From: **NicFaulkner [SMTP:eagleman@norex.com.au] <mailto:[SMTP:eagleman@norex.com.au]>**
Sent: Monday, February 12, 2001 7:16 AM
To: jsct@aph.gov.au; Joe Bryant; Aden Ridgeway; John cummins; Larry Anthony
Subject: ICC

Dear sir / Madam

Could you please send me information as to what Heads of Power under the Commonwealth of Australia Constitution Act 1901 that you have to implement Treaties or agreements of this kind.

Also that if by chance you may have any authority under The Act, which I doubt then any changes to, and affecting the Sovereignty of the Sovereign People of Australia must be put to those same People as required by sec 128 of the Act.

Further more a submission has been put to the UN and the ICJ and the High Court of Australia by the Sovereign People of Australia entitled Australia the Concealed Colony, challenging the Authority of the current Parliament. A copy of a covering letter to the High Court is supplied for your reading and consideration.

Any attempt by your committee at this point to enter into any

Internationally binding agreement which compromises the Sovereignty of the Sovereign People of Australia, will and would be considered an act of Treason against the said mentioned Peoples.

The penalties for this under the Geneva Convention are rather severe.

A response from your committee noting the points raised and your intended course of action is expected in adressing this submission before any final descision is made.

Please note the Attorney General is aware of the Position I have stated as are approx 25%of the Population of the Sovereign People of Australia.

in Freedom and Truth

Nic Faulkner

the Great Australians Candidate for the Seat of Richmond

www.austand.auz.net

email eagleman@norex.com.au

The Honourable Murray Gleeson AC 28th November 2000
PO Box E435
KINGSTON ACT 2604

Re: Boyer Lecture series 'The Rule of Law and the Constitution'
Lecture No1 'A Country Planted Thick With Laws.'

Dear Justice Gleeson,

Analysis of the content of your first Boyer lecture in the series The Rule of Law and the Constitution reveals that it contains a series of espoused politically convenient opinions which do not reflect the facts of history or the changes in law emanating from those historical facts.

As a consequence of this it is considered important that you are formally advised that politicians, academics and jurists around the world are aware that people wielding power consider it convenient to maintain the invalid political and judicial system currently in place in Australia.

People associated with this Institute are amazed that the Chief Justice of Australia has chosen to place on such public and permanent record his association with what are nothing more than politically convenient interpretations. They are fabrications and false interpretations that have been generated and promoted as justification for the continuing subjugation of the Australian citizenry to the same colonial law that Britain imposed in 1900/01.

They are opinions that are easily demonstrated to be utter nonsense.

Nonsense No 1
"Our basic law is the Australian Constitution"
It is wrong of you to say that Australia's basic law is the Australian Constitution.

At federation in 1901 Australia's basic law was the entire 'An Act to Constitute the Commonwealth of Australia (UK) 1900' of which the Constitution, at clause 9 was, and remains, a minor part controlled by eight major conditional clauses of the Act.

Being a colonial law of the UK, clauses 1 to 8 are fixed and provide all that is necessary for the UK to continue to govern Australia. The sense of the Act would not be altered by the elimination of clause 9, the Constitution.

Being colonial legislation it is not and can not be inherited law. Minor Clause 9 (the Constitution) has never stood alone and cannot stand independently of the preamble, the eight major clauses, or the schedule which contains the oath of allegiance.

Your High Court and your own words uttered during this very lecture confirm that the conditional definitions contained in clause 5 of the Act are essential to give meaning to the laws made by the Parliament of the Commonwealth under clause 9, that is, the Constitution.

The so-called covering clauses are major clauses that are conditional on the Constitution and they cannot be altered or removed by any authority outside the UK Parliament.

Clearly if they could have been they would have been!

Australia

PO Box 9112
Tel (03) 8796 3861
Seaford Delivery
Centre
(03) 8796 3862
Seaford VIC
3198
Fax (03) 8796 3322

“The British Constitution Act 1900 was for self government. It was never intended to be and is not suitable to be the basis for independence. The Commonwealth of Australia Constitution Act (UK) 1900 is an Act of the United Kingdom Parliament. The Right to repeal this Act remains the sole prerogative of the Parliament of the United Kingdom. There is no means by which under United Kingdom or international law this power can be transferred to a foreign power or Member State of the United nations. Indeed, the United Nations Charter itself precludes such an Action.”

