

Touched by a Butterfly



Kissed by an Angel

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Australia

'Where there is no vision the people perish, but he that keepeth the law, happy is he.' (Proverbs Ch.29 v.18)

REPUBLIC OF AUSTRALIA

AUSTRALIAN SYSTEM OF GOVERNMENT

Have you ever been asked to vote at a Referendum to sections 117 and 128 of the *Commonwealth of Australia Constitution Act 1901*

where, inside that

- **you** are the Constitution
- **you** are a subject of Elizabeth the Second,
By the Grace of God, of the United Kingdom of Great Britain and
Northern Ireland and of Her Other Realms and Territories Queen,
Head of the Commonwealth, Defender of the Faith

to alter the system of Government under which The Commonwealth of Australia is governed?

Under this corporate 'Australian System of Government'

- did **you** pass your civil and political rights
- and **your** rights to all your property
- and **your** will and testament
- and **your** state of inheritance

to an individual known as the 'Prime Minister' of the Australian Government
or a Premier of 'The State'

or a Chief Minister of a Territory

in what is known as the Australian System of Government or 'Republic of Australia'
under "THE CONSTITUTION" reprinted 23rd June, 2003?

If the answer is 'Yes' - read no further.

If the answer is "No" - read on.

Question 1:

Do **you** pay income tax
to corporate/commercial governments of the Australian System of Government
for the 'Republic of Australia'
to "THE CONSTITUTION"

Yes or No?

Question 2:

Do **you** pay GST
to the Australian System of Government
for the 'Republic of Australia'
to "THE CONSTITUTION"

Yes or No?

Question 3:

If **you** are the registered owner of real, private property,
land held in a Deed of Grant in Fee Simple,
you hold that Deed in a commercial contract
with the lawful owner of the land and seas in The Commonwealth of Australia,
Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain
and Northern Ireland and of Her Other Realms and Territories Queen, Head of the
Commonwealth, Defender of the Faith.

Under the laws of Her Majesty your land was purchased
in 'free and common socage without any incident of tenure for the benefit of the Crown'.

Have **you** ever voted at a Referendum
to pay rates or further fees on your real and private property
after you have purchased and paid for that land with real money
and hold a commercial contract, signed and sealed between both parties,
that is yourself and the lawful Sovereign of "The Commonwealth" of Australia
the original owner of the land?

Yes or No?

Question 4:

Where is the Crown,
Her Majesty,
who is the protector
of the civil and political rights
and liberties
and rights to property and estates of we, the people
inside the *Commonwealth of Australia Constitution Act 1901*?

Have you ever voted in a Referendum,
signed under the Hand of Her Majesty
to remove Her Majesty as the lawful Sovereign of the Commonwealth of Australia
and to remove Her laws and protection
for we, the People?

Yes or No?

The Members of the Parliaments of the Governments of The Commonwealth of Australia
are natural persons of male or female gender,
elected from their respective communities
to represent we, the sovereign People
and they are subject to the same laws as are all subjects of Her Majesty,
to section 80 of the *Judiciary Act No. 6 of 1903* – the common law.

In 1973 E. G. WHITLAM,
an individual of neutral gender (Corporate Entity)
known as the Prime Minister of the Government of Australia
applied to Her Majesty for a change
‘in the form of the Royal Style and Titles
to be used in relation to Australia and its Territories’

That change ‘created’ The Queen of Australia.
appointed by Her Majesty
at the request of a Prime Minister
of the new Corporate Australian System of Government.

The Queen of Australia was granted a Royal Style and Title,
as a patron for the Corporate Australian System of Government,
as Her Majesty does for other Corporate entities
Royal Flying Doctor Service
The Sydney Royal Easter Show
Royal Prince Alfred Hospital

A patronage effectively proclaims that the corporation or charity
is endorsed by Her Majesty

However, that patronage was not issued to
take over the Commonwealth of Australia Government of the People
within the *Commonwealth of Australia Constitution Act 1901*
and create an Australian System of Government.

This application for an Australian System of Government on 1973,
did not alter the status of
Elizabeth the Second, By the Grace of God, of the United
Kingdom of Great Britain and Northern Ireland and of Her
Other Realms and Territories Queen, Head of the Commonwealth,
Defender of the Faith
to Clause 2 and section 61 of the *Commonwealth of Australia Constitution Act 1901*
and neither was it to remove from the People
Her protection and Her laws,
to civil and political right
and the ownership of lawfully held property by private persons and corporations
to the *Commonwealth of Australia Constitution Act 1901*.

However,
instead of holding to and respecting
the civil and political,
and commercial rights,
of we, the People,
the entities of the parliaments created an Australian System of Government,
and the first election for that government was in 1978
under the hand of the patron
to include the Territories, and
to have Corporate Members of Parliament,
inside the corporation for an Australian System of Government,.

Question 5:

This action required a referendum at section 117 to 128 of the *Commonwealth of Australia Constitution Act 1901*.

No such referendum has ever been presented to we, the People of the Constitution, therefore the question must be asked – Why Not?

All the entities
inside that corporate structure for that Australian System of Government are,
despite the corporate titles and structures they have granted to themselves
still Her Majesty's subjects,
inside The Commonwealth of Australia,
under the Commonwealth of Australia Constitution Act 1901
subject to the common law.

The successive
Prime Ministers,
the Premiers of the 'new States', known as The State of,
and the two territories –
the Northern Territory and
the Australian Capital Territory,
have created the 'Australian System of Government'
under its constitution "THE CONSTITUTION"
sealed with its corporate seal to apply a corporate Government system –
a 'Republic' devoid of the agreement by
we, the People of The Commonwealth of Australia
without a Referendum signed
under the hand of Her Majesty
and presented to we, the People.

Question 6:

Have any of you ever voted at referendum
under a writ signed by Her Majesty
to allow this system of corporate Government to be created?

Yes or No?

Question 7:

Have you ever voted at a Referendum
to create a republican system to remove your civil and political rights
out of the *Commonwealth of Australia Constitution Act 1901*.

Yes or No?

Question 8:

Have you ever voted to make Australia a republic?

Yes or No?

Question 9:

If you voted No to create a republic then on whose authority was the republic created?

Yours or Theirs?

Question 10:

In a democracy, the people are the Constitution, where our civil and political rights are upheld.

Therefore the following question must be asked –

How can a select group of people of political parties simply install themselves
in our Federal, State and Territory and local government system
and govern we, the People
to political policies only
and not laws enacted to
and receiving Royal Assent from
Her Majesty's Hand
through her representative
the Governor-General
or Governor of a state
who must hold Her Authority
to the law of the *Commonwealth of Australia Constitution Act 1901*?

This Separation of Powers was created
to prevent entities of those political parties in government
from changing a political policy at a whim.
Thereby removing
the civil and political rights of we the People
without our consent.

With clear understanding of the result of these actions since 1973,
and the loss of our civil and political rights,
we, the People now know the type of republic,
that the members of parliament wish
to create
and hold
over we, the People

That being a republic that carries total obedience
to the policies of the Australian System of Government
which is not
a government of we, the People
a government that acknowledges the civil and political rights of we, the People.
a government that respects the Sovereignty of we, the People
under the *Commonwealth of Australia Constitution Act 1901*.

An Act that the Parliament, in 1901, agreed to govern under.

It is therefore incomprehensible
that this system of corporate Australian Government
has since 19 October 1973
a total of 37 years,
gradually been installed
totally devoid
of the consent of we, the People.

For 37 years,
we, the People have
had no government in the Commonwealth of Australia and
there are no laws,
signed and sealed by the Governor-General
or the Governors of each state
to the Hand of the Sovereign,
the lawful Crown,
Her Majesty.

Question 11:

Under what authority
have all the members of these Parliaments had
since 1973
to interfere with our civil and political rights,
the lives of our families,
our estates and inheritance,
our property
and all facets of government within the Commonwealth?

?

As a result of this, we the People must question what type of Republic we are going to have imposed
on us when and if we consent at Referendum to such a thing.

**A system of Government, be it a republic or a democracy,
must still be a government of the people, for the people and by the people
not simply imposed on the people by persons with other agendas.**

To be otherwise is a dictatorship.

This new Australian System of Government was to be allowed,
by its chief executive – the Prime Minister,
through its *Corporations Act 2001(Cth)* and
with the Queen of Australia inside “THE CONSTITUTION” at the direction of the Prime
Minister
and the same in The State and Territories
inside that corporatized government
to borrow money through the International Monetary Fund

The Queen of Australia holds no assets (sovereignty) and has no subjects.

These borrowings are the responsibility of the corporation Australian System of Government only,
they are not the debt of the sovereign people of The Commonwealth of Australia.

That debt,
has been incurred
and guaranteed
by the Australian System of Government and all its corporate entities
It has been converted to ‘Australian money’ (not legal tender of the Commonwealth of Australia and its
territories)
for the corporate government and its entities
who are bound to the laws of the International Criminal Court in the Rome.

In the Australian System of Government including the ‘new’ States and Territories,
as with any other corporation or person,
to be able to operate they needed capital.

To obtain this capital they created the *Industry Research and Development Act 1986(Cth)*

Section 19 of this Act prevented the Australian Government from the ability to use Commonwealth
money

The Australian Government created
the *Venture Capital Act 2002* to allow the corporate Australian Government
to create a venture for its own system of government
and to obtain capital for the corporate Government
and allow shareholders to invest in the corporate Government
as they could not use Commonwealth money.

The *Pooled Development Funds Act 1992* was created,
whereby all The States and Territories
pooled into the one Fund
the wealth of their own State and Territory corporations.
in the venture for the natural resources development
of the minerals
or natural resources
found on the land within the Commonwealth of Australia,
and not Australia as described by the Australian Government.

This corporate Government,
the Australian System of Government,
was like every other person and corporation in such ventures
required to uphold the laws of
the Commonwealth,
the *Commonwealth of Australia Constitution Act 1901*,
and pay their income tax
and all other duties
into consolidate revenue of the people.

This corporate Government
did not have Royal Assent
to create a new Australian System of Government
and remove the peoples' and the corporations'
civil and political rights.

The wealth of this Nation is in the people and the natural resources of the continent.
At all times, the wealth of the Commonwealth is created by we, the People.
Not corporate governments.

Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and
Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth,
Defender of the Faith
holds the land and seas of The Commonwealth of Australia
under the *Commonwealth of Australia Constitution Act 1901*.

All the corporate governments within the Australian System of Government
have no shareholders,
they are private corporations
and the laws of those corporations are
not made to the Hand of Her Majesty,
and signed and given royal assent by the Governor-General
or the Governors of each State,
so all those corporations are void.

The debts remain with the entities
within that System of Government,
not we, the People.

Question 12:

Under the 'new' Federal Australian System of Government,
to the Council of Australian Governments (COAG)
the then Prime Minister in 1986
applied to Her Majesty for an Act
to be known as the *Australia Act 1986*
for the benefit of the Australian System of Government or the "Republic".

What was the reason for that request?

As the lawful owner of the land and seas of “The Commonwealth” of Australia, Her Majesty holds the common law and equity in that land and Her laws are held to the land.

The minerals and petroleum are reserved for us, the people of “The Commonwealth”.

All laws must be
enacted to Her Majesty as
the Sovereign of “The Commonwealth”
to the following form – ‘Enacted by The Queen’s most Excellent Majesty’.

The law is then signed
by Her Majesty’s appointed Governor General or Governor as the case may be
and the law receives Royal Assent.

No law has received such assent since 1973.

The *Australia Act 1986*
was granted by Her Majesty
to the Prime Minister of the Australian Government
at his request
to allow the Australian Government access
to the natural resources of the continent of Australia.

Under
the *Industry Research and Development Act 1986*
the Australian Government could use the natural resources
on the continent of the land
and seas
known as Australia
subject to the following conditions.

Industry Research and Development Act 1986 (Cth)

Refer s19A

General provisions concerning direction powers under sections 18A and 19

- (1) For the avoidance of doubt, a direction given to the Board after the commencement of this section under section 18A or 19 must not confer a function on the Board to commit, authorize or recommend the expenditure of Commonwealth money

- *inter alia* to the
Royal Style and Titles Act 1973;
Corporations Act 2001;
Venture Capital Act 2002 and

the *Pool Development Act 2002*
which are corporate Acts of the Australian Government.

We have not been governed
under the Westminster System of Government
with the laws receiving signed Royal Assent,
under Her Majesty's Hand to
the *Royal Commission Act 1901*,
since 1973.

The corporate governments of the Australian Government
do not represent us;
they are corporate structures
with corporate entities of neutral gender
who have created themselves an Australian Government
to compete in commercial activities
on a national and international basis
for their corporation.

This is devoid of the consent or authority of the people inside the Commonwealth of Australian
Constitution Act 1901

These corporate entities
have created a "New Parliament"
and no longer recognize Her Majesty as the lawful Sovereign
under the *Commonwealth of Australia Constitution Act 1901*
inside that Parliament,
and we the people
who are the Constitution
are mere chattels or resources
of the Australian System of Government.

Question 13

As the writer has no signed and sealed contract with the Australian Government, how then can he vote
at an election?

As he is outside that government and that government
do not recognize us as 'people'
but as a resource or an asset
to be utilized for the benefit of their corporation only.

These persons, our elected representatives,
have betrayed the trust of Her Majesty
and both deceived and betrayed the people
who are the *Commonwealth of Australia Constitution Act 1901*.

The writer has taken these causes through the whole system of the Australian Court and legal system which is inside the Australian Government in an attempt to restore the civil and political rights and liberties and the rights to property for persons under the *Commonwealth of Australia Constitution Act 1901*.

I refer here to Mrs Catherine Elizabeth Burns, aged 76 years who holds her original Deed of Grant for Land with Her Majesty. She applied for a permit to be allowed to selectively clear her private registered land.

A public official of the Department of Natural Resources of the Government of “the State” of Queensland inside the Australian System of Government refused her application.

Mrs Burns pays \$2500 year in Council rates on a aged pension, for a ‘national park’ she cannot utilize - her own private property.

Judge White in refusing to uphold her matter stated:

His Honour ”..... Soviet Russia would be proud of these laws”

For Russia to create those laws over their people, a revolution occurred.

To achieve the same ends as this current corporate Australian Government.

In this country, these laws were created by deceiving and the betraying of our trust, by the Parliamentarians and Parliaments so elected by us the people.

I refer to Judge White’s other statement:

“If you believe in democracy, then you won’t want an unelected judge deciding is a law is a good law or a bad law will you?”

Question 14:

As Judge White effectively stated there is no democracy in this country.

Where is the democracy in The Commonwealth of Australia now?

Under the Australian System of Government
the judiciary are inside the corporation system of Government
and receive their salaries
in Australian money.

I also refer to the words of Chief Justice de Jersey of the Supreme Court of Queensland again in the matter of Mrs Burns.

His Honour: “.....It was a burden upon her, not the land.”

Mrs Burns is now seventy six years of age and I have taken her matter to every court in Queensland and to the High Court of Australia. All of these courts still refuse to remove their restrictive covenant over her land or pay her any compensation. Mrs Burns has to pay rates on her land to the local government Council but she is not allowed to utilize her land in any way except to walk on it. She owns 26 acres of land.

Mrs Burns' matter was based on *Bone v Mothershaw* [2002] QCA 120.

Mr Bone was criminally charged under civil law and his matter was determined not 'beyond all reasonable doubt' but on a 'balance of probabilities'.

Mr Bone was fined and if the fine was not paid he would be imprisoned for six months to the commercial law of "**the State.**"

As Mr Bone's property was now worthless he had to sell the land. That land was purchased by a developer, the Council who prosecuted him allowed that developer's development application and the land is now developed.

Mr Bone lost in excess of \$200 million dollars under the statutory laws of "the State".

The judiciary

cannot issue a prerogative writ
against any of Her Majesty's subjects as persons of gender
that is to
fine,
imprison or
make any order or
decision
over that persons guilt or innocence
throughout The Commonwealth
in any State, Territory or Federal Government

as the judiciary

are inside the corporation
as entities of neutral gender and
receive their payment in Australian money.

They cannot issue any writ under Her Majesty's Hand, over or against one of Her Subjects.

Every law and every decision

made by any member of the judiciary from a
JP or a Magistrate
to the Chief Justice of the High Court

are what is called *void ab initio*

as those laws have not
been enacted to The Queen's most Excellent Majesty
but to the Queen of Australia,
the 'Patron' inside those Parliaments,
by a person known as

the Prime Minister,
the Premiers, or
the Chief Ministers
to Admiralty or commercial law only,
to be held in the International Criminal Court in the Hague.

Question 15:

Did you ever vote
to have your civil and political rights and liberties
and rights to your property
removed
by an Australian System of Government
and the judiciary
who are all inside that corporate government system?

At a speech given by Chief Justice Paul de Jersey of Queensland in 2004 Chief Justice de Jersey stated:

“.....I must mention the judicial oath:

“The judge swears in these terms:

“I will at all times and in all things do equal justice to the poor and rich and discharge the duties of my office according to the laws and statutes of the realm and of this State to the best of my knowledge and ability without fear favour or affection.....”

Chief Justice de Jersey,
as do all other members of
the judiciary of ‘The State’ of Queensland or
the ‘Republic’
receive their commissions to
the *Supreme Court Act of Queensland 1991*, Act No.68 of 1991 and
© The State of Queensland 1991.

This Act is sealed with
the Seal of the corporation
under the *Corporations (Queensland) Act 1990*
and further
the penalties and
sentences
handed down by Chief Justice de Jersey,
are held to the power of The State
as an individual with neutral gender
to the *Penalties and Sentences Act 1992* Act No. 48 of 1992
© The State of Queensland 1992.

These Acts are sealed to
the corporation seal of the *Corporations (Queensland) Act 1990*
to the *Parliament of Queensland Act 2001* and
the *Constitution of Queensland 2001*.

All public servants, which includes
the members of the Judiciary,
the members of the Police Service and
the members of Parliament,
have signed and hold
commercial contracts with
the QLD Government and are
inside the *Corporations (Queensland) Act 1990*

As all these individual entities of no gender only hold
the power of the State
of an individual and
the Chief Justice and all magistrates and judges,
do not
hold and swear an Oath of Allegiance to Her Majesty,
the lawful sovereign of the Commonwealth,
therefore
to issue a prerogative writ
against any of her subjects in Queensland
is *void ab initio*.

The laws to the realm of The State are
the only laws that can be upheld
by the members of the judiciary
as they are inside the parliament
with no separation of powers.

Question 16:

It must be asked.

How does a member of the Judiciary
who is an individual of no gender
inside the *Corporations (Queensland) Act 1990*
holding a commercial contract with the
Chief Executive Officer of the Queensland Government,
the Premier;
uphold those
laws and fines,
convict and imprison,
subjects of Her Majesty,

who are natural persons of gender
protected to Section 109, 61 and Clause 2 of the *Commonwealth of Australia
Constitution Act 1901*?

