

The Commonwealth of Australia Constitution

V.

Local Council Constitutional Recognition

| | |
|--|----|
| INTRODUCTION | 2 |
| A. | |
| HISTORY – England | 2 |
| HISTORY – Australia & the Commonwealth of Australia Constitution Act | 3 |
| B. | |
| LIVING PRIVATE NATURAL MEN & WOMEN V LEGAL PERSONS | 5 |
| C. | |
| CONTRACTS | 5 |
| D. | |
| <u>COMMONWEALTH OF AUSTRALIA</u> | |
| KEY ELEMENT 1 – The Contract | 7 |
| THE PREAMBLE | 8 |
| THE ACT – The People | 9 |
| THE ACT – The Queen | 10 |
| THE ACT – Parliament | 12 |
| THE ACT – Separation of Powers | 13 |
| OVERVIEW 1 | 14 |
| OVERVIEW 2 – Separation of Powers | 15 |
| KEY ELEMENT 2 - The Signature | 15 |
| KEY ELEMENT 3 – Delegation of Authority | 16 |
| KEY ELEMENT 4 – People of the Commonwealth of Australia Jurisdiction | 17 |
| LAND -Briefly | 18 |
| DEFENDER OF THE FAITH | 19 |
| CONCLUSION – FIRST PART | 19 |
| E. | |
| <u>AUSTRALIA</u> | |
| 1972 to CURRENT | 20 |
| CHANGES – Simple Overview | 23 |
| LOCAL COUNCIL | 23 |
| LOCAL COUNCIL – Private Land | 24 |
| LOCAL COUNCIL - The People’s Contract | 27 |
| LOCAL COUNCIL - Its Elected Members | 28 |
| LOCAL COUNCIL – The Republic | 29 |
| LOUISIANA PURCHASE | 29 |
| CONCLUSION - Final | 30 |
| A Story | 31 |

INTRODUCTION

This document is in 5 parts. Each designed to build your understanding of our political, legal and constitutional structure and where you fit in. The reader may be tempted to overlook these some sections, but without understanding each of them, the understanding of our Constitution structure of law will not be clear.

Section 1 is a brief History of the creation of the Commonwealth of Australia Constitution – the People’s rules.

Section 2 explains to the reader, the difference between the private natural living man or woman and their legal entities, their legal persons.

Section 3 explains to the reader what a contract is.

Section 4 details the history of our Constitutional structure of law, the elements of that and where and how the People, the Queen, the Parliament and the Judiciary are to operate. It details the way our laws are supposed to operate.

Section 5 details the structure of law the Australian government and the states now operate under, since 1972, as well as the details of what and who Local Government are constitutionally.

At all times, the reader must remember, the People are not the landmass. The People are the Commonwealth of Australia, the landmass is Australia. The Commonwealth, which is the People, resides and trades ON Australia. Hence it is the People, at all times, who hold the contract.

This document is focused solely on the legal English structure involving the Commonwealth of Australia Constitution and the government in place at the present. It will not discuss the Aboriginal issue of land ownership; it is not meant however, to dismiss their grievances.

The editor would suggest each reader get a copy of the original Commonwealth of Australia Constitution¹ and a copy of all the referendum decisions² which signify any change to the Constitution since 1900. The Constitution is a brief document written in lay-man’s English. Every home should have a copy and have read it because it contains the contract details that protect our civil and political rights and ownership rights (equity).

A. HISTORY – England

By English law, the Monarch holds ownership in perpetuity of the land-mass.³ Once, having the right to seize and grant land as he or she wished and in that process having an awful human and financial control over the men and women attempting to live on and work with that land, all that was changed with the creation of the Magna Carta (the Great Charter)⁴, which is the English Constitution, defining how the Monarch and the government must deal with the rights of the men and women living under the rule of the English Monarch.

All law in the Commonwealth of Australia is inherited from that tradition. “*Isaacs J, speaking in the High Court of Australia in 1925, was speaking truly when he proclaimed Magna Carta to be ‘the groundwork of all our Constitutions’*”⁵

“Our system of government began circa 1500 and is a Covenant System. The Covenant System which aspires to a *higher* authority than Man (one does not necessarily have to be religious to accept this). It originated in Jerusalem and came to Britain via Greece. It gave birth to English Common Law which King Alfred codified in the 9th century and which law was largely incorporated into *Magna Carta* 1215 (in force 1297) and our parliamentary system of constitutional government. This is a unique heritage as it has been our gift to the Free World upon which the parliaments in the great Dominions and the republic of the United States of America have been founded. This great company of free democratic nations in the world is basically *one people at law – a force for stability in the world.*

“The Dictorial System under the Will of the State originated in ancient Babylon and came to Continental Europe via Rome. It gave birth to Roman Civil Law which found expression in dictatorships and revolutions, in particular the French Revolution of 1789. Most of the nations of Continental Europe after World War II had new constitutions and it is the basic dichotomy, or division, between our English Common Law and the European Civil Law that has never been faced in this whole issue of

¹ <http://foundingdocs.gov.au/area-aid-2.html>

² Referendums & Plebiscites

http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/~media/05%20About%20Parliament/54%20Parliamentary%20Depts/544%20Parliamentary%20Library/Handbook/43rd_PH_Part5.ashx and

http://en.wikipedia.org/wiki/Australian_referendum,_1906

³ The Queen is the worlds largest land-owner <http://www.whoownstheworld.com/about-the-book/largest-landowner/> and

http://idiotsguides.com/static/didyouknow/people/06_05_12_queen_elizabeth_landowner.html

⁴ Magna Carta 1215 <http://larryhannigan.com/MagnaCarta.htm> or <http://www.fordham.edu/halsall/source/magnacarta.asp>

⁵ Magna Carta & Australia http://www.aph.gov.au/About_Parliament/Senate/Research_and_Education/pops/pop39/laireg

Europe. The Treaty of Rome was designed around the temporary co-operation between France and Germany and Britain is lying on this bed which does not and never will fit, no matter how much deception goes on.

Our Constitution is not a *codified* constitution contained within a single document. It is based on the Common Law established by very especial statutes, which in some cases predate our Australian ancestry in the 700 year-old British Parliament and in all cases remain above it in respect of prerogative acts or acts of those in power.

HISTORY – Australia and the Commonwealth of Australia Constitution Act

Founded as a penal colony, the earliest men and women living here were either convicts or soldiers. As the colony grew, the convicts were freed, soldiers retired and free men and women arrived for the purposes of residence, trade and commerce in Australia. The land belonging to the Monarch was granted into private hands through common and canon law contracts – Deeds of Land Grant.⁶

The growth of the ‘Australian’ identity required a more independent structure of self-government and each colony instituted their state constitutions from 1855 onwards.⁷ The Australian Capital Territory did not exist at that time and South Australia administered the Northern Territory.

During the later 1800’s, for a period of over 10 years, a series of debates, conventions and referendums were carried out among the people of the colonies, in order to formulate and create the Commonwealth of Australia. The entire history of these discussions were completely collated in 2 books, colloquially known as Quick & Garron’s Annotated Notes on the Constitution.⁸ These 2 books have been used consistently by the High Court to aid in the interpretation of constitutional questions since Federation.

The intention of the people was to form a trading and commercial corporation⁹, in the form of a constitutional monarchy, on the land-mass of the then Monarch, Queen Victoria. As her recompense, the Commonwealth was to pay the Crown a sum of money on a yearly basis.

The international sources of inspiration for this new Federal structure were:

From Britain

- Constitutional monarchy
- parliamentary, or "responsible", government

From the USA

- federalism
- distinct textual separation of powers
- judicial review

From Switzerland

- requirement of a referendum for amendment of the Constitution

As a unique development, the framers of the Constitution included direct election to both Houses of Parliament, which was then quite rare. And as the British heritage included both the Magna Carta and the Bill of Rights 1689¹⁰, only a very limited guarantee of personal rights was included, unlike the USA model, although other Commonwealth countries did create their own personalized Bill of Rights.

As the Monarch is the head of all corporations¹¹ in his/her empire and holds the role of Head of State or “Chief Executive”¹² for a corporation established as a parliamentary body, Queen Victoria’s approval was not only essential, it was compulsory.

A draft constitution of the proposed Commonwealth of Australia corporation Charter / Constitution was sent to England and after discussion between the Sovereign and her Parliament, including some changes, the draft was accepted. The British advisers to the Queen did strengthen the ability of the men and women of the new Commonwealth of Australia to access the Privy Council in England if necessary.

⁶ Abolition of Tenures Act 1660 <http://www.legislation.gov.uk/aep/Cha2/12/24/contents>

⁷ Victoria 1855; NSW 1856; Tasmania which was under the control of NSW 1856; QLD 1867; WA 1890; SA 1934

⁸ Historical Introduction to the Annotated Constitution of the Australian Commonwealth by John Quick 1852-1932; Commentaries on the Constitution of the Commonwealth of Australia by Sir Robert Garron 1867 – 1957. For pdf copies contact the author of this document on flora@reachnet.com.au

⁹ Definition of Corporation – an artificial body, created by law, composed of individuals united under a common name, the members of which succeed each other, so that the body continues always the same, notwithstanding the change of the individuals who compose it, the limit of whose existence, powers and liabilities is fixed by the act of incorporation, usually called it “charter”. A public corporation generally exists for political purposes only. (Blacks Law Dictionary #1 1891)

¹⁰ Bill of Rights 1689 http://www.constitution.org/eng/eng_bor.htm

¹¹ Sir William Blackstone, Commentaries on the Law of England in Four Books, Vol. 1[1753] BOOK 1 CH 18 OF CORPORATIONS. <http://www.lonang.com/exlibris/blackstone/bla-118.htm>

¹² ChII 61. Executive Power – Commonwealth of Australia constitution Act

Consequently, on 9th July 1900, Queen Victoria signed the Commonwealth of Australia Constitution Act. That signed act, the Commonwealth of Australia Constitution Act [63 & 64 Vict], is a contract between Queen Victoria and the people of the states of New South Wales, Victoria, Queensland, South Australia and Tasmania, with the later inclusion of Western Australia.¹³ This was a specific act of Queen Victoria herself, evidenced by the reference [63 & 64 Vict.]

As the colonial state parliaments were already in place as ‘employees’ of the Crown, administering the assets of the Monarch that being the landmass, and acting on behalf of the Crown in judicial matters – fines, taxes, judgments, incarcerations, etc – the newly combined Federal parliament had to contract to the over-riding common law Contract of the people. The public servants and the elected members of the Parliament, were not and are not contract holders in the Preamble, and as entities could only contract to s9. Constitution. To emphasize, this point, the Parliament could only contract UNDER the actual Charter of the Commonwealth of Australia corporation.

That was done when the Constitution was Proclaimed and Gazetted on 1st January 1901¹⁴.



By the QUEEN
A PROCLAMATION

Victoria R.

.....and We do hereby declare that on and after the First day of January One thousand nine hundred and one the people of New South Wales, Victoria, South Australia, Queensland, Tasmania and Western Australia shall be united in a Federal Commonwealth under the name of the Commonwealth of Australia.



Commonwealth of Australia
Gazette
No. 1] TUESDAY, 1 JANUARY. [1901

.....and We do hereby declare that on and after the First day of January One thousand nine hundred and one the people of New South Wales, Victoria, South Australia, Queensland, Tasmania and Western Australia shall be united in a Federal Commonwealth

To make this clear –

- Contract between the People and the Monarch = Commonwealth of Australia Constitution Act [63 & 64 Vict.] – 9.7.1900
- Contract between the People and the Parliament = Commonwealth of Australia Constitution Act s9 The Constitution - 1.1.1901

1st January 1901, this act became the foundational and first act of the new Commonwealth of Australia trading corporation. At all times, any reference to the Commonwealth of Australia was a reference to the People – see the Preamble to the Act. The term Federal indicated the union of the states, and the government was legally titled the Federal Parliament of the Commonwealth of Australia.

That being the combined union of the state parliaments under the sovereignty¹⁵ / superior authority of the People of the Commonwealth of Australia corporation.

Act No.2 of 1901 was the Acts Interpretation Act 1901, *An Act for the Interpretation of Acts of Parliament and for Shortening their Language*.¹⁶ The purpose of this act was to correlate all language used in the ensuing acts, so as to keep a legal uniformity of meaning and intent. It holds the meaning of the words used in legislation bound to the Commonwealth of Australia Constitution.

¹³ Commonwealth of Australia Constitution Act [63 & 64 Vict.] original <http://foundingdocs.gov.au/area-aid-2.html>

¹⁴ Documents available – contact editor flora@reachnet.com.au

¹⁵ Sovereignty – political sovereignty is the assertion of the self-determinate will of the organic people, and in this there is the manifestation of its freedom. It is in and through the determination of its sovereignty that the order of the nation is constituted and maintained. (Blacks Law Dictionary #1 1891)

This includes the correct abbreviation of the Commonwealth of Australia as “The Commonwealth”.

Section 22. In any act, unless the contrary intention appears-

" Person " and "party " shall include a body politic or corporate as well as an individual:

B. LIVING NATURAL PRIVATE MEN & WOMEN V LEGAL PERSONS

A man or woman is born to a mother and father. They have a gender. They have blood in their veins. In order to survive they breathe air, eat food, drink liquid and have waste leave their bodies. A living man or woman has the ability to create children in their likeness and give birth. They live, they die. A man or woman can create life, have ideas that can become reality, can make decisions, enter in to agreements with a free will, can decide for or against something.

As such, he or she conforms with the laws of nature.¹⁷

In law, such a person is a private man or woman – meaning they ‘belong’ only to themselves, not to the public or to government.

Commerce and money however are things of no gender, holding no life. They are manufactured items, tools of trade. As such they hold no ability to procreate, to think or make decisions. In effect, they are dead things. Biblically, and remember our system of common law is based on the biblical precedents of the 10 Commandments, a living man or woman must not deal with dead things.

Therefore, the living man or woman must have a legal entity with which to enact commerce and trade. That entity holds no life but is merely a ‘paper’ person, a role in which the living man or woman can protect themselves while accumulating assets and wealth of any small or large amount and by which the man or woman votes to establish their civil and political rights – which are rights under law.¹⁸

When I was born, my parents named me Susan. They gave me no other name, but to other private men and women I was known as Susan daughter of..... In order to establish my legal rights as a share-holder of the Commonwealth of Australia, my parents registered me with the relevant government department and they received a ‘receipt’ in which my legal name was recorded – Susan Maynes. The registration process established a legal contract because my parents signed that document.

But I can hold many legal names. I can be a DR, a MRS, a LADY. I can hold the profession of clerk, teacher, actress. I can be a tradeswoman, a manufacturer, a CEO. All those titles are legal roles – not a one of them holds life. Only my wet-ink signature indicates life in legal terms. Only my physical, breathing woman establishes life truly exists. And whatever legal name I use to contract means I cannot claim any rights in that contract under any other name, because no other name is ‘recognized’ by the contract details.

