that under the Statute of Westminster of 1931, which this Parliament adopted in 1942, there was a declaration in the preamble to the effect that alterations of the law touching the succession to the Throne or the royal style and title, required the assent of the Parliaments of all the Dominions as well as of the Parliament of the United Kingdom. The Prime Minister was quite correct in pointing out that, so far as Australia is concerned, **in both constitutional practice and constitutional law in the strict sense**, **the succession is determined by the succession to the Throne of the United Kingdom.** That was illustrated by what took place on the abdication of Edward VIII. But the more important point is that the Statute of Westminster does contain a declaration that any alteration of the royal style and titles should be assented to not by the governments of Commonwealth countries, but by the parliaments of those countries, and that is why parliamentary assent to this measure is required. The Government is quite correct in submitting this measure for approval at the first available opportunity. I also believe that when the prerogative instrument to which the Prime Minister has referred is issued, it should be issued, as I have no doubt it will be, on the advice of the Prime Minister of the Commonwealth of Australia. There is very little more that I can add. **As I have said, no difficulty has ever arisen in relation to the Commonwealth of Australia so far as the Crown is concerned, and I believe that no such difficulty could or should ever arise.** The present difficulty has arisen because India has become a republic although still recognizing the monarch, Elizabeth the Second, as head of the Commonwealth, and because of the emphasis which, in some parts of the Commonwealth, has been laid on certain aspects or the Commonwealth which other Commonwealth countries do not regard as of such importance. There is one point which will call for consideration, not in connection with this measure, but at some future date. As I have pointed out; the only portion of the royal title which is common to all Commonwealth countries except India is "Elizabeth the Second Head of the Commonwealth described as the "British Commonwealth of Nations", and in my opinion, the time has come for a review of the position so that the Commonwealth referred to in the royal title may be called the "British

Commonwealth". I know that is the Prime Minister's view. Unfortunately, there has been complete misunderstanding of the position in some countries, including India. There, it is considered, perhaps, that the word "British" connotes something that is opposed to, say, "Indian" or " Asiatic". It has no such meaning. It is the "British Commonwealth" because the head of the Commonwealth is the monarch for the time being of the United Kingdom of Great Britain and Northern Ireland. We identify the Commonwealth of which we are a member by describing it as the " British Commonwealth." It is as simple as that. The phrase "Head of the Commonwealth" might be regarded in this country as referring to the Commonwealth of Australia. Similarly, certain parts of the United States of America use the title "Commonwealth". There is for instance, the "Commonwealth of Massachusetts". That is a matter on which we shall have to convince India, and I believe that India could be convinced that the word "British" in the British Commonwealth of Nations", is merely a means of identification with the monarch of the United Kingdom of Great Britain and Northern Ireland. In this country no such difficulty could ever arise **because the word "British" means to us as much as it does to the people of the United Kingdom itself, and of New Zealand and Canada**. To all of us it means the British tradition of Government **under which every member of this Parliament pledges his faith and allegiance to the monarch, not as a symbol but as a person.**