Question 17:

It further, must be asked –

How does a member of a Police Service,
who also has a commercial contract inside the *Corporations (Queensland) Act 1990*
with a commercial agreement again with the Premier,
not holding a sworn permission of Her Majesty,
the owner of all the land in Queensland,
therefore holding no lawful authority,
like the judiciary,
have the power to
arrest or summons
a natural person of gender outside of the *Corporations (Queensland) Act 1990*,
where we the People of the state
have never been presented with a Referendum
at section 53 of the *Constitution of QLD Act 1867*?

Question 18:

This now leaves the following question s to be asked -

How did the Queensland Parliament
pass laws to
remove the civil and political rights of Her Majesty's subjects
inside the *Constitution of QLD Act 1867*
without a referendum,
and thereby holding our civil and political rights to
a statutory law of the Queensland Government?

Whereas the *Constitution of QLD Act 1867* only allows for
a Government for Queensland of the people from within Queensland
(as a state of the Commonwealth at Section 109
and not a Queensland Government or The State as it now so named),
to form a Government for Queensland,
only to make laws for peace, welfare and good government
and to make laws for justice.

But not within the Commonwealth System of Government
using a statutory crown (Queen of Australia),
and using the Queen of Australia inside the parliament
at the direction of

the Premier
and the executive government.

Question 19:

Have you ever voted at any referendum to grant that power to remove your civil and political rights?

Yes or No

The problems that we have are extremely serious, but as the writer has previously stated, the writer believes that the only Court that can restore our laws under the common law of Her Majesty is the Privy Council in the United Kingdom.

The People of the Commonwealth of Australia
do not owe the debt incurred
by the Prime Minister,
the Premiers
and Chief Ministers
as corporate entities inside the Australian Government.

They are the debts of that corporation government, We are debt free to 19th October 1973.

The entities of the “Australian Governments”
owe the money to the International Monetary Fund
from which they borrowed those funds.

Those funds
are held to the commercial law
to the International Criminal Court in Rome.

Question 20:

Who therefore gave those corporate entities,
inside the Australian System of Government for the ‘Republic of Australia’,
our consent to sell the following assets
held to the laws of the People,
by Her Majesty, to the Commonwealth of Australian Constitution Act 1901,
without a referendum of we, the People.

Question 21:

Who has voted to allow the Premiers of The States to sell the assets of the People, without a referendum?

Question 22:

Did you or did you not, vote at a Referendum to give the following -

Authority to the Australian Government to sell the Airports in Australia?

Authority to the Australian Government to sell the Commonwealth Bank?

Authority to the Australian Government to sell Qantas?

Authority to the Australian Government to sell Telstra?

Authority to sell any other assets of we the People and convert those assets to their own use?

All those assets were assets are held
inside the *Commonwealth of Australia Constitution Act 1901*,
and held for
we, the people of the Constitution
guaranteed by Her Majesty

To sell those assets it is a requirement that
we, the People will vote at a referendum
to allow the disposal
or sale
of those assets
by our elected reps,
as it is the property of we, the People,
inherited from our forefathers
and held in trust for our future generations.

If a referendum had been called
and the majority of people
in a majority of states,
wished those assts to be sold,
Her Majesty's representative
the Governor-General
as he/she holds those assets in consolidated revenue for the People,
would have then signed the necessary commercial contracts,
selling
the land on which the assets sat
and the assets themselves
to the new corporate or private owners.

As there has been no Referendum,
the land on which those assets sit,
remains still an asset of we, the People.

Her Majesty,
holding the sovereignty,
has not signed any commercial contracts
to transfer
the land
that She holds
to the new owners.

Because no sale
of any asset,
has been authorized under a Referendum
by we, the People,

The Queen of Australia,
being a patron,
inside the Australian System of Government,
under 'THE CONSTITUTION'
holds no land,
and has no subjects.

This entity has no lawful Authority.
Those assets are still held by the lawful Crown, Her Majesty
Therefore, this entity is unable to
commercially transfer the property of the people.

I would like to quote an extract from a comment by President John F Kennedy of the United States of America in his Inaugural Address:-

“...ask not what your country can do for you – ask what you can do for your country....”

That time is here for We, the People to take affirmative action for our future generation and for our Commonwealth and our country of Australia.

The evidence in the facts of this Cause has been forwarded to Her Majesty, Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith by the writer.

The writer, as a subject of Her Majesty and a person of gender, is now in the process of taking this Cause and Matters to the only court of common law available to we, the People in the Commonwealth of Australia, since 1973 – that court is the Privy Council in the United Kingdom.

The writer can have no assistance from any member of the legal fraternity, as they hold a commercial contract through the corporate Australian Governments, to practice in Australian courts only, as held to the Australia Act 1986.

Therefore they cannot represent we, the People in any court of common law. They are bound to the Australian Court system, to commercial or corporate law only, through the Australia Act and subsequently only the International Criminal Court in Rome

Are you willing to help in any way?

For further information please contact flora@reachnet.com.au

Please place **People of the Commonwealth** in your email heading.



23rd August 2010

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FACTS of the Matter – Facts in Issue

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The High Court
Canberra, ACT Australia

A cause in the High Court brought by David
John Walter, Ex Parte Catherine Elizabeth
Burns and Anors

Chief Justice of the High Court,
Chief Justice Robert S. French,
High Court, Canberra
Australian Capital Territory.

To Your Honour, as a natural person of male gender

My full name is David John Walter, a natural person of male gender resident in Queensland, a State of the Commonwealth of Australia. I am a natural person of gender inside the *Commonwealth of Australia Constitution Act 1901 inter alia* to the *Acts Interpretation Act 1901* [Assented to on 12th July 1901] under the Hand of the King's most Excellent Majesty.

I bring this Cause to Your Honour of the High Court in the original jurisdiction of the High Court Procedure Rules No. 7 of 1903 [Assented to on 25th August 1903] and the *Judiciary Act 1903* (Cth) Act No. 6 of 1903 which received Royal Assent by the Governor-General on behalf of Her Majesty.

Your Honour has sworn your Oath of Allegiance to Her Majesty and hold Her Royal Commission under the *Royal Commissions Act 1901*(Cth) to uphold only the laws of Her Majesty that have been made under Her Hand and have been enacted by the Queen's most Excellent Majesty and given Royal Assent by the Governor-General on Her behalf.

I bring this Cause to the High Court to respectfully request that Your Honour issue two Writs of Summons against two natural persons of female gender inside the *Commonwealth of Australia Constitution Act 1901*. These Writs are requested as a result of two matters, the matters of Catherine Elizabeth Burns and Robert Neville Bone. Both have had their matters placed before the High Court. Mrs Burns received a written judgment, signed under the hand of Justice Gummow and Justice Keifel of the High Court.

Date: ^{2 NO}..... August, 2010
Filed by:
Name: David J Walter
Ex Parte
Catherine Elizabeth Burns and Anors

Tele: 07) 4096 3009
Fax: 07) 4096 2641
Address for Service: R/N187
Walsh River Road,
Watsonville, Qld 4887

Both of these persons have written personal letters to Your Honour and copies of these letters are attached to this file.

I also refer to the matters of Mr Gregory Wilson and Mr Keith and Mrs Lesley Glasgow, all natural persons of gender. Both of their matters have been placed before the High Court of Australia under the statutory laws of the corporate Australian Government. The Judges in the High Court of Australia are individuals of neutral gender under the *Corporations Act 2001*(Cth) and the *Criminal Code Act 1995* (Cth) and the Australian Government is outside of the *Commonwealth of Australia Constitution Act 1901*.

There are also four other matters, in which I have been involved which, I can only describe as being 'stuck' in the Supreme Court of "the State" of Queensland and held to the statutory laws of "the State" of Queensland inside the Australian System of Government.

The judiciary in all Courts of "the State" of Queensland are inside the *Corporations (Queensland) Act 1990* (Qld) as individuals of neutral gender as entities inside the Parliament of Queensland under the corporation government of Queensland.

As the judiciary are corporate entities who do not hold the Royal Commission of Her Majesty under the *Royal Commissions Act 1903*(Cth), they cannot issue prerogative writs of habeas corpus against any natural person of gender.

These statutory laws commenced in Queensland in 1997. We are private persons and in the *Corporation (Queensland) Act 1990*, section 8(1)(3) the rights of private persons are not to be affected.

The Australian Government commenced in 1973 when an individual of neutral gender, known as the Prime Minister, "proposed to Her Majesty a change in the form of the Royal Style and Titles to be used in relation to Australia and its Territories:"

This was agreed to by Her Majesty though the Act was in relation to 'Australia and its Territories' not to the 'Commonwealth of Australia and its Territories'.

When Her Majesty granted this new Style and Title to the Queen of Australia, Her Majesty did not grant Her sovereignty at Clause 2 and section 61 and 109 under the *Commonwealth of Australia Constitution Act 1901*. This new Royal Style and Title was to be used in the countries within the Commonwealth when dealing with one another. It did not replace Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith at Clause 2.

The Queen of Australia is an individual of neutral gender inside the *Criminal Code Act 1995*(Cth) and "THE CONSTITUTION" reprinted as in force on 1st June 2003 - the Constitution

of the corporate Australian Government, and it is sealed with the Great Seal of Australia of the *Royal Style and Titles Act 1973*(Cth). The Queen of Australia has no sovereignty. She has no subjects and no land and is at the direction of the Prime Minister.

The *Australia Act 1986*(Cth) is not an Act enacted under the Queen's most Excellent Majesty, it is to allow the Australian Government access to the management of the natural resources of the Australian continent. They cannot use Commonwealth money for their industry development and resource management.

"THE CONSTITUTION" was reprinted and as in force from the 1st June 2003, to section 20 of the *Legislative Instruments Act* (Cth). "THE CONSTITUTION" is the constitution of the *Corporations Act 2001*(Cth) of the Australian Government. The *Corporations Act 2001*(Cth) was placed inside the *Criminal Code Act 1995* (Cth) which is a statutory law of the corporation and sealed with the Great Seal of Australia to the Queen of Australia, the patron of the corporation.

The Queen of Australia does not hold the sovereignty at Clause 2 sections 61 and 109 of the *Commonwealth of Australia Constitution Act 1901*. The Queen of Australia is a corporate entity inside "THE CONSTITUTION" at the direction of the Prime Minister, the Premiers of "the States" and the Chief Ministers of the Territories in their respective jurisdictions..

None of these constitutional changes in its new form was presented under the Hand of Her Majesty to sections 117 and 128 of "The Constitution" to allow we the people of gender, inside the *Commonwealth of Australia Constitution Act 1901*, to agree, or disagree to the creation of a statutory form of Corporate Government, by referendum, from the 19th October 1973.

Therefore since 19th October 1973, the laws of the corporation are not laws of Her Majesty and the members of the judiciary can not issue a Writ of Habeus Corpus, that is a writ to imprison, fine or give any order to any subject of Her Majesty inside the *Commonwealth of Australia Constitution Act 1901*. Their laws are *void ab initio*. They are civil or commercial law only to the *Crimes at Sea Act 2001* (Cth).

The members of the judiciary, public servants, all members of parliament and the legal professions all hold commercial contracts with the Australian System of Government – (COAG / "THE CONSTITUTION") - as they are inside the *Corporations Act 2001*(Cth) as individuals. They only have the authority, as in all corporations, as an individual with no gender.

Therefore the power of the individual inside the *Corporations Act 2001*(Cth) does not hold the power of common law and equity of we the people. As they are an individual with no gender, they cannot uphold the law of Her Majesty, who is a natural person and a lady of gender, the lawful Crown, who holds our sovereignty at Clause 2 sections 61 and 109 of the *Commonwealth of Australia Constitution Act 1901*.

As I, and the other natural persons of gender in this Cause hold no commercial written, signed agreement between ourselves and the Australian Government and its corporate entities we can not be subject to its laws.

In the *Corporations Act 2001*(Cth) section 9 – Dictionary “ ‘act’ includes thing.”

I and the other persons in this Cause are not a ‘thing’. We are natural persons of gender inside our Constitution.

In Queensland the *Corporations (Queensland) Act 1990* was assented to. We are private persons and in the *Corporation (Queensland) Act 1990*, section 8(1)(3) the rights of private persons are not to be affected.

I and the other natural persons of gender in this Cause have no written, signed commercial agreements with the corporate government of “the State” of Queensland or its corporate entities to section 5A and 12 of the *Statutory Instruments Act 1992*(Qld).

In 2001, an individual entity of neutral gender called the Premier of Queensland, tabled in the Legislative Assembly of Queensland the *Parliament of Queensland Bill 2001* and the *Constitution of Queensland 2001*. These are not Acts to the laws of the land of Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith they are statutory laws to the Queen of Australia inside the *Parliament of Queensland Act 2001* and the *Constitution of Queensland 2001*.

These laws were framed to create civil or commercial law only for the commercial activities of “the State” of Queensland and its corporate entities.

None of our elected representatives in the Legislative Assembly of Queensland objected to the introduction of these Acts, or to the creation of this corporate government of “the State” of Queensland.

There was no referendum presented to us, the people of Queensland to vote on this new form of statutory Government, which has effectively removed our civil and political rights and liberties and the rights to our property. However, as we are not corporate entities but natural persons of gender with no commercial contract with any entity of the corporate Government of “the State” of Queensland, there was, technically no requirement for a referendum as we are not corporate ‘things’ but natural persons.

That being so, the corporate, statutory laws of “the State” of Queensland have no lawful authority over us, our civil and political rights and liberties and our private lands. Those laws are applicable to the corporation and its entities of neutral gender only and those entities under the Australian System of Government holding commercial agreements and contracts with “the State” of Queensland.

Though that may be the case technically, the statutory laws of the corporate Australian System of Government, which includes the government of “the State” of Queensland have been imposed on us, without our consent and are depriving us of our civil and political rights and liberties and the lawful rights to our property.

Mr Robert Bone may have been the first person charged under this corporate system of statutory law. Mr Bone had no commercial contract with any corporate entity and therefore he was not bound to the *Statutory Instruments Act 1992* at section 5A and 12.

Mr Bone was assisted in the Courts by a very well qualified QC but, having his practicing certificate under the Rules of the Supreme Court, that person was bound to the statutory laws of “the State.”

The judiciary hearing Mr Bone’s case do not hold the Royal Commission of Her Majesty but a statutory commission of “the State” of Queensland. They convicted Mr Bone under statutory law and did not uphold the common law points of proof for a criminal conviction which required the matter to be decided ‘beyond all reasonable doubt’ not on a ‘balance of probabilities’.

The judiciary in “the State” of Queensland can not sign any of their judgments under the Hand of Her Majesty therefore all their decisions, against any natural person of gender who are outside the *Constitution of Queensland 2001* and the *Parliament of Queensland Act 2001* are void.

The Writs of Summons.

I am going to request of Your Honour that you issue two writs, under the Hand of Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith against two persons of female gender inside the *Commonwealth of Australia Constitution Act 1901*. I wish these Writs to be served by the Marshall of the High Court against Ms Julia Gillard, a person of female gender, Parliament House, Canberra and Ms Anna Bligh, a person of female gender, Parliament House, Brisbane, Queensland.

These Writs are to allow written evidence to be produced to me in the High Court with the results of the referendums held, for the natural persons of gender inside the *Commonwealth of Australia Constitution Act 1901*, at sections 117 to 128 *inter alia* with *The Constitution Act 1867(Qld)* [31 Vic. No.38] as in force 5th April 1977 section 53.

Further to produce the full, written documentation to me in the High Court, whereby Elizabeth the Second, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth,” holds as a person of female gender, the sovereignty at Clause 2 and section 61 *inter alia* to section 109 inside the *Commonwealth of Australia Constitution Act 1901*.

I also, Your Honour, have had costs levied against me for attempting to assist Mrs Burns, to the value of approximately \$10,500.00. The other Justices inside the High Court of persons of either male or female gender, holding the Royal Commission of Her Majesty and also as the keepers of The Constitution at Chapter III , I invite to assist Your Honour, a person of male gender in this Cause.

I wish to advise Your Honour that as I have signed all pages presented to the Court, under my hand and being a natural person of male gender inside the *Commonwealth of Australia Constitution Act 1901*. I wish those documents to also be included in the application for the abovementioned Writs in this Cause.

I further request, Your Honour that I be allowed to stand Ex Parte for Mrs Burns and Mr Bone in this matter.

I would like to express Your Honour, as a personal point, that I am extremely troubled in the outcome that this Cause may create. But seeing a person such as Mrs Burns, Mr Bone and the other people in this Cause so troubled by these matters that I believe this Cause to be just.

I would further mention that a farmer that I assisted over the Water Act in Queensland, had the matter finalized in the court and he was freed of all charges. The public officials of the Department of Natural Resources in Queensland did not agree with this and again trespassed on this man's land, caused malicious damage to his property and threatened him with huge fines and told him I would not be allowed to help him next time. This man, whom the officers were fully aware had recently had a nervous breakdown because of these matters (as I had told them so) took his own life.

No individual entity of neutral gender, inside any Act of the Australian Government are to interfere with this application or make any decision about this application. The only persons who are able to do so are Your Honour, personally or your colleagues on the Bench of the High Court.

I request of Your Honour, that ten working days after the Marshall of the High Court has served the Writ of Summonses on the two persons named in this Cause, Your Honour sets down a time that these persons shall produce to me in the High Court of Australia the requested evidence, before I make any Order or Application to the High Court on behalf of the natural persons of gender on whose behalf I present this Cause.

Your Honour, we as people should not have to go to the extremes of trying to unravel laws made by Parliaments with no authority where, since 1973, they have placed all their employees inside their corporations and constitutions and have them sign commercial workplace agreements and pay them with Australian money. That is not the money of the Commonwealth of us, the people.

We as people, come to Courts of law with an expectation of receiving natural justice at common law – the law of Her Majesty held at section 80 of the *Judiciary Act 1903*(Cth) Act No 6 of 1903 as attached.

For thirty seven years, no law has been made and enacted to the Queen’s most Excellent Majesty by persons of gender inside a Parliament representing us, the people of the *Commonwealth of Australia Constitution Act 1901*.

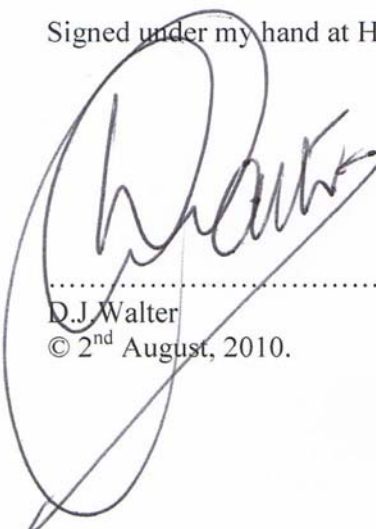
I close with the words of Queensland District Court’s Judge White which are in Mrs Burns’ brief.

His Honour: “I just find this astounding. Soviet Russia would be proud of these laws.”

His Honour: “If you believe in a democracy, then you won’t want an unelected Judge deciding if a law is a good law or a bad law, will you”

I close this application for a Cause with those words.

Signed under my hand at Herberton, Queensland, this second day of August 2010.



.....
D.J. Walter
© 2nd August, 2010.