Why is this vital to understand? Because at ALL times, you the living man or woman have the power over the legal person. At all times, to enter a contract requires 8 key points, but paramount are

- Full disclosure
- Free will choice

So to contract, you must personally and privately have considered all the elements of the contract and made a free-will decision for yourself. Having done that, you the living private natural person must agree to that contract and either make a verbal agreement, or where the matter is particularly legally binding, you place a wet-ink signature on a document in agreement. The contract holders then deal between them with legal persons.

C. CONTRACTS

As, at all times, your legal person is created for the purpose of contracting, it is vital to understand what a contract is and the variations of contracts.

These definitions have come from Blacks Law Dictionary #1 1891. The High Court have stated that law must use the definitions of the details as understood at the time of the contract and that the words cannot be changed by modern interpretations.

The legal definition of a Contract is –

- An agreement, a covenant, a deliberate engagement
- Between two or more persons or competent parties
- Where one person or party obligates himself to another

¹⁶ The original act is not available on line – for a copy contact the author of this document on flora@reachnet.com.au

¹⁷ Sir William Blackstone, Commentaries on the Law of England in Four Books, Vol. 1[1753] INTRODUCTION SECTION 2 – Of the Laws of Nature in General. <http://www.lonang.com/exlibris/blackstone/bla-002.htm>

¹⁸ Sir William Blackstone, Commentaries on the Law of England in Four Books, Vol. 1[1753] BOOK 1 Of the Rights of Persons. CH 1 of the Absolute Rights of Individuals <http://www.lonang.com/exlibris/blackstone/>

- Through a promise or assent on one or both sides
- Upon sufficient, lawful and legal consideration or cause
- To do or abstain from doing, to give or not to give, to permit or not permit
- Some specified or particular thing, some act
- As expressed or implied by such agreement

Contracts are classified as

- **Recorded**, such as judgments and recognizances
 - a judgment of this kind is entered on the records of “courts of record”, and are conclusive proof of the facts thereby appearing, and could formerly be enforced by action of law as if they had been put in the shape of a contract.
 - A recognizance is an obligation on record for someone to appear in court, pay a debt, keep the peace or the like. It resembles a bond, but is different in that it is the acknowledgement of a former debt upon record.
- **Specialties under seal** – such as deeds and bonds.
 - Under seal means the contract attests, in the most formal manner, the creation of a legal instrument, the seal being the imprint of the contract-holder.
- **Simple contracts or contracts by Parol.** Parol means spoken words. This section includes simple written contracts as well.

Contracts can be then defined as

- *Express & Implied*
 - Express = a definite and formal agreement, either verbally or in writing.
 - Implied = when the terms have to be gathered by inference and deduction from facts or conduct.
- *Executed & Executory*
 - Executed = where nothing remains to be done by either party and where the transaction is completed at the moment that the arrangement is made, such as where an article is sold, payment is made on the spot and the article is delivered.
 - Executory = where some future act is to be done, such as building a house in six months, or to do an act on or before some future date, or to lend money upon a certain interest, payable at a future date.
- *Entire & Severable*
 - Entire = where the consideration is entire on both sides, so a contract to pay a gross sum for a certain and definite consideration is an entire contract.
 - Severable = the consideration of which is, by its terms, susceptible of apportionment on either side, ie. to contract to pay a person the worth of his services so long as he will do certain work; or to give a certain price for every product produced as per a sample, such as a grain harvest.
- *Principal & Accessory*
 - Principal = one which stand by itself, justifies its own existence and is not subordinate or auxiliary to any other
 - Accessory = those made for assuring the performance of a prior contract, either by the same parties of others
- *Unilateral & Bilateral*
 - Unilateral = where one party makes an express engagement or undertakes a performance, without receiving in return any express engagement or promise of performance from the other
 - Bilateral = or reciprocal contracts are those by which the parties expressly enter into mutual engagements, such as a sale or hire
- *Consensual & Real*
 - Consensual = founded upon and completed by the mere agreement of the contracting parties, without any external formality or symbolic act to fix the obligation
 - Real = are those in which it is necessary that there should be something more than mere consent, such as a loan of money, deposit, or pledge, which from their nature, require the delivery of a thing (*res*).
- *Certain & Hazardous*
 - Certain = those in which the thing to be done is supposed to depend on the will of the party, of when, in the usual course of events, it must happen in the manner stipulated.
 - Hazardous = those in which the performance of that which is one of its objects depends on an uncertain event
- *Commutative & Independent*
 - Commutative = those in which what is done, given, or promised by one party is considered as an equivalent to or in consideration of what is done, given or promised by the other.
 - Independent = those in which the mutual acts or promises have no relation to each other, either as equivalents or a considerations.
- *Gratuitous & Onerous*
 - Gratuitous = those of which the object is the benefit of the person with whom it is made, without any profit or advantage received or promised as a consideration for it.
 - Onerous = those in which something is given or promised as a consideration for the engagement or gift, or some service, interest, or consideration is imposed on what is given or promised, although unequal to it in value.
- *Mutual Interest, Mixed & Beneficence*

- Mutual = entered into for the reciprocal interest and utility of each of the parties, such as sales, exchange, partnership and such
- Mixed = those by which one of the parties confers a benefit on the others, receiving something of inferior value in return, such as a donation subject to a charge.
- Beneficence = those in which only one of the contracting parties is benefited, such as loans, deposits and mandates.

At all times, a contract made in Australia must adhere to the Laws of the Land, being common law, and must be constructed to honour the terms of the Commonwealth of Australia Constitution.

Let's examine some of these contracts so the reader can understand why a maxim of law is *Consent makes the law* and *The Contract makes the law*.¹⁹

Recorded – you are invited to enter the courts wherein a commissioned (contracted) judge examines the information which is placed on record. The judgement that ensues is a Recorded Contract between the court and the person/s involved and is a contract, enforced by law, verified by the recorded facts.

Specialty – you wish to enter a contract for a land purchase. That is far more formal and involves more weighty considerations and because land is a fixed asset, can be inherited, sold, used in a variety of ways, the contract **MUST** be on paper and **MUST** be sealed – meaning stamped with the seal of the relevant corporation, which in Australia is the Royal Seal.

Simple - you go to a supermarket to purchase some milk. You examine the products, read the description and look at the price, all of which are part of the offer. You accept the offer, take the item to the check-out, pay the demanded sum, receive a receipt and leave with the product. That comprises a simple contract, an express contract, a executed contract, an entire contract. But it could also be a hazardous contract as, if you open the milk and find it has gone “off”, you are able to return the product and get a full refund or an exchange – a mutual contract would then ensue.

Can you see how the varieties of contract occur daily in all sorts of minor ways?

The Editor recommends the reader make a habit of watching Judge Judy²⁰ on television, because her show is purely about Contract law – usually Simple contracts. But it is very clear that a contract on paper trumps a verbal contract. And it is very, very clear that every interaction involving things and money is a contract.

A common law contract must have 8 essential elements for the creation of a contract.

- Offer – as per the milk example
- Acceptance – as above
- an intention to enter legal relations – you clearly understand that this is a contract and therefore enforceable
- sufficient consideration – the terms give equal value or you are happy with the value you will receive.
- a capacity to contract – you must be emancipated, ie of legal age. A child under 18 cannot contract.
- legality of purpose – you cannot contract for an illegal purpose
- genuine consent – you agree with free-will, are not coerced, manipulated or forced in any manner
- certainty of terms – you know what you are getting and what it will cost you.

(In recent years many folk have contested banking contracts as the variable interest rate removes the certainty of terms.)

D. COMMONWEALTH OF AUSTRALIA

KEY ELEMENT 1 - The Contract

The Constitution Act holding the Charter of the Commonwealth of Australia corporation - consists of 2 parts.

The Preamble: Whereas the people of New South Wales, Victoria, South Australia, Queensland and Tasmania, humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the Constitution hereby established:

And whereas it is expedient to provide for the admission into the Commonwealth of other Australasian Colonies and possessions of the Queen:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

¹⁹ Maxims of Law - <http://ecclesia.org/truth/maxims.html>

²⁰ Judge Judy <http://www.judgejudy.com/>

The Act: s1. Short Title through to s9. Constitution. The first 8 sections are legislative imperatives – containing entrenched provisions, outlining the legal structure of the corporation. S9 the Constitution contains the legislative imperatives / entrenched provisions²¹ / manner and form²² of the actual Commonwealth of Australia corporation.

It is vital to note here – the Commonwealth of Australia Act is indissoluble. It cannot be dissolved. Not by either the People of the Commonwealth OR the constitutional Monarch (as Elizabeth II refers to herself in reference to Australia)²³ – who are the contract-holders. To remove an entrenched provision of the Charter without the permission of the contract-holders is impossible and to act in a manner that ignores or avoids an entrenched provision renders the body acting so, invalid and its decisions null and void.

Any changes to the manner and form of any and all governments under the Constitutional structure, without a referendum giving a double “yes” vote, is unconstitutional, a breach of the Constitution, and therefore null and void where the People are concerned.

The Charter is, in effect, the Rules-book of the People.

THE PREAMBLE

The Preamble is NOT in the Constitution, but before it. Why? Because it defines the contract holders. Who then are those contract holders?

1. The people of the states.²⁴ By law only a natural private living person can contract, because a contract requires a wet-ink signature and only a living man or woman can provide that. A living man or woman holds a free-will right to make decisions and contract. A free-will man and woman holds all inherent rights as given to them through Almighty God.
2. The Queen – who is also a free-will natural living woman.

The Queen consulted her advisors in making her decision to approve the Commonwealth of Australia corporation. Why?

Because as the Head of State of the British corporation, she heads a pre-existing corporation which can not be breached or harmed by the inception of this new one. Many of the members of that pre-existing corporation were to become members of the new Commonwealth corporation too, residing and trading on the Australian land-mass, yet as subjects under the British monarch, holding a British citizenship. Therefore this new Commonwealth of Australia corporation was, in simple lay-man’s terms, a subsidiary of the British corporation, having any and all pre-existing rights and laws under claim of right.

The advisors included the Lords Spiritual – the Bishops, etc. Why? Because the Queen holds her Crown through a Covenant Oath with Almighty God as bound to her Coronation Oath, and is the Head of the Church of England, holding to canon law.

The advisors further included the Lords Temporal – the House of Lords, representing the men and women of the Magna Carta – the Constitution.

And the third advisors were the Commons – the men and women of Britain in total – the shareholders of the British corporation – the subjects of the Monarch.

With their approval and authority, Queen Victoria entered into this contract with the men and women of this new Commonwealth corporation.

Neither the British government nor the Australian government are contract-holders in the 1900 contract. Instead the Parliament is created as the ‘administrative’ committee of the contract and Government persons operate as public servants under the authority of the committee, administrating the operation of the Commonwealth on behalf of all share-holders and the Queen. In fact, the Federal Parliament of the Commonwealth of Australia was not even in existence at the time of the contractual agreement on 9th July 1900²⁵ but was formed as the “committee” to action the Charter / Constitution of the Commonwealth of Australia trading and commercial corporation.

Therefore the men and women of the Preamble hold the contract OVER the Federal and State governments through both the actual 1900 act agreement AND through the agreement of the 1st January 1901.

²¹ Entrenched provisions – parts of the constitution which cannot be changed without changing the fundamental structure of the constitution itself, therefore requiring a referendum vote of the contract-holders, the People -

http://www.gtcentre.unsw.edu.au/sites/gtcentre.unsw.edu.au/files/mdocs/5_AnneTwomey.pdf

²² Manner & Form – *modo et forma* – the way the fact or facts are set forth as evidence of proof (Blacks Law Dictionary #1 1891)

²³ Letters from Her Majesty are available re this comment – contact the editor on flora@reachnet.com.au

²⁴ Sir William Blackstone, Commentaries on the Law of England - BOOK 1 Of the Rights of Persons. CH 1 of the Absolute Rights of Individuals <http://www.lonang.com/exlibris/blackstone/>

²⁵ Commonwealth of Australia Constitution Act 1900 –Ch1 Pt1 5. First Session of Parliament

In that contract for the commencement of the new Commonwealth of Australia corporation, the men and women hold one share only and therefore one vote only. No man or woman holds any superiority over any other, all are equal in the eyes of the Commonwealth corporation act and its Charter / Constitution.

The People each hold one share in the assets of the corporation, funded through the collection of tax and other monies, gathered into consolidated revenue for the purposes of maintaining and building the assets of the Commonwealth.

THE ACT – The People

At this point, it is vital the reader understands the difference between a living man or woman and their legal entity, please re-read section B if necessary.

In the Act itself, the living men and women are found in their ‘legal’ role as corporation soles.²⁶ A combined mass of the votes of each corporation sole creates the decision of a corporation aggregate.²⁷ The People alone hold the power to make any changes to the Commonwealth of Australia corporation, through the Charter / Constitution / the ‘Rules-book’²⁸. That power is held in the ballot box with reference to a change of government, in the referendum vote and in the ability to take a constitutional question to the High Court, which was created through the Judiciary Act 1903²⁹ *inter alia* Habeus Corpus Act 1862.

Currently, it is widely promulgated by government that the vote into power gives them a Mandate to act in any manner they so chose. In contract law, a mandate is a contract by which a lawful business is committed to the management of another. Constitutionally, the ONLY mandate a Parliament can claim is that of “peace, order and good government of the Commonwealth”³⁰ given them through elections. Any other plans of government MUST be assessed constitutionally or MUST go to referendum.

In the matter of a referendum, the vote can only be upheld by a majority of votes in a majority of states, creating a binding ‘double majority’. It is again widely promulgated by government, that a “no” vote simply means that the status quo does not change. In fact, it means that if the status quo is in opposition to the ‘no’ vote, the status quo is therefore unconstitutional, can hold no authority over the People’s civil and political rights and as such must be null and void where the contract-holders are concerned.

Note: The Constitution itself can only be changed with a referendum. A Plebiscite can not be used to change the Constitution, but is simply a vote on matters of significance such as voting for the National Anthem.³¹

The Constitution itself protects the civil and political rights of the contract holders, including their *inter vivos* trusts³² which hold the wills, acts of inheritance, private assets, rights of equity, etc.

These rights of the People of the Commonwealth of Australia are defined at:

5. *This Act, and all laws made by the Parliament of the Commonwealth under the Constitution, shall be binding on the courts, judges, and people of every State and of every part of the Commonwealth, notwithstanding anything in the laws of any State....*
9. S51 xxxi *The acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has power to make laws*
9. S109 *When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.*
9. S116 *The Commonwealth shall not make any laws for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.*
9. S117 *A subject of the Queen, resident in any State, shall not be subject in any other State to any disability or discrimination which would not be equally applicable to him if he were a subject of the Queen resident in such other State.*
9. S128 *Re referendum*³³

²⁶ i. Corporation sole – a corporation consisting of one person only and his successors in some particular station, who are incorporated by law in order to give them some legal capabilities and advantages, particularly that of perpetuity, which in their natural persons they could not have had. (Blacks Law Dictionary #1 1891)

ii. Acts Interpretation Act 1901 No 2 of 1901 22. In any Act, unless the contrary intention appears –

(a) “Person” and “party” shall include a body politic or corporate as well as an individual;

²⁷ Corporation aggregate – in common law, a collection of individuals, united into one collective body, under a special name, and possessing certain immunities, privileges and capacities, which do not belong to the natural persona composing it. Though these powers must be exercised through the medium of its natural members, the result acts distinctly as if it were a real personage. (Blacks Law Dictionary #1 1891)

²⁸ Commonwealth of Australia Constitution Act 1900 - Ch VIII – Alteration of the Constitution

²⁹ Original Judiciary Act 1903 - <http://foundingdocs.gov.au/item-sdid-92.html>

³⁰ Commonwealth of Australia Ch1 – the Parliament 52. Legislative Powers of Parliament

³¹ Plebiscite <http://parliamentflagpost.blogspot.com.au/2011/06/quick-guide-to-plebiscites-in-australia.html>

³² *Inter vivos* – between the living; from one living person to another. (Blacks Law Dictionary #1 1891)

³³ Commonwealth of Australia Constitution Act Ch VIII S128 Mode of altering the constitution.

