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**YOU, the Australian Government & Climate Change
How it is used to Control Your Private Ownership.**

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1901 COMMONWEALTH OF AUSTRALIA

CONSTITUTION OF THE COMMONWEALTH OF AUSTRALIA

- An Act of the UK Parliament
- Enacted into law by Queen Victoria
- Proclaimed and Gazetted in Australia 1st January 1901
- As the Supreme Law of the Commonwealth of Australia
- A 26 page English common law contract
- Under the Crown
- Sealed with the Royal Seal
- Establishing a **Constitutional Monarchy**

Def of Constitutional Monarchy: in which the powers of the ruler are restricted to those granted under the **constitution** and laws of the nation

[63 & 64 VICT.] *Commonwealth of Australia Constitution Act.* [Cu. 12.]



CHAPTER 12.

An Act to constitute the Commonwealth of Australia. A.D. 1900.
[9th July 1900.] —

- ✦ Our original Constitution is a 26 page document
- ✦
- ✦ <https://www.foundingdocs.gov.au/item-sdid-82.html>
- ✦ The Annotated Constitution of the Commonwealth of Australia - notes and discussions on the words used and intention of the Constitution - can be downloaded at <https://archive.org/details/annotatedconstit00quicuoft>

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ORDER OF AUTHORITY

- ◆ The people of the Original States of New South Wales, Victoria, South Australia, Queensland, Tasmania and Western Australia
- ◆ AGREED TO UNITE
- ◆ under the Crown of the United Kingdom
- ◆ With the approval of the people of England, through their elected representatives in the British Parliament.
- ◆ The people are the Commonwealth

Who agreed to create the Commonwealth of Australia?

- ◆ the people of New South Wales, Victoria, South Australia, Queensland, Tasmania and Western Australia - Preamble
 - The States were previously colonies, created through enactment as the Original States of the Commonwealth, at its establishment - Covering Clause 6.
- ◆ Therefore, by definition, the people were the people of the Original States of New South Wales, Victoria, South Australia, Queensland, Tasmania and Western Australia
- ◆ The Preamble establishes that the Constitution of the Commonwealth of Australia is 'founded on the will of the people whom it is designed to unite and **govern**.

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WHAT IS THE CROWN?

- King or Queen swears a Covenant oath to Almighty God, on the King James Bible.
- Is invested with all authority through that Covenanted Coronation
- Uses that authority to commission limited authority to necessary persons in the Constitutional structure

Note: The Lion at the top of the Royal Seal is the Lion of Judah (Jesus)

- "This Queen is the source of law, makes new laws, alters or repeals old laws, subject only to the condition that this supreme power **MUST** be exercised **IN** Parliament and not otherwise. Every act of Parliament bears on its face the stamp and evidence of its royal authority which is held in the Crown, **NOT** in Parliament. The Parliament is the body assigned by law to advise the Crown in matters of legislation and the Crown could not legally legislate without the advice and consent of Parliament."
 - *Quick & Garran, §11. p301*



Current holder of the Crown is Elizabeth II

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WHAT IS THE STRUCTURE OF THE GOVERNANCE OF THE COMMONWEALTH

The Constitution defines the 'articles of incorporation' of the Commonwealth.

CH I - Parliament

- **Vested** with **legislative power** to make law under the authority of the Crown
 - Consists of the Queen, represented by the Governor-General
 - The Senate - elected by the people
 - The House of Representatives - elected by the people
 - Has FEW and ENUMERATED powers.
 - Any power not delegated is reserved to the States **

CH II - the Executive

- **Executive power** is **vested** in the Queen, **extending** to the execution and maintenance of the Constitution itself and the laws of the Commonwealth
 - Federal Executive Council comprised members selected FROM the elected representatives of Parliament
 - Who advise the Queen (represented by the Governor-General)
 - Who then authorises the necessary action.

CH III - the Judicature

- **Vested** with the judicial power of the Commonwealth
 - Judges are commissioned by the Queen, with judicial authority

Def of Govern: conduct the policy, actions, and affairs of (a state, organization, or people) with authority.

Def of Vested: to confer or bestow (power, authority, property, etc.) on someone.

Def of Legislative Power: the authority under the constitution to make laws and to alter or repeal them

Def of Executive Power: the authority to carry out administrative and managerial duties

Def of Extends: to reach to, enlarge the scope or application of, to stretch in one or more directions

Def of Judicial Authority: The constitutional authority vested in courts and judges to hear and decide justiciable cases, and to interpret, and enforce or void, statutes when disputes arise over their scope or constitutionality.

- ♦ **This ensures that the powers which 'in the ordinary course of affairs, concern the lives, liberties, and properties of the people' are held by more localized State governments and not the distant federal bureaucracy.

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SOVEREIGNTY & TRUST

Sovereignty

- The rules of the People who created the Constitution
- The Authority of the Crown who authorises the work of the Parliament

It's a form of a **Trust**

- The people create the wealth
- The Parliament makes laws under Crown authority to protect the wealth
- The Executive actions the laws under Crown authority
- The people are the share holders / beneficiaries
- The Judiciary decide any disputes under Crown authority

Def of Trust: an arrangement whereby a person (a trustee) holds property as its nominal owner for the good of one or more beneficiaries.

Def of Trustee: an individual person or member of a board given control or powers of administration of property in trust with a legal obligation to administer it solely for the purposes specified.

Def of Executor/Grantor: the individual who sets up the trust agreement and provides the terms and conditions of the trust. The grantor holds the legal authority to transfer property into a trust

Def of Beneficiary: a person or group that receives benefits, profits, or advantages. a person designated as the recipient of funds or other property under a will, trust, insurance policy, etc.

Def of Trustee De Son Tort: a 'kind of constructive trustee', having some of the attributes of a constructive trustee, and the statutory duty of care applies. Remember the Constitution does NOT have 'assigns'

- ◆ The Commonwealth of Australia is a form of a perpetual commercial **Trust**, created BY the people on behalf OF the people
- ◆ The Crown is the **Trustee**
- ◆ The people create the wealth in the Commonwealth of Australia and therefore are the **Executors / Grantors** of the Trust
- ◆ **Def of Executor/Grantor:** the individual who sets up the trust agreement and provides the terms and conditions of the trust. The grantor holds the legal authority to transfer property into a trust
- ◆ They pay taxes in various forms into Consolidated Revenue
- ◆ Those monies are used to create and maintain the assets of the Commonwealth for the people as **beneficiaries**
- ◆ The vote at elections is to authorise the Parliament of the Commonwealth to continue UNDER the authority of the **Trustee** of the assets of the people and the beneficiaries, AS the governing body
 - In a manner deemed acceptable to the people who are the executors
 - And under the rules of the Constitution.
- ◆ Which is why *only* the Parliament is vested with the authority to make laws s1.
 - And the people are *only* constitutionally constrained to vote for a Senate s7 and a House of Representatives s24.

Recap: Very, very simply put,

- ✦ the people bring the wealth to the Trust,
- ✦ the Queen brings the authority in law,
- ✦ the Federal structure works for both and with both, maintaining and protecting the Trust,
- ✦ the States protect the lives and livelihood of the people who put the wealth in the Trust.

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CONSTITUTIONAL CHANGES AND ALTERATIONS

Who can change the Rules-book / Constitution?

- An absolute majority of each house of the Parliament
- A majority of the voters in a majority of the States
 - Therefore a majority of all voters

Did the People agree to alter the Constitution to the current situation?

- No

Did an absolute majority of each house of the Parliament agree to alter the Constitution to the current situation?

- Not that the People are aware of
- Therefore we have to assume the Constitution sits as it was at the last permitted Constitutional alteration.
- Yet, the operation of the Executive in particular, does not appear to be adhering to the Constitution, so what has changed?

