Flora News

Flora #27 **August 2015**

Equity & Administrative Law

- The background details of a bankruptcy that led to the information presented in this newsletter.
- The Australian System of Governments in Administrations Law
- The Commonwealth of Australia Chart
- Australian Government & The Commonwealth of Australia Chart
- How Admin Law relates to the bankruptcy

- Explanatory Notes for the Australian Government
- Explanatory Notes for the Cth of Australia
- Explanatory Notes for International LawRecap & Elements
- Could this be possible?
- June 2015 American court ruling over Admin Law
- Reference Links

Thank you Lord for helping us work this out.

BACKGROUND – Sue & Sam: Maynes v G & S Casey & Cowra Shire Council.

- From early 2007, we requested our local council provide us with the constitutional lawful validation of Council's ability to demand and enforce the payment of rates on private land – with reference to a list of constitutional & contractual questions.
- The only response in nearly 18 months was reference to the NSW State Constitution, the Local Government Act 1993 and a case – *South Sydney City Council v Paliflex P/L* [2003 1 HCA 66) – which was not relevant as it exempted rural land.
- When the new rating Notice arrived in later 2008, we informed Council we would withhold current rates & not enter a new contract until we were provided with the answers to the questions. (Little did we know we were on the 'right track.')
- Council took us to court for the recovery of rates.
- The process server entered our property around 9.30 pm Sunday night, came past a 600 x 900mm No Trespass entry sign, swore at us and refused to leave when asked to do so 4 times.
- The Council had previously been issued with & responded to a document discussing trespass on private property, Sue had also had a "letter discussion" on trespass through the local paper with a junior solicitor from the office of Council's principal solicitor G. Casey.
- Consequently, we sued Casey, the server S. Casey and council, for trespass.
- It went to the Sydney District Court in 2010 with Judge Margaret Sidis officiating.
- The defendant/process server stated in his affidavit that he had been asked to leave 4 times, had stated he did not have to – he had a right to be there, and that he had sworn at us.
- The defendant/solicitor was asked whether he would have still instructed the server to proceed if he had been aware of the sign. He said yes.
- Coram Judge Margaret Sidis ruled that
  - the sign was inadequate,
  - she accepted that the council's solicitor (principal of his own law firm) had not received ALL documentation we had sent to Council EXCEPT for the 2 trespass documents - (*yeah right*).
  - that he had not known one of his staff had a public media discussion on trespass with us
  - the process server had left when asked to
  - his swearing was regrettable
- Despite Casey stating that "yes' he would have advised the process server to ignore the sign, in her decision Margaret Sidis took it upon herself to re-word his reply in a manner that turned his "Yes" into a "No".
- And she that Sue had lied on the witness stand despite the validation of Sue's statement in the defendant's affidavits.
- Before & during the case, the defendant/solicitor came to our property on around 9 occasions, including taking photos from a vantage point of us personally. We considered he was stalking and intimidating us. Margaret Sidis stated for him, that he was preparing his case.
- Before & during the case, the defendant/solicitor Casey garnisheed our bank accounts and gave us a bad credit rating.
- We lost the Supreme Court appeal because the case was not worth more than $100,000.
- We took it to the High Court, outlining the bias shown by Margaret Sidis and asking could a District Court judge overturn all the major CLR HC trespass rulings. The HC refused to hear the appeal.
- We began to get "offers" from the lawyers for the defendants. Those offers indicated that the case was not over, but let's

deal. Considering it appeared at the time that we had 'lost' 3 times, we found these offers quite extraordinary.

- Obviously we now knew we were not dealing with a common law trespass case but something unknown to us. So we demanded the signed order from the judge to validate that the ruling had lawful authority over us.
- That was ignored, the claim was moved to the Supreme Court Cost Assessment dept and became a Bill.
    - The court process then proceeded as an unpaid bill
- We tendered consistent complaints and request to have the original signed court order provided as validation.
- The matter proceeded to where we were made bankrupt in 2012, our property seized in later 2013 and we were evicted by a Sheriff Inspector with several armed and flak-jacketed police officers.
    - His documentation was an unsigned piece of paper carrying the wrong address.
- Shortly afterwards, in the local media, the defendant/solicitor Casey, who had sued us for bankruptcy, stated that we owed him nothing. He was acting as a third party claimant for his solicitors. In common law that is illegal.
- When a person is made bankrupt they are supposed to agree to the bankruptcy by filling in a Statement of Affairs and signing it. The Trustee is not supposed to act until this is done, although they did in our case. (*To this day we have never filled in or signed that document*).
- Our farm consisted of 12 individual titles and 1.5km of permanent creek water. It was valued at $1.2m ($2,000 per acre).
- The local rural agent for the Trustees never advertised those facts.
- The Trustees sold it in early 2014 for around $960 per acres to a fellow who was completely aware the matter was in dispute.
- The claim against us was for $145,000. They netted around $640,000.
- Several properties around ours that sold at the very same time were sold in excess of $2000 per acre.
- At the eviction we were served with paperwork to attend the local court re the criminal charge of not signing the paperwork. Note – criminal.
- By this time, we realized we had to be dealing with some kind of contract with the legal system. Exactly how we did not know.
- Our paperwork documented our constitutional jurisdiction and stated we had no willing contract with the Australian System of Govt, which included its courts, which we refused to attend with regard the bankruptcy, as we considered it completely illegal. That stand was consistently ignored.
- Later in 2014, it was demanded we attend court under threat of arrest, so under duress we did, and firmly made the statement that we were not bound to the court's jurisdiction and objected. We consistently remained standing in our personal jurisdiction as children of God and of the public constitutional jurisdiction of the Commonwealth.
    - Note – we still had no idea what jurisdiction we were dealing with re the court actions but it was exceptionally clear it was not of Ch III – wherein, we believed, lay our only protection.
- Sept 2014, Judge Rolf Driver of the Federal Circuit Court stated that if we did not attend court and enter the witness box, we WOULD be arrested. And he signed an order so stating.
- We had been researching the **Reversionary/ Usufruct** process out of America, which spoke to us very strongly as being of worth. Under massive duress from the legal attacks, we learned what we could as quickly as possible, created the documents, sent them to the appropriate people.
    - This is a process where we reverted the interest in our assets back to the Commonwealth as a gift, using very specific paperwork
- The Reversionary process had also opened the door to learning about the Law of Nations & administrations – which is very relevant.
- At the Federal Court, Oct 2014, we provided the Chief Magistrate with a copy of the Reversionary documents.
- We attended court that day fully prepared to go to gaol as this was just plain wrong and we were not going to agree to injustice. When a court has to enforce a man or woman, by using threats and intimidation – it is not acting acting in law in any capacity.
- When this hearing began, the whole attitude toward us was markedly different. The registrar was very polite and their conversation with us was extremely cautious. We were asked to enter the witness box (which is deemed as acceptance of the jurisdiction and substance of the hearing), but stated that as we held a contract in faith we would not breach, we could not enter that box. Same statement we had consistently used.
- We also stated that as we were standing on faith, as the Aust Govt had signed the UN International Covenant of Civil & Political Rights and Article 18 protected our right of religious choice – we were sure the court would protect protect us in that stand.
- Suddenly not entering the witness box was not a problem for them – the threats were over!!
- We were asked to fill out the Statement of Affairs and agreed to do so. In line with the Reversionary process, we we simply signed the S of A over to the Commonwealth with no details included.
- That was clearly unacceptable to the Trustees, but nothing nothing further happened and the registrar basically stated the case was over.
- A week later documents arrived, starting a new case. As well as the Bankruptcy Act, this new case also referenced the **Cross-Borders Insolvency Act 2008**. The 'layout' of of the court docs was also entirely different.
- We had never heard of this act, has never seen it referenced in ANY previous paperwork, immediately researched it and found that this was
    - *An Act to give effect to the **Model Law** on Cross-Border Insolvency of the United Nations Commission on International Trade Law, and for related purposes*
- What on earth was **Model Law ? (1)**
    - deals with disputes between foreign jurisdictions
    - requires the person to have agreed to an action in the UNCITRAL Model Law jurisdiction
- Was this case now a "**Foreign Proceeding**" ??
    - *means a collective judicial or administrative proceeding in a foreign State, including an interim proceeding, pursuant to a law relating to insolvency in which proceeding the assets and affairs of the debtor are subject to control or supervision by a foreign court, for the purpose of reorganization or liquidation;*
- So could we assume the following??
    - Because of the reversion, we were now somehow

separate from the jurisdictional control of the Aust Govt.
  - The Aust Govt courts jurisdiction and the Cth jurisdiction were 'foreign' to each other.
  - We had never, ever, ever agreed to any action in a foreign jurisdiction
  - Yet somehow we were now in an arbitration process!!

That readers. leads to the following information which is based on all the research that came out of that new action and the Cross-Borders Insolvency Act that exposed it.

There are some new terms you will not have heard of , which have been highlighted, as have the important terms. I had certainly never encountered most of this information before the bankruptcy action exposed them.

