

Evidence 1

Explanatory Resource



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**This resource is an explanatory guide with evidence
to prove that the existing
Commonwealth of Australia Constitution Act, An Act
to constitute the Commonwealth of Australia 9th July
1900 -[Citation: [Australia's Constitution](#)]
is null and void from the inception, and that being
the same Constitution that the Australian Parliament
unlawfully claim as their purported authority.**

Purpose of this Resource

To articulate a historical chronology and context to evidence the unlawful unilateral changes, not voted for by the Australian electors, made to the Commonwealth of Australia Constitution Act 1900 UK given Royal Assent 9th July 1900 and enacted in Australia January 1901.

These unlawful changes were made by The United Kingdom Parliament without approval of the Australian electors (voters)

Specifically, the Draft Bill of the Constitution approved by the Australian electors expressed limitations on governmental power and accountability.

It is evidenced:

The removal of the words, “This Act shall bind the Crown” from Covering Clause 2, altered the elector-approved Bill to constitute, resulting in a governing system in which the Crown and its Agents are shielded from legal accountability through immunity, and it was done unlawfully and by deception.



Why this history is critical evidence for Australia

The existing altered Commonwealth of Australia Constitution Act 1900 UK omits the words “This Act shall bind the Crown” however, that was not approved by the electors to remove this component:

- i. This was a specific component in the Constitution contract, as it was a provision to ensure accountability of the Crown and the governing system and its Agents.
- ii. To ensure that the people had this provision as security that the Crown and its Agents could be held accountable and enabling a recourse and remedy in law for any malfeasance and harm to the people.

The consequence of this unapproved alteration is the imbalanced system that exists today, in which those responsible for creating and enacting Acts and Statutes are shielded from accountability.

The people have no shield from the harmful acts of malfeasance due to the removal of the wording for Covering Clause 2 wording, “This Act shall bind the Crown.”

The following evidence is material to show precisely what Australian electors approved, what was subsequently altered, and what was ultimately enacted.

It is also conclusive evidence that the Commonwealth of Australia Constitution Act 1900 UK is null and void from the beginning.



Background and Historical Chronology

The Formation of a Unilaterally Altered Commonwealth of Australia Constitution Act 1900 UK

1. In Australia in the years 1897 to 1899 a “**Draft Bill to Constitute the Commonwealth of Australia**” was created in agreement with the United Kingdom Crown to be put to the electors so that the people if they wished to federate, and it outlined in a Constitutional Contract the detailed terms and conditions for the electors to approve.

2. “The 1898 Draft Bill to Constitute the Commonwealth of Australia” was put to the electors in each state in rounds of voting, excluding original inhabitants and most women from voting at that time.

3. Eligibility to vote was highly restricted:

- a) Original Inhabitants were excluded
- b) Only selected women in South Australia and Western Australia were permitted to vote.
- c) Only adult British subjects were allowed to vote
- d) Generally, men aged 21+
- e) Land holders were given multiple votes per parcel of land owned
- f) Must be registered on colonial electoral rolls
- g) **Total population: approx 3.77 million**
- h) Eligible voters: approx. 1.1-1.2 million
- i) Total votes cast (combined colonies):-**519,374 votes cast**
- j) Votes in favour: **377,988 “Yes” votes**
- k) Votes against: **141,386 “No” votes**

4. The first rounds of the constitutional Australian referendums were held in June 1898 and NSW did not have enough votes to meet the double majority required.

5. After the colonial Premiers agreed to “minor amendments” in February 1899, there was a second round of referendums in July 1899 for the “Revised 1898 Draft Bill to Constitute the Commonwealth of Australia” and to approve those minor changes, and to gain approval from N.S.W.

The total result of the voting in the 5 colonies whose electors had accepted the Draft Constitution that included “This Act shall bind the Crown”

	New South Wales.	Victoria.	South Australia.	Tasmania.	Queensland.	Total.
Yes ...	107,420	152,653	65,990	13,437	38,488	377,988
No ...	82,741	9,805	17,053	791	30,996	141,386
Majority ...	24,679	142,848	48,937	12,646	7,492	236,602

Sources: Quick, J. and Garran, R.R., *The Annotated Constitution of the Australian Commonwealth* (Angus & Robertson, 1901), Page 225



The unapproved alteration that allowed a dictatorship to be disguised as a democracy

6. The words **“This Act shall bind the Crown”** were intentionally unilaterally removed, for it would have enforced “expressed accountability” on the Crown and the Australian Government and its Agents, both past and present, who swore allegiance to that same Crown. They deliberately and intentionally removed accountability of the Crown and the Members of the Parliament of the Commonwealth of Australia from any defective legislations they enforce on the civilian population, granting themselves immunity from prosecution and civil liability, while retaining continuity of power over the people who remain dictated to and deceptively bound by the foreign-altered Commonwealth of Australia Constitution Act 1900 UK, that no Australian people voted for.

