

LEGISLATIVE POWERS

of the

“Parliament of the Commonwealth of Australia”

under the *Commonwealth of Australia Constitution Act* from 1st January 1901

and of the

“Parliament of Queensland”

under Queensland’s *Constitution Act 1867*

The *Commonwealth of Australia Constitution Act* from 1st January 1901, *inter alia* with the *Commonwealth of Australia Constitution Act* 1900 (UK) [63 & 64 Vict.] [Ch. 12] at Chapter I (The Parliament) Part I (General)

Section 1 (Legislative Power) states that

“The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the Queen, a Senate, and a House of Representatives, and which is hereinafter called “The Parliament” or “The Parliament of the Commonwealth”. ”

It is to be noted that Section 1 did not state “Parliament of Australia”.

The *Commonwealth of Australia Constitution Act* from 1st January 1901, *inter alia* with the *Commonwealth of Australia Constitution Act* 1900 (UK) [63 & 64 Vict.] [Ch. 12] at Chapter I (The Parliament) Part V (Powers of the Parliament)

Section 51 (Legislative powers of the Parliament) states that

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

It is to be noted that Section 51 did not state “government of Australia”.

The *Commonwealth of Australia Constitution Act* from 1st January 1901, *inter alia* with the *Commonwealth of Australia Constitution Act* 1900 (UK) [63 & 64 Vict.] [Ch. 12] at Chapter I (The Parliament) Part V (Powers of the Parliament)

Section 52 (Exclusive powers of the Parliament) states that

“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: ”

It is to be noted that Section 52 did not state “government of Australia”.

There is no “Parliament of Australia” and no “government of Australia” mentioned within the *Commonwealth of Australia Constitution Act* from 1st January 1901, *inter alia* with the *Commonwealth of Australia Constitution Act* 1900 (UK) [63 & 64 Vict.] [Ch. 12].

Any power exercised by the “Parliament of the Commonwealth of Australia” to enact laws which are not with respect to the matters mentioned in Sections 51 and 52, would be outside of the powers given to that “Parliament”, and would therefore be contra to the *Commonwealth of Australia Constitution Act* from 1st January 1901, *inter alia* with the *Commonwealth of Australia Constitution Act* 1900 (UK) [63 & 64 Vict.] [Ch. 12].

In the Annotations by Quick and Garran of the *Commonwealth of Australia Constitution Act*, it is stated at Page 514

§161. “Peace, Order, and Good Government.”

“The powers were powers of legislation for the peace, order, and good government of the Commonwealth in respect of the matters specified. No construction in the world could confer any powers beyond the ambit of those specified.”

It is to be noted that the above states “for” not “of” “government of the Commonwealth” as the Parliament, not the government, enacts.

On 1st January 1901 the “Crown” of the United Kingdom was held by Her Majesty Queen Victoria who had assented to the *Commonwealth of Australia Constitution Act*.

Queen Victoria died on 21st January 1901 and was succeeded by King Edward VII who assented on 12th July 1901 to the *Acts Interpretation Act 1901* Act No. 2 of 1901 assented on 25th August 1903 to the *Judiciary Act 1903* Act No. 6 of 1903 assented on 28th August 1903 to the *High Court Procedure Act 1903* Act No. 7 of 1903 which were Acts of the “Parliament of the Commonwealth of Australia” and which, under the authority of the Crown of the United Kingdom, had the enacting manner and form of

“Be it enacted by the King’s Most Excellent Majesty the Senate and the House of Representatives of the Commonwealth of Australia as follows”

The Crown was held by King Edward VII until his death on 6th May 1910
then by King George V until his death on 20th January 1936
then by King Edward VIII until his abdication on 10th December 1936
then by King George VI until his death on 6th February 1952.

King George VI was succeeded on 8th February 1952 by His daughter Her Royal Highness Princess Elizabeth who then became Queen Elizabeth the Second by the Grace of God, Queen of the Realm, and Her other Realms and Territories, Head of the Commonwealth, Defender of the Faith.

The Acts of the “Parliament of the Commonwealth of Australia” then had, under the authority of the “Crown” of the United Kingdom, the enacting manner and form of
“Be it enacted by the Queen’s Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows”



The Royal Titles Act 1953 (UK) [1 & 2 Eliz. 2] [Ch. 9] [Assented to 26th March 1953] was sealed with the Crown's seal used by King George VI. This was an Act to provide for an alteration of the Royal Style and Titles appertaining to the "Crown" so as to reflect more clearly the existing constitutional relations of the members of the Commonwealth to one another and their recognition of the "Crown" as the symbol of their free association and of the Sovereign as the Head of the Commonwealth.

The assent of the Parliament of the United Kingdom was thereby given to the adoption by Her Majesty, for use in relation to the United Kingdom and all other the territories for whose foreign relations Her Government in the United Kingdom is responsible, of such style and titles as Her Majesty may think fit having regard to the said agreement, in lieu of the style and titles then present appertaining to the "Crown", and to the issue by Her for that purpose of Her Royal Proclamation under the Great Seal of the Realm.

The Royal Style and Titles Act 1953 (C'wth) Act No. 32 of 1953 [Assented to 3rd April 1953] had under the authority of the "Crown" of the United Kingdom the enacting manner and form of "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"

In this Act, "the United Kingdom" was defined as the United Kingdom of Great Britain and Northern Ireland, and the assent of the Parliament was given to the adoption by Her Majesty, for use in relation to the Commonwealth of Australia and its Territories, of the Style and Titles set forth in the Schedule, namely

"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"

The Crown's seal used by the King continued to be used until the Queen's Coronation on 2nd June 1953 from when the seal below became the Crown's seal for Royal Assent to Bills.



CORONATION
OF HER MAJESTY
QUEEN
ELIZABETH II
IN THE
Abbey Church of S. Peter
Westminster
ON TUESDAY
THE SECOND DAY OF JUNE
MCMLIII

From 1953-1973, the laws of the Commonwealth of Australia, under the authority of the “Crown” of the United Kingdom of Great Britain and Northern Ireland, had the enacting manner and form of

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

e.g. *Customs Tariff (No.5) Act No. 136 of 1972.*

Legislation was compiled into books, such as the one in 1972 which was named inside as “The Acts of the Parliament of the Commonwealth of Australia passed during the year 1972”.

These were Acts that bound the people at Clause 5 of

the *Commonwealth of Australia Constitution Act* from 1st January 1901, *inter alia* with
the *Commonwealth of Australia Constitution Act* 1900 (UK) [63 & 64 Vict.] [Ch. 12].

But the Royal Style and Titles Act 1973(C’wth) Act No. 114 of 1973 of 19th October 1973, without authority from the “Crown” of the United Kingdom of Great Britain and Northern Ireland, had a different enacting manner and form, that of

“Be it therefore enacted by the Queen, (*Note: Most Excellent Majesty removed*)
the Senate and the House of Representatives of Australia,
as follows”

It is to be noted that no law enacted by the Parliament of the Commonwealth of Australia, (and no law by the Parliament of the United Kingdom of Great Britain and Northern Ireland) can be found, which actually authorized this change of the enacting manner and form from that which was authorized by the “Crown” of the United Kingdom on 2nd June 1953.

It is also to be noted that no law enacted by the Parliament of the United Kingdom of Great Britain and Northern Ireland can be found that would have been the equivalent of the Royal Style and Titles Act 1973(C’wth) Act No. 114 of 1973 of 19th October 1973, which was an Act at the request of the Government of Australia who considered it desirable to change the form of the Royal Style and Titles to be used in relation to Australia and its Territories to

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

There should be no legislation containing the enacting manner and form of

“Be it therefore enacted by the Queen, (*Note: Most Excellent Majesty removed*)
the Senate and the House of Representatives of Australia,
as follows”

because a “Queen of Australia”, a “Government of Australia”, a “Parliament of Australia”, a “House of Representatives of Australia”, do not exist within the *Commonwealth of Australia Constitution Act* from 1st January 1901, *inter alia* with the *Commonwealth of Australia Constitution Act* 1900 (UK) [63 & 64 Vict.] [Ch. 12].

<u>Prime Ministers:</u>	The Rt Hon Sir Robert Menzies	19.12.1949 – 26.01.1966
	The Rt Hon Harold Holt	26.01.1966 – 19.12.1967
	The Rt Hon Sir John McEwen	19.12.1967 – 10.01.1968
	The Rt Hon Sir John Gorton	10.01.1968 – 10.03.1971
	The Rt Hon Sir William McMahon	01.03.1971 – 05.12.1972
	The Hon Gough Whitlam	05.12.1972 – 11.11.1975

From 1973, but without the authority of the “Crown” of the United Kingdom of Great Britain and Northern Ireland, legislation “of Australia” had the enacting manner and form of
 “Be it enacted by the Queen, *(Note: Most Excellent Majesty removed)*
 the Senate and the House of Representatives of Australia,
 as follows”

e.g. as in the *Social Services Act 1973* Act No. 1 of 1973
 and the *Family Law Act 1975* Act No. 53 of 1975
 (Section 21 of which established the Family Court of Australia)

but this Queen, the “Queen of Australia” under the *Royal Style and Titles Act 1973*(C’wth), is not the constitutional “Crown” of the United Kingdom of Great Britain and Northern Ireland.