Mr. JOSKE (Balaclava) [8.38] .-The constitutional position has been well described by the Prime Minister (Mr. Menzies) and the Leader of the Opposition (Dr. Evatt). It is clear that this Parliament together with the parliaments of the other British Commonwealth nations must pass legislation such as this, but the philosophy behind the constitutional position is that the Crown is the symbol of the free association of the members of the British Commonwealth Nations. They are united by common allegiance to the Crown. When one considers the nature of the British Commonwealth of Nations, one can appreciate the necessity for different styles and titles for the Crown in the various countries. We are a Commonwealth. We are also nations. We are bound together as Commonwealth but we differ in various ways, and it is to meet those differences that this legislation is needed. At the same time, it is essential that we should remain closely welded together. The Prime Minister (Mr. Menzies) has dealt with the importance, both from the constitutional and the historical viewpoint of the phrase "by the Grace of God of the United Kingdom". One might express those sentiments more simply by referring to the words of the poet Kipling that "we learned from our English mothers to call old England home". I am sure that this Parliament is 'unanimous in agreeing that undoubtedly the first expression that should appear in the royal style and titles is "Elizabeth the Second by the Grace of God of the United Kingdom." As the Prime Minister has pointed out, this is an occasion of great historical significance We are dealing to-night with a matter that is steeped in history. The royal titles have changed from century to century. The late King George VI was "George VI. by the Grace of God of Great Britain, Ireland and the British Dominions beyond the Seas King Defender of the Faith, Emperor of India". A comparison with the title that is to be bestowed 'upon Elizabeth the Second will show that events have changed considerably, even in the short time of less than twenty years. There have been many changes in the royal titles since William Rufus was first crowned "By the Grace of God King of England". So far as I have been able to ascertain, the first change made in the royal titles after that date was when Edward III. assumed the title of "King of France". That brings to mind the Hundred Years War of glorious memory, the days of Crecy and the Black Prince, Henry V. and the glorious victory of Agincourt. Although from that time France, with the exception of Calais, which was lost at the time of Queen Mary, ceased to be a part of England, a claim to the throne of France remained for centuries as a part of the royal titles. Tonight the Prime Minister referred to be Settlement Act of 1701. In both be famous Bill of Rights of 1639 and the Settlement Act of 1701, the claim to the throne of France was retained, and it was not until 1800 that the title "King of France" was finally dropped by George II. The next addition to the royal titles was made by Edward IV., the addition being "Ruler of Ireland". That title changed in the time of Henry VIII. to King of Ireland", and subsequently Henry VIII. changed his style and titles by adding the words "Defender of the Faith". We first find the title of "King of Great Britain " after the union of Scotland and England in the reign of James I. That title remained until the days of George VI., and we are now changing it for the first time.

A somewhat novel title came into use in the time of George III, when the title of "King of Hanover" was adopted. That title was retained by his two sons George IV. and William IV. Then, by virtue of the Salic law, a law which appears curious to us to-day because it deprives women of the right to rule, Queen Victoria could not be queen of Hanover and that title passed from the royal style. The title of Empress of India" was first assumed by Queen Victoria through the influence of the great Disraeli, and thus affords an indication of the power that he exercised in his day. That title was removed in 1948 as n result of constitutional changes. The phrase "British Dominions beyond the seas" which is now being

omitted in preference for "other Realms and Territories", first came into use in 1901 in recognition of the growth of the British Commonwealth. At that time the title "King of the United Kingdom of Great Britain and Ireland" was also used. When Ireland became the Irish Free State, the words "United Kingdom" were omitted. They are now again part of the royal style in a different sense, in that they now mean the United Kingdom of Great Britain and Northern Ireland. I have taken the liberty of mentioning these matters because they all indicate the great changes that have occurred throughout history, and they, show that we are and always have been a very great people. We are able to adapt ourselves to changing times and to face both good fortune and bad fortune. **We are now considering a matter relating to the British Commonwealth of Nations and the way in which they are all linked together**. It has been said by some people that there is a crimson thread of kinship that binds us all together. However, what binds us together more than anything else is our fealty and affection for our kings and queens, together with the devotion that we have shown to them and that they have shown to us. This is a great occasion, and it is splendid to know that our gracious young Queen has informed us that she in turn will carry on that tradition of devotion to the service of the people as was exemplified by her father and grandfather.

Mr. ROBERTON (Riverina) [8.48].- I should have appreciated an opportunity to make an intensive study of the process that preceded the introduction of this bill, but although that was not possible I rise, as other honorable members have done, and will do, to support it. **I must say, however, that any views that I shall now express are my own personal views, because obviously this is not a matter that has been discussed in the electorates or among the public generally**. Indeed, **I venture to say that very few people knew that an obligation lay upon this Parliament to deal with this matter in this particular way**. The measure is completely satisfactory to me, as it is to all other honorable members and to all the people that we have the honour to represent. **The bill has been rendered necessary because the Style and Titles at present appertaining to the Crown are not in accord with current constitutional relationships within the British Commonwealth and there is a need for a new form which would, in particular, "reflect the special position of the Sovereign as 'Head of the Commonwealth".** I, for one, deplore, to a degree, the necessity for a bill of this kind. I should have preferred the Royal Style and Titles to remain as they were, had that been possible. I would have preferred the British Empire to be maintained in its original form. Both these matters have been the subject of public discussion from time to time, and because circumstances have rendered it necessary to change the Royal Style and Titles an opportunity has been provided to discuss the relationship of the countries which constituted the British Empire as it was and as it now is.

