

Subject: RE: Email to Michael Howard  
Date: Tue, 30 Aug 2005 11:31:03 +0100  
From: "HOWARD, Michael" <[HOWARDM@parliament.uk](mailto:HOWARDM@parliament.uk)> [Add to Address Book](#)  
To: [waynelevick@yahoo.com](mailto:waynelevick@yahoo.com)

Thank you for your email to Michael Howard. In his absence I am replying on his behalf.

We appreciate you bringing this case regarding David Claude Fitzgibbon to our attention, the details and your concerns have been noted.

Unfortunately however, due to a Parliamentary Convention Mr Howard, like all MPs, is unable to intervene in cases not involving his own constituents. So I am afraid Mr Howard is unable to be of any assistance.

Sorry for the disappointing nature of this reply. Thank you once again for writing.

Yours sincerely,

Kate Marley  
Office of the Rt Hon Michael Howard QC MP  
Leader of the Opposition

-----Original Message-----

From: <http://us.f327.mail.yahoo.com/ym/Compose?To=waynelevick@yahoo.com&YY=23996&order=down&sort=date&pos=0&view=a&head=b>  
[mailto:[http://us.f327.mail.yahoo.com/ym/Compose?To=waynelevick@yahoo.com&YY=23996&order=down&sort=date&pos=0&view=a&head=b](mailto:http://us.f327.mail.yahoo.com/ym/Compose?To=waynelevick@yahoo.com&YY=23996&order=down&sort=date&pos=0&view=a&head=b)]  
Sent: 27 August 2005 08:47  
To: HOWARD, Michael  
Subject: Email to Michael Howard

Feedback submitted from the Conservative Party Website.

I do not wish to be contacted further by the conservatives.

Name: Wayne Levick  
Email: <http://us.f327.mail.yahoo.com/ym/Compose?To=waynelevick@yahoo.com&YY=23996&order=down&sort=date&pos=0&view=a&head=b>  
Postcode: AUSTRALIA

-----  
Comments:  
Dear Sir,

I email from Australia to attempt to notify you of the matter of David Claude Fitzgibbon-v-Her Majesty's Government of the United Kingdom of

Great Britain and Northern Ireland. This case is about to be filed in the European Court of Human Rights. (The most recent decision of Lord Justice Waller and Sir William Aldous of the Court of Appeal Civil Division on Thursday, 21st April, last effectively wiped out the protections afforded by the European Convention on Human Rights for the approximately fourteen millions of British citizens living outside of the United Kingdom and as a consequence it is felt that Mr. Fitzgibbon's litigation will be treated with an unexpected urgency).

Given your position within the Parliament at Westminster I am wondering if you are aware of this matter and suggest that if you are not you urgently make the appropriate inquiries because I am not alone in believing that once this case comes under the jurisdiction of the aforesaid court there will be consequences both for your own monarchical system of government and for the people your government represents.

I suggest that the Internet is perhaps a reasonable place to start and I advise that should you require my assistance in obtaining relevant information you kindly do not hesitate to provide me with your postal address so as to allow me to forward documentation to you. I am also able to forward attachments by way of email should you deem this appropriate.

Although your instant reaction would probably be to advise that the separation of powers (and at this late stage, jurisdictions) prevent your involvement, the issues are far too serious for such an understandable, if reflex, dismissal.

By way of summary, the Commonwealth of Australia Constitution Act, 1900 (U.K.) remains operative legislation of the United Kingdom applicable to individuals in the Commonwealth of Australia. Various Australian State constitutions, also remaining as United Kingdom legislation, exacerbate the problems. As you can imagine, in 1900 these facts presented no problems; if anything the British living within what became known after the 1st of January 1901 as the federated United Kingdom colonies of the Commonwealth of Australia would not have had it any other way. However, as you would also appreciate, times and circumstances have evolved - most importantly during the Versailles Peace Conference of 1919; with the issuing of the Balfour Declaration of the Inter-Imperial Relations Committee of the 1926 Imperial Conference, with the passing into law of the Royal and Parliamentary Titles Act, 1927 (U.K.) the Statute of Westminster Act 1931 (U.K.), upon the Commonwealth of Australia becoming a founding member of the United Nations in 1945 and the Australia Acts, 1984 (Cth) and (UK). Despite all of these developments the

Constitutional and legal foundations under which Australians, such as myself, are forced to live remains a series of colonial Acts of the United Kingdom Parliament at Westminster. The argument is often raised

that after the peoples of Australia became independent and sovereign (pick any date since 1919), these circumstances - odd as these are - became issues solely for Australians; the United Kingdom having granted

us our freedom. However, it is clear that individuals within successive

governments of the United Kingdom continued to assist in the maintenance

of a colonial system of government within the independent Commonwealth

of Australia. (Indeed, their complicity was as essential as it was forthcoming.

