

Submission - COAG Legislation Amendment Bill 2023 [Provisions]

I am responding to the Bill introduced by Mr Gorman (Perth -Assistant Minister to the Prime Minister).

Firstly, I am grieved that this Bill was not mentioned to me in a letter of reply - by not ONE of my Victorian Senators nor by my own Federal MP for Kooyong – all to whom I wrote Letters some months ago on this very subject of the new Federation architecture. I take this, now that this legislation is afoot, that this government does not care about democracy for all Australians, let alone Australians who are concerned for our future. However, it is a truth that our elected MPs are to represent the people, not their own parties. It is not valid for MPs to make laws continually within the parliaments just because they are MPs without the vote of the Australian people.

Contrary to what Bell, Angie MP stated in the House of Representatives on 6 February 2024, that *“the Morrison government's economic plan to keep the economy afloat and Australians employed, the National Cabinet played a core role in keeping Australians safe”*, that *“Bringing the state and territory governments to the table with the Commonwealth to work together collaboratively played a necessary role in managing COVID-19 and supporting the Australian economy”* is a most disingenuous opinion given the disastrous outcomes since 2020 of loss of employment, loss of health, loss of housing and huge accruing debts as a follow on from the governments' management of the covid vaccination.

Gorman, Patrick MP states that *“on 13 March 2020 National Cabinet was established, initially in response to the need for enhanced collaboration between the Commonwealth and the states on the COVID-19 pandemic.”*

Now, many Australians were quite aware that our Australian Commonwealth Constitution has a clause within it that states that we are not to be experimented upon in health matters. See 51 xxiiiA. The provision of maternity allowances, widows' pensions, child endowment, unemployment, pharmaceutical, sickness and hospital benefits, medical and dental services (but not so as to authorise any form of civil conscription), benefits to students and family allowances:

The Australian Commonwealth Constitution states: 101. There shall be an Inter-State Commission, with such powers of adjudication and administration as the Parliament deems necessary for the execution and maintenance, within the Commonwealth, of the provisions of this Constitution relating to trade and commerce, and of all laws made thereunder.

I suggest that the use of a National Cabinet was unconstitutional, because, firstly, no changes can be made to our Commonwealth Constitution except by referendum. Medical services (vaccinations) are not trade and commerce. Secondly, at point 109 in our Commonwealth Constitution, 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. Our Commonwealth Constitution did not allow for National Cabinet *“collaboration between the Commonwealth and the states on the COVID-19 pandemic”*.

Gorman, Patrick MP states further, *“this bill seeks to prepare the federation for the future”*. This bill is seeking to *“rename COAG Reform Fund as the Federation Reform Fund”*.

The Commonwealth of Australia Constitution Act states: 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: Thus, Australia is a Federal Commonwealth. Mr Gorman has not acknowledged that Australia is a Federal Commonwealth *“united in a Federal Commonwealth under the name of the Commonwealth of Australia”*.

We know that the Labor Party has appointed an Assistant Minister for the Republic, Mr Thistlethwaite. His portfolio lists his responsibilities as to 1) undertake initial work on an Australian republic as a constitutional reform, and to 2) support the Attorney-General in his work.

I do not think that the present government has respect for the Australian people by so altering our Commonwealth Constitution by stealth, introducing a new federalism, which is not the same Federal Commonwealth of 1901.

Yes, Stevens, James MP has said, *“I think most people would agree that, if anyone in another country want to understand how our federation works and what levels of government does what, the last thing they should do is read the Australian Constitution”*. Now what about we the Australian people? We should all be very familiar with our own founding Constitution.

Gorman, Patrick MP on 29 November 2023 stated: *“National Cabinet must continue to meet the expectations of the Australian people, to work for Australia, to address matters quickly, based on advice from experts, with leaders outlining the priorities and parameters for their governments to implement”*.

It has become alarmingly apparent that the advice from experts and leaders guiding governments is leading Australians into a global minefield. I think of the unsettling CBDC, the unmerited WHO, the overarching plans of the UN’s sustainable Development Goals, the headstrong RBA. There is a vast chasm between the government of this day to the expectations of the Australian people. The government of this day is racing headlong into areas that will NOT work for the good of Australians. There is a vast chasm of comprehension missing which is clearly visible to the people of Australia.

Changing COAG to First Ministers' Council - *will mean 'a body (however described) that consists only of, or that includes, the following: The Prime Minister; The Premiers of each State; and The Chief Ministers of the Australian Capital Territory and Northern Territory' - to reflect the establishment of a new architecture for federal-state relations*. Yet, this body is the same as the National Council and it is unconstitutional because the States operate independently of the Parliament’s House of Representatives and Senate. It is neither Inter-State. But it is intergovernmental, which is not the same.

Yes, this might be true – *“Following the cessation of COAG, National Cabinet has been at the forefront of leading these reforms”*. However, the summation, *“Therefore, the COAG Legislation Amendment Bill 2023 is an important step to update these outdated references”* is a dangerous ploy, I suggest to the committee with all due respect, because Australians will lose our Commonwealth of Australia Constitutional benefits.

I am very concerned to read the words of Mr Gorman, Perth - Assistant Minister to the Prime Minister: *“Thirty years ago Prime Minister Keating spoke of the 'great promise' of continued and consistent intergovernmental relations”*. Yes, indeed, because Mr Keating was a Republican.

The broad definitions this Bill proposes are intended to provide flexibility for any future changes to the title of an intergovernmental ministerial group so legislative changes to update titles are avoided. However, wisdom would prevail to ensure that definitions are defined carefully and precisely. Why the broad way? No-one goes to law without careful deliberation. Government does not have the right to change the Federal Commonwealth processes which we Australians rely upon.

Now concerning this part of the COAG Legislation amendment bill 2023, copied out here:

Schedule 2 Part 1 - Main amendments

48. The purposes of this Part are as follows.

- a. Substitute the outdated term of “COAG” with the term “First Ministers’ Council”, which is defined flexibly to mean “a body (however described) that consists only of, or that includes, the Prime Minister, the Premiers of each State and the Chief Ministers of the Australian Capital Territory and Northern Territory”. It is intended that this definition encompass any group that currently comprises, or will in future comprise, First Ministers (such as the current National Cabinet) as well as a group that comprises First Ministers and other representatives (such as the former National Federation Reform Council, which was constituted by both First Ministers and Treasurers of the Commonwealth, and each State and Territory, as well as the President of the Australian Local Government Association).

I protest that this legislation seeks to bring in local councils/government into our Federal Parliament. Contrary to the Australian parliament website that states that there are 3 tiers of government, this is not true. Our Commonwealth

of Australia Constitution states that there is a Federal Parliament and that there are State Parliaments. The councils/local government are under State legislation and come under State control. Despite the referendum in 1988 declaring that two-thirds of Australians did not want local councils recognised as 'Local Government'. The Hawke Labor Government illegally introduced 'The Local Government Act 1989' into all States of Australia the following year. Since then, Federal, State and local councils have reaffirmed when challenged that they operate legally, and base their claim upon the Act just mentioned; however, these claims are entirely false since the constitution is used to determine legality or not.

Yours sincerely,

Mrs Alison Ryan

COAG, Council of Australian Governments, is not in the Federation