



Australian Government



NATIONAL
ARCHIVES
OF AUSTRALIA

Your story, our history

These copies are provided for research or study purposes. Before making use of the material for other purposes (for example publication) you should familiarise yourself with any copyright obligations.

NAA: A1209, 1973/6439 attachment

Series number: A1209

Control symbol: 1973/6439 attachment

Barcode: 12044500

Number of pages: 20

Prime Minister's discussions with The Queen, London, April 1973 (style and titles and powers of Governor
General

SECRET

73/6439

DEPARTMENT OF THE PRIME MINISTER AND CABINET

ATTACHMENT
THIS PART FILE
NEXT PART

RETAINED PERMANENTLY
DISPOS. AUT. 5446
DISPOSAL CLASS 14-1-1

P.M.'S DISCUSSIONS WITH THE QUEEN,
LONDON, APRIL 1973, (STYLE & TITLES &
POWERS OF GOVERNOR GENERAL)

ACTION RECORD - PLEASE PRINT NEATLY IN INK

Folio No.	Referred To (name/date)	Cleared (initials & date)	* Move-ment	Folio No.	Referred To (name/date)	Cleared (initials & date)	* Move-ment	Folio No.	Referred To (name/date)	Cleared (initials & date)	* Move-ment
(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)
	P/A 23/1										
	M. Anogue 23/1/73	AK 17/5/73									
	PA										
	GA										
	D. Geyer 26/1/73	8-3-04									
	PA.										

- ACTION RECORD INSTRUCTIONS**
- The action record must always be used when directing files.
 - Before directing any further movement of a file, clear the reference to yourself by completing col. 3.
 - To Direct the movement of a file
 - TO ANOTHER OFFICER Write the relevant folio no(s) in col. 1, the name of the officer to whom the file is to be referred and the date of referral in col. 2. If the file is to be referred to more than one officer or returned to yourself, list the names in col. 2 prefixing them with (1) (2) etc.

- TO RESUBMIT Write the relevant folio no(s) in col. 1, the symbol R/S, the name of the officer to whom the file is to be resubmitted and the date it is required in col. 2. Cols 3 and 4 will be completed by Registry.
- TO PUT AWAY Write the symbol P/A, initials and date in col. 2. Cols 1, 3 and 4 will be completed by Registry.
- TO DESPATCH Write the relevant folio no(s) in col. 1, 'DESPATCH' and the date in col. 2. On the next line direct any further movement desired. Cols 3 and 4 will be completed by Registry.

* Registry Use Only

ATTACHMENT
THIS PART FILE
NEXT PART
73/6439

SECRET

SECRET

BRIEF FOR THE PRIME MINISTER'S
DISCUSSIONS WITH THE QUEEN

APRIL 1973

SECRET

73/6439

Discussions with The Queen - April 1973

CONTENTS

Letters of Credence and Agreement	1
The Royal Style and Titles	2
Proposed Amendments to Citizenship Act including Oath of Allegiance	3
Parliamentary Oath	4
National Anthem	5

CONFIDENTIAL

Items 1 & 2

BRIEF FOR DISCUSSIONS WITH THE QUEEN

1. LETTERS OF CREDENCE
2. AGREEMENT

A draft Instrument of Assignment by the Queen of certain powers to the Governor-General, including the power to sign Letters of Credence, is attached as Annex A. It was prepared by the First Parliamentary Counsel following interdepartmental study pursuant to the Prime Minister's direction of 9 December 1972.

2. The interdepartmental study led to the following conclusions :-

- (a) There is no legal or constitutional reason why the proposed assignment of powers should not be made.
- (b) There is a possible problem in diplomatic practice, arising from a requirement of strict reciprocity in accreditation. Certain Heads of State might object to Letters of Credence not signed by the Queen. The Queen herself might also be reluctant to assign the power to sign Letters of Credence, on the ground that these are letters personally addressed by one Head of State to another (apparently this was the Queen's response to the Canadian approach in March 1972).

3. Signature by the Governor-General would be consistent with the Vienna Convention on Diplomatic Relations. Article 14(1) of the Convention refers to "ambassadors or nuncios accredited to Heads of State" without importing that they should be accredited by Heads of State.

Attitudes of Heads of State

4. Our Ambassadors in Tokyo, The Hague, Bangkok, Vienna, Teheran and Stockholm have made discreet soundings regarding the likely reaction of the Heads of State to which they are accredited to Letters signed by the Governor-General "By Her Majesty's Command". The answers to date from this sampling, while not conclusive, are favourable :-

Bangkok - The persons contacted considered that the proposal would be acceptable to the King of Thailand

Department of Foreign Affairs
6 April 1973

1.

