

The Voice of the People

Sunday, January 10, 2010

[An Overview of the Brigalow Corp Takeover of Australia](#)

The Queensland Constitution 2001 / The Brigalow Corporation / The Removal of all Ownership Rights in QLD & all other states of Australia.

GOVERNOR OF QUEENSLAND

1. *Queensland Constitution 1867* was reframed with 114 Changes, 131 Additions and 116 Deletions.
2. January 1998, QLD National Party documented a move to place the QLD Governor in the Government as a Parliamentary Secretary under the *QLD Constitution 1867 / Constitution (Parliamentary Secretaries) Act @The State of QLD 1996*.
3. This became official January 29 1999, the same day the *QLD Constitution 1867* was reprinted.
4. Thus the Governor was no longer a sworn representative of Her Majesty Queen Elizabeth II, but a Public Servant of the QLD Government.
5. **He was still using the Public Seal of the State on behalf of the Premier and Parliament of QLD and maintained the appearance of the Governor to the Sovereign People of the State.**

CROWN IN QUEENSLAND (& AUSTRALIA)

1. In 1973, Gough Whitlam brought in the Queen of Australia through the adoption of the *Royal & Parliamentary Titles Act 1927*
2. This removed Queen Elizabeth II, Her Heirs and Assigns as enshrined in the *Commonwealth of Australian Constitution Act (UK) 1900* and replaced the Crown with the Queen of Australia.
3. On the 19 December 1973, the Whitlam Government also removed the Great Seal of Britain from use and replaced it with the Great Seal of Australia.
4. In 1986, Bob Hawke brought in the Australia Act.
5. This is the Constitution of the new Parliament of Australia.
6. This is not the Commonwealth of Australia Constitution 1900 of the People.
7. This act removed the ability of the UK Parliament to make laws for Australia, making Britain a foreign country. This was defined by the High Court in the case *Sue v Hill 1999*.

THE BRIGALOW CORPORATION & PRIVATE LAND OWNERSHIP

1. During the early 1990's all important and relevant Acts were changed and framed, but were adjourned without a definite date of reprinting.
2. On 3 December 2001, the *Queensland Constitution 2001* came into being.
3. On this day, this ACT became the "Fundamental Law of QLD".
4. 7 June 2002, all the framed Acts were reprinted and became law.
5. **QLD then became, at the completion of these matters, without the assent of any of the laws by the Crown or Her Representative, an independent sovereign State and fractured the common law and the separation of powers in that state.**
6. 15 July 2002, *The Corporations (Q) Act 1990 (Q) Reprint No 3* created in QLD a Corporate Government. The State of Queensland Australia is registered with the US Securities and Exchange Commissions under No. 0001244818.
7. The Queensland Treasury Corp is registered under No. 0000852555.
8. The old crowns lands act (Qld) was converted to the *Land Act 1994 (Qld)*, and at section 4(1) the Land Administration Commission was renamed Brigalow Corporation.
9. *The Land Act 1994 – Reprint No 10c, Part 7A, Section 506C* states that the Corporation (Brigalow Corp) represents the Crown.
10. Culminating in the Beattie Govt introduction of the QLD Constitution 2001, QLD government administrations had reworked backward every piece of Federal and state legislation, removing any connection to and mention of Her Majesty Queen Elizabeth II, British law and the Royal Seal of England.
11. These acts were then reworked forward, replacing the removed elements with the Queen of Australia (as created by the Whitlam Govt in 1973) and the Great Seal of both Australia and QLD.
12. This means that the legislation contained in those acts are now "governed" by the government of those Seals, not the government of the Commonwealth of Australia Constitution 1900.
13. The *Australia Waste Lands Act 1855* was reprinted in 1996 under the Seal of QLD, and because the Queen of Australia was also now sealed with the Seal of QLD, this effectively created a QLD "ownership" of all Crown land in Australia.
14. And as the introduction of the *Corporations (Q) Act 1900 (Q) Reprint No 3* had created a Corporate Govt, this effectively meant all Crown land "ownership" was now under the control of the Qld Corporation, known as the Brigalow Corp.

15. All Crown land, assets and infrastructure in Australia including schools, hospitals, roads, etc are subject to and responsible to the Ministers of the State of QLD as cited at *Chapter III of the QLD Constitution 2001*.

16. **All Sovereign People are now persons under the Corporation, All persons are chattel (a piece of property that is moveable).**

17. **Their land, bank accounts and all items of ownership are now assets under the Brigalow Corporation.**

18. The Supreme Court, the District Courts and the Magistrate's Courts are now inside the Parliament of the State of QLD, and as such must obey the *QLD Constitution 2001*.

19. The Australian Constitution, the Common Law & Equity, the High Court and the Federal Government no longer have any superior governance over the State of QLD.

20. The State of QLD and the Sovereign People of QLD have only Civil and Statute Law in this state.

21. **As private ownership can not exist under Civil and Statute Law, all private equity and inheritance in the State is now the property of "the State".**

LEGAL STRUCTURE

1. **Under the civil law system, which is now subject to the *Uniform Civil Procedures Rules of the Supreme Court Act 1991(QLD)*, every person is guilty until they prove their innocence.**

2. The Common Law has been repealed from the *Supreme Court Act 1995 (Q)*, Reprint No. 2, reprinted as in force 2 March 2001 © State of Q 2001

3. This states that the **Governor in Council may make rules of court** under this act for the Supreme Court, District court, Magistrates Court, registries and other matters mentioned in Schedule 1

4. Schedule 1 has jurisdiction over the civil, criminal and appellate courts, Parties & Proceedings, Defence, Service of Documents, Pleadings, Disclosure, Preservation of Rights & Property, Ending Proceedings Early, Court Supervision, Evidence, Jurisdiction of Judicial Registrars, Trails & Other Hearings, Particular Proceedings, probate, Contempt of Court, Vexatious Proceedings, Trusts, Costs, Appeals etc, Money Orders Enforcement, Foreign Judgment Enforcements, Corporations, Miscellaneous.

