

[REDACTED]

From: kurt bennett [REDACTED] >
Sent: Sunday, 8 September 2019 11:15 AM
To: Local Government Legislation Review (DPaC)
Subject: Opposing
Attachments: lawful-notice-of-seizure-three-tiers-of-government-of-australia.docx; property-rights-in-australia.docx; political-parties-trashing-of-our-constitution-1-2.docx; lawful-notice-to-the-house-of-lords-7th-of-january-2019-2.docx

I oppose on the grounds that the acting government is trading fraudulently whilst under seizure. Local government has never had the Authority under the Commonwealth to do what it is doing. I can guarantee that when this all comes to a head everybody involved will see jail time. Ignorance to the law is no excuse .

See evidence attached

Yours truly

Kurt-John. Bennett in our full private and unlimited capacity. Living breathing man of New Norfolk, Tasmania, 7140



I, Wayne Kenneth Glew CPO,OWB Lawfully Appointed Commonwealth Public Official. Do humbly apply to the House of Lords England to seek remedy for and on behalf of the people of the Commonwealth of Australia as established under Clause 8 of the Commonwealth Constitution Act 1900 UK a self governing colony of England in the form of the Commonwealth of Australia.

Humbly relying on the blessing of Almighty God, we the people of the Commonwealth do formally petition this Honorable establishment known as the House of Lords to seek a remedy in the form of the re-establishment of the Lawful Government of Our Commonwealth pursuant to the Commonwealth Constitution Act 1900 UK and the Commonwealth Constitution 1901 as accepted by referendum by the people as Our Lawful Constitution.

We The People acknowledge the fact that you the members of the House of Lords are the Keepers of the Realms of the Monarch and therefore have the authority to grant us the remedy we seek.

On the 7th of January 2019, I in my official capacity as a Commonwealth Public Official did formally **Seize the Three Tiers of the Lawful Government under the authority granted to the people under Clause 61 of Magna Carta** to hold under the Crown until such time as this Honorable establishment decides the remedy as there are **No Lawful Courts** in the Commonwealth of Australia that sit under the authority of Our Monarch.

Further I formally Seized all the assets of the Commonwealth of Australia as established under the Commonwealth Constitution Act 1900 UK and the Commonwealth Constitution 1901, from the corporations unlawfully registered in The United States of America and grant them back to the people of Australia who are the Commonwealth to hold under the authority of the Crown for and on behalf of **The People who are the Lawful Commonwealth.**

Further I formally Seize the Unlawful Green Annotated Constitution of the Australian Commonwealth Quick & Garran called the REVISED EDITION – Lexis Nexis Butterworths which I hold in a State of Fraud until it is proven in a Lawful Court sitting under the Monarch Our Lawful Court, and they remain in a State of Seizure unable to be used until proven to be Lawful and Compliant with Our Constitution.

Further I Wayne Kenneth Glew CPO,OWB Lawfully Appointed Commonwealth Public Official living breathing man, Seize all Laws, Acts, Statutes, Rules, Regulations and Orders, proposed by and or passed by the Fraudulent Political Parties posing as a lawful government when THEY ARE NOT and Hold all such Laws, Acts, Statutes, Rules, Regulations and Orders in a State of Fraud until a Lawful Court sitting under the authority of Our Monarch deliberates on their authority.

Dated: 7th of January 2019

**Wayne Kenneth Glew CPO,OWB
Lawfully Appointed Commonwealth Public Official
Living breathing man**

[Redacted]

Residing at;

[Redacted]

[Redacted]

[Redacted]

POLITICAL PARTIES **WILFUL TREASON** OF OUR CONSTITUTION

Commonwealth of Australia Constitution Act 1901 as Proclaimed and Gazetted.

The Political Parties removed in 1973 “Her Most Excellent Majesty” and “of the Commonwealth” from the enacting Manner and Form therefore removing Crown Authority from all so called Commonwealth Legislation.

Definition of Commonwealth, which is clear and unchallengeable, according to the express wording of the Preamble and the first six clauses of the Imperial Act.

Political Parties created their own private “**Australia**” and “**Commonwealth**” in 1973

Therefore under the Political Parties “**The Constitution**” or “**Australian Constitution**” the word **Queen** is the Political Parties paper **Queen of Australia**.

Political Party Australian Dollar is Criminally Counterfeit to the Commonwealth of Australia Constitution Act 1901 as Proclaimed and Gazetted.

Political Parties created their own private High Court of Australia in 1979 UNDER their Queen of Australia, Great Seal of Australia and Governor-General of Australia where their (Political Parties) privately owned and appointed Judiciary sit as a Coram therefore ALL Australian Courts sit as a Coram.

**Coram, with NO Crown and Constitutional authority,
(Note: Butterworths Concise Australian Legal Dictionary
Coram /koraem/ lat – in the presence of)**

Political Parties created a Governor-General of Australia for their private Australia and their Queen of Australia.