This seal was inserted inside 1973 legislation books above the name “Acts of the Australian Parliament passed during the year 1973”

This same seal was inserted inside 1975 legislation books above the name
 “Acts of the Parliament of the Commonwealth of Australia passed during the year 1975”
 but the 1975 Parliament was still not the same Parliament as constituted, as legislation in 1975 still did not have the authority of the “Crown” of the United Kingdom of Great Britain and Northern Ireland to have the “Queen of Australia” in the enacting manner and form of

“Be it enacted by the Queen, *(Note: Most Excellent Majesty removed)*
 the Senate and House of Representatives of the Commonwealth of Australia,
 as follows”, which is the same manner and form as in

Federal Court of Australia Act 1976 Act No. 156 of 1976
Australian Federal Police Act 1979 Act No. 58 of 1979
High Court of Australia Act 1979 Act No. 137 of 1979
Judiciary Amendment Act (No.2) 1979 Act No. 138 of 1979

The Governor-General at that time proclaimed these four Acts under the
 “Great Seal of Australia” instead of the “Great Seal of the Commonwealth of Australia”.

Resulting from Prime Minister Whitlam’s “formula” in the evolution to remove the “Crown”, the enacting manner and form eventually changed to

“The Parliament of Australia enacts:-”

without the authority of the “Crown” of the United Kingdom of Great Britain and Northern Ireland, and under the “Queen of Australia” as in the *Royal Style and Titles Act 1973*(C’wth).

At page 3426 of the Wednesday 7th November 1990 Hansard of the House of Representatives a Bill was presented beginning with the words “The Parliament of Australia enacts”

which raised objection. That “enacting formula” is contra to the *Commonwealth of Australia Constitution Act* from 1st January 1901, *inter alia* with the *Commonwealth of Australia Constitution Act 1900* (UK) [63 & 64 Vict.] [Ch. 12].

At page 4371 of the Thursday 15th November 1990 Hansard of the Senate, another Bill that was presented beginning with “The Parliament of Australia enacts” also met with objection.

<u>Prime Ministers:</u>	The Rt Hon Malcolm Fraser	11.11.1975 – 11.03.1983
	The Hon Robert Hawke	11.03.1983 – 20.12.1991
	The Hon Paul Keating	20.12.1991 – 11.03.1996

On 25th October 1926 the Inter-Imperial Relations Committee at the Imperial Conference (known as the “Balfour Declaration”), when considering the fundamental principles affecting the relations of the various parts of the British Empire and the status of Great Britain and the Dominions, referred to the group of self-governing communities composed of Great Britain and the Dominions, as autonomous Communities within the British Empire, equal in status, in 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.

The “evolutionary theory”, which gives doubt with respect to peoples’ rights, status and obligations, continued with the *Statute of Westminster 1931* (UK) [22 Geo. 5. Ch. 4] followed by *Statute of Westminster Adoption Act 1942*(C’wth) Act No. 56 of 1942
Royal Style and Titles Act 1973(C’wth) Act No. 114 of 1973
Australia Act 1986(C’wth) Act No. 142 of 1985

At conferences held in Canberra on 24 and 25 June 1982 and 21 June 1984 the Prime Minister of the Commonwealth and the Premiers of the States 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”.

It is stated in the *Commonwealth of Australia Constitution Act* from 1st January 1901, *inter alia* with the *Commonwealth of Australia Constitution Act* 1900 (UK) [63 & 64 Vict.] [Ch. 12] at Clause 2 (Act to extend to the Queen’s successors) “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” and at Section 61 (Executive power) Chapter II (The Executive Government) “The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen’s representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth”.

Therefore the Commonwealth of Australia cannot be totally independent as it relies on the sovereignty of the United Kingdom of Great Britain and Northern Ireland.

In pursuance of paragraph 51 (xxxviii) of the Constitution which was passed on 9th July 1900 *i.e.* the Constitution which became Clause 9 of the *Commonwealth of Australia Constitution Act* from 1st January 1901, *inter alia* with the *Commonwealth of Australia Constitution Act* 1900 (UK) [63 & 64 Vict.] [Ch. 12], the Parliaments of all the States requested the Parliament of the Commonwealth to request the Parliament of the United Kingdom of Great Britain and Northern Ireland to enact an Act **in the terms set out in the Schedule** to the *Australia (Request and Consent) Act 1985*(C’wth) Act No. 143 of 1985 of 4th December 1985 this Schedule being an Act which may be cited as the *Australia Act 1986*.

The Australia Act 1986 c.2 (UK) and the Australia Act 1986 (C'wth) Act No. 142 of 1985 both came into operation on 3rd March 1986 at 5.00am Greenwich Mean Time.

The *Commonwealth of Australia Constitution Act 1900 (UK)* [63 & 64 Vict.] [Ch. 12] and the *Commonwealth of Australia Constitution Act (C'wth)* as at 1st January 1901 both contained the same intent, Preamble, Clauses, Sections and Schedule.

Once the *Australia Act 1986 c.2 (UK)* was enacted, the Schedule of the *Australia (Request and Consent) Act 1985(C'wth) Act No. 143 of 1985* was supposed to be cited as the *Australia Act 1986* presumably then becoming the *Australia Act 1986(C'wth) Act No. 142 of 1985*.

However, there are **differences** as to the **intent, terms set out** and **definitions**, between the *Australia Act 1986 c.2 (UK)* and the *Australia Act 1986(C'wth) Act No. 142 of 1985* and the *Australia (Request and Consent) Act 1985(C'wth) Act No. 143 of 1985*.

The Australia Act 1986 c.2 (UK) had the intent of being
“An Act to give effect to a request
by the Parliament and Government of the Commonwealth of Australia
Whereas the Parliament and Government of the Commonwealth of Australia have, with the concurrence of the States of Australia, requested and consented to the enactment of an Act of the Parliament of the United Kingdom **in the terms hereinafter set forth** :”

and the Australia Act 1986 c.2 (UK) had the enacting manner and form of
“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”

The Australia Act 1986(C'wth) Act No. 142 of 1985 had the intent of being
“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**: ”

“This Act” had the enacting manner and form of
“BE IT THEREFORE ENACTED by the Queen, (*Note: Most Excellent Majesty removed*)
and the Senate and the House of Representatives of the Commonwealth of Australia, as follows”, with the “Queen of Australia” as in the *Royal Style and Titles Act 1973(C'wth)* instead of the lawful Sovereign and “Crown” of the United Kingdom of Great Britain and Northern Ireland, and was not enacted by the same Parliament as constituted under the *Commonwealth of Australia Constitution Act* from 1st January 1901, *inter alia* with the *Commonwealth of Australia Constitution Act 1900 (UK)* [63 & 64 Vict.] [Ch. 12]

The **differences** in the **definitions** in the **the terms set out** between the *Australia Act 1986 c.2* (UK) and the *Australia Act 1986(C'wth)* Act No. 142 of 1985 were that in Section 16 (Interpretation) of the *Australia Act 1986(C'wth)* Act No. 142 of 1985

the words—unless the contrary intention appears—were **inserted**

the following **definitions** were **omitted**

“the Commonwealth” means the Commonwealth of Australia as established under the Commonwealth of Australia Constitution Act 1900 c. 12

“Territory” means a territory referred to in section 122 of the Constitution of the Commonwealth

the following **extra definitions** were **inserted**

“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 Statute of Westminster 1931” means the Act of the Parliament of the United Kingdom known as the Statute of Westminster 1931

the following **definition differed** from that in the *Australia Act 1986 c.2* (UK)

“Australian Court” means

a court of a State or any other court of Australia or of a Territory other than the High Court

In the *Australia Act 1986 c.2* (UK) as originally passed in the United Kingdom

"Australian court" means "a court of a State or any other court of Australia or of a Territory other than the **High Court of Australia**"

but in the *Australia Act 1986(C'wth)* it says “other than the **High Court**”.

Section 16 (Interpretation) of the *Australia Act 1986(C'wth)* Act No. 142 of 1985 also states

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

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.”

All the decisions of the former courts in each State of the Commonwealth of Australia have been downgraded into the current courts of Australia by the above interpretations of “Australian court”, “court”, and “decision”. This is contra

to the *Commonwealth of Australia Constitution Act* from 1st January 1901, *inter alia* with the *Commonwealth of Australia Constitution Act* 1900 (UK) [63 & 64 Vict.] [Ch. 12]

at Clause 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

Section 16 (Interpretation) of the *Australia Act 1986*(C'wth) Act No. 142 of 1985 also states

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

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 above interpretation of “Governor” is contra to the Governor who is appointed by the “Crown” of the United Kingdom of Great Britain and Northern Ireland to be the Crown’s representative in and over a State when taking on a legislative role; and who becomes known as Governor-in-Council when taking on an administrative role. The above interpretation of “Governor” has thereby downgraded the legislative role of Governor in relation to a State down to that of an office holder bound to the corporate “Queensland Government” and its “Queensland Parliament”. This then also downgrades the “Crown” down to an office holder, thereby diminishing the Crown’s constitutional Executive power at Section 61 (Executive power) Chapter II (The Executive Government) of the *Commonwealth of Australia Constitution Act* from 1st January 1901, *inter alia* with the *Commonwealth of Australia Constitution Act* 1900 (UK) [63 & 64 Vict.] [Ch. 12] and thereby also removing the constitutional Separation of Powers.