THE ACT – The Queen

AS the Queen is both the land-owner of the land-mass of Australia, the holder of all corporations in her Empire, the Head of State of the Commonwealth of Australia and the Chief Executive of the Executive Government of the Federal Parliament of the Commonwealth of Australia, she is found as the ONLY living woman who holds the free-will authority to make constitutional contracts, through the Royal Assent under Seal to an act, in the constitutional parliament –

The Parliament

1. The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the Queen, a Senate, a House of Representatives, and which is hereinafter called “The Parliament”, or “The Parliament of the Commonwealth.”³⁴

The Executive Government

61. The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen’s representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth.³⁵

Which Queen?

In the Preamble where there is only one Queen – the contract holder – the Queen of the United Kingdom of Great Britain and Ireland.

That Queen, as the contract holder, holds the full title of *Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith*. That is the title by which she is contracted, so no other name can be bound to our contract.

As the original contract for the Commonwealth of Australia Constitutional corporation was a contract with Queen Victoria and although each new monarch inherits the role of our Head of State, the acceptance of this new monarch must be re-contracted. So when Elizabeth was made Queen, the Commonwealth Parliament had to accept her in the role under her Title and her Seal³⁶. In other words, the Commonwealth of Australia, re-contracts with the new monarch, who then continues in the existing role of Chief Executive / Head of State. The Title under which the new monarch contracts is the only lawful title in use.

Her legislative power in Australia is exercised through the Governor-General. In that role the Governor-General prorogues Parliament³⁷ and dissolves the House of Representatives and the Senate³⁸. This is duplicated with the Governors in the States.

At this point, it is vital to understand the meaning of the reference to the Royal Crown. The Seal under which the Commonwealth of



Australia corporation was created through the 1900 Act, the corporate seal of the People, is this - . It is also the Seal at the top of the Commonwealth of Australia Proclamation and Gazette issued on 1st January 1901. It is the Seal of the Head of State & Chief Executive of the Commonwealth of Australia.

This Seal is bound to the Habeus Corpus Act 1862 [20 & 26 Vict. C20].³⁹ This act carries the Monarch’s authority, through the Covenant Oath of the Coronation Act, to administer judicial rulings of any kind over the natural, living man and woman. The authority is visually



defined in the Crown at the top of the Seal. The Lion of Judah – Almighty God - as per the Covenant, standing in authority OVER the Crown and giving authority TO the woman or man holding the Crown. This is the Royal Signet.

³⁴ Commonwealth of Australia Constitution Act S9 Ch1 The Parliament Pt1 Legislative Power. 1.

³⁵ Royal Powers Act 1953 http://www.austlii.edu.au/au/legis/cth/consol_act/rpa1953177/

³⁶ Royal Styles & Titles act 1953 - http://foundingdocs.gov.au/resources/transcripts/cth14i_doc_1953a.pdf

³⁷ Prorogue means to suspend or dismiss a session of Parliament. (Blacks Law Dictionary #1 1891)

³⁸ To dissolve a corporation means to terminate, cancel, annul or abrogate it. This closes the term on one House of Representatives and Senate in preparation for the election of a new one. (Blacks Law Dictionary #1 1891)

³⁹ Habeus Corpus Act 1862 (20 & 26 Vict. c.20) <http://www.legislation.gov.uk/ukpga/Vict/25-26/20/contents>

In the House of Representatives, the Speaker, who does not vote, sits figuratively as the Queen and holds his Authority⁴⁰ directly from the constitutional Monarch. The Speaker is the Principal Officer of the House of Reps, making sure the procedures are kept, writes for elections are issued, is present on many committees & also administers the Seat of Government – Canberra – which is a territory whose



ownership is vested in the People. The symbol of this vested Royal Authority is the Mace⁴¹, bearing the Royal Crown. It must enter the House before the Speaker and sit in front of the Speaker. In the event the real Queen is in the House, the Mace is covered.



In the Senate, the symbol of the Queen's Authority in that place is the Black Rod⁴², bearing the Royal Crown, which levies many of the same responsibilities except the Usher of the Black Rod does not sit as a "speaker". Instead the Senate has a President, who has among his power as head of the Peoples' 'Rules Committee'⁴³ the ability to arrest someone. In this role, the Senate is required to check that no proposed act is changing or ignoring the Contracted-by-Proclamation-&-Gazettal Commonwealth of Australia Constitution.

The Queen further gives the Governors & Governor-General, under Royal Commission and through a Letters Patent (a form of limited Power of Attorney), the responsibility of rechecking the constitutional validity and the responsibility of signing that act into law. In this role, her representatives give delegated Royal Assent to those acts, Sign all acts, Seal all acts and have those acts Proclaimed and Gazetted – all of which then creates in that act a law-making authority to be obeyed by the People. The Gazettal notifies the public of the new act, honouring the Maxim – *Ignorance of the law is no excuse*.

The naval and military forces remain under the command of the Governor-General as the Queen's representative.⁴⁴

As a point of law – when government refer to the Crown, they are referring to the authority of the Head of State and visually it is evidenced by either / both the Seal (constitutionally) and the Queen wearing her Crown. As the owner of the land, the Queen holds the commercial security for currency. As such, sovereign currency has her Crowned head imprinted on each coin & note as proof it has the value indicated. In commerce, the post is vital, transferring commercial documents and etc constantly. The Queen's Crowned head on the stamp indicated that mail is protected under her judicial authority. And the Crown, as the land-owner holds the collateral value for all trading in her empire. The Crown symbolizes the Queen in her role as the 'Head of Power.'⁴⁵

This seal must be on top of any and all Parliamentary documents, commissions, courts and buildings, wherein any and all authority found in the Commonwealth of Australia Constitution is exercised.

Her Majesty holds the Royal Prerogative which is defined as the power to either assent to or refuse the assent to a proposed act of the Federal and/or State Parliaments.⁴⁶

This is used in the following manner –

1. The House of Representatives propose a new act, the Bill is discussed and passed after 3 readings.
2. The Speaker of the House then carries that Bill to the Senate – the 'rules committee' for constitutional reference.
3. The Senate then hands the approved Bill to the Governor-General or state Governor.
4. The Governor-General or Governor, then constitutionally legitimises an act using the following binding structure.

⁴⁰ Authority - legally means the right or permission to act legally on another's behalf; the power delegated by a principal to and agent, particularly to sign contracts. (Blacks Law Dictionary #1 1891)

⁴¹ Mace http://www.peo.gov.au/students/fact_sheets/mace.html

⁴² Usher of the Black Rod http://www.peo.gov.au/students/fact_sheets/usher_black_rod.html

⁴³ 'Rules Committee' – colloquial reference to a body of parliament – the Senate - who must assess all acts in terms of the Charter / Constitution of the Commonwealth of Australia corporation.

⁴⁴ Commonwealth of Australia Constitution ChIII 68. Command of naval and military forces.

⁴⁵ Head of Power - Leask v Commonwealth [1996] HCA 29 <http://www.austlii.edu.au/au/cases/cth/HCA/1996/29.html>

⁴⁶ Sir William Blackstone, Commentaries on the Law of England in Four Books, Vol. 1[1753] CHAPTER VII. OF THE KING'S

PREROGATIVE. <http://www.lonang.com/exlibris/blackstone/bla-107.htm> and <http://www.guardian.co.uk/uk/2013/jan/14/secret-papers-royals-veto-bills>

- a. The act must state – *BE it enacted by the Queen’s Most Excellent Majesty*, the Senate and the House of Representatives of the Commonwealth of Australia.... (note – the italicized words comes directly from the wording of the contract in the Preamble.)
- b. The act must receive Royal Assent before it can be used legislatively.
- c. The act must be signed with the wet-ink signature of the Governor-General or State Governor OR, in certain circumstances, by the Queen herself.
- d. The act must be sealed under the constitutional corporation’s seal as shown above
- e. The act must be Proclaimed and Gazetted in the Commonwealth of Australia Gazette under the same seal.

If any of those elements has not been implemented, the act is NOT a constitutionally lawful act and has no power over the People of the Commonwealth of Australia corporation⁴⁷.

It is important to note that the placement of the Queen’s signature on an act reflects the use of her Royal Prerogative. If the Queen signs the document at the bottom, under the Seal, she is binding both herself and the People to that act. If she signs above the Seal, she is ‘stating’ that she is not bound to that act, nor are the People.

Further - the Queen is able, as the Head of State and the Chief Executive Officer of the Commonwealth of Australia, to make her own acts that are enforceable in the Commonwealth. She did so in the Corporate Bodies Contracts Act 1960 [8 & 9 Eliz.2, ch 46].⁴⁸ This act stated that unless a company was registered under the Companies Act 1948, it had to have a wet-ink signature on a contract. In other words, it had to operate under an individual contract as the relevant company did not hold a constitutional contract.

It is important to note that the Queen, in each of these roles, sits as a private, natural living person, holding the power to contract, as evidenced by her Royal Assent / Signature under seal. As such, she is the only living person in the Parliament, with all other roles being held currently by entities. An entity is unable to sign, therefore unable to contract.⁴⁹

THE ACT – Parliament

Although, once elected the Parliament holds a constitutional contract to govern, at all times each act must also be approved contractually, both as an extension of elements of the Constitution and as an approved authority where the People are concerned. A Referendum is part of the ‘rules-book’ in terms of changing the Constitutional contract.

The powers of Parliament are found in Part V s51 of the Charter / Constitution. Parliament has the power to make laws for the peace, order and good government of the Commonwealth with respect to 39 very specific areas. There is no environmental area listed.

Parliament were given the power to form a seat of government⁵⁰ and after a period of debate, that was established on the area now known as the Australian Capital Territory. As this area had to be completely neutral, the People of the Commonwealth bought the area from the Queen’s agents, the NSW government, and it was established under the Seat of Government Act 1908.⁵¹ It is an asset of the Commonwealth belonging to the People and as such land in that territory could only be leased as private ownership creates a bias. The act then became a contract between the Commonwealth and New South Wales, approved and enacted lawfully. The Australian Capital Territory constitutionally must remain a territory rather than a state. A state has the ability to elect parliamentary members, which also engenders a bias. The Australian Capital Territory, belonging to the entire Commonwealth and holding the Seat of Government must remain neutral. It is to be noted the Australian Capital Territory is now referred to as the Capital Territory and has sitting members in the Parliament and land is now sold into private hands. There has been no referendum to create that, nor was the landmass bought off the People of the Commonwealth as per the Louisiana Purchase,⁵² nor has a new state been created.

It is further to be noted that the Northern Territory also now holds sitting members, yet remains under the constitutional control of South Australia, with no statehood having been enacted.

The Charter / Constitution states that the Parliament shall have a Senate and a House of Representatives – the Australian equivalent of the House of Lords and the House of Commons. Queensland removed their Upper House in 1922, which removed the ‘rules committee’ from their Parliament. As an original state, this was a clear breach of the Constitution and the People of Queensland have been outside of the Commonwealth of Australia Constitution since that time.

There are no parties in the Constitution. All elections are for an individual, by an individual exercising one vote only. Although an elected individual may hold a bias towards the views of a party, to vote with the party rather than the people is unconscionable, repugnant

⁴⁷ Commonwealth of Australia Constitution Act 58 - 60. Royal assent to Bills

⁴⁸ Corporate Bodies Contract Act 1960 http://www.legislation.gov.uk/ukpga/1960/46/pdfs/ukpga_19600046_en.pdf

⁴⁹ Entity – an organization (such as a business or governmental unit) that has a legal identity apart from its members or owners.

⁵⁰ Commonwealth of Australia Constitution 52. Exclusive powers of the Parliament

⁵¹ Seat of Government Act 1908 (Cth) <http://foundingdocs.gov.au/item-did-110-aid-1-pid-92.html>

⁵² Louisiana Purchase. http://avalon.law.yale.edu/subject_menus/fr1803m.asp

to the civil and political rights of the People of the Commonwealth and unconstitutional. Nor is there any constitutional reference or allowance for an entity known as the Prime Minister.

Members of the Federal Executive Council, chosen by the Governor-General, and sworn in under an oath of allegiance to the Queen, advise the Governor-General, who as previously stated, acts as THE executive power of the Commonwealth unless the Queen is in Australia.⁵³

There is only two tiers of government in the Constitution. As such the agency of a state government known as local council is a body of the state only under 107. of the Constitution – Saving power of state governments.

THE ACT – Separation of Powers

Chapter I – The Parliament – Senate and the House of Representatives

Chapter II – The Executive Government

Chapter III – The Judicature

Clearly, as shown above, the Queen holds the Head of Power in both the Parliament and the Executive, but as the Sovereign, she delegates under oath the authority to the men and women elected and chosen from the body of the People into the Parliament. So the exercise of her power remains in the ‘hands’ of the people in essence.

Her power is most strongly evidenced in the Judiciary however. Although the Parliament may legislatively administer the courts, the appointment of the Justices is a power solely vested in the Queen through the Governor-General. S9 of the Judiciary Act 1903 states these persons must hold an oath of allegiance to the Queen⁵⁴. The act is lawfully enacted and sealed to the Royal Seal of the Commonwealth of Australia corporation *inter alia* the Habeus Corpus Act 1862, which means that the High Court justices are the final arbiters of constitutional law proceedings in Australia.

This holds common law for the living natural men and women, as their inherent jurisdiction under the Covenant System. That jurisdiction being physically protected by the inherent contract with Almighty God, as created through the Coronation Oath and administered by the Queen’s Most Excellent Majesty through her title, Defender of the Faith, which holds common law for the people. Maxim of Law – *The Law of God and the law of the land are all one, and both favour and preserve the common good of the land.*

Therefore, because it is the law under which they contracted and as the jurisdiction of the contract holders who are found BEFORE the clauses of the act, common law is the superior law of the private natural living men and women of the Commonwealth of Australia.

In many decisions, most particularly Lane v Morrison 2009⁵⁵, the High Court clarified a Chapter III court. Barton J said:

"Court' as the name of a place is merely a secondary meaning. 'The Court' is the deciding and enforcing authority, even if it sits under a tree, as sometimes it does in parts of the British Empire."