CONFIDENTIAL

CONFIDENTIAL

Items 1 & 2

provided the Queen raised no objections and provided it was acceptable to other countries with monarchs.

The Hague - The Chief of Protocol thought that the Queen of the Netherlands would have no objections to credentials in the form envisaged provided she was sure they were also acceptable to Queen Elizabeth. The view of the Grand Master of the Household was similar.

Vienna - Legal advice received by the Chief of Protocol was that this is purely a question of Australian Constitutional practice and there is consequently no reason why the proposed arrangements and formula would not be acceptable. The only circumstance in which difficulties could arise would be one of disagreement between Canberra and London.

Stockholm - The person contacted has said that the question has proved unexpectedly 'tricky', but he hoped to provide an answer soon.

Tokyo (awaited)

Teheran (awaited)

5. ~~We should need to be~~ assured of a high incidence of acceptance by foreign states before our present practice could be changed. If even a few Heads of State were to object, it would seem necessary to continue present practice, because it would be invidious to have some Letters signed by the Queen while the rest were signed by the Governor-General. If, however, the favourable reactions to date prove to be widely representative, it could be that acceptance by a majority would lead to general acceptance by all foreign Heads of State.

6. The Instrument of Assignment takes account of the likelihood that foreign Heads of State would regard Letters of Credence, signed by the Governor-General, more favourably if signed "in the Queen's name and on her behalf". It does not, however, make it mandatory for them to be so signed: they could, if it were thought to be practicable and appropriate, be signed in the Governor-General's own name. The Instrument also takes account of the need, until such time as their designation may be changed to "Ambassador", to accredit Australian High Commissioners to republics and other States within the Commonwealth of which the Queen is not the Head of State.

Agreement, Special Assignments, Acceptance of Letters

7. Judging from the reaction of Palace authorities to the Canadian approach of March 1972, and from soundings taken by the Secretary of the Attorney-General's Department during his visit to London in January 1973, there would seem to be no substantial problem in obtaining the Queen's agreement to assign powers to the Governor-General to act on Cabinet recommendations for the appointment of Australian ambassadors and for the acceptance of foreign ambassadors (i.e., to grant and receive agreement), to sign credentials of Australian

CONFIDENTIAL

CONFIDENTIAL

Items 1 & 2

Ambassadors on special missions in urgent circumstances (such as attendance of funerals of Heads of State), and to accept foreign ambassadors' Letters of Credence and Letters of Recall. All these powers are comprehended in the attached draft Instrument of Assignment.

Delegation to the Administrator

8. During the absence from Australia of the Governor-General, all the latter's powers could be exercised by the Administrator, who holds a dormant commission from the Queen. In practice, however, it might be preferable that the powers thus delegated should not be exercised by the Administrator, except in cases of emergency.

Course of Action

9. A submission of 3 April recommended to the Prime Minister that he should seek from the Queen the assignment of powers specified in the attached draft Instrument, but with the understanding that, if foreign Heads of State would not accept Letters of Credence signed by the Governor-General, the Queen would in that eventuality be asked to continue to sign them until such time as alternative practice might develop.

10. It was also recommended to the Prime Minister that, if the Queen were not pleased to agree, he would seek from her the assignment for the Governor-General of the other powers in this field, excepting only the power to sign Letters of Credence (see paragraph 7 above).

11. The Palace has been informed of the approach which it is proposed to make (paragraph 9 above), but not of the fallback position (paragraph 10).

12. The Prime Minister has directed that the Canadian and New Zealand Governments be informed privately of the Australian approach immediately after you have called on the Queen.

Department of Foreign Affairs
6 April 1973

3.

CONFIDENTIAL

DRAFT INSTRUMENT OF ASSIGNMENT BY THE QUEEN
OF CERTAIN POWERS TO THE GOVERNOR-GENERAL

ELIZABETH THE SECOND, by the Grace of God of the United Kingdom , Australia and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith:

To all the singular to whom these Presents shall come
GREETING:

WHEREAS section two of the Constitution of Australia makes certain provision for the exercise by the Governor-General of Australia of such powers and functions of the Queen as Her Majesty may be pleased to assign to him:

Now therefore, acting with the advice of the Executive Council of Australia, and in the exercise of all powers Us thereunto enabling, We do hereby assign to the Governor-General of Australia, in addition to all other powers and functions previously assigned to the Governor-General, all Our powers and functions in respect of the following matters:-

