

A reference of notable import that states that the constitution is to be relied upon to note which office of the Queen acts. The Australian constitution Act is not silent on this identification of the office of the Queen.

The principle of where we find the power is set:

House of Lords

Session 2005 - 06
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Judgments - Regina v. Secretary of State for Foreign and Commonwealth Affairs (Appellant) ex parte Quark Fishing Limited (Respondents) Regina v. Secretary of State for Foreign and Commonwealth Affairs (Respondent) ex parte Quark Fishing Limited (Appellants) (Conjoined Appeals)

HOUSE OF LORDS SESSION 2005-06

12. **Any constitution**, whether of a state, a trade union, a college, a club or other institution **seeks to lay down and define**, in greater or lesser detail, **the main offices in which authority is vested and the powers which may be exercised** (and not exercised) **by the holders of those offices**.

Thus if a question arises **on what authority or pursuant to what power** an act is done, **it is to the constitution** that one **would turn to find the answer**.

Here, **it is plain** that the **Secretary of State for Foreign and Commonwealth Affairs of the United Kingdom has no power or authority under the constitution of SGSSI** (the 1985 Order, as amended) **to instruct the Commissioner**. **Such power and authority can be exercised only by the Queen**, who in this context is (and is only) **the Queen of SGSSI**. It is in my view correct in constitutional theory to regard the Secretary of State as her mouthpiece and medium. This analysis points, in my view strongly, to the correctness of the Secretary of State's submission, but it is necessary to examine the authorities to see if they suggest a different answer.