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## Submission to Senate Committee on a Republic

### Australia's Head of State and the Constitution Booklet - and the intention of the Attorney-General to publish an unsupported statement

Re: Term of reference (a)

Before discussing an "Australian Head of State" I say we already have one. Further, I ask the Committee to comment on the following:

The Constitutional Policy Unit of the Attorney-General's Dept., Mr. Gim Del-Dillar, advised an enquirer on 16 June 2003 that a new Edition of the booklet on the Constitution - 1 July 2003 Edition - was in final stages of preparation but has not yet been 'proofed'. At this stage it will include the phrase "Australia's Head of State is Queen Elizabeth II" **THIS IS INSUPPORTABLE BY ANY OFFICIAL DOCUMENT AND IS THEREFORE INACCURATE.** (The Governor-General is Australia's Head of State).

- (1) The Constitution does not say the Queen is Australia's Head of State
- (2) The Queen's own web site does not say so. It says she is The Sovereign.
- (3) The Royal Style and Titles Act 1953 does not say so.
- (4) The Federal Attorney-General's Dept. including its Constitutional Policy Unit, despite many requests, is unable to provide any official reference or document which describes the Queen as Head of State of Australia.

Whereas:

1. The Prime Minister does not describe the Queen as Head of State. He refers to the Governor-General as our "effective Head of State".
2. Sir David Smith, Official Secretary to 5 Governors-General, unarguably an authority on the subject, has established beyond doubt that the Governor-General is Australia's Head of State. (For a copy of his definitive paper of Feb. 03 "The Governor-General is our Head of State" email [dandjsmith@ozemail.com.au](mailto:dandjsmith@ozemail.com.au)

Many agree that the Governor-General is Australia's Head of State and I quote a few: Sir Harry Gibbs; The United Nations; Mr. Douglas Sturkey - former Official Secretary of the Governor-General; The Commonwealth Government Directory August 1992 - 1996, copy attached; Mr. Malcolm Turnbull (p82 'The Reluctant Republic') Blackwell's Encyclopaedia of Political Institutions by Vernon Bogdanor; 'Governing Australia' a book on our Constitution by Atkins & Graycar; The Crimes Act 1976; Republican Mr. Paul Kelly, author and journalist (his book 'the Dismissal' p19); Mr. Peter Beattie (republican); Sir Zelman Cowan (republican); ABC Executive Producer of the '7.30 Report' and Kerry O'Brien; Mr. John Laws; The Australian Newspaper (republican); Mr. Greg Barns (republican); Senator Stott Despoja (republican); Prof. Patrick Lane. For 40 fully referenced quotations obtain the paper "Who is Australia's Head of State" by sending a stamped addressed envelope to AIDC, GPO Box 2221, Sydney 2001.

To prevent misinformation being included in the new "Overview" to the Constitution would the Committee please request Attorney-General Williams NOT to so describe the Queen unless he can provide documentary evidence to support it.

In many letters he has used the non-legal, non-constitutional and non-effective phrase "It is not *proper*" or not *appropriate*" so to refer to her." The words *proper*" and *appropriate*" are Constitutionally meaningless and in no way a justification for anything of this nature.

S O'Leary