

Australians – Do our Politicians Have the Authority to Sign International Petitions, Treaty, Convention that has lawful force here within the area and jurisdiction of the Commonwealth of Australia

For Your Information:

This is thought provoking, have you ever wondered at the particular people who pushed for a Republic in the past? Many have come under scrutiny by ATO. A Republic under the Westminster system could work, but these power mongers in the past and rearing their ugly heads now may have other vested reasons. I received this from an onliner.

AND TO WHOM IT MAY CONCERN

QUOTE

To sum up, does Kevin Rudd or Malcolm Turnbull have any authority to sign any international Petition, Treaty, Convention, that has lawful force here within the area and jurisdiction of the Commonwealth of Australia?

END QUOTE

Without going into all specific details let me explain in brief;

The Commonwealth of Australia is a Constitution Act by the British Parliament which can only be amended by way of s128 of the constitution referendum, and only in regard of the 128 clauses and not beyond.

The power of treaty making lies with the British government but while applicable to the Commonwealth of Australia it can be ignored by anyone because a treaty itself cannot be enforced against the will of a person and can only be to benefit a citizen.

The British Parliament however can make a treaty enforceable not as a treaty but to include it as part of a legislation. As such it is the legislation itself that is the legal force, and not the treaty. However, the British Parliament cannot legislate in defiance of constitutional provisions and as such any treaty (even if part of legislation as a schedule or otherwise) cannot be enforced where it contradicts a Constitution Act.

The commonwealth of Australia may make treaties and/or adopt treaties for so far permissible by the British Government/Parliament but again those treaties themselves do not have any legal force, unless they are part of legislation as it is the legislation that gives it legal force.

In the Commonwealth v Tasmania Dam case the High court of Australia exceeded its judicial powers provided for in the constitution but seeking to pretend it can in affect amend the constitution by interpreting the constitution differently than the intentions were of the Framers of the Constitution by giving a different meaning to the Constitution (See also Sue v Hill and Sykes v Cleary, etc).

As the Framers of the Constitution made clear that either was all along the constitutional powers or there never was any. As such it is not for the High court of Australia to enlarge the constitution as to bring into legislative powers that never was.

With the environment (ETS) for example the Framers of the Constitution made clear that this would remain a State legislative power.

The High Court of Australia in the Tasmania Dam case pretended that because of the treaty making power it was a Commonwealth power. However, as the Framers of the Constitution made clear unless the Commonwealth had legislative powers then a treaty could not be enforced. As such, unless the commonwealth had already legislative powers to deal with environment it could not do so.

The High Court of Australia however argued that as it made a treaty then it could be enforced. As such, forget about what the constitution stands for and what State rights are because all that is needed is the Commonwealth to make some treaty with any other nation and automatically the Commonwealth would have gained legislative powers in blatant violation of the constitutional limitations.

This kind of reasoning in my view was TREASON by the High court of Australia because the constitution belongs to no one else but the People. It doesn't belong to the Courts, the government or the parliament.

No Parliament can legislate to amend the constitution as all they can do is to propose to the electors an amendment to the constitution as for the electors to veto or approve it.

The government can only act within the boundaries of what the Parliament permits by legislation and as such the government cannot overrule the Parliament. The High Court of Australia can neither overrule the Parliament or the Government it can only ADJUDICATE within its constitutional powers upon a dispute on basis of law and not what the judges may fancy they prefer it to be.

No one can overrule the constitution. When the people vote on a referendum to amend the constitution and do so in favour of the requested amendment then they are not overruling the constitution but exercising their rights as provided for within the constitution (s.128) to amend it.

Any treaty about environment might be nice to argue about (for certain people) but cannot be enforced against anyone who doesn't want to comply with it. And therefore the only way for the federal government to enforce a treaty against you, me and anyone else is to enact legislation to make it enforceable.

The problem is however that to enact legislation the Commonwealth needs to first of all have existing legislative powers and last time I checked the constitution "environment" was not one of them, like neither there is "Australian citizenship" or for that matter any powers to declare the nationality of any child born within the Commonwealth of Australia.

If therefore the Commonwealth has no original constitutional powers then it cannot, so to say, obtain it by a backdoor manner by making treaties, as to allow for that then again the entire constitution would be useless and any future constitution in whatever format would be useless because all a government would do to circumvent the constitutional limitations is to enter into some kind of a treaty.

It must be clear that the constitution belongs to the people and as such the government cannot make inroads into it without approval (s.128) by the people.

As such, Copenhagen or for that any other treaty being it for a World Order or otherwise would be without legal force and I for one couldn't give a hood what treaty they were to enter into because it has no legal force.

Our strength is to resist the abuse and misuse by the government, the Parliament and the courts by refusing to be subjected to unconstitutional treaties.

It should be understood that be it John Howard, Kevin Rudd, Malcolm Turnbull or whomever may be in power they are not at all representing the people and neither do your so called elected representatives because they are following political goals in total defiance to what might be required for the electors.

We all in our own rights need to combine our efforts to say place all political parties last and try to vote for INDEPENDENTS. Sure, it may become some kind of lion cage of fighting but at least we will not have it that all elected representatives vote along party lines.

This email would not permit me to detail each and every issue because it would take reams of paper, but as you may understand we have a cancerous growth within the entire federation and we the People must work together to get rid of it.

The entire republic issue was wrongly based because to become a republic is to validate the current misuse and abuse of powers. Then never again can you fight this.

The problem is not the constitution but the de facto system that is now in place where the government couldn't care less as to what its constitutional limits are as long as it doesn't serve their purpose.

Any treaty, including the United Nations membership, is therefore without legal force, as the Commonwealth cannot subject the States legislative powers upon restrictions engineered by the Commonwealth.

Thus I couldn't care less what treaty the Federal government proposes to enter into as where it is beyond its granted constitutional legislative powers it simply has no meaning. And this is what ought to be on the forefront of any fight for JUSTICE!

Concentrate upon the real issues to challenge the legislative power if the government cannot show to have it then any treaty it may make is worthless..