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Change #1: STATUTE OF WESTMINSTER [22 GEO, 5.] [CH. 4]

- The Empire had dissolved, the Commonwealth of Nations was formed in 1926
- 1931, the British Parliament enacted the Statute of Westminster
 - Giving all countries of the Commonwealth
 - The authority to create their own lawful enactments
 - And operate, if desired, outside British law.
- The Constitution of the Commonwealth of Australia was protected in that act, at s8 & 9
- The Parliament of the Commonwealth of Australia enacted the Statute of Westminster Adoption Act on Oct 9 1942

What was now in play for the Governance of the Commonwealth of Australia?

- The Constitution of the Commonwealth of Australia
- Whatever structure of constitutionally lawful external governance that could be devised.

So, in effect, the Statute of Westminster gave the Parliament an expanded authority, but not within the role for which these bodies were created without the permission of the people.

Note: the Constitution limited the involvement of international laws where they conflicted with the Constitution law of the land.

So while government could be involved internationally, could they implement non-constitutional international law into this country?

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Change #2: THE UNITED NATIONS

1880s - 1900s

- Countries discussed a plan for resolving war, using burgeoning international law precepts, including
 - Peace, arbitration, disarmament, humanitarianism, codification of the laws of war.

1918 - League of Nations

- International Red Cross became the repository of the Peace Conference / Geneva Convention Protocols / USA Lieber Code and etc. <https://www.icrc.org/>
- Hague Conferences used treaty law to create standing intergovernmental organs to oversee areas of mutual concerns:
 - Standardized weights and measures
 - Uniform postal and telegraph rates
 - Diplomatic 'mediation' and 'arbitration' as a permanent mechanism for conflict settlement.
- New Year's Day 1942, the United States, United Kingdom, Soviet Union and Republic of China signed the United States Declaration, followed on January 2 1942, by 26 founding member countries including Australia.

1945 United Nations - officially formed <http://www.un.org/en/index.html>

- All existing bodies & resolutions then absorbed into the UN structure

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AIMS & CAMPAIGNS

Aims

- Maintain International peace and security
- Protect human right
- Deliver humanitarian aid
- Promote sustainable development
- Uphold International Law

Campaigns

- Global Issues
- Sustainable Development Goals
- Climate Change
- UN & Sustainability
- Democracy
- Rule of Law
- Refugees and Migrants

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MAJOR RELEVANT UN BODIES

Include:

- UNICEF - their literature states
 - the child who is not registered at birth is in danger of being shut out of society
 - denied the right to an official identity, a recognized name
 - and a nationality
- UNIPCC - UN International Panel on Climate Change
- UNIDROIT - the UN International Institute for the Unification of Private Law
<https://www.unidroit.org/>
- UNCITRAL - the International Commission on International Trade Law, covering
 - International Commercial Arbitration & Conciliation, operating under
 - Model Law

Note:

- Private law is the body of legal doctrine and rules that govern relationships between private individuals, associations and corporations. It is increasingly in the form of legislation that defines, regulates, enforces, administers or restructures common law.
- Legal practitioners are encouraged to register all contracts between foreign citizens in admiralty jurisdiction as the forum for dispute resolution under INCITRAL Model Law.
 - In order to do this, the two parties must have their COMI's identified - their Centres of Main Interests.
 - This is done using the postcoded address. So where a party defaults on a contract, the COMI is identified, and the matter can be held in both country's courts IF those countries are signatories to the Arbitral conventions.

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Change #3: THE NEW FEDERALISM

Characterised from 1972 by:

- **1972/1973 - New Government**
 - the Australian Government
- **2 New Constitutions**
 - Constitution - C2005Q00193 (150 pages)
 - <https://www.legislation.gov.au/Details/C2005Q00193/Download>
 - Constitution - C2013Q00005 (68 pages)
 - <https://www.legislation.gov.au/Details/C2013Q00005/Download>
- **New form of governance**
 - **Democracy**
 - Privatisation of public assets
- **New Queen**
 - The Queen of Australia
 - Created by government
 - No heirs or successors
- **A New Seal**
 - The Great Seal of Australia



Def of Democracy: a system of government by the whole population or all the eligible members of a state, typically through elected representatives.

The Queen of Australia

- ✦ Documents released from the Whitlam files have established that the Whitlam himself pushed to create the Queen of Australia - an entity the High Court have stated has no authority in constitutional law.
- ✦ Further the Queen of Australia is not an inherited title, but an appointed one.
- ✦ Which means there are no heirs, successors and the role is not indissoluble.

Note: Elizabeth as the Constitutional monarch in the Commonwealth of Australia, holds all law for the people, dating back through time to include the Magna Carta, the English Bill of Rights, and etc - the Queen of Australia does not.

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- **A New International Jurisdiction**
 - International Admiralty
- **New Citizens**
 - The Australian Citizen
- **New Elections**
 - Elections for the Australian Government
- **New Judicial structure**
 - Administrative law
 - Ombudsman
 - ADR - **Australian Dispute Resolution**
 - Corams or Decision/Makers without judicial authority
- **New Contractual agreements between the People and the Government**
 - Private International Law
 - Individual repetitive registered agreements

Def of Alternative Dispute Resolution: the use of methods such as mediation or arbitration to resolve a dispute without resort to litigation.

- Enacted the Seas & Submerged Lands Act, which expanded the water limits around Australia under the UNCLOS (UN Law of the Sea) guidelines
 - Allowing the introduction of International Admiralty laws into Australia.

1975 Elections

Reminder:

- The Commonwealth of Australia is a Constitutional Monarchy
- The Australian Government is a Democracy
- ✦ Governor-General
 - prorogued the Parliament of the Australian Government
 - announced the next Federal election for the Australian Government.
- ✦ The people are only required by the Constitution to vote for candidates of the House of Representatives and the Senate of the Parliament through elections.
- ✦ The people are NOT required by the Constitution to vote for candidates for the Executive Government or its departments in any capacity.
- ✦ There has been no election announced for a Federal Parliament of the Commonwealth of Australia, since 1972.
- ✦ Therefore any election for the Australian Government can only be to consent to and validate its processes and give the appearance that the lawful structure is still operating.

Citizens & Sovereignty

- ✦ The Australian Government calls itself a "foreign government of political sub-divisions."
- ✦ It appears that an Australian citizen, may be a 'resource' of that Exclusive Economic Zone
- ✦ The capital of that EEZ appears to be the ACT

Note:

- No longer called the Australian Capital Territory
- Proper English would abbreviate it to A.C.T. - indicating each Capital refers to a larger word
- Now known as the ACT
- Has an ACT government - which is not constitutional as it creates bias and that Territory is the property of the people, as the Seat of Government.

- Connected by map entry to the Sea through Jervis Bay and consequently has a map access to the International waters.

- ◆ As all that legislation effectively ratified UN Conventions in some capacity, the increase in International law in the domestic laws of each country, became interwoven with the laws of the land, or where in conflict, superceded the law of the land where relevant.
- ◆ But the domestic laws had superiority, and to implement the increasing United Nations demands, governments were required to remove the sovereignty of each country.
 - England's Brexit
 - Australian Government's push for a republic.

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New Legislative Amendments, Additions & Deletions

- Using the Statute Law Revisions Act 1973, over 150 acts were changed on 1 day in October 1973

Examples

- Replaced 'governed' with 'administered'
- Omitted 'of the Commonwealth' from every act carrying the term
- Replaced 'Commonwealth Naval Forces' with 'Naval Forces of Australia'
- Removed definitions of 'constable', 'commonwealth Officer', 'peace officer'
- Replaced 'Chief Electoral Officer for the Commonwealth' with 'Chief Australian Electoral Officer'
- Omit 'of the Commonwealth' from the definition of 'Australia'
- Replaced 'Territory of the Commonwealth' with 'Territory'
- Replaced 'Commonwealth Employee' with 'Australian Government Employee'
- Replace 'Commonwealth Bank' with 'Reserve Bank'

From the Bills of Exchange Act 1901 - 1971

- Omit from the definition of Australasia - 'under the control of the Commonwealth'
- Omit 'of the Commonwealth' from the definition of 'local governing body'

From the Crimes Act 1918 & Evidence Act 1905

- Replace 'Great Seal of the Commonwealth' with 'Great Seal of Australia'
- From the definition of 'family company' omit 'Of the Commonwealth'
- From the definition of 'rural property' omit 'Territory of the Commonwealth' and insert 'Territory'

From the date of the appearance of the Australian Government, two distinct Parliaments appear:

- ◆ The Commonwealth of Australia - a constitutional monarchy
- ◆ The Australian Government - a democracy
 - Approved by the Queen of Australia

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How could the de jure Parliament allow the creation of a New Governance?

