Australia Bill [Lords]

HC Deb 03 February 1986 vol 91 cc81-9281

§Order for Second Reading read.

7.13 pm
§The Minister for Overseas Development (Mr. Timothy Raison)

I have it in command from the Queen to acquaint the House that Her Majesty, having been informed of the purport of the Bill, has consented to place her prerogative and interest, so far as they are affected by the Bill, at the disposal of Parliament for the purposes of the Bill.

7.14 pm
§The Parliamentary Under-Secretary of State for Foreign and Commonwealth Affairs (Mr. Tim Eggar)

I beg to move, That the Bill be now read a Second time.

Our relations with Australia are of the greatest importance to this country. The Bill will, when enacted, confirm the United Kingdom's recognition of Australia's present-day status as a proud and independent nation. The removal of the old residual constitutional links reflects this country's affection for Australia and is therefore a cause for satisfaction.

The Bill is at the request and with the consent of the Parliament and Government of the Commonwealth of Australia. The request and consent was expressed in the Australia (Request and Consent) Act 1985, enacted in December 1985 by the Commonwealth Parliament in Australia. That legislation came about as a result of legislation enacted in September and October 1985 by the legislatures of each Australian state. In the passage through state legislatures and the federal Parliament, there was unanimous support from all Australian political parties to the proposals. I am happy to report that the same unanimity was evident in the passage of our own Bill through another place.

The purpose of the Bill is to remove the remaining constitutional links that still exist between the United Kingdom and the Australian states. The links have their origin in the way that the Commonwealth of Australia was created in 1901 as a federation of what were, until then, individual British colonies. On federation, a number of powers and functions were conferred upon the Commonwealth authorities, but the states, as the then colonies had become, retained many of their previous powers and functions. In law, and in many respects, they retained their status as colonies of the United Kingdom. With that status they remained subject to certain restraints and controls from the United Kingdom which, with the development of Australia to independent statehood, has clearly become inappropriate.

The quasi-colonial status of the Australian states meant that, in respect of those states, Her Majesty was sovereign in right of the United Kingdom; thus, when exercising her powers in relation to the states, Her Majesty is formally advised by her United Kingdom Ministers. Under the Bill, Her Majesty will continue to be sovereign in respect of the states, but no longer in respect of the United Kingdom. Instead, the Bill provides that when Her Majesty is exercising powers and functions in respect of the states, she will do so on the advice of Australian state Premiers. This mirrors Her Majesty's position in relation to Australian

Commonwealth matters when she is advised by her Australian Commonwealth Ministers. The Bill makes no other change in the position of Her Majesty as Queen of Australia.

82The Australian Government's request is made in accordance with section 4 of the Statute of Westminster 1931, which states: No Act of Parliament of the United Kingdom passed after the commencement of this Act shall extend, or be deemed to extend, to a Dominion as part of the law of that Dominion, unless it is expressly declared in that Act that that Dominion has requested, and consented to, the enactment thereof.

The details of the Bill are the result of extensive consultations between the Australian state and Commonwealth Governments and, more recently, between the Australian Commonwealth and United Kingdom Governments. Her Majesty approved the proposals in the middle of last year. Once Her Majesty had approved them, all the states and the Commonwealth of Australia passed legislation in their own legislatures. Following Royal Assent to the Australia (Request and Consent) Act 1985, passed by the Commonwealth Parliament, Mr. Hawke wrote to the Prime Minister formally seeking enactment at Westminster of complementary legislation. That is the Bill before the House.

The Bill is drafted to mirror the Australian legislation precisely. Briefly, the Bill will, in clause 1, remove the British Parliament's power to make laws for Australian states— thus it achieves the complete legislative independence of Australia from the United Kingdom. By virtue of clause 10, the Bill will terminate the responsibility of the Government of the United Kingdom for the government of any Australian state.

The Bill will also remove certain restraints which at present exist in relation to the legislative powers of Australian states. By clause 8, it will remove certain powers of Her Majesty, as the Queen of the United Kingdom, exercisable on the advice of United Kingdom Ministers, to disallow or to suspend the operation of state laws. By clause 3,it will remove certain restrictions, for example, under the Colonial Laws Validity Act 1865, on the legislative powers of Australian states.

