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## PRIME MINISTER

FOR MEDIA

2 March 1986

Her Majesty the Queen today signed the Proclamation to bring the Australia Act 1986 into operation. The Act will commence tomorrow at 4.00 pm, Eastern Summer Time, simultaneously with the Australia Act 1986 which was recently enacted by the United Kingdom Parliament at the request of the Commonwealth Parliament and all the State Parliaments.

Following the signing of the Proclamation, Her Majesty presented the Prime Minister, Mr Hawke, with a copy of the Act passed by the United Kingdom Parliament. That Act will be framed and displayed publicly in the new Parliament House, along with the Act of the Australian Parliament and the Proclamation which the Queen signed today.

The two Australia Acts remove the outmoded links between Australia and the United Kingdom parliamentary, government and judicial systems. They reflect Australia's status as an independent and sovereign nation. Her Majesty's position as Queen of Australia is in no way affected.

Commencement of the Acts represents the culmination of extensive negotiations between the Commonwealth, the States and the United Kingdom.

The major features of the Acts 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 Australian courts on all matters.
- . An end to the powers of the United Kingdom Parliament and Government over the States.
- . An end to United Kingdom legislation, such as the Colonial Laws Validity Act 1865, restricting the legislative powers of the States to repeal or update old Imperial laws still applying to them.

An outline of the residual constitutional links abolished by the legislation is attached.

## RESIDUAL CONSTITUTIONAL LINKS

The following is an outline of the constitutional links ended by the Australia Acts:

### Legislative

- . Power of the United Kingdom Parliament to enact legislation having effect as part of Australian law.
- . The Colonial Laws Validity Act 1865 and the "repugnancy" rule (i.e. the rule that State legislation inconsistent with United Kingdom laws extending to the States is invalid to that extent).
- . Possible implied limitations on powers of State Parliaments, deriving from their former colonial status.
- . Merchant Shipping Act 1894 (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, in the appointment of a State Governor, for a Premier to provide advice to the Queen through United Kingdom Ministers.

### Judicial

- . Appeals to the Privy Council from State Courts.

### Other sections of the Australia Acts

- . provide that the powers and functions of the Queen with respect to any State, other than the power to appoint and dismiss the Governor, shall be exercisable only by the Governor (except when the Queen is personally present in the State, when she may exercise powers and functions pursuant to a mutual and prior agreement between her and the Premier);
- . provide for the appointment and dismissal of State Governors by the Queen on the direct advice of the Premiers;
- . contain the provisions concerning the manner and form of future State laws amending State Constitutions;
- . contain provisions precluding any legal requirements for Governors to withhold assent to Bills or to reserve them for the Queen's pleasure.

Further sections directly amend the Constitutions of Western Australia and Queensland by removing references to United Kingdom Ministers in the provisions relating to the Governors.