

HEAD OF STATE

The Queen is Sovereign. The Governor-General is Head of State.

JULY 2010

It has been contended by various people that The Queen of Australia is our head of state. This claim has been examined for many years.

- No document in existence says so.
- The Queen's own website describes her as Sovereign – not Head of State. Go to <http://www.royal.gov.uk/output/Page4908.asp>. The 2008 Australian *Parliamentary Handbook* also does so.
- There is (or was) an Official document which in 21 editions stated that the Head of State is the Governor-General. This description became, following an FOI, an unauthorised removal. It was called the Commonwealth Government Directory, self-described as “The Official Guide”.
- Another FOI requesting the authority for the insertion in the “Overview” to the booklet “Australia's Constitution” stating “the Head of State of Australia is Queen Elizabeth II” resulted in no such authority authorising it and it was and remains removed from the latest 3 editions authorised by the Australian Government Solicitor and Parliamentary Education Office, Canberra (see letter ex Attorney-General's Department, 23 August, 2005.) - Available on request to AIDC.
- **The Full Bench of the High Court found, inter alia: “...the [State] Governor must be regarded as acting in the capacity of the Constitutional Head of the [His/Her] State, being in that capacity the proper channel of communication with the officiating Head of the Commonwealth, the Governor General.”¹**
- But the additionally conclusive paper on this subject is in Chapter 3 of Sir David Smith's book *Head of State* (Macleay Press 2005 – call 02 9360 2534 if not in your local book shop). The book was written before Sir David became aware of the High Court finding. Sir David was for 17 years Official Secretary to no less than five Governors-General and is the undisputed authority on this matter. Many journalists, republican so-called experts and many others have been asked to produce written rebuttal of Sir David's Chapter 3. None have done so. It therefore becomes the undisputed and bedrock truth in this matter, now confirmed by the Full Bench of the High Court in 1907.
- Then-PM Rudd's Media Statement of 6 March 2009 described the Governor-General as “Australia's Head of State.” Coming from the P.M. – this can now be regarded as conclusive, as is the following:
The Governor-General of a Dominion [e.g. Australia] is the representative of the Crown, holding in all essential respects the same position in relation to the administration of public affairs in the Dominion as is held by His Majesty the King [currently The Queen] in Great Britain.
 – The Imperial Conference, 1926. Since the Queen is universally agreed to be Head of State of Great Britain, it must follow that the Australian Governor-General is Head of State of Australia. See Sir David Smith's book *Head of State* (above) on pp. 20-21.

Is there a person competent in this area to mount a rebuttal? Two who come to mind are the two republican former Chief Justices of the High Court of Australia, Sir Anthony Mason and/or Sir Gerard Brennan. Can we hear from one of them or both? Can they produce an official document which states that the Queen of Australia is Australia's Head of State? Their response is awaited to both on 8th April 2009 – and earlier.

P.S.

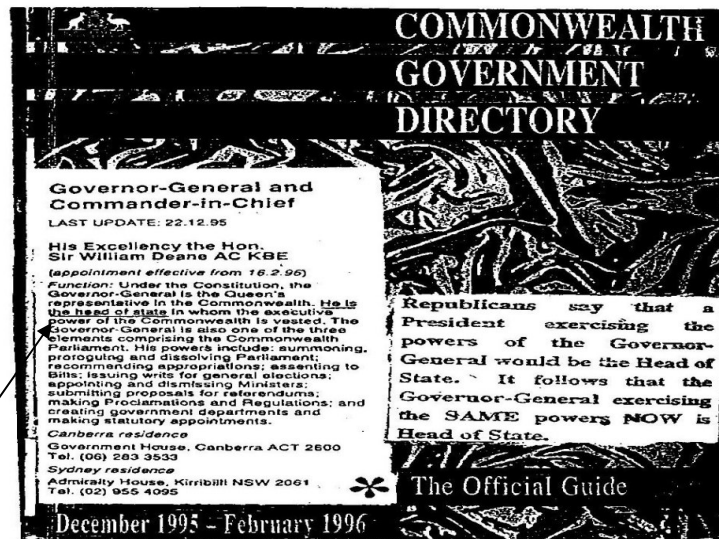
- For Professor David Flint's *Quadrant* paper “Head of State debate resolved”, go to www.quadrant.org.au (Jul-Aug 2008 edition, p59).
- Sir David Smith's article in the October 2008 *Quadrant* “The Clerk's tale” on p. 87 is also relevant.

P.T.O.

¹ *R v Governor of South Australia* [1907] HCA 31; (1907) 4 CLR 1497 (8 August, 1907)

This is an example of the OFFICIAL description of the Governor-General as Head of State of Australia – From the Government's OFFICIAL GUIDE* (see below) *

“He is the head of state”



This **official** publication was issued by the Department of the Prime Minister of the Keating Labor Government and appeared in 21 editions. The removal of this phrase from subsequent editions, as a former Chief Judge of the NSW Supreme Court found out in an F.O.I. request, was **unauthorised**.

The Hon. Paul Keating was Prime Minister at the time of the appointment of Sir William Deane AC KBE as Governor-General and Australian Head of State.

The Queen remains the Sovereign – as per her web site: **not** Head of State.

So, in spite of the ALP/ARM calling for ‘an Australian Head of State’, this confirms the **official** description of our Governor-General by republican Labor Prime Minister Paul Keating as our Australian ‘Head of State.’

“NO DOCUMENT IN EXISTENCE SAYS SO”

RWM (Republicans Without a Model) erroneously keep asserting that the Queen of Australia is Head of State of Australia. Repeatedly they are asked to evidence an **official document** which says so. They do not or cannot. The Australian Republican Movement was informed by the Information Officer of the Press Office at Buckingham Palace on 17 December 2003 that the ARM’s statement on its website which described the Queen of Australia as Head of State of Australia was incorrect and that “Sovereign” was the correct description, as per the Queen’s own website, www.royal.gov.uk.

On 4 March 2004, Alison Henry, then National Director of ARM, wrote to apologise and said “we have taken steps to amend our own website and correspondence accordingly.” But the ARM and others, in spite of this, repeatedly keep referring to the Queen as Head of State of Australia. On 28 March 2005, the ARM Site said “the Queen is now described as Sovereign” – not Head of state.

Republicans have no document (official or otherwise) to substantiate the Queen as Head of State.

However, those who support the truth DO have an **Official Document** issued by the Federal Government (above) and issued when Republican Hon. Paul Keating was Prime Minister, describing in its “Official Guide” that the Governor-General, then Sir William Deane, as “He is the Head of State”.

This “Official Guide” publication published “He is the Head of State” 21 times before it became an **Unauthorised Removal** following an FOI by a Judge of the NSW Supreme Court.

The Queen remains the Sovereign – as per her website **not** the Head of State. So, in spite of the ALP/ARM calling for “an Australian Head of State”, this confirms the **official** description of our Governor-General as our Australian “Head of State”. The fact that the words “*Head of State*” were mysteriously removed without any evident authority on 13 December 1996 remains a mystery. Equally mysterious is why Prime Minister Gillard has not had it reinstated, particularly in view of the 1907 High Court decision *R v Governor of South Australia [1907] HCA 31; (1907) 4 CLR 1497* (8 August, 1907) referred to overleaf. Those interested in the accurate and official description of the Governor-General may wish to ask the PM for her reasons for not reinstating it. Ms Gillard is very busy, so it is suggested that the question be put to her ALP MPs to forward to her.