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There might, however, be a hurdle to accepting this interpretation as the correct or preferable interpretation. That hurdle is the interpretation might include state officials as holding their positions ‘under the Commonwealth’. State officials are in a familial relationship with the relevant State in the same way federal officials are in a familial relationship with the Australian nation. Since the States are themselves in a familial relationship with the Australian nation it follows that so too are State officials, albeit a degree removed. This result does not necessarily pose a problem of coherence. Indeed, it appears to be a result open when a comparison is made with the religious tests clause of the United States Constitution. Article VI of the United States Constitution states in part:

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

It would appear open to read that provision as meaning that ‘officers of the United States and of the several States’ hold their offices ‘under the United States’.  