2/7/2010

The Chief Justice,
High Court of Australia
CANBERRA

Your Honours

For almost a decade the theft of my land by "The State Corporation", has consumed my thoughts, and caused a series of ill-fated decisions too overwhelming to ignore.

Having failed in both court hearings to have my land returned; began a series of events still unresolved at this date. At the first hearing, in Cairns, Judge White gave The State Corporation full control of the 2.5 acres of Freehold Land for Makagary Glider Habitat, with the comment "Russia would be proud of what is happening here in Australia". During this hearing, the subject of land prices was mentioned; the land in 2002 was valued at one million dollars. Solicitor for the Crown, Mr Deng Swinburn, accepted that amount as being correct. What has this Corporation planned for my land, if justice does not prevail; Candwell is quoted as being the next Gold Coast and my property is opposite Port Denchbrook, and a State Forest?

Again, seeking justice in 2004, Chief Justice De Jersey dismissed my case, stating I was to bear the "burden" of the land i.e. the cost of rates which are continuing.

The last rates notice from the Casuarina Coast Regional Council, in February, of this year, has remained unpaid, attracting threats of legal action to retrieve same and issuing an account from the Council's Legal Representatives in excess of \$1,000 dollars as fees incurred to date. The Council do are a non-identity collecting revenue for a rogue Govt. Therefore, how could one vote for any State or Federal Party?

There is no Commercial Contract with this rogue Govt, - if that is their argument, I would like this document to be presented in Court. Without a shadow of doubt, it would have to be forged.

Failing to relieve the pressure, of double rates, I was forced to sell my home in Innsfail and subsequently went to live on my sis's property outside Innsfail.

2.

All-health struck my elder sister, living in Cairns, and I went there to care for her. In the meantime, cyclone Larry hit and devastated Springvale. My accommodation and its contents were ruined by this disaster and I remained dependant on my sister for accommodation. In an effort to secure some sort of financial assistance, after the cyclone, I was told an amount of \$3,400 dollars was all that was available, as there was no more finance to be accessed.

Desperate for a home of my own, I applied to Queensland Department of Housing, in Cairns, but was refused accommodation on the grounds that I owned the Cardwell property, and was advised to sell it. Well what? How can you sell something they no longer possess.

With no money & nowhere to call my own, I was offered a home by my sister in Isaacsonba, with whom I now reside.

Being homeless & penniless has forced my decision not to capitulate; it was assumed that I was deceased. Be assured my struggle will never end till justice prevails.

David Walter, my Legal Representative, has never asked for, nor received money from me, and has, at his and his wife's expense, absorbed all costs to date. He has been loyal to his word; a lesser person would have walked away from this debacle years ago. He has received threats of loss of property, jail, being sued, been abused in court, even having his life threatened.

David Walter I now consider to be my second son; my first son being biological, the son of a Police Sergeant, who departed this earth 33 years ago. Both men are upright and honest and paid equally by myself. David Walter, being the eldest, has been given my Enduring Power of Attorney, and, in the event of my demise, will attend to all that is required of him.

We urgently need a NEW GOVERNMENT, regardless of the consequences, so that there will never again be another attempt at defrauding the population of this country. To quote a true saying 'EVIL PREVAILS WHEN GOOD MEN DO NOTHING.'

I have never noted at any Referendum to disperse with our Sovereign Queen Elizabeth II. The change was brought about by stealth & tampering with the Constitution.

NOW IT IS PAYBACK TIME: -

I demand compensation for the loss of my land, the loss of my home, the loss of time which can never be regained; time which could have been spent with my only grandchild; loss of personal items (due to Cyclone Larry) which, had I not been forced to sell my home, could have been avoided, as my former home is still standing, despite Larry's best efforts. Last but not least, the loss of my independence and years of sheer despair; realizing the rapid passing of time & the futility of being unable to arrest it, or to bring about an end to this whole overwhelming

5.

For people like myself such circumstances
could drive one to suicide.

Who gave these "politicians" the
power to make their own decisions,
to ruin peoples lives, and not be
accountable to anyone? I say throw those
responsible in jail.

I beg for natural justice with
a final favourable outcome from the
"LEGAL" High Court and its Justices

I enclose a copy of names
to which correspondence was forwarded,
pasts do no avail.

At 76 years of age it is now
difficult for me to travel great
distances and air travel is cut. I
therefore request that David Walker,
as my representative, be allowed
to speak on my behalf.

MRS. C. E. BURNS
C. E. Burns

b.

236 Gardner Rd,
Rosedale, Bris., 412
7/7/2010

The Chief Justice
High Court of Australia
Canberra.

Your Honours,

Approx 45 years ago, I purchased 20 acres of land at 237 Gardner Rd, Rosedale, Bris. to establish an Egg Farm & one of the largest collections of working Australiana in the country — Show teams of Clydesdale Horses & Dicks of every type Tractor, Jet Cars, Steam etc

The South Area Boy Scout Camping Area (88 acres) adjoined my farm on the Southern side

As a neighbourly gesture, I cleared many acres of Grounds, Fantana, Areas under Power lines, Fence lines, Built Dams, around their 7 Buildings, Parade Grounds, Sporting Areas & Roadways etc. Fence Post Tent poles etc were outsourced, as little suitable timber was on site — Devastating Fires had previously been a problem.

In the late 1970's permission was given to the WA Grass & Dist's H & P club — one of the strongest penny clubs in Austral. coming to my property in the early 1970's. Having been thrown out of the WA Grass & Dist Show Grounds by the Brisbane City Council — being trustees of the Show Ground Property, to sell as a ^{large} shopping centre site.

During the 1980's Birch Burum — 267 Gardner Rd. was offered to me as an extension to my Egg Farm

P1

& duly purchased.

P. Williams a nearby earth moving contractor was called, to clear the block, as was my usual practice to establish farm land or grazing to save Tens/1000s thousands per annum in additional rates, Land Tax & DQATB required clear vision of the East Pony Club cross country course & was clearing was completed due to Interest Rates ANZ Bank 24% interest on overdraft & other factors, completion of was slow to finish clear

Vegetation Protection was introduced by Brisbane City Council. John Greenwood QC assured me the ~~the~~ ~~the~~ were using power that could exist only in their dream & finished clearing the dirt trees & other rubbish & the case heard through the courts, Bone & Mothershead set a precedent in Australian law. and

The O.P.O. was established from old photos, despite a protest with no council representative having set foot on the property.

Rachedale in the Brisbane City Area has been plagued with bad political decisions! The illegal, Brisbane handle on its door step (15 mins by car from the CBD.) Goss Government toll road to the Gold Coast. Three proposed routes were planned through my properties. All other 90 expensive properties were bought by the Goss Government

Rachedale, Palerang considered would one day be the Bowerly Hills of Brisbane. A lovely & ideally situated land etc.

My Grandparents sold ~~land~~ their 25 acre Farm at

5/
Michelton. It soon developed as a Service Station site with blocks of Flats etc. A east Shopping centre Hotel etc also developed nearby (During my early teenage years).

With an interest to build & develop since a young age it was always my intention to progress with development as the time arrived. My properties were located near Major Arterial Roads, Bus corridors etc with most other Southside land being developed between Bonyhame & the Gold Coast.

I authorize David John Walters, to act on my behalf with full power of Attorney in these matters of seeking compensation & ask that all papers be served to Mr Walters & ask that all compensation be payed in commonwealth legal tender.

I purchased the land for which I was charged I personally owned that land in a Deed of Grant of Fee Simple

I never voted for a Republic in any referendum or to any change from our Sovereign Rule & our Westminster System of Government

There is no commercial contract with this Bequa Lawi & urgently need a new government - there are man thousands of people following in our footsteps

I have a criminal conviction for knocking down useless Oak & other trees.

I want you to hear this appeal as people - as I am a real living person 67 years of age.

I believe David John Walters would have great difficulty in taking this action, having previously dedicated his work in the Police Force throughout his life upholding the laws of a great Nation, bringing many people to Justice through our legal systems.

This action will uncover many flaws in our legal system - will have many undesirable effects.

Yours Faithfully,
Robert N Bone.



HIGH COURT OF AUSTRALIA

CANBERRA OFFICE OF THE REGISTRY
PO Box 6309
KINGSTON ACT 2604
<http://www.highcourt.gov.au>

Telephone (02) 6270 6857
Facsimile (02) 6273 3025
ABN: 69 445 188 986
DX 5755 CANBERRA

Our Ref:
Your Ref:

03 August 2010

Mr Robert Bone
236 Gardner Road
ROCHEDALE QLD 4123

Dear Sir,

I refer to your letter dated 7 July 2010 to the Chief Justice of the High Court of Australia, which was enclosed with a letter from Mr David Walter.

The Justices of the High Court of Australia do not correspond with members of the public or intending litigants. Your letter has been referred to me for reply.

Your letter does not appear to raise any matter within the original jurisdiction of the Court. I am unable to assist further.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Ruth Cheetham', written over a horizontal line.

Ruth Cheetham
Deputy Registrar



HIGH COURT OF AUSTRALIA

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Facsimile (02) 6273 3025
ABN: 69 445 188 986
DX 5755 CANBERRA

Our Ref:
Your Ref:

03 August 2010

Mr David Walter
PO Box 578
HERBERTON QLD 4887

Dear Sir,

I refer to your letter dated 2 August 2010 to the Chief Justice of the High Court of Australia, and to the two documents styled "writ of summons" and multiple other documents presented at the Canberra office of the Registry on 3 August 2010.

The Justices of the High Court of Australia do not correspond with members of the public or intending litigants.

The documents styled "writ of summons" do not comply with the requirements of the High Court Rules 2004 and cannot be accepted for filing. The correct form for such an application is form 20, and the requirements of that action are set out in Part 27 of the Rules. A filing fee also applies to any such application.

I have written to you on numerous occasions to point out the formal requirements for several difference forms of action in this Court. I do not propose to repeat myself.

I have replied separately to Mr Bone, whose letter you enclosed. No return address appears on Ms Burns' letter, which you also enclosed, and therefore no reply is possible.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'R. Cheetham', written over a horizontal line.

Ruth Cheetham
Deputy Registrar

The High Court

Canberra, ACT

Between: David John Walter, a person of male gender

Plaintiff

And Anna Bligh, a person of female gender

Defendant

WRIT OF SUMMONS

Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith

TO THE DEFENDANT

Anna Bligh - a person of female gender
Executive Building, 100 George Street, Brisbane Qld 4000
PO Box 15185, City East Qld 4002

That you Anna Bligh a person of female gender, produce to myself, David John Walter, a person of male gender, the following documents, personally and in writing, in the High Court in Canberra, on a time and date to be set down for the examination of those documents in the High Court as soon as practicable after the ten working days, by their Honours who are persons of male and female gender in the High Court.

1. The full results of a referendum, subject to section 53 of the Constitution Act 1867(Qld) [31 Vic. No.38] as in force 5th April 1977, whereby a Writ was signed under the Hand of Her Majesty to ascertain those persons of male and female gender, resident in Queensland a State of "The Commonwealth" inside the Commonwealth of Australia Constitution Act 1901, who voted at that referendum to become commercial entities of neutral gender inside the Parliament of Queensland Act 2001 to the Constitution of Queensland 2001 whereby we have no civil and political rights.

And further

2. You are required to produce to myself, a copy of the document or documents by which, we, the sovereign people of male and female gender, after attainment of Australian independence and sovereignty, confer or conferred executive authority on the Queen of Australia, in particular the authority to appoint and empower a Governor for the Queensland Government, to hold and exercise executive power within and subject to the Constitution Act 1867(Qld) [31 Vic. No.38] as in force 5th April 1977.

Witness:

Chief Justice, a person of male gender in The High Court
in Canberra

On the day of 2010

N.B.—This writ is to be served within twelve calendar months from the date thereof, or, if renewed, within six calendar months from the date of the last renewal, including the day of such date, and not afterwards.

Appearance to this writ may be entered by the Defendant either personally or by solicitor at the Principal Registry of the High Court at Canberra.

The Plaintiff’s claim is that you, Anna Bligh, a person of female gender the Defendant, are to supply to the Plaintiff, David John Walter, a person of male gender
In writing, the information for both Causes.

This writ

was issued by the Plaintiff: David John Walter, a person of male gender

who resides at R/N 187 Walsh River Road
Watsonville
(There is no postal service to this address)
Phone: (07) 4096 3009
Fax: (07) 4096 2641

and whose address for service is at: PO Box 578
Herberton Qld 4887

This writ was served on the Defendant:
Anna Bligh, a person of female gender
Executive Building
100 George Street
Brisbane Qld 4000
PO Box 15185
City East Qld 4002

On the day of 2010

By:

The High Court

Canberra, ACT

Between: David John Walter, a person of male gender

Plaintiff

And Julia Gillard, a person of female gender

Defendant

WRIT OF SUMMONS

Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith

TO THE DEFENDANT

Julia Gillard - a person of female gender
Parliament House, Canberra
ACT

That you Julia Gillard, a person of female gender, produce to myself, David John Walter, a person of male gender, the following documents, personally and in writing, in the High Court in Canberra, on a time and date to be set down for the examination of those documents in the High Court as soon as practicable after the ten working days, by their Honours who are persons of male and female gender in the High Court.

3. The full results of a referendum, subject to sections 117 to 128 of the Commonwealth of Australia Constitution Act 1901, whereby a Writ was signed under the Hand of Her Majesty to ascertain those persons of male and female gender, resident in “The Commonwealth” inside the Commonwealth of Australia Constitution Act 1901, who voted at that referendum to become commercial entities of neutral gender inside “The Constitution” whereby we have no civil and political rights.

And further

4. You are required to produce to myself, a copy of the document or documents by which, we, the sovereign people of male and female gender, of Australia after attainment of Australian independence and sovereignty, confer or conferred executive authority on the Queen of Australia, in particular the authority to appoint and empower under section 2 a Governor General for “The Commonwealth”, to hold and exercise executive power under section 61 *inter alia* to section 109 of the Commonwealth of Australia Constitution Act 1901.

Witness:

Chief Justice, a person of male gender in The High Court
in Canberra

On the day of 2010

N.B.—This writ is to be served within twelve calendar months from the date thereof, or, if renewed, within six calendar months from the date of the last renewal, including the day of such date, and not afterwards.

Appearance to this writ may be entered by the Defendant either personally or by solicitor at the Principal Registry of the High Court at Canberra.

The Plaintiff's claim is that you, Julia Gillard, a person of female gender the Defendant, are to supply to the Plaintiff, David John Walter, a person of male gender in writing, the information for both Causes.

This writ

was issued by the Plaintiff: David John Walter, a person of male gender

who resides at R/N 187 Walsh River Road
Watsonville
(There is no postal service to this address)
Phone: (07) 4096 3009
Fax: (07) 4096 2641

and whose address for service is at: PO Box 578
Herberton Qld 4887

This writ was served on the Defendant:
Julia Gillard, a person of female gender
Parliament House,
Canberra, ACT

On the day of 2010

By:

The High Court
Canberra, ACT, Australia

A Cause to the High Court brought
by David John Walter, Ex Parte
Catherine Elizabeth Burns and Anors

Exhibits DJW 1 – 10

The High Court - Sue v Hill [1999] HCA 30; 199 CLR 462; 163 ALR 648; 73 ALJR 1016 (23 June 1999)

The ‘foreign power’ in the ordinary meaning of the word, to us, the people inside the Commonwealth of Australia Constitution Act 1901, is the Australian Government – the Australian System of Government and COAG.

I refer to the Cause of Mrs Catherine Elizabeth Burns Proceeding No. 27/10 and 62/10 in the Supreme Court of Queensland, Cairns Registry

On 28 March 2008 their Honours Mr Justice WMC Gummow and Justice Susan Keifel of the High Court issued a judgment under their hand using the power of the Royal Commission of Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith at Clause 2 and sections 61 to 109 of the Commonwealth of Australia Constitution Act from 1st January 1901, *inter alia* with the Commonwealth of Australia Constitution Act 1900 (UK) [63 & 64 Vict.] [Ch. 12] in the matter of Catherine Elizabeth Burns, a person of female gender who holds a commercial contract in the form of a Deed of Grant in fee simple with Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith purchased under the *Land Act 1962*(Qld) at public auction by the payment of real moneys.

As a result of the signed judgment by their Honours I wrote and sent letters of demand to Mr Luke Croton and the Minister Stephen Robertson MP inside the Queensland Government for compensation and payment for the statutory order placed over Mrs Burns’ property by Mr Luke Croton on 27th August 2002.

I further requested from entities inside the Parliament, namely Mr Terry Brennan, CEO of the Cassowary Coast Regional Council and to Ms Desley Boyle MP Minister for Local Government in “the State” of Queensland for the repayment of rates paid by Mrs Burns since 2001 plus further orders to Mrs Burns in the payment of compensation.

I now refer to Claim No’s 27 /10 and 62/10.

A judgment was handed down on 27 April 2010 in the Supreme Court of Queensland, a Court of the Queensland Government and with the Crown inside that Parliament – the Queen of Australia.

Justice Lyons who only has the power of an individual and is of neutral gender, failed to pay Mrs Burns fair and just compensation and costs were awarded against me, David Walter to the sum of \$10,500. His Honour advised in Court that he receives his commission under a statute. That statute is an Act of the corporation Government of Queensland as His Honour is an entity inside the Parliament of “the State” of Queensland under the Constitution of Queensland 2001.

I refer to my Affidavit of 62/10 on page 13 of 14 at paragraph 62 – I refer to the Decision of the High Court of Australia *Sue v Hill* HCA 30 (23 June 1999) and on Cause 2 – 27/10 I refer to the matter of *Sue v Hill* HCA 30 at paragraph 44 page 10 of my affidavit.

The ‘foreign powers’ refusing to pay Mrs Burns for taking an enhanced enrichment over her property is the Australian Government who holds a commercial contract with the Government of “the State” of Queensland and they are both corporate Governments inside their own Parliaments. The corporate headquarters of the Australian System of Government is the ‘new’ Parliament House Canberra.

The *Corporations Act 2001*(Cth) shows within the definitions – Dictionary section 9 *Act* includes thing.

Mrs Burns is not a ‘thing’ and she has no commercial contract with that Australian System of Government in relation to any matter, including her private property – her land.

Mrs Burns, in relation to the Queensland Government, has no commercial contract with the Government of “the State” of Queensland – their laws are statutory laws of a ‘foreign power’ or the Council of Australian Governments(COAG).

I refer to **Exhibit DJW-1** - the *Australia Act 1986*(Cth). Commencing at page 17 shows the compiled Act reprinted as at 31st October 1993. Page No. 20 shows the current compilation of the *Australia Act 1986* Act No. 142 of 1985, this compilation is dated 31st March 2003 and is established under section 20 of the *Legislative Instruments Act 2003 inter alia* to the *Industry Research and Development Act 1986* section 19A (refer page 14).

INDUSTRY RESEARCH AND DEVELOPMENT ACT 1986 - SECT 19A

General provisions concerning direction powers under sections 18A and 19

(1) For the avoidance of doubt, a direction given to the Board after the commencement of this section under section 18A or 19 must not confer a function on the Board to commit, authorise or recommend the expenditure of Commonwealth money.