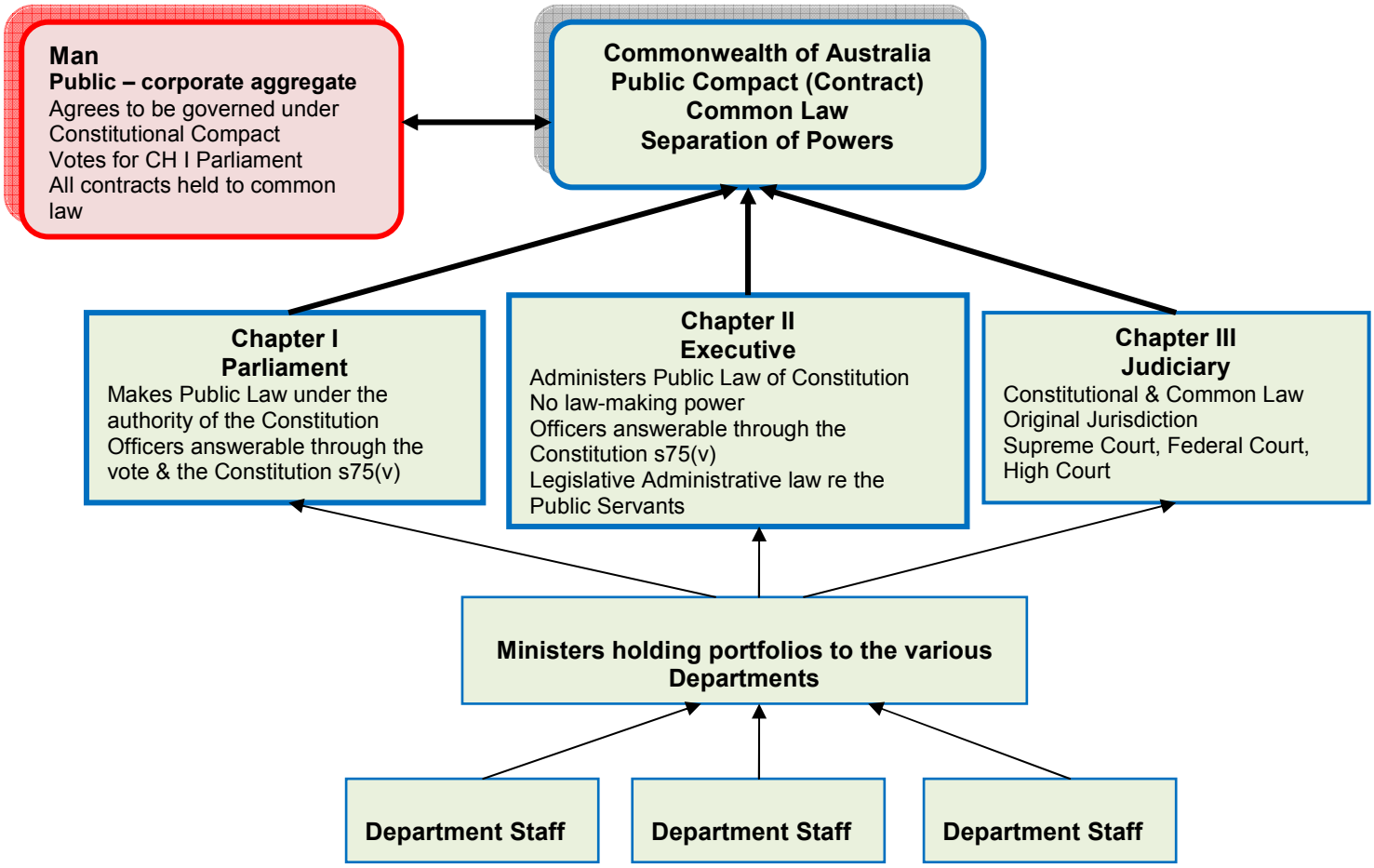
I have included reference links but would strongly suggest you do your own research using these new highlighted terms. While I can not say I have gotten all this information 100% correct, I have researched and analysed countless legal documents & cases since November last year to come to this conclusion. At the end of this document you will find details of a current court ruling out of America, which has validated what is being discussed and what we believe we are dealing with in our country.

Thank you
Sue & Sam of the house of Maynes.

The Australian System of Governments

- In and around 1972/1973, the Parliament of The Commonwealth of Australia on the advisement of the Cabinet under EG Whitlam, established a body under the the **Executive** (Ch II of the Constitution), known as the **Australian Government.**
- All governments worldwide operate in **Administration Law**, with regard government policy, employees, contractors and other government responsibilities.
- Administrative law is not constitutional or common law, but but is part of **Admiralty Law**.
- The Aust Gov't holds to international admiralty jurisdiction jurisdiction under the *Seas & Submerged Lands Act* 1973 which created new territorial boundaries over the landmass of Australia.
  - NOTE 1: The Cth of Aust is a political body of People operating ON the landmass of Australia.
- That newly established Aust Gov't, operating within the new territorial boundaries, began to 'submerge' the common common law of the courts by replacing them with new administrative/ admiralty law tribunals, in a slow evolutionary process.
- All contracts have a jurisdiction for the purpose of resolving resolving a dispute. The Constitution of the Cth of Australia is a common law **Public Compact (**contract) between the People and the Parliament.
- When a private person enters into a non-constitutional commercial contract with government – outside of that Compact - that is called **Private Law** and places that contract in the admin law maritime jurisdiction.
- That member of the public is deemed to have freely given up up their constitutional / common law jurisdiction for the purpose of that specific Private Law contract.
  - NOTE 2: Increasingly, the Aust Gov's have legislated

The Commonwealth of Australia Chart



Australian Government & The Commonwealth of Australia Chart

Man
Public – corporate aggregate
Agrees to be governed under Constitutional Compact
Votes for CH I Parliament
All contracts held to common law

Commonwealth of Australia
Public Compact (Contract)
Common Law
Separation of Powers

Chapter I
Parliament
Makes Public Law under the authority of the Constitution
Officers answerable through the vote & the Constitution s75(v)

Chapter II
Executive
Administers Public Law of Constitution
No law-making power
Officers answerable through the Constitution s75(v)

Chapter III
Judiciary
Constitutional & Common Law
Supreme Court
Federal Court,
High Court

Cabinet / Australian Government
Administers Executive branch government agencies as Privatised bodies
New regulatory / statutory law requirements sent through Executive to Parliament for enactment.
Administers commercial activities of companies & individuals
Contracts between Man and government are Private Law agreements
All contracts held to administrative law which operates in Admiralty
No judicial authority or law-making powers * Uses Coercion as 'enforcement'
No government officers. * Not answerable to the Constitution

Administrative Law
Defines the extent of the powers and responsibilities held by the Administrative agencies of Australian Governments.
Created by statutory legislation decided by Cabinet & Executive
Focus on codified judicial review * Bound to Admiralty Jurisdiction
No Ch III judicial authority * All enforcement held to registered agreements in admin law
Decisions of judge/coram suggests 'agreement or assessment"
Able to use Coercive actions to enforce comlpliance

Outsourced Agencies – Private Bodies
Through Privatisation & Contracting Local Government, Peak Industry Bodies, Police, Medical Bodies, Schools, Training Organizations, RMA, Banking, Insurance bodies, Superannuation bodies, Aust Post, Service providers, Energy bodies, Transport bodies, Workplace bodies, etc

Private Law Registered Agreements between Man, Govt & relevant govt bodies

No Constitution involved
No Separation of Powers necessary
No Common Law

Regulatory Bodies - Private bodies
Regulate companies & individuals in specific commercial areas through the Competition & Consumer Act 2010 (CCA)
No judicial authority
No government officers
Not answerable to the Constitution
Used by the Australian Government to publicly 'control' the outsourced agencies

Man
Private - individual
Has no corporate aggregate agreement to be governed under administrative bodies
Commercial contracts between Man & Executive agencies are in Private Law
All such contracts held to administrative law for dispute
No constitutional / common law protection in such contracts.
Your agreement creates the authority.
Private agreement vote for the Australian Govt

Judge Coram
Private agreement with Aust Govt to adjudicate in admin law disputes
No CH III judicial authority