In the *Boilermakers' Case* ⁵⁶Dixon CJ, McTiernan, Fullagar and Kitto JJ remarked:

"...the existence in the Constitution of Chap III and the nature of the provisions it contains make it clear that no resort can be made to judicial power except under or in conformity with ss 71-80."

In *Kirk v the Industrial Relations Board of NSW* 2012⁵⁷, the justices noted....

"There is but one common law in Australia.....First, the jurisdiction of this Court to grant relief under s 75(v) of the Constitution cannot be removed by or under a law made by the Parliament. Specifically, the jurisdiction to grant s 75(v) relief where there has been jurisdictional error by an officer of the Commonwealth cannot be removed. Secondly, the judicial power of the Commonwealth cannot be exercised otherwise than in accordance with Ch III. The Parliament cannot confer on a non-judicial body the power to conclusively determine the limits of its own jurisdiction."

The High Court must hold its primary court seat in the Australian Capital Territory, which has been previously identified as having to be the neutral home of government in Australia.

In accord with this structure of judicial authority, the first officer in the court was the Stipendiary magistrate, originally a Police Magistrate⁵⁸. This person had to hold a Sealed & Signed Commission to keep the Queen’s Peace, from the constitutional monarch, received a ‘stipend’ from her and held her authority in judicial matters. A ‘Stip’ was empowered through the Stipendiary Magistrates Act

⁵³ Commonwealth of Australia Constitution Act ChIII 62. Federal Executive Council.

⁵⁴ Commonwealth of Australia Constitution Act Schedule, Oath & Affirmation

⁵⁵ Lane v Morrison 2009 <http://www.austlii.edu.au/au/cases/cth/HCA/2009/>

⁵⁶ Boilermaker’s Case 1956 <http://www.austlii.edu.au/au/cases/cth/HCA/2010/1.html>

⁵⁷ Kirk v Industrial Relations Board of NSW 2012 <http://www.austlii.edu.au/au/cases/cth/HCA/2010/1.html>

⁵⁸ Metropolitan Magistrates Act 1881 - http://www.austlii.edu.au/au/legis/nsw/num_act/mma1881n29315.pdf

1858 (UK) 21 and 22 Vic 73 to do all actions previously authorised to be done by two justices of the peace. Their appointment was regulated by Part 111 of the Justices Act 1902.

GLEESON CJ.

11. *the statement of Viscount Haldane[10] that "[t]he root principle of the English law about jurisdiction is that the judges stand in the place of the Sovereign in whose name they administer justice, and that therefore whoever is served with the King's writ, and can be compelled consequently to submit to the decree made, is a person over whom the Courts have jurisdiction".*⁵⁹

A ‘Stip’ was described simply to the author of this document by an ex-policeman / police prosecutor, as the ‘clearing house’ of the courts. He had the power to make contractual decisions, could levy a fine in the matter of an ‘absolute’ crime, such as speeding, etc and would send a matter to a jury, if relevant.

As a further precaution in the Separation of Powers, the People were entitled to Trial by Jury, wherein a jury of their peers would examine the facts and make a decision, which the judge would then adhere to in his ruling.

The author of this document would again highly recommend the readers make a habit of watching “Judge Judy”. Judge Judy is an American-based arbitration judge, who deals exclusively in contracts. Although a casual viewer would assume she simply makes personal choices in her rulings, in fact she determines the superior contract in every case and rules accordingly. In American law, she acts in the same manner a Stip would in reference to these simple contracts.

The inherent jurisdiction of a man or woman of the Commonwealth of Australia is common law unless the person agrees to step out of that jurisdiction. A judge who does not hold that commission in the Chapter III judiciary is a *coram* or a *coram non judice*.⁶⁰ As such his determinations are not constitutional and therefore can not bind the men and women involved, but those men or women must accept them as individual and personal contracts – with reference the Corporate Bodies Contract Act 1960 – for the determination to have any legal constraints.

OVERVIEW 1

Crown / land owner – Queen’s most Excellent Majesty

Contract to form a Corporation – Commonwealth of Australia Constitution Act 1900 [63 & 64 Vict.]

Charter / Constitution – Commonwealth of Australia Constitution

Contractors – the People of the Original States and the Queen.

Chief Executive Officer of the Corporation – currently *Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith*

Advisers to that contract – Lords Spiritual and Temporal and Commons

Contract to form a Parliament / “committee” – Commonwealth of Australia Constitution Act Proclaimed & Gazetted 1st January 1901

Contractors – the People of the original States and the Governor-General as the representative of the Chief Executive.

Role of the People in the Constitution

- Voting in the Federal & State Parliaments / ‘committees’
- Referendum decisions impacting the Constitution – ‘Rules book’

Role of the Queen in the Constitution

- to oversee the actions of the Parliament in the creation of laws, so as to protect the Constitution
- to act as the authority in each area of the Separation of Powers
- to validate and protect any and all contracts in the Commonwealth
- to sign into law any constitutionally correct acts of the Parliament
- to authorize and commission a man or woman for a judicial purpose.

Role of the Federal Parliament

- to administer to the assets of the constitutional Monarch, the land-owner
- to administer to the assets of the People of the Commonwealth
- to administer to the protection of the People of the Commonwealth
 - military & policing
 - internationally
- to administer to the trade and commercial assets of the People of the Commonwealth

⁵⁹ Mobil Oil Australia Pty Ltd v Victoria [2002] HCA 27 <http://www.austlii.edu.au/au/cases/cth/HCA/2002/27.html>

⁶⁰ *Coram* – before, in the presence of – in the presence of a person not a judge. When a suit is brought and determined in a court which had no jurisdiction in the matter, then it is said to be *coram non judice*, and the judgement is void. Black Law #1 1891

- to administer to the health of the People of the Commonwealth
 - schooling
 - medical
- to ensure the collection of all taxes into Consolidated Revenue⁶¹ and the careful use of the same in the administration of the Commonwealth including the States.

Role of the State Parliaments

- to administer the assets of the states
- to give full faith and credit to the laws of the states, with reference to the Commonwealth Constitution as the governing document
- to protect the states from invasion and violence
- to provide detention in the prisons

Note – the members of the Federal & State Parliaments are voted in and out as per the People’s decisions. They are the People’s ‘committees’

Role of Government

- to activate and enforce the legislation from the Parliaments
- to deal with the general public

Note – the public servants in government remain in their jobs, are hired and not voted in. They act as directed by the ‘committee’.

Role of the Judiciary

- to protect the Constitution
- to protect the private men and women
- to administer justice

OVERVIEW 2 – Separation of Powers

Queen owns the land-mass

People want to form an agreement to trade on the land-mass

Queen and People become contract holders in the agreement

People elect a committee & a rules committee

Queen sits as Chief Executive on the Committee

Parliament are the Committee

Constitution is the rules book

Senate are the rules committee.

Senate check the new legislation to make sure it doesn’t breach the rules-book

Queen approves the new legislation

Government are the workers / public servants

Queen as land owner makes the Laws of the Land

Queen commissions judiciary

Judiciary administer justice as per the rules book and the law of the land.

People obey the Laws of the Land and the approved legislation

If they feel it breaches the rules book, they take it to the Judiciary.

If they don’t like the Committee – they elect a new one.

Where does the Power reside? The Queen and the People.

KEY ELEMENT 2 - The Signature

This is a little tricky to understand – please bear with me.

Only a natural, living, private man, using his or her free-will, can sign a document in agreement / in contract.

The original constitutional contract was signed by the Queen as the private woman.

Each act of the Parliaments, both Federal and State, must be signed by the Governors sitting as the Queen.

⁶¹ Commonwealth of Australia Constitution ChIV, 81. Consolidated Revenue Fund

The signature establishes the agreement of the Chief Executive, stating in law that the relevant act is constitutional and therefore within the terms of the superior contract – our constitution - and giving the elements of that act an authority you and I have to obey.
No signature = no authority.

In legal documents the Queen actually ‘signs’ twice. Once with the physical signature, secondly with the Signet on the Royal Seal. The physical signature binds the living, private, natural people to the contract, the Signet binds the corporation and the Parliament.

At all times, the placement of a signature is vital. A signature at the bottom right of the page, under the actual written details, creates agreement, creates contract. It indicates that the signed will be bound by everything above the signature.
A signature at the top of a page, above the written details, does not create contract – it may simply mean the document has been sighted.
A signature at the top of the page, keeps the signer above the details, indicating that the signer will not be bound by the details below.

The moment a natural, living, private man or woman begins to work for a business such as the government in any capacity, this person takes on the role of an entity. They work under a title – whether as the floor sweeper or the CEO.
An entity can not sign an agreement. But the man or woman acting in that role, can.

An entity can be indemnified through the company and the role.
However, as the moment of signing brings that entity back into their living man, the living man can not be indemnified.
At all and every moment, the living man is subject to his or her own jurisdiction of common law.
And the signature witnesses to that jurisdiction.

As an example. After WWII, the German soldiers were tried at Nuremberg. As a defence they invariably stated they were just ‘doing their job’, using the Nuremberg Defence of Superior Orders.⁶² That defence was declared invalid, in most cases, by those courts, as no law or legislation can authorize a crime.

And in common law, that defence is not a factor if the entity went beyond the role and ignored both their human moral values, their human rights values and in Australia, the common law rights of both themselves and another person. Common law rights which are bound in protection to the Commonwealth of Australia Constitution.

An entity, when placed under their Vicarious Liability⁶³, is now on common law notice as a living, private, natural man or woman, that their workplace indemnity can not protect their living person from the judicial repercussions of a decision.

In common law, we are each our brother’s keeper.

So to sign a document indicates that the signer is in complete agreement with the written details, and if those details are in error or harm another, the signer holds the responsibility for the outcome.

To not sign is currently an attempt to protect the private, living, natural man or woman in a government role from the result of the actions of the document, but with no signature in place, the actual document has no ‘Head of Power’, is therefore null and void⁶⁴ and can be ignored. Catch 22.

KEY ELEMENT 3 – Delegation of Authority

The Chief Executive – the Queen – the Head of State holds all authority in judicial matters in the Constitutional structure.

She issues a Letters Patent (a limited Power of Attorney) to the Governor-General and the state Governors, which allows them to provide the Royal Assent to legislative acts.

All Parliamentarians must swear an Oath of office to her, which authorizes them in their role.

And as previously stated, the Stipendiary Magistrate, the judicial ‘clearing house’ holds a Sealed & Signed Commission to keep the Queen’s Peace, from the constitutional monarch and receives a ‘stipend’ from her and is held her authority in judicial matters.

The statutes of blind Thesis weighing the scales of justice is a symbol of the judicial system, wherein, through the neutrality of the constitutional monarch, both the innocent and the guilty are given an equal opportunity to seek justice. And why a person in common law is innocent until found guilty, in contrast to the US system where you must prove your innocence.

The judge in a courtroom can not be bound to either the government under legislation because he must holds that neutrality. He must always be able to decide against the government if necessary. This is why our system includes trial by jury. The Stip can decide simple contractual issues, absolute charges such as speeding, but must delegate to a jury of the people where the case is relevant, such as murder.

⁶² Nuremberg Defence http://en.wikipedia.org/wiki/Superior_orders

⁶³ Vicarious Liability http://en.wikipedia.org/wiki/Vicarious_liability

⁶⁴ Null & void – as nothing, with no effect – Blacks Law Dictionary #1 1891

In that, the will of the people is paramount. Having found a person guilty, the judge has the authority of the monarch to render a judgment. As such the separation of powers is apparent even in the courts and a person is given the most opportunity for justice.

The Queen holds this power of authority ONLY from Almighty God through the Coronation Oath and her role as Defender of the Faith. Hence a judge must hold his commission in the courtroom to establish his credentials and he has always sat under either a portrait of the Crowned Queen or the Royal Seal holding the Crown bound to the Habeus Corpus Act 1862. This symbolizes that he acts through his delegated authority.

Furthermore, his ruling must be signed and sealed (“signed” twice) which establishes the Recorded contract and provides a signature bound to his commission, proving that he acts with the Crown’s authority as commissioned under Seal. So, he holds a delegated contract to sign judgments and orders to establish a judicial contract with both the innocent and the guilty. Basically the same as the Governor-General holds a delegated contract to sign acts which establish a legislative contract with the people.

In common law cases of murder, for example, the Crown, the holder of common law and the authority for the Law of the Land, sits as the voice for the people, so Regina (abbreviated to R.) will sue an alleged murdered on behalf of the murdered.

Without the Queen in her constitutional role, a judge deciding a case or making a judgment is doing so as an entity only and holds no more authority in any matter than you or I. If that judge then signs a judgment, that judgment has no lawful authority. If that unlawful authority is enforced, the action becomes a crime against the people.

KEY ELEMENT 4 – People of the Commonwealth of Australia Jurisdiction

Jurisdiction:

- the power constitutionally conferred upon, or constitutionally recognized as existing,
in a court or a judge,
- to pronounce the sentence of law, or to award the remedies provided by law,
upon a statement of facts, proved or admitted,
referred to the tribunal for decision
and authorized by law to be the subject of investigation or action by the tribunal
- and in favour of or against persons (or a *res*),
who present themselves, or who are brought, before the court
in some manner sanctioned by law as proper and sufficient.⁶⁵

A very long explanation defining where and under what circumstances, you can be judged and given justice.

As living, private, natural men and women our inherent jurisdiction is that given by Almighty God through the 10 Commandments and codified into common law:

- Our jurisdiction is held to the laws of church and state to common and equity and canon law.
- Our courts are Courts of common law of the Commonwealth of Australia as held to section 80 of the *Judiciary Act* 1903, Act No. 6 of 1903 as assented to on 25th August 1903.
- Our judges must be Stipendiary Magistrates holding the Royal Commission and Seal, swearing to the holder of authority, the Queen, to uphold the laws of the Crown of the United Kingdom to the common law (of England).
- Our laws are passed to the Queen’s Most Excellent Majesty and Assented to by the Governor-General of The Commonwealth of Australia,
 - holding Her Majesty’s Royal Commission and Seal to the Habeus Corpus Act 1862⁶⁶, the Statute of Westminster 1931⁶⁷, the Royal Styles and Titles Act 1953⁶⁸, the Australia Act 1986 (UK)⁶⁹, [9 & 10 GEO.5] Church of England Assembly (Powers) Act, 1919 [CH.76]⁷⁰ *inter alia* CH.46 Corporate Bodies Contracts Act, 1960 [8 & 9 ELIZ. 2]

This, then is the common law jurisdiction of the Commonwealth of Australia, which all corporations (regardless of their country of registration), all internal government bodies and all foreign nationals must obey, within the Australian boundaries.

Every contract in Australia must be signed under that jurisdiction, unless a private natural man or woman knowingly steps OUT of their own protective jurisdiction and agrees to be bound to another.

A contract must have clear disclosure or it is null and void. To be coerced, manipulated or forced into a contract renders it null and void.