(2) The Minister must publish in the *Gazette* any direction under section 18A or 19 or any revocation of such a direction

As the *Australia Act 1986*(Cth) is not an Act made under Her Majesty’s hand it is outside of the Commonwealth of Australia Constitution Act 1901. Therefore the entities inside the corporation of the Australian System of Government are not to use the assets of Her Majesty, or assets of us, the people of the Commonwealth of Australia Constitution Act

1901 as people of gender without our consent as we are the owners of that property.

Exhibit 2 - The *Commonwealth Electoral Act 1918*(Cth) compiled to the laws of the Australian Government at page 19 as in force on 28th April 1998.

I refer to page 33, Act No. 27 of 1918 as amended.

This compilation was prepared on 4th March 2010. Refer page 43 section 4B – Act to bind the Crown. This Act binds the Queen of Australia, of neutral gender to this Act.

Page 44 section 4D – application to the Criminal Code.

I am not a person inside the *Criminal Code Act 1995*(Cth) as an individual entity of neutral gender and I have no written sealed commercial contract with the Australian Government to the *Corporations Act 2001*(Cth).

I refer to page 45 – Senate ballot Paper, sealed to the corporation seal of the *Corporations Act 2001*(Cth).

I refer to page 46 which refers to a Ballot Paper for the House of Representatives, at paragraph 2 to register the name of a political party opposite the name of an entity of neutral gender as a member of the body politic being a Member of Parliament inside the Australian System of Government.

Exhibit 3 - The *Australian Citizenship Act 1948*(Cth).

Act No. 83 of 1948 as amended consolidated as in force on 8th May 1997.

At page 15 sealed with the corporate Seal of the Corporations Act 2001 by the individual of neutral gender – the Attorney Generals Department.

I refer to page 24 *Australian Citizenship Act 1948* – Act No. 83 of 1948, page 26 section 3 – Application of the Criminal Code.

Page 27 – Pledge of commitment as a citizen of the Commonwealth of Australia.

I am not an Australian citizen as I am not a person inside the *Criminal Code Act 1995* as an individual person of neutral gender, I am a subject of Her Majesty and a person as shown in the *Acts Interpretation Act 1901*(Cth) [Assented to 12th July 1901], section 22 and 23.

Exhibit 4 – Electoral Enrolment Form, bearing the Great Seal of Australia *inter alia* to the corporation seal of the *Corporations (Queensland) Act 1990*.

Being a private person I am not inside the corporation to vote.

Exhibit 5 – “THE CONSTITUTION” – compilation prepared 25 July 2003.

I refer to page 15 – *Statute of Westminster Act 1931* and I refer to the proceedings of my Affidavit for the Matter of 62/10 at Exhibit DJW-11.

I refer to the arrangement of the section. The relevant sections 2,3,4,5,6 were adopted by the ‘foreign power’ that is the ‘Republic’ of Australia – also known as the Australian Government at pages 75 and 79 of the ‘foreign power’. “THE CONSTITUTION” – compilation prepared on 25 July 2003.

Section 1; 7; 8; 9; 10; 11 and 12 are beyond the powers of the Australian System of Government (the “foreign power”) as they are the delegated laws of the Parliament of the United Kingdom and held to the International Court of Justice at the Hague as Great Britain is inside the European Union.

Refer **Exhibit 5(a)**

“CONSTITUTION” or “THE CONSTITUTION” – an Act compiled to Act No. 84 of 1977 prepared on 25th July 2003.

”THE CONSTITUTION” has not been presented to us, the people of gender inside the Commonwealth of Australia Constitution Act 1901 to bring into a law, as a law of Her Majesty, to remove Her Majesty from holding the executive power at Clause 2 to section 61 to 109 as a person of gender inside the Commonwealth of Australia Constitution Act 1901.

Exhibit 6 – *Corporations Act 2001(Cth)* amendments up to 96 of 2010.

Refer to page 13 Dictionary s9 “Act” includes thing.

I am not a thing I am a natural person inside the *Acts Interpretation Act 1901(Cth)*

[Assented to 12th July 1901]

Exhibit 7 – Corporation Agreement 2002 as amended. Corporations Agreement, page 3 sealed with the seal of the *Corporations Act 2001(Cth)*

This compilation was prepared on 16th November 2005.

Refer to page 8 – The parties or entities signing this agreement.

One of these entities is “THE STATE OF QUEENSLAND”

Exhibit 8 – *Corporations (Queensland) Act 1990*

Sealed with the corporate seal of the *Corporations (Queensland) Act 1990*

© State of Queensland 1997.

Exhibit 9 – *Electoral Act 1992(Qld)*

Act No. 28 of 1992

© The State of Queensland 1992

I refer to the Definitions on pages 4,5,6,7,8. There is no definition of ‘person’ or ‘private person’ to vote in these elections.

At page 4, refer to the *Commonwealth Electoral Act 1918* of the Commonwealth.

That Act does not apply to me nor does the Commonwealth Electoral Roll.

I refer to page 6 and 7 – “parliamentary party” means a political party of which at least 1 member is a member of an Australian Parliament.

The *Electoral Act 1992* is clearly for individuals and entities inside the *Corporations (Queensland) Act 1990* of Queensland who have signed and sealed commercial with an individual entity representing “the State”.

As I am a member of the public and a private person, as cited in the *Corporations (Queensland) Act 1990*, and the *Electoral Act 1992(Qld)*, is only for the elections of entities inside the corporation so I am unable to register a vote as the writs are not given under the Hand of Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith, who is the holder of all the land in the State of Queensland.

Exhibit 10 - Commonwealth Electoral Office Act 1924 Act No.[10] of 1924

‘Be it enacted by ‘the King’s Most Excellent Majesty, the Senate and the House of Representatives of the Commonwealth of Australia as follows’

On page 4 of the Act is shown:-

“In the name, and on behalf of His Majesty, I assent to this Act”

[Signature: Forster]
Governor-General
[31st July] 1924.

‘An Act to amend the commonwealth Electoral Act 1918-1922 for the purpose of making provision for Compulsory Voting’.

We have not had an election under this Act since, I believe, 1978 for the Commonwealth of Australia, or for Queensland since 1997. Therefore we have not elected a Parliament of the people of natural gender since those times, and the laws to the *Corporations Act 2001(Cth)* and the *Corporations (Queensland) Act 1990* do not allow for people of gender, inside the Commonwealth of Australia Constitution Act 1901 to vote at any Federal, State or Local Government election, it is quite clear that that these corporate entities of neutral gender must be foolish enough to believe that a mark on a piece of paper, made by a natural person of gender, who does not have a signed and witnessed commercial contract with any entity inside the Australian System of Government or COAG, and has not been presented with a referendum by the entity of neutral gender, the Prime Minister, inside the *Corporations Act 2001(Cth)* or the Premier of Queensland inside the *Corporations (Queensland) Act 1990* to be given a choice to remain inside our Commonwealth of Australia Constitution Act 1901 as a ‘person’ or to become a corporate entity inside the Australian System of Government.

As the *Corporations Act 2001(Cth)* and the *Corporations (Queensland) Act 1990* are statutory laws of a ‘foreign power’ in the ordinary meaning of the word, to us, the natural persons, none of those laws to the *Royal Style and Titles Act 1973*, commencing from 1973 have received Royal Assent under the Hand of the Governor General appointed by Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the

Commonwealth, Defender of the Faith *inter alia* to Clause 2, and sections 61 to 109 as the Queen of Australia owns no land and has no sovereignty and we are not Her subjects. Therefore all statutory laws passed to the Australian Government and any decisions made by any entity inside that Australian Government, which includes any Court, over any subject of Her Majesty who is a natural person of masculine or feminine gender, who does not have a commercial contract signed and witnessed between both parties, they are void and those people are not bound to those statutory laws.

“The State” of Queensland introduced a *Supreme Court Act 1991* and an *Electoral Act 1992*. As we are private persons inside the *Corporations (Queensland) Act 1990* the Premier of “the State” of Queensland has never presented us, the sovereign people of gender, as subjects of Her Majesty inside the Constitution Act 1867(Qld) [31 Vic. No.38] as in force 5th April 1977 at section 53, *inter alia* to Clause 2 and section 61 and 109 of the Commonwealth of Australia Constitution Act from 1st January 1901 to vote at a referendum to allow us to consider if we wish to become an entity inside “the State” of Queensland and to hand all of our property to “the State” of Queensland or to remain subjects of Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith inside the Constitution Act 1867(Qld) [31 Vic. No.38] as in force 5th April 1977 and the Commonwealth of Australia Constitution Act from 1st January 1901, *inter alia* with the Commonwealth of Australia Constitution Act 1900 (UK) [63 & 64 Vict.] [Ch. 12] to Clause 2, sections 61 and 109.

All the laws are made to the *Statutory Instruments Act 1992(Qld)*, and all laws are statutory laws signed and sealed with the corporation Seal. No entities in the corporation have any authority to hold those laws over us, the subject of Her Majesty, being people of gender.

Signed under my hand at Herberton, Queensland, this twenty ninth day of July 2010.

A handwritten signature in black ink, appearing to read 'Dank', with a horizontal line drawn underneath it.

Touched by a Butterfly



Kissed by an Angel

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'Where there is no vision the people perish, but he that keepeth the law, happy is he.'
(Proverbs Ch.29 v.18)

His Excellency Major General Michael Jeffery AC CVO MC
Governor-General of the Commonwealth of Australia,
Government House,
Dunrossil Drive,
Yarralumla ACT 2600

Your Excellency,

RE: "The State" of Queensland - an independent Sovereign State outside of the Commonwealth of Australia, without a referendum of the sovereign people under section 53 of the *Constitution Act 1867(Qld)* as of 29th January 1999.

Your Excellency I bring this extremely serious matter to your attention as the Governor-General of the Commonwealth of Australia and the Representative of Her Majesty Queen Elizabeth II.

On 29th January 1999 the Governor of the State of Queensland, the Representative of the Crown in Queensland was moved into the *Constitution Act 1867* as a parliamentary secretary and a public official. This fractured the separation of powers and common law in the State of Queensland and also removed Queensland as a State of the Commonwealth of Australia and out of the *Commonwealth of Australia Constitution Act* without a referendum of the sovereign people to remove the entrenched provisions as described in the *Constitution Act 1867*, section 53 - Certain measures to be supported by referendum, described in Reprint 2, reprinted 27th January 1998, section 53(1), section 1, 2, 2A, 11A, 11B, 14; and, section 53(1).

On 9th November 2001 the then Premier of the State of Queensland, the Honourable Peter Beattie presented to Parliament the new Constitution of Queensland 2001 Bill. The elected Members for the people of Queensland, the Members of the Legislative Assembly, passed the Bill, said only to 'modernise' the Constitution of Queensland. This constitution was assented to by the Governor on 3rd December 2001 and upon assent, under section 95 of the new Constitution, Acts subject to the *Constitution Act 1867* were repealed. Section 92 immediately came into force which repealed parts of the *Constitution Act Amendment Act 1922*. This allowed the Parliament to move back prior to the removal of the Legislative Council at referendum in 1922 and 'recreate' the positions of that former Legislative Council.

The *Acts Interpretation (State Commercial Activities) Act 1994* amended the *Acts Interpretation Act 1954* to define "the State" to mean the Executive government of the State of Queensland. Under the provisions of this Act, "the State" may carry out commercial activities 'without further statutory authority' and 'without

prior appropriation from the public accounts' {s47C.(3)} Section 47C. defines 'commercial activities to include 'commercial activities that are not within the ordinary functions of the State' and these functions may be delegated by a Minister to an officer of the State who may subdelegate delegated powers to another officer of the State. An 'officer of the State means a chief executive, or employee of the public sector or an officer of the public service'.

I refer to the following Acts - the *Reprints Act 1992*, the *Statutory Instruments Act 1992*, the *Legislative Standards Act 1992*. These Acts were used in conjunction with the *Constitution of Queensland 2001*, section 92 to create the corporation Government of the State and then further to repeal those Acts under section 95 of that Constitution. Those Acts moved back in time, one may say like the Tardis, reprinting, removing the Crown out of all Acts as far back as the Magna Carta then reprinting back to the *Australia Acts (Requests) Act 1985* and removing all the positions as cited in that Act. The only part of the *Commonwealth of Australia Constitution Act* which is recognized by Queensland is the Commonwealth Constitution commencing at section 9. The *Commonwealth of Australia Constitution Act* is not recognized which includes the High Court and the Federal Court.

By using the *Australia Acts (Request) Act 1985* section 12 in conjunction with the other three State Acts, the Acts reprinted Queensland into a corporate State. In conjunction with the *Acts Interpretation Act 1954* section 15DA(2) which allowed for the automatic commencement and assent of any Act that had been laying dormant for a period of twelve months, Acts which were framed to create the corporate State of Queensland in 1992, 1993 and 1994 were reprinted by the *Reprints Act 1992* which is under the Department of the Premier.

Queensland then became, at the completion of these matters, without assent of any of the laws by the Crown or Her Representative, an independent sovereign State and fractured the common law and the separation of powers.

When people of the State of Queensland vote in a State election, the writs are not under the Hand of the Sovereign of Australia Her Majesty Queen Elizabeth II but under the Public Seal of the State and issued by the Governor who is an entity within the Parliament of Queensland (or the Speaker for one vacant seat).

The elected Members of the sovereign people of the State of Queensland have, since 29th January 1999 taken it upon themselves, (contrary to the *Criminal Code Act 1995*(C'wth) to which they are all subject under Chapter 7 - The proper administration of Government), to create for themselves, under the *Constitution of Queensland 2001*, a corporation Government in which the sovereign people of Queensland and their property are mere chattels of the State. This surely is a breach of the trust and faith which the electors of Queensland placed in their elected members to uphold and respect the laws of the Commonwealth.

Queensland is now outside the Commonwealth of Australia as an independent sovereign State without common law, and the people are subject to civil and statute law only. The 'common law and general jurisdiction'; the 'Laws of England to be applied in the administration of justice' and 'equitable jurisdiction' have been removed under the *Supreme Court Act 1995*(Qld) Reprint number 2A dated 2nd March, 2001 under Schedule 2 of the *Constitution of Queensland 2001*.

What now happens to people who have been prosecuted, fined, imprisoned etc. under the civil law of Queensland, which does not exist elsewhere in the Commonwealth of Australia. The sovereign people of Queensland have not voted in any referendum to allow civil statute law to remove their common law rights.

The people of Queensland are still, under section 117 of the *Commonwealth of Australia Constitution Act*, subjects of Her Majesty Queen Elizabeth II and protected by Her laws as there has been no referendum

under section 128 of the *Commonwealth of Australia Constitution Act* to allow the separation of Queensland from the Commonwealth of Australia.

The jurisdiction of the Supreme Court of Queensland is found in the *Constitution of Queensland 2001*, Part 5 - Powers of the State. Therefore it is assumed that the Judges of the Supreme and District Courts of Queensland must protect the 'assets' of the State of Queensland and find only in favour of the State, not in favour of the registered owners of private land who have lost, under the statute laws of Queensland, the rights to use their fee simple land as they see fit.

As stated by Chief Justice de Jersey in the Supreme Court of Queensland Appeal for Mrs Catherine Elizabeth Burns

"[5] These contentions are plainly untenable. Mrs Burns certainly has an indefeasible interest as registered proprietor of an estate in fee simple in the land. But the sovereign law making power of the Queensland Parliament, considered recently in a somewhat similar factual context in *Bone v Mothershaw*..... In a different, though analogous way, the Parliament is clearly empowered to authorize planning schemes which restrict what the owners of estates in fee simple may lawfully do with their land."

Further, Judge McPherson JJA in *Bone v Mothershaw* [2002] QCA120 stated:-

"For this severe limitation on his rights as owner, he has received and will receive no compensation, although he continues to enjoy the privilege of paying the rates that the Council levies on his land. The action taken by the Council was no doubt undertaken in the public interest, as it claims, of the citizens of Brisbane; but it is not they who will bear the financial disadvantages of the action taken in their interest.

[24] The question is whether our legal system permits such prohibitory action to be taken.

The Council has not taken any interest of Mr Bone's, so as to attract the operation of the *Acquisition of Land Act 1967* or otherwise. He retains unimpaired, for what it is worth, his estate in fee simple absolute in the land. He has been stripped of virtually all the powers which make ownership of land of any practical utility or value. There is, as is attested by an affidavit from the valuer provided at the hearing, no doubt that the value of the land has been greatly reduced. But the law provides no remedy for this action or its consequences when it is the result of legislation validly passed under lawmaking authority that by its terms or nature authorises or permits such an outcome.

[26] The same opinion is explicit in the reasoning of the High Court in *Durham Holdings Pty Ltd v State of New South Wales* (2001) 75 ALJR 501, holding that a State Parliament has the legislative power to deprive a person of property without compensation."

What can now be done for all the sovereign people of the State of Queensland who have no common law property rights and this also includes the aboriginal people of this State who have

had their land under the *Native Title Act 1991* and the *Torres Strait Islander Act 1991* placed into the Brigalow Corporation of the State of Queensland? All people in Queensland, regardless of race, colour or creed have had their land, held in a Deed of Grant in fee simple, removed from their possession and into that of the Brigalow Corporation of the State. They now only hold a statutory title in their land.

The New South Wales Court has cited *Bone v Mothershaw* and *Burns v State of Queensland and Croton* in a matter involving Mr Peter Spencer of Queanbeyan in New South Wales.

New South Wales removed the Governor in 1987 under the *Consolidated Amendment Act 1987*.

I now draw Your Excellency's attention to the matter of Mrs Catherine Elizabeth Burns, which is before the High Court of Australia. The 78B notice pertaining to this matter is attached to this correspondence. This notice has been filed in the High Court of Australia and forwarded to all Attorney Generals of the Commonwealth of Australia. This Notice is now a public document.

In early 2003 I was approached by the Member for Hinchinbrook, Mr Marc Rowell of the State Parliament of Queensland requesting my assistance with a problem one of his constituents was involved in. The lady in question, Mrs Catherine Elizabeth Burns, a widow of some seventy three years of age, had purchased at public auction in Cardwell, Queensland in 1968, approximately 25 acres of land. Her land is situated opposite the Hinchinbrook Resort and faces the main north south highway. This land was purchased in a common law estate of fee simple, the original Deed of Grant for which Mrs Burns still has in her possession. The land was purchased under the provisions of the *Land Act 1962* and a requirement upon purchase of the Deed of Grant in fee simple was that the land was to be cleared for a productive use. The land was cleared by Mr Buddy Dingwall, inspected by the then Department of Lands and a Certificate of Title was issued under the provisions of the *Real Property Act 1861* in November 1970.