that contracts are required in all commercial aspects of life in this country, including areas that have minimal commercial value to the community. Where an activity on private land can be seen as commercial, *Cont. page 5* it is attracting govt registration.
    - NOTE 3: All land contracts previously held in a common law Grant of Fee Simple have been converted to a Torrens Title administrative contract through registration into the Torrens system.
- Therefore all these govt-legislated commercial contracts are NOT common law contracts, but admiralty contracts in administrative law and are registered as such.
- The Aust Gov't created administrative courts/tribunals for the purpose of an admin law dispute. These courts operate in admiralty.
- Where a dispute involves any admin contract involving govt, the matter automatically goes to the admin court.
- The admin court offers **ADR – Australian Dispute Resolution**, and the case is in the form of mediation /arbitration with the appearance of a common law court format, minus the jury.
    - NOTE 4: a Jury is a common law element of judicial authority. A jury is not available in an admin court, as that court has no judicial or constitutional authority and no ability to provide the same.
- The member of the public involved is deemed to be bound to that court because of the existing Private Law registered commercial contract/ agreement.
- A member of the public involved in a matter in an admin court cannot use the constitution or common law in their defence as it is irrelevant to the contract.
    - It is of a 'foreign' jurisdiction to admin law.
- The Aust Gov't cannot exercise judicial authority under **Ch II** Executive legislation – refer Chart.
- Nor can a **Ch III** judge sit in an admin court and use judicial authority – refer Chart.
- Therefore a lawfully commissioned CH III judge, acting in an ADR matter, must enter a private agreement with the Aust Govt to 'adjudicate'.
    - Because there are now 2 kinds of 'judges', the **Personae Designata/Coram** and the CH III judges, the term used often is **Decision-Maker.**
- As such, that judge cannot render a judicial order, but instead makes a decision which is registered by the court Registrar.
- The member of the public involved is expected to sign that registered decision – meaning they authorize their own agreement to that decision.
- From that time on, the original registered Private Law agreement and the registered court agreement are the binding elements of any further dispute.
- Any further dispute through the ADR system can not re-cover the details of the case, but is built on the registered agreements and whether or not the Decision-Maker kept to the relevant legislation and operated with **Procedural Fairness.**
- Consequently, a member of the public, is constrained and manipulated into living all commercial and quasi-commercial aspects of their lives outside of the **Public Law** of the constitution and common law, and inside a Private Law agreement/admin law system which has not legislated for any personal liberties or human rights as it is held to admiralty.
    - NOTE 5: In admiralty an action can only ever be *in rem,* against a "thing".
- An ADR decision has no judicial authority, so the decision advises that the losing party pay the costs of the other party as an "Agreement or an Assessment."
- If the losing party refuses to comply with the registered decision in 'agreement', the debt claim is 'assessed' by a Ch III court, which has judicial authority to enforce it.
    - In our case, by turning the claim into a Bill the matter could proceed in a Ch III court as a debt claim only.
- As the member of the public retains their constitutional and common law protections outside of the individual Private Law agreements, they may call on the High Court for relief but that relief is ONLY available if the member of the public can prove a breach of **Natural Justice.**
- However, the High Court cannot assist if the member of the public willingly entered the admin law agreement or if they entered the admin law case itself and/or if they hired a legal representative, as it is then deemed they voluntarily gave up their public constitutional and common law protections for that specific agreement and /or the dispute.
- The High Court have indicated that every man or woman born in this country is 'of the Commonwealth'.
- Therefore jurisdictionally foreign to the Aust Govt admin law system.
- If the Aust Govt is dealing with a foreign national, an action can only proceed IN the Aust admin courts if that national's main area of commerce is IN Australia..
- That main commercial area is referred to as **COMI – Centre of Main Interests** – and is established by the Australian postcode system.
- When the *Seas & Submerged Lands Act* 1973 was enacted, it created a 'map overlay' of Australia and the Aust Govt's actions are within that map entry held to the relevant postcode/s.
    - NOTE 6: You and I do not trade IN the Cth of Aust, we trade IN Australia.
- All commercial activities between Govt bodies and the People in Aust, are essentially Private Law agreements, wherein you use a **Legal Name,** attach it to your date of birth, and link that to the Postcode – to establish in admiralty, that you are giving agreement to a "thing" to trade and will take responsibility for that trade in any relevant dispute.
- All business houses have also entered Private Law agreements (ABN) for taxation purposes, your trade agreement with them is also under administrative Govt control.
- As banking and the use of cards to trade is specifically linked to identify your COMI, only barter appears to bypass the identification of your main commercial area.
- In order to circumvent any constitutional impositions on the Public Service and consequently the Cabinet/Executive, the Aust Gov't has 'outsourced' private corporate bodies to administer in all areas of Gov't responsibility as part of the **Privatisation** policy.
    - These corporate bodies are contracted under the Corporations Act 2001.
    - are regulated by specific regulatory bodies – also outsourced
    - and answer to the current statutory legislation through the *Competition and Consumer Act* 2010 (CCA)
- Consequently, the regulatory oversight and the daily activities of these corporate bodies are also in Private Law and outside of the constitutional/common law jurisdiction of the High Court.
- As these bodies do not have judicial authority and can not

rely on judicial authority to enforce their activities over a member of the public who has no registered agreement to 'validate' the enforcement of compliance, the Cabinet are constantly creating new regulations, which go through the Executive and are then enacted by the Parliament, which is the only law-making body.

- These enactments further strengthen the admin law process and render any constitutional/common law complaint of no effect.
- The outsourced bodies also have regulatory guidelines that allow a process of **Coercive** power to be used against the Public.
  - An example is the govt move to link your debts to your driver's licence, to enforce payment at the risk of losing your ability to drive.

By legislatively creating these regulatory bodies and the consequent private corporate quasi-governance, the Parliament of the Commonwealth of Australia, through the Executive (run by the non-constitutional Cabinet), has been able to bypass and 'nullify' the Commonwealth Constitution and the will of the People.

And by using our lawful CH III judicial courts to enforce their Ch II admin law decisions,and the lawful CH I Parliament to enact on behalf of this bypassed system, they laugh in our faces.

By further establishing the multitude of industry peak bodies, the people in that industry are deemed to have a private "voice", which allows them to vote for the members of that peak body, who then take their concerns to the Aust Govt – as the will of the people – bypassing the elected representatives - and then administer the response back to the members.

As there is no **Separation of Powers** in the Aust Gov't and these private bodies are contracted to the Gov't to act AS the government, they are protected by the admin courts in the work they are contracted to do, which is to control all commercial activities of the people to bring them into and ensure compliance.

Let us examine the Aust Gov't constitutionally.

1. There is no such body as the Australian Government mentioned in the Cth Constitution
2. The people are to vote only for a Ch I Parliament - to be known as "The Parliament" or "The Parliament of the Commonwealth"
3. There is NO constitutional vote for Ch II Executive which is the Government of the Commonwealth.
4. There is no such entity as an Australian Citizen in the Cth Constitution
5. There is no such thing as compulsory voting
6. There is no such thing as political parties or party voting.
7. All the Aust Gov't agreements are not constitutionally bound.

In the Australian System of Governments, the people

- Have compulsory voting
  - The Electoral Commissioner stated in writing to us that "consent to enrolment is not required – all eligible electors are enrolled at the address where the person lives" The person means the Legal name held to the COMI address.
- Vote only for an Australian Government
- As Australian Citizens
- Have not voted for The Parliament of the Commonwealth since 1972
- Vote for people who must enter private registered agreements with the Aust Gov't to be able to stand for election
- Only as members of a party or a group
- Who run the government as parties, making deals to "get the numbers"
- Without any constitutional protections.

So your vote is very clearly not constitutional therefore can only be created and enforced through a private agreement, held to the registration to vote.

Re International obligations, treaties and conventions – the Parliament of the Commonwealth of Australia is unable to enact most of these without the approval of the people as those treaties, etc. may or would change the Constitution in some legal capacity.

Consequently, the creation of the Aust Gov't, a body that does not answer to the Constitution, allowed the Parliament to enter into these international obligations, through a 'loophole', without Constitutional restrictions.

These treaties and etc were then able to be 'used' by and against the people through private law agreements.

This specifically includes all the environmental legislation that has removed the common law elements of private land ownership and created the massive community impact through business control.

That impact operates in a double manner, in that it is used to control our activities on our private land and used to allow govt to give permission to massive corporations to use as our land as their own without our express agreement being required.

- NOTE 7: it is ONLY in the common law contract of a **Grant in Fee Simple** that you and I have ownership rights on our private land. Under the administrative law registered Torrens Title contract – you have given up ALL those rights and given the Aust Gov't the superior **Interest** in that land – hence having to ask permission for activity that once belonged to you by right of common law ownership.

One could ask why the High Court has done nothing – their stated task is to protect the integrity of the Constitution itself. To keep it intact.

Which they have done, including to the extent of being able to refuse any enactment that attempts to close down the High Court.

Consequently, as well as describing a Ch III court and the lawful processes of law, they have ruled that the Aust Gov't can NOT add **Privative Clauses** to enactments – in other words – an act can NOT refuse you the right to access a judicial review of the lawful ambit of power conferred on an officer of the Commonwealth – which clearly is something the Aust Govt have attempted to do.

It is us – you and I – who have put aside our Constitutional protections to enter these private law actions. It is us who have dumped our public rights for the lure of the commercial structure – shares, credit, negative gearing , handouts, pensions, 2nd & 3rd investment houses - so beloved by the Aust Gov't as their 'drug' offering to keep us quiet and compliant.

It could be seen by many, that the intent appears to be to bring this country into an international compliance or complicity in law as part of the proposed One World Government structure through the Law of the Seas. That may be.

Yet ALL the above information is in clear defiance of the real wishes of the people who have NE VER voted at referendum to

- approve the increase of power of any body or govt agency outside of the Parliament of the Commonwealth of Australia,
- hand over our 'power' to international bodies and corporations
- step out of the protection of the Commonwealth Constitution.
- be coerced to any legal action in anything but common law.
- be manipulated into agreeing to any commercial activity that gives an assumed power to a foreign jurisdiction.
- be governed by any body that is not completely "of" and working completely within, the Constitution of the Commonwealth of Australia.
- be bound to Private Law agreements we did not even know existed!!!

Therefore it can only be seen that the creation of the Australian Government and the massive increase of legislative power could only be done by having the people in true ignorance of the private law process and the regulatory corporate control that has overtaken this country.

And the only way to legitimize that was to have the people vote for that structure in every election. By voting – you and I are deemed to be in total agreement to what we are being offered politically. Lincoln used that process to validate attacking the South – his own countrymen – an action that got Charles I's head chopped off when he did the same. Charles however, forgot to get the people's tacit approval by vote. Lincoln learned that lesson and so did Whitlam.

Never forget – the election in 1974 was NOT for the Parliament of The Commonwealth of Australia – it was for the Australian Government. They asked our "permission" to do this and we gave it to them.

