



Department for
Constitutional Affairs
Justice, rights and democracy

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24 November 2004

Dear Sir

Thank you for your letter 19 November 2004, which has been passed to me for a reply. You mentioned that a copy of a Notice from the Department of Justice and Attorney General, State Government of Queensland was attached but it was not in fact enclosed with your letter.

I think that the answers to your questions are contained in the Australia Act of 1986. That Act abolished the then remaining legislative, executive and judicial links to the United Kingdom. The Act made Australian law completely independent of the British Parliament and courts. No part of the UK Parliament or courts has any jurisdiction over any of the States of Australia, the Commonwealth of Australia or the Federal Courts.

However, although the Australia Act defines Australia as a 'sovereign, independent and federal nation', and the Australia Acts are often described as completing the process of constitutional development begun with the Federation movement, Australia still retains the Queen as head of state. A referendum to remove this final tie by replacing the Crown with a President was held in Australia on 6 November 1999. The required majority of voters and majority of States necessary to make an alteration to the Constitution was not achieved and this final tie remains in place. The fact that the Queen remains as head of state does not confer any executive powers exercisable in Australia.

Yours faithfully
Jack Pavey

Jack Pavey
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