1 Legislative power

The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the **Queen**, a Senate, and a House of Representatives, and which is hereinafter called “The Parliament”, or “The Parliament of the Commonwealth”. **= QUEEN OF AUSTRALIA**

2 Governor-General

A **Governor-General** appointed by the **Queen** shall be Her Majesty’s representative in the Commonwealth, and shall have and may exercise in the Commonwealth during the **Queen**’s pleasure, but subject to this Constitution, such powers and functions of the **Queen** as Her Majesty may be pleased to assign to him. **= QUEEN OF AUSTRALIA— = POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

3 Salary of Governor-General

There shall be payable to the **Queen** out of the Consolidated Revenue fund of the Commonwealth, for the salary of the **Governor-General**, an annual sum which, until the Parliament otherwise provides, shall be ten thousand **pounds**.

The salary of a **Governor-General** shall not be altered during his continuance in office. **= QUEEN OF AUSTRALIA — = CRIMINAL**

COUNTERFEIT— = POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR

4 Provisions relating to Governor-General

The provisions of this Constitution relating to the Governor-General extend and apply to the Governor-General for the time being, or such person as the Queen may appoint to administer the Government of the Commonwealth; but no such person shall be entitled to receive any salary from the Commonwealth in respect of any other office during his administration of the Government of the Commonwealth.

= QUEEN OF AUSTRALIA — = POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR

5 Sessions of Parliament. Prorogation and dissolution

The Governor-General may appoint such times for holding the sessions of the Parliament as he thinks fit, and may also from time to time, by Proclamation or otherwise, prorogue the Parliament, and may in like manner dissolve the House of Representatives.

= POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR

7 The Senate

The Senate shall be composed of senators for each State, **directly chosen by the people of the State**, voting, until the Parliament otherwise provides, as one electorate.

= NOT BY POLITICAL PARTIES

The senators shall be chosen for a term of six years, and the names of the senators chosen for each State shall be certified by the Governor to the Governor-General.

= POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR

15 Casual vacancies 9

This Section has been totally changed to allow Political Parties to make decisions within the Commonwealth of Australia Constitution Act 1901 as Proclaimed and Gazetted and to bring Queensland in with its unicameral Parliament.

POLITICAL PARTY TREASON

Constitution Alteration (Senate Casual Vacancies)1977

The name of any senator chosen or appointed under this section shall be certified by the Governor of the State to the Governor-General.

= POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR

17 Election of President

The President shall cease to hold his office if he ceases to be a senator. He may be removed from office by a vote of the Senate, or he may resign his office or his seat by writing addressed to the Governor-General.

= POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR

19 Resignation of senator

A senator may, by writing addressed to the President, or to the **Governor-General** if there is no President or if the President is absent from the Commonwealth, resign his place, which thereupon shall become vacant. **= POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

21 Vacancy to be notified

Whenever a vacancy happens in the Senate, the President, or if there is no President or if the President is absent from the Commonwealth the **Governor-General**, shall notify the same to the Governor of the State in the representation of which the vacancy has happened. **= POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

24 Constitution of House of Representatives

The House of Representatives shall be composed of members **directly chosen by the people of the Commonwealth**, and the number of such members shall be, as nearly as practicable, twice the number of the senators. **= NOT BY POLITICAL PARTIES**

28 Duration of House of Representatives

Every House of Representatives shall continue for three years from the first meeting of the House, and no longer, but may be sooner dissolved by the **Governor-General**. **= POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

32 Writs for general election

The **Governor-General** in Council may cause writs to be issued for general elections of members of the House of Representatives. **= POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

33 Writs for vacancies

Whenever a vacancy happens in the House of Representatives, the Speaker shall issue his writ for the election of a new member, or if there is no Speaker or if he is absent from the Commonwealth the **Governor-General** in Council may issue the writ. **= POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

34 Qualifications of members

Until the Parliament otherwise provides, the qualifications of a member of the House of Representatives shall be as follows:

- (ii) he must be a subject of the **Queen**, either natural-born or for at least five years naturalized under a law of the United Kingdom, or of a Colony which has become or becomes a State, or of the Commonwealth, or of a State. **= QUEEN OF AUSTRALIA**

35 Election of Speaker

The Speaker shall cease to hold his office if he ceases to be a member. He may be removed from office by a vote of the House, or he may resign his office or his seat by writing addressed to the **Governor-General**.

= POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR

37 Resignation of member

A member may by writing addressed to the Speaker, or to the **Governor-General** if there is no Speaker or if the Speaker is absent from the Commonwealth, resign his place, which thereupon shall become vacant.

= POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR

42 Oath or affirmation of allegiance

Every senator and every member of the House of Representatives shall before taking his seat make and subscribe before the **Governor-General**, or some person authorised by him, an oath or affirmation of allegiance in the form set forth in the schedule to this Constitution.

= POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR

44 Disqualification

Any person who:

But subsection (iv) does not apply to the office of any of the **Queen's** Ministers of State for the Commonwealth, or of any of the **Queen's** Ministers for a State, or to the receipt of pay, half pay, or a pension, by any person as an officer or member of the **Queen's** navy or army, or to the receipt of pay as an officer or member of the naval or military forces of the Commonwealth by any person whose services are not wholly employed by the Commonwealth.

= QUEEN OF AUSTRALIA

46 Penalty for sitting when disqualified

Until the Parliament otherwise provides, any person declared by this Constitution to be incapable of sitting as a senator or as a member of the House of Representatives shall, for every day on which he so sits, be liable to pay the sum of one hundred **pounds** to any person who sues for it in any **court** of competent jurisdiction.