- (a) the appointment of Ambassadors Extraordinary and Plenipotentiary to represent the interests of Australia, and the termination of appointments of, and the recall of, Ambassadors Extraordinary and Plenipotentiary representing the interests of Australia, whether appointed by Us or by the Governor-General;
- (b) the appointment of High Commissioners to represent the interests of Australia in states within the Commonwealth of Nations but not included in Our Realms and Territories, and the termination of appointments of, and the recall of, High Commissioners representing the interests of Australia in such states, whether appointed by Us or by the Governor-General;
- (c) the recognition of, and the withdrawal of the recognition of, Ambassadors Extraordinary and Plenipotentiary, or other diplomatic representatives, appointed to represent the interests of foreign states in Australia; and

THE ROYAL STYLE AND TITLES

1. The Prime Minister has indicated that he wishes The Royal Style and Titles Act 1953 amended to delete references to the words "by the Grace of God", "of the United Kingdom", and "Defender of the Faith".

2. The Queen's Royal Style and Titles for Australia is recounted in the Schedule to the Royal Style and Titles Act (no. 32 of 1953) attached. The position is similar in Canada and New Zealand.

3. A number of Commonwealth countries have adopted Royal Style and Titles omitting reference to "by the Grace of God" and "of the United Kingdom". They have also omitted the words "Defender of the Faith". These countries are:-

- | | | |
|--------------|-----------|----------|
| Sierra Leone | Sri Lanka | Tanzania |
| | Nigeria | |

4. The forms adopted by Jamaica, Trinidad, Uganda and Fiji include the words "by the Grace of God".

5. However, these countries have retained as a common element with other Commonwealth Titles the description of the Sovereign as Queen of her other Realms and Territories and Head of the Commonwealth. There was consultation between these countries and the Australian Government when they proposed making the changes.

6. Omission of the three phrases will affect a number of Instruments wherein the Royal Style and Titles are used in relation to Australia and its Territories, i.e. the Seal, Royal Warrants, Commissions of Appointment, etc.

7. There may be some controversy over the exclusion of "by the Grace of God". The phrase has been continuously associated with the title of "Queen" (or "King") since the reign of William Rufus, the Coronation being recognised as a Christian ceremony.

8. All the Christian Realms except South Africa add "Defender of the Faith". Some people will no doubt take strong exception to the omission of the words. However, there is no established Church in Australia.

9. It is strictly a matter for Her Majesty's Ministers in the country concerned to decide whether a change in the Royal Style and Titles is relevant to their circumstances. In the case of Australia it would be expected that we should seek Her Majesty's informal approval before proceeding with legislation to omit the references. Formal approval could be sought after the views of other Commonwealth Governments had been obtained. These countries might then be advised formally when the new Title was brought into use.

Honours Branch
Department of the Prime Minister and Cabinet.
10 April 1973.

THE COMMONWEALTH OF AUSTRALIA.

ROYAL STYLE AND TITLES.

No. 32 of 1953.

An Act relating to the Royal Style and Titles.

[Reserved for Her Majesty's pleasure, 18th March, 1953.]

[Queen's Assent, 3rd April, 1953.]

[Queen's Assent proclaimed, 7th May, 1953.]

WHEREAS it was recited in the preamble to the Statute of Westminster, 1931 that it would be in accord with the established constitutional position of all the members of the British Commonwealth of Nations in relation to one another that any alteration in the law touching the Royal Style and Titles should, after the enactment of that Act, "require the assent as well of the Parliaments of all the Dominions as of the Parliament of the United Kingdom": Preamble.

AND WHEREAS the Style and Titles appertaining to the Crown at the time of the enactment of the Statute of Westminster, 1931 had been declared by His then Majesty King George V. in a Proclamation in pursuance of the Royal and Parliamentary Titles Act, 1927 of the United Kingdom, and were, in consequence of the establishment of the Republic of India, subsequently altered with the assent as well of the Parliaments of Canada, Australia, New Zealand and the Union of South Africa as of the Parliament of the United Kingdom:

AND WHEREAS it was agreed between the Prime Ministers and other representatives of Her Majesty's Governments in the United Kingdom, Canada, Australia, New Zealand, the Union of South Africa, Pakistan and Ceylon assembled in London in the month of

December, One thousand nine hundred and fifty-two, that the Style and Titles at present appertaining to the Crown are not in accord with current constitutional relationships within the British Commonwealth and that there is a need for a new form which would, in particular, "reflect the special position of the Sovereign as Head of the Commonwealth":

AND WHEREAS it was concluded by the Prime Ministers and other representatives that, in the present stage of development of the British Commonwealth relationship, it would be in accord with the established constitutional position that each member country should use for its own purposes a form of the Royal Style and Titles which suits its own particular circumstances but retains a substantial element which is common to all:

AND WHEREAS it was further agreed by the Prime Ministers and other representatives that the various forms of the Royal Style and Titles should, in addition to the appropriate territorial designation, have as their common element the description of the Sovereign as "Queen of Her other Realms and Territories and Head of the Commonwealth":

AND WHEREAS it was further agreed by the Prime Ministers and other representatives that the procedure of prior consultation between all Governments of the British Commonwealth should be followed in future if occasion arose to propose a change in the form of the Royal Style and Titles used in any country of the British Commonwealth:

BE it therefore enacted by the Queen's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:—

Short title.