(Lord Chancellor, in answer to a parliamentary question - mid July 1995:

The Foreign and Commonwealth Office of the UK Parliament have confirmed the accuracy of this statement.)

All international law authorities, including constitutional law authorities in the UK, maintain that when Australia achieved independence ‘An Act to Constitute the Commonwealth of Australia (UK)

1900’ instantly became ultra vires with regard to Australia. Some authorities argue that even though it remains listed as a current Act of domestic law of the Parliament of the United Kingdom it is never-the-less a redundant colonial law that may not be modified, even by the Parliament of the UK.

There is no question, the Commonwealth of Australia is an independent sovereign nation.

There is no question, the Constitution remains part of a colonial Act of law.

There is no question, when a colony achieves independence colonial law ceases to have application the instant that independence is achieved.

A hypothesis that holds that the Constitution contained in the British colonial law, 'An Act to Constitute the Commonwealth of Australia (UK) 1900', is a valid basic law applicable to the sovereign independent people constituting the Commonwealth of Australia in the year 2000 is hypothesis that will not stand up to serious challenge. It is a hypothesis that is clearly untenable.

Nonsense No 2

"The Australian nation came into existence on 1st January 1901 when the Constitution came into legal effect."

The Constitution was, and remains, but clause 9 of a nine clause Act of British colonial law entitled 'An Act to Constitute the Commonwealth of Australia (UK) 1900'. That Law came into effect on January 1 1901. Clause 8 of the Act states, "After the passing of this Act the Colonial Boundaries Act, 1895, shall not apply to any colony which becomes a State of the Commonwealth; but the Commonwealth shall be a self-governing colony for the purposes of the Act."

Clause 2 of that Act, "The provisions of this Act referring to the Queen shall extend to Her Majesty's heirs and successors in the sovereignty of the United Kingdom"
So despite the pomp and ceremony that occurred at the time of the proclamation of the Federation, all that actually happened in 1901 was that it was proclaimed that the people of the six Australian colonies "shall be united in" an indissoluble federation named the Commonwealth of Australia which was to be a colony of the United Kingdom enjoying limited self Government.

At the same time, without any alteration to their colonial status, the six colonies became entitled 'States'. In fact even now the Offices of various State Governors are constituted under Letters Patent issued in the name of the Queen Elizabeth II of the United Kingdom by the Lord Chancellor's Office in the Parliament of the United Kingdom. These Letters Patent contain, "The appointment of a person to the office of Governor shall be during Our Pleasure by Commission under Our Sign Manual" and "These Our Letters Patent come into operation at the same time as the Australia Acts come into force." !!!

Despite subsequent rhetoric, the Constitution was, and remains, but a minor clause within an Act of colonial law that remains listed in the UK Parliament as current British domestic legislation that can only be repealed by the Parliament of the UK, a power foreign to Australia.

"The Constitution Act was enacted in the United Kingdom…. There are at present no plans to repeal the Constitution Act. The Government of the United Kingdom would, however, give consideration to the repeal of the

Commonwealth of Australia Constitution Act if a request to that effect were made by the Government of Australia. To date no such request has been made.

(Foreign and Commonwealth Office of the Parliament of the UK.

Correspondence 11 December 1997)

“The British Constitution Act 1900 was for self government. It was never intended to be and is not suitable to be the basis for independence. (Lord Chancellor, in answer to a parliamentary question - mid July 1995.

See above for a fuller quote)

“The Commonwealth of Australia as a colony of the UK had limited self-government in 1901.”

(I.M. Cumpston, when Emeritus Reader in Commonwealth History, University of London at P3 of History of Australian Foreign Policy 1901- 1991 Volume 1 (ISBN 0-646-24568-6) (Ms Cumpston has now retired to Deacon in the ACT)

“Australia was a colony in 1901”.
(Professor Cheryl Saunders,
“Its Your Constitution” Federation Press
Sydney. ISBN 1-86287-244-9)
The Chief Magistrate’s espoused hypothesis, “The Australian nation came into existance on 1st January 1901 when the Constitution came into legal effect.” is, in the real world, clearly untenable. The matter of Australia’s attainment of nationhood will be revisited later.

Nonsense No 3

“In Australia……..we have a basic law, the Constitution. ……..Because that basic law can now be altered only by the people of Australia, the sovereignty of our nation lies with the people as a matter of legal principle and as a matter of practical reality.”