Turning to judicial matters, clause 11 will terminate appeals to the Privy Council from state courts. However, it will not affect an appeal instituted before the commencement of this legislation, or an appeal for which leave has been given before the commencement of the Act. Those will continue to be dealt with in the same manner as before, as if this legislation had not been enacted.

As regards the powers and functions of Her Majesty and governors in respect of states, clause 7 makes new provisions. Her Majesty's representative in each state continues to be the governor. It is the governor alone who will exercise the powers of Her Majesty, except on the appointment or the termination of the appointment of a governor, and at times when the Queen is personally present in the state.

On those two matters, the Bill provides for the Queen to act on the advice of the Premier of the state concerned, although when she is personally present in a state, any such advice to the Queen would be tendered only in accordance with the mutual and prior agreement between the Queen and the Premier. That arrangement was agreed between the Australian federal and state authorities and the Palace.

Finally, in clauses 13 and 14 the Bill amends the constitution Acts of Queensland and Western Australia respectively. The constitutions of those two states are the only ones that include specific provisions relating to the appointment of their governors. The clauses are83consequential upon termination of the powers and responsibilities of United Kingdom Ministers in respect of states.

I am sure that the whole House will wish to join the Government in welcoming the Bill. It represents and embodies Australian wishes. All parties and all state legislatures in the Commonwealth Parliament support the proposals outlined in the Bill. As I said at the beginning of my speech, legislation has been enacted in all state and Commonwealth legislatures smoothly and without controversy. It is right that this House should agree to the request of the representatives of the Australian people for the removal of these residual constitutional links.

The decision to propose changes has not been made lightly. While it is true that the Bill will remove certain, largely formal, legal links, it will in no way weaken the deep practical relationship between our two countries. Moreover, it will substitute new arrangements that accurately reflect Australia's well-established status as a modern and sovereign nation. The Bill also acknowledges Australia's proud independence under its Queen and the true balance of our relationship today.

I commend the Bill to the House.

7.22 pm
§**Mr. Donald Anderson** (Swansea, East)

I thank the Minister for his clear and helpful speech. It is obvious that the Government have not materially altered their position since Baroness Young outlined the Bill in another place on 16 July.

In no way will the Opposition seek to delay or amend the Bill. On the contrary, we shall do everything that we can to speed its passage through the House in the hope that Her Majesty the Queen can proclaim its coming into force when she visits Australia early next month.

On one level, it would in any event be quite unrealistic for us to raise obstacles. It would be inappropriate to seek unilaterally to amend matters which have been agreed by all Australians, and which should properly be within their competence. We note the unanimous approval in Australia, the passage through the state legislatures in September and October last year and the Royal Assent in Australia on 4 December. It has been agreed by all parties in Australia, by all states—even by Western Australia, which in the 1930s had a secessionist movement—and by the Commonwealth Government—even those individuals who have been most loyal to the old Commonwealth relationship. One contrasts the reception in this House for the Bill with that for the Bill that eventually became the Canada Act.

Wih such unanimity of approval, how can we oppose the Bill? It is the recognition of a change in relationship from the time of the establishment of the Australian Commonwealth in 1901—the residual element of that quasi-colonial relationship whose very existence contains at least a chance of potential conflict between the Crown, our legislature and Australia.

Nevertheless, there were positive elements in the old relationship, especially in the co-operative development of the common law. All Bar students and civil practitioners will be aware of the distinguished Chief Justice of the Australian High Court, Sir Owen Dixon, and of the Wagon Mound case in 1961, which decisively altered the concept of liability in our civil law, defining the limits of liability 84for a negligent act. All that arose from a mishap in the harbour at Sydney. The personal relationships between members of the Bar in Australia and this country will continue, and I am sure that the legal co-operation generally will also remain.

The tide has passed, and, as the Minister said, it is quite anachronistic that, for example, Her Majesty the Queen, in exercising powers in the Australian states, acts on the advice of United Kingdom Ministers. When the Bill becomes law, in exercising such functions the Queen will act on the advice of Australian state premiers. Another example of an anachronism is that this House should have certain functions in respect of legislation for the states of Australia.

There is a new reality. There is the development of two wholly independent, nations, in no way dependent the one upon the other, enjoying a warm and close bilateral relationship — two proud democracies, homes of the common law. When problems arise on a bilateral level, such as those following the McClelland commission report on nuclear tests in Australia, those potential forces of an explosive conflict will, I am confident, be settled on a basis of mutual good will and long-standing friendship.