⁶⁵ Jurisdiction (Blacks Law Dictionary #1 1891)

⁶⁶ Habeus Corpus Act 1862 <http://www.legislation.gov.uk/ukpga/Vict/25-26/20/contents>

⁶⁷ Statute of Westminster 1931 http://www.austlii.edu.au/au/legis/qld/consol_reg/sow1931347/

⁶⁸ Royal Styles & Titles Act 1953 <http://foundingdocs.gov.au/item-sdid-98.html>

⁶⁹ Australia Act 1986 (UK) http://www.legislation.gov.uk/ukpga/1986/2/pdfs/ukpga_19860002_en.pdf

⁷⁰ [9 & 10 GEO.5] Church of England Assembly (Power) Act 1919 [CH.76]

[http://en.wikisource.org/wiki/Church_of_England_Assembly_\(Powers\)_Act_1919](http://en.wikisource.org/wiki/Church_of_England_Assembly_(Powers)_Act_1919)

LAND - Briefly

The primary issue of private ownership which is in conflict, is land.

There is only 2 kinds of land ownership in Australia. Crown land and Fee Simple land (freehold). These being public land in ownership of the Monarch and private land in ownership of the men and women. As land-owners, the Queen holds the collateral for Parliamentary borrowings, while the People hold the same for personal borrowings.

In Australia, Crown land resides in the ownership of the Queen, held in trust through the contract, for the use of the People.

Crown land is sold into private hands through a Grant in Fee Simple title⁷¹. A common law system title. The new owner must hold the Deeds to establish ownership. Remember a deed is a Sealed Contract. As the owner of the land is the Queen, that seal MUST be the Royal Seal – her corporate seal, because every land contract includes her.

Why?

Because the Crown retains an Interest⁷² in every parcel of land sold in Australia, whether the mineral rights, or rocks and trees for building purposes. Therefore every contract to buy land is a contract with both the previous owner AND the Queen. That Interest further allows the Crown to buy back private land, but only for a public purpose – the stamp duty in every sale being invested in a consolidated revenue fund for that purpose under ‘Just Terms’. The Deeds establish a Statutory Instrument of equal standing with the Constitution, not under the Constitution. And one in which government can hold no interest or ownership rights but administer the land on behalf of the owner, remembering that government do not & cannot own the land in any capacity as an entity of government cannot sign a contract and to own land would create a bias which would render government null and void.

This Instrument is a Deed in Trust with the current Queen Elizabeth as the Successor to the Crown; it is a Trust in Inheritance and a Trust in Equity. That means that the act of purchase of a Grant in Fee Simple Title carries the right to pass on the estate through an Inheritance, a right which is protected by the Constitutional courts of the Commonwealth of Australia. A Trust in Equity is the purchaser’s right to retain his equity (equality) of value in his land.

As such the holder of a Grant in Fee Simple⁷³ title holds the largest amount of ownership available in Australia. [In the USA, the people hold their land in Allodial Title – meaning no-one else but them holds any interest - hence the individual’s ability to have an oil well at his back door in total ownership. Therefore the American people themselves hold the collateral value for trading in and with the USA government.]

Grant – refers to the land being contracted OUT of Crown hands INTO private hands, in free and common socage.⁷⁴

Fee Simple – has 4 elements of ownership

1. The purchase of any structures or buildings that are on the land - *tenements*
2. The right to build any structures of any kind on the land - *messuages*
3. 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*
4. The right to use the land in any manner including to waste the land. (Waste being a legal term meaning to take back to bare rock or destroy) – *incorporeal hereditaments*

No implied limitation can be placed on the fullest meaning that can be given to the word ‘property’ in s51(xxxi) and s85 of the Australian Constitution.....

s22 Acts Interpretation Act 1901...so as to include ‘messuages, tenements and hereditaments, corporeal and incorporeal, of any tenure or description, and whatever may be the estate or interest therein’ and ‘estate’ to include ‘any estate or interest, charge, right, title, claim, demand, lien or incumbrance at law or in equity’....” COMMONWEALTH v NSW [1923] HCA 34; (1923) 33 CLR 1 (9 August 1923)

To emphasize – these 4 elements of ownership allow the private land owner to build or change buildings – without the need to ask permission.

To use the natural elements of his land – without the need to ask permission.

To start an enterprise on his land – without the need to ask permission.

⁷¹ Sir William Blackstone, Commentaries on the Law of England in Four Books, Vol. 1[1753] BOOK 2 RIGHTS OF THINGS. Ch 2 & 3 <http://www.lonang.com/exlibris/blackstone/>

⁷² Interest means a partial right of ownership or share in land, whether through a mortgage, a caveat, an easement or such.

⁷³ Real Property Act 1900 http://www.austlii.edu.au/au/legis/nsw/consol_act/rpa1900178/

COMMONWEALTH v NSW [1923] HCA 34; (1923)33 CLR 1 (9 August 1923) <http://www.austlii.edu.au/au/cases/cth/HCA/1923/23.html>

⁷⁴ Abolition of Tenures Act 1660 <http://www.legislation.gov.uk/aep/Cha2/12/24/contents>

Restrictions on land to a private land-owner include common law elements of harm:

1. Ownership of any water on the land as water cannot be owned, as it is moveable. You have only the use of the water while it is on the land.
2. No right to injure a neighbour's enjoyment and use of his property.
3. No right to trespass on another's land without his permission.

"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)

Note: it is widely believed that a private land-owner holds only the top 6" of his land. That is false. In the 50's mining companies complained about the royalties they were paying to the land-owners and government legislated that they only had to pay on the top 6". Hence the fallacy of that being the owned land. The editor made that statement on the John Laws Show, Laws checked with the radio lawyer and it was confirmed publicly. Although there has been minimal court rulings on land issues in Australia, they do include a case where miners have been fined for burrowing under another property without permission.

....."the full contents of the parcel of land pass; the 'land' being measured superficially by metres and bounds and extending actually downward indefinitely and notionally upward indefinitely, is that which is 'passing to the Commonwealth' "
COMMONWEALTH v NSW [1923] HCA 34; (1923) 33 CLR 1 (9 August 1923)

Land is not purchased under a Freehold Title. A freehold title is inherent in the Fee Simple Title, which goes back prior to the Magna Carta.

Nor is land in Australia purchased OR owned under Torrens Title⁷⁵. Sir Richard Torrens introduced a bill into the SA parliament in 1858 to record the conveyance of land and all and any Interest attached lawfully to that land. Be very clear on this – the land itself is purchased under a Fee Simple Title and has to be paid for – BEFORE the legal details and any Interests can be recorded on the Torrens Register.

Apart from the Queen's reservations, any further Interests on land include such things as a mortgage, perhaps an easement including water lines and in specific cases, a caveat. Under Fee Simple the land-owner has the superior right of ownership and nothing can be placed on their title without their permission or without being a signed order from a Chapter III court as clearly defined in 3 High Court cases.⁷⁶

DEFENDER OF THE FAITH

The Faith referred to is the Church of England, wherein the faithful worship Almighty God the Creator, His Son Jesus Christ and the Holy Spirit. God created living men and women, Jesus was born a living man. Therefore that faith must hold to life and free-will

The Queen holds the title Defender of the Faith as our constitutional Monarch, not in order to enforce a religious obligation but as part of the Covenant System of Law the People of the Commonwealth have contracted to.

Her Majesty holds her ownership of the land as the Regent for the real owner – Almighty God. This is why she is referred to as Elizabeth Regina. Regent – meaning she sits physically in the role of the King while He is physically absent. Through her Covenant Oath to Him in her Coronation she holds the ability to dispense the land created by God, to others.

She is also the holder of the Law of the Land, that being common law held to the 10 Commandments.

On your private land, you hold the same power, being the right to govern as you personally see fit on your land, controlled ONLY by the superior common laws. On your land you hold the Law of the Land. This is clearly evidenced in the USA where the people own their land in total and is part of the reason they are able to withstand government moves to remove their weapons.

Land itself is purchased through canon law tenets, which is why land is described as Lots in parish listings. Her role as Defender of the Faith also means she binds the rights of a man or woman to confess to a higher power than the laws of the land and that confession cannot be controlled by the state – the power of the confessional wherein a minister of faith cannot disclose your words.

Furthermore this authority allows her to commission another man or woman to administer the justice of common law.

CONCLUSION – FIRST PART

⁷⁵ Torrens System <http://www.dse.vic.gov.au/property-titles-and-maps/land-titles-home/150-years-of-torrens-title-in-victoria-1862-2012>

⁷⁶ Lapin & Another v Abigail [1930] <http://www.austlii.edu.au/au/cases/cth/HCA/1930/6.html>

Pirie v Registrar-General [1962] <http://www.austlii.edu.au/au/cases/cth/HCA/1962/58.html>

Hillpalm Pty Ltd v Heaven's Door Pty Ltd <http://www.austlii.edu.au/au/cases/cth/HCA/2004/59.html>

As described above, this is the structure and manner & form of the Commonwealth of Australia Constitution Act 1900 and the Commonwealth of Australia Constitution Act Proclaimed and Gazetted 1st January 1901.

The key point to understand and retain is this –

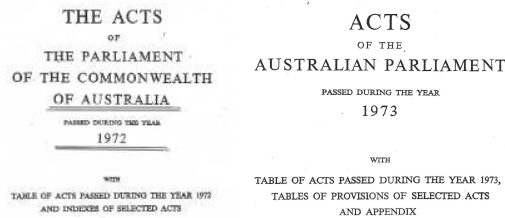
Without the permission of the men and women contract holders, any change to this structure is unconstitutional
Any unconstitutional change is null and void as an act of authority over the people.

E. AUSTRALIA

1972 to CURRENT

In 1972, the Labor party government of Gough Whitlam were elected under constitutional authority.

In 1973, the government led by Gough Whitlam began various and many changes to the political structure in Australia without the permission of the people, the share-holders in the Commonwealth, although he encouraged the people to see the changes as an exciting move to pre-republican improvements. His aim was a new trading corporation run by the government to exploit the mineral wealth of Australia internationally. The result was the creation of a new corporation to be known as the Australian Parliament. This corporation however, was created by an individual, not a corporate aggregate of the people of the original states. Therefore the People were not share-holders and held no power in their votes.



Whitlam asked the Queen, the head of all corporations for permission to establish this corporation, however, as it expected to use the assets of the Commonwealth and it was not created by the People of the Commonwealth, but by an individual only, he was refused. Therefore the continuation of the Australia Parliament corporation had no constitutional authority.

Succeeding governments continued and expanded those changes which included but were not limited to –

The Contract

- the definitions of the words “Commonwealth” and “Australia” in the Acts Interpretation Act 1973, Act No. 79 of 19th June 1973 were changed
- Commonwealth of Australia is a registered corporation with the US Securities & Exchange Commission under #0000805157⁷⁷, Washington DC, as a ‘foreign government of political subdivisions’
 - held to the Seas and Submerged Lands Act 1973, Act no. 161 of 1973⁷⁸ sealed and copyrighted Commonwealth of Australia *inter alia* Foreign States Immunities Act 1985⁷⁹ *inter alia* Foreign Corporations (Applications of Laws) Act 1989⁸⁰ *inter alia* Corporations Act 2001, *inter alia* Corporations Agreement 2002⁸¹, *inter alia* Corporations Amendment (Sons of Gwalia) Act 2010⁸².
- This registration adheres the Australian Parliament under its trading name Commonwealth of Australia, to american civil law, for trading purposes. (Note, NOT **The** Commonwealth of Australia)

⁷⁷ Commonwealth of Australia registration www.sec.gov/cgi-bin/browse-edgar?company=Commonwealth+of+Australia&match=&CIK=&filenum=&State=&Country=&SIC=&owner=exclude&Find=Find+Companies&action=getcompany

⁷⁸ Seas and Submerged Lands Act 1973 <http://www.comlaw.gov.au/Details/C2004C00306>

⁷⁹ Foreign State Immunities Act 1985 <http://www.comlaw.gov.au/Series/C2004A03235>

⁸⁰ Foreign Corporations (Applications of Laws) Act 1989 <http://www.comlaw.gov.au/Details/C2004A03931>

⁸¹ Under the Corporations Agreement 2002 (the Corporations Agreement), the State and Territory Governments referred their constitutional powers with respect to corporate regulation to the Commonwealth.

⁸² Corporations Amendment (Sons of Gwalia) Act 2010 - <http://www.comlaw.gov.au/Details/C2010A00150> An Act to amend the law relating to claims against corporations, and for related purposes – after the High Court decision in the Sons of Gwalia case (ref check page 12)

- The civil laws therefore, of the Parliament of Australia, are held to admiralty law to the Crimes at Sea Act 2000, Act No. 13 of 2000⁸³ *inter alia* International Criminal Code Act 2002 as amended, No. 41 of 2002⁸⁴ bound to Rome
 - *Corporations Act* 1989 Part 9 – Jurisdiction and procedure of courts.
 - s9 civil matter means a matter other than a criminal matter.

Constitution

- All tiers of government operate as fully created corporations through the Corporations Act 2001⁸⁵
 - This activates the Clearfield doctrine, “Governments descent to the Level of a mere private corporation, and take on the characteristics of a mere private citizen....where private corporate commercial paper [Federal reserve Notes] and securities [checks] is concerned... for purposes of suit, such corporations and individuals are regarded as entities entirely separate from government.”⁸⁶
 - In 1919, the People at a referendum, refused the Parliament a request to create government corporations.
 - In the *Sons of Gwalia Ltd v Margaretic* [2007] HCA 1⁸⁷, the Justices stated“Membership” of a company is a statutory concept. That is why the connection between obligation and membership that must be shown, if the obligation is to fall within s 563A, will find its ultimate foundation in the relevant legislation, now the 2001 Act. It is the legislation which defines the obligations owed by and to the members of a company.”
- The Corporations Act 1989 created the corporate headquarters for this new structure in the Australian Capital Territory now know as the Capital Territory
- Created 2 **new** Constitutions, **both** of which are listed as current on Comlaw⁸⁸
 - AUSTRALIA’S CONSTITUTION 1900, 9TH July 1900⁸⁹ Act No. 84 of 1977 © Commonwealth of Australia 1999 and
 - THE CONSTITUTION, in force 1st June 2003⁹⁰. © Commonwealth of Australia 2003
 - These 2 acts are sealed under the Armorial seal, which has no Head of Power and is not a law-making seal
 - The High Court stated in *Wakim* [1999] “A legislature can not , by preambular assertions, recite itself into constitutional power **where none exists.**”

The Queen

- the Queen’s title was changed by statute, to *Elizabeth the Second, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth.*
 - The Corporation Act 1989⁹¹ removed the Queen’s Royal Prerogative at Part 4, s20
 - The removal of the Royal Prerogative completely removed the security of the people by removing living people
 - By removing the Royal Prerogative, bound to the Queen as the Defender of the Faith, church bodies were able to be corporatized, bringing both their human and financial assets under the corporate legislation
 - The Church of England have been corporatized into the Anglican Church.
 - Removed the Monarch’s Crowned Head – Head of Power – from all notes, therefore removing the collateral holder



