

WHO WILL LOOSE THE ELECTION?

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"Let us therefore examine how men come by the idea of punishing in this manner. They learn it from the governments they live under; and retaliate the punishments they have been accustomed to behold... It may, perhaps, be said that it signifies nothing to a man what is done to him after he is dead; but it signifies much to the living; it either tortures their feelings or hardens their hearts; and in either case it instructs them how to punish when power falls into their hands.

Lay then the axe to the root, and teach governments humanity."

Thomas Paine (1737-1809)
RIGHTS OF MAN (1791-92)

As the Australia we suspect we know lurches awkwardly backwards into the twenty-first century, like the rest of the Western World, our nation endeavors, in a piecemeal fashion, to hide its shame of its own loss at any credible set of values.

Despite daily political incantations, no positive outlook has replaced the debris of the old. Since 1945 at least, nothing of an enduring, positive Australian nature has emerged. The puerile post-war materialistic hedonism of the 1950's gave way to the alternative leftist counter-culture of the 1960's to be followed by the subdued, incense-fuelled spiritualism and flaired bad-taste of the Whitlameske 1970's and the pervasive greed of the best forgotten 1980's. As the chimerical technological loneliness of the 1990's bequeathed a reactionary alienation as the prevailing cultural phenomenon, the new century accentuates mindless, instantaneous glamour and ephemeral horror of Hollywood coupled with a vacuous but ubiquitous sensationalist viewpoint calculated on shock-value!

Much of this has been imported. If anything, Australians - like aimless amputees - meander along the road of the Western World in an outward looking expectant delirium of self-abuse that any objective assessment would conclude as bizarre! Our shredded nationalism is a pale and near pointless parody. What our desiccated morality lacks in introspection is compensated for by our media-driven rush to judgement. What passes for the Australian economy was and remains founded upon an enslavement widely held to be more productive to government revenue than despotism or freedom and therefore government (and big business) on grounds of self-interest, are opposed to both.

While irrational fears and generational superstition still stalk the world, in Australia they almost dominate. While claiming to love freedom, Australians (like Americans) actually fear it, hate it and are more than complicit in smothering it by laws designed to protect us from the foreboding anxiety that someone, somewhere may be having a good time, engaged in individual taste or whimsy, involved in a victimless crime or investing overseas.

Our history is manipulated for us in marvelous and monstrous ways so that the poison drawn from the Establishment's horrid principles can be passed off as sound. This, when coupled with Australians' deeply engrained unquestioning conservatism, means that '*traditional family values*' denotes little beyond a guilt-inspired right to keep children as ignorant as their grandparents; '*economic policy*' a means to keep them as unemployed as their fathers and the media aspires to keep them so desperately ignorant that everything is guessed at and usually mistaken, or altered beyond recognition!

By subtle but effective psychological conditioning and despite the lessons of history, Australians are apathetic, fatalistic and indifferent; happy to let 'The Nanny State' take care of things. Images of 'bromide in their tea' come to mind which may explain why there is so much fluoride in the water after all. More than 500,000 surveillance cameras are now installed across Australia. Microchipping, smart-cards, biometry identification (and D.N.A testing in particular) are now embraced as triumphs of the information revolution and imperative elements of a 'safer' society. Soaring incarceration rates, social security payments and government housing programmes point to a society devoid of solutions for growing social inequality and its resultant problems.

The silence of Australia's political debate is deafening. Anyone raising concerns is marginalised, ridiculed and beaten into submission by the 'fair go for all' philosophy that a broad-based totalitarian government mandate promises to provide. The role of representative democracy is now to represent the political party; Australians having been found long ago to be content with bread and circuses (i.e., beer and 'The Footy Show' followed by 'Australia's Funniest Home Video's').

The Australian Federal election to be held on Saturday 10th November 2001 will be largely, fought (and won) on non-domestic issues. In the 'Kingdom of the Blind' a one-eyed man is King! Put aside for the moment the sad facts that in Australian:

1. Disposable income is falling
2. Unemployment and Underemployment is rising.
3. The Aussie dollar has lost 40% of its value in just 1^{1/2} years.
4. Literacy rates are decreasing.
5. Youth suicide rates are increasing
6. Ethnic based crime is manifest, despite the much vaunted benefits of a tax-payer funded Multiculturalism.
7. Small business is dying beneath a mountain of complex regulation.
8. The taxation system is founded upon a philosophy of punishment.
9. Corruption suppurates beneath a cover of bureaucratic spin-doctoring.
10. Inequality of living standards is rampant.
11. Education policy is more akin to periodic detention directives.