Arising out of these discussions, credence was given to the belief that the title "Empire" had been outmoded by circumstances, and that the time had come when it should be dropped for the purpose of propitiating certain members of the Empire. Because that attempted propitiation was made, and the title "Empire" replaced by "Commonwealth", we meet with circumstances which I must confess that to a degree I deplore. If those attempts at propitiation fail, and if from the present loose arrangement of the Commonwealth of Nations a part drops off from time to time, I can foresee the restoration of the British Empire to its original pattern.

India of course has a special problem and I believe that a great many of these alterations have been made, were made, and are being made in order to propitiate India. I think it would have been much better if we had made no attempt to propitiate India or any other component of the Commonwealth.

ROYAL STYLE AND TITLES ACT 1973

Reprinted as of 31 July 1983

TABLE OF I'ROVISIONS

An Act relating to the Royal Style and Titles

WHEREAS, in accordance with the *Royal Style and Titles Act 1953:* Her Majesty, by Proclamation dated 28th May, 1953, adopted, as the Royal Style and Titles to be used in relation to the Commonwealth of Australia and its Territories, the Style and Titles set forth in the Schedule to that Act:

AND WHEREAS the Government of Australia considers it desirable to propose to Her Majesty a change in the form of the Royal Style and Titles to be used in relation to Australia and its Territories:

AND WHEREAS the proposed new Style and Titles, being the Style and Titles set forth in the Schedule to this Act, retains the common element referred to in the preamble to the *Royal Style and Titles* Act *1953:*

BE IT THEREFORE enacted by the Queen, the Senate and the House of Representatives of Australia as follows:

Short title

1. This Act may be cited as the *Royal Style and Titles Act 1973,*

Assent to adoption of new Royal Style and Titles in relation to Australia

2. (1) The assent of the Parliament is hereby given to the adoption by Her Majesty, for use in relation to Australia and its Territories, in lieu of the Style and Titles set forth in the Schedule to the *Royal Sty1e and Titles Act 1953,* of the Style and Titles set forth In the Schedule to this Act, and to the issue for that purpose by Her Majesty of Her Royal Proclamation under such seal as Her Majesty by Warrant appoints.

(2) The Proclamation referred to in subsection (1) shall be published in the *Gazette* and

shall have effect on the date upon which it is so published.

SCHEDULE

Royal Style and Titles

Elizabeth the Second, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth.

NOTES

I Preamb1e and S. 2 (1)-The *Royal Style and Titles Act 1953* was repealed by the *Statute Law Revision Act 1973 (No.216,* 1973).

2. Act No. 114,1973; reserved for Her Majesty ‘s pleasure, 14 September 1973, Queen's Assent, 19 October 1973;

EXHIBIT

Commission

Commonwealth of Australia Gazette

No.S 66, Monday, 19 February 1996

Published by the Australian Government Publishing Service, Canberra

Passed under the Royal Sign Manual and the *Great Seal of Australia appointing*

THE HONOURABLE SIR WILLIAM PATRICK DEANE, AC, KBE

to be the Governor-General of the Commonwealth of Australia

ELIZABETH THE SECOND, by the Grace of God **Queen of Australia** and Her other Realms and Territories, **Head of the Commonwealth**: To the Honourable Sir William Patrick Deane, Companion of the Order of Australia, Knight Commander of the Order of the British Empire,

Greeting:

WE DO, by this Our Commission under Our Sign Manual and the Great Seal of Australia, appoint you, Sir William Patrick Deane, to be, during Our pleasure, Our Governor-General of the Commonwealth of Australia.