The **terms set out in the Schedule** to the *Australia (Request and Consent) Act 1985* were contra to the *Commonwealth of Australia Constitution Act* from 1st January 1901, *inter alia* with the *Commonwealth of Australia Constitution Act* 1900 (UK) [63 & 64 Vict.] [Ch. 12] which at Chapter I (The Parliament) Part V (Powers of the Parliament)

Section 51 (Legislative powers of the Parliament) states that

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

(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 which can
at the establishment of this Constitution
be exercised only by the Parliament of the United Kingdom or
by the Federal Council of Australasia;”

i.e. the Parliament of the Commonwealth of Australia may legislate only within
the *Commonwealth of Australia Constitution Act* from 1st January 1901, *inter alia* with
the *Commonwealth of Australia Constitution Act* 1900 (UK) [63 & 64 Vict.] [Ch. 12]
whereas the *Australia (Request and Consent) Act 1985*(C'wth) Act No. 143 of 1985
is legislation outside, especially with the removal of the constitutional sovereign
the “Queen’s Most Excellent Majesty” and replacement with the “Queen of Australia” as in
the *Royal Style and Titles Act 1973*(C'wth) Act No. 114 of 1973 of 19th October 1973.

The **terms set out in the Schedules** of the

Australia Acts (Request) Act 1985(Qld) Act No. 69 of 1985 of 16th October 1985
were contra to Queensland’s *Constitution Act 1867* [31 Vic. No.38] as in force 5th April 1977
inter alia with *Constitution Act Amendment Act 1934* (Qld) [24 Geo. 5 No.35]
as the “Parliament of Queensland” has no constitutional authority to request some of those
changes to Queensland’s *Constitution Act 1867* without the manner and form of first
presenting those suggested changes to the electors by way of a referendum as is required by
Section 53 of Queensland’s *Constitution Act 1867* [31 Vic. No.38] as in force 5th April 1977.

Section 53 of Queensland's Constitution Act 1867 [31 Vic. No.38] as in force 5th April 1977

“REQUIREMENT FOR REFERENDUM

Certain measures to be supported by referendum

- 53.(1) A Bill that expressly or impliedly provides
for the abolition of or alteration in the office of Governor or
that expressly or impliedly in any way affects
any of the following sections of this Act namely—
sections 1, 2, 2A, **11A, 11B, 14**; and this section 53
shall not be presented for assent by or in the name of the Queen
unless it has first been approved by the electors
in accordance with this section
and a Bill so assented to consequent upon its presentation
in contravention of this subsection shall be of no effect as an Act.”

inter alia with the *Constitution Act Amendment Act 1934 (Qld) [24 Geo. 5 No.35]*.

The *Australia Act 1986(C'wth)* Act No. 142 of 1985 used its Section 13 to amend
Sections **11A 11B** and **14** of Queensland's *Constitution Act 1867* but did so without
the constitutional requirement at Section 53 for a referendum by the people of Queensland.
Section 13 Amendment of Constitution Act of Queensland

- (1) The Constitution Act 1867-1978 of the State of Queensland
is in this section referred to as the Principal Act.
- (2) Section **11A** 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 **11B** 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 11B.”.

All of the above amendments made by the *Australia Act 1986* were contra to
Queensland's *Constitution Act 1867 [31 Vic. No.38] as in force 5th April 1977*
inter alia with the *Constitution Act Amendment Act 1934 (Qld) [24 Geo. 5 No.35]*.

In Queensland's Acts Interpretation Act 1954 to 1962, Section 6 did read

“Reference to and Citation of Acts

6. Reference to Acts

- (1) An Act passed by the Parliament of Queensland may be referred to by the word “Act” alone.
- (2) An Act passed by the Parliament of the United Kingdom of Great Britain and Northern Ireland may be referred to by the term “Imperial Act” or by the words “of the United Kingdom”.
- (3) An Act passed by the Parliament of the Commonwealth of Australia may be referred to by the term “Commonwealth Act” or by the words “of the Commonwealth”.
- (4) An Act passed by the Parliament of any other State of the Commonwealth may be referred to by a word or words indicating the name of that State.”

The Statute Law (Miscellaneous Provisions) Act 1991(Qld) Act No. 97 of 1991 was an Act to make various amendments of the statute law of Queensland, to repeal certain Acts, to make certain transitional arrangements and to declare certain matters; was assented to on 17th December 1991; and under the authority of the “Crown” of the United Kingdom of Great Britain and Northern Ireland had the proper enacting manner and form of

“Be it enacted by the Queen’s Most Excellent Majesty,
by and with the advice and consent of
the Legislative Assembly of Queensland in Parliament assembled,
and by the authority of the same, as follows”

but was actually enacted by and with the advice and consent of Members of the Legislative Assembly who had affirmed or sworn their oath of allegiance to the “Sovereign of Australia” instead of the lawful Sovereign of the United Kingdom. This was a result of Queensland’s Constitution (Office of Governor) Act 1987 Act No. 73 of 1st December 1987 which at Section 16(3)(a) amended Queensland’s Constitution Act 1867-1978 at Section 4 by altering the oath of allegiance because of the provisions of the Australia Act 1986(C’wth).

The Statute Law (Miscellaneous Provisions) Act 1991(Qld) Act No. 97 of 1991 at Section 3 (Amended Acts) and Schedule 1 (Minor Amendments) of this Act amended the Acts Interpretation Act 1954(Qld)

by renumbering the original Section 6 as Section 14E which was then to read

Part 4—Reference to and Citation of Acts

References to Acts generally

An Act passed by Parliament,
or any earlier legislature empowered to pass laws for Queensland,
may be referred to by the word “Act” alone

by inserting a new Section 6 which was to read

Part 2—Meaning of Act

References to “Act”

In an Act—

“Act” means an Act of Parliament,
and includes an enactment of any earlier legislature
empowered to pass laws for Queensland.

Note: Some provisions within the Statute Law (Miscellaneous Provisions) Act 1991(Qld) were declared to commence on 1st December, before date of assent of 17th December 1991.

The Statute Law (Miscellaneous Provisions) Act (No. 2) 1992(Qld) Act No. 68 of 1992 was an Act to make various amendments of the statute law of Queensland, to repeal certain Acts and to declare certain matters;

was assented to on 7th December 1992; and under the authority of the “Crown” of the United Kingdom of Great Britain and Northern Ireland had the proper enacting manner and form of

“Be it enacted by the Queen’s Most Excellent Majesty,
by and with the advice and consent of
the Legislative Assembly of Queensland in Parliament assembled,
and by the authority of the same, as follows” (*Refer: Page 11 Lines 24-31*)

but amended the Acts Interpretation Act 1954(Qld) by changing Section 6 which was to read

Part 2—Meaning of Act

References to “Act”

In an Act—

“Act” means an Act of the Queensland Parliament and includes—

(a) a British or New South Wales Act

that is in force in Queensland; and

(b) an enactment of an earlier authority (*Note: legislature removed*)
empowered to pass laws in Queensland
that has received assent.

On 11th May 1993, the Hon Wayne Goss, Premier in Queensland

moved that the Legislative Assembly Committee

amend Rule of Practice No. 10 of Standing Rules and Orders

to omit: “Be it enacted by the Queen’s Most Excellent Majesty,

by and with the advice and consent of

the Legislative Assembly of Queensland in Parliament assembled,

and by the authority of the same, as follows”

and insert: “The Parliament of Queensland enacts”

stating the Government proposes to review Queensland legislation and oaths of allegiance

to remove references to the Queen and the Crown and

to replace them with more modern and Australian language,

and discussed the Government’s intentions privately with Her Excellency the Governor.

(Refer: 11th May 1993 Legislative Assembly Hansard at Pages 2542-2543)

<u>Queensland Premiers:</u> The Hon Sir Joh Bjelke-Petersen	08.08.1968 – 01.12.1987
The Hon Michael Ahern	01.12.1987 – 22.09.1989
The Hon Russell Cooper	22.09.1989 – 02.12.1989
The Hon Wayne Goss	02.12.1989 – 20.02.1996
The Hon Robert Borbidge	20.02.1996 – 26.06.1998
The Hon Peter Beattie	26.06.1998 – 13.09.2007
The Hon Anna Bligh	13.09.2007 –

The intentions of the “Queensland Government” of the Wayne Goss years

appear to be the same intentions in successive years of the

“Queensland Government” and its “Queensland Parliament” as can be seen in a

“Queensland Parliament” publication entitled “The Parliament of Queensland”.

Page 3 states “The Premier is the chief spokesperson for the Government inside and outside the Parliament”. But there is no “Premier” in the constitutional “Parliament of Queensland”.

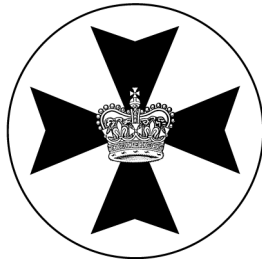
The 2009 “Queensland Parliament” publication is entitled “The Parliament of Queensland”, but the words “Parliament of Queensland” appear nowhere within this 8-paged publication. On its cover there is a picture of a tied up belt containing the words “Queensland Parliament” with a Maltese Cross and a Crown inside.



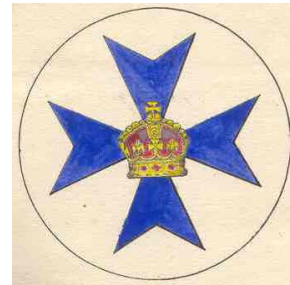
“Queensland Parliament”
“Royal Crown” with dipped arches



The Parliament of Queensland
Crown of the United Kingdom
with the Lion and the Unicorn



Badge of “the *State*”
“Royal Crown” with dipped arches

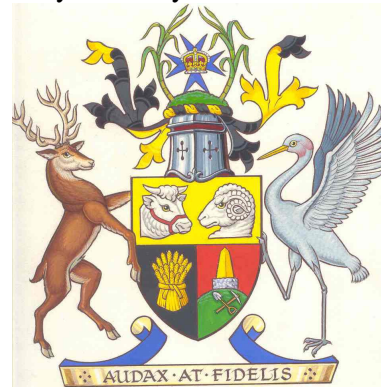


Badge of Queensland
“Imperial Crown” with raised arches

On Page 4 of this publication, there is a picture of “The Speaker’s Chair”, next to which there is a Flag of “the *State*” with the Badge of “the *State*” with a “Royal Crown”. Above and behind “The Speaker’s Chair” there is what appears to be the “Public Seal of the *State*”, the corporate seal of the “Queensland Government”. This indicates the “Queensland Government” and its “Queensland Parliament” has been placed inside the “Parliament of Queensland”, and the “Imperial Crown” has been removed and replaced by the “Royal Crown”.