What utter nonsense. The Act that contains the Constitution remains on the UK Parliament’s Statute Books. This law is British property! Both UK law and international law prohibit its transfer. The Constitution cannot stand independently of the Act. The Australian people cannot alter clauses 1 to 8 of the Act.

They can only alter clause 9 of the Act, (the Constitution) in a limited way. They cannot alter any aspect of it, any section, that relies on definitions contained in clauses 1 to8 of the Act or relies on the schedule to the Act.

For instance, the only Monarch the Constitution can recognise is the Monarch in the sovereignty of the United Kingdom. This is so defined in clause 2.

The schedule, the oath of allegiance, also lies outside the reach of the

Constitution's s128. Therefore the oath that the Constitution dictates must be sworn by the Chief Justice, the Governor-General, Parliamentarians and others, is an oath to serve the sovereignty of the United Kingdom and not the sovereignty of the Australian people! Thus contrary to your statement no part of the Constitution bestows sovereignty on the Australian People.

It is a matter of fact that the Constitution was designed as a document of colonial subjugation. And "as a matter of legal principle" it cannot be made to be anything else. If it could be it would already have been! However, ".. the sovereignty of our nation" does indeed "lie with the people." Of this there is no question.

This is why our nation, "as a matter of legal principle", can no longer be governed under a constitution that can never be anything but a colonial document.

And you can forget about ruses like the Queen of Australia and the Australia Acts. In legal terms they are not worth the paper they are written on! "As a matter of practical reality" the UK government has already demonstrated that via the Letters Patent constituting the various Offices of State Governor!

Apart from all of that, this is an astounding statement. The UK Government has confirmed that it alone has the power to repeal the Constitution.

Since no portion of the Act has ever been repealed and since it is impossible to transfer the Act or any portion of it to Australia the Australian people do not and can not possess the ultimate control over the Act or the Constitution that is contained in it. Ultimate control over what the Chief Justice terms the 'basic law' under which Australia is governed remains with the Parliament of the UK. And no amount of subsequent legislation can validly alter this. Such a situation is hardly consistent with any definition of sovereignty available to this Institute.

On the other hand let us assume that the United Kingdom Parliament's Act of colonial law, An Act to Constitute the Commonwealth of Australia (UK) 1900 is not ultra vires and thus can be used as Australia's basic law.

We can then assume that the Chief Justice is correct in his statement,
"In Australia……..we have a basic law, the Constitution. ……..Because that basic law can now be altered only by the people of Australia, the sovereignty of our nation lies with the people as a matter of legal principle and as a matter of practical reality.",
So for the purpose of argument let us assume the Chief Justice is correct and S128 grants sovereignty to the Australian citizenry. So "…Because that basic law can now be altered only by the people of Australia, the sovereignty lies with the people" thus the Australian people possess absolute control over their affairs. Agreed?

On November the 6th 1999 all eligible citizens had the opportunity to cast a referendum vote for a preamble to be placed at the commencement of clause 9 of the Act, that is, at the commencement of the Constitution.

The only active element contained in that proposed preamble was, “We the Australian people commit ourselves to this constitution” The result was that the Australian people voted NO!. The Australian people voted to NOT commit themselves to the Constitution by a ratio of 60.66% to 39.34%!

Is this not, “as a matter of legal principle”, a rejection of the Constitution by the sovereign people of Australia?

This was the only occasion that the Australian people have voted on the acceptability of the Constitution after the UK Parliament amended its content and placed conditions on its operation by way of the Act’s eight major conditional clauses.

This was the only time in history that the entire adult populous has had the opportunity to cast a vote on the Constitution. But even more importantly, this is the first and only opportunity, post independence, that the sovereign Australian people have voted on their commitment to a colonial constitution.

“As a matter of practical reality” doesn’t this rejection of the Constitution spell the burial of colonial law in Australia along with the death of the Parliament created by that colonial law?

Clearly it does. Yet in the face of this, the Legislature, the Executive and the Judiciary continue to govern on the basis of the claimed authority of that rejected Constitution.

A Constitution that requires individual members of all arms of Government to swear and subscribe to the oath, “I do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II her Heirs and successors (in the sovereignty of the United Kingdom) according to law. SO HELP ME GOD!.”!!!!

To suggest that s128 of the Constitution provides the people of Australia with power absolute, to alter the Constitution is a total deception. Any section that is dependent for its meaning on a definition contained in the 8 major conditional clauses or the Schedule to the Act lie out of the reach of the terms of s128.