We do not need these remaining residual quasi-colonial ties to define our relationship with Australia—something that is based on far broader and wider foundations. We have fought together, we have talked together as parliamentary colleagues in the Commonwealth Parliamentary Association and the Inter-Parliamentary Union, we mix together, we have a network of family links between this country and Australia—there can hardly be a family in the United Kingdom which does not have some personal link with Australia—and we play together.

My only slight criticism of the Bill is that our negotiators have not done a tough enough job, because there is no reciprocity. Perhaps, as a swap for giving the Australians their constitution, we should have insisted that Alan Border remain in this country for five years.

A new relationship has indeed developed. When Sir Robert Menzies used to say that he was British to his bootstraps. that was anachronistic even then, as I cannot imagine that many British people were wearing bootstraps. We now look forward to the British-Australian bicentennial celebrations to be held next year. The old is dead, long live the new relationship. At last, Australia has achieved her legislative independence.

7.30 pm
§**Mr. Clement Freud** (Cambridgeshire, North-East)

It is welcome and uplifting to take part in a debate in which both sides of the House seem united in wishing progress to a Bill. I compliment the Under-Secretary of State on giving a new definition to the term "Second Reading", in that he read for the second time what his noble Friend had read so well in another place, while inserting one or two interesting adverbs, which were recognised by the occupants of the Opposition Benches.

On behalf of my right hon. and hon. Friends, who are so much better represented proportionally in the Chamber this evening than are the Government or the official Opposition, I am pleased to say that the Bill has the full support of the Liberal and Social Democratic parties. It was anachronistic to have judicial and residual administrative rights over Australian legislation, and we welcome their termination. 85Australia is a mature and civilised country which I have had the privilege and pleasure of visiting on a number of occasions. The last occasion on which I visited it was as a member of the Commonwealth Parliamentary Association. If ever there was a country which deserved to look after its own destiny without unnecessary interference from us, it is Australia.

It used to be said in olden days that one could tell the difference between an Australian and yoghurt because only one of them had culture. That is no longer so, and the arts in Australia flourish now as probably in no other Commonwealth country. The Australian cinema is enjoying a marvellously exciting new life. The Melbourne opera house is one of the architectural gems of the world, and the Australian theatre flourishes. Perhaps more important is the fact that the Australian arts are customer orientated. When I was in Melbourne, even matinees of quite heavy operas were fully attended, with people waiting for returned seats.

In sport, Australians need no interference or guidance from us. There is perhaps a moment for gloating over cricket, but in all other sports they are almost fearless. Their racing is brilliant, in that they have removed elitism from it. Spectators do not necessarily wear hats, and they are not barred from going into various enclosures by virtue of how much they have paid. The bravery and knowledge of their commentators is brilliant as well. Our BBC and ITV commentators will never commit themselves if horses finish within half a length of one another. The Australian commentators call results when they are by a whisker, and they are steadily proved right.

I observed the Australian prison service and found it to he excellent. Their rate of recidivism is very much lower than ours, and there is genuine understanding, and investment in, the well-being of prisoners. I spoke to the director of prisons in the state of Victoria, and he explained that it was the state that took away individuals' liberty and that the prison service tried to replace that with dignity.

Australian agriculture needs no help from us. The CPA delegation visited an avocado plantation in Western Australia which was irrigated by means of a computer, with one man sitting in a hut with a hydrometer measuring the dampness of the earth and spraying it where necessary.

There is oil in the north and the wine from the Hunter valley in the south can take the place of any wine in the world. The state parliaments are decently run and, unlike us, sit no more often than is necessary. The Senators are well paid and they all, as well as Members of the state Parliament, enjoy free rail travel anywhere in Australia. That is something from which we should learn.

The Bill will have an effect on the conferment of honours on Australian citizens. I am pleased to say that that was not picked up by anyone in another place, and one tries in this place to be to some extent original when debating something which began in another place. Clause 7(5) reads:The advice to Her Majesty in relation to the exercise of the powers and functions of Her Majesty in respect of a State shall be tendered by the Premier of the State", which means that no longer will honours have to be filtered through the Foreign and Commonwealth Office.