- Replaced Commonwealth of Australia with Australia on all notes
- Using the Statute Law Revision Act 1996, No 43 of 1996⁹² to remove gender, now possible because of the removal of the Royal Prerogative
 - Schedule 5 – gender neutral entities
 - removed all gender from legislation.
 - The removal of gender removed any and all reference to the living, natural men and women. That allowed the removal of the imperative to sign documents in order to establish contract. It also removed the necessity to adhere to Human Rights and therefore the necessity for common law was no longer legislatively in existence.
 - The High Court stated in *Re Wakim* [1999]⁹³ that the interrelation of constitutional words “*should remain constant. We are not to give words a meaning different from any meaning which they could have borne in 1900.*”

⁸³ Crimes at Sea Act 2000 <http://www.comlaw.gov.au/Details/C2008C00601>

⁸⁴ International criminal Court Act 2002 <http://www.comlaw.gov.au/Details/C2012C00112>

⁸⁵ Corporations Act 2001 <http://www.comlaw.gov.au/Series/C2004A00818>

⁸⁶ Clearfield Doctrine <http://supreme.justia.com/cases/federal/us/318/363/case.html>

⁸⁷ *Sons of Gwalia Ltd v Margaretic* [2007] <http://www.austlii.edu.au/au/cases/cth/HCA/2007/1.html>

⁸⁸ ComLaw <http://www.comlaw.gov.au/Browse/ByTitle/Constitution/Current#top>

⁸⁹ Australia’s Constitution 1900 <http://www.comlaw.gov.au/Details/C2004C00469>

⁹⁰ THE CONSTITUTION <http://www.comlaw.gov.au/Details/C2005Q00193>

⁹¹ Corporations Act 1989 <http://www.comlaw.gov.au/Series/C2004A03857>

⁹² Statute Law Revision Act 1996 <http://www.comlaw.gov.au/Details/C2004A05059>

- Corporations Act 2001, No 50 of 2001
 - s9 Act includes a thing
 - *Part 2.8.(4)* private person means a person other than
 - (a) the Commonwealth, a State or the Capital Territory;
 - *Part 4.18* This part overrides the prerogative.....
- *Res* in civil law
 - a thing, an object. Including not only things which are objects of property, but also such as are not capable of individual ownership.⁹⁴
- *Res* in old English law
 - said to have a general import, comprehending both corporeal and incorporeal things of whatever kind, nature, or species.⁹⁵

Signatures & Seals



- the Royal Seal of the Peoples' contract was changed to
 - This seal is not the corporate seal of the Commonwealth of Australia
 - This seal is a derivation of the Coat of Arms, which was given to the Federal Parliament by King George V in 1912, as armorial emblems for official purposes only.⁹⁶
 - This seal, known as the Great Seal of Australia, has no Head of Power and therefore no law-making authority
 - This seal is trade-marked in the US Trademark & Patent Office under 7 variations.⁹⁷
 - Commonwealth of Australia has registered the Armorial Seal with the US Trademark & Patent Office under #89000533⁹⁸
- acts are now created under the unconstitutional terminology including
 - BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia... and
 - The Parliament of Australia enacts.
 - No acts since 1973 have received constitutional Royal Assent or Proclamation

Courts & Law

- The Corporations Act 1989 at Part 9, created a cross-vesting of the courts, giving them the ability to interpret all matters under civil law.
 - Without clarification of this, which was not approved at referendum, the people enter the courts undefended by knowledge. The assumption a man or woman is in receipt of common law, while it is not, is unconscionable. The inability of the court system to provide common law is a removal of the inherent jurisdiction of the living man or woman.⁹⁹
- Trial by Jury
 - In Commonwealth Law, the Queen, holding the law of the land as the land-owner, brings a person to trial.
 - In the American civil system of law, the people are the land-owners and indict a person into a trial by jury.
 - By removing the Queen through statutory legislation, the holder of the law of the land does not 'exist', hence trial by jury is not required.
- Magistrates no longer hold the commission of the Chief Executive and no longer sign court orders.
 - In most cases these documents are sealed to the court under the Australian or the relevant State Seals - which have no law-making power over the People of the Commonwealth - and are signed by Court Registrars.
 - A Registrar has no lawful ability to sign such documents wherein judicial power is exercised over any man or woman.¹⁰⁰
 - Kitto, J: *"A registrar is not a court officer.... He is an officer of the executive government, and that being so it is constitutionally impossible to invest him with any form of judicial power."*

⁹³ Wakim [1999] HCA 27 <http://www.austlii.edu.au/au/cases/cth/HCA/1999/27.html>

⁹⁴ Blacks Law #1 1891

⁹⁵ As above

⁹⁶ Documentation available from editor – flora@reachnet.com.au

⁹⁷ Documentation available from editor – flora@reachnet.com.au

⁹⁸ Screen shot available – contact editor flora@reachnet.com.au

⁹⁹ No common law in Australia – Bangalore Principles of Judicial Conduct – Australia has not been able to send a representative since 1998. http://www.hcourt.gov.au/assets/publications/speeches/former-justices/kirbyj/kirbyj_bang11.htm

¹⁰⁰ R v Davison [1954] HCA 46; (1954) 90 CLR 353 (10 September 1954) <http://www.austlii.edu.au/au/cases/cth/HCA/1954/46.html> ;

Waterside Workers' Federation of Australia v. J.W. Alexander Ltd. [1918] HCA 56; (1918) 25 CLR 434

<http://www.austlii.edu.au/au/cases/cth/HCA/1918/56.html> ; Le Mesurier v. Connor [1929] HCA 41; (1929) 42 CLR 481

<http://www.austlii.edu.au/au/cases/cth/HCA/1929/41.html> ; Bond v. George A. Bond & Co. Ltd. [1930] HCA 24; (1930) 44 CLR 11

<http://www.austlii.edu.au/au/cases/cth/HCA/1930/24.html>

- The Queensland Bail act 1980 delegates judicial power even to clerks, which is lawful under American law
- All judiciary hold a Workplace Agreement with the Australian Parliament.
- All legal entities hold a Practising Certificate with the Australian Parliament.

The lawful Commonwealth of Australia Constitution has been laid aside *sine die*. Until the People approve a change to a Republic, it is still the laws of the corporation of the Commonwealth of Australia, of which the people are the authority and the share-holders.

The People

1. are not share-holders in the corporation known as the Australian Government as it is not authorized or incorporated under the Commonwealth of Australia contract with Queen Victoria, her heirs and assigns.
2. did not approve the removal of their constitution at referendum
3. vote to what effect if this is a corporation foreign both to their laws and their interests.

CHANGES – Simple Overview

| |
|---|
| <p>The Commonwealth of Australia <u>Land owner</u> = the Queen</p> <p><u>Preamble</u> = Living natural private men and women</p> <p><u>Shareholders</u> = The People <u>Contract</u> = C'th of Aust Const Act signed 9th July 1900 <u>Registration</u> = England <u>Charter</u> = C'th of Australia Constitution</p> <p><u>Lawfully constituted to the Head of all Corporations</u> = Yes <u>Head of State</u> – ELIZABETHAE REGINAE SECONDAE <u>Chief Executive</u> = <i>Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith</i> <u>Seal</u> = Royal Seal <u>Law</u> = Common Law</p> <p><u>Head of power for money & borrowing</u> = the Queen, the Crown</p> <p><u>Royal Assent</u> = signature, seal, proclamation & gazettal <u>Royal Prerogative</u> = yes <u>Gender</u> = recognized in acts</p> <p><u>Judiciary</u> = hold Royal Commission under Seal <u>Parliamentarians</u> = hold an elected position under Oath of Office to the constitutional Monarch <u>Governor-General</u> = holds Letters Patent under Seal</p> <p><u>Power</u> = the Queen and the People</p> <p><u>Parliament</u> = peace, order and good government</p> |
|---|

| |
|--|
| <p>Australian Government <u>Land owner</u> = no land, operating under the Submerged Lands & Seas Act 1973 – wherein the people are cargo. <u>Preamble</u> = not recognized, therefore no living men and women <u>Shareholders</u> = none <u>Contract</u> = undisclosed <u>Registration</u> = USA <u>Charter</u> = THE CONSTITUTION 2003 & <i>Australia's</i> Constitution & Corporations Act 2001 <u>Lawfully constituted to the Head of all Corporations</u> = No <u>Head of State</u> = Queen of Australia, created through statute <u>Chief Executive</u> = President = person operating under the title of Prime Minister</p> <p><u>Seal</u> = Great Seal of Australia trademarked in the USA <u>Law</u> = maritime re SL&S Act 1973 & civil law held to the American republican constitution <u>Head of Power for money & borrowing</u> = none, money guaranteed by American dollar</p> <p><u>Royal Assent</u> = none, acts now copyrighted <u>Royal Prerogative</u> = removed <u>Gender</u> = removed and replaced with gender neutral</p> <p><u>Judiciary</u> = hold workplace agreement with Australian Gov't <u>Parliamentarians</u> = hold a workplace agreement with Australian Gov't <u>Governor-General</u> = holds a workplace agreement with Australian Gov't.</p> <p><u>Power</u> = the person operating under the title of Prime Minister <u>Government</u> = administration</p> |
|--|

LOCAL COUNCIL

Local Council was not firmly established until the 1860s and 1870s when the various colonies established widespread stable forms of local government, mainly for the purpose of raising money to build roads in rural and outer-urban regions.

Local Council are created in their current formation under legislation through the relevant State Constitution and the State's enactment of the Local Government Act 1993 and are a corporate entity of the States who hold an Intergovernmental Agreement through COAG, the Council of Australian Governments.¹⁰¹

COAG was established in May 1992 after agreement by the then Prime Minister, Premiers and Chief Ministers, and it first met in December 1992. The Governor-General is not the Queen's representative as the Chief Executive in this organization, instead it is chaired by the Prime Minister. Current membership includes Councillor Genia McCaffery, President of the Australian Local Government Association. If the reader stops to consider this fact, how does a councilor, operating in an unconstitutional body, sit in equal voting power with the Prime Minister, Premiers and Chief Ministers? This, in effect, is the Committee of the Australian Government, in that the States have reverted to their colonial independence and hold an agreement as do the American States, which allows each state to operate its own legislation independent of the other states and the Federal parliament. As an example, a person may lose a driving licence in one state but still get a licence in another.

COAG is therefore a body operating OUTSIDE the Commonwealth of Australia Constitution 1900 *inter alia* the Commonwealth of Australia Constitution Proclaimed and Gazetted 1st January 1901. Yet it administrates over your assets and rights which are IN the Constitution. How, without our permission?

All Local Council in Australia are members of the ICLEI – Local Government for Sustainability – an International body.¹⁰² In Australia 95 specific Local Councils are registered members as are the Australian Capital Territory Government and the Australia Local Government Association – which by definition then means that ALL local councils are members.

As such Local Council hold an international 'mandate' to address sustainability issues, which requires these local bodies to adhere to international agreements. And it is very clear that the ICLEI makes and regulates local council initiatives world-wide without any reference to the Constitutional structure of the relevant country or the wishes of the People of that country. Again, how does a body which is legally only an agency of the State, without any constitutional recognition, make international agreements that impact your ownership is awful ways including removing it entirely?

The organization promotes the following programs for local-level adoption and implementation as described on their website.

The Rio Conventions:

- The UN Framework Convention on Climate Change,
- The UN Convention on Biological Diversity,
- The UN Convention to Combat Desertification

Agenda 21

- the Habitat Agenda
- the Millennium Development Goals
- the Johannesburg Plan of Implementation

As such, each and every local council in Australia, as a body authorized only by the state governments, without a referendum vote of the People and certainly without any constitutional authority – are involved in claiming the total control and governance of the rights of private ownership on the land of the living, natural men and women. And the control thereunder of the Peoples' *inter vivos* civil and political rights, rights of equity and inheritance.

Without going into great detail on Agenda 21 – it is committed to removing private ownership of land.

Local Councils make the statement that giving them constitutional recognition will allow the transfer of monies from the Federal government directly to Local Councils, bypassing the state bureaucracy. That reason is a furphy.

LOCAL COUNCIL - Private Land

During his term of office EG Whitlam organized a Commission into Land Tenures. The result – Commission of Inquiry into Land Tenures Final Report 1976, under the Great Seal of Australia¹⁰³ – indicated that

- it would be good for government to buy back all private land, but that cost would be prohibitive
- therefore legislate to remove the value of land through zoning, removing existing user rights, etc
- make it too expensive to own land
- allow the land to be developed by specific developers
- allow the man or woman to own the house but never the land

¹⁰¹ COAG <http://www.coag.gov.au/>

¹⁰² ICLEI Governance <http://www.iclei.org/index.php?id=743>

¹⁰³ Not on the internet – a pdf copy is available from the Editor

In the Tasmania Dams case in 1983¹⁰⁴, the High Court ruled broadly that if government removed the elements of a Grant in Fee Simple title but left the deeds in the owners's hands then no compensation was payable. This clearly made the Commission's rulings much easier to implement. And as Stamp Duty payable to government through a land purchase was placed in a consolidated revenue fund, earning interest, in order to buy back private land for public purposes under "Just Terms", this ruling allowed government to keep collecting that stamp duty, but use the funds for other purposes.

By law, the deeds are still the proof of ownership, however from that time, government began collecting land deeds. In QLD people were told that the deeds were Old Title documents, and they could exchange them for a New Title. Lawyers began collecting the deeds for "protective" storage and a great many of those deeds have since "disappeared", perhaps stored in Victoria & Queensland where they are archived and filed in the government's "ownership." Some years ago, it was possible, after months of writing, to get a copy of your deeds, but the editor understands that is impossible now.

The Lands Department refuses to supply deeds to the land owner, as the Editor personally found several years ago. Instead the land owner is given a Certificate of Title which is sealed under the Great Seal of Australia.

Remember please that your title deed is a Sealed Contract with the original land-owner, the Queen, and is sealed with her corporate seal, so the exchange for a deed with a certificate of title by a US-registered corporation is no longer proof of your ownership at all. It is interesting that to validate a mortgage, the bank gets a hologrammed Certificate of Title on special paper, yet the actual land-owner does not.

A true & original deed is printed or written on cotton paper – legal paper. It carries a map of your property, indicates the boundaries via latitude and longitude, indicate any particular features, etc. A deed is, in effect, a patent, as no other piece of land anywhere in the world carries the same physical structure or situation. The original deed is signed by the State governor as the contractual signatory for the land-owner, the Queen and is sealed with the Royal Seal clarifying it is a common law contract. A Certificate of Title has none of those elements and is sealed with either the Great Seal of Australia or the relevant State seal – indicating your "ownership" is bound to those laws. The only way for that to be lawful is if the land-mass was purchased by the government off the Queen and they are now the official owners of the land-mass and if the Queen sold her interests in your personal land to the government as well. But she cannot do that without your permission under the Contract of the Grant of Fee Simple.

It should be strongly noted by the reader however, that it is impossible for a government to claim ownership of any part of the landmass anyway, as it is held in trust for the People and it is the People's money that pays for the construction, maintenance and etc of any asset on the land-mass. Plus to own, as previously stated re the ACT, creates a bias and government can not hold a bias and still be government. So when your local councils claims ownership of the roads, the verges, the parks – that is constitutionally impossible. They can only ever be that administrators and maintainance body.