By way of only one minor example; in Sydney, Australia on the 20th of March 2000, Queen Elizabeth II advised, "As I said at the time, I respect and accept the outcome of the referendum. In the light of the result last November, I shall continue faithfully to serve as Queen of

Australia under the Constitution to the very best of my ability, as I have tried to do for these past forty eight years."

<http://www.etoile.co.uk/Speech/Sydney2000.html>

Yet under the provisions of the Commonwealth of Australia Constitution

Act, 1900 (U.K.) there has never been a "Queen of Australia" or referendum to appoint one!

On no public occasion did Queen Elizabeth II ever set the record straight or even attempt to do so! Another example is the following material which was, until recently, to be found upon the Royal web-page:

"The modern Commonwealth of Australia originated in January 1901, when

the former British colonies of New South Wales, Victoria, Queensland, South Australia, Western Australia and Tasmania federated under the name

of the Commonwealth of Australia, later joined by Northern Territory in

1911 and, in subsequent years, by a number of islands and territories transferred by the British government to Australian jurisdiction.

Under

the constitution, legislative power was vested in a Federal Parliament

consisting of a Senate and a House of Representatives, with the Sovereign being represented by a Governor-General...In each of the realms, The Queen continues to be represented by a Governor-General.

He

or she is appointed by The Queen on the advice of the ministers of the

country concerned and is completely independent of the British Government. The Queen maintains direct contact with the

Governor-Generals (sic) although she delegates executive power to them

in virtually every respect."

<http://web.archive.org/web/20021021024800/http://www.royal.gov.uk/out/put>

/Page345.asp

The implications of the above material need to be thought through, for essentially the government system outlined "in each of the realms" amounts to an executive dictatorship and one to which Queen Elizabeth II was happy to lend her imprimatur! Indeed and with polished evasiveness, she still does! The Australian people are not sovereign over their affairs but rather a distant monarch, happily delegating Her power to an unelected official chosen by the Australian government! What motivations could possibly be causing this, apart from the most commonplace?

One wonders who is providing advice to Queen Elizabeth II because the consequences could truly be monumental. Perhaps you could see your way clear to seeking advice upon the issues I am raising with any of the following University Schools of Law: the Universities of Oxford, Cambridge or London; Trinity College in Dublin; the American Universities of Stanford, Cornell, Berkley or Harvard or the Sorbonne or Humboldt. I have no doubt as to the advice you would receive should you seek it.

To the average person - both in your country and in mine - the facts are convoluted and the issues technical, however to force Australians to rectify the situation via litigation within the European Court of Justice can in no way be justified; all the more so when the world concludes that this was the only course of action left to prevent individuals in the United Kingdom criminally maintaining the defunct Constitutional systems of a supposedly free people! (I refer to the Forgery and Counterfeiting Act, 1981 (U.K.) and Part II, Article 8 of the Treaty on European Union.) And that conclusion will be starkly reinforced by your government's continual omissions and obfuscations. Moreover, the doctrine of 'Crown immunity' is not one that covers all offences.

I ask you to consider attempting to resolve Australia's constitutional/legal problems before a European court of law is forced to initiate a process whereby these problems are rectified, if for no other reason than because the latter course carries with it no discernable benefits either to the British system of government or the people your government is supposed to serve. As I see it, the longer the delay in admitting liability and in avoiding taking remedial action to fix what became defective long before any of us were born smacks of rank hypocrisy, moral cowardice and compounds the injustices which must inevitably be answered.

I hope that your involvement will minimize the difficulties already gaining strength and momentum while enabling Australians to more quickly gain their Freedom, Independence and Sovereignty, for this is nothing more than their due. Otherwise, I suspect that history will judge

harshly the duplicity of those who obviously knew better, but faltered under the burden of what the future will deem to be comparatively insignificant concerns.

For your information I advise that I am not alone in having written to the Foreign and Commonwealth Office, Mr. Tony Blair, the British High Commissioners to Australia (both Sir Alastair Goodlad and the Rt Hon. Helen Liddell) and others - all to no avail. If a response is ever given it is a 'With Compliments' slip and indecipherable signature, short surface-mail correspondence advising that, 'the matter you raise is the responsibility of the Department for Constitutional Affairs and your letter has been forwarded...' Suffice to opine, it is going to make very dismal history.

Finally, on a number of occasions I have written to His Royal Highness The Prince of Wales and have been pleased to receive written responses from his Assistant Private Secretary. Of all the people I have attempted to contact only Prince Charles has shown any decency and courtesy - which is more than can be said for his mum! But then again, Charlie has always been a thinker with a willingness to act beyond both himself and petty considerations.

I await your response and remain,

Yours sincerely,

Wayne R. Levick B.A. LL.B.

+612 4341 9007

-----  
Address: 202.94.65.40  
Browser: Mozilla/4.0 (compatible; MSIE 6.0; Windows NT 5.1; SV1)