From now on they will be recommended by the state premiers to Her Majesty, who in her capacity as the Queen of Australia will confer honours on her Australian people.

86I believe that our friendship will be stronger if we allow Australia, a mature and civilised nation, to run its own ship of state. It has shown the ability to do so, and I do not believe that anything that has happened recently on our side of the ocean is likely to persuade it that when it comes to governing a country we have all the answers. I welcome the Bill, and my right hon. and hon. Friends and I will support it.

7.37 pm
§**Sir Dudley Smith** (Warwick and Leamington)

I shall not indulge in a travelogue, like the hon. Member for Cambridgeshire, North-East (Mr. Freud). I found it fascinating, however, to hear about his racing experiences in Australia.

As my hon. Friend the Under-Secretary of State said in introducing this small but important Bill, it is largely a formal measure. One is tempted to ask why the formal powers have been retained for so long. A similar sort of Bill came before us a short while ago that dealt with Canada. I do not know of the intricacies that lie behind such measures, but perhaps we should have proceeded jointly instead of taking a piecemeal approach. One of the most comforting and heartening features of the debate is the complete agreement on this measure that has been expressed from both Front Benches. It is comforting and heartening also to know that the Bill is in accord with the thinking of the separate states in Australia. That must be good.

I detect that everyone in this place believes that it is essential to retain full links with the Commonwealth, especially with the old Commonwealth. Our ties with Australia remain strong and they are not to be underestimated. Nor are they to be neglected. It must be understood that they should never be taken for granted. There have been suggestions in the past on the part of Australia that it should break from us while still retaining a loose association within the Commonwealth. Having been to Australia, like the hon. Member for Cambridgeshire, North-East, I detect an enormous amount of good will among Australians; that is evidenced by the many young people who come to Britain from Australia. Many of the younger generation still regard Britain as their motherland.

The ties that we are debating are anachronistic and they serve no useful purpose. It is right that the statute book should not be littered with laws that no one has any intention of implementing. Therefore, it is wise that we should be taking the step that is marked by the Bill. Wherever I go—I am sure that this will be echoed by all hon. Members—I find that there remains enormous goodwill between Australia and Britain. I am a member of the British delegation to the Council of Europe and it is interesting that among the most regular visitors from parliaments outside Europe are those who come from Australia. It is usual for Australia to send a strong team to Strasbourg about once a year to participate in debates and to make contact with European parliamentarians of the 21 nations which form the Council of Europe. That is all to the good, and we should do everything we can to encourage it.

Australia has enormous potential. It has a tiny population compared with its land mass. Long after our time it will be much further developed than it is today and with a larger population, when certain climatic barriers have been broken. Australia is a formidable and essential 87part of the Commonwealth. The Bill has a great deal to commend it, not least because it gives us an opportunity to emphasise the strength of our ties with Australia.

7.40 pm
§**Mr. Bruce George** (Walsall, South)

In 1982 the Daily Telegraph carried a story written by Nicholas Comfort, a perceptive analyst, in which he said: Politicians at Westminster are bracing themselves for a Bill to make changes in the Australian Constitution, in the hope that it will arouse less controversy than last winter's debates on Canada's. About that time I opened a file on Australia, and four years later the file is thin because the contrast between the Australia Bill and the Canada Bill is enormous. I suspect that Australian politicians, seeing how badly the issue of patriating Canada's constitution was handled by the Canadian Federal Government, resolved to ensure that when, eventually, legislation was introduced for Australia, it would not be subjected to the same intense debates.

If the public was asked whether it appreciated that Britain still had a residual responsibility for Australia, many people would be as bemused as hon. Members were in the late 1980's when it was pointed out that we had a significant residual responsibility for Canada.

§**Mr. Robin Maxwell-Hyslop** (Tiverton)

The hon. Gentleman is more than five years out on his dates. We legislated for Canada in the 1980's.

§**Mr. George**

If the hon. Gentleman reads Hansard he will see that I said that the issue surfaced in the late 1970s. In 1979 I presented a lobby of 250 Canadian aboriginals. The Canadian issue scarred Canadians and the parliamentarians involved. Fortunately, the House is not being put through the same traumas with Australia. Australian politicians realised that they should not go through that process and did what Canadian politicians did not do, which was to secure compliance among all the federating elements in the Australian political system and all political parties, so that there was unaminity in presenting the legislation.