In light of the Tasmania Dams case, wherein as long as the land-owner holds his deeds, there is no compensation required, the editor wonders whether the fact that the land-owner no longer even has deeds, completely removes his real ownership, placing it instead in the hands of a US corporation, who now hold your deeds. A corporation which you should remember, owned no assets in Australia when created.

The Lands Acquisition Act 1955 (constitutionally sealed) has been amended to the Lands Acquisition Act 1973 (bound to the US corporation).¹⁰⁵

By amending a constitutionally correct act into a statutory act of the Australian Parliament, and by replacing the constitutional monarch with a statutory "Queen" and by removing the Royal Prerogative, the action of acquiring private land did not bring it back into Crown / public hands but instead placed the land under foreign corporate ownership.¹⁰⁶

Furthermore, the Torrens Title System is currently being legislated into being the ownership title in Australia, however a Torrens Title conveys absolutely no ownership rights and in fact, places government in control of privately owned land through legislation, tying the payment of rates, etc to that 'ownership'.

With reference to the comments on the unconstitutional changes to government, many documents issuing from government are unsigned or signed with a stamped replica of a signature. Remember, this does not make these documents legal. They MUST be wet-ink signed to establish the contract.

Local Councils¹⁰⁷ are an excellent example with reference to rates, which are a 'debt' seemingly incurred through the purchase of real property. Yet the Local Government Act 1993 NSW states at s723:

¹⁰⁴ Tasmania Dams case 1983 <http://www.austlii.edu.au/au/cases/cth/HCA/1983/21.html>

¹⁰⁵ Land Acquisition Act 1973 on ComLaw - <http://www.comlaw.gov.au/Details/C1973A00208>

¹⁰⁶ Fazzolari Pty Ltd v Parramatta City Council <http://www.austlii.edu.au/au/cases/cth/HCA/2009/12.html>

¹⁰⁷ Local Government Act 1993 (NSW) <http://www.legislation.nsw.gov.au/fullhtml/inforce/act+30+1993+CD+0+N>

Land is conveyed free of certain interests

(1) A conveyance or transfer under this Division vests the land in the purchaser for an estate in fee simple **freed** and discharged **from all** trusts, obligations, estates, interests, contracts and charges, and **rates and charges** under this Act or any other Act, but subject to:

- (a) any reservations or conditions for the benefit of the Crown affecting the land, and
- (b) any easements, restrictive covenants, positive public covenants created in accordance with section 88D or 88E of the *Conveyancing Act 1919*¹⁰⁸ and public rights of way affecting the land.

So you will notice that this section of the act Local Councils' use to 'govern' recognizes your ownership is restricted only through Crown reservations and any actions created through the Conveyancing Act. It also recognizes that you buy something that has no debt attached.

As the Conveyancing Act is not an act of taxation, it cannot surely create a rating bill. *And remember, you have to sign a taxation contract.* However the land-owner never receives a signed ratings Bill, which is imperative under the Bill of Exchange Act 1909.¹⁰⁹ Instead he or she receives a Notice. A Notice is a reminder that you have overlooked payment of a Bill. You are already deemed in default of payment.

Yet the ONLY way Local Council are able to issue this demand and enforce it is through a contract. Either the

1. Commonwealth of Australia Constitution Act 1900 inter alia Commonwealth of Australia Constitution Act Proclaimed and Gazetted 1st January 1901

OR

2. an individual contract between the specific Local Council and the land-owner

Further, the Corporate Bodies Contracts Act 1960, created by the Chief Executive, the Queen herself, confirms that to hold a contract with a corporation, there MUST be a signature. Constitutionally, that must be the Monarch's. Individually that must be yours.

So as government has corporatized itself with ALL branches and agencies of government operating under ABN numbers through the Corporations Act 2000, which means it no longer operates under the constitutional contract – **YOU** have to hold an individual signed contract with them. Which is why we face the massive increase in licensing, registration, etc in every element of both our working life and increasingly our private life.

It has been indicated to the Editor that in the process of purchasing land, you enter a contract with the lawyer or conveyancer, agreeing to allow them to take care of the 'nuts and bolts'. That includes registering your purchase with the Torrens System and letting local council know of the new ownership. It would appear that somewhere in there, you are entered into a contract without your knowledge.

Local Council know that most people would refuse to contract for rates, so the conveyancer or lawyer does that for you and hence you receive a Notice as a reminder that you owe them money. And as part of that rating contract, it appears you gave them all rights on your land and OVER your ownership.

For example – fines for people who cleared their land to prevent bushfires destroying their assets or building something without a DA. They are invariably fined under Planning Acts, because they did not get permission first. Remember the elements of land ownership? Yet when one group took their ownership rights under Fee Simple to the courts in a land clearing matter, the judge stated "You are right, but you lose."

The Editor is also aware that some banks have tied loans to paying government charges on land, such as rates.

In Victoria, rates have risen in some areas by 600%. Repeat 600%. That means many older people begin to default on their rates and their homes are seized. Refer back to Whitlam's plans. In the Moreton Bay area of QLD, in order to stop one fellow building on his land, had his property rezoned by council as swamp land, revalued down to \$1000 per block while his rates were remained at \$1500. Land owners around him, unable to build on valueless land, simply handed it back to local council.

In the Nowra area, a lady inherited a large acreage of wild beachfront land. Local council put a time limit on housing applications, she applied and after 8 years took the matter to the Land & Environment Court. The council representative offered her a deal – give them half the land and she could build, a deal the judge/coram thought was a good one!! She did agree, then when she attempted to build she had to apply to cross the verge, which council claimed they owned. The editor believes she is still waiting for that permission. Yet how do local council claim ownership of the Queen's land, Crown land, held in trust for you and I. How do local councils as the administrators in an area, claim ownership when ALL the money they use is YOUR money through rates and taxes? Would that not mean you own the land? Do you have a contract to only loan them the money and they are to repay it? Start thinking for yourself reader!

¹⁰⁸ Conveyancing Act 1919 NSW

<http://www.legislation.nsw.gov.au/xref/inforce/?xref=Type%3Dact%20AND%20Year%3D1919%20AND%20no%3D6&nohits=y>

¹⁰⁹ Bill of Exchange Act 1909 amended http://www.austlii.edu.au/au/legis/cth/consol_act/boea1909148/

If your money going to the Federal and State Parliaments is now being used to buy assets that become owned by that body, then they are not a government, but a private concern operating solely for the growth of their own assets and profit margins. Is that what you voted for? Because it is what you got.

The reader may be aware that Bob Hawke has been in China planning the sale of the entire top of Australia from Broome to Townsville for 1 trillion dollars, and has further been visiting public gatherings promoting the benefits of Chinese ownership. The land he is focused on is aboriginal land through the Mabo cases. What the aboriginals were not told was that when the courts gave the land to the original inhabitants, the Australian government had legislatively placed itself in that position, so the land was, with great deception, given not to the aboriginal people, but to the US corporation masquerading as a government. Therefore, theirs to sell to China.

The underlying concept of all these various stories and the hundreds more that the editor could share, is the removal of private land-ownership into the hands of a foreign US corporation and the sale of that land for a lots and lots and lots of money, while the People of the Commonwealth are supposed to cover the massive loans that are being engendered by this corporation without our permission.

Personally, the editor wonders whether this is a massive case of money-laundering. Borrow real money from overseas countries, convert it into corporate scrip for the internal use of Australians (with the value supported by the US dollar), keep the real money for the corporation bosses, but the sweat equity of the People of the Commonwealth and their assets will pay the debt off – leaving the People with what after the corporate raiders gut our country and move on?

The simple fact is this –

- if you buy land and it holds certain elements in that ownership and if someone takes them off you – they are stealing.
- If you are entered into a contract that you have no knowledge of, that contract is null and void.
- If local council hold absolutely no constitutional authority, then to act in authority over your land title is repugnant.
- And finally if your land ownership is a contract between you and the Chief Executive and she did not give local council permission to claim a wealth tax on that ownership, it has no lawful validity.

It's all about the contract dear reader.

LOCAL COUNCIL - The People's Contract

Local Council are not identified in the Commonwealth of Australia Constitution Act 1900.

Local Council are not identified in the Commonwealth of Australia Constitution Act Proclaimed & Gazetted 1st January 1901.

Local Council wish to gain constitutional recognition.

Yet Local Council clearly operate in a manner that is contrary to both the intent and the actual 'rules' of the Constitution and under treaties and statutory legislation that holds no Head of Power in the People's Constitutional contract and have not been approved by the People.

Local Council are able to enter international contracts and enforce them over you and I.

Local Council sit as equal partners in COAG.

Local Council can raise taxes.

Local Council can make investment contracts with your money.

Local Council can claim ownership of the assets of the Commonwealth shareholders.

Local Council clearly do not wish to act on behalf of the People therefore. Yet they wish to enter the People's Contract. Why?

If you ask your Local Council where their authority comes from, they always refer you to their State Constitution. They never refer to the over-riding powers of the Commonwealth of Australia Constitution as having any part of their authority.

Commonwealth of Australia Constitution Act

Chapter V

The States

Inconsistency of laws

109. When a law of a State is inconsistent with a law of the commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

There are 3 major inconsistencies that are clearly in existence.

1. State and Local Government interference in the rights you purchased under contract with the Chief Executive of the Commonwealth of Australia Constitution Act – ie the Fee Simple Grant.

2. Intergovernmental Agreement on the Environment, SIGNED with wet-ink signatures 1st May 1992 by the heads of Commonwealth, the States, the Australian Capital Territory, the Northern Territory and the Australian Local Government Association Paragraph 5 Schedule 2

“Within the policy, legislative and administrative framework applying in each State, **the use of natural resources and land, remain a matter for the owners of the land or resources, whether they are Government bodies or private persons.**”

3. Corporate Bodies' Contracts Act 1960 1960 CHAPTER 46

1 Cases where contracts need not be under seal.

(1) Contracts may be made on behalf of any body corporate, wherever incorporated, as follows:—

(a) a contract which if made between private persons would be by law required to be in writing, signed by the parties to be charged therewith, may be made on behalf of the body corporate in writing signed by any person acting under its authority, express or implied

2 This Act shall not apply to any company formed and registered under the Companies Act, 1948, or an existing company as defined in that Act.

Men and women acting in governmental roles including that of Local Council, signed a binding agreement stating that the bodies they signed for (including mine and your Local Council), would not interfere in the ownership of private land without permission – then went ahead and did it anyway. That means they knew very well you and I owned the land under a superior contract, protected by our Constitution, yet they ignored those facts.

Or – did the fact that the individual US-registered corporations calling themselves government and holding your Deeds mean that they consider themselves as the owners of the land you have paid for with your sweat equity? *To the Editor, it appears so.*

LOCAL COUNCIL - Its Elected Members

A living, natural man or woman, who raises their hand to take a role in Local Council, is voted into that role to act on behalf of the other men and women contract-holders of the Commonwealth of Australia and inside the Charter / Constitution of the People.

In that role, it is incumbent on each of those men and women to clearly understand the rules under which they will vote on issues.

However, as Local Council is NOT a corporation formed through the Peoples' rules, both the voters and those elected are being defrauded.

Why?

Because the men and women who hold the contract with the Queen for the Commonwealth of Australia corporation, who hold one share each and therefore one vote – can not vote for the “board” of another corporation, despite what they are told. In that elected role, the moment they receive a wage, they move out of the Commonwealth of Australia corporation and into the US corporation as employees only. Their job being to look like they are speaking for the people, when in fact they are contracting the people's rights INTO the US corporation, by parol – simple contract.

And the men and women who stand for election and are voted into this unconstitutional corporation, who then enter under a workplace agreement and who are paid by the Australian Government, have to uphold the rules of that corporation for its shareholders. They train under the corporation's rules, sign off that they understand their training, and so place themselves at the point of risk for decisions that removed both theirs and other people's civil and political rights and rights of equity.

For example, local councilors agree to institute legal action against people who have not paid the demanded rates, yet, as you have just read, there is no lawful authority for such a demand. That crime then binds the men and women making those decisions, under common law, to answer to that matter in a Chapter III court.

The men and women of the Commonwealth have no judicial protection at present, in that the US corporation replaced all the Chapter III courts with corporate tribunals, wherein the judges are *corams* who do not sign any court rulings, as they know the implications of a living signature used illegally. And because their only authority is not from a commission under seal with the constitutional Monarch, but under the authority of the President of the US-registered Corporation – currently Julia Gillard.

Without the signature of the judge in the case, the ruling is unenforceable and is simply a personal comment. Instead men and women are hired as registrars, their job is to stamp the documents and initial the seal, giving the appearance of a signed order. Yet, as previously stated, a registrar has been defined by our constitutional High Court, which existed prior to 1973, as simply an employee of government with absolutely no judicial authority to sign an order into enforcement.

In 1986 Queen Elizabeth II exercised her Royal Prerogative when she signed the Australia Act 1986 above the US-registered corporate seal. That meant this act did not bind you and I. Yet we have all believed it removed the ability of the people to access the Privy Council

in England with regard constitutional & judicial matters. So with the Commonwealth courts seized by the US corporation, removing our common law justice and further removing our ability to access the Privy Council, we men and women of the Commonwealth will have to seek our justice in the International Courts of the Hague where common law was interred after the UK Parliament, another corporatized body, forced England into the European Union. Can you afford that?

So you may vote someone into Parliament, but the moment they sign a workplace agreement to receive wages, they no longer work for you.

Why then does local council want or even seek constitutional recognition considering they are acting already with the power they tell us they are seeking?

LOCAL COUNCIL – and the REPUBLIC

In 1999 at referendum, the People of Australia, despite a republican push since 1972, refused to step out of their constitutional contract, refused to abandon their Charter / Constitution, and refused to become a republic.

The people were not aware that the Australian Government were already preparing to operate under American civil law, a republican structure. Or that the states had already legislated republican agreement Bills in preparation for a Yes vote¹¹⁰.

In effect, the People were not aware that what they assumed was their Parliament (their committee) had, without any discussion with the people, who were the share-holders and held a contract with them, created the form of government that the heads of government wanted for this country – which is clearly in opposition to the rights of the People, or it would not have been created in deception. Our Committee, using a form of insider trading, created their own personal corporation and used our money to fund it.

As it is very clear the People can not agree to the Federal Parliament or the State Parliaments being recognized constitutionally – because obviously they are supposed to be already constitutional – so the only corporate body left is Local Council.

The editor's personal opinion is this – by recognizing Local Council constitutionally, the People would destroy their contract from the inside out. That would bring INTO the Commonwealth of Australia Constitution, the US republican corporation that without being incorporated constitutionally, without holding a contract with the people and without any permission of the people, has ignored our rights and stolen our ownership. By bringing it INTO our contract legally, we legalise what they have done for the last 40 years, but more importantly, we lose our contract entirely.

As the People have not been part of the formation of this Republican structure in any way, it cannot reflect the wishes of the People. .

Given that at any referendum, the question being asked is always created by government and a question can be asked as to create any intent, the People have been very cautious in giving government a “Yes”. Remain cautious people.

LOUISIANA PURCHASE

In the event the People of Australia agree to become a Republic, what government have not told the People, and are clearly not intending to honour, is the actions documented in the Louisiana Purchase. And of course, if they hold all the title deeds, they do not have to honour this action anyway.