5. Therefore the Governor in Council now makes all the Rules of the Court for these matters.

6. *The Queensland Constitution 2001 Chapters 1 & 2* refer to the Legislative Assembly and the Governor. In Chapter 3, Part 1, sect 27 – **"The Governor in Council is the Governor acting with the advice of Executive Council."**

7. Sect 30 – *"The Constitution Act 1867* contains provisions about the office of Governor. At Chapter 3, Part 4, sect 48, those "appointed as members...by the Governor....."

8. This Executive council is given separate law makings Powers of the State at Chapter 3, Part 5, Sect 51, where is states, the Executive Government of the State of QLD (the "State") = The State may exercise its powers.....

9. In Chapter 3, Part 5, Sect 55 (1) – "A minister may delegate a power of the State to an appropriately qualified officer of the State." ("officer of the state" means – a chief executive.....)

10. **Therefore the Premier of QLD must always be the leader of the Executive Body and is now the Executive Leader of the Parliament of QLD.**

11. **Simply put – the Premier is delegated the power through his role as Chief Executive. This power controls the Executive Government of QLD. The Governor acts on the advice of the Executive Government.**

12. **Therefore the Premier is now the "Crown" in Queensland.**

QUEENSLAND GOVERNMENT ADMINISTRATION

1. All government tiers, including Local Council are now inside the Parliament of the State of QLD.

2. The public officials are not public officials of "the Crown" but public officials of "the State" of QLD

THE PEOPLE OF THE COMMONWEALTH

1. The British colonies in Australia were all independent, under military law.

2. In 1885, the independent states had interstate agreements for trade, etc under the *Federal Councils of Australasia Act 1855*.

3. As free settlers began to grow, the People decided to unite under 1 form of government.

4. 10 years of conventions and referendums culminated in the Draft Constitution of the People which went to England for ratification.

5. On July 9 1900, Queen Victoria signed the amended draft Constitution and returned it to Australia.

6. At this point a final referendum was required to acquire the agreement of the people to this amended Constitution.

7. This was not done, **the heads of each independent colony instead agreed FOR AND ON BEHALF of the People.**

8. The *Commonwealth of Australia Constitution Act 1900 (UK)* was the result, brought into Australian law on 1 January 1901.

9. The first 8 clauses are British law.

10. The Commonwealth of Australia Constitution starts at clause 9.
11. The Constitution lays out the rules and regulations under which Parliament may administer government to the People.
12. There are no entities known as a Prime Minister or a Premier to be found in the *Act to Constitute the Commonwealth of Australia 1900 (UK)*.
13. As the Preamble states, the People agreed to be united under one indissoluble Commonwealth.
14. Therefore the people are the Commonwealth.
15. The Commonwealth is defined in the Constitution as a State.
16. Therefore the People of the Commonwealth are their "own" state.
17. **Section 117 states, verbatim, that the People governed by the Queen (of the Constitution), and members of a state (of the Commonwealth), cannot have their rights removed by another state (that perhaps being the state they physically live in), WITHOUT**
18. **Section 128 – A REFERENDUM**
19. ***There has been no Referendum of the Sovereign People to approve any of these moves. This means they are Ultra vires, an act beyond the powers or authority of the government.***

It appears that the Commonwealth of Australia Constitution Act (UK) 1900, ratified on 1 January 1901 is an act of the heads of the independent colonies of the Australian dominion, which means that the Constitution of the People is still a draft document.

As the people had formally agreed to this document, all state and federal government in Australia are in fact, a foreign entity to the rights of the people of the Commonwealth.

As our land ownership is a Deed in Trust and Equity with the Queen of the Commonwealth of Australia Constitution (UK) 1900, a foreign government has no lawful right to step inside that Deed and remove rights inherent in it.

In order to do so, government have created registration processes that manipulate our agreement. They have also created a new jurisdiction known as the Environment, with which they have enslaved the People as a plural, thereby creating legislation which enforces the People as an individual.

However, they have not asked our permission to create the form of government under which they now legislate OVER the People.

Posted by Sue Maynes at [12:55 AM](#) [0 comments](#)  

Labels: [Governor in Council](#), [People of the Commonwealth](#), [premier](#), [Prime Minister](#), [QLD Constitution 1867](#), [QLD Constitution 2001](#), [Queen Victoria](#), [referendum](#), [sovereign people](#)

[Commonwealth Public Letters of Support to the High Court](#)

Although this matter is focused on QLD, this state is the key to the growing problems in all other states of Australia. All governments are following the "lead" of Queensland.

And the assets being sold in QLD are not assets of the QLDers, but of the People of the Commonwealth. Therefore we the People of the state of the Commonwealth ALSO had to give permission to both take and sell the assets.

So, we are also asking the people of the Commonwealth to sign the following letter and return it to us as soon as possible.