The contrast is startling. The Canadian Prime Minister sought not simply to patriate the constitution, but to alter the balance between federal and provincial Governments. That caused consider[...]ble opposition in both Canada and the United Kingdom, and resulted in long hours of debate. Eventually the federal Government of Canada had to climb down and secure a different agreement with the provinces. The Australian position is very different. Although some of the characters involved in the debate five years ago are present today, the circumstances are completely different.

There was a time when such a debate would not be automatically peaceful, as clearly it will be today. The precursor to today's legislation may have been the traumas of the mid-1970s which involved the Governor-General and the dismissal of the Government of Gough Whitlam. Fortunately, there has been agreement in Australia, although there is the issue of republicanism, but that matter is exclusively for Australians. This final constitutional tie is being severed, and we wish the new arrangements all good fortune.

The issue of Australian aboriginals—those who are left — will not be debated today, or in our future 88debates. That is not to say that we regard the position of Australian aboriginals as something Australians can view with pride and pleasure. However, Australian aboriginals,

for whatever reason, have not lobbied British parliamentarians. If they do not see any enhancement of their status through debates in the Houses of Parliament, that is up to them. But I certainly would not like it to be thought that the Australian record was any better than that of Canada, because in many respects it is worse.

The Australians have a legacy of Westminster government which they have nurtured and developed in their own unique way. Indirectly, Australia had colonies, and Australians can be proud of the political system that they have established and of the system that they have bequeathed to their former colony of Papua New Guinea. A few months ago when the Prime Minister there was defeated on a vote of no confidence, he resigned, for the second time, and took his place on the Opposition Benches. The success of that political system may be because Australia, not the United Kingdom, was the colonial power.

The number of column inches in Hansard devoted to Australia will be limited. The measure is not being subjected to intense political debate, which is welcome. I presume that the remaining stages will be as uneventful as the Second Reading because Australians have proceeded more intelligently than their fellow Commonwealth parliamentarians in North America.

The House should wish the Bill well. It has secured unanimity here and in Australia. It is right that the Australian Government have introduced the legislation, and I hope that their future political developments will be successful.

7.48 pm
§Mr. Robin Maxwell-Hyslop (Tiverton)

During more than 25 years in the House I have seen incompetently drafted Bills causing unanticipated troubles. I do not admire those who draft Bills incompetently. The Hon. Member for Walsall, South (Mr. George) does less than justice to the institutes of learning, which he has not dignified by his presence, in believing that British people have been wholly ignorant of the constitutional position between Australia and the United Kingdom. I should have thought that every university, except for the one which he has illuminated by his academic advice, and a huge number of people were well aware of the constitutional position of the British Parliament vis-a-vis the Commonwealth of Australia.

I rise to point out that the word "Commonwealth" is understood wholly differently in Australia and in the United Kingdom. It so happens that tonight we are passing United Kingdom legislation. In the United Kingdom the word "Commonwealth" means the British Commonwealth. I notice that the hon. Members for Paisley, South (Mr. Buchan) and for Swansea, East (Mr. Anderson) are not listening. I ask for their attention, because I am not making a party political point, but am trying to ensure that when we pass the last definitive Act which affects the great Commonwealth of Australia, we get it right instead of wrong.

§Mr. Anderson

Surely it is for the Government Front Bench to enlighten the hon. Gentleman. In clause 16, the interpretation clause, the Commonwealth is properly defined.

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§Mr. Maxwell-Hyslop

Indeed, and nit-picking lawyers would agree with the hon. Gentleman: but he would have been wiser to wait until I had finished before making such inappropriate observations. My reading of the Bill has also reached clause 16. In fact, I have reached later in clause 16 than has the hon. Gentleman, to where it says: 'State' means a State of the Commonwealth and includes a new State". I suppose that when we were all at primary school we knew the silly games, which were not even played by parliamentary drafting lawyers, where one turns to page 5, then page 17, back to page 6 and on to page 30 before one discovers what is intended.