Having put these unfortunate things aside, ask yourself the following questions:

1. Regardless of the outcome of the Federal Election do you believe that your living standard will improve?
2. Do you believe that you will be granted a greater opportunity to control the political decisions made by those in power (for example, by citizens initiated referenda)?
3. Do you appreciate the distinction between 'core' and 'non-core' promises?

4. Do you feel that the problems faced by 67 year old Mr. Bill Smithies are politically important?
Further, who is Mr. Smithies? (For those of you who don't know, he is the Public Servant living in Canberra who has not voted for decades, and is finally to be sent to goal for not doing so.)
5. Are you able to cite even one major policy difference between the two Australian political parties? If so, what?

Make no mistake, Australia is viewed internationally as a farm and a quarry that nonetheless has the ability to stage entertaining pyrotechnic crowd pleasers, despite our time-zone mandating delayed telecasts to the rest of the globe. Our stock-market accounts for less than 2% of international share-trading and our major primary (read third world) industries are owned by foreign corporations.

The reasons for this is not difficult to posit, being as these are historic and political in nature.

The United Kingdom has declared to the Human Rights Commission of the United Nations in the year 2000 that "Australia became an independent nation no later than 3rd September 1939". As of this date, Australia legally declared war against Powers other than those that were never officially at war with the United Kingdom! A 'Declaration of War' is an action under international law only capable of being performed by a Sovereign Power. The United Kingdom has further declared to the United Nations that "**United Kingdom domestic law in now *ultra vires* within Australia**", as the United Kingdom Parliament no longer possesses legal sovereignty over Australia.

However the United Kingdom law passed by the Westminster Parliament in July 1900 remains in force unaltered as the fundamental controlled constitutional law of the Commonwealth of Australia and other United Kingdom laws remain in force unaltered as the fundamental controlled constitutional law of the component States and Territories of that Commonwealth. Clause 8 (see <http://www.aph.gov.au/senate/general/constitution/preamble.htm>) of the 1900 law describes the Commonwealth as a 'self-governing colony' and the preamble defines the Commonwealth as being "under the Crown of the United Kingdom of Great Britain and Ireland." The preamble remains unaltered in the year 2001.

Until 1984 Governors-General, who hold the Executive power in the name of the Queen of the United Kingdom under section 61 of the 1900 law were still appointed under United Kingdom Letters Patent issued by Queen Victoria in the year 1900. In 1973, a subterfuge was entered into by replacing, under subordinate legislation, the title "Queen of the United Kingdom and Northern Ireland" with the title "Queen of Australia", without any attempt to alter the principal legislation which retains the Queen of the United Kingdom as the lawful authority. This is much the same as the '3 shells and the pea trick' performed by schisters on the streets. When you try to pin them down (in the courts) it is always under the other shell! The title "Queen of Australia" is therefore simply a legal alias for the Queen of the United Kingdom who holds her position as a statutory Queen (as opposed to a divine Queen) under legislation of the United Kingdom Parliament. The ultimate lawful authority over Australia is thus still the **United Kingdom Parliament**, despite any and all disclaimers. After 1984 Governors-General have been appointed in the name of the legal alias, but still exercise the power given to the Queen of the United Kingdom under the 1900 law.

The courts in Australia deny that any fundamental change has taken place in Australia's legal status, thereby contradicting the position taken by the United Kingdom Government. The various court denials are themselves contradictory. On 23rd June 1999, by majority, in the matter of Sue v Hill HCA30 (http://www.austlii.edu.au/au/cases/cth/high_ct/1999/30.html), the High Court declared

that the United Kingdom was a foreign power. The following day a member of that majority, on 24th June 1999, on the basis that United Kingdom law was not the law of a foreign power a member judge of the High Court majority, Hayne J., in the matter of McClure v Australian Electoral Commission and anors (M119 of 1998 see www.austlii.edu.au/au/cases/cth/high_ct/1999/31.html), denied a motion of a citizen objecting to the manner in which elections are being held under United Kingdom subordinate law.

This confusion and contradiction is the result of a deliberate policy of the United Kingdom government to refuse to publicly announce either that Australia is still a colony or publicly declare that U.K. laws are *ultra vires* in Australia (as declared to the Human Rights Committee of the United Nations). When pressed the United Kingdom government maintains that it has legislated at least four times for Australian independence, in 1927, 1931, 1948 and 1986, but the continued actions of the United Kingdom Government negates this legislation.