Research shows:

- It was done using the Heads of Power in the Constitution
- It was done lawfully
- But certainly in complete contradiction to the intent of the Constitution
- And remember, none of these changes were to the Parliament.
- They were all done to and by and for, the Executive, who hold the vested authority IN the Queen, to exercise the advice of the Parliament.

How was the Australian Government created?

1. The Parliament has legislative powers in a wide areas, including
 - a. s51. (xx) Foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth
 - b. (xxix) external affairs
 - c. (xxxix) Matters incidental to the execution of any power vested by this Constitution in the Parliament or in either House thereof, or in the Government of the Commonwealth, or in the Federal Judicature, or in any department or office of the commonwealth.
 - d. s52 (ii) Matters relating to any department of the public service the control of which is by this Constitution transferred to the Executive Government of the Commonwealth.
2. It uses those powers to create a branch of the Executive, for the purposes of assisting the executive in the administration of their responsibilities.
 - a. The Federal Executive Council advises the Governor-General s62, 63
 - b. The Governor-General appoints officers to administer such departments of State of the Commonwealth as the Governor-General in Council establishes s64
3. The Australian Government is a new department administrating as a department of the Executive Government control

1800's to CURRENT - PROGRESSIVISM & ADMINISTRATIONS

What is Progressivism

- ◆ Progressivism is an ideological rejection of the founding principles, positing instead that greater government control by the "right" people will bring about a better society.
- ◆ As such, distrusting the ability of each man to act in his inherent sovereign capacity and make decisions that will not harm his fellow man, progressivism has
 - Centralized decision-making
 - Rendered it more distant and less accountable
 - Embarked on a vast, unmoored data collection of man, supposedly related to the national security
 - Removed the security of ownership in a man's lands
 - Removed his substantial control over his built environment (towns, cities)
 - Interferes with the education and civic formation of the youth - seeking to train them to a progressive mould in antagonism to the past standards and morals.
 - Reshapes the autonomous man and woman into a creatures of the state.
 - Denigrates and seeks to eject any form of spiritual ethics which define man as individual, unique and capable of salvation.
 - Seeks to steal 'from each man, even the use of himself.'

- ✦ Progressivism came to Australia and other common law countries, through the USA, particularly Theodore Roosevelt and Woodrow Wilson and their inception of the New Deal in the 1920-1930's, which embraced the "science of administration."
Wilson defined this as 'seeing every day, new things, which the state ought to do [and seeing] clearly, how it ought to do them.' *Woodrow Wilson, The Study of Administration. 1887*

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PORTFOLIOS

Commonwealth Parliament

- Portfolio - Commonwealth Parliament
(<http://www.australia.gov.au/directories/australia/portfolio/parliament>)
- Parliament of Australia (<http://www.australia.gov.au/directories/australia/aph>)

- *Commonwealth Parliament agencies*
 - Department of Parliamentary Services
(<http://www.australia.gov.au/directories/australia/dps>)
 - Department of the House of Representatives
(<http://www.australia.gov.au/directories/australia/house>)
 - Department of the Senate (<http://www.australia.gov.au/directories/australia/senate>)
 - Parliamentary Education Office
(<http://www.australia.gov.au/directories/australia/peo>)

- *Australian Government Departments*
 - <https://www.directory.gov.au/departments-and-agencies>

Parliament of Australia

- Parent Portfolio: Commonwealth Parliament
(<https://directories/australia/portfolio/parliament>)

- The official website of the Parliament of Australia.
 - Parliament of Australia

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LAW, INDISSOLUBILITY, HEIRS & SUCCESSORS

In biblical law, 70 years is a generation.

- The Commonwealth of Australia was Proclaimed and Gazetted 1st January 1901
 - A full 70 years takes us to 1st January 1972
 - So the generation of the 1st January 1901 is gone in law on that date.

Indissoluble

- The Constitution of the Commonwealth of Australia is indissoluble
- The heirs and successors to the Crown are indissoluble
- The people of the Original States are indissoluble.

Heirs & Successors

- An **heir** is someone in the line of inheritance
 - We are heirs to the original Constitution
- A **successor** is the person who accepts the offer.
 - We are responsible for accepting the inheritance and becoming successors
 - What happens if we don't?

Def of Indissoluble: unable to be destroyed; lasting

Def of heir: a person legally entitled to the property or rank of another on that person's death.

Def of successor: One who follows or comes into the place of another

Note: most legal contracts refer to heirs, successors and assigns. There are NO assigns in the Commonwealth of Australia Constitution.

Def of assign: transfer (legal rights or liabilities).

- ✦ Therefore, although the Constitution does NOT refer to heirs and successors to the people of the Original States, and although the voters from 1901 are deceased - as an indissoluble contract, there MUST be a line of heirs and successors to the people of the Original States, referred to in the Preamble to the Constitution and Covering Clause 6.
- ✦ Logically then, the heirs and successors are found in the term 'the people of the [Original States] of People being plural with no restrictions.
- ✦ Consequently, even in 2019, to be an heir to the role of a executor / elector / beneficiary in the Commonwealth of Australia, Proclaimed and Gazetted 1st January 1901 - you must be one of the people of the Original State of.....

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CESTUI QUE VIE TRUST, EXECUTORS & ADMINISTRATORS

Cestui Que Vie Trust 1644

The trust is indissoluble

- The assets of the trust go into the Cestui Que Vie for the purpose of protecting the estate for the legal heir to accept.
- At the point of acceptance, the Heir becomes the Successor and has the Executorial role over the estate holding the assets.

What happens if you continue to use the assets without accepting the role of Executor?

- You are acting as a **Usufruct**
 - Using what is not yours without the permission of the Executor
 - You carry the cost and responsibility.

Who are the Administrators of this Cestui Que Vie / usufruct situation?

- All governments operate in Administrative law
- The Australian Government was created in 1972 - 1973
- Consequently, it would be safe to assume the Australian Government acts in administration of the trust.
 - Hence the continued approval by vote.

Def of Usufruct: the right to use and derive profit from a piece of property belonging to another, provided the property itself remains undiminished and uninjured in any way

What is Administration in Law?

"Administrative law is the body of law that regulates government decision making.

- ✦ Administration as a governmental process came to America through Germany in the late 1800's and so to Australia.
 - Germany is a civil law country.
 - America has a multitude of laws due to the various State backgrounds
 - The Commonwealth of Australia is a pure common law Federated State.
- ✦ The Australian Government works to improve the quality of access to justice for individuals by adopting:
 - best practice in administrative decision making
 - effective review and accountability mechanisms.

The federal administrative law system

- Administrative law offers accountability mechanisms that apply to government decision making about individual matters.
- Accountability mechanisms include:
 - merits review—by government agencies and by tribunals
 - investigations—by the [Commonwealth Ombudsman](#) and the [Office of the Australian Information Commissioner](#)
 - internal agency practices—including codes of conduct and **alternative dispute resolution**
 - judicial review—conducted by the federal courts. '
- <https://www.ag.gov.au/LegalSystem/AdministrativeLaw/Pages/default.aspx>

Def of Alternative Dispute Resolution: the use of methods such as mediation or arbitration to resolve a dispute without resort to litigation.

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THE NEW FEDERALISM & THE AUSTRALIAN GOVERNMENT

How does this apply to the creation of the New Federalism?

