

That Australia became a free and sovereign nation is beyond dispute. That the governments of the U.K. and Australia sought to detract from this development is also clear. Let us begin with the role of Queen Elizabeth II. Betty Windsor is a statutory Monarch. Despite the ceremonies, twenty-one gun salutes, the official dinners and the shameful grovelling extended to her, she is appointed to her position as Queen, by several Acts of the U.K. Parliament. (1) Logically therefore (and like any other public servant) she is subject to and not immune from the law, because the U.K. Parliament that appoints her does so 'according to law'.

That the U.K. government knows this and has done so since long before her coronation is clear to anyone mindful enough to understand history, let alone the law. Yet for reasons best known to her, Betty Windsor continued to visit Commonwealth countries, including Australia, and publicly make any number of bizarre – if not deceptive – statements as to her role. Take for example her comment delivered in Sydney, Australia on the 20th of March, 2000, “*As I said at the time, I respect and accept the outcome of the referendum. In the light of the result last November, I shall continue faithfully to serve as Queen of Australia under the Constitution to the very best of my ability, as I have tried to do for these past forty eight years.*” (2) Readers are requested to note that under the provisions of the *Commonwealth of Australia Constitution Act, 1900 (U.K.)* there has never been a “Queen of Australia” or referendum to appoint one.

On no public occasion did Queen Elizabeth II ever set the record straight or even attempt to do so! Another example is the following material which was, until recently, to be found upon the Royal web-page: “*The modern Commonwealth of Australia originated in January 1901, when the former British colonies of New South Wales, Victoria, Queensland, South Australia, Western Australia and Tasmania federated under the name of the Commonwealth of Australia, later joined by Northern Territory in 1911 and, in subsequent years, by a number of islands and territories transferred by the British government to Australian jurisdiction. Under the constitution, legislative power was vested in a Federal Parliament consisting of a Senate and a House of Representatives, with the Sovereign being represented by a Governor-General...In each of the realms, The Queen continues to be represented by a Governor-General. He or she is appointed by The Queen on the advice of the ministers of the country concerned and is completely independent of the British Government. The Queen maintains direct contact with the Governor-Generals (sic) although she delegates executive power to them in virtually every respect.*” (3)

The implications of the above material need to be thought through, for essentially the government system outlined “in each of the realms” amounts to an executive dictatorship and one to which Queen Elizabeth was happy to lend her imprimatur! The Australian people were not sovereign over their affairs but rather a sour, aloof and emotionally crippled old woman masquerading as a distant monarch was sovereign and happy to delegate her power to an unelected official chosen by the Australian government!

Indeed, up until some years ago the Queen was pleased to give knighthoods to Australian citizens, an action that should be compared with the honorary titles she hands out to the citizens of other nations, such as America. Was she complicit in both

her actions and inaction or will she blame her advisers and speech writers? Will ignorance of the law be a defence extended to Her Majesty but not to anyone else?

On most occasions when Australians wrote to the Queen of the UK they were lucky to receive a response. On those happy occasions it was the usual *pro forma* "I have therefore been instructed to forward your letter to the Governor-General of Australia..." the Governor-General never saw fit to answer any communications forwarded to him – filing as he did all such clutter in his vice regal waste-paper basket.

The U.K. government has known and recognised Australia's independent nation status for most of the last century and yet their polished reticence and collective professional silence is something that Australians may yet fail to appreciate. While at times the U.K. government made announcements and even passed legislation to enshrine that its former dominions were free (which actions they will, no doubt, publicise, *ad nauseam*) they nonetheless kept up the obsolete trappings of a defunct empire by issuing proclamations and vice-regal appointments which breached a number of internationally recognised laws they had helped to put in place, together with breaking their own U.K. legislation. (4)

Notes:

1. This fact was recognised by the Federal Parliament of the Commonwealth of Australia.
"...the plain truth is that Her Majesty Queen Elizabeth the Second sit 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 1701: the second is the Abdication Act, which signalized 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." Mr. Robert Menzies, Australian Prime Minister as recorded in Hansard 18th of February, 1953 at p.55.
2. <http://www.etoile.co.uk/Speech/Sydney2000.html>
3. <http://web.archive.org/web/20021021024800/http://www.royal.gov.uk/output/Page345.asp>
4. By declaration at the Imperial Conferences of 1917, 1921 and 1923 the United Kingdom government commenced the process of independence for the five named dominions, Australia, Canada, South Africa, New Zealand and Newfoundland. After the inter-imperial Relations Conference of 1926 the Balfour Declaration reiterated the policy decisions. By legislation commencing in 1931 the United Kingdom Parliament gave its imprimatur to the process and formally recognised *de jure* the separation of sovereignty which had already taken place de facto.