Although an appeal to the ultimate United Kingdom Court, the Privy Council, remains in the Constitution, official procedures deny the rights of any citizen attempting to place these matters before that body, being the only court officially within the British/Australian system where the position, privileges, payment and superannuation rights of the judges hearing the matter would not be at risk. Judges in Australia routinely hear matters even though their vested self-interest is central to the issues to be determined.

Upon joining the European Economic Community in 1969, the United Kingdom lodged with the Community, a statement listing the 16 dependent Areas (colonies) which still formed part of the United Kingdom. These were:

- i. Anguilla
- ii. Bermuda
- iii. British Indian Ocean Territory(Diego Garcia)
- iv. British Virgin Islands
- v. Cayman Islands
- vi. Falkland Islands
- vii. Gibraltar
- viii. Guernsey
- ix. Hong Kong (until 1 July 1997)
- x. Jersey
- xi. Isle of Man
- xii. Montserrat
- xiii. Pitcairn Islands
- xiv. Saint Helena
- xv. South Georgia and South Sandwich Islands
- xvi. Turks and Caicos Islands

Neither the Colonial Federation of the Commonwealth of Australia, nor any of its constituent colonies (being the States and Territories of the Commonwealth of Australia) are mentioned as continued dependencies.

However, all branches of Government in Australia, legislative, executive and judicial at all levels, State and Federal, plus the armed forces and the police forces of the states and all members of the legal profession, are exclusively under sworn allegiance to the Queen of the United Kingdom. The position being confirmed by two rulings by the High Court of Australia, on 15 December 1998 *Joose v ASIC & anors* M35 of 1998 (Justice Hayne presiding, see <http://www.austlii.edu.au/au/other/hca/transcripts/1998/M35/1.html>), and in April 1999 on review, of the same matter (Justice Gaudron presiding) in which the continued application of all aspects of the Act to Constitute the Commonwealth of Australia (1900) UK were ruled to be still applicable, and to be the law of Australia, binding on all courts.

The above case had sought to establish that Australia was now a sovereign nation, and was not subject to the directions of the United Kingdom Parliament through instructions and orders from the Queen of the United Kingdom. The High Court of Australia denied this proposition.

These rulings by the High Court of Australia confirmed the initial 8 clauses of the Act to Constitute the Commonwealth of Australia were still in force throughout the continent, and that the colonial federation is still governed at all levels under the authority of the Crown of the United Kingdom. Thus, conceding in law, and in fact, that Australia is still a Colony of the United Kingdom. Their Honours paid lip service to the idea that Australia had become an independent nation, but denied that international sovereignty had been achieved. In particular, they denied that international treaties signed on behalf of Australia had any effect in law. It was also ruled by their Honours, that international law did not apply in Australia, and the United Kingdom Act cited above was ruled to be Australian domestic law!

A further ruling by the Full Bench of the High Court on 23rd June 1999 held that for the purposes of a single section of the said Constitution, section 44(i), the United Kingdom was now said to be a foreign power. By the ruling of the court, a citizen qualified under the explicit terms of the Constitution, by reason of her birth and status as a citizen of the United Kingdom, Heather Hill, was denied election to the Senate of the Parliament of the Commonwealth of Australia by reason of her "allegiance to a foreign power". She owed no allegiance to either of the two major parties given privileged status under the electoral laws.

However, in order to be eligible to take his seat in the Commonwealth Parliament her replacement as Senator-elect was required to swear allegiance to Queen Elizabeth II, as the current Queen of the United Kingdom under the terms of the Schedule to the Constitution. All members of the Federal Parliament are required to swear allegiance to the current monarch of the United Kingdom under the same schedule.

At a subsequent hearing before Justice Hayne of the High Court in *Helljay v Deputy Commissioner of Taxation* (see www.austlii.edu.au/au/other/hca/transcripts/1999/S18/1.html), Legal Counsel sought to have the British legislation declared *ultra vires* in Australia, since it was now the legislation of a foreign power. Justice Hayne refused the argument on the grounds that the declaration in *Sue v Hill* (HCA 30 of 1999) was for the purposes of a single section, section 44(i), of the Commonwealth Constitution **only**, and did not apply to any other section of the aforesaid constitution!! Legal scholars who are not dependant on this charade for their livelihood, say this is pure 'Alice in Wonderland' stuff.