**= CRIMINAL COUNTERFEIT —
= POLITICAL PARTIES COURT SITS AS A CORAM, NO CROWN OR CONSTITUTIONAL AUTHORITY**

48 Allowance to members

Until the Parliament otherwise provides, each senator and each member of the House of Representatives shall receive an allowance of four hundred **pounds** a year, to be reckoned from the day on which he takes his seat.

= CRIMINAL COUNTERFEIT

51 Legislative powers of the Parliament

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth

with respect to:

(xxiv) the service and execution throughout the Commonwealth of the civil and criminal process and the judgments of the courts of the States; **= POLITICAL PARTIES COURT SITS AS A CORAM, NO CROWN OR CONSTITUTIONAL AUTHORITY**

56 Recommendation of money votes

A vote, resolution, or proposed law for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by message of the Governor-General to the House in which the proposal originated. **= POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

57 Disagreement between the Houses

If the House of Representatives passes any proposed law, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, and if after an interval of three months the House of Representatives, in the same or the next session, again passes the proposed law with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may dissolve the Senate and the House of Representatives simultaneously. But such dissolution shall not take place within six months before the date of the expiry of the House of Representatives by effluxion of time.

If after such dissolution the House of Representatives again passes the proposed law, with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may convene a joint sitting of the members of the Senate and of the House of Representatives.

The members present at the joint sitting may deliberate and shall vote together upon the proposed law as last proposed by the House of Representatives, and upon amendments, if any, which have been made therein by one House and not agreed to by the other, and any such amendments which are affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives shall be taken to have been carried, and if the proposed law, with the amendments, if any, so carried is affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives, it shall be taken to have been duly passed by both Houses of the Parliament, and shall be presented to the Governor-General for the Queen's assent. **= QUEEN OF AUSTRALIA — = POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

58 Royal assent to Bills

When a proposed law passed by both Houses of the Parliament is presented to the **Governor-General** for the **Queen's** assent, he shall declare, according to his discretion, but subject to this Constitution, that he assents in the **Queen's** name, or that he withholds assent, or that he reserves the law for the **Queen's** pleasure.

Recommendations by Governor-General

The **Governor-General** may return to the House in which it originated any proposed law so presented to him, and may transmit therewith any amendments which he may recommend, and the Houses may deal with the recommendation. **= QUEEN OF AUSTRALIA — = POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

59 Disallowance by the Queen

The **Queen** may disallow any law within one year from the **Governor-General's** assent, and such disallowance on being made known by the **Governor-General** by speech or message to each of the Houses of the Parliament, or by Proclamation, shall annul the law from the day when the disallowance is so made known. **= QUEEN OF AUSTRALIA — = POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

60 Signification of Queen's pleasure on Bills reserved

A proposed law reserved for the **Queen's** pleasure shall not have any force unless and until within two years from the day on which it was presented to the **Governor-General** for the **Queen's** assent the **Governor-General** makes known, by speech or message to each of the Houses of the Parliament, or by Proclamation, that it has received the **Queen's** assent. **= QUEEN OF AUSTRALIA — = POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

61 Executive power

The executive power of the Commonwealth is vested in the **Queen** and is exercisable by the **Governor-General** as the **Queen's** representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth. **= QUEEN OF AUSTRALIA — = POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

62 Federal Executive Council

There shall be a Federal Executive Council to advise the **Governor-General** in the government of the Commonwealth, and the members of the Council shall be chosen and summoned by the **Governor-General** and sworn as Executive Councillors, and shall hold office during his pleasure. **= POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

63 Provisions referring to **Governor-General**

The provisions of this Constitution referring to the **Governor-General** in Council shall be construed as referring to the **Governor-General** acting with the advice of the Federal Executive Council. **= POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

64 Ministers of State

The **Governor-General** may appoint officers to administer such departments of State of the Commonwealth as the **Governor-General** in Council may establish.

Such officers shall hold office during the pleasure of the **Governor-General**. They shall be members of the Federal Executive Council, and shall be the **Queen's** Ministers of State for the Commonwealth. **= QUEEN OF AUSTRALIA — = POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

65 Number of Ministers

Until the Parliament otherwise provides, the Ministers of State shall not exceed seven in number, and shall hold such offices as the Parliament prescribes, or, in the absence of provision, as the **Governor-General** directs. **= POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

66 Salaries of Ministers

There shall be payable to the **Queen**, out of the Consolidated Revenue Fund of the Commonwealth, for the salaries of the Ministers of State, an annual sum which, until the Parliament otherwise provides, shall not exceed twelve thousand pounds a year. **= QUEEN OF AUSTRALIA — = CRIMINAL COUNTERFEIT**

67 Appointment of civil servants

Until the Parliament otherwise provides, the appointment and removal of all other officers of the Executive Government of the Commonwealth shall be vested in the **Governor-General** in Council, unless the appointment is delegated by the **Governor-General** in Council or by a law of the Commonwealth to some other authority. **= POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

68 Command of naval and military forces

The command in chief of the naval and military forces of the Commonwealth is vested in the **Governor-General** as the **Queen's** representative. **= QUEEN OF AUSTRALIA — = POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

