

An Article
by
Peter Gillies

Question: Has the Queen of the United Kingdom committed a crime?

Question: Should the Australian Government be allowed to vote in the UN General Assembly?

At the outset I say that I am not a lawyer. I am an ordinary bloke who happens to believe in a level playing field. I believe that those that make the laws should be the first to obey them. This is not the case in Australia.

Some time ago I had a dispute with my local council. A senior planner told me that the council knew they were breaking the law, but that they did not care. "We've always done it" he said. They claim that all their authority derives from the *Local Government Act 1993*. So I set about finding what authority they *actually* did have.

What a can of worms I opened. Talk about lies and deceit.

First of all I went to our 'Australian' Constitution, which is not really ours. It is an Act of the UK Parliament and has never been part of Australian legislation. My first thought on finding this was, "How can this be right in an independent country?"

However, this aside, I did ascertain that what powers have not been conferred by the Constitution cannot be taken. That is hard legal fact. The Constitution allows for Federal and State governments but does not allow for a third level of government. A Constitutional inquiry (1985) also found this so it was decided to take it to a referendum of the people, which is the only way we can alter the Constitution. This referendum was held in 1988.

The question was asked, "Do you want to recognize Local Government?" All States came back with a resounding "NO" vote. Despite this denial by the people, all State Governments later passed a Local Government Act.

Not good so far, I thought, for a supposed democracy. But I looked further. For a government to be legally valid in Australia, under both State and Federal Constitutions, the Government must consist of three parts. It must have a lower and upper house, and it must have a Governor (State) or Governor General (Federal) who has been appointed by the Queen of the United Kingdom under her Royal Sign Manual.

| OK. So now it's getting really weird. First_Australia, this independent country, has as its supreme law – the 'Australian' Constitution - a law of another nation. Then, for the governments of this independent nation to be legally valid they must have a

| representative appointed by the leader of another nation appointed according to the laws of that other nation's parliament. Surely this couldn't be right?

So I checked with the United Nations. They told me that one of the essential ingredients of the Charter of the United Nations is that the laws of one independent nation cannot be enforced within the territories of another independent nation.

So... if the Queen has done what her own UK Act says, and has appointed a State Governor, or a Federal Governor General in Australia, then is she guilty of committing an offence against international law?

But had she *really* appointed these people?

I started with the Local Government Act of New South Wales. The Governor who gave this Act Royal Assent was Rear Admiral Peter Sinclair. I emailed the House of Lords and asked, "Where are records of appointments made under the Sign Manual kept? They promptly replied that they were all kept in Folio C__ in the UK Archives and provided a link to that web site. I return emailed and thanked them but asked, "What about records of appointments of persons overseas?" They replied, "Records of **ALL** appointments under the Sign Manual are kept in this folio in the UK Archives."

The UK Archives web site quickly provided the subject folio, but it is not readily accessible to the general public. However, a list of accredited researchers was provided so I engaged one to locate and forward a copy of the documents of appointment of Peter Sinclair.

She eventually came back with the reply, "**There is no record of any such appointment.**"

"How odd!" says I. So I placed a Freedom of Information request to the NSW Premier for a copy of the documents. They definitely did *NOT* want to give them to me.

While I was waiting for them, I went to the Newcastle University Law Library and found the UK laws relating to appointments made under the Royal Sign Manual. There are four essential ingredients necessary for an appointment to be valid. These are: -

1. The person **MUST** be a British Subject;
2. The appointment **MUST** be signed by the Queen of the United Kingdom;
3. It **MUST** be countersigned by a senior member of the UK parliament; and, most importantly,
4. It **MUST** bear the Great Seal of the United Kingdom.

OK. So these rules are set in concrete within UK legislation.

First, I found that Peter Sinclair is an Australian Citizen. He is NOT a British Subject.

Second, when the documents arrived, they did have a signature I presume was that of the Queen of the United Kingdom. However it was at the top right hand corner of the front page, BEFORE any other writing on the document. There was NO signature where it said, "Signed at Our Court of St James on....".

Third, there was NO signature of ANY member of the UK parliament.

Fourth, there was NO Great Seal of the United Kingdom.

AHA!

We now have NO record of the appointment at the UK Archives, and NO compliance with the various UK Acts that dictate what the Queen must do with regard to appointments under the Sign Manual. But what about other Governors, and what about Governors General? A similar check on several other 'appointees' at various dates revealed a similar situation.

Obviously the Australian public has been deceived. But by whom? None of these persons had been appointed by the Queen of the United Kingdom under her Sign Manual. According to our State and Federal Constitutions, a law does not become a law until it receives 'Royal Assent' by someone who has been appointed under the Sign Manual. Obviously then, the *Local Government Act (NSW) 1993* never received Royal Assent and so never became a law.

You beauty! I've got the bastards! But hang on. Why was a signature of the Queen there at all? Clearly she hadn't made the appointments, or a record would be at the Archives, and the documents would have been signed at the 'Court of St James' bit.

So who did sign them?

A little more digging revealed that several decades ago, several Acts were passed both in the UK and in Australia. One of these Australian Acts – the *Royal Styles and Title Act, 1973* - created some person called "The Queen of Australia."

Who the hell is she? I didn't vote for her. And in any case, the Constitution of Australia (and the Constitutions of the Australian States) only gives executive authority to the Queen of the United Kingdom of Great Britain and Ireland. So this 'Queen of Australia' has no permission to do anything anyway.

Multiple queries later I was reluctantly informed by both UK and Aussie governments, that the Queen of the UK and the Queen of Australia are one and the same person; that they are 'indivisible', but the Queen of Australia acts on advice from "her Australian ministers".

Now I have two major problems with this, and this is where the bit about the Queen committing a crime comes in.

First, nowhere does this 'Queen of Australia' have permission to hold the Executive Authority necessary to make appointments and laws legally valid. She certainly was not given that permission by the Australian people, and she does NOT have that permission under the UK Act, the *Commonwealth of Australia Constitution Act (UK) 1900*.

Second, under certain UK legislation, she is only allowed to be known as the Queen of another country if the foreign policy of that country is controlled by the United Kingdom Parliament. Quite clearly Australian foreign policy is NOT controlled by the UK parliament so the Queen CANNOT be known as the Queen of Australia under requirements of her own laws.

Now I did find out that the Queen is immune from most laws, but I also found out that she is NOT immune from laws that relate to her. So has she committed an offence?

Has she allowed her law (The Constitution Act) to be enforced in another independent nation in contravention of international law?

Has she allowed herself to be known as 'Queen of Australia' in defiance of her own parliament's Acts?

AND...

| If the Australian Constitution requires that a valid Australian government consist of an Upper House, a Lower House, AND a Governor General appointed by the Queen of the United Kingdom under her Sign Manual, and the Governor General HAS NOT been appointed in that manner, then does Australia have a legally valid government?

If it does not have a legally valid government, then does it have a right to sit on the UN General Assembly and vote on issues before that assembly?

It goes back to a level playing field. If I have to obey the law, then so do they.

Just as an aside...

If no Australian laws have received Royal Assent as required by the Constitution, are any of these laws themselves legally valid?

Just as a besides the aside...

The Australian Constitution has NEVER been agreed to by the Australian people. What WAS agreed to prior to 1900 was sent to the UK for enactment, but the UK made over 60 alterations to the document and then legislated it. The altered document was never sent back to Australia to be voted on by the Australian people.

We demand that Iraq have its own Constitution freely adopted by the people of Iraq, but what about Australia?