Hence s42 may not be altered and continues to demands the oath as stated above.

How can s128 bestow sovereignty when the Constitution which contains it dictates that those same people’s elected representatives must swear an oath of allegiance to the UK, which is a power foreign to Australia, before they may take part in making laws for those same Australian people?

While the Australian people continue to be governed under what is properly a British colonial law they are denied their right to exercise their sovereignty. They are denied the basic premise for nationhood, the most fundamental of human rights, the right to self determination. To hold that any section in the Constitution bestows sovereignty on the Australian people is unquestionably not only a deception, it is utter nonsense. It is a hypothesis that, in the real world, is untenable.

Nonsense No 4

The evolutionary theory of independence holds that as time has passed Australia has, over the course of this century, gradually developed the status of an independent sovereign nation. The culmination of his process was marked by the passing of the 'Australia Act (Cth)' and 'The Australia Act (UK)' in 1986. The Attorney-General's Department holds and promotes this view.

It would seem that the Chief Justice was referring to this theory during his comments on the common law. His vague statement was, … "That came to an end in the 1980s, as the result of legislation which constituted an important step in establishing our national sovereignty." thus suggesting that it was not until the 1980s or later that we became a 'fully' sovereign nation. (If it is indeed possible for there to exist a partially sovereign nation!)

The evolutionary theory of independence is pregnant with problems. It is indeed a dangerous theory, advanced by people who must have been ignorant of the problems associated with it.

For instance, in international law the formalities are such that only sovereign nations may declare war.

Now Australia declared war on a number of nations between 1939 and 1942. If the Commonwealth of Australia was not an independent nation until "the 1980s" it was not legally entitled to declare war. As a result Australia is potentially liable to pay reparations for damage to property and compensation to aggrieved persons which would amount to billions of dollars.

But not to worry the evolutionary theory of independence is a nonsense. A people are either subjugated under another nation's law or they are not subjugated under another nation's law.

They are either subjects of a colonial power or they are not. The 'laws of nations' hold that there are no degrees of sovereignty any more that there are degrees of pregnancy. You either are or you aren't.

To hold that somehow the sovereignty of the Australian people evolved over a period of time represents a hypothesis which, in the real world, is untenable.

Australia's achievement of independence. The Truth of our sovereignty There is no stronger record of the political development of Australia than the Hansard of the Federal Parliament.

Hansard records that The UK Government granted independence and thus sovereignty to the federated people comprising the Commonwealth of Australia in 1919.

The instrument that Britain used to do this was the Treaty of Versailles (The Peace Treaty with Germany). The unanimous ratification of this happening occurred in the Parliament and is recorded in Hansard from 10th September to 1st October 1919 - Australia's Independence Day! Documents and communiques relating to, and subsequent to, the Peace conference were published on 29th April 1921and bound in Australian Parliamentary Papers 1920-21.

Very significantly these documents include a copy of the 12th of March, 1919 memorandum issued by the Dominion Prime Ministers reminding the World and particularly the UK that "under Resolution IX of the Imperial War Conference, 1917 the organisation of the Empire is to be based upon the equality of nationhood."

Included also is a copy of the "Order in Council moving His Majesty the King to issue Letters Patent appointing Plenipotentiaries in respect of the Commonwealth of Australia." These Full Powers Documents were duly issued by King George V.

Only independent sovereign nations may sign international treaties. The plenipotentiaries in respect of the Commonwealth of Australian signed with the internationally accepted status of a minor nation "like Belgium".

House of Representatives Hansard 10th September 1919, p 12169. WM Hughes,Prime Minister and Attorney-General, introducing the Treaty of Peace Debate, "Separate and direct representation was at length conceded to Australia and to every other self-governing Dominion.

By this recognition Australia became a nation, and entered into a family of nations on a footing of equality. We had earned that, or, rather, our soldiers had earned it for us. In the achievement of victory they had played their part, and no nation had a better right to be represented than Australia. This representation was vital to us, particularly when we consider that at this world Conference thirty-two nations and over 1,000,000,000 people were directly represented."

House of Representatives Hansard 30th September 1921, p11631. WM Hughes, Prime Minister and Attorney-General, reporting on the 1921 Imperial Conference, "We had been a Dominion; the war made us a nation….."…. "Then

came the Peace Conference on which the Dominions were granted separate representation, and sat on a footing of equality with the great nations of the earth."… "We affixed our signatures to the Versailles Treaty.