69 Transfer of certain departments

On a date or dates to be proclaimed by the **Governor-General** after the

establishment of the Commonwealth the following departments of the public service in each State shall become transferred to the Commonwealth: **= POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

70 Certain powers of Governors to vest in Governor-General

In respect of matters which, under this Constitution, pass to the Executive Government of the Commonwealth, all powers and functions which at the establishment of the Commonwealth are vested in the Governor of a Colony, or in the Governor of a Colony with the advice of his Executive Council, or in any authority of a Colony, shall vest in the **Governor-General**, or in the **Governor-General** in Council, or in the authority exercising similar powers under the Commonwealth, as the case requires. **= POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

THESE COURTS ARE NOT CHAPTER III COURTS AND THE JUDICIARY ARE NOT GUARDIANS OF THE CONSTITUTIONS, THEY HAVE SOLD THEIR SOULS TO THE POLITICAL PARTIES FOR COUNTERFEIT AUSTRALIAN DOLLARS, = TRAITORS

71 Judicial power and Courts

The judicial power of the Commonwealth shall be vested in a Federal Supreme **Court**, to be called the High **Court** of Australia, and in such other federal **courts** as the Parliament creates, and in such other **courts** as it invests with federal jurisdiction. The High **Court** shall consist of a Chief Justice, and so many other Justices, not less than two, as the Parliament prescribes. **= POLITICAL PARTIES COURT SITS AS A CORAM, NO CROWN OR CONSTITUTIONAL AUTHORITY**

72 Judges' appointment, tenure and remuneration

The Justices of the High **Court** and of the other **courts** created by the Parliament:

- (i) shall be appointed by the **Governor-General** in Council;
- (ii) shall not be removed except by the **Governor-General** in Council, on an address from both Houses of the Parliament in the same session, praying for such removal on the ground of proved misbehaviour or incapacity;
- (iii) shall receive such remuneration as the Parliament may fix; but the remuneration shall not be diminished during their continuance in office.

A Justice of the High Court or of a court created by the Parliament may resign his office by writing under his hand delivered to the **Governor-General**. **= POLITICAL PARTIES COURT SITS AS A CORAM, NO CROWN OR CONSTITUTIONAL AUTHORITY — = POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

73 Appellate jurisdiction of High Court

The High Court shall have jurisdiction, with such exceptions and subject to such regulations as the Parliament prescribes, to hear and determine appeals from all judgments, decrees, orders, and sentences:

- (i) of any Justice or Justices exercising the original jurisdiction of the High Court;
- (ii) of any other federal court, or court exercising federal jurisdiction; or of the Supreme Court of any State, or of any other court of any State from which at the establishment of the Commonwealth an appeal lies to the Queen in Council;
- (iii) of the Inter-State Commission, but as to questions of law only; and the judgment of the High Court in all such cases shall be final and conclusive.

But no exception or regulation prescribed by the Parliament shall prevent the High Court from hearing and determining any appeal from the Supreme Court of a State in any matter in which at the establishment of the Commonwealth an appeal lies from such Supreme Court to the Queen in Council.

Until the Parliament otherwise provides, the conditions of and restrictions on appeals to the Queen in Council from the Supreme Courts of the several States shall be applicable to appeals from them to the High Court.
= QUEEN OF AUSTRALIA— = POLITICAL PARTIES COURT SITS AS A CORAM, NO CROWN OR CONSTITUTIONAL AUTHORITY

74 Appeal to Queen in Council Privy Council (Limitation of Appeals) Act 1968, Privy Council (Appeals from the High Court) Act 1975 and Kirmani v Captain Cook Cruises Pty Ltd (No. 2); Ex parte Attorney-General (QLD) (1985) 159 CLR 451. Political Parties own Private High Court of Australia, Privy Council under European Union Law. ALL VOID. DONE UNDER GOVERNOR-GENERAL OWNED BY POLITICAL PARTIES WITH NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITORS

No appeal shall be permitted to the Queen in Council from a decision of the High Court upon any question, howsoever arising, as to the limits inter se of the Constitutional powers of the Commonwealth and those of any State or States, or as to the limits inter se of the Constitutional powers of any two or more States, unless the High Court shall certify that the question is one which ought to be determined by Her Majesty in Council.

The High Court may so certify if satisfied that for any special reason the certificate should be granted, and thereupon an appeal shall lie to Her Majesty in Council on the question without further leave.

Except as provided in this section, this Constitution shall not impair any right which the Queen may be pleased to exercise by virtue of Her Royal prerogative to grant special leave of appeal from the High Court to Her Majesty in Council. The Parliament may make laws limiting the matters in which such leave may be asked, but proposed laws containing any such

limitation shall be reserved by the **Governor-General** for Her Majesty's pleasure. = **QUEEN OF AUSTRALIA — = POLITICAL PARTIES COURT SITS AS A CORAM, NO CROWN OR CONSTITUTIONAL AUTHORITY — = POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

83 Money to be appropriated by law

No money shall be drawn from the Treasury of the Commonwealth except under appropriation made by law.