Our Constitution still exists in all its power, it is we the people of the Commonwealth who are no longer using it by entering into these Private agreements with the Private bodies and corporate agencies of the Australian Government, operating through to and under UN treaties and conventions.

And the ONLY thing that seems to hold us to that vote – is the fear of being fined $50 for not voting. Cheap trade off eh? Our rights versus a $50 fine.

In today's Australia, to enter into a dispute with any outsourced section of the Australian Government, you enter an admin court, go through a Dispute Resolution process, and take your complaints 'up the ladder' through the **Administrative Decisions (Judicial Review) Act.** Remember the appeal does NOT hold back to the details of the case, but only to whether or not there has been any errors in the dispute system itself.

The ONLY way to enter the original jurisdiction of the High Court - being the constitutional jurisdiction is through s75(v) *In which a writ of mandamus or prohibition or an injunction is sought against an officer of the Commonwealth.*

So IF you can't take an entity from a dept of the Aust Gov't or one of their outsourced agency entities, to a common law court – then they are not common law bodies under the common law contract held to the Cth Constitution.

And don't forget – the Executive IS of the Cth Constitution – hence only the Officer of the Cth being accountable..

And IF you can only take an 'officer of the Cth' to the constitutional jurisdiction of the High Court, then that officer must not be of the Aust Govt, but must act in constitutional authority on behalf of that specific govt agency of the Aust Govt.

So ALL the Officers of the Commonwealth Executive, at the very least those in the Cabinet, MUST be complicit in this massive hidden agenda.

The question must be asked what the benefits of this system are to the Commonwealth of Australia.

1. It bypasses the constitutional constraints.
2. It allows Australia to deal in international matters.
3. It creates the 'republican' ideal desired by political persons for decades.
4. It separates the *de jure* Parliament from the government and its actions – allowing gov't to extend beyond the boundaries of the constitution
5. It brings the governance of the people in line with international demands.
6. It protects the Parliamentarians from the wrath of the people.
7. It limits the protections of the people – allowing a far easier enforcement of legislation.
8. It allows the "legal" protection of govt actions over the very private rights of the people.
9. It supposedly minimizes governmental costs to the Commonwealth but in fact, it massively increases govt to the extent of making, controlling and overseeing the regulatory legislation – at a greater cost to the people.
10. It has allowed the increased wage structure of the Aust Gov't and their staff as they operate corporatively rather than constitutionally.
11. It allows and statutorily validates the creation of extra govt bodies, such as the current third tier of outsourced govt administration – Local Govt.
12. It takes the real power out of the hands of the people.
13. It removes the monarchy's royal prerogative
14. It removes the monarchy.
15. Etc.

How this relates to our case as an example:

- Prior to 1973, land was purchased in a common law / constitutionally protected contract known as a Grant in Fee Simple, protected by Torrens registration.
- Sometime after 1973, land purchases were registered into the Aust Govt version of Torrens Title, making them commercial contracts in admin law.
- When we purchased our land in 2004, we unknowingly entered an agreement to purchase land registered inside that system and no longer protected by common law in equity.
- That registered agreement and all financial actions, establishing the Centre of the Main commercial interest was in the administrative jurisdiction of the Aust Govt, for the purpose of any future land disputes.
- When we questioned the constitutional issue of rates on farming land, we unknowingly disputed a commercial agreement to pay rates created by the lawyers or conveyancers at the time of registration of the land purchase in that admin system.
- With no knowledge of this, we used constitutional / common law questions in our dispute with council – all totally irrelevant to Local Council as an outsourced

admin body.

- They began an action and sent out the process server, who entered property held to that registered agreement with the Aust Govt for the purpose of a dispute.
- That process server passed a large sign carrying 6 constitutional common law cases re Trespass – which we now know were irrelevant.
- We sued that trespasser in an admin court, which at that time, we did not know existed.
- Despite all the common law documentation we presented to the barrister, ie Fee Simple Title, High Court CLR cases, etc – none of that was relevant to the case.
  - In a common law trespass case held to the law of the land, the trespasser must prove they had lawful authority to enter the land, as the owner holds the title to prevent that entry in the absence of that authority.
  - In this admin law court, we had to prove the trespasser had entered illegally. We were not informed of that and as we now know he was acting 'lawfully' within the admin system – how we would have proved it is beyond me.
- Consequently without him having to say more than a few words and no proof of illegal entry, the matter was decided in his favour.
- And there was clearly a "P**ublic" Interest** element in that ruling against us protected Local Govts' constantly growing actions to access private properties for compliance purposes.
- We, the private land owner lost, and the trespasser, acting for the Local Council won.
- In so doing, the decision-maker ignored around 30 High Court common law trespass cases as they were irrelevant.
- The matter was dismissed by the Supreme Court of Appeals because the decision-maker had not made any admin errors.
- The High Court refused to hear the appeal because – as we now know - we asked them constitutional questions out of an admin case and they had no ability to hear it.
- After the dispute over the demanded payment commenced we consistently stated we had no contract with any part of this process.
  - But we had by then learned – and this is the most insidious entrapment yet – that to enter the case to discuss our dispute would mean we accepted the jurisdiction of the admin court. And if our dispute did not disclose any statutory errors in the handling of the case – then we would lose again anyway.
  - So all we could do was keep complaining. Constantly and to everybody we could think of.
- The Costs Assessment Dept of the Supreme Court tendered a Bill to us for the amount in question.
- That converted the action from an Executive Ch II administrative law case, to a Ch III judicial matter as a simple debt claim.
- That allowed the Ch III Federal courts to move the unpaid debt into a bankruptcy using their judicial authority.
- When Sam & I reverted the Interest in our assets back to the Commonwealth, we appear to have created a jurisdictional issue with the admin court.
- It appears all our contracts were now held by the Commonwealth , not the Aust Gov't. The COMI had been changed.
- AND we had done this with clear disclosure and willingly, so it could not be ignored.
- That then appears to have invoked **International Model Law** – which is arbitration between foreign jurisdictions.
  - However, we had NEVER agreed to be arbitrated, is a requirement of the process.
- We wrote to the Chief Magistrates of the court and the Attorney-General as an Officer of the Commonwealth, stating we had never agreed, providing all our disputing documentation. They refused to help.
- We contracted the Solicitor-General and **the Private International Law** sections of the Justice Department were refused. (Justice Dep't – what a misnomer that is)!
- The last action we dealt with was in the Federal Court February of this year. The judge in that matter was informed PRIOR to the case starting that we were there only as Onlookers and there could be no deemed agreement.
- Judge Barnes acted in bias and attempted to trap us into replying to a question she directed at u, in the gallery, around 50 minutes into the hearing.
- We lodged a protest to the Chief Magistrate and etc her clear attempt at entrapment.
- From this hearing, the matter sits that the bankruptcy approved by the court, not us as Judge Barnes did state had not entered the case – and that any monies left over will be given to us, WHEN we agree to the bankruptcy.
- The admin court of the Australian Government has now moved into blackmail.

REFERENCES FOR AUSTRALIAN GOVERNMENT

PRIME MINISTER OF THE COMMONWEALTH OF AUSTRALIA & The AUSTRALIAN GOVERNMENT E. G. WHITLAM

In December 1972, Whitlam and Lance Barnard held a duumvirate for 20 days, meaning these 2 men held every executive post and began the process of 'creating' the Australian Government.

Whitlam's father H.F.E. Whitlam had a profound effect on son.

- Crown Solicitor to the Cth,
- senior legal adviser to the Cth for 12 years.
- Was a driving force in the Canberra branch of the of International Affairs
- Was a pioneer of advocacy for a role for international human rights law in Australia.
- Advocated for a permanent international human-rights court
- Was involved in the draft of *The Universal Declaration Human Rights*
- Maintained a strong perspective about the use of international instruments to protect rights and to expand powers of nationhood
- filled Gough with a "fervent internationalist outlook"

"Whitlam saw international law as an essential component efforts to avoid conflict, resolve disputes, and restructure international relations. " ***[1.]***

QUEEN OF AUSTRALIA

- By May 1973, on behalf of the Aust Gov't, Whitlam had changed the title of the constitutional monarch to the Second, by the Grace of God Queen of Australia and Her other Realms and Territories. Head of the Commonwealth.' (*Meaning the Commonwealth of Nations.)*

- Anne Twomey discussed this in great detail in her book "The Chameleon Queen" which has referenced documents from the Royal files, the Commonwealth and the Aust Govt.
- Documented in this book is the fact that this title "belonged" to the Aust Gov't alone & the Queen as the Queen of Australia would have to be advised by her "Australian" ministers while the States dealt with Elizabeth the Second, by the Grace of God of the United Kingdom, Australia and Her other Realms and Territories Queen, Head of the Cth, Defender of the Faith – the constitutional title.
- An issue which caused massive controversy and litigation in the High Court and the Privy Council, leading to a situation wherein there may be a claim that there is also a Queen of each State.
- Further Twomey documents ***[2]*** that much of Whitlam's actions during his regime were in an apparent attempt to completely abrogate the sovereignty of each State, which was vigorously defended by the States in several legal actions. ***[3]***
- The High Court have also stated that the Aust Gov't has no ability to render judicial authority through the Queen of Australia.