Please send 2 copies to FLORA, Berkeley, Woodstock NSW 2793

Or

Fax to (07) 4096 2641

The cost of High Court cases are massive, please donate \$165 (incl GST) per family OR \$110 (incl GST) per individual.

Either as a postal order, a cheque or into the following account Envirowild Pty Ltd
 NAB
 BSB: 084 512
 Account No: 79847 1759

Name

Residential Address

.....

Postal Address

.....

I am a person as described in the Preamble and at Section 117, subject to Section 128 of the Commonwealth of Australia Constitution Act 1901 proclaimed 1st January 1901, which was the Commonwealth of Australia Constitution Act 1900 (UK).

I, along with all the other sovereign people inside the Constitution as in its Preamble, am an equal shareholder of all the assets of the Commonwealth of Australia, those assets being currently held under the Corporations Act 2001 (C'wth).

I, as a citizen of the Commonwealth of Australia, have never been presented with any referendum subject to the Commonwealth of Australia Constitution Act, to allow Queensland to become a Sovereign State.

I, as a citizen of the Commonwealth of Australia, have never been presented with any referendum subject to the Commonwealth of Australia Constitution Act, to allow my assets to pass from those held by the Commonwealth, to any corporation in Queensland.



I hereby support the Demand for Information from The Honourable Anna Bligh MP Premier of the State of Queensland as requested by Mr David John Walter on 1st December 2009.

If this matter is to be put before the High Court, I request that the High Court accept this as my application to join in the application for a writ to be put to The Honourable Anna Bligh MP Premier of the State of Queensland, as no referendum has been placed before me in these matters by my elected Members of the body politic thereby failing to respect and uphold the trust I placed in them by my vote.

I also request that the High Court allow further time for acceptance of any other sovereign person of the Commonwealth of Australia to join in this action after its initial lodgement.

.....
(Printed Full Name) (Signature)

Signed this day of 20.....

Posted by Sue Maynes at [12:37 AM](#) [0 comments](#)  

Labels: [Anna Bligh](#), [Commonwealth of Australia Constitution Act](#), [premier](#), [QLD Constitution 1867](#), [QLD Constitution 2001](#)

[QLD Public Letters of Support to the High Court](#)

The EnviroWild Team is asking for support with our lodgement in the High Court in January, asking the Justices to ask the Premier of QLD to answer the Demand Questions.

Following is the letter we are asking the People of QLD to sign and return to us.

Please send 2 copies to FLORA, Berkeley, Woodstock NSW 2793

Or

Fax to (07) 4096 2641

The cost of High Court cases are massive, please donate \$165 (incl GST) per family OR \$110 (incl GST) per

individual.

Either as a postal order, a cheque or into the following account Envirowild Pty Ltd
NAB
BSB: 084 512 Account No: 79847 1759

Name

Residential Address

.....

Postal Address

.....

I am a sovereign person and an entity inside the Commonwealth of Australia Constitution Act 1900 (UK) of 9th July 1900 and the Commonwealth of Australia Constitution Act 1901 proclaimed on the 1st January 1901.

I, along with all the other sovereign people inside the Constitution as in its Preamble, am an equal shareholder of all the assets of the Commonwealth of Australia, those assets being currently held under the Corporations Act 2001 (C'wth).

I hereby support the Demand for Information from The Honourable Anna Bligh MP Premier of the State of Queensland by Mr David John Walter on 1st December 2009.

If this information has not been supplied to Mr David John Walter by close of business on 31st December 2009, I wish to be named in the application for a prerogative writ of mandamus, that The Honourable Anna Bligh MP Premier of the State of Queensland, presents the information requested by Mr David John Walter on 1st December 2009, at a date of mention to the full High Court, subject to Chapter III of the Commonwealth of Australia Constitution Act at Sections 75(5), 76(2) and 80.

On the day of mention to the full High Court, if the information is still not forthcoming, a further request will be made by Mr David John Walter for a further writ.

I have not been informed by any elected representative of the body politic of either Queensland or the Commonwealth of Australia, as to changes to Queensland's Constitution Act 1867, subject to Section 53, to alter the position of that Constitution.


I have not been requested by the subjects of the Commonwealth of Australia Constitution Act under Sections 117 to 128, to vote as to whether to allow Queensland, as a State of the Commonwealth of Australia subject to the Commonwealth of Australia Constitution Act 1900 (UK) and the Commonwealth of Australia Constitution Act 1901, to become a Sovereign State, to vote as to whether Queensland may use the assets of the sovereign people under the Corporations Act 2001 (C'wth), and to vote as to whether Queensland's legislature should not comply with section 109 of the Commonwealth of Australia Constitution Act 1900 (UK) and the Commonwealth of Australia Constitution Act 1901.

If this matter is to be put before the High Court, I also request that the High Court accept this as my application to join in the application for a prerogative writ of mandamus to be put to The Honourable Anna Bligh MP Premier of the State of Queensland, as no referendum has been placed before me in these matters by my elected Members of the body politic thereby failing to respect and uphold the trust I placed in them by my vote.

I also request that the High Court allow further time for acceptance of any other sovereign person of the Commonwealth of Australia to join in this action after its initial lodgement.

.....
(Printed Full Name) (Signature)

Signed this day of 20.....