But until the expiration of one month after the first meeting of the Parliament the **Governor-General** in Council may draw from the Treasury and expend such moneys as may be necessary for the maintenance of any department transferred to the Commonwealth and for the holding of the first elections for the Parliament. = **POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

85 Transfer of property of State

When any department of the public service of a State is transferred to the Commonwealth:

- (i) all property of the State of any kind, used exclusively in connexion with the department, shall become vested in the Commonwealth; but, in the case of the departments controlling customs and excise and bounties, for such time only as the **Governor-General** in Council may declare to be necessary; = **POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

103 Commissioners' appointment, tenure, and remuneration

The members of the Inter-State Commission:

- (i) shall be appointed by the **Governor-General** in Council;
- (ii) shall hold office for seven years, but may be removed within that time by the **Governor-General** in Council, on an address from both Houses of the Parliament in the same session praying for such removal on the ground of proved misbehaviour or incapacity; = **POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

117 Rights of residents in States

A subject of the **Queen**, resident in any State, shall not be subject in any other State to any disability or discrimination which would not be equally applicable to him if he were a subject of the **Queen** resident in such other State. = **QUEEN OF AUSTRALIA**

122 Government of territories

The Parliament may make laws for the government of any territory surrendered by any State to and accepted by the Commonwealth, or of any territory placed by the **Queen** under the authority of and accepted by the

Commonwealth, or otherwise acquired by the Commonwealth, and may allow the representation of such territory in either House of the Parliament to the extent and on the terms which it thinks fit.

= QUEEN OF AUSTRALIA

126 Power to Her Majesty to authorise Governor-General to appoint deputies

The Queen may authorise the Governor-General to appoint any person, or any persons jointly or severally, to be his deputy or deputies within any part of the Commonwealth, and in that capacity to exercise during the pleasure of the Governor-General such powers and functions of the Governor-General as he thinks fit to assign to such deputy or deputies, subject to any limitations expressed or directions given by the Queen; but the appointment of such deputy or deputies shall not affect the exercise by the Governor-General himself of any power or function.

= QUEEN OF AUSTRALIA — = POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR

128 Mode of altering the Constitution

DONE UNDER GOVERNOR-GENERAL OWNED BY POLITICAL PARTIES WITH NO CROWN OR CONSTITUTIONAL AUTHORITY

But if either House passes any such proposed law by an absolute majority, and the other House rejects or fails to pass it, or passes it with any amendment to which the first-mentioned House will not agree, and if after an interval of three months the first-mentioned House in the same or the next session again passes the proposed law by an absolute majority with or without any amendment which has been made or agreed to by the other House, and such other House rejects or fails to pass it or passes it with any amendment to which the first-mentioned House will not agree, the Governor-General may submit the proposed law as last proposed by the first-mentioned House, and either with or without any amendments subsequently agreed to by both Houses, to the electors in each State and Territory qualified to vote for the election of the House of Representatives.

And if in a majority of the States a majority of the electors voting approve the proposed law, and if a majority of all the electors voting also approve the proposed law, it shall be presented to the Governor-General for the Queen's assent. **= QUEEN OF AUSTRALIA — = POLITICAL PARTIES GOVERNOR-GENERAL OF AUSTRALIA NO CROWN OR CONSTITUTIONAL AUTHORITY = TRAITOR**

All these Referendums are unlawful as the Governor-General was under the total control of the Political Parties therefore having NO CROWN or CONSTITUTIONAL AUTHORITY to write a Writ for a Referendum.

Referendum 1967

Q 1. An Act to alter the Constitution so that the number of members of the House of Representatives may be increased without necessarily increasing the number of Senators. **NOT carried.**

Q 2. An Act to alter the Constitution so as to omit certain words relating to the people of the Aboriginal race in any State and so that Aboriginals are to be counted in reckoning the population. **was carried**

Referendum 1973

Q 1. An Act to alter the Constitution so as to enable the Australian Parliament to control prices. **NOT carried.**

Q 2. An Act to alter the Constitution so as to make laws with respect to incomes. **NOT carried.**

Referendum 1974

Q 1. An Act to alter the Constitution so as to ensure that Senate Elections are held at the same time as House of Representatives elections. **NOT carried.**

Q 2. An Act to facilitate alterations to the Constitution and to allow electors in Territories, as well as electors in the States, to vote at referendums on proposed laws to alter the Constitution. **NOT carried.**

Q 3. An Act to alter the Constitution so as to ensure that Members of the House of Representatives and of the Parliaments of the States are chosen directly and democratically by the people. **NOT carried.**

Q 4. An Act to alter the Constitution to enable the Commonwealth to borrow money from, and to grant financial assistance to, local government bodies. **NOT carried.**

Referendum 1977

Q 1. An Act to alter the Constitution so as to ensure that Senate elections are held at the same time as House of Representative elections. **NOT carried.**

Q 2. An Act to alter the Constitution so as to ensure so far as practicable that a casual vacancy in the Senate is filled by a person of the same political party as the Senator chosen by the people and for the balance of his term. **was carried; this Question is unlawfully changing the Commonwealth of Australia Constitution Act 1901 by inserting political parties without a Referendum.**

Part II – The Senate

7 The Senate

The Senate shall be composed of senators for each State, directly chosen by the people of the State, **NOT BY POLITICAL PARTIES**

