

## Usurpation of the Commonwealth and Crown

### Summary

#### **Colonial Reorganisation**

The Commonwealth of Australia, as an institution representing the Australian people, came about by a reorganisation of several British colonies through a plebiscite to reorganise itself under the Crown and set the administration of divided power between the States, and central, governments and parliaments.

#### **The Alterable Clause, The Constitution**

The British enactment of 1900 provided nine clauses, the last, being the constitution, was alterable by section 128 therein referencing the reserve powers to the Australian people. The first eight clauses were inalterable and its expression tests all law made pursuant to the Constitution for compliance as the first tier of 'the laws of the Commonwealth'. Constitutional amendments becomes the second tier and the laws made by the Parliament of the Commonwealth is the third.

#### **The Eight Inalterable Clauses**

Of primary note is the binding clause in the second clause that commands the performance of the King, or Queen, of the United Kingdom to application within the Constitution for all provisions referring to the Queen in line with the expression of the Preamble referencing the Crown of the United Kingdom being the power within the Act that the Commonwealth of Australia was formed and compliant to in accord with the doctrine of allegiance.

The fifth clause adds to the compliance by command to the judicature and to the people of the several former colonies, where the British Act in speaking to the judicature includes all Crown courts.

The said fifth clause in referencing the laws made by the Parliament of the Commonwealth, subject to the Constitution, includes the limitations imposed throughout the whole of the Constitution and schedule in addition to the said preceding clauses.

#### **Duty of the Crown Retained by the People**

The Commonwealth of Australia Constitution Act 1900 is an instrument exclusively applicable to the Commonwealth of Australia that has an inseparable Crown component both for signification and for dutiful performance for which oversight is expressly provided for at section 59, Constitution and reserved to the people, via section 128, for release by alteration or repeal.

#### **Pretended Constitutional Developments**

The document, 'The Case for Jurisdiction' details the provisions of the Act that underscores the above-said constitutional narrative as self evident. Against this background agendas have been advanced in 1931-42, in reference to the Statute of Westminster 1931, in 1973 in reference to the removal of 'Queen' and 'Commonwealth' references in the Statute Law Revision Act 1973, and the creation of the title/office, Queen of Australia, via the Royal Style and Titles Act 1973 to sever the application of the Crown. In 1985 the Australia Act 1986 brought such severance of the Crown to the several States.

In each of the events the domestic law seems to have attempted to reorganise the performance, and application, of the constitutional law of the Commonwealth. A careful examination of the Royal Style and Titles Act 1973 shows an attempt to substitute the 'Commonwealth of Australia' with an alternate, yet pretended, jurisdiction, 'Australia and its Territories'. The government, by stealth of domestic law attempted to impose its authority in place of the Australian people by removing the term Commonwealth and the application of the Crown by a pretended substitute title/office of the Queen.

### **Australia Acts**

To remove the apparent inconsistency between the federal parliament and those of the several States a scheme was undertaken to remove the Crown from the States by a concurrency of domestic laws, for the Australia Act 1986, erroneously pursuant to section 51 (xxxviii), Constitution, for which request Acts of the States were inconsistent to the laws of the Commonwealth and violated section 109, Constitution. The States were inconsistent with their respective constitutions in enacting such laws in various technical errors.

The Australia Act 1986 passed by the Parliament at Westminster did notably deny the Australian claim that the Commonwealth of Australia was "sovereign and independent" by absence of the reference, and held in its definitions, at section 16, that the Commonwealth was to be held according to the Commonwealth of Australia Constitution Act 1900, inferring the reference "under the Crown".

### **Revisit of Constitutional Limitations**

Further, the Statute of Westminster 1931, section 9, protects the States and prohibits their practice from departure of the constitutional arrangements and limitations where the Colonial Laws Validity Act 1865 was in force against severing of Crown ties.

### **Constitutional Commission Reports of 1988**

It is most notable that the imposed changes of constitutional performance was not accompanied with constitutional changes required of and identified in two reports of a Constitutional Commission in 1988. Within the totality of two thousand pages of the reports bills were recommended to make changes to the Constitution, via referendae, but were never implemented and a short summary of the constitutional reports was included in the exhibit of evidence filed in the case. The reports were effectively concealed from public view with scant references made by legal commentators.

What is extraordinary regarding the conduct of the Constitutional Committee is the approach taken to recommend changes to the Constitution and preceding clauses in preference to reinstating the constitutional position and respecting its limitations. The crime of changing the form of government without process of law is provided for, in the Crimes Act 1914 (Cth), as treachery which occurred in 1973 for the federal sphere and in 1985 for the several States. The Constitutional Committee may be regarded as accessories after the fact in promotion of these changes.