Mrs Catherine Burns, at the time of the purchase, was married to Sergeant Duncan Charles Burns, OIC of the Cardwell Police Station. Their plan for purchasing the land was, when Mr Burns retired from the Queensland Police Service, they would build some small tourist cabins on the property as it is in a prime location, facing onto the north south highway and opposite Hinchinbrook Island and they would then be self provided for in their retirement years. Unfortunately Mr Burns passed away prior to his reaching retirement age and Mrs Burns has never remarried.

As Your Excellency will be aware, a Deed of Grant in fee simple is a common law contract, the validity of which is known, upheld and recognized world wide and is held as security for all banks and lending institutions not only in the Commonwealth of Australia but world wide, when those institutions are providing money for private lending. Financial institutions and lenders do not now hold a common law estate in fee simple but a Certificate of Title to the land, subject to a statutory instrument. Technically they, as with Mrs Burns and myself, hold nothing.

In the State of Queensland, by definition under the *Acts Interpretation Act 1954(Qld)*, section 36 - Meaning of Commonly used words and expressions - definition of 'person' includes an individual and a corporation. Therefore Mrs Burns (and all other people of Queensland) as a 'person' is thus tied inextricably to the State corporation.

This is also applicable, by definition, to Aboriginal and Torres Strait Islander land as an 'Aborigine' is now defined as a person of the Aboriginal race of Australia.

It must be noted that the definition of 'person' in the *Acts Interpretation Act 1901(C'wth)* section 22(1)(a) expressions used to denote persons generally (such as "person", "party", "someone", "anyone", "no-one", "one", "another" and "whoever"), include a body politic or corporate as well as an individual;

The *Acts Interpretation Act 1954(Qld)* defines property both present and future, owned by you as an 'individual and a corporation' as subject to a statutory instrument only and that statutory instrument is not only applicable to your land, but all property as you, as a person now own, as opposed to the previous common law indefeasible deed of grant in fee simple, only an interest in your land under a statutory title.

All land, including private land held previously in the common law estate of inheritance in fee simple by private individuals, is now held by the corporation of the State of Queensland known as the Brigalow Corporation.

I refer Your Excellency to the Second Reading Speech of the Premier the Honourable Peter Beattie, for the Constitution of Queensland 2001 Bill and the Parliament of Queensland Bill 2001, presented to Parliament on 9th November 2001.

In this Speech, the Premier therein described the entities which were to make up the Parliament under the new Constitution.

"But this Act is much more it is the fundamental law of Queensland that underpins our system of government.

The entities it provides for include this Parliament, the Supreme and District Courts of this State and the system of local government that we know in Queensland. The office holders under this Act include the Governor of Queensland, the Ministers of the Crown and the judges of the Supreme and District Courts. This law is of supreme importance."

It is now not a Parliament elected by the sovereign people, but a State owned corporation and inside that Parliament/Corporation are the entities of the Supreme and District Courts, which handle matters under the *Property Law Act 1974*(Qld) and further Courts such as the Land Court, the Planning & Environment Court; the Governor of Queensland, the Ministers of the Crown, the Judges of the Supreme and District Courts and the Local Government.

Further in the speech, the Premier stated "Our entity as a Sovereign State, the democratic ideals on which our State is built, rest on our Constitution".

The new *Constitution of Queensland 2001* was assented to by the Governor on 3rd December 2001.

Here two questions that I propose:- The Governor of the State is now inside the Parliament as a parliamentary secretary and holds the Public Seal of the State and seals all documents signed under the Hand of the Sovereign with the Public Seal of the State, therefore rendering void, any contracts, Acts, laws etc. under the Hand of the Sovereign. The Governor is quite clearly now inside the Parliament, conducting the daily business of the Government and allocating the laws applicable to each Government Department of the State. The public servants of the State are not public servants of the Crown, they are public servants of the State and as the State owns all property within the State of Queensland, they have dominion over all property and aspects of your daily life.

The *Constitution of Queensland 2001* was assented to by the Governor which leads to two major problems:-

- i) The assent of the Governor must be defective as the Governor is now inside the Parliament as a 'parliamentary secretary'
- ii) To have Queensland become an independent Sovereign State and to remove the common law, set up statutory civil law and have Queensland not recognize the *Commonwealth of Australia Constitution Act* but only that Act from section 9 onwards, a full referendum would have been required of the people of the Commonwealth of Australia to enact, validly, that Queensland, from 29th January 1999 was now independent of the Commonwealth of Australia and a State in its own right.

In the Second Reading Speech for the Constitution the Premier stated that the Constitution would be 'broadly accessible' to the people of Queensland. Considering that this Act has effectively removed all common law property rights from the people of Queensland it should, one would reasonably assume, have been put to a referendum of the people.

However in the Second Reading Speech the Premier stated –

... The Constitution of Queensland 2001 does not include a statement of executive power vesting in the Sovereign as recommended by LCARC. The Government is of the view that LCARC's recommended expression of executive power is too narrow and does not adequately reflect the democratic convention that requires the Governor to act in accordance with advice from his or her Ministers" ...and further..... "Those provisions that are said to be referendum entrenched remain untouched in the shells of their current Acts."

In the matter of Mrs Catherine Elizabeth Burns, she applied for and was refused the right to clear her private land because it 'may' be used by the Southern Cassowary and was 'known habitat for the mahogany glider' even though correspondence from the Director General of the Environmental Protection Agency stated that Mrs Burns land was not part of the Mahogany Glider Recovery Plan 2000 - 2004. The State Government of Queensland with the Natural Heritage Trust of Australia has spent \$11 million dollars purchasing land in the Cardwell region under the Mahogany Glider Recovery Plan 2000 - 2004 to protect the habitat for this species. Mrs Burns was not contacted with regard to her land nor did she receive correspondence to indicate that her land was 'known habitat'. This was a decision made by a public official of the Department of Natural Resources and Mines, Mr Luke Croton.

I have assisted Mrs Burns in this matter by writing to the Premier of Queensland, to no avail and preparing and presenting this matter before three Courts in this State. All appeals have been dismissed under the Court of Appeal Queensland decision *Bone v Mothershaw* [2002] QCA 120 The Supreme and District Courts of Queensland as entities of the Parliament must, therefore, protect the assets of the State, the real property owned by the Brigalow Corporation of the State of Queensland.

This matter is now before the High Court of Australia in an attempt to obtain a resolution for Mrs Burns. She is in dire financial straits, she has had to sell her family home which has been in her family for four generations as she could not, on an aged pension, afford to maintain the family home and pay rates of more that \$2000.00 per annum on the Cardwell property. She has lost all her private possessions which she had kept on her son's property in Innisfail when Cyclone Larry devastated the area. She has been forced to rely on her family for a roof over her head as she is not eligible for State housing as they advised her she owns a property in Cardwell. This is despite advising them that she, under orders from the Courts of Queensland, can do nothing with the land because it is mahogany glider habitat.

This widowed grandmother has to pay rates of approximately \$2,500 per annum on the property for the public benefit of the people and the State of Queensland. There is absolutely no equity or benefit in the land for her as the registered owner of the land, she cannot build on the land or sell the land, the equity the fee simple is now owned by the State and taken with no compensation as required under section 51(xxxi) of the *Commonwealth of Australia Constitution Act*.

Under the *Constitution of Queensland 2001*, by the removal of common law in the State of Queensland, the public officials of this State can acquire an interest in private registered land without compensation, for the

benefit of the State Government corporation. This also includes the property owned now and in the future as the sovereign people are in fact " an individual and a corporation" and therefore subject to the corporation Government of the State of Queensland.

The sovereign people of the Commonwealth of Australia have never been required at a referendum by virtue of section 128 of the *Constitution of the Commonwealth of Australia* to vote to allow "the State" of Queensland to fracture the Commonwealth and become an independent sovereign state.

It is quite clear when the lending institutions become aware that any persons who own any property in Queensland - especially real property which has always the main security for lending to home owners, farmers etc, the basis of their lending against real property will be compromised. There may well be a cessation of lending in this State for the purchase of private homes or land for farming and agriculture as "the State" corporate Government can render void any contract with an individual or company and acquire an interest over land without consultation or compensation and the Courts inside the Government will protect the assets of the corporation as they have done in matters by virtue of *Bone v Mothershaw* [2002] QCA120.

The common law and references to the Crown have been removed out of the *Supreme Court Act 1995*(Qld).

Civil law and statute law have a very different requirement for the committing of any offence, whether an indictable offence, a summary offence, a simple offence or an absolute offence such as a traffic offence where a guilty mind is not required to commit that offence. Under the civil law system, which is now subject to the Uniform Civil Procedures Rules of the *Supreme Court Act 1991*(Qld), every person is guilty until they prove their innocence.

The Supreme and District Court, other courts and the Judges and Justices of those Courts are now inside the corporation of the Government, and not sworn representatives of the Crown. Under the *Constitution of Queensland 2001*, all documents are issued or signed under the Public Seal of the State. This would be any document appointing a politician, a Judge or any person who should swear an oath of allegiance to the Sovereign. The Governor now seals that document in accordance with the *Constitution of Queensland 2001* section 37 with the Public Seal of the State therefore voiding the appointment of any of those people by the Sovereign but making those people in effect 'officers of the State' and subject to the 'Powers of the State' as cited in Part 5 of the *Constitution of Queensland 2001*.

It is quite clear that those who have been put in power by the sovereign people of the State have, since 1992 when the original Acts were being framed, had a full intention in time, to bring about their own personal agendas, regardless of the wishes of the sovereign people who have, in good and open faith and intention, by secret ballot at elections, voted these people into positions of power and of trust and who must swear or affirm an oath of allegiance to Her Majesty that they will uphold Her laws for the benefit of the people of the State of Queensland. That power has turned from the power granted by the people to the Legislative Assembly to make laws for 'peace welfare and good government' on behalf of the sovereign people of Queensland using funds from taxes paid by the citizens of Queensland and all of Australia, into a totalitarian system of Government, whereby we the people are subject to the corporation Government of the State.

The ramifications caused by these actions carried out over a long period of time by the Members of the body politic dating back as far as 1992 are so vast and wide spread it will take a long time to remedy and repair the whole system of government in Queensland. The Parliament can make any laws they wish but I do not believe that under a democratic system of Government they are elected to Parliament to make draconian laws which remove the rights of the sovereign people to their use of their land without fair and just compensation.

I respectfully suggest an immediate return to a common law government of people elected by the sovereign people under a writ of the Sovereign, not under a writ of the Election Act of the State.

In the Second Reading Speech the Premier stated "Those provisions that are said to be referendum entrenched remain untouched in the shells of their current Acts."

I do not believe that the provisions are 'said' to be referendum entrenched but in actual fact are, under a Westminster system of Government.

The former Premier said in the Second Reading Speech for the constitution, 'we all look forward to the day when we are a republic'. The people of the Commonwealth of Australia at referendum in 1999 voted against a republic but wished to retain the present system of Government with a clear separation of powers under common law and for the Commonwealth of Australia to remain exactly the same with a combined Federation of States as was created in 1901.

Queensland is not a republic and if the system we have at present is the type of republic as envisaged by our leaders then, as shown in the 78B notice page 5 paragraph 15 which is attached - "An estate of inheritance in land or equity can not and must not be subject to statute law. That in effect extinguishes or regulates that same inheritance, completely, ignoring section 52 of the *Commonwealth of Australia Constitution Act*, for to do so anarchy and ruin will prevail. For as soon as the financial institutions withdraw because of lack of tenure in land held of common law, poverty will soon follow."

The only tenure that any financial institutions hold in land in Queensland today, even though they may believe they hold an estate in fee simple, is in fact held by the corporation of the State, the Brigalow Corporation and is now the full property of the State. The lending institutions now only hold a statutory title and an interest only in the land by virtue of the *Statutory Instruments Act 1992* under which the rules of the Supreme and District Courts are found under section 12 of that Act.

Reference - *Glasgow v Hall*, 2007 HCA Trans 557 (3 October 2007) and *Wilson v Raddatz*, 2007 HCA Trans 558 (3 October 2007). Both Mr Glasgow and Mr Wilson were charged, convicted and fined in Queensland and that decision upheld by all Courts in Queensland including the Court of Appeal Queensland. Subsequently those matters were placed before the High Court of Australia hopefully for resolution. The international instrument, cited in those decisions, was the *Treaty No. (1193)ATS32* signed at Rio de Janeiro 5 June 1992, Section 10 of Agenda 21 under which the *Natural Heritage Trust of Australia Act 1997(C'wth)* was framed.

This Act allows farmers to use their land in an ecologically sustainable way for the benefit of the people and the economy of Australia and the international economy. Under this Act \$1.35 billion dollars from the partial sale of Telstra were placed in the Natural Heritage Trust of Australia Account.

The farmers using their land under the provisions of this Act could receive funding for the loss of the use of their land if the cessation of their activities was of the public benefit.

Mr Gregory Wilson a builder and a grazier and his company Wilsons' Development Pty Ltd and Mr and Mrs Keith Glasgow, long term farmers and graziers both hold their land in Deeds of Grant in fee simple and their land was registered under the *Real Property Act 1861*. The land is commonly known as freehold title under the Torrens System.

The High Court of Australia have now clearly rejected, by their decision, those common law contracts and every other common contract in the Commonwealth of Australia. Those contracts are now void and are

totally subject to the 'stewardship' of the Commonwealth, the State, the local government councils and the public officials employed by those entities.

No person or corporation who is an owner of any property, real or personal, in the Commonwealth of Australia has any right to the use of that property as all contracts at common law have been rendered void. Their rights to their property are all subject to the regulations imposed by the Federal, State and local Governments in the Commonwealth of Australia.

It is therefore clear that the following Act, based on an international treaty, has no relevance or validity in this Commonwealth of Australia today.

Human Rights and Equal Opportunity Commission Act 1986
Act No. 125 of 1986 as amended

Schedule 2 - International Covenant on Civil and Political Rights

Section 3

The States Parties to the present Covenant

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Article 17

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.

2. Everyone has the right to the protection of the law against such interference or attacks.

As these matters have been upheld by the High Court of Australia, it is clear that the value of land held in a Deed of Grant in fee simple, which was an estate of inheritance at common law and recognized world wide as security for lending institutions and contracts for individuals and corporations, as the asset base and security for loans etc. has been greatly reduced for the registered owners of that real property.

To quote the words of Judge McPherson JJA in *Bone v Mothershaw* [2002] QCA120:- "He (Mr Bone) retains unimpaired, for what it is worth, his estate in fee simple absolute in the land. He has been stripped of virtually all the powers which make ownership of land of any practical utility or value".

The statement abovementioned is of particular relevance to Mr and Mrs Glasgow and Mr Wilson. Mr Keith Glasgow was prosecuted by an officer of the State for cutting native vegetation to feed his starving livestock in this time of severe drought. It is of interest to note that the Warrant to Enter executed by the public officials of this State was not for Mr Glasgow's property 'Bayfield' but was for a property approximately 27 kilometres away known as 'Valentine Plains'. This fact was presented to all the Courts to which this matter was taken and ignored.

Mr Gregory Wilson was prosecuted by an officer of the State for repairing severe erosion on a watercourse on his property by filling the degraded areas in with dead and dying black wattle and other vegetation and weeds which were of no value to the livestock as a food source. Mr Wilson then covered the vegetation with soil and replanted the areas with pasture grass.

The reason that I have forwarded this document to Your Excellency is that the Federal Government is to call a Federal Election. Queensland cannot be included in those writs. As a result of *Bone v Mothershaw* being upheld by the Supreme Court of Appeal in Queensland where it upheld that Queensland is an independent sovereign State and the *Queensland Acts Interpretation Act 1954(Qld)* defines the Constitution as the Commonwealth Constitution, not the *Commonwealth of Australia Constitution Act* in its entirety, the people of Queensland are 'an individual and a corporation' and have no sovereignty in any Federal Election.

As stated, I have attached the 78B Notice for Mrs Catherine Burns for your information. I have, by attaching that document placed it there for your perusal to assist you in clarifying the problems we have in Queensland at this time and which I believe must be rectified immediately. It has not been forwarded to you to in any way pre-empt the High Court of Australia or to show them any disrespect at all.

The following information comes from a comparison document - 'A Difference Report by www.SoftInterface.com' for the *Constitution Act 1867*. This shows the amendments, deletions and alterations to the Constitution that have been carried out to support the changes to the Constitution without referendum. This shows that under the original *Constitution Act 1867* and the modified *Constitution Act 1867*, Reprint No. 2A there have been 114 changes, 131 additions and 116 deletions found. The removal of the Governor under section 14 of that Act is only one of the amendments to that Constitution without any referendum of the people by virtue of section 53 of the *Constitution Act 1867*.

It shows in this comparison document that subject to section 6 and 7 of the Constitution Act 1867 the corporation clearly has the right to hold any estate, which in this case is an estate of common law fee simple, to be acquired from any other person or in or on any Crown land in Queensland to be contracted or agreed with a Suncorp Insurance Commissioner and finance. It is therefore clear that the Government corporation of the State, to which a person as an individual and a corporation is tied, holds our property, in this case our common law estate in fee simple. All that any person holding an estate in fee simple at common law in Queensland can only hold the certificate of title which is subject to a statutory instrument.

As the corporation of Queensland, when it was formed, had no assets, it had to acquire assets if they wished to borrow. Under the *Queensland Government (Land Holding) Amendment Act 1992*, they immediately took all the Crown land and estates in fee simple registered under the *Property Law Act 1974* as equity for the corporation without compensation to the registered owners of the property whether they live in Queensland or anywhere else and converted that property for their own use, contrary to Chapter 7 of the *Criminal Code Act 1995(C'wth)* – The proper administration of Government.

The owners of that property taken by the corporation can only hope that the corporation has not used our real property as an asset to borrow funds for the corporation for whatever purpose. If the independent State corporation fails or borrowing is too extensive, it will again be the sovereign people who will bear the financial consequences.

Your Excellency, I am not a legally qualified person, nor do I have a degree of any sort. I am merely a subject of her Majesty Queen Elizabeth II, and a citizen of our great nation.

I therefore request of Your Excellency to do whatever is in your executive power to return Queensland to a democratically elected common law system of Government and with all due respect, this will have to be done prior to any writs issued for a Federal Election which is now pending. No one can vote in a Federal Election as all we are voting for is a person whose authority and standing as a Federal Member has no relevance in the independent sovereign State of Queensland.

I forward this correspondence for your attention and action. If you have any queries in regard to this document I can be contacted at the above address.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'D. Walter', with a long horizontal stroke extending to the right.

(David J. Walter)
11th October 2007

cc The Hon John Howard MP
Prime Minister of Australia

The Hon. Phillip Ruddock MP,
Attorney General of Australia

Mr Kevin Rudd MP - Leader of the Opposition
The President of the Senate of Australia

0207

2007/10/20



17 October 2007

Mr David J Walter
PO Box 578
HERBERTON QLD 4887

Dear Mr Walter

Thank you for your letter of 11 October and email of 17 October 2007 to the Governor-General concerning changes to the Queensland Constitution and related matters.