“Queensland Government”
“Royal Crown” with dipped arches



Government of Queensland
“Imperial Crown” with raised arches

In the 2009 “Queensland Parliament” publication entitled “The Parliament of Queensland”, Page 4 states that the Speaker of the “Queensland Parliament” is elected by a secret ballot involving all Members of Parliament. But an MP (Member of Parliament) is not the same as an MLA (an elected Member of the Legislative Assembly). The “Queensland Parliament” is different to the constitutionally established “Parliament of Queensland”.

Page 2 states that the “Queensland Parliament” was established on 6th June 1859 by Letters Patent and Order in Council as under the *New South Wales Constitution Act 1855*. However, the *New South Wales Constitution Act 1855* [18 & 19 Vict. Cap.54 16th July 1855] speaks of the “Legislature”, as does Queensland’s *Constitution Act 1867* [31 Vic. No.38].

Queensland’s Constitution Act 1867 [31 Vic. No.38] as in force 5th April 1977 states “The Legislature

Legislative Assembly

1. There shall be within the said Colony of Queensland a Legislative Assembly.

Legislative Assembly constituted

2. Within the said Colony of Queensland Her Majesty shall have power by and with the advice and consent of the said Assembly to make laws for the peace welfare and good government of the colony in all cases whatsoever.

The Parliament

- 2A.(1) The Parliament of Queensland consists of the Queen and the Legislative Assembly referred to in sections 1 and 2.
- (2) Every Bill, after its passage through the Legislative Assembly, shall be presented to the Governor for assent by or in the name of the Queen and shall be of no effect unless it has been duly assented to by or in the name of the Queen.”

.....

3.

“No member to sit or vote until the member has taken the following oath of allegiance

4. No member of the Legislative Assembly shall be permitted to sit or vote therein until he shall have taken and subscribed the following oath before the Governor of the Colony or before some person or persons authorized by such Governor to administer the oath—
‘I, A.B. do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria as lawful Sovereign of the United Kingdom of Great Britain and Ireland and of this Colony of Queensland dependent on and belonging to the said United Kingdom
So help me God’—

And whensoever the demise of Her present Majesty or of any of Her Successors to the Crown of the said United Kingdom shall be notified by the Governor of the colony to the said Assembly the members of the said Assembly shall before they shall be permitted to sit and vote therein take and subscribe the like oath of allegiance to the successor for the time being to the said Crown.”

Queensland's Constitution (Office of Governor) Act 1987 Act No. 73 of 1st December 1987
at Section 16(3)(a) amended Queensland's *Constitution Act 1867-1978* at Section 4 by
altering the oath of allegiance because of the provisions of the *Australia Act 1986*(C'wth),
to:

“No member of the Legislative Assembly shall be permitted to sit or vote therein
until that member has taken and subscribed the following oath before the Governor
or before some person or persons authorised by the Governor to administer the
oath—‘I, . . . (name of member) . . . do sincerely promise and swear that I
will be faithful and bear true allegiance to Her (or His) Majesty . . .
(name of Sovereign) . . . as lawful Sovereign of Australia and Her
(or His) other realms and territories, and to Her (or His) heirs and
successors, according to law. So help me God.”

thereby replacing the lawful Sovereign of the United Kingdom of Great Britain and Northern
Ireland with the “Queen of Australia” as in the *Royal Style and Titles Act 1973*(C'wth).

The Constitution of Queensland 2001 Act No. 80 of 2001 of 3rd December 2001,
which commenced 6th June 2002, with its Schedule 2 of Section 94 at Chapter 10,
amended the *Acts Interpretation Act 1954*(Qld) Reprint 12B
(which was in force on 8th March 2002 with amendments up to Acts Nos. 80 & 81 of 2001)
at Part 8 (Terms and References in Acts)

Section 33 (References to Ministers, departments and chief executives)

“(1) In an Act—

(a) a reference to a Minister is a reference to a Minister of the Crown”

by omitting “Crown” and inserting “State”.

The Parliament of Queensland Act 2001 Act No. 81 of 2001 of 3rd December 2001
which commenced 6th June 2002, and its *Constitution of Queensland 2001*, do not include an
executive power vested in the lawful Sovereign of the United Kingdom of Great Britain and
Northern Ireland, but is held by the Premier and Cabinet to the statutory laws of “the *State*”,
subject to

its Constitution of Queensland 2001, and to commercial or statutory civil law only.

Refer: Section 6 (The Parliament) and

Section 8 (Legislative Assembly)

both at Chapter 2 (Parliament)

Part 1 (Constitution and Powers of Parliament)

Section 27 (Governor in Council)

at Chapter 3 (Governor and Executive Government) Part 1 (Interpretation)

Section 51 (Powers of the *State*)

at Chapter 3, Part 5 (Powers of the *State*) Division 1 (General).

The use of an Australian Business Number (ABN) is for the conducting of business and
commercial activities by the “Queensland Government” and its entities and office holders
as described under the *Constitution of Queensland 2001*, at

Section 52 (Definitions for Div 2) “commercial activities”

at Chapter 3 (Governor and Executive Government)

Part 5 (Powers of the *State*) Division 2 (Commercial activities).

Instead of being sealed with the Crown's seal containing the lion and the unicorn
all “Acts” in Queensland are now sealed with the corporate seal of “the *State*” and
are now subject to the statutory law and powers of “the *State*”
the Executive Government in Queensland called “Queensland Government”.

Queensland



CONSTITUTION OF QUEENSLAND 2001

The Parliament of Queensland enacts—

CHAPTER 2—PARLIAMENT

PART 1—CONSTITUTION AND POWERS OF PARLIAMENT

6 The Parliament

The *Constitution Act 1867*, section 2A provides for the Parliament in Queensland.

Note—

The *Constitution Act 1867*, section 2A is subject to section 53 (Certain measures to be supported by referendum) of that Act.

Note also the *Constitution Act Amendment Act 1934*, section 3 (Parliament not to be altered in the direction of re-establishing the Legislative Council or other body except in accordance with this section).

8 Law-making power

The *Constitution Act 1867*, section 2 provides for law-making power in Queensland.

Notes—

The *Constitution Act 1867*, section 2 is subject to section 53 (Certain measures to be supported by referendum) of that Act.

See also the *Australia Act 1986* (Cwlth), sections 2 (Legislative powers of Parliaments of States), 3 (Termination of restrictions on legislative powers of Parliaments of States) and 6 (Manner and form of making certain State laws).

CHAPTER 3—GOVERNOR AND EXECUTIVE GOVERNMENT

PART 1—INTERPRETATION

27 Governor in Council

The Governor in Council is
the Governor acting with the advice of Executive Council.

PART 5—POWERS OF THE STATE

Division 1—General

51 Powers of the State

(1) The Executive Government of the State of Queensland (the “*State*”) has all the powers, and the legal capacity, of an individual.

Division 2—Commercial activities

52 Definitions for div 2

In this division—

“commercial activities” includes—

- (a) commercial activities that are not within the ordinary functions of the State; and
- (b) commercial activities of a competitive nature; and
- (c) activities declared by an Act to be commercial activities; but does not include activities declared by an Act not to be commercial activities.

“State” includes a public sector unit.

The Parliament of Queensland Act 2001 and its Constitution of Queensland 2001, both of 3rd December 2001, but both of which only commenced on 6th June 2002, are corporate Acts inconsistent with and contra to the laws of the Commonwealth, in particular the primary law of the Commonwealth of Australia, the Commonwealth of Australia Constitution Act from 1st January 1901, *inter alia* with the Commonwealth of Australia Constitution Act 1900 (UK) [63 & 64 Vict.] [Ch. 12] and the Great Seal Act 1884 (UK) [47 & 48 Vic. c.30] and are contra to Queensland's Constitution Act 1867 [31 Vic. No.38] as in force 5th April 1977 *inter alia* with the Constitution Act Amendment Act 1934 (Qld) [24 Geo. 5 No.35].

The system of local government of “the **State**” in Queensland is located inside the statutory laws of the Parliament of Queensland Act 2001 and at Chapter 7 (Local Government) of its Constitution of Queensland 2001, and their jurisdiction is to the statutory laws of the Executive Government – the Premier and the Ministers of the “Queensland Government”.

The Constitution of Queensland 2001 has been amended by itself, as well as by Statute Law (Miscellaneous Provisions) Act 2004, Justice and Other Information Disclosure Act 2008, Financial Accountability Act 2009, Local Government Act 2009 and the Constitution (Preamble) Amendment Act 2010(Qld) Act No. 3 of 2010 of 25th February 2001, “An Act relating to the insertion of a preamble into the Constitution of Queensland 2001” and was enacted under the “Queen of Australia” as in the Royal Style and Titles Act 1973(C'wth) instead of the lawful Sovereign and “Crown” of the United Kingdom of Great Britain and Northern Ireland, and had the enacting manner and form of “The Parliament of Queensland enacts—” and states

“Preamble—The people of Queensland, free and equal citizens of Australia—
(a) intend through this Constitution to

But there was no referendum by the people of Queensland to state their intent.