Q 3. An Act to alter the Constitution so as to allow electors in Territories, as well as electors in the States, to vote at referendums on proposed laws to alter the Constitution. **was carried**

Q 4. An Act to alter the Constitution so as to provide for retiring ages for judges of Federal Courts. **was carried**

Referendum 1984

Q 1. An Act to change the term of Senators so that they are no longer of fixed duration and to provide that Senate elections and House of Representatives

elections are always held on the same day. **NOT carried.**

Q 2. An Act to enable the Commonwealth and the States voluntarily to refer powers to each other. **NOT carried.**

Referendum 1988

Q 1. To alter the Constitution to provide for 4-year maximum terms for Members of both Houses of the Commonwealth Parliament. **NOT carried.**

Q 2. To alter the Constitution to provide for fair and democratic parliamentary elections throughout Australia. **NOT carried.**

Q 3. To alter the Constitution to recognise local government. **NOT carried.**

Q 4. To alter the Constitution to extend the right to trial by jury, to extend freedom of religion, and to ensure fair terms for persons whose property is acquired by any Government. **NOT carried.**

Referendum 1999

Q 1. To alter the Constitution to establish the Commonwealth of Australia as a republic with the Queen and Governor-General being replaced by a President appointed by a two-thirds majority of the members of the Commonwealth Parliament. **NOT carried.**

Q 2. To alter the Constitution to insert a preamble. **NOT carried.**

ALL LAWS MADE FROM THE Australia (Request and Consent) Act 1985 (Clth) and all State Australia Acts (Request) Act 1985 **are VOID**

Australian court means a court of a State or any other court of Australia or of a Territory other than the High Court.

court includes a judge, judicial officer or other person acting judicially.

ALL THE ABOVE REFERENDUMS ARE WILFUL TREASON done by Political Parties their private Governor-Generals and enforced by Political Party Australian Courts.

PROPERTY RIGHTS IN AUSTRALIA

Common law protection of real property - Supporting High Court Cases Issues related to Local Council authority and trespass

The Common Law has long regarded a person's property rights as fundamental.

William Blackstone said in 1773: "There is nothing which so generally strikes the imagination, and engages the affections of mankind, as the right of property.

In his *Commentaries*, Blackstone called the right to property an **absolute right**, anchored in the Magna Carta (1215), and described the limited power of the legislature to encroach upon it in terms that are still reflected in laws today:

Plenty v Dillon 1991 HCA– Justices (Masson CJ, Brennan and Toohey JJ) said that the principle in **Entick v Carrington HCA** applies to entry by persons purporting to act with the authority of the Crown as well as to entry by other persons: The principle applies to officers of government and to private persons.

A Police Officer or council representative who enters or remains on private property without the leave and licence of the person in possession or entitled to possession commits a trespass and acts outside the course of his duty.

No one, not even Police can enter property without consent, or proper judiciary order, and an order by a single magistrate is not a judicial order.

It is illegal because it is in violation of Common Law – Criminal Code Act 1995 Section 268 (10)

Similarly, in **Halliday v Nevill HCA** - Brennan J said: "*The principle applies alike to officers of government and to private persons. A Police officer whom enters or remains on private property without the leave and licence of the person in possession or entitled to possession commits a trespass and acts outside the course of his duty unless his entering or remaining on the premises is authorised or excused by a positive law*".

Section 109 of the Constitution is activated if a State Act or Statute contravenes Common Law

States of the Commonwealth are a creation of the process of Federation and are subject to the Australian Constitution.

Chief Justice Sir Samuel Griffiths HCA stated: "*The Common Law favours interpretation of statutes which minimise the effects upon property rights*"

"It is a general rule to be followed in the construction of Statutes...that they are not to be construed as interfering with vested interest unless that intention is manifest".

“In absence of express language or necessary implications to the contrary, the courts therefore presume that even the most general words were intended to be subject to the basic rights of the individual”.

Chief Justice Latham in S.A v Cth 1949 stated: *“ A pretend law made in excess of power is not and never has been a law at all”.*

“A State law which contravenes a Common Law is in contravention of Australia’s Constitution, which in turn would activate section 109 of “the” Constitution”.

“All State Laws and State Constitutions must be read subject to Australia Constitution Act 1901 (“the Law”)”.

HCA 1996 Kable principle: it was declared by the justices that: *“the Commonwealth remains one and indivisible, just as our Constitution with one judicial power, not different rules in each State”.*

HCA 2006 Forge v ASIC (7) seven High Court judges stated: *“our Constitution Rayne supreme, and all other laws and rules are subject to it, and that if any conflict they are invalid and illegal”.* (sect 109)

Constitution Act Amendment Act 1977: (2) Every Bill, after its passage through the Legislative Assembly, shall be present to the Governor for assent by or in the name of the Queen and **shall be of no effect unless it has been duly assented to by or in the name of the Queen.** The LGA has never received **Royal Assent.**

Lord Camden L.C.T v Carrington: BY LAWS OF ENGLAND (AUTRALIA), EVERY INVASION OF PRIVATE PROPERTY, BE IT EVER SO MINUTE, IS A TRESPASS.