General Jeffery appreciates the time and trouble you have taken writing to him about these matters which he understands have caused you great concern. However, I am sorry to disappoint you but it is not possible for the Governor-General to become involved in issues such as these. The Governor-General does not have jurisdiction over state Judicial Systems or any role in relation to the responsibilities of State Governments and Parliaments. May I suggest if you wish to pursue these matters further that you approach the Queensland Attorney-General, the Hon Kerry Shine MP, Queensland Attorney-General, PO Box 149, Brisbane QLD 4001.

Thank you once again for writing to the Governor-General.

Yours sincerely

A handwritten signature in black ink, appearing to read 'B Hallett', with a checkmark at the end.

Brien Hallett
Deputy Official Secretary to the Governor-General

Touched by a Butterfly



Kissed by an Angel

EnviroWild Pty. Ltd.

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Queensland 4887
Australia

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'Where there is no vision the people perish, but he that keepeth the law, happy is he.'
(Proverbs Ch.29 v.18)

INFORMATION PAPER

MATTER PENDING - TO BE DETERMINED BY THE HIGH COURT OF AUSTRALIA - CATHERINE ELIZABETH BURNS:-

Mrs Burns, is 73 years of age and a widow. She has been refused to be allowed to selectively clear her private registered land for sale. This land is situated opposite the Hinchinbrook Resort in Cardwell. Mrs Burns purchased this 26 acres in 1968 at public auction, paid for the land and received a Deed of Grant in fee simple. The requirement was that the land had to be cleared prior to the land being registered under the provisions of the *Real Property Act 1861*. This was done in 1970.

As time passed, the situation changed, and though Mr and Mrs Burns had planned to build a small tourism venture on the land so they would not be a burden on the Government, Mr Burns, a Police Officer in the Queensland Police Service, passed away prior to reaching retirement age. Mrs Burns has never remarried.

Mrs Burns, due to the financial difficulty of finding the money to pay the rates which are now almost \$2,500,00 per annum when she only receives an aged pension, decided to selectively clear the land to sell. Where the property is situated, the block adjacent to the Burns property which is the same size as hers, has been subdivided into 13 lots and the majority of the land in the immediate area has also been subdivided into small rural residential lots and have homes built on them.

The Decision Notice placed over her land by a public official, Luke Croton of Department of Natural Resources and Mines, Townsville, and upheld by the courts of Queensland, including the Supreme Court of Appeal citing *Bone v Mothershaw*, has effectively reduced the value of Mrs Burns' land to the same status of Mr Bone 'he(she) continues to enjoy the privilege of paying the rates that the Council levies on his (her) land' and she is allowed to walk on it.

This matter has been ongoing in the Courts of Queensland since 2003 and has now been placed before the High Court of Australia in an application for special leave to appeal.

The decision notice issued by Luke Croton under section 3.5.15 of the *Integrated Planning Act 1997(Qld)* was not in relation to clearing native vegetation on private land, but was under the Decision Stage, section 3.5.1 which is a referral to a building agency (of the State) for an application if required and the decision stage for the application starts on the day after all other stages applying to the application have ended. The decision notice itself is, in fact and law, void. Mrs Burns only requires an application under the *Integrated Planning Act 1997(Qld)* for the reconfiguration of a lot or a material

change of use. The clearing of the native vegetation is a component part of a development. She clearly did not require any permit.

There are still several matters requiring resolution by the High Court of Australia. All of these matters have been dismissed from the Courts of Queensland based on the matter of *Bone v Mothershaw* in that, as stated in the Courts of Queensland - Queensland is an independent sovereign State.

Mrs Burns' matter will clearly show you the problems which have occurred in this State with regard to the rights to your private freehold land.

The Decision of the High Court of Australia for Keith Glasgow and Gregory Wilson has removed the ownership of land and property as we knew it in this county and has not upheld our rights as sovereign people under the *Commonwealth of Australia Constitution Act*.

The Second Reading Speech of the former Premier the Honourable Peter Beattie when he created the new Government of Queensland, placed inside the Parliament himself as Premier (President), the Ministers, the Governor as a parliamentary secretary, the judges and justices of the Supreme and District Courts, the Supreme and District Court, the Local Government Councils. The public officials are not public officials of "the Crown" but public officials of "the State" of Queensland. As all real property has now been taken back by the State and held under the State corporation the Brigalow Corporation, the public officials are in fact now working for the owners of the land, the State Government of Queensland. When the State of Queensland removed the land and placed it under the ownership of the State, they did so without compensation or without a referendum.

The matter of *Bone v Mothershaw* was upheld by the Queensland Supreme Court of Appeal , consisting of three justices, and as stated in that decision by Judge McPherson JJA:-

"He (Mr Bone) retains unimpaired, for what it is worth, his estate in fee simple absolute in the land. He has been stripped of virtually all the powers which make ownership of land of any practical utility or value"

KEITH RONALD GLASGOW & GREGORY WILSON - BOTH THESE MATTERS WERE SENT TO THE HIGH COURT OF AUSTRALIA ON APPLICATION FOR SPECIAL LEAVE TO APPEAL. BOTH APPLICATIONS WERE DISMISSED.

DECISION OF THE HIGH COURT OF AUSTRALIA 3RD OCTOBER 2007

The High Court of Australia stated in their decisions that they saw no reason to doubt the correctness of the decisions upheld by the Court of Appeal. Part of those decisions were to use *Bone v Mothershaw* [2002] QCA 120.

Judge McPherson JJA of the Queensland Court of Appeal in *Bone v Mothershaw* [2002] QCA120 stated:-

"For this severe limitation on his rights as owner, he has received and will receive no compensation, although he continues to enjoy the privilege of paying the rates that the Council levies on his land. The action taken by the Council was no doubt undertaken in the public interest, as it claims, of the citizens of Brisbane; but it is not they who will

bear the financial disadvantages of the action taken in their interest.

[24] The question is whether our legal system permits such prohibitory action to be taken.

The Council has not taken any interest of Mr Bone's, so as to attract the operation of the *Acquisition of Land Act 1967* or otherwise. He retains unimpaired, for what it is worth, his estate in fee simple absolute in the land. He has been stripped of virtually all the powers which make ownership of land of any practical utility or value. There is, as is attested by an affidavit from the valuer provided at the hearing, no doubt that the value of the land has been greatly reduced. But the law provides no remedy for this action or its consequences when it is the result of legislation validly passed under law-making authority that by its terms or nature authorises or permits such an outcome.

Therefore what the High Court of Australia upheld was that the Queensland Government can now make any laws they like over any property, that is private registered land, native title land, and personal property. This means that neither Mr Glasgow, Mr Wilson, nor any other person in Queensland have any protection under the *Commonwealth of Australia Constitution Act*. As explained in my letter to the Governor General of Australia, we have no property right in Queensland and we have no rights as individual citizens, regardless of race, colour or creed. Our property is now the property of the Queensland Government corporation and protected by the Queensland Government corporation - you are now, as defined in the *Acts Interpretation Act 1954* - a 'person' is an individual and a corporation.

This situation will remain unless the majority of people in Australia are willing or interested enough to make it clear to all people and groups including those people that created this situation and allowed it to continue that it was not in consultation with or accordance with the wishes of the sovereign people of Australia. Those who should be made aware of this situation include the financial institutions, community groups and the politicians, both Federal, State and local government and of all political parties. We at no time voted for this situation in a referendum of the people and we certainly did not vote to lose the estate of inheritance at common law in fee simple on our land.

All contracts are common law contracts. The common law contracts of Mr Glasgow and Mr Wilson have been breached by the decision of the courts of Queensland and the High Court of Australia. As stated in the Court of Appeal decision *Bone v Mothershaw* : -

"He has been stripped of virtually all the powers which make ownership of land of any practical utility or value". This has come about by the land being removed into the Brigalow Corporation of the State Government of Queensland and public officials being given 'stewardship' over our land.

This therefore, must give people who own their own home to live in, those people in the primary industries who make their living from the land, or even people planning to purchase real property, serious cause for concern if they have, as stated by Judge McPherson in *Bone v Mothershaw* "been stripped of virtually all the powers which make ownership of land of any practical utility or value".

The High Court went on to say that the Applicant's reliance on international 'instruments' is misconceived. Therefore all international agreements signed by Australia, eg. Civil and Political Rights, the Convention on Biological Diversity, etc. etc. appear to have no relevance in Queensland.

Keith Glasgow appealed to the Court of Appeal, Queensland to dismiss the decision of the District Court Judge Nace, to uphold the Appeal coming from the Magistrates Court.

Judge Nace upheld the penalty coming from the *Integrated Planning Act 1997* for the starting of an assessable development without a development permit.

Gregory Wilson appealed to the Court of Appeal, Queensland to dismiss the decision of the District Court Judge Brabazon, which upheld the Appeal from the Magistrates Court decision.

In both dismissals of the Appeals in the Queensland Court of Appeal - no extension of time was granted and *Bone v Mothershaw* was cited in both decisions of the Court of Appeal.

The charges - criminal - related to the clearing of native vegetation on Keith Glasgow's land. The Court of Appeal (Queensland) - the highest court in Queensland, rejected the applicant's argument that the Act did not apply to land held in fee simple and that land was not comprehended by the term 'freehold land' in the Act.

Mr Keith Glasgow was prosecuted by an officer of the State for cutting native vegetation to feed his starving livestock in this time of severe drought. It is of interest to note that the Warrant to Enter executed by the public officials of this State was not for Mr Glasgow's property 'Bayfield' but was for a property approximately 17 kilometres away known as 'Valentine Plains'. This fact was presented to all the Courts to which this matter was taken and ignored. In the District Court the Judge stated that Mr and Mrs Glasgow had purchased 'Valentine Plains' in the 1980's. The Glasgow's do not own that property.

Mr Gregory Wilson was prosecuted by an officer of the State for repairing severe erosion on a watercourse on his property by filling the degraded areas in with dead and dying black wattle and other vegetation and weeds which were of no value to the livestock as a food source. Mr Wilson then covered the vegetation with soil and replanted the areas with pasture grass. The Warrant executed over Mr Wilson was also void as it was sworn out under the *Land Act 1994*. Tree clearing under that Act pertains to State owned land only.

For Mr Glasgow and Mr Wilson to be prosecuted for these actions, which to any farmer is regarded as part of responsible farm management and that prosecution upheld throughout every court in the land, defies logic.

The Commonwealth Act, the *Natural Heritage Trust of Australia Act 1997* is part of the implementation requirements of the international treaty - the Convention on Biological Diversity signed in Rio de Janeiro in June 1992. Funds of \$1.35 billion from the partial sale of Telstra were the main source of funding for the Natural Heritage Trust of Australia Account. The main object of this 'Account is to conserve, repair and replenish Australia's natural capital infrastructure'. In the Preamble of this Act it shows that 'government leadership be demonstrated, and that the Australian community be involved'...It goes on to say that 'Australia's rural community should have a key role in the ecologically sustainable management of Australia's natural resources.

s8 Purposes of the Account

The purposes of the Account are as follows:

(a) the National Vegetation Initiative;

- (b) the Murray-Darling 2001 project;
- (c) the National Land and Water Resources Audit;
- (d) the National Reserve System;
- (e)
- (f)
- (g) supporting sustainable agriculture;(as defined by s16)
- (h) natural resources management (as defined by s 17);
.....

The Act goes on to define the following:-

s10 Primary objective of the *National Vegetation Initiative*

For the purposes of this Act, the primary objective of the National Vegetation Initiative is to reverse the long-term decline in the extent and quality of Australia's native vegetation cover by:

- (a) conserving remnant native vegetation; and
- (b) conserving Australia's biodiversity; and
- (c) restoring, by means of revegetation, the environmental values and productive capacity of Australia's degraded land and water.

s16 Meaning of *sustainable agriculture*

- (1) For the purposes of this Act, "sustainable agriculture means the use of agricultural practices and systems that maintain or improve the following:-
 - (a) the economic viability of agricultural production;
 - (b) the social viability and well-being of rural communities;
 - (c)

s17 Meaning of *natural resources management*

For the purposes of this Act, *natural resources management* means:

- (a) any activity relating to the management of the use, development or conservation of one or more of the following natural resources:
 - (i) soil;
 - (ii) water;
 - (iii) vegetation; or

s20 Grant of financial assistance to a person, or a body, other than a State

(1) This section applies if an amount is to be debited from the Account for the purpose of making a grant of financial assistance to a person, or a body, other than a State.

s21 Principles of ecologically sustainable development

(3) For the purposes of this section, the principles of *ecologically sustainable development* consist of:

- (a) the following core objectives:
 - (i) to enhance individual and community well-being and welfare by following a path of economic development that safeguards the welfare of future generations;
- (b) the following guiding principles:
 - (i) decision-making processes should effectively integrate both longterm

- and short- term economic, environmental, social and equity considerations;
- (ii)
 - (iv) the need to develop a strong, growing and diversified economy that can enhance the capacity for environmental protection should be recognized;
 - (vi) cost-effective and flexible measures should be adopted;
 - (vii) decisions and actions should provide for broad community involvement on issues which affect the community.

If, as stated in the Preamble to this Commonwealth Act, the rural community of Australia should play a key role, and the definitions in the Act appear to support the actions of Mr Glasgow in using vegetation to feed his starving stock, (which incidentally Mr Glasgow replaced immediately), and the actions of Mr Wilson in repairing severe erosion, use of vegetation and soil for the conservation of soil and water it is difficult to understand how they could be prosecuted, fined and had costs imposed on them, all of which was supported by all Australian Courts.

No sensible person would support the destruction of vegetation or any environmental damage. Farmers clear parts of their land to increase the productivity of their land and improve it to feed this nation and support the economy - (refer NHTAA s16 - sustainable agriculture).

The *Natural Heritage Trust of Australia Act 1997*(C'wth) and all agreements stemming from that Act were to be administered with consultation and community participation.

Any person who wantonly damages our environment for their own personal gain would not be supported by the majority of people in this country.

Unfortunately it appears that these matters must now be taken to England or wherever we have to go including the Hague, to have the common law and our property rights returned to us if nothing we do as a people will cause our governments to reconsider their actions in creating this situation for whatever reason.

If there is no resolution from any of these quarters, then we have lost all equity or value in our land and our common law rights to the ownership of our land.

The majority of persons who take up a parcel of land with a long-term view of making their living off the land and providing food for the people of Australia and overseas and supporting the economy by their toil, do so with the view that they will protect and manage the land productively and viably. Many farmers are on land which has been in their family for generations.

It is a given, and I can only speak for Australia, that people on the land suffer severe hardship and work in creating a sustainable property. Originally farmers in this country had to face and contend with, the unrelenting pressures of nature - drought, fire, flood and wildlife damaging their crops and stock.

Then came the conservationists - with many extremely valuable plans and ideas for protecting the land, native wildlife and vegetation and some plans and ideas based on very 'creative' scientific fact but they, having the backing of the governments - nervous of the next election, created further difficulties for the farmers.

Next came the governments and their public officials with ever more regulations, often to promote the plans and ideas of the conservationists but also with the ever-increasing stream of paperwork to be completed by the farmer, usually at the end of a very long and hard day on the land.

Now, with the administration of the laws and the regulatory approach favoured by most governments, the idea that the bureaucracy has that 'stewardship' of the land is the best way to go, the rural community primarily, but the urban dweller also, have now to face prosecution by public officials and no support from the Courts when prosecuted but face conviction, fines and costs. The definition of 'stewardship' is 'administering the property, house, finances, owned by another'.

People, who have now 'been stripped of virtually all the powers which make ownership of land of any practical utility or value', and the loss of the common law, supported by the recent decision of the High Court of Australia in the applications for special leave to appeal of Mr Glasgow and Mr Wilson, now have another more frightening and very real problem to contend with.

No one has voted in a referendum of the sovereign people in Australia to lose our common law rights to the use and ownership of our land. If the ownership of land now has no 'practical utility or value' should the rural community continue try to make a living off the land or to constantly work to increase its productivity and viability?

Those urban dwellers who own a home and land and often have a large mortgage on that real property have the same dilemma. What will be the reaction of the financial institutions to this situation?

Do the governments of this Commonwealth of Australia still want the farming sector or the ownership of land anywhere in Australia?

Does the Australian economy still rely on primary production as part of its economy?

If the answers to the above two questions is 'no' then surely there should have been at least some consultation with the community and the sovereign people. Ignorance is definitely not bliss in this instance.

ATTENTION - people living in New South Wales.

The matter of *Bone v Mothershaw and Burns v the State of Queensland and Croton* have already been used by a court of New South Wales in a matter between the State of New South Wales and Peter Spencer to prevent him from using his freehold land in fee simple to its full potential and it appears that the Governor of New South Wales was removed in 1987, therefore New South Wales is in the same situation as Queensland and for the same reasons.

It is believed these actions were carried out without consultation with the people or a referendum. Surely it would be time to have these matters clarified to the people by our Governments prior to the next Federal Election.

In 1999 the majority vote in Australia was not to have a republic but to retain the system of the Crown, the legislature and the Courts.

Grounds of Appeal to High Court of Australia.

These were part of the grounds of appeal presented to the Court of Appeal Queensland and also forwarded to the High Court of Australia.

I request that the Court of Appeal allow natural justice to prevail for me in this matter as there is no offence for the clearing of native vegetation on private "freehold land" in either the Vegetation Management Act 1999 or Integrated Planning Act 1997.

(i) I, Keith Ronald Glasgow, the Applicant committed no offence against any law of the Commonwealth, State, Local Government, or at common law. The vegetation clearing offence for which I have been prosecuted, was commenced by the Respondent, Peter Thomas Hall employed as an authorised officer under the Vegetation Management Act 1999 by the Department of Natural Resources.

(ii) The Integrated Planning Act 1997, section 4.3.18(3) shows:- 'However, proceedings may only be brought **by the assessing authority for an offence under (a) section 4.3.1, 4.3.2 or 4.3.3 about the Standard Building Regulation;** '

(iii) The offence for which I have been charged and convicted and to which I pleaded not guilty could only have been brought before a Magistrates Court by the assessing authority about a Standard Building Regulation.

I have been fined and had costs awarded against me to the total value of \$27,559.25 and I request of the Court of Appeal that all convictions, fines and costs be quashed.

I have recently received a notice from SPER regarding the outstanding fines and costs awarded against me. That Department has advised that I am required to pay the full fines and costs to the total of \$27,559.25 or carry out community service as ordered until that amount has been recovered through my labour to the Crown.

i) Community service, is in fact, a deprivation of my liberty by the order of the Court. Therefore the hours that I will be required to serve will be in actual fact, imprisonment for the benefit of the State.

ii) My drivers licence will be suspended and a Warrant issued to take possession of our private property to the value of \$27,559.25.

iii) I have been advised by the Clerk of the Court at Biloela that a Warrant has already been issued to the value of that property to cover the fines and costs imposed by the Court in this criminal proceedings.

I, Keith Ronald Glasgow, the Applicant, apply for leave to appeal from the whole of the judgment of the Queensland Court of Appeal on Appeal No. 273 of 2006, date of judgment 2nd February 2007. It is submitted that the Court of Appeal erred at law for not granting the extension of time for leave to appeal by misapplying the principles of law in the case of *Bone v Mothershaw* [2002]QCA 120.