- December 1972, Whitlam, the newly elected Prime Minister, governed for 2 weeks as a duumvirate, with Lance Barnard.
- These 2 men were the Federal Executive Council for 2 weeks.
- The Governor-General Paul Hasluck sat as the third man, exercising the executive power of the Commonwealth, to validate any advice given through the Federal Executive Council
- This team made & implemented over 40 decision. Not one decision involved any other elected representative of the people
- The Governor-General can create departments of State of the Commonwealth - s64
- The Australian Government is a department of State of the Commonwealth of Australia
 - Operating in administrative law
 - Administrating the privatization of the assets of the Commonwealth
 - And the execution of the responsibilities of the Executive
 - Under an Executive with Expanded Powers

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EXPANDED POWERS OF THE EXECUTIVE GOVERNMENT

- Despite the fact that the Parliament does not have expanded Constitutional authority, it was accepted since early Federation that the Executive did.
 - In *Koowarta v Bjelke-Petersen*, decided in 1982, Justice Murphy discussed the nature of the Commonwealth executive power with respect to external affairs. After noting that the executive power over foreign affairs may be found in section 61 of the Constitution, his Honour said that it is not unlimited, that it is subject to both express and implied constitutional limitations. His Honour continued:
 - "Otherwise the executive power in relation to external affairs, unless confined by Parliament, is **unconfined**."
- Which means that the Executive Government has the ability to enter into agreements that the Parliament in our Constitution, does not.
 - It can enter into domestic AND international contracts on behalf of the Crown.
 - It is accepted by the High Court that s.61 of the Constitution incorporates the **prerogative powers** of the Crown

The Executive Power of the Commonwealth: its scope and limits by Dr Max Spry, Research Paper 28 1995-1996 Law and Public Administration Group

https://www.apf.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/RP9596/96rp28

Summary

- ◆ The words 'execution and maintenance of the Constitution and the laws of the Commonwealth' in s61 of the Constitution, are no longer words of limitation
- ◆ It now contains those common law Crown prerogatives (eg. treaty-making, declaring war) that vest in the right of the Commonwealth
- ◆ It allows the Parliament, through the Executive, to engage in activities that cannot otherwise be carried out
- ◆ It includes the power to enter into contracts and commercial arrangements WITHOUT the sanction of the Parliament.
- ◆ It does not extend beyond the responsibilities allocated to the Executive of the Commonwealth by the Constitution
- ◆ It is subject to express constitutional limitations
- ◆ It may be limited by laws enacted by the Parliament.
- ◆ It appears Parliament can't take over the treaty-making powers of the Executive.

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WHAT IS PREROGATIVE POWER?

In English law,

- a discretionary power that exceeds and is unaffected by ANY other power.
- The special pre-eminence that the monarch has OVER and ABOVE all others, as a consequence of his or her sovereignty.

Supralegal Power: over, above, beyond or greater than law

Extralegal Power: beyond the province or authority of law

Consolidation of Power: consolidating in one branch of government, the powers the Constitution allocates to the different branches

This creates **Absolute Power**

- all efforts to bind or impose legal obligation. not merely through law and the courts but through other various modes, is an evasion of the Law of the Land

"Administrative power is a pre-constitutional mode of governance - the very sort of power that constitutions were most clearly expected to prevent." *Professor Phillip Hamburger 'The Administrative Threat'*

- Constitutions were created specifically to refuse to allow the Crown to rise above the Law of the Land and the people's needs and requirements.
 - Note that the Queen can ONLY act within the Constitutional Constraints WITH the permission of Parliament.
 - Parliament can ONLY advise within the Constitutional Constraints.
- The Executive however, can act within those constraints in a manner the Parliament can not.
- Which therefore gives the Executive far greater powers than the Parliament.
 - And therefore far greater powers than YOU intend the Parliament to have.

Def of Prerogative Powers: In English Law, a discretionary **power** that exceeds and is unaffected by any other **power**; the special pre-eminence that the monarch has over and above all others, as a consequence of his or her sovereignty.

Def of Supralegal: means over, above, beyond, or greater than the law

Def of Extralegal: beyond the province or authority of law

Def of Consolidation of Power: consolidating in one branch of government, the powers the Constitution allocates to the different branches.

Def of Absolute Power: includes all efforts to bind or impose legal obligation not merely through law and the courts but also through other various modes. It is an evasion of the Law of the La

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Did the Queen do this?

- The Constitutional Monarch can not use her prerogative power in Australia unless she is actually present in this country and the Governor-General is absent. So her authority remains with the Governor-General who can use it as though he has all power, under the advice of the Federal Executive Council.
- Given that our Constitution is the only contract in the world to hold a monarchy in an indissoluble role, would she work to destroy her role?

Did the Parliament of the Commonwealth agree to this?

- Had to have done, and they definitely benefit from it.

However,

- The lawful courts are constrained by an aspect of the Rule of Law, that the legislature in enacting laws, does so with all due consideration to the rights held both in nature and constitutionally for those men, UNLESS the Parliament clearly states that is so. *Coco v The Queen (1994) 179 CLR 427 at 437* and other cases.
- So did the Parliament in 1972, know the full intent of these changes?

Did the People agree to this?

- Ultimately, blinded by all the benefits Whitlam offered, yes.

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HOW????

- The election for the Whitlam parliament in 1972, was for a Parliament of the Commonwealth of Australia.
- The paperwork proroguing the Parliament was signed by Sir Paul Hasluck as the Governor-General of Australia.
- The election in 1974, was for the Australian Government, and was announced by Sir Paul Hasluck, as the Governor-General of Australia.
 - s1 of the Constitution states.....herein-after called "The Parliament" or "The Parliament of the Commonwealth."
 - s7 the People chosen the members of the Senate
 - s24 the People choose the members of the House of Representatives.
 - Qualified voters for the Australian Government include British subject and Australian Citizens
 - Qualified candidates standing for election in the Australian Government can ONLY be Australian Citizens.
 - www.ipu.org/parline-e/reports/2015_B.htm - House of Reps
 - www.ipu.org/parline-e/reports/2016.Bhtm - Senate
- So the people agreed,
- as Australian Citizens,
 - to allow the continuation of a Government body
 - in administration of the Commonwealth
 - in trust for the people,
 - through the election process.

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RECAP

- 1901 Commonwealth of Australia Proclaimed and Gazetted
- 1911 - Compulsory enrolment to vote
- 1918 - League of Nations
- 1936 - Commonwealth of nations
- 1931 - Statue of Westminster
- 1942 - Statute adopted in the Commonwealth of Australia
- 1942 - Australia signatory to the foundation of the United Nations
- 1945 - United Nations begins
- 1972 - Original generation of the Commonwealth of Australia deemed passed
- 1972 - last elections for the Parliament of the Commonwealth of Australia
- 1972 - the New Federalism
- 1973 - The Australian Government
 - 2 Constitutions
 - Operating in Administrative Law
 - 1973 - The Queen of Australia and etc.
- 1974 - Elections for the Australia Government commence
- 1987 - Privatization commences

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CHANGE #4: THE AUSTRALIAN GOVERNMENT & INTERNATIONAL TREATY

- Specific actions of the Parliament/Government were enacted after 1942, bound to UN implementation and bringing Australia into the international compatibility.
- Key actions included:
 - 1947 - International Monetary Agreements Act
 - 1966 - the Australian dollar holding to the American dollar, was introduced
 - Under a private agreement between the Prime Minister & the State Premiers
 - The English Pound, holding the Head of Power of the Crowned Monarch is phased out.
 - 1967 - postcodes were introduced to define administrative areas.
 - State titles were abbreviated eg. N.S.W, then phased to NSW
 - 1947 - Australia signed the Metre Convention, which made metric measurements legal in Australia although metrification was not officially introduced until 1971
 - Created in 1874, the Universal Postal Union became an agency of the UNESC (UN Economic & Social Council) in 1947.
 - 1973 - enacted the **Seas & Submerged Lands Act**, creating a new international coastal limits zone, expanding into International Waters
 - Allowing UN Admiralty Law to have contractual standing in Australia.
 - Following governments further amended this act, installing a UN held Exclusive Economic Zone into this act, using NT and ACT, both Territories under administration _ and not Original States.