At a referendum held on 6 November 1999, under the provisions of section 128 of the colonial Constitution of the Commonwealth of Australia, all citizens with voting rights were asked to vote on two questions. The second question asked the people to adopt an additional preamble to the Constitution containing the following statement as the only active element:

"We the Australian people commit ourselves to this constitution..."

without altering the original preamble to the Act. The commitment statement was then followed by a number of qualifying statements. This referendum was the only time in the existence of the colonies from 1788 onwards, that all citizens of voting age were allowed to vote on the constitution in toto. The official result shows that by a vote of 60.66% to 39.34% the people of Australia **rejected** the question. It is little wonder that the Prime Minister wanted to let us know that the issue is now dead and buried.

The executive, judicial and legislative branches have continued to govern under the terms of a Constitution thus rejected by the people. Their sole basis of their authority being the Queen of the United Kingdom and the United Kingdom parliament. The existing government structure exists only by force majeure, imposed on the peoples of Australia by the United Kingdom.

To maintain the illusion of self government, elections are held from time to time using a system which forces all citizens to vote for either of the two major political forces, both of which are led by persons with sworn allegiance to the Queen of the United Kingdom. Any vote cast for a candidate other than the above forces is converted compulsorily into a vote for either of the two major parties, or totally excluded. In addition a citizen can be fined and imprisoned for failing to vote. The elections are therefore neither fair nor free. In 1996 a citizen, Mr. Albert Langer, was jailed in the colony of Victoria for advocating a method of voting allowed by the Electoral Act, but which did not allow the conversion of votes cast against the two major forces into votes for those two forces.

Australia is thus in the unique situation that its highest court has in alternate hearings within the latter half of 1999 declared that Australia is both an independent nation, but does not have international sovereignty, and, is governed solely and totally under colonial law which owes its legal authority to its status as an Act of the United Kingdom Parliament (Australian Capital Television Case, High Court of Australia 1992).

As the Queen of the United Kingdom is by 'British' definition and legislation, part of the legislature of the United Kingdom, any royal authority, (other than the Royal prerogatives to dismiss the Prime Minister and the dissolve the Parliament), derives only from law of the Westminster Parliament and exists only in the presence of the "Three Estates of the Realm, the Crown, the Lords and the Commons, assembled in Full Parliament."

Therefore, the executive authority wielded by the Queen in and over the Colonial Federation of the Commonwealth of Australia, is the authority of the United Kingdom Parliament, both by legislation and by convention. The Letters Patent issued to the Governors of Victoria, Tasmania, Western Australia, Queensland and South Australia in 1986, and still in current force, confirm that the ruling power in Australia is the United Kingdom. The only exception to the 1986 documents was New South Wales, which continued operation under similar Letters patent issued in 1981.

No "Head of Power" exists in the colonial Constitution to appoint a monarch or to vary the title of the monarch. The power of the Crown within the British act to constitute the colonial federation of Australia is explicitly that of the Queen of United Kingdom (Section 2 of the Act). However, in 1973 the Commonwealth Parliament, in an effort to conceal the continuing United Kingdom

control, passed the Royal Styles and Titles Act (Cth.) (see http://www.austlii.edu.au/au/legis/cth/consol_act/rsata1973258/) conferring on Queen Elizabeth II, the title “Queen of Australia and her other realms and Territories, Head of the (British) Commonwealth (of Nations).” As the title 'Head of the Commonwealth' is purely a position held by the Queen of the United Kingdom, the new title did not change the fundamental legal position and for the purposes of the Constitution is an **honorary title**.

Further, on 6 November 1999, a constitutional referendum was held with two questions being presented to the citizens of Australia. Question 1 asked Australians to approve a Republic with the power still exercised through the Constitution of the colonial federation. Although public sentiment is clearly for independence and a republic, the voters refused to accept the change on the basis proposed.

Question 2 at this referendum is more pertinent to this discussion. The government proposed insertion of an additional preamble into the Constitution. The insertion sought, is as follows:

“With hope in God, the Commonwealth of Australia is constituted as a democracy with a federal system of government to serve the common good.