ADMINSTRATIVE LAW

- Primarily the structure of law behind the administration of a gov't, A**dministrative Law** was massively expanded in common law countries (England & Australia specifically) after President Roosevelt instituted the **New Deal** in America. ***[4]***
- In the New Deal system, Congress created **independent agencies** which acted through delegated authority to administer complex regulations to federal agencies overseen by supposedly independent boards.
- These agencies had the ability to set up administrative courts, using administrative law judges *outside* the protections of Article III of the US Constitution, to decide civil complaints. ***[5]***

Growing concerns about bureaucratic decisions in Australia during the 1960's led to the **Kerr Report** which advocated

- the establishment of a general administrative tribunal which could review administrative decisions on the merits
- codification *[6]*
- procedural reform of the system of judicial review ***[7]***
- the creation of an office of Ombudsman. ***[8]***

Consequently implemented by Whitlam – this became known as **New Administrative Law,** in Australia. ***[9]***

One of the advantages of administrative law for a government is that it is largely 'invisible'. [***10]***

INTERNATIONAL TREATIES AND ETC.

As per his Internationalist leanings, between Dec 1972 & Nov 1975, Whitlam, entered 'into force' in Australia, over 133 international treaties, including

- 26 Exchange of Notes Agreements
- 32 Bilateral Agreements
- 16 Multilateral Agreements
- 17 Protocols
- 8 International Statutes and
- 34 Treaties/Conventions.

As all these were entered into force in *Australia* by the *Australian Government*, this was obviously a major reason for its creation, as the Commonwealth could not give force to these international treaties IN the Commonwealth without the approval of the people through referendum, as any one of them could be unconstitutional in effect.

"Australia is now a party to over 2000 international treaties, many of them requiring detailed prescriptions about domestic affairs in participating countries. Supported by High Court decisions, the Commonwealth has ratified international treaties related to matters which have hitherto been State responsibilities, ie environment, labour relations, human rights – and has then used those treaties as a basis for legislation overriding State Laws" – *Rebuilding the Federation – Richard Court Premier of WA 1994*

The **International Arbitration Act 1974**, gave **U.N. Model Law** the force of law in Australia and currently ***[11]***

- gives effect to the **UNCITRAL Model Law on International Commercial Arbitration** adopted by the United Nations Commission on International Trade Law on 21 June 1985 and amended by the United Nations Commission on International Trade Law on 7 July 2006 [***see Ref 45]***
- gives effect to the Convention on the Settlement of Investment Disputes between States and Nationals of Other States signed by Australia on 24 March 1975
- Is the principal act for the **Cross-Borders Insolvency Act 2008**, enacted by the Parliament of Australia, which interacts at s22 with the Corporations Act 2001 and brings Model Law into that Act. [***12]***

Which was the act on the Federal Court doc in Nov 2014 that opened the door to us learning the information presented here!!

These ratifications in Australia opened the door to the Free Trade Agreements.

ADMIRALTY/MARITIME JURISDICTION *[13]*

- Arbitration, referred to as **Alternative Dispute Resolution**, is under admiralty jurisdiction in Courts ***[14]***
- The Australian Government's administrative jurisdiction is held to Australia's territorial sea baseline - originally defined in the *Seas & Submerged Lands Act* 1974. ***[15]***
- Which gave the Cth sovereignty and sovereign rights over the territorial seas.
- The states challenged this in the *NSW v Cth* 1975 (the *Seas & Submerged Lands* case) and the High Court gave the decision to the Commonwealth, effectively validating that the Commonwealth had used s51 (xxvi) external affairs, to bring international law under maritime jurisdiction into Australia, through the Aust Gov't.

Quote: The judges in *Seas and Submerged Lands Case* (1975) differed as to whether the "external affairs" power entitled the Commonwealth to assert its sovereignty over Australia's territorial sea, though a majority held that it did. The underlying reason for this was that the idea of national rights with respect to the "continental shelf" had emerged since 1945 distinctly as a product of international relations and international law. According to Chief Justice Barwick, the external affairs power extends to anything "which in its nature is external to" Australia, or according to Justice Mason "to matters or things geographically situated outside Australia". End quote ***[16]***

Consequently, the States and the Cth entered into the 1980

Offshore Constitutional Settlement. *[17]* This agreement is documented under **General International Law** within the Australian Government Attorney-General's Department. ***[18]***

COMI – CENTRE OF MAIN INTEREST

Each contract, as stated previously, must be held to a jurisdiction for the purposes of surety in disputes.

The purpose of the *International Arbitration Act* 1974 was as follows –

- A person of one jurisdiction entered into a contract with a person of another 'foreign' jurisdiction
- the contract was now held to international private law
- and could be dealt with in the courts in Australia or any country that had entered the relevant treaty.

In the event of a contractual conflict, the determination as to which court would deal with the dispute was held to the **Centre of Main Interest.** ***[19]***

In the Model Law, it is presumed that a corporate debtor's COMI is the location of the company's registered office (*article 16(3), Model Law*).

In *Interedil Srl (in liquidation) v Fallimento Interedil Srl and another [2011] EUECJ C-396/09*, the European Court of Justice held that the COMI can be determined by:

- the debtor company's central administration
- the registered office
- where the management decisions are made

This was endorsed by the European Commission in Dec 2012.

The *Cross-Border Insolvency Act 2008* (Cth) applies the concept of 'centre of main interests' (COMI) to allow a court to determine whether a proceeding is a '**foreign main proceeding' or a 'foreign non-main proceeding'**. ***[20,21]***

PRIVATE LAW v PUBLIC LAW

- In general terms, **Private law** involves interactions between private citizens, whereas **Public law** involves interrelations between the state and the general population.
- **Public law** deals with relationships between both natural and artificial persons (i.e., organizations) and the state, including regulatory statutes, penal law and other law that affects the public order.
- In common law countries it is a little more broad, in that it also encompasses private relationships between governments and private individuals or other entities. That is, relationships between governments and individuals based on the law of contract or torts are governed by private law, and are not considered to be within the scope of public law.
- **Private law** is part of the civil law system involving the *jus commune* relationships between individuals.
- In common law this would be the law of contracts or torts
- In the civil legal system it is also referred to as the *law of obligations.*
- It is increasingly in the form of legislation that builds upon, or restructures, the common law.
- Which takes us back to the **UN Institution for the Unification of Private Law – UNIDROIT,** which Australia joined in 1973. ***[22.]***

FURTHER

- From 1964 and on several occasion, Whitlam commenced actions in the parliament resulting in the *Privy Council (Limitations on Appeals) Act* 1968, thus limiting any actions from going to the Privy Courts in England***. [23]***
- He finalized that plan with the enactment of the *Privy Council (Appeals from the High Court) Act* 1975 ***[24]***
- This began the process of narrowing access to constitutional justice and increasing the scope of admin courts.

REGULATORY BODIES

Regulatory agencies are usually a part of of the government, or they have statutory authority to their functions with oversight from the legislative branch.

Regulatory agencies deal in the area of administrative law—regulation or rulemaking (codifying and enforcing rules and regulations and imposing supervision or oversight for the benefit of the public at large).

The existence of independent regulatory agencies is justified by the complexity of certain regulatory and supervisory that require expertise, the need for rapid implementation of public authority in certain sectors, and the drawbacks of political interference. ***[25.]***

PRIVATE SECTOR OUTSOURCING

Outsourcing is a "term coined…to describe modern governance arrangements in which administration is shared between public and private organization through the use of a range of forms, including privatization and contracting…"

"….there is enduring uncertainty surrounding the extent to which the High Court of Australia is able to deal with outsourced exercises of power within its original review jurisdiction under the *Australian Constitution*.

"Outsourcing, and 'mixed administration' more generally, pose many and varied challenges for public law and have attracted considerable academic attention both within Australia and overseas. One such challenge that has been of concern to administrative lawyers is the extent to which are able to exercise their jurisdiction to review action when governments have outsourced functions to the private sector." ***[26]***

STATES & THE AUSTRALIAN GOVERNMENT

The States operate under Constitutional guidelines that hold them to the constitutional monarch as the Head of State.

Each State has a quasi-sovereignty and can make its own decision to accept a Cth enactment. ***[27.]***

The States strongly disputed the *Seas & Submerged Land* 1973 of the Aust Govt and lost their cases.

Consequently, they entered a Private Law arrangement with the Australian Govt – the *Offshore Constitutional Settlement* an agreement that allowed the exchange of funding from the Aust Govt***. [Ref 17.]***

As the Aust Gov't could enact legislation that could the Constitution, it was also a powerful incentive for the to benefit from agreements to that legislation , allowing to do the same.

LOCAL GOVERNMENT

Prior to 1973, Local Government was known as Local Shire Councils. They are not mentioned in the Constitution and there have been 2 referendums wherein the people have been

asked to give them Constitutional recognition and refused.

In 1993, the Aust Govt under Bob Hawke created the *Local Government Act* 1993 ***[28]***, which gave Local Government the powers in Administrative Law, that were refused them by Constitutional Law through referendum ***[29]***

As a body given statutory regulatory power by the Aust Govt, that apparent electoral approval would have given the Aust Govt the ability to enter the actual constitutional structure through Local Govt, thereby republicanizing the Commonwealth deceptively and in a fraudulent conscription of the people's vote to do so.

Currently Local Govt has a vital role in localized coercion, enforce and administration all your local activities into admin law agreements. ***[30]***

In 2006, the Cth, the States, the Territories administered by the Aust Govt ***[ref 41]*** and the The Australian Local Government Association entered into an Inter-governmental Agreement ***[31]***

From that document at Part VI Definitions
"non-regulatory means" refers to any method whereby the Commonwealth or a State or Territory seeks to have local government provide a service or function, other than by imposing a legislative or regulatory requirement specifically on local government.