The Charge was that I made an assessable development without a permit on Freehold land contrary to Section 4.3.1 (1) of the *Integrated Planning Act 1997*. No development took place at any time except the standard property management practice of utilising native vegetation in a drought to feed starving stock. Section 16.2 of the *National Heritage Trust of Australia Act 1997* establishes that actions of

property management are sustainable property management for the purposes of the Act and do not fall under Queensland vegetation management laws.

The Commonwealth of Australia and the State of Queensland have not passed any laws to prevent us from the use of our freehold land for the purposes of sustainable agriculture or to remove the common law right to allow us to continue in our business of sustainable agriculture. The evidence collected and presented to the Court below as a result of a Warrant sworn before Magistrate T.G. Bradshaw in Rockhampton on 13th January 2003 executed over our property on 15th January 2003 by the Respondent Peter Thomas Hall in the company of Peter Webley is tainted because the Warrant is *void ab initio*. Evidence given before the Court by the Respondent was as result of satellite information that a 'clearing offence' had occurred.

This information was taken from SLATS imagery for a property approximately 17 kilometres distant from our property, known as 'Valentine Plains' which showed the possibility of a clearing offence. Misidentification of the property was carried through onto the Warrant which was issued for the property named as 'Valentine Plains'. Our property is known as 'Bayfield' and is not the property named in the Warrant. The said Warrant taking its information from the satellite imagery identifies 'a rural property with buildings thereon'. We have no buildings on the property over which the warrant was executed. The persons executing the Warrant could not have failed to notice the difference!

The Respondent and Peter Webley both trespassed on our private property by the alleged execution of the Warrant of Entry under section 33 of the *Vegetation Management Act 1999*.

Addresses on warrants are matters of strict liability and there is no capacity to transfer Warrants from one named property to another. All evidence obtained from the execution of the Warrant of Entry is tainted and cannot be used in any prosecution against us for our use of the land and natural resources found on that land in our occupation as farmers and graziers. Our lawful use of our land is supported in the *Natural Heritage Trust of Australia Act 1997*, sections 16; 17; 21 and 54.

Reference is made to *George v Rockett* [1990] HCA 26; (1990) 170 CLR 104 F.C. 90/026 (20 June 1990).

The Summons does not show the address of the property where the offence occurred. It states that "between 19 September 2000 and 7 August 2001 at Biloela in the Magistrates Court District of Biloela in the said State one KEITH RONALD GLASGOW did start an assessable development namely clearing of remnant vegetation on freehold land without a permit for the development". - *Integrated Planning Act 1997* section 4.3.1(1). The land has never been identified as being covered with 'remnant vegetation'. This is an invention of the Respondent. In fact the alleged offence occurred between September, 2000 and September, 2001 but the Summons was not issued until 26 August, 2003 which was outside the statutory time limit set at 1 year as laid down in section 68 of the *Vegetation Management Act*

Under Section 3.12.(1) all development is exempt from Development Permits except matters dealt with under Schedules 8 & 9 of the *Integrated Planning Act*. Therefore, I did not require a development application or Permit. The Section under which the charge was laid relates to a clearing provision under operational work which is part of a clearing component of a development.

Reference Queensland Court of Appeal Form 29 - Application for extension of time to appeal page 11 paragraph 41, numbers 10 - 20, included in Outline of Argument dated 24th January 2007 prepared by David J. Walter.

Officers appointed under the *Integrated Planning Act 1997* and officers appointed under the *Vegetation Management Act 1999* are appointed by 2 different Ministers and their appointments are not interchangeable under the law. The Respondent is not an officer appointed under the *Integrated Planning Act 1997* and has no delegated power under the said Act. Reference is made to the cases of : Minister of State for Immigration and Ethnic Affairs v. Ah Hin Teoh F.C. No. 95/013 [1995] HCA 20; (1995) 128 ALR 353, (1995) 69 ALJR 423, (1995) EOC 92-696 (extract), (1995) 183 CLR 273 International Law - Immigration (7 April 1995) Refer to Outline of Argument prepared by David J. Walter on 24th January 2007 and presented to the Court of Appeal, Queensland.

My wife, Lesley Kay Glasgow and I are tenants in common of the registered land. The land is held in an estate in fee simple under the provisions of section 47 of the *Land Title Act 1994*(Qld).

Reference:- Particulars of the property:	Current Title Search:
Estate and Land	Lot 52 Registered Plan 912769
Estate in Fee Simple	County of Pelham Parish of Kroombit
Local Government:	Banana Shire

The Deed of Grant was sold under the *Land Act 1962*(Qld) No. 42 of 62.

Section 5 shows: "Indigenous timber and all other materials, the natural produce of the said land shall be and are hereby discharged of such reservations".

Despite the statements of the Respondent in court and at other times the lawful rights to the use of my land for sustainable agricultural purposes are upheld under the *Land Act 1994* section 508; the *Land Title Act 1994* section 200 and 201 and the *Property Law Act 1974* sections 19; 20; 21,29, section 57A and under Schedule 6, Dictionary definition of "State land". The actions of the Respondent were in knowing disregard of the State's property laws and attempted to extinguish my rights by Executive Direction.

The Parliament of the State of Queensland in passing legislation, has ensured that the rights to the use of my freehold land, held in a Deed of Grant under the provisions of the *Land Title Act 1994* section 47, have been upheld under the relevant Acts as described.

Refer to Outline of Argument prepared by David J. Walter on 24th January 2007 and presented to the Court of Appeal, Queensland.

The Court of Appeal failed to take consideration of the bilateral agreements, strategies and the multilateral treaty which are the basis of the environmental laws in Australia today and which are set out in chronological order below.

The Intergovernmental Agreement on the Environment was a prelude to the Commonwealth of Australia entering into the multilateral treaty known as the Convention on Biological Diversity signed in Rio de Janeiro.

The Intergovernmental Agreement on the Environment was signed in May 1992 between the Commonwealth, the States, the Chief Ministers of all Territories and the Local Government Association of Australia.

As required under the provisions of the Agreement, the Commonwealth and the State of Queensland (and other States and Territories) framed legislation to implement this Agreement. For Queensland that Act is the *National Environment Protection Council (Queensland) Act 1994* and for the Commonwealth the *National Environment Protection Council Act 1994 (C'wth)*.

Reference: Intergovernmental Agreement on the Environment
SCHEDULE 2 - RESOURCE ASSESSMENT, LAND USE DECISIONS AND APPROVAL PROCESSES

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

The Intergovernmental Agreement on the Environment is included in the above Acts of the Commonwealth and the State of Queensland. Section 5 of schedule 2 is, under the Acts, a statutory law that ensures that the land and the natural resources are a matter for the owners of the land.

The international Treaty known as the Convention on Biological Diversity which includes Agenda 21, was signed by the Commonwealth Government on behalf of all people of Australia in Rio De Janeiro in June 1992. This is shown in the Australian Treaty Series number 32 of 1993. This Treaty was ratified by Australia on 18th June 1993.

Reference:-

Article 10 - Sustainable use of components of biological diversity
(e) Encourage cooperation between its governmental authorities and its private sector in development methods for sustainable use of biological resources.

At the signing of this multilateral treaty, the Commonwealth of Australia along with leaders of many other nations of the world, ensured that the private sector would not lose their land or the natural resources on that land. The Treaty is to be upheld and encouragement and cooperation should exist between Government authorities, industry and the private sector which includes landowners and leaseholders of land with consultation and partnership. This partnership should not be implemented by immediate prosecution and a removal of my rights as has happened in the criminal proceedings against myself by the Respondent, Peter Thomas Hall, a public official, defined under the *Criminal Code Act 1995(C'wth)* Chapter 7 - The proper administration of government section 130.1 refers to the definition of property which includes my property as a person in accordance with paragraph 22(1)(a) of the *Acts Interpretation Act 1901(C'wth)*. The Respondent Peter Thomas Hall is a Commonwealth 'public official' as described in the Schedule, Criminal Code, Dictionary. His actions are in direct contradiction of the spirit of the treaty signed by the Commonwealth of Australia and members of the United Nations.

One of the most important parts of this Treaty is known as 'Agenda 21: a program for future action'. One of the actions to deal with is "efficient resource use (sustainable use of renewable resources, water, energy, biological diversity, minerals forests and agriculture).

AGENDA 21

Objectives

10.5 The broad objective is to facilitate allocation of land to the uses that provide the greatest sustainable benefits and to promote the transition to a sustainable and integrated management of land resources. In doing so, environmental, social and economic issues should be taken into consideration. Protected areas, private property rights, the rights of indigenous people and their communities and other local communities and the economic role of women in agriculture and rural development, among other issues, should be taken into account.

The 'Australian Implementation Requirements' of the Convention on Biological Diversity were three Acts. One of these was the *Natural Heritage Trust of Australia Act 1997* (No. 76 of 1997); *Wildlife Protection (Regulation of Exports and Imports) Amendment Act 1995* (No 121 of 1995) and the *Environment Protection and Biodiversity Conservation Act 1999* (No. 91 of 1999).

The Court of Appeal Queensland failed to uphold the multilateral Treaty and the legislation enacting the Treaty into Australian law passed by the Commonwealth of Australia on behalf of the people of Australia.

Cited: Outline of Argument presented to Court of Appeal 24th January 2007 by D.J. Walter. In December 1992 the National Strategy for Ecologically Sustainable Development was signed and adopted by the three levels of Government in Australia - Commonwealth, State and Local, at a Heads of Government meeting in December 1992.

At that meeting the Council "noted that the document is intended to play a critical role in setting the scene for the broad changes in direction and approach that governments will take to try to ensure that Australia's future development is ecologically sustainable. The Council agreed that the future development of all relevant policies and programs, particularly those which are national in character, should take place within the framework of the National Strategy for Ecologically Sustainable Development and the Intergovernmental Agreement on the Environment which came into effect in May 1992.

The *Integrated Planning Act 1997*(Qld) was made subject to the following:-

In the second reading of the Integrated Planning Bill on 30th October 1997 the Hon D.E.McCauley (Callide - Minister for Local Government and Planning stated:

"The coalition Government has developed the policy setting for the Integrated Planning Bill, taking into account the Intergovernmental Agreement on the Environment and the National Strategy for Ecologically Sustainable Development."

In the Consolidation of explanatory notes for the Integrated Planning Act 1997 taken from the Office of the Parliamentary Council Legislation web site it shows at page 82 –

The owner of a resource must give their consent before development can proceed. This will include the consent of the land owner and may include State

approval to use resources over which it has rights under legislation.

The Intergovernmental Agreement on the Environment had been placed as a Schedule to:-

- i) *National Environment Protection Council Act 1994 (C'wth)*
- ii) *National Environment Protection Council (Queensland) Act 1994.*

The State, as shown on my Deed of Grant, has reservations over my land for minerals and petroleum only. The Land Titles Act has not been amended to repeal or curtail any of the rights assigned to land owners under the legislation. No other Queensland legislation repeals or implies repeal of the above rights.

The *Natural Heritage Trust of Australia Act 1997 (C'wth)* binds the State of Queensland and its servants such as the Respondent to the Convention on Biological Diversity (and Agenda 21). Sections 16; 17; 21 and 54 of that Act protect the rights to the use of agricultural land. Section 21 of the Act has a notation that:

'The principles of ecologically sustainable development that are set out in this subsection are based on the core objectives and guiding principles that were endorsed by the Council of Australian Governments in December 1992.'

These core objectives and guiding principles are those that were set out in the Intergovernmental Agreement on the Environment and the National Strategy on Ecologically Sustainable Development. The 'core objectives and guiding principles' in both the agreement and the strategy are incorporated into law in the State of Queensland, in this matter the *Vegetation Management Act 1999* and the *Integrated Planning Act 1997*. The Respondent has no legal rights to unilaterally dispose of the Commonwealth legislation and the intergovernmental agreement.

The Australian Government and Queensland signed in November 1997 the Natural Heritage Trust Partnership Agreement. This was the implementation of the *Natural Heritage Trust of Australia Act 1997(C'th)* and the setting up of the Natural Heritage Trust Account. The Commonwealth placed the sum of \$1.35 billion dollars in that Account from the partial sale of Telstra to assist in the protection of the environment for the future. The Respondent has no authority to override Section 16 (2) of the above Act.

The Queensland parliament officially accepted the limitations on interference with sustainable farming practice inherent in the Rio Treaty and its associated legislation. In the Second Reading Speech by the Minister the Hon Rod Welford for the Vegetation Management Bill the Minister mentioned the Natural Heritage Trust Partnership Agreement signed in 1997. This Partnership Agreement is binding on the State and the Commonwealth and is subject to the *Natural Heritage Trust of Australia Act 1997(C'wth)* which in turn is subject to the International Treaty. The Strategy as described in section 4.3. of the Partnership Agreement is for the 'broadscale tree clearing policy and local tree clearing guidelines for leasehold and Crown land'.

The *Vegetation Management Act 1999* was framed taking into account the Natural Heritage Trust Partnership Agreement and as a consequence the *Natural Heritage Trust of Australia Act 1997(C'th)* which is bound to the International treaty and therefore our rights under law are protected.

I have applied to the Registrar of the Court of Appeal, Brisbane Queensland for a written judgment from their Honours and they have advised that there is no written judgment in this proceedings.

Orders sought:-

- 1: I, the Appellant, Keith Ronald Glasgow, seek the following order from This Honourable Court.
- 2: That my conviction under *Integrated Planning Act 1997* section 4.3.1(1) for starting an assessable development without a permit be set aside and quashed.
- 3: The fine imposed against me of \$10,000.00 be quashed.
- 4: The all Costs of Court, Miscellaneous Costs, Professional Costs and further costs imposed at Appeal being in total against me be quashed. That all costs be paid by the Respondent
- 5: This Honourable Court Set Aside the Warrant of Distress held by the Clerk of the Magistrates Court, at Biloela for the sum of \$27,559.25 to seize property to that value from myself, the Applicant, Keith Ronald Glasgow for the fines and costs as set out above.
- 6: The cost incurred by me in this Appeal be paid to be on an indemnity basis.
- 7: Any other Order that this Honourable Court may deem fit.

Matter pending in the High Court of Australia - for Catherine Elizabeth Burns.

The facts of the matter of Catherine Elizabeth Burns placed before the High Court of Australia in an application for special leave to appeal for resolution. The law has not been included in this document, nor have the questions asked of the High Court.

- a) I, Catherine Elizabeth Burns made the application under duress with a threat of being prosecuted and fined if I did not apply to clear native vegetation from my private registered land under IDAS Chapter 3 of the *Integrated Planning Act 1997*(Qld). I completed, as required, Part A and J of Form 1 Development Application under the IDAS for assessment under the *Vegetation Management Act 1999* on 4th July 2002.
- b) I paid the sum of \$266 for the application fee to the Department of Natural Resources, Atherton Branch. Receipt Number 2693768 refers.
- c) As a result of that application, on 27th August 2002 Mr Luke Croton, A/Manager, Vegetation Management and Use, North Region, Department of Natural Resources issued a Decision Notice refusing my application.
- d) The Decision Notice was issued under section 3.5.15 of the *Integrated Planning Act 1997*.

Decision Notice:-

2. Reasons for Refusal

The clearing proposal described by the application does not comply with the

State Policy for Vegetation Management on Freehold Land 2000 for the following reasons:-

The application does not meet performance requirement 2 of the code -
Viable networks for wildlife habitat are maintained

1. The Lot is known habitat for the endangered mahogany gliders as well as known general habitat for the endangered cassowary. The Mahogany Glider Recovery Plan 2000 - 2004 has indicated that the greatest threat to this species is lost of habitat."

2. Consideration has also been given to the State Policy for Vegetation Management on Freehold Land (page 9) *Performance requirements and acceptable solutions*, states "In determining whether a performance requirement will be met, the precautionary principle will be applied".

e) The decision notice issued by Luke Croton under section 3.5.15 of the *Integrated Planning Act 1997*(Qld) was not in relation to clearing native vegetation on private land, but was under the Decision Stage, section 3.5.1 which is a referral to a building agency (of the State) for an application if required and the decision stage for the application starts on the day after all other stages applying to the application have ended. The decision notice itself is in fact and law, void. I only require an application under the *Integrated Planning Act 1997*(Qld) for the reconfiguration of a lot or a material change of use. The clearing of the native vegetation is a component part of a development. I clearly did not require any permit.

f) The Decision Notice placed over my private registered land, refusing me the right to clear my land for resale has been upheld by the following Courts of Queensland.

i) Planning and Environment Court Cairns P & E Court No 62 of 2004

ii) Supreme Court Cairns - *Burns v State of Queensland & Croton* QSC 434

iii) Appeal Court Brisbane - *Burns v State of Queensland & Croton* QCA 235

3. The common law has been repealed from the *Supreme Court Act 1995* (Qld), Reprint No 2, reprinted as in force 2nd March 2001, © State of Queensland 2001, by the omission of:- Part 9 - Div Hdg 4—*Common law and jurisdiction*; Div Hdg 5—*Equitable jurisdiction*; Div Hdg 6—*Criminal jurisdiction*; s199—*Laws of England to be applied in the administration of justice*; s200—*Common law and general jurisdiction of the court-jurisdiction at common law*; s201—*Equitable jurisdiction*; s202—*Criminal jurisdiction*.

4. The *Constitution of Queensland 2001*(Qld) Chapter 4 - Courts - section 58 – *Supreme Court's superior jurisdiction*. The Supreme Courts superior jurisdiction is now of the State.

5. It is quite clear that before it was demanded that I make application for a development approval under the IDAS and pay the fee of \$266.00, that the constitutional changes had been made in Queensland, without referendum and that people would only have those changes broadly explained to them. I now no longer have the protection of Her Majesty Queen Elizabeth II, the Sovereign of Australia and Her common law contract in land and equity is now worthless, and the only equity in the land is held by the State corporation.

6. Reference *Queensland Government (Land Holding) Act 1992* © The State of Queensland 1992; *Lands Legislation Amendment Act 1992 - Act 64 of 1992* © The State of Queensland 1992 - reference Schedule 1 - *Aboriginal Land Act 1991*; *Land Act 1962*; *Real Property Act 1861*; *Real Property Act 1877*; *Real Property Act Amendment Act 1952*; *Real Property Acts Amendment Act 1956*, *Torres Strait Islander Land Act 1991*

7. My private land, Torres Strait Islander land and native title land is held in the Brigalow Corporation and held under the *Land Title Act 1994* © State of Queensland 1994 with a statutory title. To allow the State owned corporation to form, my Deed of Grant was interfered with under the *Reprints Act 1992* on the 28th January 1998 with the deletion of the 2nd paragraph of section 40 (1) from the *Constitution Act 1867* in reprint No 2.

8. I refer to the *Acts Interpretation Act 1954(Qld)* © State of Queensland 2006 Reprint No. 14, Reprinted as in force 28th August 2006.

s 36 - Meaning of commonly used words and expressions -

In an Act –

'property' means any legal or equitable estate or interest (whether present or future, vested or contingent, or tangible or intangible) in real or personal property of any description (including money), and includes things in action.