The status granted in War has been confirmed in times of Peace. Mr Lloyd George in his opening Speech to the Conference said:-'In recognition of their services and achievements in the war the British Dominions have now been accepted fully into the comity of the nations of the whole world. They are signatories to the Treaty of Versailles and of all other Treaties of Peace; they are members of the Assembly of the league of Nations, and their representatives have already attended meetings of the league; in other words, they have achieved full national status, and they now stand beside the United Kingdom as equal partners in the dignities and responsibilities of the British Commonwealth. If there are any means by which that status can be rendered even more clear to their own communities and the world at large, we shall be glad to have them put forward at this Conference.' In these words, the Prime Minister of Britain, the President of the Conference, set out in clear unambiguous language the concept of a partnership of free nations, all equal in dignity and responsibility, to which the Conference subsequently formally and officially set its seal."

On 11th November 1921 King George V recognised the sovereignty of Australia during the ceremonial acceptance of the credentials of the first Australian High Commissioner to the UK, when he welcomed Sir Joseph Cook as "… the representative of our ex-colony, the newly independent nation of Australia."

So what is this stuff about … "The Australian nation came into existance on 1st January 1901" and "That came to an end in the 1980s, as the result of legislation which constituted an important step in establishing our national sovereignty."?

NO!

The documents of history establish absolutely, that national sovereignty was achieved on October the 1st, 1919. No ifs or buts, no opinions or deductions, just facts of history confirmed in authentic documents.

The fact that this is so was restated by the Senate Legal and Constitutional References Committee in a 1995 report dealing with the Commonwealth's power to make Treaties. The highest Court in the land, the Federal Parliament, ratified this report.

(Trick or Treaty?

Commonwealth Power to Make Treaties. Senate Printing Unit Parliament House Canberra. ISBN 0-642-244189)

On the 1st day of October 1919 British colonial law ceased to have valid application in the territory of the independent sovereign nation, the Commonwealth of Australia.

The appalling thing is that the documents of history also reveal that vested interests, on realising what had happened politically, recognised a threat to their unfettered control over a variety of enterprises and so with the help of imperialists a number of secret para-military groups were established with a charter to conceal the truth.

There ensued throughout the 20's, 30's and beyond, a campaign of propaganda and deceit. The teaching of history and law was manipulated. The Parliament was corrupted to the degree that W.M. Hughes and Earl Page had to, in December of 1921, withdraw their Constitution Bill. Had the situation been allowed to progress without interference the creation of a new Constitution would have occurred and the people would not have been denied the joy of recognising precisely what the WWI Diggers sacrifice achieved. They and the rest of us have been denied the opportunity to grow in national sentiment because unlike America and France, Australia's Independence day has, for 80 years, been concealed.

That there are problems arising from these now revealed facts of history there is no doubt. But they must be faced.

Our nation must not, indeed cannot, continue to be allowed to exist in a living lie.

A few years ago by the late Professor G. Clements (an eminent UK QC and emeritus Professor in law at Cambridge) stated, "The continued usage of the Australian Constitution Act (UK) by the Australian Governments and the judiciary is a confidence trick of monstrous proportions played upon the Australian people with the intent of maintaining power. It remains an Act of the United Kingdom. After joining the League of Nations in 1919 Australia became a sovereign nation. It had no further legal power to use, alter or otherwise tamper with another nation's legislation. Authority over the Australian Constitution Act lies not with the Australian government nor with the Australian people, it rests solely with the UK. Only they have the authority to repeal this legislation….

Throughout this entire lecture the Chief Justice has focused on the same politically convenient but historically and legally invalid espousals that have, for many years, emanated from the Offices of the Australian government. These have been developed in an endeavour to justify the original deceit and lies that were fed to the newly sovereign people of Australia. Additional, politically convenient fabrications have had to be regularly adopted as inconsistencies resulting from the placing one expedient measure upon another lie have come to

light. These measures of expediency have frequently occurred at the level of government regulation and / or parliamentary law. An unfortunate outcome has been that, in an endeavour to uphold 'the law' and maintain the status quo, the High Court of Australia has had to bring down findings that are so illogical that it is reported that the credibility of its members is under question in judicial circles and academic institutions the world over.

The structure and whole of the content of this lecture is such that a serious question has to be asked:-Is the Chief Justice of Australia involved in a continuing deliberate and conspiratorial attempt to perpetuate this "confidence trick of monstrous proportions upon the people of Australia" and now, indeed, the World?