"peak local government representative body" means the Australian Local Government Association or the associations recognised in the legislation of a State or Territory regulating local government as the peak local government representative body in that jurisdiction.

This establishes that Local Government bodies are outsourced agencies of the Australian Government. ***[32]***

REFERENCES FOR THE COMMONWEALTH OF AUSTRALIA

COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT ***[33]***

LEGISLATION

Preamble - ….one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland…..

S6 definitions "The Commonwealth" shall mean the Commonwealth of Australia as established under this Act."

S9. Chapter 1 The Parliament Part 1 – General

1. The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the Queen ***[34],*** a Senate, and a House of Representatives, and which is herein-after called "The Parliament, " or "The Parliament of the Commonwealth."

The doctrine of the **separation of powers in Australia** divides the institutions of government into three branches: legislative, executive and judicial.

A **legislature** is the law-making body of a political unit, usually a Parliament, that has power to enact, amend, and repeal public policy. Laws enacted by legislatures are known as legislation.

So the only body in the Commonwealth of Australia that can create law is the Federal Parliament under the title of The Parliament or The Parliament of the Commonwealth (of Australia).

S9. Chapter 2 The Executive Government.
61. The executive power of the Commonwealth is vested in the Queen and is exerciseable by the Governor-General as the Queen's representative, and extends to the execution and maintenance of this Constitution, and the laws of the Commonwealth.

Several things are established in this section –
1. The executive power is vested ONLY in the constitutional monarch
2. Is exercisable by the Governor-General as her representative only
3. Extends ONLY to giving action to the execution and maintenance of this constitution
4. And the laws made by the Parliament of the Commonwealth of Australia.

(It would therefore appear that the Governor-General has no power to stop a body that is not constitutional. But like the judges, he has the right to enter private agreements with the Aust Govt.)

VOTING

Part II – The Senate
6. The Senate (of the Parliament of the Commonwealth ((of Australia)) shall be composed of senators for each State, directly chosen by the people of the State,…..

Part iii – the House of Representatives
24. The House of Representatives [of the Parliament of the Commonwealth (of Australia)] shall be composed of members directly chosen by the people of the Commonwealth…Five members at least shall be chosen in each original State.

- There is no such entity under the title of an Australian Citizen in the Commonwealth of Australia Constitution. The only references are to Commonwealth people, British subjects and aliens
- Voting in federal elections is for a body called either "The Parliament" or "The Parliament of the Commonwealth."
- A document lodged by the Aust Gov't with the International Parliamentary Union, re the 2013 Federal election states that Voters must be an Australian citizens or **British subjects registered on the Commonwealth Electoral Roll on 25 January 1984**.
  - But to be eligible candidates must hold Australian citizenship only. ***[35]***

An Australian Citizen is created by birth, descent or grant. ***[36]***

"In Australia the status of British subject was retained in Australian law ***[37]*** until Part II of the *Nationality and Citizenship Act* 1948 ***[38]*** was removed by the A*ustralian Citizenship Amendment Act* 1984 which came into force on 1 May 1987." ***[39]***

From the same site – "You cannot renounce your Australian citizenship unless you have a second citizenship. The government will not allow you to become stateless."

Yet "You do not lose your British Citizenship when you become an Australian citizen. To lose your British Citizenship, you have to fill out a special form to renounce your citizenship, and pay a fee."

Who then are the British subjects registered on the Cth Electoral Roll? They can only be People of the Commonwealth, who have NEVER rejected the British law of the Constitution of the Commonwealth of Australia at referendum and who still are therefore British subjects.

"Our Government" site states the following points:. ***[40]***

- "Australia is both a representative democracy and a constitutional monarchy "
- the Executive IS the Australian Government.
- The 6 (original) States have their own constitutions and can pass laws related to any matter not controlled by the Cth.
- Under s121 of the Cth Constitution, the Australian Government gave a limited self-government to the ACT and Northern Territory.
- Seven territories are governed only by Cth law, usually through an Aust Gov't-appointed Administrator
- This includes Jervis Bay Territory, the naval base. ***[41]***
- Through which the *Seas & Submerged Lands Act* 1973 created its international maritime jurisdiction.

JUDICIAL AUTHORITY

Chapter III The Judicature

71. The judicial power of the Cth 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.

Only the Federal Parliament of the Cth of Australia can create a court with judicial power.

That is referred to as Chapter III authority.

What courts in Australia hold this authority?

- High Court of Australia
- Federal Court of Australia – (it appears)
- Family Court of Australia
- State Supreme Court

That then means that the Local Court, the District Court, the many and various tribunals are not Ch III courts. Those courts are not then required to respect references to common law or constitutional law, nor do they operate under the constitutional structure.

JURISDICTION

Generally describes –

* Any authority over certain areas or certain persons.
* The origin of a court's authority
* The inherent authority of a court to hear a case and declare a judgment

If a court does not have jurisdiction, the defendant may challenge the action.

AS a man or woman you may have involvement in several jurisdictions:

* you have the inherent jurisdiction of equity.
* you have access to common law and the constitutional jurisdiction of the Cth.
* You may deal with admiralty in some capacities, such as driving and etc.

If you have 'standing' in those jurisdictions, you have a 'voice', you can speak out and be heard.

The question 'Do you under-stand?' is asking if you submit to a jurisdiction. Do not do that unless it is your own. ***[42]***

For the most part, you cannot take your standing from 1 jurisdiction and use it in another, although equity trumps them all.

We all think foreign means born in different countries, it also means of different jurisdictions. You would not expect to find common law in a chinese court for example, because they are foreign to each other, as is administrative law and common law.

When you agree to step OUT of your own jurisdiction and into ANOTHER, you are exercising your free-will right to do so – you act as a private person in so doing. Hence it is Private Law.

The Law of the Land protects your private rights, including that one.

"That is, relationships between governments and individuals based on the law of contract or torts are governed by private law, and are not considered to be within the scope of public law."

Therefore, you and I must have some contract with the Australian Government in order to be taken to an administrative court – BUT – does that give us standing in that court? No. Only the contract is relevant.

And remember, entering into these private agreements negates the ability of the Chapter III courts to provide you with a remedy, as they deal in public law – a foreign jurisdiction to administrative law.

REFERENCES FOR INTERNATIONAL LAW

HISTORY of
INTERNATIONAL ARBITRATON

- One of the earliest uses of **international arbitration** was the Jay Treaty of 1794, the Alabama Claims arbitration in 1872 and the Washington Treaty of 1871.
- Interest in international arbitration grew until the Hague Peace Conference of 1899 adopted the Convention on the Pacific (*meaning peaceful*) Settlement of International Disputes, which dealt not only with arbitration but also with other methods of non-aggressive settlement, such as good offices and mediation.
- From this the Permanent Court of Arbitration PCA was established in 1900, began operating in 1902 and took up residence at the Peace Palace in 1913.
- Article 14 of the Covenant of the League of Nations gave the Council of the League responsibility for formulating plans for the establishment of a Permanent Court of International Justice PCIJ. Since 1919 the PCIJ has shared the Peace Palace with the PCA.
- In 1944, after WWII, the PCIJ became the principal judicial organ of the newly formed United Nations. ***[43]***
- In 1958, the **Recognition and Enforcement of Foreign Arbitral Awards,** also known as the **New York Convention** was formally adopted by the UN. ***[44]***
- Part of the reason for this push was
    - a desire to find a new way of keeping peace and preventing war and
    - that international commerce had increased

dramatically and disputes that arose were difficult to resolve when they involved the different jurisdictions of the participants.

- There are several hundred jurisdictions around the world. A contract is normally held to 1 jurisdiction for surety of contract and dispute. In the event a person from one jurisdiction wanted to enter a contract with a person from another, they had to decide which jurisdiction would be chosen. If both parties were not in agreement as to the jurisdiction of the contract, any final agreements & disputes were uncertain.
- The adopted UN proposal for commercial arbitration was to create a new international jurisdiction to be known as **Model Law**. It was believed this would 'remove' the need for war. ***[45]***
- The only 'place' able to take an international jurisdiction was the seas, as most countries have domestic jurisdictions under what is collectively known as the **Law of Nations.**
- Consequently, international arbitration was held to **admiralty – maritime law** – which was traditionally a commercial jurisdiction, dealing in salvage, insurance, cargo and etc. ***[46]***

LAW OF NATIONS or INTERNATIONAL LAW

Generally divided into two branches;

1. The natural law of nations, consisting of the rules of justice applicable to the conduct of state.
2. The positive law of nations, consisting of:
   a. The *voluntary law of nations*, derived from the presumed consent of nations, arising out of their general usage. ***[47 (preface)].***
   b. The *conventional law of nations*, derived from the express consent of nations, as evidenced in treaties and other international compacts.
   c. The ***customary law*** *of nations*, derived from the tacit consent of nations. ***[48]***

- "The International Court of Justice Statute defines customary international law in Article 38(1)(b) as "evidence of a general practice accepted as law." This is generally determined through two factors: the general practice of states and what states have accepted as law." ***[Ref 47- whole book, 49]***

PRIVATE INTERNATIONAL LAW

- **Private international law** governs civil and commercial law transactions and disputes that contain international elements. ***[50]***
- As mentioned previously, disputes between private individuals involving different jurisdictional issues in a contract.