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- 1974 - ratified the World Heritage Convention giving the Commonwealth a 'foreign affairs power', which took precedence over State foreign affairs legislation.
 - This gave the Commonwealth a powerful tool to remove sites from State control
 - Great Barrier Reef Marine Park
 - Hawke Govt used it to get a win in the Tasmania Dams case, which also acted to allow the Commonwealth to bypass Just Terms compensation.
- 1974 - Passed the Environment Protection (Impact of Proposals) Act
 - Required the Commonwealth Government to undertake Environmental Impact Assessments on projects it controlled or funded.
- 1974 - Enacted the International Arbitration Act
 - giving UN Model Law the 'force of law' in Australia
 - Allowing Australia to enforce admiralty contracts between foreign parties.
- These Treaty agreements constrained the Commonwealth of Australia to :
- Abide by the bylaws of the Articles of Incorporation of an International body of foreign jurisdiction
- Abide by the payment of certain monies to that International body of foreign jurisdiction.
- That body being the United Nations, who none of us are able to elect our representatives for or are answerable to the authority of our constitutional Crown and therefore have no requirements to recognize the Law of our Land and its protections.

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WHAT IS A JURISDICTION?

Simply put,

- ♦ it's your ability to be heard in a legal situation and by a judge and/or jury
- ♦ And the extent of the power to make legal decisions and judgements, by that judge and/or jury

The Constitution is a common law contract

- ♦ So the jurisdiction of the Commonwealth is common law
- ♦ While the Jurisdiction of the Constitution is common law & constitutional law

The United Nations

- ♦ Holds no land and has built it's laws on the environment and the Law of the Sea
 - Admiralty
 - So International Commerce is held to Admiralty Law

The Australian Government operates in governance under administrative workplace rules

- ♦ Those rules are held to Admiralty jurisdiction
- ♦ So any dispute with Government or sub-agencies or departments or person working in these place - of the Australian Government
 - Are disputed in Admiralty
 - In a form of arbitration / mediation referred to as Australian Dispute Resolution
- ♦ Because UN Model Law has been introduced, ADR holds to Model Law guidelines.

Contract Jurisdiction in the Commonwealth of Australia

- ♦ The Constitution of the Commonwealth of Australia is an enactment of the Parliament of the United Kingdom and remains as such. [63 & 64 Vict.] [Ch. 12] Therefore it is an indissoluble enactment that holds authority in Britain as well.
- ♦ It was enacted through the Law of the Land which is common law
- ♦ The High Court of Australia have stated the Constitution of the Commonwealth of Australia is a common law contract.
- ♦ Hence the Law of the Land in the Commonwealth of Australia is common law & constitutional law.
- ♦ As such, any and all contracts normally hold to that jurisdiction, which means the Federal court judges hold the judicial authority to deal with common law based conflicts.
- ♦ Those judges are commissioned to the Queen's Most Excellent Majesty, who is the only authority in the Commonwealth of Australia that can invest judicial authority to a judge.

Contract Jurisdiction in the United Nations

- ♦ the United Nations has no land base, so has no law of the land.
- ♦ It deals with every country in the world, it cannot pick one specific country's domestic law to create contracts in.
- ♦ Consequently the United Nations claims and operates on the Law of the Sea - admiralty law.
- ♦ Admiralty law controls commercial contracts, specifically cargo and insurance.

Note:

- ♦ the United Nations has absolutely no power and authority outside that which given it through each country being a signatory and installing the relevant UN Treaty into law in that country.
- ♦ All authority is held to a contractual agreement.
- ♦ Any apparent or assumed authority comes from each country 'recognizing' the UN.

Def of Recognition: formal acknowledgement by a country that another political entity fulfils the conditions of statehood and is eligible to be dealt with as a member of the international community.

Administrative Law in United Nations Admiralty Jurisdiction

- ◆ ALL governments operate in Administrative law.
- ◆ Considered a branch of public law, it is the body of law governing the activities of the administrative agencies of government and government decision making.

- ◆ Administrative law holds to admiralty law, not common law, as it is administratively contractual.
 - The process of developing a system of public administration under law.
 - Can include rule making, adjudication, enforcement of specific regulatory agendas. regulations, applications, licences, permits, available information, hearings, appeals, decision-making
- ◆ Any legal action against a body of government is held in administrative law, not common law.
 - all admin law courts operate in Australian Dispute Resolution - under the United Nations Model Law guidelines for arbitration & mediation.
 - a judge in an admin law court has no judicial authority and can render no judicially binding ruling
 - Common law can not be used as a defence in an admin process
 - Decision are held purely to registered agreements.
 - Agencies of the Executive are allowed to interpret the legislative rules they operate under and judges defer to those interpretations
 - Meaning the experts, working for these privatised agencies, now make law.

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JURISDICTION & AUTHORITY

- Unless each jurisdiction has agreements with the others, the rules of each jurisdiction have no standing in the other jurisdiction.

Generic example:

- In the Commonwealth of Australia, a breach of common law can be actioned over any man found guilty.
- In the Australian Government courts, a breach of a contract can only be decided if there is an agreement between the contract holders and the admiralty jurisdiction.
- The judge in that situation CAN NOT render judicial authority, but an agreement or assessment.
- The assessment is done as a common law application, which then carries judicial authority.

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EXCLUSIVE ECONOMIC ZONE

- ◆ The Seas and Submerged Lands 1973 expanded the coastal limits into International waters, allowing UN Admiralty Law to have a contractual standing in this country.
- ◆ This act seized all coastal authority from the States and led to a High Court challenge, which the States lost.
- ◆ Consequently, the States entered into the Offshore Constitutional Settlement with the Commonwealth.

<https://www.ag.gov.au/Internationalrelations/InternationalLaw/Pages/TheOffshoreConstitutionalSettlement.aspx>

- ◆ Using the UN International Convention on the Law of the Sea, subsequent amendments to the Seas & Submerged Lands developed Exclusive Economic Zones
- ◆ Article 56 of the Convention states:
 - In the exclusive economic zone, the coastal State has:
 - (a) sovereign rights for the purpose of exploring and exploiting, conserving and managing the **natural resources, whether living or non-living**, of the waters **superjacent** to the seabed and of the seabed and its subsoil, and with regard to other activities for the economic exploitation and exploration of the zone, such as the production of energy from the water, currents and winds;
 - (b) jurisdiction as provided for in the relevant provisions of this Convention with regard to:
 - ◆ (i) the establishment and use of artificial islands, installations and structures;
 - ◆ (ii) marine scientific research;
 - ◆ (iii) the protection and preservation of the marine environment;
 - (c) other rights and duties provided for in this Convention.

Definition of superjacent: lying over or above something else; overlying.

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AGREEMENT

- With the creation of the Exclusive Economic Zone, everything was now in place to create the commercial corporate Republic proposed by Whitlam

Which would have enabled the rise of a governance that did not answer to the People, but to the international Progressives, Corporations, Money Men, United Nations

- Except the shadow figures behind this planned future for us and our country, needed the Agreement of the People
- And they still don't have it, although we believe the push for more immigrants is partly to disperse the knowledge of how the lawful structure should operate.
 - And of course, immigration and re-location is a major UN requirement.
 - With the long-term focus of removing individual national sovereignty and replacing it with a global citizenship

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PRIVATE INTERNATIONAL LAW

Each man holds inherent and unremovable natural rights.

- ♦ Free Will

Each man can step out of his natural jurisdiction and enter foreign contracts

- ♦ Foreign meaning of other jurisdictions, not necessarily other places or countries

In the event you enter a foreign agreement, a dispute can create a Conflict of Law - which jurisdiction decides the dispute??

How do you make each contract-holder accept a foreign decision?

How do you enforce a foreign decision?

1967 - Appearing under Protest to the Jurisdiction of a Foreign Court - A.V. Levontin

That's where UNIDROIT and INCITRAL enters the picture.