In 1803, the American Congress under Thomas Jefferson entered into a purchase contract with the French, to buy the Louisiana territories – 827,000 square miles / 520,000,000 acres for \$15 million (current value). The Americans contracted for “*the adjacent Islands belonging to Louisiana all public lots and Squares, vacant lands and all public buildings, fortifications, barracks and other edifices which are not private property...*”

Note:– not private property – that involved separate individual contracts.

The Americans PAID – “*That a sum, not exceeding three millions seven hundred and fifty thousand dollars, (inclusive of a sum of two millions of dollars, appropriated by the act of the twenty-sixth day of February, one thousand eight hundred and three, intituled "An act making further provision for the expenses attending the intercourse between the United States and foreign nations,") to be paid out of any monies in the treasury not otherwise appropriated, be, and the same hereby is appropriated, for the purpose of discharging the claims of citizens of the United States against the government of France, the payment of which has been assumed by the government of the United States, by virtue of a convention made the thirtieth day of April one thousand eight hundred and three, between the United States of America and the French Republic, respecting the said claims.*”

The private land titles were then moved into record under the American system, although as this also involved a change of loyalty to a new government, people were given the opportunity to sell up and move to other French territory, rather than change national loyalties.

¹¹⁰ Australia Acts (Request) Act 1999 QLD <http://www.legislation.qld.gov.au/LEGISLTN/ACTS/1999/99AC036.pdf> ; NSW <http://www.legislation.nsw.gov.au/sessionalview/sessional/act/1999-11.pdf>

In the event Australia becomes a lawfully constituted Republic, this would surely involve purchasing the land-mass from the land-owner, the Queen. At what cost.

And further, this would involve a payment to any person who does not wish to live in an Australian Republic, allowing them to move to another country of their choice. Wouldn't it?

If it becomes a false republic, one created solely through deception and fraud – do we all then become complicit in a massive theft?

CONCLUSION - Final

The key elements are the People's Protection.

1. The Contract

- a. You and I have no contract with this US registered corporation and its Intergovernmental bodies.

2. The Signature

- a. No act is signed or sealed to our rules-book, no court order is signed by a commissioned under seal judge.

3. The Delegation of Authority

- a. The constitutional Monarch has been removed, there is no Head of Power, so no delegation of constitutional authority, but only that which the Prime Minister/President delegates.

4. The Jurisdiction

- a. Our jurisdiction is common law – theirs is civil law bound to a republican country.

Without being authorized under the Commonwealth of Australia Constitution Act 1900, and contracted to the same through the Proclamation and Gazettal – this new corporate body, known as the Australian Government and its partners in COAG, the state governments and Local Council, must have individual contracts with you and I.

You should **always** direct your questions at the living man or women acting in the role of the corporate entity. Place this man or woman on their common law Vicarious Liability, which means they personally have to face a court of common law in the event they harm you without authority.

Because although the men and women who hold workplace agreements with this US-registered corporation and activate all the elements of deception as entities are protected in THAT system, their personal liberties and laws are found in ours and they can not avoid the fact that they are still men and women as found in the Preamble and protected by the Commonwealth of Australia Constitution – the People's rules-book.

You should **always** demand a wet-ink signature to verify that the person holds the authority in the matter in question.

Your questions should **always** be –

Show me the contract.

Show me your authority under the manner and form of the People's contract.

OR

Show me the individual wet-ink contract I signed with your corporation to form an individual contract I am bound by.

It has to be one of the other. If it is neither, then the whole matter is either nothing to do with you or a removal of your civil and political rights and your rights of equity. In that event, the living person, acting in the role of the entity, is now responsible for the harm to yourself.

It all comes back to the Contract.

If you are a Local Council councilor or you are a public servant working for the government and are reading this document, it is meant to help you too. After all, in the action of voting WITH and working for the Australian Parliament registered with the US Securities & Exchange Commission, the State Parliaments and Local Council, you are removing your civil and political rights and rights of equity too. And certainly those of your children.

In simple terms – either the Federal and State governments operate under the Commonwealth of Australia Constitution contract or they don't.

If they don't they require individual, personalized contracts in order to enforce their legislation over the men and women.

Maxim - Contracts make the law

Dear Reader, the previous information is about our structure of governance as it should be and as it now is. The Editor would now like to share a story with the reader. The Editor has been reading the History of Africa and the final pages had information that was extremely relevant to the situation and direction being enforced in our precious homeland of Australia.

South Africa was a land populated by the native tribes – Hottentots, Zulus, etc. The European merchants and explorers used the Cape only as a resting point, no settlement was built, no trading carried out – just rest and replenishment on the long voyages to the wealth of the Orient and back.

The Dutch East India Company controlled the wealth of Java and eventually began a company settlement on the Cape. It was never an outpost of the Dutch Crown, but at all times “belonged” to the Company and was administrated by the Company who claimed ownership of all the land, allowing settlers to farm only as traders with and to the Company. No schools were built, no hospitals, no policing outside of enforcing the companies rules.

The Dutch & Huguenot people who were these early settlers, being so far from Europe, bound themselves very tightly to their Calvinist beliefs and fostered the profound belief that God had given them this land to seize and hold always. And they fought constantly to protect that with a fervour bound to faith. Eventually these people moved beyond the physical control of the company and created for themselves a “free” society.

The Dutch and the French were normally in opposition through to the conflict of their religious beliefs, but eventually united against the British. When they lost, Holland gave the Cape to the British as a trophy of war. England now became the first official government to enter the South African area and Dutch & Huguenot people, now known as Boers (farmers) retaliated to drive them out. Ongoing conflict meant the losses of countless numbers of men and women and as the Boers were continuing to push into native lands, the conflict included fighting the tribes as well.

Meanwhile in the coastal towns, the more gentle and “civilized” approach of English law had brought prosperity to the country, particularly through education. Many people began to see the benefits and this further aggravated the Boers as they now faced their own countryman in opposition too.

Grudgingly and after many decades of fighting the Boer, who now called themselves Afrikaaners, realized that in order to win they needed to change tactics. So their secret leadership, the Broederbond, which comprised only men who could claim a pure and untouched Dutch ancestry, created a plan of destruction by infiltration.

They knew that could not take control from the British, and knew they had no power to dictate in politics, so the plan was originally to dominate in trains and schools. Trains meant dominating the railway unions, schools meant monitoring what the children were taught. To do that, the Broederbond gradually got Afrikaaners appointed into the administration of government, allowing them to hire Afrikaaners in all key positions, as teachers and etc.

They then moved into control of business, not through the actual management of insurance companies and banks, but through the stock market. Making the official rules, supervising operations, acting as the watchdogs.

So while the English continued in management, every secondary administrative position was filled by Afrikaaners. And gradually good men, in Broederbond terms, were promoted to more and more influential positions, while at the same time creating a rapidly increasing number of public service positions, often hiring 3 people where only 1 was necessary, until South Africa became one of the most overly administered governments on earth. And most importantly, as the Afrikaaner spoke their own language predominantly, a barrier was created between the effective oversight of these “troops” by the English bosses.

In 1946, although the Prime Minister was an Afrikaaner, Jan Smuts. His strong British support was destroyed by the growth of the Afrikaaner spirit and he lost his job, placing in power a strongly pro-Hitler government. The first thing that happened was that the Afrikaaner administration, now protected by the Afrikaaner politicians began to put such tremendous pressure on the British bosses, that most resigned, a hemorrhage that allowed an almost total Afrikaan control. The Dutch had “won” the war.

The Commission on Racial Affairs moved into the operation of controlling the elements of society, allowed more personal freedoms by the British. The faceless bureaucrats drafted the preliminary directives, then constructed the proposed laws that would become the guidelines for this permanent control. At all times the Afrikaaners were entitled to the “top” position as they respected God and followed the teachings of John Calvin.

1. Sex – white marry white, coloured marry coloured, bantu marry bantu, Indians marry Indians, etc. – this created havoc and a great outcry, which was quelled.
2. 1950 saw the re-enactment of the 1927 immorality act, where sexual relations between races was criminalized.
3. Customs and rules forbidding contact between races was codified, particularly any contact in public, such as toilets, shops, taxis, trains, etc
4. The Group Areas Act enable the government to divide the nation, especially the cities, into segmented areas.

5. Laws for the suppression of Communism were enacted and then used against people demanding better schools, etc
6. Specific racial identity laws were enacted, wherein a person was classified visually, genetically and through ancestry to his race.

It must not be assumed that those creating these laws had anything to do with their actual passage through parliament. These people remained in the roles of bureaucrats only, almost unknown to the greater public, but with persistent pressure and the simple fact that the bureaucrat keeps his job while the parliamentarians come and go – these people gradually acquired a leverage quite out of proportion to their position and certainly out of the control of the voting public to oversee.

At this point in Australia, where we have just seen new legislation forbidding children the ability to blow out the candles on a shared cake for fear of the spread of some supposed germ – the Editor wonders which faceless Australian bureaucrat is now in the position of power to control that simple element of our lives. Have we all been misguided into focusing on demanding our elected parliamentarians protect us but not known who they are to protect us from? However, the story gets worse dear reader.

These nameless Afrikaaner bureaucrats then began to try and solve the problem of simply removing the coloured races from sight. But it took many years of work. In 1901, when England had engineered Union between its (African) colonies, two clauses in the enabling legislation were entrenched – that is, they were judged so vital that they could be altered only by a vote of two-thirds of the two Houses of Parliament sitting together. One clause gave the English and Dutch (Afrikaan) language equal merit. The second assured the Coloured they would always have a right to vote, on the common role, in Cape Province, although they could not stand for parliament. And as such, they were a growing force, outnumbering the white people.

By the simple method of stating that because of changes to the English laws governing the British Empire, this section was no longer operative, the bill to remove it was passed. Then under challenge to the Appellate Division of the Supreme Court, was declared unconstitutional.

The bureaucrats then engineered a bill to have the Parliament itself established as the “High Court of the Nation”, wherein the two houses, sitting together, could declare their laws legal, over-ruling the Appellate Court, the nations highest court of justice. And again, the Appellate Court declared the whole process unconstitutional – pronouncing it a mockery.

Elections in 1953 appointed more Afrikaaner seats but the same bill was again defeated, but finally in 1956 it was passed and certified into law. The coloured folk were now totally disenfranchised and only whites could attend the great universities.

In sweeping legislation, drafted by bureaucrats, but signed into law by the Parliamentarians, all coloured city areas in Johannesburg were evacuated, their homes razed and they were herded to the countryside. As the only jobs were in the city, the people were forced to travel hours to work every day and had to leave the city at night by a certain time.

God Save the Queen was replaced by “Die Stem van Siud-Afrika” as the national anthem, and the flag was changed and South Africa left the Commonwealth of Nations.

The next step, a small booklet summarizing the holders entire life, was a master-piece of planning. It contained the holders racial derivation, status, domicile, photographs covering different ages and appearances, marriage records, a complete medical record, driver’s licences, police endorsements, the voting record and any real estate the holder owned.

This complex fabric of old Boer custom and new law woven by bureaucrats became known as apartheid. The word meant apartness and did not appear in older dictionaries, but was invented. Over the years, the names to indicate apartheid also changed – *guardianship, separate development, separate freedoms, separate amenities, indigenous development, multinational development, self-determination, plural democracy* – all terminology for an obscenity which destroyed human lives.

And of course, in order to enforce these rulings, the government created a policing body known as BOSS – Bureau of State Security. People who were overheard complaining about the system, the government or speaking out against apartheid, could be sent to Robben Island without trial. BOSS were a semi-secret agency with power to arrest and detain without warrants of any kind. Robben Island was a prison for political dissidents.

It was stated in a speech dating from this time – “I am the first to admit that the Kaffir has a place in this country, and our new laws will help him keep to it.”

A white person – journalists, writers, clergy, teachers in particular - who spoke out against apartheid was “banned”. This meant that for 5 years the person could not be seen in the presence of more than one other person. They could attend no public meetings, address no gatherings, publish nothing, consult no-one but their doctor, dentist and lawyer separately, could not be mentioned in the press, no quotes from them could be used or printed, said, written or thought. They could not receive money from overseas, or appear on radio or television. If they went into town they could not talk to more than one person at a time, and could not talk to friends. If someone visited their home, the door had to be left open so the police could monitor the visit, neighbours could watch them to the extent the person had to provide chairs for anyone that wanted to observe a visit.

No charges were brought so no defence could be lodged. Some 80 to 90 minor officials had the power to recommend to higher authorities the names of someone that should be banned, but the banned person could not find out who or why.

From the government's point of view, banning worked well, because it involved no prolonged court case, no publicity and certainly no statements that could be used by the dissidents in any way. Clean, effective and final.

The banned person, having no protection by being deemed objectionable, could become a target for every hoodlum and their homes endured frequent bombing attacks.

The worst thing of all was that at the end of the five years, the same people who had banned the person could turn up and add another five years. In most cases, were someone was banned, their friends never expected to see them again.

In 1967, the bureaucrats crafted the basis for the Terrorism Act. 12 kinds of behaviour fell under this law with the ultimate sentence of death.

1. interference with police
2. intimidation
3. crippling production
4. leading an insurrection
5. advocating cooperation with foreign governments
6. causing bodily injury
7. bringing financial loss to the state
8. endangering the state's essential services
9. obstructing land, sea or air traffic.
10. promoting disorder
11. encouraging hostility between races
12. embarrassing the government

Along with this Act, the state abolished the jury system, leaving the accused to be judged and punished by a single judge only, always a white judge and often having no right of reply because the accused might have had their vote removed.

This narrative ends in 1967, only 6 years before EG Whitlam began removing the Covenant system of government we inherited from Almighty God through the Coronation Oath to the Queen and replacing it with this Dictatorial system out of Rome, we now face. While in Australia, although the state is not attempting to separate races with such clarity, they are clearly separating the people from their natural, civil and political rights, creating what is known commonly as a nanny state and what is in real terms – a dictatorship under the Will of the State.

Free-will Man creates government for the betterment of society – government given too much power, can not tolerate a free-will man. You and I, by not knowing what our Constitution gave us – have almost lost it all.

A Right: just, morally correct, consonant with ethical principles or rules of positive law; the opposite of wrong, unjust, illegal.

Natural Rights – primal rights, grounded in personality, existing in conjunction with the physical, moral, social and religious characteristics of a man, and which he ought to have realized for him in a jural society, in order to fulfill the ends to which his nature suits him.

Civil Rights – such as belong to every citizen of the state or country, or, in a wider sense, to all its inhabitants, and are not connected with the organization or administration of government. These rights are such as belong to this juristic personality of the individual, or pertain to him as a member of this community. They include the right of freedom, of property, of marriage, of professions by the laws, etc.

Political Rights – consist in the power to participate, directly or indirectly, in the establishment or administration of government.

There ends the story. The Editor trusts the Reader can use this information to arm themselves with their personal protection. And share it with other so we can all protect both ourselves and those we share this country with.

As is written in the Preamble to our rules-book - ...humbly relying on the blessing of Almighty God. Amen.