



ATTORNEY-GENERAL  
THE HON PHILIP RUDDOCK MP

04/8586, MC04/8305

12 AUG 2004

Mr RG McCulloch  
19 Andergrove Road  
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Dear Mr McCulloch

Thank you for your letter of 5 July 2004 regarding Australia's status as an independent nation. I trust the following comments are of assistance.

The Australian Constitution was originally enacted as part of a British Act, the *Commonwealth of Australia Constitution Act, 1900*. A British Act was necessary because, before 1901, Australia was a collection of self-governing British colonies and ultimate power over those colonies rested with the British parliament.

The new entity created by the Constitution – the *Commonwealth of Australia* – retained a 'Dominion' status for some time after federation. It was generally thought that, as a Dominion, Australia remained subject to some imperial legislation. However, Australia attained an independent status in international affairs over the course of the 20<sup>th</sup> century. Australia's enactment of the *Statute of Westminster Adoption Act 1942* is generally seen as significant in the attainment of that status. As its name implies, it adopted the *Statute of Westminster*, enacted by the British parliament in 1931. That statute had formalised a number of imperial conventions regarding the national independence of the Dominions. Among other things, the statute confirmed the power of Dominions to make laws having extraterritorial (or international) operation.

The 1973 amendment of the *Royal Style and Titles Act 1953* is also often seen as significant. That amendment reflected the general understanding that, as Queen of Australia, the Queen held an entirely distinct position from that which her majesty holds as Queen of the United Kingdom (or any other nation).

Consideration of these events by the High Court of Australia has so far not led to any definitive judgment as to whether any of them may be regarded as the single point at which Australia became fully independent for all purposes. However, it is quite clear that Australia is now an independent nation. That was formally acknowledged in the *Australia Act 1986*.