1. This Act may be cited as the *Royal Style and Titles Act 1953*.

Commencement.

2. This Act shall come into operation on the day on which it receives the Royal Assent.

Definition.

3. In this Act, "the United Kingdom" means the United Kingdom of Great Britain and Northern Ireland.

Assent to adoption of Royal Style and Titles in relation to Australia.

4.—(1) The assent of the Parliament is hereby given to the adoption by Her Majesty, for use in relation to the Commonwealth of Australia and its Territories, in lieu of the Style and Titles at present appertaining to the Crown, of the Style and Titles set forth in the Schedule to this Act, and to the issue for that purpose by Her Majesty of Her Royal Proclamation under such seal as Her Majesty by Warrant appoints.

(2.) The

(2.) The Proclamation referred to in the last preceding sub-section shall be published in the *Gazette* and shall have effect from the date upon which it is so published.

5. The assent of the Parliament is hereby given to the adoption by Her Majesty, for use in relation to Her other Realms and Territories, in lieu of the Style and Titles at present appertaining to the Crown, of such Style and Titles as Her Majesty thinks fit, in accordance with the principles that were formulated by the Prime Ministers and other representatives of British Commonwealth countries assembled in London, as recited in the Preamble to this Act.

THE SCHEDULE.

The Royal Style and Titles.

Elizabeth the Second, by the Grace of God of the United Kingdom, Australia and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

23

PROPOSED AMENDMENTS TO CITIZENSHIP ACT
- INCLUDING OATH OF ALLEGIANCE

SYNOPSIS

. The process of 'naturalisation' entails appearance at a citizenship ceremony. The Certificate of Citizenship takes effect only after an Oath of Allegiance is sworn.

. On the other hand, Australian citizenship by 'registration' is conferred upon citizens of Commonwealth countries as soon as Certificates are issued. There is no ceremony and no oath.

. The new Oath of Allegiance will be as follows -

'I, A.B., swear by Almighty God that I will faithfully uphold the Consitution of Australia and I will faithfully observe the laws of Australia and fulfil my duties as an Australian citizen.'

. The two principal features of the new form of Oath are that:

- a) it omits the words 'renouncing all other allegiance'
- b) it omits specific reference to the Queen.

PROPOSED AMENDMENTS TO CITIZENSHIP ACT
- INCLUDING OATH OF ALLEGIANCE

Existing Law

The present Citizenship Act enables the Minister to grant Australian citizenship (by 'registration') to citizens of other Commonwealth countries and South African, Pakistan and Irish citizens, after only twelve months residence.

2. Citizens of Commonwealth countries, who have lived here for over five years, can become Australian citizens as of right by lodging a simple 'notification' with the Department.

3. Other people may be granted citizenship (by 'naturalisation') after three years if they can read and write English proficiently, or after five years if they can speak English and understand it when spoken. These qualifying periods for 'naturalisation' are shortened in various circumstances such as prior residence in another Commonwealth country, service abroad with the Australian Government, service in the Forces, minors, or marriage to an Australian.

4. The process of 'naturalisation' entails appearance at a citizenship ceremony. The Certificate of Citizenship takes effect only after an Oath of Allegiance is sworn.

5. On the other hand, Australian citizenship by 'registration' is conferred upon citizens of Commonwealth countries as soon as Certificates are issued. There is no ceremony and no oath.

Proposed Amendments

6. The overall objective is that all who seek our Australian citizenship should be able to do so on the same conditions irrespective of national origins. Therefore, it is proposed that:

- a) the existing provisions of the Act concerning grant of citizenship by 'registration', 'naturalisation' and 'notification' be abolished; instead there will be a single set of conditions to be met;
- b) the period of residence will be three years for all but with continuance of existing special provisions for service in the Forces, minors, marriage to Australians, and former Australians;

- c) applicants should be able to speak English and understand it when spoken; and should understand the responsibilities and privileges of citizenship; but with exemptions (as at present) for the elderly and the handicapped;
- d) there will be no change in existing requirements of the Act as to mental capacity, good character and intention to continue to reside in Australia;
- e) all persons over 16 years of age including citizens of Commonwealth countries who are granted Certificates of Citizenship should take an Oath (or make an affirmation) and the Oath should be taken as at present at a formal ceremony;
- f) the new Oath of Allegiance will be as follows -
 'I, A.B., swear by Almighty God that I will faithfully uphold the Constitution of Australia and I will faithfully observe the laws of Australia and fulfil my duties as an Australian citizen.'