AND WE DO authorise, empower and command you to exercise and perform all and singular the powers and directions contained in the Letters Patent dated 21 August 1984 relating to the office of Governor-General or in future Letters Patent relating to that office, according to such instructions as Our Governor-General for the time being may have received or may in future receive from Us, and according to such laws as are from time to time in force.

AND WE DO declare that the powers conferred by this Our Commission include any further powers that may in future be assigned to the Governor-General in accordance with section 2 of the Constitution of the Commonwealth of Australia.

AND, so soon as you shall have taken the prescribed oaths and have entered upon the duties of your office, this Our present Commission shall supersede Our Commission dated 4 January 1989 appointing the Honourable William George Hayden to be Governor-General of the Commonwealth of Australia and Commander-in-Chief of the Defence Force of the Commonwealth of Australia.

Given at our Court at Sandringham on 29 December 1995

By Her Majesty's Command,

Paul Keating
Prime Minister

On 29 December 1995

OFFICE OF THE GOVERNOR

FROM: Charles Curwen, L.V.O., O.B.E.
GOVERNMENT HOUSE

MELBOURNE, 3004
TELEPHONE: (03) 651 4211

FAX: (03) 650 4068

Friday, 1 August, 1997

Mr. Wolter Joosse
Managing Director
Joosse Apparel Pty. Ltd.
6 Apsley Place
SEAFORD VIC 3198

Dear Mr Joosse,

His Excellency the Governor has read and personally considered your letter of 17 June 1997, and has asked me to acknowledge it on his behalf.

The Governor is appointed as the representative of the Queen of Australia in the State of Victoria. The *Royal Style and Titles Act 1973* (Cth) gave Parliament's assent to the adoption by the Queen of **her new Commonwealth conferred title, Queen of Australia**.

Letters Patents are one of the Royal Prerogatives of the Queen. As a result of the *Australia Act 1986*, **all the prerogatives of the Queen relevant to an Australian state are now exercisable by the Governor of the state**. Under s.7(2) of the *Australia Act 1986*, "Subject to subsections (3) & (4) below, **all powers and functions of Her Majesty** in respect of a State **are exercisable only** by the Governor of the State." The *Australia Act 1986* makes it clear **that the only power the Queen can exercise for an Australian state**, unless she is visiting the state, **is the power to appoint or dismiss the Governor**.

I enclose a copy of the *Australia Act 1986* for your further interest.

Yours sincerely,

Official Secretary

The above reply says it all loud and clear the queen is longer the Sovereign, because you cannot diminish sovereignty, nor share or distribute sovereignty. Sovereignty is always whole, complete, and supreme authority and power. This is official recognition that the queen has violated he coronation contract and thus has abdicated. The People therefore are free to ignore, with the support of our common law, anything that is demanded by her appointees. These include all her ministers of state and all justices, judges, and magistrates.

EXHIBIT

Reply from Dr. Simon Trafford

Historic Researcher at University of London

Dear Wolter,
Please find enclosed my reply to your original email. I think that the formatting may have gone a bit strange in places: apologies for this.
Do let me know if this gets through succesfully.
Many thanks,
SImon Trafford

On Tue, 17 Oct 2000, Wolter Joosse wrote:
>Hi, I wonder if you could assist me with the answers to the following questions:

1. Is "the Commonwealth" or British Commonwealth of Nations a separate and
➢ independent legal entity from the United Kingdom of Great Britain and
➢ Northern Ireland, India, Pakistan, New Zealand, Australia, Canada and the
➢ like? **Yes.**
2. Is the United Kingdom and Northern Ireland **a separate legal entity** to "the
➢ British Commonwealth"? **Yes**.
3. If not, is "the Commonwealth" legally bound by the UK's admission to the
➢ European Union? **No**.
3. When and how was the Commonwealth constituted, and who were the
➢ founding Members? **1931, by the Statute of Westminster, with Canada,**
➢ **Newfoundland and the Irish Free State as initial members.**