Posted by Sue Maynes at [12:25 AM](#) [0 comments](#)  

Labels: [Anna Bligh](#), [Commonwealth of Australia Constitution Act](#), [governor of QLD](#), [high court rulings](#), [premier](#), [QLD Constitution 1867](#), [QLD Constitution 2001](#), [referendum](#)

Thursday, January 7, 2010

[Reply from Anna Bligh, Premier of QLD](#)

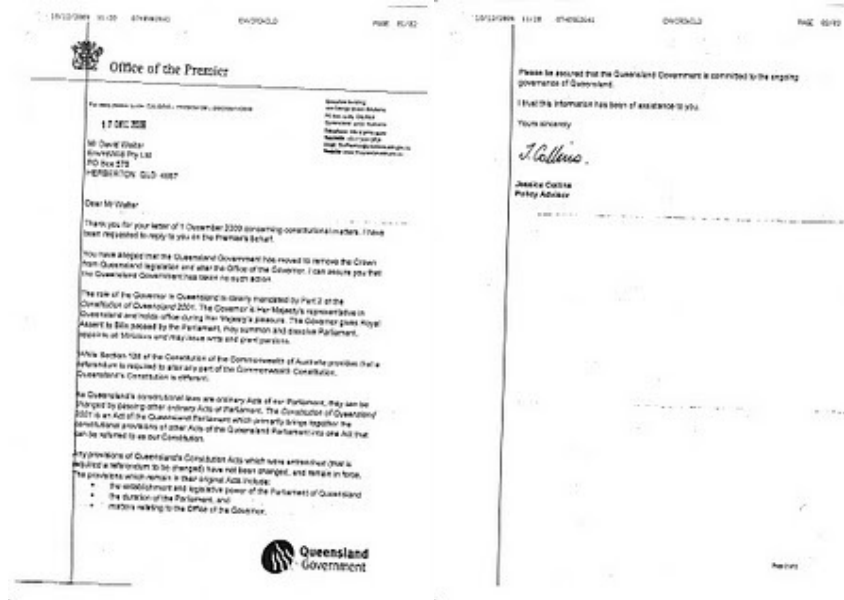
The office of Anna Bligh replied to the Demand letter one day before the 21 days were up.

We were not provided with any referendum details whatsoever and the letter replied from the perspective of the Qld Constitution 2001 and not the Commonwealth of Australia Constitution Act 1900.

You will also note that the letter states that the Governor's role is mandated by the QLD Constitution 2001, when rightfully, the governor is an entity of the 1900 Constitution under the Royal Seal. The QLD Constitution 2001, is of course sealed under the Seal of QLD (as was this letter), indicating that the Governor now answers to the acts emanating from the government of that Seal.

This now moves to the High Court, who, next week, will be asked to ask the Qld Premier the same questions.

The reply from the office of Anna Bligh, Premier of QLD.....



Transcript of the reply.....

Office of the Premier
Executive Building
100 George St Brisbane
PO Box 15185 City East
Queensland 4002 Australia
Telephone +61 7 3334 4500
Facsimile +61 7 3221 3631

Email ThePremier@premiers.qld.gov.au

Website <http://www.thepremier.qld.gov.au/>

For reply please quote CALS/DS - TF/09/34138 - DOC/09/143649

17 DEC 2009

Mr David Walter
Envirowild Pty Ltd
PO Box 578
HERBERTON QLD 4887

Dear Mr Walter,

Thank you for your letter of 1 December 2009 concerning consitutional matters. I have been asked to reply to you on the Premier's behalf.

You have alleged that the Queensland Government has moved to remove the Crown from Queensland legislation and alter the Office of the Governor. I can assure you that the Queensland government has taken no such action.

The role of the Governor in Queensland is clearly mandated by Part 2 of the *Constitution of Queensland 2001*. The Governor is Her Majesty's representative in Queensland and holds office during Her Majesty's pleasure. The Governor gives Royal Assent to Bills passed by the Parliament, may summon and dissolve Parliament, appoints all ministers and may issue writs and grant pardons.

While Section 128 of the Constitution of the Commonwealth of Australia provides that a referendum is required to alter any part of the Commonwealth Constitution, Queensland's Constitution is different.

As Queensland's constitutional laws are ordinary Acts of our Parliament, they can be changed by passing other ordinary Acts of Parliament. The *Constitution of Queensland Act 2001* is an Act of the Queensland Parliament which primarily brings together the constitutional provisions of other Acts of the Queensland Parliament into one Act which can be referred to as our Constitution.

Any provisions of Queensland's Constitution Acts which were entrenched (that is required a referendum to change) have not been changed, and remain in force.

The provisions which remain in their original Acts include:

- the establishment and legislative power of the Parliament of Queensland
- the duration of the Parliament, and
- matters relating to the office of the Governor.

Please be assured that the Queensland Government is committed to the ongoing governance of Queensland.

I trust this information has been of assistance to you.

Yours sincerely,

Jessica Collins

Policy Adviser

Posted by Sue Maynes at [2:08 AM 0 comments](#)  

Labels: [Anna Bligh](#), [Commonwealth of Australia Constitution Act](#), [governor of QLD](#), [premier](#), [QLD Constitution 2001](#), [referendum](#)

[Demand Request for Anna Bligh, Premier of QLD](#)

What is happening in QLD is the primer for the removal of all property rights in the other states of Australia.

By effectively removing themselves from the 1900 Constitution in 1923, yet maintaining the appearance of being part of the Commonwealth in order to continue to accept money from consolidated revenue, the QLD govt have become a "foreign government" in Australia.

As Mr Rudd and the Governor-General Quentin Bryce both come from this independent state, Australia is now a "colony" of QLD, the government of which has claimed the land of the Crown of the 1900 Constitution and placed it under the Crown know as the Executive Government of QLD.