NO MAN CAN SET FOOT UPON MY GROUND WITHOUT MY LICENCE, BE HE IS LIABLE TO AN ACTION, THOUGH THE DAMAGE BE NOTHING.....IF HE ADMITS THE FACT, HE IS BOUND TO SHEW BY WAY OF JUSTIFICATION, THAT SOME POSITIVE LAW HAS EMPLOYED OR EXCUSED HIM

THE POOREST MAN MAY IN HIS COTTAGE BID DEFIANCE TO ALL THE FIRCES OF THE CROWN IT MAY BE FRAIL – ITS ROOF MAY SHAKE – THE WIND MAY BLOW THROUGH IT – THE STORM MAY ENTER – THE RAIN MAY ENTER – BUT THE KING OF ENGLAND (AUSTRALIA) CANNOT ENTER – ALL HIS FORCE DARES NOT CROSS THE THRESHOLD OF THE RUINED TENEMENT. SO IT BE – UNLESS HE HAS JUSTIFICATION BY LAW

TO EVERY INDIVIDUAL IN NATURE IS GIVEN AN INDIVIDUAL PROPERTY BY NATURE NOT TO BE INVADED OR USURPED BY ANY. FOR EVERYONE, AS HE IS HIMSELF, SO HE HAS A SELF PROPRIETY, ELSE HE COULD NOT BE HIMSELF; AND OF THIS NO SECOND MAY PRESUME TO DEPRIVE OF WITHOUT MANIFEST VIOLATION AND AFFRONT TO THE VERY PRINCIPLES OF NATURE OF THE RULES OF EQUITY AND JUSTICE BETWEEN MAN AND MAN. MINE AND THINE CANNOT BE, EXCEPT THIS. NO MAN HAS POWER OVER MY RIGHTS AND LIBERTIES, AND I OVER NO MAN.

Cruden v Neale *“every man is independent of ALL LAWS except those prescribed by nature. He is NOT bound by any institution formed by his fellow men “without” his consent”.*

High Court: **Justice Kirby 10 Sept 1998** – supporting HCA case in 1923 (Cth v N.S.W) (Fejo v N.T Govn’t) HCA 58 **Fee Simple protection in all States of Australia**

Justice Kirby stated: *“No-one, not even the Queen, can trespass or take away property held in Fee Simple”.*

The Banks, Bailiff, Police, must obtain a High Court Order to override Fee Simple protection. Australia is a Common Law country, and property-owners have rights at law.

Property owners in Australia are guaranteed in three different legal instruments, as under....

1. Deeds in Fee Simple
2. Magna Carta 1215, and
3. The Bill of Rights 1688/9

“In the language of the English law, the word fee signifies an estate of inheritance as distinguished from the less estate.....A fee simple is the most extensive in quantum, and the most absolute in respect to the rights, which it confers, of all estates known to the law. It confers, and since the beginning of legal history it always has conferred, the lawful right to exercise over, upon, and in respect to, the land, every act of ownership which can enter into the imagination, including the right to commit unlimited waste; and, for all practical purposes of ownership, it differs from the absolute dominion of a chattel, in nothing except the physical indestructibility of its subject. Besides these rights of ownership, a fee simple at the present day confers an absolute right, both of alienation inter vivos and of devise by will”.

Most non-leased properties in Queensland and Australia as a whole are “Fee Simple”, and therefore the majority of property-owners have rights that override any government department or any municipal council.

HCA 34 Cth v NSW 1923 33 CLR 1 (9 Aug 1923)

“No implied limitation can be placed on the fullest meaning that can be given to the word “property” in s51 (xxxi) and s85 of the Australian Constitution.....s22 Act Interpretation Act 1901....so as to include ‘messuages, tenements and hereditaments, corporeal and incorporeal, of any tenure or description, and whatever may be the estate or interest therein and estate to include any estate or interest, charge, right, title, claim, demand, lien or in cumbrance at law or in equity”. “the full contents of the parcel of land pass; the ‘land’ being measured superficially by metres and bounds and extending actually downward indefinitely and notionally upward indefinitely, is that which is ‘passing to the Commonwealth”.

To emphasise – these 4 elements of ownership allow the private land owner to build or change buildings – without the need to ask permission.

To use the natural elements of his land – without the need to ask permission.

To start an enterprise on his land – without the need to ask permission.

HCA case Hobson Bay City Council v Viking Group Holdings Pty Ltd 2010

“Council cannot charge Courts costs as that is what taxes are for”.

HCA case Metwally v Wollongong Shire 1992

“one does not have to have services not required or need and, neither do they have to pay for them”. High Court ruled in Metwally that where S.109 applies any invalid law can simply be ignored.

Universal Declaration of Human Rights (UDHR) 1948 Article (17) – International Law Obligations - United Nations

“No one shall be arbitrarily deprived of their property”

* Note: see separate document in regards to Australia’s International Law obligations, and HCA cases reference to International Laws

Arbitrary – definition: (of power or a ruling body) unrestrained and autocratic in the use of authority “a country under arbitrary government”

Synonyms: despotic, tyrannical, tyrannous, peremptory, summary, autocratic, dictatorial, authoritarian, draconian, autarchic, anti-democratic; more.....

DEMOCRACY: democracy is the Rule of Law in Australia.

Why is there a Chief Executive Officer in charge of Local Councils?

Councillors are voted in by the people and the people believe the Mayor is in charge of Councils.