UNIDROIT - the International Institute for the Unification of Private Law

UNCITRAL - from which the International Commercial Arbitration & Conciliation AND Model Law emanates.

Rights

- ♦ There is no Bill of Rights in the Commonwealth, for the specific reason that the framers believed that to codify our rights, would be to inhibit them in some manner. Where a matter of rights arose in an individual matter, the decision was in the hands of a jury of 12 executors / electors / beneficiaries under the judicial authority of a constitutionally commissioned judge.
- ♦ While the Constitution does not define personal rights and liberties - the Australian Human Rights Commission does list 5 declared Constitutional rights as a legal person:
 1. The right to vote - Part VI s.41
 2. Protection against acquisition of property on unjust terms - Part V, s51 xxxi
 3. The right to trial by jury - Ch III s80
 4. Freedom of religion - CH V s116
 5. Prohibition of discrimination on the basis of the State of residency. - CH V s117

Note: It is vital to understand that the Parliament can change law and consequently create results that appear to or do prohibit or reduce those rights, but they must state that is their intention.

How Private Law Works to Remove Your Rights & Liberties

Domestic - Commonwealth of Australia

- As a living man, you abide in a natural jurisdiction, recognized in common law
- You have the right of free will to enter any contract or agreement you choose
- All contracts must have a jurisdiction for the purpose of certainty in dispute
- In the Commonwealth of Australia, all contracts are held to common law
- All domestic contracts you enter can therefore be determined by a domestic court.

- A ruling from that court has legal effect, can be appealed but the final ruling holds judicial authority and must be obeyed.
 - Because it comes under the authority of the Constitutional Monarch

Foreign - Australian Government

- As part of your free will rights, you can enter foreign contracts in jurisdictions unrecognized in your domestic jurisdiction
- To create recognition, Governments enter into inter-governmental agreements
 - these allow for a foreign claims to have standing in the domestic jurisdiction.
- Consequently a foreign claim against you can be actioned in Australia
- Given the Australian Government operates in foreign law - admiralty - UN Treaty ratification acts to achieve the same result.
As part of its administration structure -
- The Australian Government indicates that you must have a licence for some activity you choose to do - these are jurisdictionally foreign agreements
 - You enter into that agreement with them and are licensed
 - The **licence** is **registered** as a contract in the admiralty / administration jurisdiction

Def of Licence: official permission to do something or a document, plate or tag showing proof of permission.

Def of Registration: the act of legally recording an Instrument in law.

Foreign - International

- ✦ Where a contract exists between 2 foreign nationals, a dispute in the contract can often not be resolved because neither domestic jurisdiction can be involved with the other parties.
- ✦ This creates a Conflict in Law - known as Private International Law
- ✦ UNIDROIT - the UN International Institute for the Unification of **Private Law** was designed to resolve this situation.

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EXAMPLE #1

You go to China

You want to enter into a commercial contract in China

You do, something goes wrong and there is a dispute that goes to the court

Q: Which court?

You both decide to use the Chinese court.

You are a foreign national and your law has no standing in China

You re-think it and decide to use the Aussie court

The other part is a foreign national and his law has no standing Australia

The dispute goes nowhere - whoever is harmed has to cut their losses.

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EXAMPLE #2

You go to China

You want to enter into a commercial contract in China

The contract is fixed in the Aussie court

You do, something goes wrong and there is a dispute that goes to the Aussie court

You win and try to recover costs from the foreign national contract-holder

Australia has no agreement with China to make that happen.

The dispute goes nowhere - whoever is harmed has to cut their losses.

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EXAMPLE #3

You go to China

You want to enter into a commercial contract in China

The contract is fixed to UNCITRAL Treaty obligations and Articles

Something goes wrong and there is a dispute that you take to an Aussie court

You win and can then apply to the Chinese jurisdiction for recovery of the award that was created.

The Chinese jurisdiction must do the following:

Clarify that the Chinese party has his main commercial place of business in China.

- ◆ COMI
- ◆ Defined by the use of the legal name
- ◆ Connected to the registered address
- ◆ Connected to the registered postcode
- ◆ Connected to a registered bank account
 - All within the necessary Chinese Exclusive Economic Zone or equivalent.

The Chinese courts can then levy damages and/or repayment or whatever is required.

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EXAMPLE #4

You live in Australia

- ✦ You enter into an agreement with the Australian Government or a privatised body of the Australian Government administration, for a contract
- ✦ The Australian Government calls itself a "foreign government of political sub-divisions"
- ✦ It operates its commercial activities through the Exclusive Economic Zone created by the on-going amended Seas & Submerged Lands Act 1973
- ✦ You are entering into a foreign contract held to UN admiralty jurisdiction

That agreement is registered

- ✦ You sign it using your legal title - the Birth Certificate name
- ✦ You agree to allow the agreement to be held to the UNCITRAL Treaty ratification for dispute
- ✦ You agree your common law rights have no standing in this dispute resolution

A dispute arises and goes to a CH II Australian Dispute Resolution court under Model Law ;

- ✦ The coram/decision-maker has no judicial authority, so requires that you acknowledge you agree to be adjudicated.
- ✦ That agreement is registered

You lose and the coram /decision-maker offers the opinion that you should agree to pay the costs / fine or the matter will go to a costs assessment.

- ✦ You refuse to agree.

The matter follows debt principles and ends up going to the Supreme Court Costs Assessment Department, which is a CH III court.

- ✦ The matter itself has no relevance to the SCCA - only the unpaid debt has **standing**.
- ✦ That court must respect your desire to enter into a foreign contract, all levels of which have been registered.
- ✦ That common law court provides a lawful decision that you must pay the claim.

Def of Standing: In law - no status, no 'voice'

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EXAMPLE #5 - Land & Property

You want to buy land or land & a house or farming property

Under colonisation principles, land was held by the Crown

The Crown authorise government to release land into private ownership, pending the receipt of the payment for that land into consolidated revenue of the Commonwealth

The new purchaser received a Deed for a Grant in Fee Simple which documented the dimensions of the real property, the reservations (usually minerals and etc.

You never own the land itself, but the Deed gives you the sole rights of Proprietor of the rights inherent in a Fee Simple title, which include 4 rights of use:

- The purchase of any structures or buildings that are on the land - *tenements*
- The right to build any structures of any kind on the land - *messuages*
- The right of ownership of all natural elements on the land, to an indefinite extent above the land, and to the very centre of the earth - *corporeal hereditaments*
- The right to use the land in any manner including to waste the land. (Waste legally meaning to take back to bedrock) - *Incorporeal hereditaments*

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- ◆ So powerful is a Grant in Fee Simple title to land that
"The poorest man may in his cottage bid defiance to all the force of the Crown. It may be frail; its roof may shake; the wind may blow through it; the storm may enter; the rain may enter; but the King of England may not enter; all his force dares not cross the threshold of the ruined tenement." *Lord Denning in Southam v Smout [1964] 1 QB 308 at 320*

Fee Simple has enormous power, which has been validated by the High Court in several cases.

- *Commonwealth v New South Wales [1923] HCA 34; (1923) 33 CLR 1 (9 August 1923)*
- ◆ Many people accept that ownership is held to the top 6" of soil, however Fee Simple vests a cone shape parcel to the very centre of the earth and as high as you eye can see.
- ◆ There have been several cases in America which validate this fact.

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EXAMPLE #5 - Land & Property cont

- ✦ You purchase the land
- ✦ You pay the price
- ✦ You sign the contract
- ✦ You get a Certificate of Title - not a Deed
 - This Certificate does not define the dimensions of the land

Your conveyancer and/or solicitor **register** the land purchase in the Torrens Title system.

- ✦ You get a Notice from Local Government that rates are due.
- ✦ You must ask permission from Local Government - under a fee structure - to get permission for any project you wish to carry out on that land.
 - Build a house
 - Build a shed
 - Start a business
 - Put in a swimming pool

You can be disciplined by Local Govt for breaching their rules of land use.