I am making a substantial point, in that, in clause 1 "Commonwealth" is not used in the sense in which it is always used in the House, as in the Commonwealth Immigrants Act, the Commonwealth Prime Ministers' Conference and the Foreign and Commonwealth Office. It is being used in a different sense, which is wholly appropriate within the Commonwealth of Australia, but is not appropriate in United Kingdom legislation. We should not have to wait until clause 16 to discover that the sense in which the incompetent draftsman of the Bill used the word "Commonwealth" in clause 1 is not the sense in which it is normally used in the House, in another place, by our courts, in official designations, and by Her Majesty when she opens the Commonwealth Conference. It is used in the Australian internal sense meaning the "Commonwealth of Australia."

I am not making a Committee point, but I think it would have been more appropriate if the incompetent draftsman of the Bill had put "Commonwealth of Australia" in cluse 1 and had also given a definition in clause 16 reading: 'State' means a state of the Commonwealth of Australia and includes a new state. I am putting this on record because, although courts often say that what is spoken in debate does not constitute the law, they refer to it as evidence of the will of Parliament.

We have all suffered so much from incompetently drafted legislation that I wish to use this occasion to protest against an example of it. It would have been so easy to say: No Act of the Parliament of the United Kingdom passed after the commencement of this Act shall extend, or be deemed to extend, to the Commonwealth of Australia, to a State or to a Territory as part of the law of the Commonwealth of Australia, or of the state or of the Territory".

§Mr. Anderson

rose—

§Mr. Maxwell-Hyslop

Does the jack-in-the-box on the Opposition Front Bench want to intervene?

§Mr. Anderson

Putting aside clause 16, do we not have a definition even before clause 1, in the title of the Bill: An Act to give effect to a request by the Parliament and Government of the Commonwealth of Australia"?

§Mr. Maxwell-Hyslop

We do not have a definition there at all. The first operative clause is clause 1. If the hon. Gentleman was a little more informed on such matters, he would know that the preamble

does not constrain content. I am not a lawyer, for which I thank God frequently, and I hope successfully.

§Mr, Buchan

There is an interpretation clause—clause 16, which clearly defines the Commonwealth as the "Commonwealth of Australia" and the state as being a State of the Commonwealth and includes a new state".

§Mr. Maxwell-Hyslop

That has already been referred to. If the hon. Gentleman had been listening rather than 90chattering to his hon. Friend the Member for Swansea, East, he would have heard his hon. Friend make that point a short while ago.

I am saying that it is wholly unsatisfactory, shoddy and inappropriate draftmanship to have to wait until clause 16 before one discovers what should be in clause 1. I suppose that as an ex-junior Minister the hon. Member for Paisley, South feels it necessary to support incompetent draftsmanship, because he was a Minister who introduced incompetently drafted Bills to the House. If he had listened to what has been going on, he would have been apprised of the point that I am making.

I think it is sad that an important Bill, which brings a wholly relevant and deserved dignity to the Commonwealth of Australia, should be sullied by such mean lawyers' drafting, which does not say what it means. One should be able to read a Bill and know what it means as one goes through it, instead of having to play the silly game of referring from one clause and one part of a clause to another until one understands.

My appeal is for clear and competent drafting of Bills rather than such incompetence, which is only just legally complete, but is not what it could have been or should have been. That is the point I wish to place on record. If the Bill should be tested, as it could be in the British court. an Australian court or, in cases of conflict of jurisdiction, in any other court in the world, I would prefer to have a simple and what should be dignified measure stating clearly what it does instead of starting with avoidable ambiguities without explanation until clause 16.I think that the protest ought to be made even on this occasion, and I assure my hon. Friend the Under-Secretary of State that I shall continue to make such protests if he employs the same draftsmen for future Bills.

7.59 pm
§Mr. Eggar

With the leave of the House, l shall respond briefly to the points that were made in the debate.

The Government are delighted that the Bill has received widespread support throughout the House and I am sure that that shows the close relationship that exists between the United Kingdom and the Commonwealth of Australia.

The hon. Member for Swansea, East (Mr. Anderson) drew attention to that close relationship and in that respect he particularly mentioned the conversations that have been taking place about the Royal Commission set up by Australia to look into nuclear tests. As I think the hon.

Gentleman knows, there were some helpful discussions between Senator Gareth Evans, the Australian Minister who is responsible for the matter, and my right hon. and hon. Friends, at the end of last month. He probably also knows that the United Kingdom has accepted the Australian invitation to participate in a technical assessment group. We have also agreed to be represented on a consultative group, which will examine the issues raised by the Royal Commission.