On December 2 2009, David John Walter sent Anna Bligh the following letter.....

The Honourable Anna Bligh MP
Premier of the State of Queensland
Parliament House
Brisbane Qld 4000

RE: DEMAND FOR INFORMATION FROM THE HONOURABLE ANNA BLIGH MP PREMIER OF THE STATE OF QUEENSLAND

1. I, David John Walter,

am a sovereign person under the Commonwealth of Australia Constitution Act 1900 (UK) (reference Chapter 12 of 63 and 64 Victoria of 9th July 1900 AD) and under the Commonwealth of Australia Constitution Act 1901 proclaimed on 1st January 1901,

am an equal shareholder, along with all the other sovereign persons under the above-mentioned Constitution of all the assets of the Commonwealth of Australia inter alia with the Corporations Act 2001 (C'wth),

am a citizen of the indissoluble Federal Commonwealth, the Commonwealth of Australia, under the Crown of the United Kingdom of Great Britain and Ireland,

am a loyal subject of Her Majesty The Queen, Elizabeth II, Her Heirs and Successors,

and am a resident in the Commonwealth of Australia's State of Queensland at xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx.

2. I hereby place before you a Demand for Information with regard to the following:-

Demand for Information from
The Honourable Anna Bligh MP Premier of the State of Queensland
requested by
David J. Walter

2.1. Full results of the referendum to progressively remove the constitutional Crown from legislation in Queensland.

(Refer: Section 53 Queensland's Constitution Act 1867)

2.2. Full results of the referendum to progressively alter the position of the office of the Crown's representative in Queensland, the Governor of Queensland.

(Refer: Section 53 Queensland's Constitution Act 1867)

2.3. Full results of the referendum to progressively pass to the corporate Queensland Government, the assets of the sovereign people of Commonwealth of Australia.

(Refer: Sections 117-128 of the Commonwealth of Australia Constitution Act 1901)

2.4. Full list and details of transfer of those assets.

2.5. Full results of the referendum to progressively remove entrenched sections of Queensland's Constitution

Act 1867.

(Refer: Section 53 Queensland's Constitution Act 1867)

2.6. Full results of the referendum to remove Queensland from the Commonwealth.

(Refer: Section 53 Queensland's Constitution Act 1867 and Sections 117-128 of the Commonwealth of Australia Constitution Act 1901)

3. The citizens of the Commonwealth of Australia have the right to a referendum under Section 128 of the Commonwealth of Australia Constitution Act 1901, before any attempt to alter this Constitution may be made.

4. The citizens of the Commonwealth of Australia who are also residents in the Commonwealth of Australia's State of Queensland have the right to a referendum under Section 53 of Queensland's Constitution Act 1867, extract from which states:- *"A Bill that expressly or impliedly provides for the abolition of or alteration in the office of Governor or that expressly or impliedly in any way affects any of the following sections of this Act namely— sections 1, 2, 2A, 11A, 11B, 14; and this section 53 shall not be presented for assent by or in the name of the Queen unless it has first been approved by the electors in accordance with this section and a Bill so assented to consequent upon its presentation in contravention of this subsection shall be of no effect as an Act."*

5. The Parliament of Queensland Act 2001 and its Constitution of Queensland 2001 have removed entrenched sections of Queensland's Constitution Act 1867 by removing the Separation of Powers, by placing members of the executive government, the premier and cabinet ministers, inside the current Parliament in Queensland, by altering the positions of judges of the Supreme and District Courts, the positions of Ministers of the Crown, and the position of Governor, the Crown's representative, to positions of office holders inside that Parliament, and by changing Members of the Legislative Assembly (MLA) to Members of Parliament (MP), all contra to Section 53 of Queensland's Constitution Act 1867 and Sections 117-128 of the Commonwealth of Australia Constitution Act 1901.

6. Also contra to Section 53 of Queensland's Constitution Act 1867 and Sections 117-128 of the Commonwealth of Australia Constitution Act 1901, with this demise of the Crown, Her Majesty's Police Force as people once knew it and which protected the Crown and its people, has been changed to the Queensland Police Service which now protects only the Queensland Government owned corporations and has therefore become a security agency for these corporations but has no lawful Crown authority over us, the sovereign people.

7. Also contra to Section 53 of Queensland's Constitution Act 1867 and Sections 117-128 of the Commonwealth of Australia Constitution Act 1901, with this demise of the Crown, the ownership of property which includes freehold land as people once knew it has been changed, with the corporate Queensland Government taking an unregistered interest in property and land, by placing its corporate seal on people's property and certificates of title, thereby taking joint ownership of that property and land, but without the owners' consent.

8. Also contra to Section 53 of Queensland's Constitution Act 1867 and Sections 117-128 of the Commonwealth of Australia Constitution Act 1901, with this demise of the Crown, The Treasury, under its corporate seal, borrows money on the people's and Crown's assets and deals at will with that money with no accountability to the people.

9. I require this information to be forwarded to me within 21 working days from the date below.

.....
(David J. Walter) 1st December 2009

Posted by Sue Maynes at [1:58 AM](#) [0 comments](#)  

Labels: [Anna Bligh](#), [Commonwealth of Australia Constitution Act](#), [QLD Constitution 1867](#), [QLD Constitution 2001](#), [referendum](#)

[Doubts About the Validity of the Constitution of the Government 1901](#)

The West Coast of Australia had been discovered by Dirk Hartog, a Dutch explorer.