If he is, he needs to be reminded that 'the World is watching'.

The World has become involved because the sovereign Australian people have advanced a plea to the peoples of the 'World' to come to their assistance in their endeavours to achieve self determination without having, ultimately, to resort to violent means.

This action became necessary when a succession of Executive Governments chose to maintain the status quo rather than implement the reforms necessary to create a valid basis for governing the indissoluble federation of the Australian people, that is, the Commonwealth of Australia.

It is reported that the 'World' has recognised the need to become involved because the people of an independent Member State of the UN, the Commonwealth of Australia are being denied the right to self determination as guaranteed, separately and collectively, by all Member States of the UN.

'AUSTRALIA the Concealed colony!'

The plea and the Australian story is set out in a document entitled "AUSTRALIA the Concealed colony!"

It consists of an application and request, and a 73 page treatise supported by some 400 pages of documents.

No nation has ever had cause to prepare and present a document of its like.

In August of 1999 the document was individually presented to 185 Member State Missions to United Nations as well as to the General Secretariat, the Human Rights Commission, the Human Rights Committee, the Security Council, the International Crimes Commission and personally to Mr Koffi Annan all of the United Nations.

Every Nation and all organs within the United Nations accepted the document.

It is reported that the UN Human Rights Chief Prosecutor has established the total authenticity of all of the supporting documents and has validated their interpretation, analysis and the resultant arguments advanced in the treatise.

This has resulted in the 'World' recognising that the Australian 'Government' and / or representatives appointed by it can not validly represent the international personality, the Commonwealth of Australia, in international forums.

This raises major questions in relation to diplomatic exchanges and the validity of Treaties.

'AUSTRALIA the Concealed colony!' has been widely circulated within Australia.

*** A copy of the document was presented to the Chief Justice of Australia on the 6th of September of 1999.

Under the title of 'Australia the Concealed Colony!' the document has now been mass produced in book form. It rests in various libraries including the National Library in Canberra.

In addition, the essence of the story that lies behind the lack of a valid governmental and judicial structure in Australia, together with knowledge of the propaganda and chicanery entered into to deceive the people of Australia now appears on an untold number of web sites. The facts have been presented by of way public addresses and the presentation of reproductions of a variety of short papers and essays. Literally hundreds of thousands of people are aware of the situation.. The truth is out there and any subsequent reaction to the continuing policy of deliberate deceit perpetuated on the people for so many years cannot now be contained.

In fact it is clear that, in relation to this matter, a certain 'morphic resonance' has set in.

It is clear that this has resulted, as the chief Justice must be well aware, in an increase in the number of court presentations centred on human rights and constitutional issues.

In an endeavour to stem the need to deal with these challenges the rule of law is being increasingly denied. This is occurring through measures that result in the gagging of solicitors through their fear of facing indemnity cost applications, through unwarranted incarceration, economic deprivation and the denial of procedures, particularly in relation to '78B's', the right to appeal, and right to trial by jury. Records of many such deprivations have been collected and lie in a databank.

It has become patently clear that to question the authority of those who exert

power under the Constitution is sure to result in a denial of the right to access the rule of law as created under that same Constitution.

Yes indeed, the title to this lecture series, in this sense, is well chosen.

“The rule of law and the Constitution.”

Challenge the Constitution and be denied the rule of law!

It is well chosen for another reason.

The continuing use of the colonial law “An Act to Constitute the Commonwealth of Australia (UK) 1900” which became ultra vires the instant the Commonwealth of Australia achieved independence, is in itself, a most fundamental denial of the ‘rule of law’. It is a denial of the ‘rule of International Law’.

It is a denial of the right of the people of Australia to enjoy the very basis for nationhood, that is, the right to self determination!

By way of ‘Australia the Concealed colony!’ it has been demonstrated to the World, that the continued use of the British colonial law as the basis for governing over Australian citizens results in abuses of the rule of law as established under that same invalid colonial Constitution. The document also demonstrates the abuse of the rule of law as established by the ‘laws of nations’.

The Chief Justice of Australia should be aware that, in the research and on going studies carried out by this Institute, assistance has been forthcoming from academics and constitutional lawyers from universities in nine countries. Many of these people serve as advisers to their own governments.