CODE LAW

- The **Association for the Reform & Codification** of the **Law of Nations** was founded in Brussels in 1873
- Changed its name to the International Law Association early 1900's.
- 'The International Law Association (ILA) was founded …as an association "to consist of Jurists, Economists, Legislators, Politicians ***[51]*** and others taking an interest in the question of the reform and **Codification of Public & Private International Law**, the **Settlement of Disputes by Arbitration,** and the assimilation of the law, practice and procedure of the Nations in reference to such laws" (1st members conference, 19 Nov 1873)' ***[52]***
- Has consultative status as an international **non-governmental organization**, with a number of the UN specialized agencies.
  - NOTE 8:Part of the proposed system of a uniform international commercial structure was the plans for a uniform system of weights and measures and values – Holt signed the metric system into law in Australia 14 days after taking office – Menzies would not sign it.

Codes are the "standing body of statute law in specific areas" which are added to, subtracted from, or otherwise modified by individual government's legislative enactments.

- In a civil law country, a Code typically exhaustively covers the complete system of law, such as civil law or criminal law.
- In countries operating in English common law, code law modifies common law only to a certain extent, leaving it essentially intact.
- However, in particular areas, Code Law can completely replace common law and render it inoperative unless the code is repealed.
- **The legal Code typically covers exhaustively the entire system of Private Law.**
  - NOTE 9: Criminal Code implemented by Paul Keating, adhering to the International Criminal Code of Rome.
- The 1878 President of the ILA, David Dudley Field, created the California Civil Code which has entirely codified common law in California. ***[53]***

RECAP

1. The Commonwealth of Australia Parliament under E.G. Whitlam creates the Australian Government
2. It is of the Executive.
3. Has created and has sole dealings with the Queen of Australia.
4. The Australian Government operates under New Administrative Law
5. Administrative Law is of the maritime jurisdiction
6. An international maritime jurisdiction became effective in Australia through the *Seas & Submerged Lands Act* 1973
7. That allows the Australian Government under the stylized Great Seal of Australia and the Queen of Australia to give international treaties and such, force of law in Australia.
8. The sovereign States enter into an agreement with the Australian Government in 1980.
9. S2 of the Australia Act 1986 ***[54]*** gives each State extraterritorial powers to enter individual international treaties and etc. including international arbitral agreements.
10. s4 removes the powers of the United Kingdom over shipping in State waters.
11. Which removed the power of the Constitutional law over shipping.
12. In admiralty, your legal title is the "ship", and you are the "captain", and as such are accountable.
13. Has introduced international obligations through treaties and etc.
14. Can not make law but acts in governance under statutory and regulatory legislation
15. Uses coercion to create enforcement.

16. Through Ch II tribunals, given protective force of law by Ch III courts.
17. All govt responsibilities outsourced to private bodies
18. Operating under regulatory codification
19. Administered by Ch II government, given protective force of law by Ch I Parliament.

KEY ELEMENTS

1. you have registered to vote for the Aust Govt, a body that does not exist in the constitution in its manner and form, by returning the form sent to your address by Aust Post.
2. You have registered through your legal name.
3. That registration is held to an address with a post code – COMI
4. As there is no constitutional requirement to vote for the Executive – this is a Private agreement.
5. You are exercising your personal power to enter a contract under Private Law
6. You register to get a driver's licence to drive on the roads of the Aust Govt.
7. You register using your legal name.
8. That registration is held to an address with a post code – COMI
9. As there is a constitutional right to travel on the King's Highway, it is deemed that you have exercised your personal power to enter a Private Law contract.
10. You register your land purchase into the jurisdiction of Administrative Law
11. You register using your legal name.
12. That registration is held to an address with a post code – COMI
13. The legal person who handles the process registers your land purchase with the local council
14. This registration binds you to the payment of rates to that council.
15. You get a job and register for a tax file number using your legal name.
16. That registration is held to an address with a postcode – COMI
17. Your job takes tax from your wage and that tax is sent to the Australian Govt, a body that has no constitutional requirement to uphold & protect the public ownership of the assets of the Cth of Australia.
18. And etc.
19. Licences, training certificates, registrations, trade certificates, marriage certificates – with registrable intrusions growing daily.

I read an article just this week on the proposal that people should be trained to tow a trailer or vehicle – that will require training registration for competency.

The growth of this regulatory industry is never-ending. Unless we the People can learn enough to make it end.

COULD THIS BE POSSIBLE?

Michael Moore described the use of Dead Peasant's Life Insurance in his documentary "Capitalism: A Love Story." ***[55]***

It is a corporate practice, wherein companies insure employees' lives, expecting to make money when they die.

Cases that have been uncovered show that companies not only budget for a percentage of pay-outs but those payments can be in the millions. In some cases, the insured person no longer works for the company and other cases have revealed employee's homes have been insured as well. So it is a form of investment policy for the companies, with the worst case being that one business owner was charged with hiring a hit man to kill an employee for the payout. ***[56]***

Given that the Aust Govt are seriously causing so many once free aspects of life, to be regulated with training and Workplace Safety constraints – it would be feasible that these outsourced companies we are enforced to registere with, could also have you and I insured as "Dead Peasants".

It would explain why we are all being assessed medically and emotionally and the current health care & teaching push is to be diagnosed and enrolled in preventive treatment regimes. That is certainly an insurance related component.

The Clearfield Doctrine states "when a govt corporatises it is no longer a govt". *[57]* Given the Aust Govt is not a constitutional body and can only therefore be an outsourced agency in some capacity, as per the Doctrine, then is the regulatory privately registered training and assessments a part of an insurance companies demands?

As the Parliament of the Commonwealth of Australia, the Executive of the Commonwealth of Australia, the Cabinet, the Australian Government, the State Governments, Local Government and all the outsourced agencies have never told us that we have given up our constitutional/common law protections to blindly obey that which we were trained to believe we had to – I would not find it hard to believe we are all insured through these iniquitous policies in some manner.

After all, to the corporate world – it's nothing personal – just business.

FINALLY

At the beginning of this document I mentioned a June 2015 American court ruling which validated the thought process that had come out of my own research and is presented in this Newsletter.

Forbes Magazine quote: "A federal judge's ruling against the Securities and Exchange Commission for using its own judges in an insider-trading case might be looked at in hindsight as the beginning of the end of an alternative system of justice that took root in the New Deal but has raised serious constitutional questions ever since.
"While it's just a single ruling by a single judge on a seemingly arcane point of administrative law, the decision echoes the deep concerns some judges and academics have about extrajudicial proceedings, said Philip Hamburger, a professor a Columbia Law School and author of "Is Administrative Law Unlawful?," a book that compares the modern administrative state to the Star Chamber operated by King James I." ***[58]***

Armstrong Economics quote: "Well it has been a long time coming, but all along there have been discussions behind closed doors (never in public) that the Administrative Law Courts established with the New Deal were totally unfounded and unconstitutional. With the anniversary of Magna Carta and the right to a jury trial coming up on June 15 after 800 years, the era of Roosevelt's big government is quietly unraveling.
" A federal judge's ruling against the Securities and Exchange Commission for using its own Administrative Law judges in an insider trading case is perhaps the

beginning of the end of an alternative system of justice that took root in the New Deal. Constitutionally, the socialists tore everything about the idea of a Democracy apart. It was more than taxing one party to the cheers of another in denial of equal protection. It was about creating administrative agencies (1) delegating them to create rules with the force of law as if passed by Congress sanctioned by the people; (2) the creation of administrative courts that defeated the Tripartite government structure usurping all power into the hand of the executive branch, as if this were a dictatorship run by the great hoard of unelected officials.

" Not discussed in the coverage of this story is that the Administrative Law Courts are a fiefdom, to put it mildly. They have long been corrupt and traditionally rule in favor of their agencies, making it very costly for anyone to even try to defend themselves. If someone were to attempt this feat, first they have to wear the costs of an Administration proceeding and appeal to an Article III court judge, then they must appeal to the Court of Appeals, and finally plea to the Supreme Court. The cost of such adventures is well into the millions, and good luck on actually getting justice.

" Furthermore, Administrative Law Courts cannot sentence you to prison, but they can fine you into bankruptcy. So the lack of a criminal prosecution meant the judges did not have to be lawyers. They could be anyone's brother-in-law looking for a job where he just rules in favor of the agency not to be bothered with law. Unless the victim has a pile of money, there is no real chance that he or she can afford to defend themselves. This is why the agencies cut deals with the big houses and prosecute the small upstarts who lack the funds to defend themselves." ***[59]***

REFERENCE LINKS

1. University of Western Sydney. Whitlam Lecture Sydney 25 Feb 2010 Whitlam as Internationalist - The Hon Michael Kirby AC CMG
http://www.whitlam.org/__data/assets/pdf_file/0010/123211/SPEECH_-_WHITLAM_LECTURE_-_25_FEBRUARY_2010.pdf

2. *The Chamelion Queen – The Queen and Her Australian Governors* by Anne Twomey. Federation Press.
http://www.federationpress.com.au/bookstore/book.asp?isbn=9781862876293

3. Samuel Griffith Society - Chapter Nine: *Australia's Diminishing Sovereignty by* Dr Colin Howard
http://www.samuelgriffith.org.au/papers/html/volume2/v2chap9.htm

4.. Roosevelt Institute, The New Deal 1933
http://rooseveltinstitute.org/policy-and-ideasroosevelt-historyfdr/new-deal