We the Australian people commit ourselves to this constitution:

proud that our national unity has been forged by Australians from many ancestries;

never forgetting the sacrifices of all who defended our country and our liberty in time of war;

upholding freedom, tolerance, individual dignity and the rule of law;

honouring Aborigines and Torres Straits Islanders, the nations first people, for their deep kinship with their lands and their ancient and continuing cultures which enrich the life of our country;

recognising the nation building contribution of generations of migrants;

mindful of our responsibility to protect our unique national environment;

supportive of achievement as well as equality of opportunity for all;

and valuing independence as dearly as the national spirit which binds us together in both adversity and success.”

The official result was as follows:

| | | |
|---------------------|-----------|------------|
| Enrolled | | 12,387,729 |
| Total votes counted | | 11,785,035 |
| Result | Yes: | 4,591,563 |
| | No: | 7,080,998 |
| | Informal: | 112,474 |

Thus, by the only national vote ever held in which all citizens were entitled to vote on this issue, the above proposition was rejected by more than 60% and accepted by less than 39%, clearly establishing that the Australian population, as a free people, did not commit themselves to be ruled by this controlled colonial constitution.

From the beginning to the conclusion of the Australian Federal election campaign, the media will concentrate upon the leaders of the political parties, with Messrs. Howard and Beazley gaining most of the orchestrated attention. For obvious reasons, this fixation cannot be accurately termed a 'personality cult' (the perennial undergraduate, Miss Stott-Despaja being the exception who proves the point) but, it nonetheless belies the theory that parliamentary representatives are elected to represent their constituents. Although not a recent phenomena the 'leadership cult' does underscore Australian's desire for (Executive) dictatorship. Indeed, on Tuesday 9th October, 2001 noted Australian 'hero', Mr. Dick Smith reportedly claimed that in these trying times Australia needed a dictator. In this Mr. Smith (unlike Mr. Smithies referred to above) merely articulates the longing of many!

If will come as a surprise to many that the term 'Prime Minister' is never once used within the so-called Australian Constitution (Ditto, Head of State, but that is another story). 'Prime Minister' merely connotes, 'the chief minister of a ruler or state; the official head of cabinet'. Amongst the more ludicrous ideas disseminated, by those who either do or should know better, is the one that suggests that Australia has government ministers because these elected representatives 'minister' to the Australian people (just like Senator Mal Colston did). In fact, as any reading of the Commonwealth of Australia Constitution Act 1900 (U.K.) will show, ministers (including Prime Ministers) 'minister' to the Sovereign of an obsolete political entity (being 'the United Kingdom of Great Britain and Ireland; Ireland having ceased to exist as a political entity on 15th January 1922 with the ratification of the Anglo-Irish Treaty of 1921). If proof is sought please refer to sections 1-5 of Clause 9 of the Act, together with the Oath as contained in the Schedule to that Act. It needs to be emphasized that, that Oath contains nothing beyond the interests of the Sovereign of the United Kingdom. As is to be expected, the Australian people are not mentioned.

Should an elected representative choose not to swear allegiance to the Sovereign of the U.K., that elected representative cannot 'take part in proceedings of the House until sworn in' (see Annexure 31 of Australia: The Concealed Colony, and section 42 of the so-called 'Australia Constitution'). This is no longer the case in the United Kingdom itself!

The question, 'What can be done?' or (to a lesser extent), 'What can I do?' is sometimes raised. Disregarding the diagnosis, which suggests that Australians' malaise is underscored by the necessity of them asking this question, the possibilities are endless. For example:

1. Obtain and act upon proper advice enabling you to structure your financial affairs so as to minimize your taxation liabilities. This is not only good for you and yours, but it diminishes the government's revenue.
2. Make an appointment and see your parliamentary representative. While you are there why not give them a copy of Australia: The Concealed Colony, and explain that TREASON is still a capital offence.
3. Email and disseminate as much information as you can. You may wish to concentrate on foreign media outlets (i.e., Newspapers, Magazines, Bulletin-Boards etc).
4. Although under section 245(5) (b) of the Commonwealth Electoral Act, it is a criminal offence to fail to vote, this does not prevent creativity by informed voters.

Alternatively, do what Australians are best at, do nothing at all! Rest easy on the assumption that Australia is God's own country, that our politicians are the best that money can buy, that 'money' and a 'decent standard of living' are not everything, and that 'The Footy Show' and 'Australia's Funniest Home Videos' are still on the television.

Appreciate that all it takes to own a small business in 'The Lucky Country' is to purchase a big business, and wait for the government to do their thing for you. Work harder and longer for less and less. Keep your head down!

And the losers, of the 2001 Australian Federal election, are the Australian people! (And there's nothing unexpected about that).