'land' includes messuages, tenements and hereditaments, corporeal or incorporeal, of any tenure or description, and whatever may be the interest in the land

'Aborigine' means a person of the Aboriginal race of Australia

'individual' means a natural person

'person' includes an individual and a corporation

'GOC (or government owned corporation)' has the same meaning as in the *Government Owned Corporations Act 1993*.

'Commonwealth Constitution' means the Constitution of the Commonwealth

9. I refer to the definition of the word 'Aborigine' in section 36 of the *Acts Interpretation Act 1954(Qld)*. Aboriginal people hold their land under the *Aboriginal Land Act 1991* and the *Torres Strait Islander Land Act 1991* as a traditional group of Aboriginal people holding the native title and Torres Strait Islander land. By the changing of the definition from Aboriginal people to 'a person of the Aboriginal race' that means that a group of traditional owners or a group of aboriginal people no longer hold the title under the *Aboriginal Land Act 1991* or the *Torres Strait Islander Land Act 1991* as they are now defined, as I am, as a 'person' and in the abovementioned definition a person includes an individual and a corporation.

10. The Commonwealth Constitution is the Constitution commencing at section 9 of the *Commonwealth of Australia Constitution Act* - it shows that it is the Constitution only, not the Act.

11. Under the *Lands Legislation Amendment Act No. 64 of 1992* © The State of Queensland and further now in the corporation of the State known as the Brigalow Corporation and further by

amendment of the *Constitution Act 1867* Reprint 2A which clearly defines that any estate or interest in the land to be acquired from any other person, the definition of land clearly does not include any estate, therefore the only land held has been transferred from the Real Property Acts of 1861; 1877; 1952 and 1956 into the *Land Title Act 1994*(Qld) Reprint 7 ©State of Queensland 2003 and we hold our land in a statutory title only, without any further element of tenure of the Crown and the Courts are inside the Government and subject to the rules of the Court as found in the *Statutory Instruments Act 1992*© The State of Queensland.

12. I refer to the decision of Chief Justice de Jersey on 19th November 2004 - page 2 paragraph 5 "*these contentions are plainly untenable, Mrs Burns certainly has an indefeasible interest as a registered proprietor of an estate in fee simple*". His judgment erred in fact and law by clearly separating the ownership of private land from the Deed of Grant or title through the unrepresentative use of the word "*Proprietor*" and the lack of legal comprehension of the difference between an *Unregistered Executory Interest* as defined at s6 of the *Land Acquisition Act 1989* (C'wth) in the manner and form of *Statutory Instruments* and a *Registered Interest* as defined in the *Real Property Act 1900* (NSW) or as the case may be, the *Land Title Act 1994* (Qld).

13. My private land that I hold, by definition under the *Acts Interpretation Act 1954*(Qld) is an undefined interest in the land only as the common law estate in fee simple which I purchased from the Crown, which is an estate of inheritance at common law and which is now the property of the State and if I may say, I myself am a mere chattel of the State because we, as persons, are included in the State's corporations.

14. Further, Chief Justice de Jersey stated that, "*the burden is on me, not on my land*".

15. The Supreme Court of Appeal declined to forward this matter to the High Court of Australia as I requested. The Government of Queensland has created, without a referendum an independent sovereign State under the *Constitution of Queensland 2001* and the Supreme and District Courts are inside and indefeasible of the Government. There is now no Crown or common law in this State and we, as citizens, no longer have the protection of the Crown or the common law under s80 and s77M of the *Judiciary Act 1903*(C'wth). An estate of inheritance in land or equity can not and must not, be subject to Statute Law that in effect extinguishes or regulates that same inheritance, completely ignoring s52 of the *Commonwealth of Australia Constitution Act*, for to do so, anarchy and ruin will prevail. For as soon as the financial institutions withdraw because of lack of tenure in the land held of common law, poverty will soon follow.

16. I personally have not voted in any referendum to remove the entrenched provisions as described in the *Constitution Act 1867*, section 53 - Certain measures to be supported by referendum, described in Reprint 2, reprinted 27th January 1998, section 53(1), section 1, 2, 2A, 11A, 11B, 14; and, section 53(1).

17. The State of Queensland has acquired my land without just compensation. I still pay rates on my entire acreage. I have taken this proceeding before the abovementioned three Courts of "the State" of Queensland and had my appeals dismissed on all three occasions by virtue of *Bone v Mothershaw*[2002] QCA 120 - a decision of the Court of Appeal of Queensland. In this decision, the Bench stated that Queensland had 'a plenary power as an independent sovereign State' to make laws regulating my use of my land which effectively has cost me a viable resale value of the land and the loss of approximately twenty four and a half acres of land which is to be left for mahogany glider habitat for, one assumes, the public benefit. The Minister of the Department of Natural Resources and

Mines the Honourable Stephen Robertson did advise Mr. Walter in writing, that the State is not required to pay compensation or, for the payment of compulsory acquisition of my private land.

18. The Courts of the State of Queensland upheld the decision of *Bone v Mothershaw* [2002] QCA120 which states that Queensland is an independent sovereign State and that State is subject to the *Constitution of Queensland 2001* assented to on 3rd December 2001. The assent by the Governor was defective as the Governor is inside of Government as a parliamentary secretary and now forms part of the corporate Government of Queensland along with the Supreme and District Courts of the State, and the Planning & Environment Court and the District court are subject to the Uniform Civil Procedure Rules. As the courts are inside the Government it follows that they must protect the assets of the corporation of the State. As my land is now an asset of the State of Queensland and by the definition of 'person' s36 – Meaning of commonly used words and expressions in the *Acts Interpretation Act 1954* I am an 'individual and a corporation'.

19. My Deed of Grant in fee simple is now a statutory title only, and that title is upheld by the civil laws of the Supreme and District Courts of the corporate Government of Queensland and the Judges of the Supreme and District Courts who are inside the Government. My common law estate in fee simple is now held by the corporate Government of the Sovereign State of Queensland.

20. Under the definitions in the *Acts Interpretation 1954*(Qld), section 36, the definition of 'property' and 'land', the State of Queensland now owns all my property, which includes money, real and personal property from the past and any future property which includes my will. I refer to the definition of 'land' under section 22 - Meaning of certain words (aa) 'individual' and (c) 'land' of the *Acts Interpretation Act 1901*(C'wth) and the definition of 'property' in section 130.1 of the *Criminal Code Act 1995*(C'wth) The **Acts Interpretation Act 1954**(Qld) is ultra vires to the *Commonwealth of Australia Constitution Act, Criminal Code Act 1995*(C'wth), Chapter 7 - The proper administration of Government; the *Acts Interpretation Act 1901*(C'wth).

21. My land is now held by the Government of Queensland in the Brigalow Corporation with no compensation paid to me for that acquisition. For “*Even though the King may not enter*” (*Plenty v. Dillon* [1991] HCA 5; 171 CLR 635 F.C. 91/004 (7 March 1991) the Queensland Government and the delegated authorities thereof can, without fine.

22. I, the Applicant, Catherine Elizabeth Burns, hold registered land in an estate in fee simple, situated at Lot 6 CP10416, Stony Creek Road, Cardwell Shire.

- i) The title reference is 20818084, date created 7th December 1970.
- ii) The land, in an estate of fee simple, was purchased at public auction on 22nd August 1968 for the sum of \$525.00. The property, held at Lot 6 CP10416, Stony Creek Road, Cardwell Shire was alienated from the Crown lands in the State of Queensland by Her Majesty Queen Elizabeth II, Sovereign of Australia and the Chief Executive of the Commonwealth of Australia as cited under section 61 of the Constitution of Australia - Executive Power.
- iii) The land was alienated from the Crown land in the State of Queensland in accordance with the laws and regulations of the *Land Act 1962 - 1968*.
- iv) My Deed of Grant has been signed by the representative of the Sovereign

of Australia in the State of Queensland, Sir Alan James Mansfield, the Governor 'in and over Our State of Queensland and its Dependencies in the Commonwealth of Australia, at Government House, Brisbane in Queensland'. My Deed of Grant has been sealed with the Seal of the Sovereign of Australia.

v) Her majesty, in accordance with the laws and regulations in the Land Act 1962, section 6(3), reserved the right in the gold, minerals, helium and petroleum, to the Crown.

vi) As required under the *Constitution Act 1867*(Qld) section 34 the sum of \$525.00 was paid into the Treasury of the Crown, thus completing the contract with the Crown.

23. I have in my possession and I will, if required, have Mr David Walter produce my original signed and sealed Deed of Grant to the Court. I hold the Deed of Grant in an estate of inheritance which is a common law contract with Her Majesty Queen Elizabeth II, the Sovereign of Australia.

24. The Deed of Grant in fee simple is a contract at common law, under the hand of the Sovereign, Her Majesty Queen Elizabeth II, passing to me a common law estate of inheritance in fee simple. The common law contract has now been broken as a result of my being required to make an application to clear the native vegetation on my land by members of the Department of Natural Resources Mines and Water who advised that the laws pertaining to land ownership had changed in Queensland. All land and equity, my inheritable estate, now have been repossessed by the State of Queensland and I am not entitled to compensation under section 51(xxxi) of the *Commonwealth of Australia Constitution Act* or pursuant to the *Lands Acquisition Act 1989* (C'wth).

25. On 6th September 2003 Mr David John Walter, who is my intervener in this matter and who also holds my full power of attorney in these proceedings wrote on my behalf to the Honourable Peter Beattie, Premier and Minister for Trade at PO Box 185, Brisbane Albert Street, Queensland 4002. I now refer to paragraph 3 of that correspondence.

"Mrs Burns' property rights on her freehold land have now been removed by the State refusing to allow her to clear the regrowth on her property under the Vegetation Management Act 1999 without offering her compensation. Section 109 of the Australian Constitution shows that if there is inconsistency of laws between the States and the Commonwealth, the laws of the Commonwealth shall prevail and the inconsistency by the State will be invalid. The Commonwealth Acts Interpretation Act 1901 refers. Section 51 (xxx) of the Constitution shows that with the acquisition of property on just terms from a person, compensation must be paid and this is also shown in the Queensland Legislative Standards Act 1992."

26. The Premier never replied to Mr Walter but on 15th October 2003 the Minister for Natural Resources and Minister for Mines the Honourable Stephen Robertson MP wrote to Mr Walter in reply to his correspondence of 6th September 2003 to the Honourable Peter Beattie.

27. I refer to paragraph 5 and 6 of that correspondence.

"Under the current law, no compensation is payable where an application to clear native vegetation is refused. Applicants may appeal the Decision Notice to refuse an application under the *Integrated Planning Act 1997* within the prescribed time.

Information about appeal rights was supplied to the Applicant at the time the decision notice was issued.

Under the State/Commonwealth proposal to phase out broadscale landclearing, a package of financial measures is being negotiated to assist farm businesses affected by the new vegetation management arrangements. Criteria for assistance under the new package are yet to be determined and will focus on assisting landholders disadvantaged by any new measures."

28. (a) I am not a landholder as described under the State Policy for Vegetation Management on Freehold Land or as defined in the Natural Heritage Trust Partnership Agreement which refers to tree clearing on leasehold and Crown land. I am the holder of a common law estate in fee simple and my land is registered under the *Real Property Act 1861*. In November 1997 the Natural Heritage Trust Partnership Agreement was signed between the Commonwealth and the State of Queensland. This allowed the State of Queensland and all other signatories ie. other States and Territories of the Commonwealth, to have access to funds from the Natural Heritage Trust Account and those funds were the funds of the sovereign people of Australia from the partial sale of Telstra, the sum of \$1.35 billion dollars.

Natural Heritage Trust Partnership Agreement

(ii) Roles of Queensland

6.3 Queensland will:

(f) activity on private land will be funded taking into account the amount of public benefit received relative to the private benefit derived from the activity

(iv) BUSHCARE: The National Vegetation Initiative

1. National Goal

To reverse the long-term decline in the quality and extent of Australia's native vegetation cover.

4.3 Strategies:

(a) Finalise and implement the Broadscale Tree Clearing Policy and Local Tree Clearing Guidelines for Leasehold and Crown land

(b) The Mahogany Glider Recovery Plan 2000 - 2004 between the Queensland Parks and Wildlife Service and the Natural Heritage Trust of Australia - helping communities - helping Australia. Approximately \$11 million had been paid from the Natural Heritage Trust Funds to landowners in the Hinchinbrook and Cardwell Shires to purchase their properties to secure their land under the Natural Heritage Trust for the protection of the mahogany glider under the Mahogany Glider Recovery Plan. I received no such request to purchase my land under that plan and that plan has been upheld by the Courts of Queensland under the Decision Notice issued by Luke Croton.

The animals (Mahogany Glider) are not found on a protected area – refer *Nature Conservation Act 1992(Qld)* Reprint 3B © State of Queensland 2003 – to be read in conjunction with Part 4 – protected areas, Part 10 Evidentiary provisions– section 160 – definitions section 7 – animals. The Mahogany Glider

Recovery Plan 2000 - 2004, upheld in the Decision Notice, for private land, is subject to the Natural Heritage Trust for compensation for the loss of the use of the land for the environmental public benefit

29. On the 3rd December 2001 the Governor of Queensland with the authority of the entrenched provisions contained in the *Constitution Act 1867* (Reprint No.1) and the *Commonwealth of Australia Constitution Act* which in their manner and form hold the entrenched provision of , "The Governor of Queensland", and exercising the delegated authority of 'The Crown' did unilaterally 'Assent' to the 'Constitution of Queensland Parliament of Queensland Bill' without the consent of the Peoples' of Queensland through the ultimate and absolute authority gained through a vote of 'Referenda'. In so doing the *Constitution of Queensland 2001*, as assented, including the manner and form interpreted therein is now and for the time being, as the case may be, the 'Fundamental Law of Queensland'.

30. With respect to the people of Australia and Queensland, the advice received by the Queensland Governor, in council with the Executive Government of Queensland between the dates of 9th November 2001 and 3rd December 2001 was constitutionally 'defective'. It therefore follows that the 'assent' by the Governor of Queensland was also 'defective' and is therefore invalid.

31. Reference to the Application to the Court of Appeal, Supreme Court Queensland C of A 526 of 2006 refers dated 19th January 2006 and the Supreme Court of Appeal Queensland 515 of 2004 and further as placed on the High Court File B44 of 2007.

I refer to page 2, line 55 and page 3 line 3.

32. I refer to the following. I purchased my land in good faith from the Sovereign at public auction and that good faith has not been upheld by the public officers of "the State" corporate Government of Queensland. It therefore must bring every common law contract, signed in good faith in the Commonwealth of Australia since Federation, under legal scrutiny as it appears those common law contracts are able to be breached and broken at will, with no lawful authority or compensation and upheld by all Courts of law in the Commonwealth of Australia.

33. I refer to the definition of the word "Parliament" as cited in the Second Reading Speech given by the Premier the Honourable Peter Beattie on 9th November 2001 for the Constitution of Queensland 2001 Bill.

"The entities it provides for include this Parliament, the Supreme and District Courts of this State and the system of local government that we know in Queensland. The office holders under this Act include the Governor of Queensland, the Ministers of the Crown and the judges of the Supreme and District Courts. This law is of supreme importance."

"Our identity as a Sovereign State, the democratic ideals on which our State is built, rest on our Constitution.

34. The Second Reading Speech was read into Hansard on 9th November 2001 for the Constitution of Queensland 2001 Bill and the *Constitution of Queensland 2001* was assented to by the Governor on 3rd December 2001. That assent is defective as the Governor is quite clearly an entity of the Government along with the Supreme and District Courts. The Governor, the Supreme and District Courts and the local Government are part of the corporate government of Queensland and all people and any property is the property of the corporation of the State of Queensland.

35. The common law has been abolished in the State of Queensland and by the upholding of the decision of the Queensland Court of Appeal *Bone v Mothershaw*[2002] QCA120 by the High Court of Australia when dismissing the applications for special leave to appeal of *Wilson v Raddatz* B14/2007 and *Glasgow v Hall* B13/2007 on 3rd October 2007 that dismissal effectively fractured the Common Law in Australia and rendered void any and all contracts at *Common Law* in the Commonwealth of Australia. The Court of Appeal Queensland decisions *Gregory Wilson v Warren Neil Raddatz* CA 276 of 2006 and *Keith Ronald Glasgow v Peter Thomas Hall* CA 273 of 2006 were also subject to *Bone v Mothershaw*. By the upholding of these decisions by the Courts within the Commonwealth, that Queensland is an independent Sovereign State, it is quite clear that Queensland is not a part of the Federation of the Commonwealth as clearly described in the Second Reading Speech of the Premier of Queensland for the Constitution of Queensland 2001 Bill. This leads to a number of problems within the Commonwealth:-

- i) The people within Queensland have lost their sovereignty as a person as described in the Preamble of the *Commonwealth of Australia Constitution Act* and all rights at common law.
- ii) A Federal election is about to be called. When the Governor General issues the writs for the sovereign people to vote, as I am no longer recognized as a person with a common law right to the use of my property, that can be taken by the independent sovereign State without compensation against all principles of the *Commonwealth of Australia Constitution Act* s 128 and common law. How therefore can Queensland be included on that writ for people with no sovereignty to elect members of the Parliament of the Commonwealth when the loss of the common law rights of the people of Queensland and the removal of the Crown in Queensland has been upheld by the highest Court of common law in Australia.
- iii) Therefore, any writ issued under the hand of the Governor for people to be elected either into the House of Representatives or the Senate of Australia, cannot involve Queensland as the Government of Queensland has not recognized the Crown in Queensland since 29th January 1999 and under the *Constitution of Queensland 2001* the Governor seals all documents under the name of the Sovereign with the Public Seal of the State.

I refer to the comments of Judge White of the Planning and Environment Court in Cairns on 18/3/2004 - Appeal No. 3 of 2003 when I represented Mrs Burns for the first time.

"(State Government Counsel) Mmm. I suppose they could. Well, the Parliament can really, with respect, do anything. It's a-----

HIS HONOUR: I just find this astounding. Soviet Russia would be proud of these laws."

I have correlated these matters in this document as I believe that the majority of people in this country would be unaware of the actual serious ramifications of these matters. Hopefully the information in this document, based on facts which have been presented to all courts - from the Magistrates and Planning & Environment Courts to the Court of Appeal Queensland of Queensland and on to the High Court of Australia, will make people who read this, more aware and be prepared to act.

This work cannot be done by only a few. It is imperative that the people of Australia who own private land and rural property, in fact any property in this great nation of ours will, quite simply, have to take a stand. If this situation continues there will be little of value left for us to pass to our children and grandchildren. We are becoming completely over regulated by the public officials of this Commonwealth of Australia - please read again Judge White's comment above. That is becoming more applicable every day in this country. Surely it must cease.

If I and others who are assisting me get no support we shall all pay a very great price in the near future.

A handwritten signature in black ink, appearing to read 'D. Walter', with a long horizontal stroke extending to the right.

(David J. Walter)
EnviroWild Pty Ltd
13th October 2007

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