5. *The Era of Deference, Courts, Expertise and the Emergence of New Deal Administrative Law* – Reuel E. Schiller, University of California, Hastings College of the Law, Michigan Law Review, Vol. 106, pp. 399-442, Dec 2007
http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1026721

6 Commonwealth Ombudsman, Our History
http://www.ombudsman.gov.au/pages/about-us/our-history/index.php

7. Judicial Commission of NSW Law Codes
http://lawcodes.judcom.nsw.gov.au/lawcodes/

8. Judicial Commission of NSW Commonwealth Offences
http://www.judcom.nsw.gov.au/publications/benchbks/local/commonwealth_offences.html

9. Parliament & Admin Law
http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp0001/01RP13

10. *Federal Administration & Administrative Law in the Gilded Age*. Jerry Louis Mashaw, The Yale Law Journal (Impact Factor: 3.67). 12/2009;
http://www.researchgate.net/publication/228177384_Federal_Administration_and_Administrative_Law_in_the_Gilded_Age

11. *International Arbitration Act* 1974
http://www.austlii.edu.au/au/legis/cth/consol_act/iaa1974276/

12. *Cross-Borders Insolvencxy Act* 2008
http://www.comlaw.gov.au/Details/C2012C00039

13. Executive Series ADFP 06.1.2 Australian Maritime Jurisdiction
http://www.defence.gov.au/adfwc/Documents/DoctrineLibrary/ADFP/ADFP%2006.1.2.pdf

14. Federal Circuit Court of Australia – Admiralty Law
http://www.federalcircuitcourt.gov.au/wps/wcm/connect/fccweb/gfl/admiralty-law

15. *Seas & Submerged Lands Act* 1974
https://www.comlaw.gov.au/Details/C2008C00399/Download

16. NSW v Cth [1975] HCA 58; (1975) 135 CLR 337 (17 Dec 1975)
http://www.austlii.edu.au/au/cases/cth/HCA/1975/58.html

17. Offshore Constitutional Settlement
http://www.ag.gov.au/Internationalrelations/InternationalLaw/Pages/TheOffshoreConstitutionalSettlement.aspx

18. Australian Government Attorney-General's Department General International Law
http://www.ag.gov.au/Internationalrelations/InternationalLaw/Pages/default.aspx

19. Practical Law, Centre of Main Interests COMI
http://uk.practicallaw.com/6-503-3605?service=crossborder

20. *Centre of Main Interests under the Australian Cross-Border Insolvency Act 2008: Lessons from the US.* Anil Hargovan
http://www.austlii.edu.au/au/journals/JlALawTA/2008/3.pdf

21. Are SEC Equity Receiverships "Foreign Proceedings" Within the Meaning of UNCITRAL's Model Law on Cross-Border Insolvencies
http://www.clm.com/publication.cfm?ID=393

22.. International Institute for the Unification of Private Law
http://www.unidroit.org/

23. *Privy Council (Limitation on Appeals) Act 1968*
https://www.comlaw.gov.au/Details/C1968A00036

24. Parliamentary Milestones
http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/Publications_Archive/online/Milestones

25. Regulatory Bodies in Australia
http://www.asx.com.au/regulation/regulatory-compliance/regulation-australia.htm
http://www.mondaq.com/australia/x/213480/Constitutional+Administrative+Law/Conducting+Business+in+Australia+Regulatory+Bodies
http://www.charteredaccountants.com.au/Industry-Topics/Practice-management/Certificate-of-Public-Practice/The-regulatory-and-co-regulatory-framework-in-Australia

26 Oficer of the Cth in the Private Sector – Boughey & Weeks
http://www.austlii.edu.au/au/journals/UNSWLJ/2013/14.pdf

27. *"The States, the Commonwealth and the Crown—the Battle for Sovereignty"* Anne Twomey
http://www.aph.gov.au/About_Parliament/Senate/Research_and_Education/pops/pop48/battlesovereignty

28. *Local Government Act 1993*
http://www.austlii.edu.au/au/legis/nsw/consol_act/lga1993182/

29. Referendums on Local Government
https://en.wikipedia.org/wiki/Referendums_in_Australia

30. Australian Local Government Association
http://alga.asn.au/

31. Inter-Governmental Agreement 2006
https://www.lga.sa.gov.au/webdata/resources/files/IGA_on_cost_shifting_-_signed.pdf

32. Inter-governmental Agreement 2010 between NSW & Local Government & Shires Association of NSW

http://www.lgnsw.org.au/files/imce-uploads/35/intergovernmental-agreement-with-LGSA.pdf

33. Documenting Democracy - original Commonwealth of Australia Constitution
http://foundingdocs.gov.au/item-sdid-82.html

34. *under the Crown of the United Kingdom* as per the Preamble to the Constitution

35. Inter-Parliamentary Union, Australia, House of Representatives 2013 election details
http://www.ipu.org/parline-e/reports/2015_B.htm

36. *"How do I become an Australian?"* Beyderwellen & Co, Immigration Barristers & Solicitors
http://www.beyderwellen.com/immigration-questions/2.html#FAQ2

37. Immigration Museum, British Subjects & Australian Citizenship
http://museumvictoria.com.au/immigrationmuseum/discoverycentre/your-questions/british-subjects--australian-citizenship/

38. *Nationality & Citizenship Act* No 83 of 1948
http://www5.austlii.edu.au/cgi-bin/download.cgi/cgi-bin/download.cgi/download/au/legis/cth/num_act/naca194883o1948339.pdf

39. *Australian Citizenship* Act 1973
http://www.austlii.edu.au/au/legis/cth/num_act/aca1973254/

40. Our Government
http://www.australia.gov.au/about-australia/our-government/

41. Jervis Bay Territory Governance & Administration
http://regional.gov.au/territories/jervis_bay/governanceadministration.aspx

42. *Appearing Under Protest to the Courts of a Foreign Jurisdiction* – A.V. Levontin
http://www.austlii.edu.au/au/journals/MelbULawRw/1967/15.pdf

43. International Court of Justice History
http://www.icj-cij.org/court/index.php?p1=1&p2=1

44. *Convention on the Recognition and Enforcement of Foreign Arbitral Awards* (New York, 1958) (the "New York Convention")
http://www.uncitral.org/uncitral/en/uncitral_texts/arbitration/NYConvention.html

45. UNCITRAL Model Law
http://www.uncitral.org/uncitral/en/uncitral_texts/arbitration/1985Model_arbitration.html

46. Australia & The Law of the Sea – Sir Kenneth Bailey, Adelaide Law Review 1960
http://www.austlii.edu.au/au/journals/AdelLawRw/1960/1.html

47. *Law of Nations* by Emer de Vattel
http://www.constitution.org/vattel/vattel.htm
http://lonang.com/library/reference/vattel-law-of-nations/vatt-312/

48. International Committee of the Red Cross >War & Law>Treaties Customary Law>Customary Law
https://www.icrc.org/en/war-and-law/treaties-customary-law

49. International Human Rights Law and Article 38(1) of the Statute International Court of Justice
http://intelligent-internet.info/law/icjart.html

50. Australian Government Attorney-General's Department - Private International Law
http://www.ag.gov.au/Internationalrelations/PrivateInternationalLaw/Pages/default.aspx

51. International Law Association Archive
http://ials.sas.ac.uk/library/archives/ila.htm

52. Association for the Reform & Codification of the Law of Nations. Sixth Annual Conference held at Frankfort–on–the–Main, Aug. 20–1878
http://www.jstor.org/stable/27906004?seq=1#page_scan_tab_content

53. eg. Official State Codes in the USA

54. *Australia Act* 1986
http://www.austlii.edu.au/au/legis/cth/consol_act/aa1986114/

55.*.Capitalism: A Love Story*
https://en.wikipedia.org/wiki/Capitalism:_A_Love_Story

56. *Does your boss have an insurance policy on you*?
http://www.bankrate.com/finance/insurance/dead-peasant-life-insurance.aspx

57. Clearfield Doctrine
http://www.scribd.com/doc/96926258/The-Clearfield-
https://supreme.justia.com/cases/federal/us/318/363/case.html

58. *Did a Judge just undermine the Administrative State with a SEC Ruling*?
http://www.forbes.com/sites/danielfisher/2015/06/09/did-a-judge-off-the-great-unraveling-of-the-administrative-state-with-sec-ruling/

59. *Judge rules Administrative Court system illegal after 81 years*.
http://www.armstrongeconomics.com/archives/33280

QUESTIONS

Please send your answers to Sue & Sam of the Maynes family
flora@reachnet.com.au

1. Have you ever heard of Administrative Law?
2. Have you ever heard of Private Law agreements?
3. Are you aware that when you register with the Australian Government for any service, you are entering a Private Law agreement?
4. Are you aware that agreement requires your Legal Name, Date of Birth, Legal Address and your signature to bind you to that agreement?
5. Were you told that in so doing, you had voluntarily given up your Constitutional and Common Law rights?
6. Would you have agreed to do so if you knew this?
7. Are you aware that most, if not all, govt bodies are outsourced?
8. Are you aware those outsourced bodies are private bodies?
9. Are you aware they are able to Coerce you into compliance?
10. Have you been taken to, or entered, an Aust Govt court?
11. Did you attempt to use Constitutional and/or Common Law arguments in your defence?
12. What were you told about that defence?
13. What was the court result?
14. How does that make you feel?

If you can think of anything else you would like to comment on – elements you were not aware of or further court / government dealings –please include them in your response. Thank you - Sue & Sam