Who then is the CEO of Council who is sneakily hiding behind the scenes in Council?

Administrator of the corporation called Local Council, which has an ABN.

Who is the “**Head of Power**” (**Placitiums**) of Council? No head of power no authority.

Note: see **Hume Doors & Timber v Logan Shire Council** – No head of power whereby fees & charges could be levied.

Engel Case: Questions Head of Power

Sir Harry Gibbs (High Court Judge and Chief Justice)

Quote: “*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*”.

HCA 1942 (uniform tax case) Chief justice Latham: “*The words “under the Constitution” are words of limitation and qualification, not all enactments purporting to be laws made by the*

Parliament are binding; but laws made under, in pursuance of, and within the authority conferred by the Constitution, and those only, are binding on the courts, judges, and the people. A law in excess of the authority conferred by the Constitution in no law; it is wholly void and inoperative; it confers no rights, it imposes no duties; it affords no protection.

The Act itself is binding without limitation or qualification because it is passed by the sovereign parliament (UK), but the laws passed by the Parliament of the Commonwealth, a subordinate Parliament, must be within the limits of the delegation of powers or they will be null and void”.

Acts Interpretation Act 1901 PART 3

Part 3 – Commencement of Acts, section 3A Commencement of Acts;

- (1) This section does not apply to an Act so far as it provides for its commencement.
- (2) An Act (other than an Act to alter the Constitution) commences on the 28th day after the day on which that Act receives Royal Assent.
- (3) An Act to alter the Constitution commences on the day on which that Act receives the Royal Assent.

AND,

Acts Interpretation Act 1901 PART 3

Part 3 – Commencement of Acts, section 6 Evidence of date of assent;

The date appearing on the copy of an Act printed by the Government Printer, and purporting to be the date on which the Governor-General assented thereto, or made known the Sovereign’s assent,

shall be evidence that such date was the date on which the Governor-General so assented or made known the Sovereign’s assent, and **shall be judicially noticed**.

Constitution Act Amendment Act 1977, section 3,

3. New s. 2A The Principal Act is amended by inserting after section 2 the following section:--

2A. The parliament. (1) The Parliament of Queensland consists of the Queen and the Legislative Assembly referred to in section 1 and 2.

(2) Every Bill, after its passage through the Legislative Assembly, shall be presented to the Governor for assent by or in the name of the Queen and **shall be of no effect unless it has been duly assented to by or in the name of the Queen**.

HCA WAKIM 1999 “A legislature can not, by preambular assertions, recite itself into Constitutional power where none exists” (Para 193)

HCA 1949 Chief Justice Latham S.A v Cth

(Para 13) “A pretend law made in excess of power is not and never has been a law at all”.

HCA Chief Justice French

“The Constitution creates the space in which all other domestic laws operate in this country”. “It defines the extent of our legal universe”.

CONTRACT: All law is by consent or contract; the Maxim **“Consensus facit legem** – Consent makes law. A contract constitutes law between the parties agreeing to be bound by it.

CONSENT – means free and voluntary agreement.

If persons do not consent to an Act:

1. The person submits to the Act because of force, or the fear of force to the person or someone else.
2. The person submits to the Act because the person is unlawfully detained.
3. The person is incapable of understanding the essential nature of the Act.
4. The person is mistaken about the essential nature of the Act.
5. The person submits to the Act because of psychological oppression or abuse of power.
6. The person submits to the Act because the perpetrator taking advantage of a coercive environment.

Commonwealth of Australia Constitution Act

Chapter V

The States inconsistency of laws: Section 109 – *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.*

Three major inconsistencies that are clearly in existence:

1. State and local governments’ interference in the rights you purchased under contract with the Chief Executive of the Commonwealth of Australia Constitution Act – ie the Fee Simple Grant.
2. Intergovernmental Agreement on the Environment, SIGNED with wet-ink signatures 1st May 1992 by the heads of Commonwealth, the States, the Australian Capital Territory, the Northern Territory and the Australian Local Government Association.

Paragraph 5 Schedule 2

“Within the policy, legislative and administrative framework applying in each State, the use of natural resources and land, remain a matter for the owners of the land or resources, whether they are Government bodies or private persons”.

3. Corporate Bodies Contracts Act 1960

1960 Chapter 46

1 Cases where contracts need not be under seal.

(1) Contracts may be made on behalf of any body corporate, wherever incorporated, as follows: - (a) a contract which if made between private persons would be by law required to be in writing, signed by the parties to be charged therewith, may be made on behalf of the body corporate in writing signed by any person acting under its authority, express or implied.

2 This Act shall apply to any company formed and registered under the Companies Act 1948, or an existing company as defined in that Act.

Note: Men and women acting in governmental roles including that of Local Council, signed a binding agreement stating that the bodies they signed for (including mine and your Local Council), would not interfere in the ownership of private land without permission – then went ahead and did it anyway.

That means they knew very well you and I owned the land under a superior contract, protected by our Constitution, yet they ignored those facts.

Section 114: Commonwealth & States cannot tax each other without consent

In the case of Local Council Rates, the Commonwealth claims exemptions from rates, but “contributes” to local government in the form of grants to at least cover services provided, such as electricity, sewage, rubbish disposal and the like, but not for road works, parks, general administrative expenses, etc.....