7. The two principal features of the new form of Oath are that:

- a) it omits the words 'renouncing all other allegiance'

Comment: These words had no legal effect and caused deep concern to many people who have wanted to be Australian citizens without having to forsake their attachment to their former homelands.

- b) it omits specific reference to the Queen

Comment: People from non-British countries often cannot understand that the Queen is Queen of Australia as well as of England and have been bewildered by having to swear the present Oath in order to become Australians. By swearing to uphold our Constitution they will of course be undertaking to uphold the Monarch's present position in our Constitution.

Misunderstandings

8. There has been some misreporting of the above proposals and it has been necessary to emphasise that citizens of the 31 Commonwealth countries who do not become Australian citizens will not be aliens; they will continue to 'have the status of a British subject' (this status is described in some Commonwealth countries as 'Commonwealth Citizen'); and as such those who have settled in Australia

will continue to have the same rights and duties as before (e.g. the vote). There will be no compulsion to become Australian citizens.

South Africa and Pakistan

9. The opportunity is also being taken in the Citizenship Bill to remove South Africa and Pakistan from the list of Commonwealth countries set out in the Citizenship Act.

Transitional Provisions

10. For all residents of Australia who might be adversely affected by the above proposals, there will be a transitional period after the Bill comes into force, during which they can act to avoid any such adverse effect, viz:

- i) during the two years after the Bill's commencement, the existing easier residence requirements (for 'registration' and in some circumstances 'naturalisation') will continue to exist; but all will attend citizenship ceremonies and take the new Oath;
- ii) the simple 'notification' procedure mentioned in paragraph 2 above will be available during the period of six months after the Bill's commencement;
- iii) South Africans and Pakistanis resident in Australia (if they do not wish to become Australian citizens or cannot do so immediately for some reason) will be able, during the two years after the Bill's commencement, to elect to retain the status of British subject, so as to avoid being aliens.

PARLIAMENTARY OATH

The Australian Constitution prescribes in Section 42 that every Senator and Member of the House of Representatives shall, before taking his seat, make and subscribe before the Governor-General (or a person authorised by him) an oath or affirmation of allegiance in the form set forth in the schedule to the Constitution.

2. The Oath in the Schedule, which has remained unchanged since Federation is

"I, A.B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law. SO HELP ME GOD!"

.....

"(NOTE - The name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being is to be substituted from time to time.)"

3. In discussions concerning the amendment to the Oath of Allegiance in the Citizenship Act 1973 (which is before the Parliament), it may be appropriate to refer to the Parliamentary Oath as an expression of the loyalty of Parliamentarians to the Sovereign.

Department of the Prime Minister
and Cabinet

11 April 1973

NATIONAL ANTHEM

Your Australia Day broadcast on the National Anthem was cabled to Australia House on 26 January, and a copy was forwarded to the Palace.

Background

Your Government's decision to seek an alternative anthem is the culmination of a long history of pressure, exerted by a growing number of Australians, for a national song with a distinctly Australian flavour.

You made it clear, in your Australia Day announcement, that the intention is that the new anthem should be played on those formal occasions when patriotic sentiments are appropriately high, for example an Australian win at the Olympic Games. The present anthem "God Save The Queen" will be retained for use on occasions when Her Majesty, or a representative appointed by her, is present at functions in Australia. This practice, besides giving Australia a popular song to identify the spirit of the country at home and overseas, will bring us into line with other Commonwealth countries, notably Canada.

The Competition

Following your Australia Day address more than 700 entries have been received, many from overseas. These include original melodies and lyrics, and expressions of support for traditional Australian songs. Other letters request entry forms and details of the competition.

A working party of the Australian Council for the Arts has drawn up details for the Competition. These await your formal approval. The current thinking of the Council is that the Competition should be open only to citizens and permanent residents of Australia, copyright of the winning entry being vested in the Australian Government. This will effectively disqualify the majority of entries from the United Kingdom.

The Royal Visit in October

In any discussion of the matter you have with Her Majesty you could mention that it appears unlikely that a final choice of anthem will have been made prior to her opening the Opera House in October (an occasion when "God Save The Queen" would be used anyway, according to the policy announced on page 2 of your Australia Day message). This is in view of the decision of the Australian Council for the Arts to extend the duration of the competition from 3 to 9 months.