The hon. Member for Cambridgeshire, North-East (Mr. Freud) also supported the Bill. I am sure that the Australians will be thrilled to have his imprimatur of their artistic endeavours. I am not so convinced that they will welcome his preoccupation with racing, wine and prisons, which is not exactly the image that they would wish to project of their country. However, I know that everything he said was said in a positive spirit. 91The hon. Member for Swansea, East suggested that we might have to have Alan Border back. I think that, in fairness to the Australians and the present poor state of their cricket, we might let them keep him.

The hon. Member for Cambridgeshire, North-East drew attention to the honours system and the way in which the Bill will change it. I confirm his impression. To complement the new legislation, it has been agreed by all concerned, including Her Majesty the Queen, that in future all honours recommendations will be made direct to the Queen by state Premiers.

My hon. Friend the Member for Warwick and Leamington (Sir D. Smith) rightly welcomed the Bill, and correctly referred to the anachronistic elements. The hon. Member for Walsall, South (Mr. George) drew attention to the differences between the Canada Bill and the Australia Bill. I well remember the role that he played in the Canada Bill. He mentioned that nothing had been said about the Bill to hon. Members by aborigines in Australia. That is correct. We understand that no representations were made by aborigines to any of the state legislatures or the Commonwealth of Australia legislature during the passage of the Bill.

I refer to the point made by my hon. Friend the Member for Tiverton (Mr. Maxwell-Hyslop). The whole House is always impressed by his grasp of detail and by the way in which he regularly draws attention to the importance of the drafting of parliamentary Bills. I should like to consider the points that he made, but as Opposition Members said, there is a reference in the long title of the Bill and in the preamble to the Commonwealth of Australia. The Bill is taken directly from the wording adopted by the Commonwealth of Australia Parliament. It is an exact replica of that Bill. Therefore, any amendment that we sought to make to the Bill in the House would have to be returned to the Parliament of the Commonwealth, and probably to the state legislatures as well. I am sure that we would wish to avoid that if at all possible.

§Mr. Maxwell-Hyslop

Has my hon. Friend really been advised that to use the phrase "Commonwealth of Australia" in our legislation to make explicit what is internally explicit in Australia would have to be returned to Australia, when there is no change in meaning whatever? He knows the answer as well as I do. If my hon. Friend is trying to persuade the House of Commons of 92that, does he honestly believe it himself? The Bill is not like the Canada Bill. Its substance was affirmed by a foregoing Canadian enactment. This Bill will be an individual Act of the United Kingdom Parliament. Does my hon. Friend believe what he is saying?

§Mr. Eggar

I hope that my hon. Friend will not do me an injustice. Of course I believe what I am saying. I said that I would consider carefully the point that he made. He was courteous enough to tell me earlier that he was likely to make it. I had to point out to my hon. Friend that there was a complication. I did not make any assertion as to whether his point would apply, when I said that any change that we made in the House would have to be referred to the Parliament in Canberra. I wanted to register that point. I was not using it as a definitive argument, nor would my hon. Friends expect me to do that because the Committee stage is still to come.

As all hon. Members have said, the Bill is widely welcomed in all parts of the House, as it was in all state legislatures and throughout Australia. The severance of the residual constitutional link that the Bill represents in no way weakens the deep practical bonds between our two countries. Those bonds are based on mutual friendship, and need no legal backing. The Bill acknowledges that. I believe that all hon. Members will wish to recognise that fact, and will be pleased to assist in the removal of the anachronistic links.

§Question put and agreed to.

§Bill accordingly read a Second time.

§Bill committed to a Committee of the whole House. —[Mr. Durant.]

§Committee tomorrow.

§Mr. Maxwell-Hyslop

On a point of order, Mr. Deputy Speaker. A committal for tomorrow means that any amendments will be starred amendments. Can you give us any guidance as to whether Mr. Speaker will be unwilling to accept amendments tomorrow, because they have not had the day's notice that is usual before Committees?

§Mr. Deputy Speaker (Mr. Ernest Armstrong)

The hon. Gentleman has been in the House for a long time, and he knows that "Tomorrow" does not automatically mean that the Committee stage will be taken tomorrow. In fact, we have been told that the Committee stage will be next Monday.