Def of Licence: official permission to do something or a document, plate or tag showing proof of permission.

Def of Registration: the act of legally recording an Instrument in law.

Property

- In 1973, Whitlam set up a Commission of Inquiry into Land Tenures, with the apparent purpose of getting all private land back into Government ownership.
 - The final report in 1976, discussed using Local Government to re-zone, remove and/or diminish the Use rights, heavier planning laws, environmental actions.
 - There was minimal acknowledgement of the rights of the land owner.
- A purchase of land in a Grant of Fee Simple, with its list of rights, is negated by the registration of that land into the Torrens Title system.
 - Placing the land under the State administration
 - With the requirement to gain permission to create an action on your property
 - establishing you are not the owner.
 - In effect, placing the land into a trust arrangement where you then use it then as a **usufruct**.

Def of Usufruct: the right to use and derive profit from a piece of property belonging to another, provided the property itself remains undiminished and uninjured in any way

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LAND CONTROL

Local Government require ever-increasing environmental regulations to be conducted and adhered to on your land.

- ◆ House must be build from certain materials.
- ◆ Gardens must be landscaped with specific plantings
- ◆ Water and effluent must be drained away with total reference to environmental restrictions
- ◆ Building can only be done on approved areas of the land
- ◆ Trees cannot be removed without permission
- ◆ Clearing and burning are forbidden without permission

In areas of NSW, under the Land & Environment Plans dating from around 2004, use of holiday homes on the Wollongong Escarpment, must be yearly or the user rights can be removed.

In the Central strip of NSW, houses can only be built on farms on a minimum of 1000 acres.

All using the Environment Protections & Biodiversity Conservation Act 1999 imperatives, the grand-daddy of environmental policy in Australia, entering under ratification of UN Environmental Treaties.

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INTENT & PURPOSE

Private land ownership is powerful

- ♦ The English Parliament was created to define and enforce the elements of human rights, including the right of private land ownership
 - The wealth of the soil is often under private ownership controls
 - The wealthiest commercial elements are often under private ownership controls

Intent #1 - Get rid of private ownership

Whitlam had a Commission Into Land Tenures held, which discussed methods of removing or drastically de-valuing private land, including

- ♦ Zoning and etc

Intent #2 - Totally control all elements of Mining, Drilling and etc, without the interference of private land ownership

Intent #3 - enter into agreements with international corporations who lease the rights to mine from government.

Intent #4 - control of world food supplies

The environmental imposts play into these intents perfectly because they allow the community acceptance of the control of land use.

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YOU & LOCAL GOVERNMENT

Local Government is not recognized in the Commonwealth of Australia Constitution

Yet is referred to by the Australian Government as the Third Tier of Government

Information suggests it is a privatised body

- LGA's throughout Australia are members of the United Cities & Local Government
<https://www.uclg.org/>
 - This international body has a Global agenda.
- COAG - the Council of Australian Governments - is an intergovernmental forum between the 3 tiers of Australian Government.
- Local Government hold an equal voice in this body
 - This indicates that Local Government is no longer a department of the States, but holds an equal authority to the States and the Australian Government.
- YOU do NOT vote for any member of COAG
- It's members are
 - The Prime Minister
 - The Premiers of each State
 - The Head of the Local Government Association

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YOU & THE STATES

- The States protested the actions of the Australian Government is claiming the territorial waters through the Seas & Submerged Lands Act 1973, and subsequently lost in the High Court.
- An Offshore Constitutional Agreement was created between the States and the Commonwealth. This Settlement is in the International Law portfolio of the Attorney General <https://www.ag.gov.au/Internationalrelations/InternationalLaw/Pages/TheOffshoreConstitutionalSettlement.aspx>
- The Statute of Westminster gave the Federal body the powers to make laws in contradiction to English law, but the States did not have that ability.
- So after the Offshore Constitutional Settlement was finalised in 1980, the Australia Act 1986 transferred similar powers to the States.
 - So expanding the administrative structure into the States.
 - Creating the major impost on daily life and business activities, because the State have authority where the Commonwealth does not.
- ◆ The States all created new Constitutions or substantially amended their original ones.

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YOU & THE AUSTRALIAN GOVERNMENT

- It is clear by now that the Australian Government is a body designed specifically to: implement UN Law under a world wide agenda.
- To aid that agenda, the Australian Government has done the following:
 - Put all legal estates held for the heirs to the Commonwealth into trust
 - Established UN Treaty obligations that guide their legislative imperatives
 - Use extrinsic and intrinsic fraud to get us to enter into Private Law agreements, that mean we have set aside our Constitutional protections.
 - Working toward a reduction of the wage structure in this country to bring us into a world parity.
- The entire Global Warming/ Climate Change agenda is directly related to that control and working toward the United Nations aims & objectives.
- Using the media and prominent voices in advertising and scare tactics t
 - To cause the uninformed to demand the government act,
 - to force fear to allow the removal of our major industries,
 - to allow green demands to harm our food production.
- All of which fits into the early Agenda 21 plans to take from the rich nations and give to the poor ones.
- So how does the Climate / Environmental fears work legislatively in this country?

It's all in the words

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Environment Protections & Biodiversity Conservation Act 1999

http://www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/

The act states in s3, that

1) The objects of this Act are:

(a) to provide for the protection of the **environment**,

(d) to promote a co-operative approach to the protection and management of the environment involving governments, the community, land-holders and indigenous peoples;
and

(e) to assist in the co-operative implementation of Australia's international environmental responsibilities

The act then states in s528 Definitions that "**environment**" includes:

(a) ecosystems and their constituent parts, including **people and communities**

If we go to the list of **unsustainable activities** that were listed on the UN The Global Biodiversity Assessment Report - **they are ALL human activities and all activities, on land, are defined as unsustainable.**

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Here is a list of the things that the The Global Biodiversity Assessment Report directed by the United Nations Environment Programme (UNEP) considers **Unsustainable** -

Ski Runs - Grazing of Livestock: cows, sheep, goats, horses - Disturbance of the Soil Surface - Large hoofed animals, compaction of soil, reducing filtration - Fencing of Pastures or Paddocks - Agriculture - Modern Farm Production Systems - Chemical Fertilizers - Herbicides - Building Materials - Industrial Activities - Human-Made caves of brick and mortar, concrete and steel - Paved and Tarred roads, highways, rails - Railroads - Floor and Wall Tiles - Aquaculture - Technology Improvements - Farmlands, Rangelands - Pastures, Rangelands - Pastures - Fish Ponds - Plantations - Modern Hunting - Harvesting of Timber - Logging Activities - Fossil Fuels - Used for driving various kinds of machines - Dams, Reservoirs, Straightening Rivers - Power Line Construction - Economic systems that fail to set a proper value on the environment - Inappropriate Social Structures - Weaknesses in Legal and Institutional Systems - Modern Attitudes toward nature - Judaeo-Christian-Islamic religions - Private Property - Population Growth - Human Population Density - Consumerism - Fragmentation of Habitat - cemeteries, derelict lands, rubbish tips, etc - Sewers, Drain Systems, Pipelines - Land use that serves human needs - Fisheries - Golf Courses - Scuba Diving - Synthetic drugs - Fragmentation - Agricultural development, Forestry Urbanization (impervious surfaces)

<http://earthwatch.unep.ch/biodiversity/assessment.php>

Remember: An International Treaty such as the EPBC Act 1999, is a "contractual" arrangement between two or more different parties.

Def of Unsustainable: upsetting the ecological balance by depleting natural resources.

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Rights

- Thomas Paine, in the Rights of Man 1795, stated that as all human rights originate in Nature, a charter cannot give rights. Each "individual themselves, in his own personal and sovereign right, enters into a contract with each other to produce a government: and this is the ONLY mode in which governments have a right to arise, and the only principle on which they have a right to exist."
- Biblically man is given the right to make his own decisions.
- The United Nations, the progressives and the Administration system in Australia and the States use that exact right to get an individual to enter into contracts that become binds, using Private Law agreements, registration and admiralty law.