The East Coast by Captain Cook.

Subsequently the east coast was colonised as penal colonies, and eventually those colonies broke away to form independent colonies.

SA was included but founded by private settlers.

SA went all the way through to the top of Australia and included what is now the Northern Territory.

Due to the Dutch claim over WA, private settlers moved there, but the English Crown had no claim of right on

the land, so to go to the settler's aid with military forces may have been seen as a act of aggression by the Dutch.

So, prior to Federation each state except WA operated as an Independent Colony under the dominion of Great Britain.

In 1855 the administration of several independent colonies created the Federal Council of Australasia.

This agreement was for trade purposes between the states.

During the late half of the 1800's the people of all colonies, except WA, indicated that they would be in agreement to forming a Federation – joining the states together under one common government.

10 years of conventions and referendums followed, until a draft Constitution was finally created and sent to England for ratification by the Parliament and the Queen.

This draft had several changes made to it by the British Parliament.

In the meantime, the People of WA had asked to be included.

So, when Queen Victoria signed the Commonwealth of Australia Constitution Act (UK) on 9 July 1900, she signed **pending the approval** of the People of the eastern states giving permission for WA to be included and for their final approval of the changes in the Constitution that was being returned to Australia.

Now, for anyone to understand the Constitution, which is a clear and extraordinary document, they must remember that the first 8 chapters are British law.

The Constitution stands at chapter 9.

They must also understand that this is an agreement of the PEOPLE, not government.

The Commonwealth is the People, so when we talk about the Commonwealth of Australia, we are referring to the People (united) of Australia.

In that draft constitution, the PEOPLE agreed to unite and agreed to have the assets of the Crown administered by Parliament and public servants.

The PEOPLE were to be subject to criminal law for crimes against other people.

The parliament's only task was to administer and protect the assets of the Crown.

The Queen guaranteed to pay those public servants out of her pocket, the People funding her pocket through their taxes.

Quite simple.

So, when this document returned to Australia, the leaders of those independent colonies were in a pickle.

The Boer War was looming, which meant that Australia, as a troop & financial supporter of the British side, could be attacked by the Dutch using WA as a base.

The preparation for the Federation had taken 10 years, and it was likely that to approve the changes could take as long.

So, the framing fathers decided to approve the new Constitution FOR and ON BEHALF of the People.

They pledged an oath of honour to govern under it, that oath being held by the High Court.

And they did, for many years.

However, the fact remained that the Constitution brought into power by the Governor-General on 1 January 1901, was NOT APPROVED AT REFERENDUM by the People, but was essentially a constitution between the British Parliament and the Australian Independent Colony's administration heads.

[To put this very simply, a bowling club gets set up.

The assets of that club belong to the members, it is run for the convenience of the members, and they appoint a body to administer the assets and the overall health of the club.

The body has a leader, who is no more or less than a person from the membership taking on a role for a period of time.

The staff of the club are paid from the funds held under the body's administration.

That money coming from the members.

The staff are charged with obeying the instructions coming from the membership via the body. The head of the body can not sell an asset without prior approval of the membership.

Or make a new ruling, or appoint new staff.

He and the body must always answer to the membership.

Nor can he go to a members private home and remove an asset of the member, just because he is a member.

Nor can he start a new form of club without the permission of the members.

The structure of the Parliament of the 1900 Constitution is no different.]

In 1917, the People of QLD were asked in a referendum to allow the removal of the parliamentary upper house. They refused, yet in 1923 the QLD parliament removed it.

The Constitution has what is called Manner and Form – that being the proper and lawful arrangement under which the government entities must operate.

To breach Manner and Form causes that government to step outside the Constitution.

This is what QLD did and from that time on, QLD began to operate outside the Constitutional structure.

In 1927, the British Parliament amended the Royal Styles and Titles Act, changing the Monarch's title from a single Crowned head to a multiple crown.

Suddenly, it was possible for every dominion to either operate under King George of Great Britain, Ireland and his dominions OR under King George of Canada or of Fiji, or of NZ or whatever.

This fractured the Empire & as our ownership rights are held by the Empire Monarch, it put those in jeopardy.

However, the Australian govt did not bring this act into Australian law until Gough Whitlam took power in 1973.

At this time, by ratifying the Queen of Australia, he created a new government.

And that government had the Crown in the form of the Queen of Australia inside its acts, thereby claiming the Crown for themselves.

We became, in all but name, a Republic at that time.

The Australia Act of 1986, being the Constitution of the new Republican government.

Now, remember the original Constitution was to bring all the independent states into a united structure.

In effect, each state has returned to its independent status, but as republics completely separated from British law, which is why such ancient protections as the Magna Carta, the Bill of Rights 1689 etc are totally absent from current courts.

The new version of the Federal Council of Australasia 1855, is COAG.

Each state is now in a position to ignore the High Court, which is a court of the 1901 British/ Australian Constitution, and can not rule over the independent colonies, hence the decision in Fazzolari v Parramatta City Council for the land owner, and the NSW govt just makes a new piece of legislation giving the council back the right to remove private land.

These independent governments do not operate under laws, but under statutory legislation.

A law, once ratified, cannot be changed without a due process, legislation can be amended daily.

Where is the protection of the People?

Believe it or not, it is still in the Constitution. Part of the way that this return to independent states has been created is because under the 1901 Govt Constitution, the states retained their ability to make their own laws as long as those laws did not breach the rights of a person in another state.