### **The Crown and the EU**

To understand these trespasses attempted it is necessary to realise that the treachery of 1973 came on the heels of the entry of the United Kingdom into the European Economic Community, EU,

which itself doped the position of the Queen as Sovereign. The question concerns the ability of the Queen to exercise the granting of the Royal Assent if the Queen had lost Her sovereign status in becoming a citizen of the EU and subject to Brussels. The Crown was no longer the fount of law and justice that the subjects had expected by allegiance performed over centuries.

Against this backdrop there is the prior obligation to the Commonwealth of Australia for performance pursuant to the second clause in which the Crown was bound and there was no release. The question arises on the British obligation and the inability to perform that role if the United Kingdom was subject to Brussels, a foreign power and in contravention to British law that includes the Bill of Rights 1689.

### **Inquiry for Constitutional Compliance**

Documentation within the said exhibit shows that the questions were raised and requests were made for the authority under which change departed from the constitutional norms may be held as according to the law. In every case the account of the government was without lawful instrument or without reason.

The usurpation of power and the trespass upon the Commonwealth rights were compounded by the inability to bring the issue to court for attention and remedy as the courts in being itself a creature of the pretended authority could not grant relief upon which the claim may be stated. These were no longer Crown courts even in the circumstances such as the Supreme Court Acts of the States may require the judges exercise the jurisdictional power of England, these judges were not duly sworn.

### **Concealing Pretended Authority of Office**

In the case, brought now to the High Court of Justice, the first defendant, acting as the Chief Justice of Western Australia, refused to disclose and reveal his oath to the Queen when evidence had been filed into the special application, to hear the matter of jurisdiction, that presumes the invalidity of the pretended title of the Queen of Australia. In a federal case that year the judge issued an order with the acknowledgement that the first duty of the court is to establish jurisdiction.

The second defendant, the pretended Governor of Western Australia, is named as assuming the role of the Queen's representative by pretended title of the Queen and such defective commission thereof to deny the proper and lawful representation that office is bound to acknowledge and perform.

It is believed that the case against the Australian administrations of government and of justice is firm where the central issue is the denial of Her Majesty's rightful title in the Commonwealth of Australia. That the legal representative for the defendants has not filed an appearance and requested that the matter be struck out by the court's own initiative is an invitation to treason by the judge in the case as much as by the State Solicitor act for the Attorney-General of Western Australia.

It is not believed that the judge may deny the evidence presented and may not deny Her Majesty's right for application and execution of duties in the Commonwealth of Australia for which law is current British law.

There is no literature, in Australia or the United Kingdom, that addresses the issues in any comprehensive manner that denies the evidence, which the reports of the Constitutional Committee details and supports. There is no willingness for the judiciary to allow for the issues to be canvassed

and rely on the position that these cases have always failed. To this it is now understood of the oft used statement: The defendant has failed to state a claim upon which relief may be granted.

The Australian governance is running on the whiff of pretence and have relied on the Australia Acts to bar the doors of the courts to Australians. The Crown courts may not acknowledge any administration that is the fruit of a poisonous tree pretending legitimacy under a Crown Act that established the Commonwealth of Australia reserved for that purpose.

### **Judicial Barrier to Remedy**

The applicant, in making application to a court outside of Australia, follows the law under which he is bound and may not effectively apply for remedy within Australia as the power of a Crown court, that may provide relief, is not available for the corruption of the State courts by the application of the Australia Act in removing the Crown.

### **Law Command Upon the Applicant**

The overarching law upon the applicant to seek a Crown court for remedy are two.

The first is the fifth clause that states a performance to maintain the Commonwealth contract.

The Crimes Act 1914 (Cth) provides that it is a crime to be in contempt of the Queen or the Commonwealth Constitution, regardless that the provision has been repealed under pretence of the 'Australian Parliament'.

The second is the provision of the Criminal Code 1913 (WA) at section 177 that requires adherence to perform to a law that is in force within Western Australia, that includes, amongst other things, the first mentioned law, the fifth clause.

The Criminal Code 1913 replicates the Crimes Act 1914 of the contempt to the Queen or Commonwealth Constitution.

### **Law Command Upon the Court**

The said fifth clause in naming the courts and judges to the respect of the Commonwealth of Australia Constitution Act, as a British Act includes the English courts to performance.

The Treason Felony Act 1848 regards the denial of Her Majesty's rightful title, expressed in the second cause of the Commonwealth of Australia Constitution Act, an act of treason for which denial of this application for review would raise such attention for application upon the judge in the case.

### **Treasury funding**

Because of the nature for attention to the breach of law in Australia, and the urgent necessity to restore the Crown therein, there ought to be available in the Supreme Court Act (UK) a provision, for public interest issue, to secure funding for the case to go forward by the purse of the Treasury which is on the record for having not made denial of the case so far.