

Commonwealth Parliament of Australia

Dear FADT Committee,

“ Sovereignty’,
(Respectfully, as expressed by Deceased Elder Uncle Kevin Gilbert, b.1933 - d.1993, in “1988: MAKE A TREATY THIS TIME... [copyright BURRUMBINGA]... We, the Aboriginal People, restate that we are the Sovereign Owners of Australia. There have been no Treaties with us and we have never ceded our Sovereignty.”, see Submission 3.1’s Attachment, Supplementary to Submission 3, at: https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Law_Enforcement/SpecialOpsAct/Submissions) is the basis of the First Nations Statement from The Heart’s initial paragraphs tabled in full by the Australian Prime Minister in Commonwealth Parliament August 2023 as a one A4 page document which seeks by an eventual Referendum to recognise Aboriginal and Torres Strait Islander Peoples as the First Peoples of ‘Australia’ through an Aboriginal and Torres Strait Islander Voice in the Constitution.

Statement from The Heart says: “..sovereignty. It has never been ceded or extinguished, and co-exists with the sovereignty of the Crown. How could it be otherwise?
That peoples possessed a land for sixty millennia and this sacred link disappears from world history in merely the last two hundred years?”

Therefore, this Submission as a ‘CoExisting Sovereign Person’ to the International Organisations (Privileges and Immunities) Amendment Bill 2023 Senate FADT Legislation Committee Inquiry requests this Bill to receive extended time for further Public and Parliamentary submissions to be sought. This Submission also seeks Public Interest and Human Rights questions to be answered and clarified in relation to paragraph 9 of the Explanatory Memorandum, ‘ExM’: “9. Framework Agreement between the Government of Australia and the Organisation for Joint Armament Cooperation (Organisation Conjointe de Cooperation en matière d’Armement (OCCAR) for the participation of Australia in OCCAR-managed programmes [2022] ATS 3 requires Australia to extend the full range of privileges and immunities to the organisation and connected persons in order to host meetings and receive program benefits. The Bill will assist Australia in giving effect to the Framework Agreement.”

Potential inconsistencies between the substantial requirements on Australian Government Finances triggered by mainly OCCAR Article 11 Clauses referring to Australian budget commitments and what this Bill’s ExM proposes in its Financial Impact Statement as being: “The financial impact of the Bill is low. Revenue costing would occur at the time when new subsidiary regulations are made or amended under the Act.”, should be clarified in the Public Interest and for transparency as those financial impacts do not appear to be “low” and are already a current financial obligation by the Australian Government to the OCCAR Agreement rather than a ‘revenue costing that would occur’ in the future.
The Inquiry should clarify what is the current financial commitment by Australia to OCCAR, and this Submission asks that question.

Broad Human Rights issues of granting Australian Privileges and Immunities to an arms dealing organisation consortium of Foreign Powers structured to private arms manufacture and materiel industry are some of the reasons this Submission opposes the Bill going to Parliament for further debate without more Public Interest discussion and a fuller Public Inquiry.

Clarification is also sought on what nexus there will be between Australian obligations to the OCCAR “treaty’ and the other piece of legislation under FADT Inquiry, the ‘Defence Capability Assurance and Oversight Bill 2023’.

Please clarify these matters in the Public Interest for transparency and extend the time for this Inquiry.

Thanks,
dominicWYKanak