



PRIME MINISTER

FOR MEDIA

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With the agreement of Her Majesty The Queen, the Commonwealth and the United Kingdom Governments, and the Governments of all Australian States, the way has been opened for the major historical step of severing remaining constitutional links between Australia and the United Kingdom.

The Australian Government and the Governments of all the Australian States have held extensive consultations over a number of years with a view to removing the outmoded links between Australia and the United Kingdom parliamentary, government and judicial systems.

The agreement reflects Australia's status as an independent and sovereign nation.

The Queen's position as the Australian Head of State remains unchanged.

Major elements of the package include:

- an end to appeals from Australian courts of law to the Privy Council, making the High Court of Australia the final court of appeal for all Australian courts
- an end to the powers of the United Kingdom Parliament and Government with respect to the States
- an end to United Kingdom legislation still restricting the legislative powers of the States

A complete list of the proposals is attached.

Special arrangements will apply in relation to State Governors and recommendations for imperial honours, so that United Kingdom Ministers will no longer advise the Queen:

- The proposed legislation will establish a new constitutional principle by allowing the Premiers to advise the Queen directly on the appointment and dismissal of Governors. The present anachronistic requirement for advice from United Kingdom Ministers will cease.

- Honours are the personal prerogative of the Queen and are therefore not affected by the legislation. However, an arrangement will apply whereby any Government wishing to continue to recommend imperial honours may do so directly to the Queen
- All other powers in respect of the State which are formally vested in the Queen will be exercised by the State Governor. However, when the Queen is present in a State and there is mutual and prior agreement between the Queen and the Premier that it would be appropriate for her to exercise any of those powers, the legislation will enable this. All States have indicated their understanding that on such occasions mutual and prior agreement is a necessary and important ingredient of any such arrangements.

These matters have been resolved in a manner which will preserve the authority of the respective State Governments within their constitutional limits.

The Queen has been pleased to agree to the arrangements which directly affect her.

The measures for implementing the package will be as follows:

- the States will pass Acts requesting the Commonwealth and United Kingdom Parliaments to enact the legislation severing the residual links.
- the Commonwealth Parliament will then pass an 'Australia Act' severing residual links to the extent of its powers and a second Act requesting the United Kingdom Parliament to pass mirror legislation.
- the United Kingdom Parliament will then pass an 'Australia Act' in the same terms as the Australia Act.
- the Australia Acts of the Commonwealth and United Kingdom Parliaments will be proclaimed to come into effect at the same time.

These steps are required by the provisions of the Constitution and the Statute of Westminster.

The proposals have the support of the Federal Opposition and all State Governments - Labor, Liberal and National Party - have agreed to them.

It is pleasing that this coming-of-age of Australia's constitutional development has been achieved by the co-operative efforts of the governments in Canberra, London and each of the States.

Residual Constitutional Links

The constitutional links that the legislation seeks to end are these:

Judicial

- . Appeals to the Privy Council from State Courts.

Legislative

- . Power of United Kingdom Parliament to legislate to affect the Commonwealth and the States.
- . Implied limitations on powers of State Parliaments.
- . Colonial Laws Validity Act and "repugnancy" rule (Acts of a State inconsistent with United Kingdom laws extending to the States are invalid to that extent).
- . Merchant Shipping Act (limitations on State powers to regulate merchant shipping).
- . Queen's power to withhold assent from, or disallow, State laws on the advice of United Kingdom Ministers.

Executive

- . Residual executive responsibilities of United Kingdom Government with respect to a State, which derived from the States' former status as colonies; for example, the need for a Premier to provide advice on appointment of Governors to the Queen through United Kingdom Ministers.

Other sections of the bills will deal with:

- . assigning to the State Governors the powers and functions of the Queen (both prerogative and statutory) with respect to the States, other than the power to appoint and dismiss State Governors
- . the appointment and dismissal of State Governors by the Queen on the advice of the Premiers
- . the future application of the Statute of Westminster and the manner and form of future laws amending State Constitutions.

Further sections will directly amend the Constitutions of Western Australia and Queensland, to remove some provisions concerning State Governors which are inconsistent with the new agreement and the Australia Acts.