According to The Hon Anna Bligh, current Premier in Queensland, in the Explanatory Notes dated 24th November 2009 for the Constitution (Preamble) Amendment Bill 2009(Qld) for the Constitution (Preamble) Amendment Act 2010(Qld) Act No. 3 of 2010 of 25th February 2009, the Policy Objective of this Bill was

“to amend the Constitution of Queensland 2001 (the Constitution) to provide a preamble containing an aspirational statement in commemoration of the 150th anniversary year of the establishment of Queensland, and to provide due recognition to Queensland’s Aboriginal and Torres Strait Islander peoples”.

The corporately sealed Criminal Law Amendment Act 1997(Qld) Act No. 3 of 1997 of 3rd April 1997 is copyrighted to “the **State**”, and with its Section 120 and Schedule 1 (Provisions of Criminal Code Repealed) omitted Chapter 6 (Treason) and other offences against the Sovereign’s person and authority including sections 37 to 43 (all of which had been previously sealed with the Crown’s seal) from the current corporately and copyrighted reprinted Criminal Code Act 1899(Qld). The Criminal Code(Qld) Act No. 37 of 1995 of 16th June 1995 was “An Act for a code of criminal law” but appears to have never been proclaimed.

<u>Queensland Premiers:</u> The Hon Wayne Goss	02.12.1989 – 20.02.1996
The Hon Robert Borbidge	20.02.1996 – 26.06.1998
The Hon Peter Beattie	26.06.1998 – 13.09.2007
The Hon Anna Bligh	13.09.2007 –

The Security Legislation Amendment (Terrorism) Act 2002(C'wth) Act No. 65 of 2002 of 5th July 2002, was an “Act to enhance the Commonwealth’s ability to combat terrorism and treason, and for related purposes” and was under the “Queen of Australia” as in the Royal Style and Titles Act 1973(C'wth) instead of the lawful Sovereign and “Crown” of the United Kingdom of Great Britain and Northern Ireland, and had the enacting manner and form of “The Parliament of Australia enacts:”

and with its Section 3 and

No. 8 of its Schedule 1 (Amendments relating to treason and terrorism)

omitted Section 24 (Treason) from the Crimes Act 1914(C'wth) Act No. 12 of 1914

and with its Section 3 and Nos 1 and 2 of its Schedule

amended the Criminal Code Act 1995(C'wth) by inserting

“Chapter 5—The security of the Commonwealth

Part 5.1—Treason

Division 80—Treason

Section 80.1—Treason

(1) A person commits an offence, called treason, if the person:

(a) causes the death of the Sovereign, the heir apparent of the Sovereign, the consort of the Sovereign, the Governor-General or the Prime Minister; or

(b) causes harm

But the Prime Minister is not mentioned in the Crimes Act 1914-1973(C'wth) nor in the the Commonwealth of Australia Constitution Act from 1st January 1901, *inter alia* with

the Commonwealth of Australia Constitution Act 1900 (UK) [63 & 64 Vict.] [Ch. 12]

nor was the word sedition which was inserted into the Criminal Code Act 1995(C'wth) by the Anti-Terrorism Act (No.2)(C'wth) Act No. 144 of 2005 of 14th December 2005.

The Criminal Code Act 1995(C'wth) Act No. 12 of 1995 was an

“Act relating to the criminal law” and was under the “Queen of Australia” as in the Royal Style and Titles Act 1973(C'wth) instead of the lawful Sovereign and “Crown” of the United Kingdom of Great Britain and Northern Ireland, and had the enacting manner and form of “The Parliament of Australia enacts:”

and was assented to on 15th March 1995 but did not commence until 1st January 1997.

(Gazette 1996 No.S534). The Governor-General at that time proclaimed this Act under the “Great Seal of Australia” instead of the “Great Seal of the Commonwealth of Australia”.

If this Act did not commence on a day to be fixed by Proclamation within 5 years from date of Royal Assent, then it was to commence on the first day after the end of that period, a

provision that is similar to Queensland’s Acts Interpretation Act 1954 at Section 15DA

which was inserted by Queensland’s Statute Law (Miscellaneous Provisions) Act 1994, Act No. 15 of 1994 of 10th May 1994, to provide for automatic commencement of postponed law.

The fore-mentioned amendments referring to Treason effectively removed the constitutional authority and property of the “Crown” of the United Kingdom of Great Britain and Northern Ireland which includes Her Majesty The Queen Elizabeth the Second as the current lawful Sovereign of the United Kingdom of Great Britain and Northern Ireland and therefore also removed the protection of that “Crown” over property of the Commonwealth of Australia and of its people, including their constitutionally granted rights, liberties and privileges.

<u>Prime Ministers:</u>	The Hon Paul Keating	20.12.1991 – 11.03.1996
	The Hon John Howard	11.03.1996 – 03.12.2007
	The Hon Kevin Rudd	03.12.2007 –

The *Commonwealth of Australia Constitution Act* from 1st January 1901, *inter alia* with the *Commonwealth of Australia Constitution Act* 1900 (UK) [63 & 64 Vict.] [Ch. 12] states at Clause 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

Chief Justice Gleeson and Justices Gummow and Hayne, in the High Court of Australia case *Sue v Hill* [1999] HCA 30 (23 June 1999), applied the *Australia Act 1986*, and assented to the “United Kingdom being a foreign power within the meaning of s 44(i) of the Constitution”. Justice Gaudron also assented. Justices McHugh, Kirby and Callinan dissented. It was not said the “Crown” of the United Kingdom is “foreign” to the “Commonwealth of Australia”.

At [49] Chief Justice Gleeson and Justices Gummow and Hayne were quoted as saying “no doubt individuals will be directly affected by the answer that is given and, to that extent, their rights, duties and privileges may be affected”.

At [273] Justice Kirby was quoted as saying “In these proceedings, the Court should decide the matter as a point of principle. So approached, the conclusion that there is no jurisdiction is plain.”

In *Mobil Oil Australia Pty Ltd v Victoria* [2002] HCA 27 (26 June 2002)

Chief Justice Gleeson of the High Court of Australia is quoted as saying At [11] “In *Laurie v Carroll* [9], Dixon CJ, Williams and Webb JJ quoted the statement of Viscount Haldane[10] that

‘The root principle of the English law about jurisdiction is that the judges stand in the place of the Sovereign in whose name they administer justice, and that therefore whoever is served with the King's writ, and can be compelled consequently to submit to the decree made, is a person over whom the Courts have jurisdiction’.

Ms Heather Hill said that because the Constitution was enacted as part of a statute of the British Imperial Parliament it derived its validity from British law. Further, she argued that because section 128 of the Australian Constitution provides that the Constitution cannot be changed except in accordance with that section, then only a constitutional referendum could change this special status of the United Kingdom, and the *Australia Act* had no effect, “so long as the United Kingdom retained any residual influence upon legislative, executive or judicial processes in Australia, it could not be regarded as 'foreign' to Australia”.

The word “Commonwealth” rarely appeared in the *Australian Citizenship Act 1973(C'wth)* Act No. 99 of 1973 of 17th September 1973 which was an Act to amend the *Citizenship Act 1948-1969(C'wth)* and which had the enacting manner and form of

“Be it enacted by the Queen, (Note: Most Excellent Majesty removed)
the Senate and the House of Representatives of Australia, as follows”.

(i.e. enacted by a Parliament not known to the laws of the Commonwealth of Australia.)

The Queen as “Queen of Australia”, The “House of Representatives of Australia”, the “Australian Government” and its “Parliament of Australia”, are all foreign to the “Crown” of the United Kingdom of Great Britain and Northern Ireland, and therefore also foreign to the constitutionally established “Commonwealth of Australia”.

The Evidence Act 1995(C'wth) Act No. 2 of 1995 of 23rd February 1995 had the manner and form of “The Parliament of Australia enacts:” under the “Queen of Australia” as in the Royal Style and Titles Act 1973(C'wth) instead of the lawful Sovereign and “Crown” of the United Kingdom of Great Britain and Northern Ireland. The Governor-General at that time proclaimed this Act under the “Great Seal of Australia” instead of the “Great Seal of the Commonwealth of Australia”.



EVIDENCE ACT 1995 (Act No. 2 of 1995 with amendments up to Act No. 70. of 2009)
At Chapter 4 (Proof), Part 4.3 (Facilitation of proof), Division 1 (General),
Section 150 Seals and signatures

(1) If the imprint of a seal appears on a document and purports to be the imprint of:

- (a) a **Royal Great Seal**; or
- (b) the **Great Seal of Australia**; or
- (c) another seal of the Commonwealth; or
- (d) a **seal of a State**, a Territory or a foreign country; or
- (e) the seal of a body (including a court or a tribunal), or a body corporate, established by a law of the Commonwealth, a Territory or a foreign country; or
- (f) the seal of a court or tribunal established by a law of a State;

it is **presumed, unless the contrary is proved**, that the imprint is the imprint of that seal, and the document was duly sealed as it purports to have been sealed.

Note: This subsection differs from subsection 150(1) of the NSW Act.

(2) If the imprint of a seal appears on a document and purports to be the imprint of the **seal** of an **office holder**, it is presumed, **unless the contrary is proved**, that:

- (a) the imprint is the imprint of that seal; and
- (b) the document was duly sealed by the **office holder** acting in his or her official capacity; and
- (c) the **office holder** held the relevant office when the document was sealed.

(3) If a document purports to have been signed by an **office holder** in his or her official capacity, it is presumed, **unless the contrary is proved**, that:

- (a) the document was signed by the **office holder** acting in that capacity; and
- (b) the **office holder** held the relevant office when the document was signed.