These universities include, the University of Lausanne, the University of Paris (the Sorbonne), the Humbolt University (Berlin), Trinity College of Dublin, the Italian University of La Sapienza (Rome), the Complutenso de Madrid in Spain, the British Universities of Oxford, Cambridge and London, the University of Ghent (Belgium), the Major American Universities of Stanford, Cornell, California (Berkley) and Harvard.

There is no mistaking that international Jurists are well aware of the status of ‘An Act to Constitute the Commonwealth of Australia (UK) 1900’ as proclaimed in 1901 and unaltered in 2000.

All authorities hold that there exists no counter argument to those advanced in the submission ‘Australia the Concealed colony!’.

Any attempt to prolong the invalid use of colonial law to govern over citizens of the Commonwealth of Australia is as contemptible as it is dangerous.

In this era of mass communication any attempt to further propagandise the people into believing that federation is synonymous with sovereignty and nationhood, is to misjudge the awareness of those same people.

That there are problems arising from, these now revealed facts of history, there is no doubt. But they must be faced. Our nation must not be allowed to continue to exist in a living lie.

Those who are watching the developments arising out of the exposure of the truth in relation to the political and judicial structure being applied in Australia are waiting to sit in judgement of the final lectures in the series The Rule of Law and the Constitution.

Yours truly,

Peter Batten
Institute for Constitutional Education and Research.
(South Australian Connection.)
cc. The Australian Broadcasting Corporation.
.....
.....

28th December 2000

Justice Hayne
PO Box E435
KINGSTON ACT 2604

Boyer Lectures and

the Image of the High Court

Dear Justices Hayne, Gaudron, McHugh, Gummow, Kirby and Callinan,

This letter from ICE&R supersedes that addressed to you and dated 18th December 2000.

Correction to the spelling of names has been made. A sincere apology is offered.

The substance of the two letters is identical. A copy has been sent to the Chief Justice.

While this is written as a collective letter it is nevertheless directed to each of you personally.

Find enclosed a letter / critique addressed to the Chief Justice of Australia.

In your quiet moments you must wonder if you are not witnessing yourself

being caught up in a performance of a Messrs Gilbert and Sullivan production.

Our nation is at the decision point and the direction that that decision will eventually point the nation is totally clear to anybody even slightly in contact with the forces at work.

And yet in the midst of this the Chief Justice is delivering a status quo, steady as she goes, restate politically convenient opinions performance that ranks with the best of G&S deluded characters. By attempting to deceive the people with opinions, all of which the documents of history have proven to be false, and academics across the world universally agree are absurd, he is inviting the hastening of his own demise.

In offering these lectures the Chief Justice has stepped off his throne and exposed himself as a public educator. Presumably his espoused set of interpretations are to be adhered to when the validity of an action of the government is challenged in your Courts. Thus it is respectfully suggested that you, in conference, pose four simple questions for him to answer.

1) That at some point Britain granted Australia independence.
   Do you agree?
2) At that time legal sovereignty passed from the British Crown to the People of Australia. Do you agree?
3) That the Colonial Government and civil service continued in power without a specific constitutional mandate from the people to do so therefore becoming an illegal Government
   Do you agree?
4) It is legally impossible for sovereignty to pass from the King or Queen of England to the
   Australian Government.
   Do you agree?

When these questions were advanced in respect to the situation in New Zealand the Prime Minister refused to answer. However, Sir Paul Reeves a former Governor-General legitimised the questions by answering,

“Ultimately any Government needs to have the assurance that it has a mandate from the people to do whatever it is doing. I am not in a position to say whether New Zealand is legitimate or illegitimate. But what I am wanting to say, though, is New Zealand ought to be legitimate if we ain’t. And if we ain’t you end up with a Government saying we are the Crown and that’s a very interesting development, I think……...how did that happen?”

Lord Cook, ex Chief Justice of the Supreme Court, when faced with the same

questions, “Yes New Zealand must have a constitution derived from the authority of the people to form a Government. The current Constitution doesn’t have that.”

It is all very well for the Chief Justice to speak to the rule of law and the Constitution. But if the Constitution, as an inseparable part of an Act of colonial law that cannot be inherited when independence was granted, is ultra vires there is no valid point to anything that he has said.

Do you agree?