What they have overlooked is that the Commonwealth is another state.

And remember the people are the Commonwealth.

Therefore, while a person may physically reside in the state of NSW, they are first and foremost a person of the Commonwealth state.

So every law of NSW that removes the rights of a person under the state of the Commonwealth is repugnant (in breach).

S 117 of the Constitution, states that a subject of the Queen (not the Queen of Australia, but of the original constitution), residing in a state (see above) shall not be subject in any other state to any disability or discrimination which would not be equally applicable to him if her were a subject of the Queen resident in such other state.

WITHOUT!!!!!!..... S 128 a referendum to gain his or her approval for that disability or discrimination to apply to him or her.

At all times the People must be asked for their approval – and they clearly are not any more.

All federal and state governments in Australia are, in effect and to the rights of the People, a foreign power.

Back to land – we own our land in a contract of trust & equity with Her Majesty Queen Elizabeth II, her Heirs and

Assigns – the Crown of the Constitution.

In the contract for that sale, it states that we own the land completely removed from any government interference or claims UNLESS they pay us for it!!!

That being Just Terms compensation.

However, this is the trick.

That Compensation is only guaranteed by the Federal govt of the govt 1901 Constitution.

The states, now operating as independent republics, never made that same agreement.

We must also understand that when Gough Whitlam entered power he set up a Royal Commission into Land Tenures.

The document that came from that, which is mentioned on the internet, but cannot be found on it, came to the conclusion that it would be preferable for govt to buy back land from private owners, but as they could not afford it, the next step was to remove all rights of land use, so as to render the value of the land worthless.

This meant they could acquire it for a song. (I have a copy of that if anyone wants it.)

When the High Court ruled in the Tasmania Dams case in 1983, that government could remove any and elements of land ownership AS LONG as the owner kept his deeds, they were telling the truth from the perspective of the new government under the Australia Act & the Queen of Australia.

However, they neglected to tell the People that their land was not under that act, but under the protection of the Crown as defined in the Commonwealth of Australia Act (UK) 1900.

We need to stand our ground as a person of the Commonwealth of Australia Act (UK) 1900, under s 117 & s 128.

WE, the PEOPLE of the state known as the Commonwealth, NEVER GAVE OUR PERMISSION TO HAVE OUR OWNERSHIP RIGHTS REMOVED BY A FOREIGN GOVERNMENT.

So where are the people to be found?

In the 1800's the people were governed by military rule, in penal colonies.

The moment the People agreed to the draft Constitution, they stepped INSIDE that structure.

Although that document was not agreed to at a referendum of the People, in order to approve its adoption as the ruling law over the Federation, it still exists.

So the ratification in 1901 of the Commonwealth of Australia Act 1900, by the heads of the independent colonies, does not change the fact that the people are still waiting for their opportunity at a referendum.

Therefore, (to my thoughts), the people are OUTSIDE of both the 1901 govt approved Constitution, and certainly OUTSIDE of this foreign government, all of which are in place without approval.

My thoughts are that the govt can ONLY gain our approval through means such as registration processes, which would explain why every element of trade involves being registered, having certification, licencing, etc.

Again, I would state, our protection is in the strength of s117 and s128.

We, the People, are subjects of the Queen of the 1900 Constitution, who approved the Constitution on the 9 July 1900 PENDING OUR APPROVAL (*remember she owns the land on which govt govern and recognizes our right first and foremost*) - and we are residents of our own state, that being the Commonwealth. With permission to refuse to allow the govts of the "independent colonies" to remove OUR RIGHTS WITHOUT OUR PERMISSION.

Posted by Sue Maynes at [12:44 AM](#) [0 comments](#)  

Labels: [Commonwealth of Australia Constitution Act](#), [draft constitution](#), [high court rulings](#), [Land Tenures](#), [permission](#), [person](#)

Wednesday, January 6, 2010

[People of the Commonwealth](#)

The People of the Commonwealth of Australia Constitution 1900

Justice M D Kirby stated in a 1997 oration: "Monarchical government tends to be strong and centralised – formerly in the person of the sovereign but now in whoever the Parliament elects to govern."

In *Kirmani v Captain Cook Cruises P/L*, *Justice Lionel Murphy* said: "The authority for the Australian Constitution then and now is its acceptance by the Australian people."

Law schools well into the 60's and later, taught that the historical origins of the Australian Constitution, and they alone, gave that document its legal authority.

Chief Justice Mason in the *Aust Capital Television* case observed: "The Australia Act 1986 (UK) marked the end of the legal sovereignty of the Imperial Parliament and recognised that ultimate sovereignty resided in the Aust people."

Justice McHugh in *McGinty v WA* said: "The political and legal sovereignty of Aust now resides in the people of Australia."

Justice Toohey in the *Public Law Review 1993* stated: "Where the people of Australia, in adopting a Constitution, conferred power upon a Commonwealth Parliament, it is to be presumed that they did not intend that those grants of power extend to invasion of fundamental common law liberties."

Justice Cooke in *Fraser v State Service Commission* said: "This is perhaps a reminder that it is arguable that some common law rights may go so deep that even Parliament cannot be accepted by the Court to have destroyed them."

People, Person, Persons, Citizen, Individual

In the Commonwealth of Australia Act (UK) 1900, the word *People* is found 25 times; *Person* 24; *Persons* 6; *Individual* 0 times; *Citizen* in s44 only.

What do these words legally mean?