(4) In this section:

office holder means:

- (a) the **Sovereign**; or
- (b) the **Governor-General**; or
- (c) the **Governor of a State**; or
- (d) the Administrator of a Territory; or
- (e) a person holding any other office under an **Australian law** or a law of a foreign country.

(5) This section extends to documents sealed, and documents signed, before the commencement of this section.

*Note 1: Section 5 extends the application of this section to proceedings in all **Australian courts**.*

*Note 2: **Australian law** is defined in the Dictionary.*

Prime Minister:

The Hon Paul Keating

20.12.1991 – 11.03.1996



ANNO VICESIMO SEXTO
ELIZABETHAE SECUNDAE REGINAE
EVIDENCE ACT 1977
No. 47 of 1977

An Act to consolidate, amend and reform the law of evidence and for related purposes
[Assented to 3rd October, 1977]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with
the advice and consent of the Legislative Assembly of Queensland in Parliament assembled,
and by the authority of the same, as follows:—

PART IV—JUDICIAL NOTICE OF
SEALS, SIGNATURES AND LEGISLATIVE ENACTMENTS
41. **Seal of Queensland.**



Queensland

EVIDENCE ACT 1977

Reprinted as in force on 1 December 2009

Reprint No. 9B

Part 4 Judicial notice of seals, signatures and legislative enactments

41 **Public Seal of the State**

42 Signatures of holders of public offices etc. to be judicially noticed

(1) Judicial notice must be taken of—

- (a) the signature of a person
who is or has been the holder of a public office; and
- (b) the fact that the person holds or has held the office.

(2) For subsection (1), the following offices are public offices—

- (a) the office of Governor;
- (b) the office of a Minister;
- (c) the office of a judge, magistrate or warden;
- (d) the office of an official of a court;
- (e) the office of a justice of the peace or
commissioner for declarations;
- (f) another office of a public nature established under an Act;
- (g) an office prescribed under an Act for this section.

Queensland



CONSTITUTION OF QUEENSLAND 2001

An Act to consolidate particular laws relating to
the Constitution of the State of Queensland, and for other purposes

[Assented to 3 December 2001]

The Parliament of Queensland enacts—

CHAPTER 1—PRELIMINARY

1 Short title

This Act may be cited as the *Constitution of Queensland 2001*.

2 Commencement

This Act commences on 6 June 2002.

CHAPTER 10—CONSEQUENTIAL AMENDMENTS AND REPEALS

94 Amendments

An Act mentioned in schedule 2 is amended as set out in the schedule.

SCHEDULE 2—AMENDMENTS—section 94

EVIDENCE ACT 1977

1 Section 41, heading—

omit, insert—‘41 Public Seal of the State’.

2 Section 41, ‘seal of Queensland’—

omit, insert—‘**Public Seal of the State**’.

[Extracts: Page 3715 of the Hansard of the Legislative Assembly in Queensland 9 Nov 2001]

CONSTITUTION OF QUEENSLAND PARLIAMENT OF QUEENSLAND BILL

Second Reading (Cognate Debate)

Hon. P. D. BEATTIE (Brisbane Central—ALP) (Premier and Minister for Trade)
(10.31 a.m.): I move—That the bills be now read a second time.

“On its face, the Constitution of Queensland 2001 could be any other act of parliament;
it provides for matters including
the operation of various entities and the appointment of various office holders.”

“The entities it provides for include
this parliament,
the Supreme and District Courts of this state and
the system of local government that we know in Queensland.”

“The office holders under this act include
the Governor of Queensland,
the ministers of the Crown and
the judges of the Supreme and District Courts.”

Our lawful Sovereign and Constitutional Monarch
under the “Crown” of the United Kingdom of Great Britain and Northern Ireland
has the constitutional sole authority to appoint the Governor-General
the Crown’s representative in and over the Commonwealth of Australia
under Section 2 of Clause 9 (Constitution)
Chapter I (The Parliament) Part I (General) Section 2 (Governor-General) of the
Commonwealth of Australia Constitution Act from 1st January 1901, *inter alia* with
the *Commonwealth of Australia Constitution Act* 1900 (UK) [63 & 64 Vict.] [Ch. 12]
and the *Great Seal Act 1884* (UK) [47 & 48 Vic. c.30].

Nowhere in these constitutions, does it state to be appointed by the “Queen of Australia”
which are the words on the seal shown at the bottom of this page.

In the *Commonwealth of Australia Constitution Act* from 1st January 1901, *inter alia* with
the *Commonwealth of Australia Constitution Act* 1900 (UK) [63 & 64 Vict.] [Ch. 12]
Clause 3 states: “But the Queen may, at any time after the proclamation,
appoint a Governor-General for the Commonwealth”
Section 2 states: “A Governor-General appointed by the Queen
shall be Her Majesty’s representative in the Commonwealth”

The Governor-General is in and over (not of) the Commonwealth (“of” means belonging to)
and is authorized to sign and seal on behalf of
the “Crown” of the United Kingdom of Great Britain and Northern Ireland
i.e. Her Majesty The Queen, Elizabeth the Second, Her Heirs and Successors.

Ms Quentin Alice Louise Bryce is the current Commonwealth of Australia Governor-General
and was formerly the Queensland Governor.

Our lawful Sovereign and Constitutional Monarch
under the “Crown” of the United Kingdom of Great Britain and Northern Ireland
has the constitutional sole authority to appoint
the Governor, the Crown’s representative in and over the State of Queensland
under Queensland’s *Constitution Act 1867* [31 Vic. No.38] as in force 5th April 1977
inter alia with *Constitution Act Amendment Act 1934* (Qld) [24 Geo. 5 No.35].

Nowhere in these constitutions, does it state to be appointed by the “Queen of Australia”
which are the words on the seal shown below.



The Commonwealth of Australia Gazette No. S181 of Wednesday 10th September 2008 states that the Commission was by

“ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth”

“Passed under the Royal Sign Manual and the Great Seal of Australia appointing Quentin Alice Louise Bryce AC

to be Governor-General of the Commonwealth of Australia”

“and conferring powers in accordance with Letters Patent dated 21st August 2008 and in accordance with Section 2 of the Constitution of the Commonwealth of Australia”

But the “Queen of Australia” is within the Royal Style and Title Act 1973(C’wth) and outside the Commonwealth of Australia Constitution Act from 1st January 1901, inter alia with the Commonwealth of Australia Constitution Act 1900 (UK) [63 & 64 Vict.] [Ch. 12].

The Armorial Bearings of the Commonwealth of Australia, granted by King George V under the Royal Warrant of 1912, have been referred to as the “Great Seal of the Commonwealth” but there is no constitutionally authorized “Great Seal of Australia”.

The Statute Law Revision Act 1974(C’wth) Act No. 20 of 1974, purportedly assented to on 25th July 1974, was deemed to commence 31st December 1973, and without the authority of the “Crown” of the United Kingdom of Great Britain and Northern Ireland had the enacting manner and form of

“Be it enacted by the Queen, *(Note: Most Excellent Majesty removed)*

the Senate and the House of Representatives of Australia, as follows” and

removed the words “of the Commonwealth”, omitted “Great Seal of the Commonwealth” and inserted “Great Seal of Australia”, in its amendments to various Acts.

According to the Proclamation made by Quentin Alice Louise Bryce, and countersigned by the Prime Minister on 5th September 2008, Quentin Alice Louise Bryce made the prescribed oath of allegiance and the prescribed oath of office of the Governor-General of the Commonwealth of Australia before the Chief Justice of Australia,

but the Commonwealth of Australia Constitution Act from 1st January 1901 states at Section 71 (Judicial power and Courts) Chapter III (The Judicature)

“.....vested in a Federal Supreme Court, to be called the High Court of Australia, shall consist of a Chief Justice, and”

There is no Chief justice of Australia. There is a Chief Justice of the High Court of Australia.

The Judiciary Act 1903(C’wth) Act No. 6 of 1903 [Assented to 25th August] is an Act to make provision for the Exercise of the Judicial Power of the Commonwealth of Australia and speaks at Section 50 of Part VIII of the Crown Solicitor for the Commonwealth and speaks at many Sections of the Attorney-General of the Commonwealth and as being appointed by the Governor-General.

The High Court Procedure Act 1903(C’wth) Act No. 7 of 1903 [Assented to 28th August] is an Act to regulate the Practice and Procedure of the High Court of the Commonwealth.

The High Court of Australia Act 1979(C’wth) and its Judiciary Amendment Acts of 1979 had the enacting manner and form under the Royal Style and Titles Act 1973(C’wth) with its “Queen of Australia” which is not the constitutional “Crown” of the United Kingdom of Great Britain and Northern Ireland for the Commonwealth of Australia.



The Governor-General Ms Quentin Bryce was asked if the seal shown above was the seal referred to in the Commission given by Queen Elizabeth II to Ms Quentin Bryce, to which an administrative assistant from Government House in Canberra replied that the seal shown above

“is the same seal as the one that is on the Governor-General’s Commission”.

The Garter King of Arms at the College of Arms in London was asked if the seal shown above, which has been described as the Great Seal of Australia, is recognized in British law and can be used by the Queen of the United Kingdom, to which The Garter King of Arms of the College of Arms stated

*“The devise submitted does not incorporate any Royal Arms.
These are the Armorial Bearings of the Commonwealth of Australia.*

*Her Majesty is described
as Queen of Australia on the seal and not Queen of the United Kingdom.*

*I do not have any relevant record in my office;
but I suspect the seal was approved by the Governor General
acting on behalf of the Sovereign.”*

*“There are scores if not hundreds of Letters Patent of Armorial Bearings
that have been issued to Australian citizens or Australian corporate bodies
of which The Queen is described as Queen of Australia.”*



The above is a copy of a “stylised” seal being used
by the “Australian Government” and its “Parliament of Australia”
on laws made for “Australia”
not on laws for the constitutionally established Commonwealth of Australia.