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YOU & Private Ownership

- If you consider the original stated intention of the United Nations was to restore peace to the world, create an equity in food supplies and living standards, you would have to seriously consider this intent as a good thing.
- However, what has been hidden behind this is that not every administration involved in this focus acts with the same intent.
- Did you note that mining and etc is NOT part of the unsustainable human activities?
- Are you aware of the massive financial benefits going to government through mining?
- Have you considered that controlling the land, air and sea allows for greater mining involvement in those areas, UNDER UN-biased government legislative impediments?
- Have you been persuaded by the united push by the world governments to make YOU feel the guilty party in their projected climate fears?
- Have your children been persuaded by the schooling system under UN guidelines, to help in making YOU feel guilty about the future YOU are leaving them?

Great advertising and propaganda eh!

- Yet - the actions of all governments is in complete contradiction to those claims.
- Despite the legislation which stops YOU from land activities - and guides mining companies and international corporations in their use of the land and in commerce - THOSE BODIES are supported to continue - while YOU are not.

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- Whitlam and his predecessors, simply worked out how to remove Private Land ownership or at the very least make it of no authority.
- He and succeeding governments could not just "do" that.
- But a system of governance that could get YOU AND I to do that, could.
 - Set up a system of governance that operated externally to the Commonwealth
 - Enter into UN bound treaties for the environment - a new jurisdiction in the world
 - Get us to register our land ownership in a system that allowed government to control our ownership through those environmental treaty ratifications
 - Make environmental legislation that constrained how we could use that land - aimed at rendering it valueless in commercial terms for individuals.
 - Contract with mining companies and international corporations, etc to use it for the commercial gain of the Australian Government.
- **When you vote for the Australian Government, which acts in administration through the foreign treaties and agreements to bind you to UN obligations - then it is deemed you are in agreement with anything they do**

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Recap

- 1901 - Commonwealth of Australia Proclaimed & Gazetted
 - 1911 - Compulsory enrolment to vote
- 1931 - Statute of Westminster UK enactment
 - 1942 - Adopted in the Commonwealth of Australia
- 1942 - Australia a signatory to the foundation of the United Nations
- 1945 - United Nations begins
 - 1947 - Metre Convention (introduced in 1971)
 - 1947 - Postal Union placed under UN oversight
 - 1966 - Australian dollar
 - 1967 - Postcodes introduced
- 1972 - last elections for the Parliament of the Commonwealth of Australia

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- 1973 - the New Federalism
- 1973 - The Australian Government
 - 2 Constitutions
 - Operating in Administrative law
- 1973 - The Queen of Australia
- 1973 - The Seas & Submerged Lands Act -
 - introduced UN Law of the Sea
- 1974 - ratified UN World Heritage Convention
- 1974 - passed Environment Protection (Impact of Proposals)
- 1974 - enacted International Arbitration Act,
 - giving UN Model Law the 'force of law' in Australia
- 1975 - elections for the Australian Government from this time
 - Qualified voters include British subjects & Australian Citizens
 - Only Australian Citizens can run for election
- www.ipu.org/parline-e/reports/2015_B.htm - House of Reps
- www.ipu.org/parline-e/reports/2016.Bhtm - Senate

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- 1986 - Australia Act gives the States the same power extended through the Commonwealth by the Statute of Westminster - still preserving the integrity of our Constitution
- 1987 - Privatization begins
- 1997 - #2 most privatized country in world
- 1999 - Environment Protections & Biodiversity Conservation Act
- CH I Parliament constrained by the Constitution
- CH II Executive Government has no constraint
 - Can introduce international law
 - With permission of Parliament
 - CH II courts hold no judicial authority
- Ch III holds all judicial authority
 - But is subject to Parliamentary legislation
- All agreements with CH II bodies are registered agreements - contracts
 - Under legislation including international law ratifications.
- ✦ The people vote in a Republic.

Privatisation & the Australian Government

- Asset sales & Privatisation kicked off in 1987
- By 1997, Australia ranked as the #2 privatising country in the world.
- The assets being sold belong to the people of the Original States of the Commonwealth of Australia
 - who elected the representative to maintain the assets of the Commonwealth
 - and who paid for those original assets and their ongoing maintenance
- Census are increasingly detailed, gathering data to establish the value of an asset of the Commonwealth, for the potential interest of a private corporation.
- Because many are essential services for the people, selling them into private hands, who require a clear and substantial commercial profit, the use of the sold asset now costs the people far more than previous.
- So of what benefit is privatisation?
- We are told that privatisation:
 - Decreases public service numbers
 - Allows the benefit of expert specialised administration
- We are not told that
 - Due to the increasing impost of environmental and duty of care legislation, privatisation removes responsibility from government and places it with the privatised corporate management.
 - If you work for that privatised corporate company OR contract to its services - you are contracting to accept some responsibility and / take proprietorship of resolving any dispute.

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Entertainment: Ski Runs - Modern Hunting - Golf Courses - Scuba Diving

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Human:

Disturbance of the Soil Surface

Building Materials

Industrial Activities

Human-Made caves of brick and mortar, concrete and steel

Paved and Tarred roads, highways, rails

Railroads

Floor and Wall Tiles

Technology Improvements

Harvesting of Timber

Logging Activities

Fossil Fuels

Used for driving various kinds of machines

Power Line Construction

Economic systems that fail to set a proper value on the environment

Private Property

Population Growth

Human Population Density

Consumerism

Fragmentation of Habitat

cemeteries, derelict lands, rubbish tips, etc

Sewers, Drain Systems, Pipelines

Land use that serves human needs

Synthetic drugs

Slide 54

Morals & Ethics:

Inappropriate Social Structures

Weaknesses in Legal and Institutional Systems

Modern Attitudes toward nature

Judaeo-Christian-Islamic religions

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Agriculture: Grazing of Livestock: cows, sheep, goats, horses

Disturbance of the Soil Surface

Large hooved animals, compaction of soil, reducing filtration

Fencing of Pastures or Paddocks

Agriculture

Modern Farm Production Systems

Chemical Fertilizers

Herbicides -

Aquaculture

Farmlands, Rangelands

Pastures, Rangelands

Pastures

Fish Ponds

Plantations

Dams, Reservoirs, Straightening Rivers

Economic systems that fail to set a proper value on the environment

Land use that serves human needs

Fisheries

Agricultural development, Forestry Urbanization (impervious surfaces)

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CONCLUSION

1. The Statute of Westminster gave the Commonwealth of Australia permission to enter into International Treaties
2. The Parliament was constrained constitutionally to make sure these obligations did not breach the Constitution
3. The Executive was not constrained, as long as the Parliament approved their actions
4. Consequently, using that power, the Executive developed the prerogative power into what is now - Absolute Consolidated Power held by 1 source of governance
5. The Australian Government was created to exercise this governance under administrative law
6. Administrative law holds to United Nations Admiralty Law under Model Law guidelines
7. The Australian Government enters into all UN Treaties and through Parliamentary agreement to the actions of the Aust Gov't - NOT the Treaty - the Commonwealth Parl't allows them to hold power.
7. The people of the Original States created a single contractual obligation in the Constitution
8. Therefore they are required to enter individual agreements with the Australian Government to operate commercially outside the Constitution jurisdiction and in International admiralty
9. This is done by agreeing to trade commercially in the Exclusive Economic Zone of the Australian Government
10. There is no head of power judicial authority in that Zone, so all power is held in registration of Private Law agreements/ contract.
11. Those registered agreements are adjudicated under arbitral / mediative processes.
12. Common law can not be used in this situation.
13. Therefore the matter does not attract justice but contractual obligations

Which is why any matter involving land goes to the Land & Environment Court
And why many matters involving fines are adjudicated under Planning laws.
And why court & jury processes have almost disappeared.

Common law - in personam (the people)
Admiralty law - in rem (cargo, things)

Thank you

Sue Maynes
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