To determine that in Australian law we first go to the Acts Interpretation Act 1901, which is the "dictionary of meaning" for all words used in Australian legislation.

If the word is not found in there, then we take the meaning from a legal dictionary, in this case *Blacks Law Dictionary #1 1891*

People - (from *Blacks*): a state, as in the people of the state of the Commonwealth

Person - (from AIA 1901): includes a body corporate, office, commission, authority, committee, tribunal, board, institute, organization or other body however described.

(from *Blacks*): *Persons* are divided by law into *natural* and *artificial*. Natural persons are such as the God of nature formed us; artificial are such as are created and devised by human laws, for the purposes of society and government, which are called "corporations" or "body politics."

Persons - (from AIA 1901): expressions used to denote persons generally (such as "person", "party", "someone", "anyone", "no-one", "one", "another" and "whoever"), include a body politic or corporate as well as an individual;

Citizen - (In English law from *Blacks*): An inhabitant of a city. The representative of a city, in parliament. When it is designed to designate an inhabitant of the country, or one amenable to the laws of the nation, "subject" is there employed.

Individual - (from AIA 1901): means a natural person.

(from *Blacks*): 'natural' is that which cannot be separated.

Individualism regards man—every man—as an independent, sovereign entity who possesses an inalienable right to his own life, a right derived from his nature as a rational being. Individualism holds that a civilized society, or any form of association, cooperation or peaceful coexistence among men, can be achieved only on the basis of the recognition of individual rights—and that a group, as such, has no rights other than the individual rights of its members. Ann Rand <http://aynrandlexicon.com/lexicon/individualism.html>

The legal meaning of *People* does not show in Aust legislation until the EPBC Act 1999 -

http://www.austlii.edu.au/au/legis/cth/consol_act/epabca1999588/s528 Definitions that "environment" includes: (a) ecosystems and their constituent parts, including people and communities

The word *citizen* is only used in the 1900 Constitution at s44, and appears to indicate that only a subject can hold office under this Constitution, being that a subject is an entity owing allegiance to that Crown and governed by its laws (common law), while a citizen does not, but owes allegiance to a foreign power (government). Of course, where a foreign individual makes the choice to become a naturalized citizen under the 1900 Constitutional structure, they are then subject to the Crown and able to stand for office.

This was the focus of *Sue v Hill & Anor 1999* <http://www.austlii.edu.au/au/cases/cth/HCA/1999/30.html>

So, a **Person / Persons / People / Citizen** are artificial words for an Entity.
An **Individual** is a natural, flesh and blood, thinking, feeling man or woman.

Now, the Commonwealth of Australia Constitution Act 1900 is an act **OVER** the entities of persons. You will find no reference to an individual, because an act cannot govern over an individual. And the act only refers to person / persons.

Therefore because our entity status, both singular and plural (person/s) was contained in the 1900 const, govt could not rule over that entity without permission, so they created a new entity for the new jurisdiction of environment - that being people.

It is our thought that all new restrictions are not over the person/s of the 1900 constitution, or over the individual (living, breathing) but over the people under the environmental jurisdiction.

In effect, you are being "protected" from yourself.

However, again, there was no agreement of the people to be re-created as another entity.

State of the Commonwealth

A state is not a physical land mass, but a political entity.

So, we have the state of the commonwealth, being the people.

The state of the Federal Parliament, being the Parliamentary structure as defined in the 1900 Constitution.

The state's of NSW, Vic, etc, being the Parliamentary structure governing the assets of that state on behalf of the owner of the land, Queen Elizabeth II, her heirs and assigns.

Our Protection

As a subject of the Queen comes your ownership of land and your common law protection. Which defines what we know is our protection.)

Section 117 - as a subject of the Queen, and a resident of the state (of the Commonwealth), I shall not be subject in any other State (being NSW, VIC, etc) to any disability of discrimination which would not be equally applicable to me if I were a subject of the Queen in such other State.

WITHOUT

Section 128 - my agreement at referendum.

[Disability: The want of legal ability or capacity to exercise legal rights, either special or ordinary, or to do certain acts with proper legal effect, or to enjoy certain privileges or powers of free action. At the present day, disability is generally used to indicate an incapacity for the full enjoyment of ordinary legal rights.

Discrimination: to show a difference in treatment]

So, the States (NSW, etc) cannot make different laws in opposition or that remove my rights as a person of the Commonwealth (state) and a subject of the Crown, who holds my protection of ownership and personal rights.

Each State can make different parliamentary laws for the purpose of maintaining the assets of the Crown, but I am not an asset and that is their only Constitution 1900 area of jurisdiction.

So, as an individual I have the right to a religion of my choice, to thoughts, etc of my choice, because they are the only rights of pure and unstricted ownership I can claim individually.



To participate in private ownership makes me a subject of the Crown and therefore subject to her protection under Common Law.

To my understanding, to be a member of the People of the Commonwealth, means I step into an entity role for the purpose of creating a stable community/society in which I can live peacefully as a subject of the Crown, and privately on my land or in my home as an individual.

However, we may interpret these words, our protection is in our agreement.

If we as an individual have not agreed, how then can we as an individual be enforced into a contract?

If we as a People have not agreed at Referendum, how then can the People be enforced into a contract?

Posted by Sue Maynes at [9:31 PM](#) [0 comments](#)  

Labels: [citizens](#), [Commonwealth of Australia Constitution Act](#), [crown](#), [individual](#), [sovereign people](#), [the States](#)
<http://peopleofthecommonwealth.blogspot.com/>