It is not the seal granted under Royal Warrant to be used for public purposes
by the executive government of the Commonwealth of Australia.

It is not the Crown’s seal containing the lion and unicorn
constitutionally required for Royal Assent to Bills
to be enacted by the Queen’s Most Excellent Majesty
the Senate and the House of Representatives
of the Commonwealth of Australia.
The “Crown” of the United Kingdom of Great Britain and Northern Ireland
is that of the constitutional monarch of the Commonwealth of Australia
who is currently Her Majesty The Queen, Elizabeth the Second
and who in the future will be Her Heirs and Successors.
The Governor-General in and over the Commonwealth of Australia
is appointed by the constitutional monarch
to be the reigning Crown’s representative for the Commonwealth of Australia.

Queensland

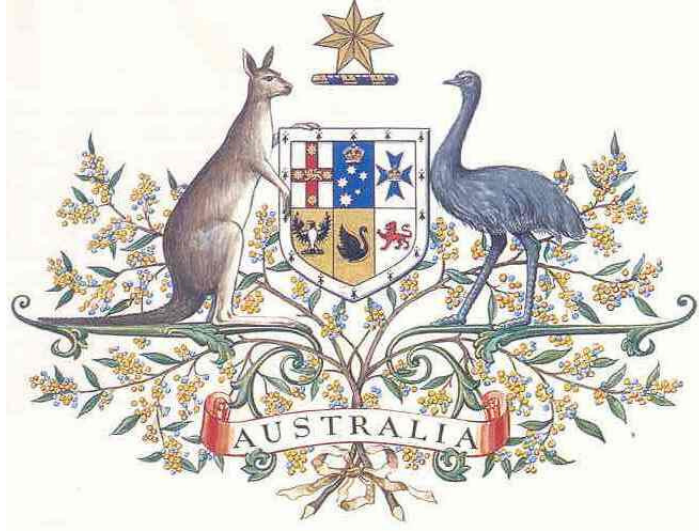


The above is a copy of the seal being used on laws being made
by the “Queensland Government” and its “Queensland Parliament”.

It is not the seal granted under Royal Warrant to be used for public purposes
by the executive government of Queensland
‘a State’ of the Commonwealth of Australia.

It is not the Crown’s seal containing the lion and unicorn
constitutionally required for Royal Assent to Bills
to be enacted by the Queen’s Most Excellent Majesty
by and with the advice and consent
of the Legislative Assembly of Queensland in Parliament assembled
and by the authority of the same.
The Governor in and over Queensland
is appointed by the constitutional monarch
to be the reigning Crown’s representative in and over Queensland.

The Armorial Bearings of the Commonwealth of Australia



In 1980 Sir Anthony R. Wagner was the Garter King of Arms of Her Majesty The Queen's College of Arms in London, who made an Extract from the Records of the College of Arms in London of the Royal Warrant granted on 19th September 1912 by King George V (*copy shown overleaf*) for the Armorial Bearings of the Commonwealth of Australia shown above.

The current Garter King of Arms was Sir Anthony Wagner's assistant in 1980, who recently confirmed that the picture above is a copy of the painting that was annexed to the Royal Warrant of 1912 from which Sir Wagner made an extract.

King George V referred to "a Maltese cross of the fourth, surmounted by a like Imperial Crown"
i.e. the Badge of the Colony of Queensland.

King George V referred to "Supporters, 'dexter A Kangaroo, sinister An Emu, both proper' as the same are in the painting hereunto annexed more plainly depicted, in lieu and instead of the Arms previously assigned to be borne and used by the said Commonwealth upon Seals, Shields, Banners or otherwise according to the Laws or Arms"

and continued on to say

"in order that our Officers of Arms and all other Public Functionaries whom it may concern may take full notice and have knowledge thereof in their several and respective departments"

That is, the above seal was to be used for public purposes by the executive government of the Commonwealth of Australia.

Royal Warrant granting the Armorial Bearings of the Commonwealth of Australia states

GEORGE R.I.

GEORGE THE FIFTH, by the Grace of God of the United Kingdom of Great Britain and Ireland and of the British Dominions beyond the Seas, King, Defender of the Faith, Emperor of India: To Our Right Trusty and Right Entirely beloved Cousin and Counsellor, Henry, Duke of Norfolk, Earl Marshal and Our Hereditary Marshal of England, Knight of Our Most Noble Order of the Garter, Knight Grand Cross of Our Royal Victorian Order, Greeting: WHEREAS His late Majesty King Edward the Seventh was graciously pleased by Warrant under His Royal Sign Manual bearing date the Seventh day of May One thousand nine hundred and eight to assign certain Armorial Ensigns and Supporters for the Commonwealth of Australia:

And forasmuch as it is Our Royal Will and Pleasure that certain other Armorial Ensigns should be assigned to the said Commonwealth of Australia in lieu and instead of those thus previously granted and assigned

NOW KNOW YE that **We** of Our Princely Grace and Special Favour have **granted** and **assigned** and do by these Presents grant and assign for the Commonwealth of Australia the Armorial Ensigns following, that is to say:—

‘Quarterly of six,

the first quarter Argent a Cross Gules

charged with a Lion passant guardant between on each limb a Mullet of eight points Or; the second, Azure five Mulletts, one of eight, two of seven, one of six and one of five points of the first (representing the Constellation of the Southern Cross)

ensigned with an Imperial Crown proper;

the third of the first, a Maltese cross of the fourth, surmounted by a like Imperial Crown;

the fourth of the third, on a Perch wreathed Vert and Gules an Australian Piping Shrike displayed also proper;

the fifth also Or a Swan naiant to the sinister Sable;

the last of the first, a Lion passant of the second, the whole within Bordure Ermine’:

for the Crest on a Wreath Or and Azure ‘A Seven pointed Star Or’,

and for the Supporters, ‘dexter A Kangaroo, sinister An Emu, both proper’

as the same are in the painting hereunto annexed more plainly depicted,

in lieu and instead of the Arms previously assigned

to be borne and used by the said Commonwealth upon Seals, Shields, Banners or otherwise according to the Laws of Arms: Our Will and Pleasure therefore is that you Henry, Duke of Norfolk, to whom the cognizance of matters of this nature doth properly belong do require and command that this Our Concession and Declaration be recorded in Our College of Arms in order that our Officers of Arms and all other Public Functionaries whom it may concern may take full notice and have knowledge thereof in their several and respective departments. And for so doing this shall be your Warrant.

GIVEN at Our Court at St. James’s

this Nineteenth day of September 1912 in the Third Year of Our Reign

By His Majesty’s Command

L. Harcourt

Extracted from the Records of the College of Arms, London
(Sgd) Anthony R. Wagner—Garter King of Arms

Her Majesty The Queen's College of Arms in London confirmed

The Governor of the Colony of Queensland was informed on 14th July 1876 by the Earl of Carnarvon that the Lords of the Admiralty had approved the Badge of the Colony to be "*Argent on a Maltese Cross Azure a Queen's Crown proper*".



Arms and Crest were granted to the then Colony of Queensland on 29th April 1893 by Royal Warrant.



Supporters of a red deer and a brolga were granted and assigned on 9th March 1977 by further Royal Warrant.

The Badge in the crest has raised arches and appears in the Armorial Bearings which were exemplified in Brisbane in 1977. There is no Royal Warrant subsequent to 1977.



VICTORIA by the Grace of God of the United Kingdom of Great Britain and Ireland
Queen, Defender of the Faith,

To Our Right Trusty and Right Entirely beloved Cousin Henry
Duke of Norfolk Earl Marshal and Our Hereditary Marshal of England,
Knight of Our Most Noble Order of the Garter,
Greeting

WHEREAS for the greater honour and distinction of Our Colony of Queensland
We are desirous that Armorial Ensigns should be assigned for that Colony;

KNOW YE therefore that We of Our Princely Grace and Special Favour
have granted and assigned and by these Presents do grant and assign
the following Armorial Ensigns for the said Colony of Queensland, that is to say,

for Arms, Per fesse the Chief Or, the Base per pale Sable and Gules in
Chief a Bull's head caboshed in profile, muzzled and a Merino Ram's head,
respecting each other proper, the dexter Base charged with a Garb of the first
and the sinister Base, on a Mount a Pile of Quartz, issuant therefrom a Gold
Pyramid in front of the Mount a Spade surmounted by a Pick saltirewise all proper

And for Crest On a Wreath of the Colours A Mount thereon
a Maltese Cross Azure surmounted with Our Imperial Crown,
between two Sugar-canes proper together

with this Motto "AUDAX AT FIDELIS",

as the same are in the drawing hereunto annexed more plainly depicted
to be borne and used by and for the said Colony
on Seals, Shields, Banners, Flags or otherwise according to the Laws of Arms.

OUR Will and Pleasure therefore, is that you Henry Duke of Norfolk
to whom the cognizance of matters of this nature doth properly belong
do require and command that this Our Concession and Declaration
be recorded in Our College of Arms, in order that Our Officers of Arms
and all other Public Functionaries whom it may concern
may take full notice and have knowledge thereof
in their several and respective departments.

For so doing this shall be your Warrant.