>4. Does "the Commonwealth" have its own Constitution? If so where may I obtain a copy? **It has principles of association, but not a constitution per se**. See http://www.thecommonwealth.org

5. Is the Monarch in Parliament at Westminster automatically the Head of the
➢ Commonwealth? **Yes**.
6. If so, why and by what legal process is the King or Queen of UK and
➢ Northern Ireland appointed**? By primogeniture and established UK**
➢ **procedure, * specified in the Act of Settlement of 1689**
7. Is the Head of the Commonwealth **a separate legal entity to the Queen** of
➢ Canada, **Australia**, NZ, Fiji and the like? **Yes.**
8. Does the Head of the Commonwealth hold any constitutional powers within the Parliament of India, Pakistan, Fiji or Sri Lanka? **No.**
9. Does the Head of the Commonwealth hold constitutional powers within the Parliament of the former Dominions of Canada, New Zealand, Australia or South Africa? **Legally the queen is Head of State of Australia and New Zealand, but in practice she wields no power there.**

Hoping that these shall not take too much of your time, I thank you in anticipation of an early reply. I am grateful, if you can assist.
Yours sincerely, Wolter Joosse
For further details, I would recommend you have a look at http://www.thecommonwealth.org/ or http://www.fco.gov.uk/
Yours sincerely,
Simon Trafford

Dr Simon Trafford
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Senate House, Malet Street, London, WCIE 7HU
Tel: 020 7862 8785 – Fax: 020 7862 8754 – http://www.history.ac.uk

EXHIBIT

BMS.332 **SOLICITOR GENERAL'S DISCUSSION PAPER NO 3**

Re: A Minimal Republic and the Role of the Crown

The Current Role of Her Majesty

Although the position was not altogether clear prior to the enactment of the Australia Act, 1986, it is now clear that Her Majesty the Queen of Australia is a separate legal body from Her Majesty the Queen of the United Kingdom. The Queen of Australia takes advice from her Australian Ministers and has a separate legal personality from the Queen of the United Kingdom. By virtue of the Australia Act and the fact of Australia's independence, **the Commonwealth Constitution effectively has been rewritten, and "Queen of Australia" inserted wherever "Queen of United Kingdom" appears.**

The succession of the Australian monarchy is determined by the common law, including a number of UK statutes which are applicable under the common law. It was agreed at Imperial Conferences in 1926 and 1930 that the UK Parliament would not vary the law as to the succession without reference to the former dominions (this is reflected in the preamble to the Statute of Westminster). As the UK Parliament no longer has any constitutional role in respect of Australia, legislation by the UK Parliament to change the succession **would probably be ineffective** in any event.

> **The effect of all this is that the Queen of Australia is a separate legal person, and a separate sovereign, from the Queen of the United Kingdom, although the same person wears both Crowns**.

Under the Australia Act and pursuant to constitutional convention, **the role of Her Majesty in respect of the government of the Commonwealth and the States is quite limited.** The following roles and functions remain:

1 The Queen still exercises her "personal" approvals. These are a limited range of matters where the Queen acts without advice from Her Ministers. These include approval of the use of the style "Royal", of the use of Crown insignia, of the use of words such as "Queen's", "King's", "Crown", "Imperial" and a monarch's name, of the use of the titles such as "Honourable" and the grant of a personal warrant. There are arrangements between the Palace and the Governors and the Governor General relating to the use of the personal approval. These personal approvals are rarely exercised today in Australia.

2 The Queen still exercises those prerogatives that have effects beyond a particular jurisdiction eg the grant of royal charters and the grant of Imperial Honours. These powers can now be assumed to be otiose so far as Australia is concerned.

3 The Queen appoints and dismisses the Governors and the Governor General on the advice of the relevant Chief Minister.

4 The Queen can act personally in all matters when she is present within the State. However, she would only do so if there were a clear and agreed prior arrangement

THE FRAUD AND DECEPTION OF **THE SWAMP** KNOWS NO BOUNDARIES.