The word is spreading, at grass roots level, across the nation Web-sites, the book versions of ‘AUSTRALIA the Concealed colony!’, public meeting lectures, addresses by dinner meeting guests, distribution of short papers and word of mouth, combined with the universal feeling that something is ‘crook’ in the administration of Australia, have produced a general understanding of the invalidity of the governmental and judicial system in place in Australia. The unexpected outcome of the Republican Referendum resulted in the commissioning of AC Nielsen to conduct a poll. Over one third of people surveyed revealed they were aware that Australia was already a republic indicating that independence had occurred, not in 1901, but in either 1919 or 1945. When translated this result indicates that considerably more than 3 million adult Australians possess at least some basic knowledge of the truth. And this number is growing by the day, as is the depth of understanding of the issues involved.

Australia’s fundamental demise is so straightforward that it is easily understood.

It is in the increasing awareness and understanding of the hoo-ha, the lies, and deceptions, that have been continually created to disguise the truth, that the danger lies.

The word is spreading amongst the elites.

The request for the production of the document of authority, from the sovereign people, for Mrs Elizabeth Guelph to become ‘The Queen of Australia’, an Office that the High Court has deemed to be a legal entity separate from the legal entity, ‘The Queen of the United Kingdom’, has clearly left the A-G floundering. The A-G’s appeal, reminiscent of a G&S sub plot, to the nation’s QCs for advisory assistance has successfully spread the word at this level. For a long time now, politicians have avoided placing their signatures on correspondence that could only be answered in deceitful terms. Senior bureaucrats from within the PM’s Dept., the A-G’s Dept., the Foreign Affairs Dept. and the ATO now leave the answering of unanswerable questions to ‘advisers’ and ‘research assistants’ who either chose to not respond directly and / or not sign the letter of reply. This is surely a clear indication that word has spread among the bureaucracy. Media management and prominent journalists, through detailed

briefings and the provision of copies of ‘AUSTRALIA the Concealed colony!’, are in full possession of ‘the word’. For reasons best known to themselves they have, to date, remained silent. Perhaps a “D” notice?

The ‘World’ is watching.

The word has already spread amongst academics, constitutional lawyers and jurists from, and associated with, at least 14 Universities in nine countries. Many of these individuals serve as advisers to their own governments. Statements from within these institutions universally confirmed that the ‘system’ in place in Australia has no validity and that no counter argument to that advanced in ‘AUSTRALIA the Concealed colony!’ exists. Individuals within these institutions have expressed to this Institute that they are amused by theatrics and antics of Australian politicians and the High Court of Australia as attempts are made to ensure that the status quo is maintained.

Common people have knowledge of the truth.
People in places of power have knowledge of the truth
The international community understand, absolutely, the truth of the situation.
Some time ago principals associated with this Institute presented certain material to a retired Member of the High Court of Australia. As a result he used his own international connections to conduct his own exhaustive investigation into the status of an ‘Act to Constitute the Commonwealth of Australia (UK) 1900’ and the Constitution it contains at clause 9. As a result he felt compelled to issue, for the benefit of his brother judges, a summary of his findings.

It was entitled (an) “EXPLANATORY STATEMENT” .
The statement included,
“I therefore have come to the conclusion that the current legal and political system in use in Australia and its States and Territories has no basis in law.”
And his final words were,

“My advice is to adjourn any case “sine die” that challenges the authority of the Letters Patent. Under no circumstances hear a case that challenges the validity of a State or Federal Constitution. It is the politicians who are using us as pawns without them having to face the music. These matters are of concern to politicians, let them sort out the problems and accept any inherent risks themselves!

Article 36 of the International Court of Justice is the correct

reference for you to refuse to hear a matter when an international

treaty is cited as a defence.” (full text, annexure 27, vol 2, ‘AUSTRALIA the Concealed colony!’)

Rarely has this advice been heeded.

Instead, through judgements handed down, and this Boyer Lecture series,

members of the High Court have publicly and permanently, confirmed and recorded that they have accepted the role of ‘king pawns’ in the political game of ‘Status Quo at all Costs!’.

In doing so, the informed recognise that they have surrendered their position of privilege and status and that their respect level now ranks with that of the politicians with whom they have seemingly declared an alliance. At last count this was lower than the journalists who, as far as this Institute can ascertain, have not found a way, or have decided to not comment on the folly that has been demonstrated through these lectures.

After examining the accompanying critique and a copy of “AUSTRALIA the Concealed colony!” I invite you to respond to the content of each of these documents and explain how you can agree with the interpretations and opinions espoused by Justice Gleeson in the Boyer Lecture series, “The Rule of Law and the Constitution”.