WARRANT—Assignment of Armorial Ensigns for the Colony of Queensland

GIVEN at Our Court at Saint James's
this twenty ninth day of April 1893,
in the Fifty sixth year of Our Reign

By Her Majesty's Command.

Elizabeth the Second
by the Grace of God of the United Kingdom of Great Britain and Northern Ireland
and of Our other Realms & Territories
Queen, Head of the Commonwealth, Defender of the Faith,

to Our Right Trusty and Right Entirely Beloved Cousin Miles Francis,
Duke of Norfolk, Companion of Our Most Honourable Order of the Bath,
Commander of Our Most Excellent Order of the British Empire,
upon whom has been conferred the Decoration of the Military Cross,
Earl Marshal and Our Hereditary Marshal of England, Greeting!

Whereas Her Majesty Queen Victoria was graciously pleased by Warrant
under Her Royal Sign Manual bearing date the Twenty-ninth day of April 1893
in the Fifty-sixth year of Her Reign
to assign certain Arms and Crest to the then Colony,
now STATE OF QUEENSLAND and

Whereas for the greater honour and distinction of Our said State
We are desirous that Supporters shall be assigned thereto

know ye therefore that **We** of Our Princely Grace and Special Favour
have **granted** and **assigned** and by these Presents do grant and assign
the following supporters that is to say:-

On the dexter side a Red Deer
and on the sinister side a broilga wings elevated
and addorsed both proper
as the same are in the painting hereunto annexed more plainly depicted
to be borne for **Our** said **State of Queensland**
the whole according to the Laws of Arms.

Our Will and Pleasure therefore is that you the said Miles Francis,
Duke of Norfolk, to whom cognizance of matters of this nature doth property belong
do require and Command that this Our Concession and Declaration
be recorded in Our College of Arms to the end that
Our Officers of Arms and all other Public Functionaries whom it may concern
may take full notice and have knowledge thereof in their several & respective departments

And for so doing this shall be your Warrant

Given at Our Court at Brisbane, Queensland
this Ninth day of March 1977 in the twenty-sixth year of Our Reign.

By Her Majesty's Command

Let this be recorded

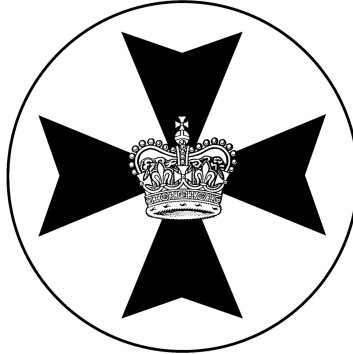
Recorded in the college of Arms, London

The Statute Law (Miscellaneous Provisions) Act 1997(Qld) Act No. 81 of 5th December amended the Badge, Arms, Floral and Other Emblems of Queensland Act 1959(Qld) by inserting Pictorial and Heraldic Descriptions of the Badge and Arms of “the State”.

[Note: The Royal Warrants stated Imperial Crown (with raised arches) not Royal Crown]

BADGE OF THE STATE

On a roundel Argent a Maltese Cross Azure surmounted with a Royal Crown.



ARMS OF THE STATE

For arms, per fesse the Chief Or, the Base per pale Sable and Gules, in Chief a Bull's head caboshed in profile muzzled a Merino Ram's head respecting each other proper, the dexter Base charged with a Garb also Or and the sinister Base on a Mount a Pile of Quartz issuant therefrom a Gold Pyramid in front of the Mount a Spade surmounted by a Pick saltirewise all proper. And for the crest, on a wreath of the Colours, a Mount thereon a Maltese Cross Azure surmounted with a Royal Crown between 2 sugar-canes all proper. And for the Supporters, on the dexter side a Red Deer and on the sinister side a Brolga wings elevated and addorsed both proper, below on a scroll this motto, 'Audax at Fidelis'.



Despite the constitutional fact that the laws of Queensland are supposed to be sealed with the Crown's seal, as shown here, of the constitutional reigning Sovereign and Monarch, currently that of Her Majesty The Queen, Elizabeth the Second,



CORONATION
OF HER MAJESTY
QUEEN
ELIZABETH II
IN THE
Abbey Church of S. Peter
Westminster
ON TUESDAY
THE SECOND DAY OF JUNE
MCMLIII

the Arms of “the *State*”, as shown below, are used as seals on corporate laws in Queensland, where there is now the corporate “Queensland Government” and its “Queensland Parliament”



The “Crown” of the United Kingdom of Great Britain and Northern Ireland has been replaced with “the *State*”, despite the majority of qualified electors in Queensland and the majority of all the other qualified electors in the Commonwealth of Australia having voted in the 1999 referendum and saying “No” to a republic.

All these pages have shown that the constitutional Separation of Powers has been removed.

In the *Commonwealth of Australia Constitution Act* from 1st January 1901, *inter alia* with the *Commonwealth of Australia Constitution Act* 1900 (UK) [63 & 64 Vict.] [Ch. 12] it is stated at Chapter I (The Parliament) Part I (General) Section 1 (Legislative Power)

“The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the Queen, a Senate, and a House of Representatives, and which is hereinafter called “The Parliament” or

“The Parliament of the Commonwealth”. ”

Below are the enacting manner and form of laws of the Commonwealth of Australia enacted by the constitutional Parliament of the Commonwealth of Australia the Parliament of which consists of

1. the Crown of the United Kingdom of Great Britain and Ireland now Northern Ireland
2. the Senate of the Commonwealth of Australia and
3. the House of Representatives of the Commonwealth of Australia.

Her Majesty Queen Victoria 20.06.1837 – 21.01.1901

“Be it enacted by the Queens’s Most Excellent Majesty the Senate and the House of Representatives of the Commonwealth of Australia as follows”

His Majesty King Edward VII 21.01.1901 – 06.05.1920

King George V 0 6.05.1920 – 20.01.1936

King Edward VIII 20.01.1936 – 10.12.1936

King George VI 10.12.1936 – 06.02.1952

“Be it enacted by the King’s Most Excellent Majesty the Senate and the House of Representatives of the Commonwealth of Australia as follows”

Her Majesty Queen Elizabeth II 08.02.1952 –

(was abroad at the time of King George VI’s death)

“Be it enacted by the Queens’s Most Excellent Majesty the Senate and the House of Representatives of the Commonwealth of Australia as follows”

Examples of laws of the Commonwealth of Australia with the enacting manner and form of laws enacted by the constitutional Parliament of the Commonwealth of Australia consisting of the Crown of the United Kingdom the Senate of the Commonwealth of Australia and the House of Representatives of the Commonwealth of Australia :-

<i>Consolidated Revenue Act</i>	Act No. 1 of 1901
<i>Acts Interpretation Act 1901</i>	Act No. 2 of 1901
<i>Customs Act 1901</i>	Act No. 6 of 1901
<i>Judiciary Act 1903</i>	Act No. 6 of 1903
<i>High Court Procedure Act 1903</i>	Act No. 7 of 1903
<i>Crimes Act 1914</i>	Act No. 12 of 1914

The three arms of the constitutional Parliament of the Commonwealth of Australia are

1. the Crown of the United Kingdom of Great Britain and Ireland now Northern Ireland
2. the Senate of the Commonwealth of Australia and
3. the House of Representatives of the Commonwealth of Australia.

The Parliament of the Commonwealth of Australia will not constitutionally exist if any one of the three arms mentioned above are altered and any law made by such non-constitutional Parliament would then be void.

The first arm of the Parliament as constituted was altered from 1973 with the alteration of the “Crown” of the United Kingdom of Great Britain and Northern Ireland. The “Queen’s Most Excellent Majesty” was replaced with the “Queen” i.e. the “Queen of Australia” as in the *Royal Style and Titles Act 1973*(C’wth).

The second and third arms of the Parliament as constituted were altered from 1973 in that the members of the Senate of the Commonwealth of Australia and the members of the House of Representatives of the Commonwealth of Australia swore their allegiance to the unconstitutional “Queen of Australia”, instead of to the lawful Sovereign and Crown of the United Kingdom of Great Britain and Northern Ireland, and became known as the Senate of Australia and the House of Representatives of Australia.

The *Social Services Act 1973*(C’wth) Act No. 1 of 1973 was assented to on 16th March 1973 with the enacting manner and form of

“Be it therefore enacted by the Queen, (*Note: Most Excellent Majesty removed*)
the Senate and the House of Representatives of Australia,
as follows”

despite the fact that the *Royal Style and Titles Act 1973*(C’wth) Act No. 114 of 1973 was assented to and commenced on 19th October 1973 and had the enacting manner and form of

“Be it therefore enacted by the Queen, (*Note: Most Excellent Majesty removed*)
the Senate and the House of Representatives of Australia,
as follows”

In 1974 the words “of the Commonwealth” were replaced with “of Australia” in many laws. The Great Seal of the Commonwealth was changed to the Great Seal of Australia. These unconstitutional changes continued with the *Australia Act 1986*(C’wth).

The enacting manner and form changed to: “The Parliament of Australia enacts”

Although the majority of people of the Commonwealth of Australia voted NO to a republic in the 1999 Referendum, and although there has been no referendum on this matter since, there is in fact the conditions of a republic being applied, but by stealth.

The protection of property including rights, liberties and privileges under the constitutional “Crown” of the United Kingdom of Great Britain and Northern Ireland, has been taken from the people of the Commonwealth of Australia by progressive means and by stealth.

The “Australian Government” Attorney-General’s Department web site www.comlaw.gov.au does not give access to any legislation made before 1973, as if the “Crown” laws do not exist.

This 35 paged Research Document has been compiled by Dick Yardley