By including the words **“This Act shall bind the Crown” in the Constitution, would have ensured accountability and equality before the law.**

7. The Drafters of the Constitution knew that by including the words **“This Act shall bind the Crown”** in the Constitution, would have established a clear and powerful principle: **the Crown and its agents would be subject to, and accountable under, the same constitutional law that governs the people.**

Had this provision remained, it would have:

- a) **Established accountability** by ensuring that the Crown, government, and its agents could not place themselves beyond the operation of the law.
- b) **Strengthened equality before the law** by affirming that public authority is exercised within the same legal framework that protects the people.
- c) **Limited the exercise of power** by creating a clear constitutional boundary against the misuse or unchecked exercise of governmental authority.
- d) **Protected individual rights and liberties** by providing stronger assurance that government power must be exercised according to law, and that the Crown and its agents are liable for errors and for appropriate remedy.
- e) **Created greater public confidence** by giving the people a clear constitutional safeguard that those who exercise public power are themselves bound by the law.
- f) **Preserved constitutional accountability**, ensuring that the government could be held to the standards established by the Constitution rather than operating above them.
- g) **Protected the balance of power**, reinforcing the principle that political authority is a public trust for the people, by the people, not an unrestricted, unaccountable power over the people.



8. In simple terms, we would have strengthened the foundation of a government **accountable to the law, answerable to the people, and limited in the exercise of its power.** It would have provided an important constitutional safeguard against the concentration of unchecked authority and affirmed that **no person or institution exercising public power should stand above the law.**

The law binds everyone, including those who govern.

9. The below evidence, “1898 Draft Bill to Constitute the Commonwealth of Australia”, shows

“This Act shall bind the Crown” in the original covering clause 2;

Extract below;

Act to bind Crown, and extend to the Queen's successors.	II. This Act shall bind the Crown, and its provisions referring to the Queen shall extend to Her Majesty's Heirs and Successors in the Sovereignty of the United Kingdom.	II. The Crown. —This Act is to be binding on the Crown. References to “the Queen” extend to the King or Queen for the time being.
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<https://nla.gov.au/nla.obj-110807462/view?partId=nla.obj-110823347#page/n0/mode/1up>

10. The facts clearly show that the Draft Bill to Constitute the Commonwealth of Australia, with its 9 covering clauses and 127 sections, was eventually approved by approximately 377,988 people, with the expressed terms in covering clause 2 showing, **“This Act shall bind the Crown,”** meaning accountability without immunity from the laws made under covering clause 5 meaning there is accountability and recourse.

11. The below evidences removal of “This Act shall bind the Crown” in the altered covering clause 2 of the Commonwealth of Australia Constitution Act 1900 UK, removing accountability without the informed consent or knowledge of the Australian electors, while maintaining continuity of reigning power.

Extract below:

2. Act to extend to the Queen's successors
The provisions of this Act referring to the Queen shall extend to Her Majesty's heirs and successors in the sovereignty of the United Kingdom.

[Download the Commonwealth of Australia Constitution Act 1900 - UCSA](#)



Overview of the Chronology and Key Events that led the the Unilateral Alterations

FROM ELECTOR APPROVAL TO COMMONWEALTH OF AUSTRALIA 1901 (UK) A TIMELINE OF EVENTS				
STEP	EVENT / ACTION		DETAILS	DATE / TIMEFRAME
1		Australian electors approved the amended 1898 Draft Bill (in 1899)	→ The people of the Australian Colonies voted in referendums (1899) and approved the amended Draft Bill to Constitute the Commonwealth.	1899 (Referendums held across the Colonies)
2		House of Commons (United Kingdom)	→ The approved Bill was submitted to the House of Commons in the United Kingdom and passed.	1899 – 1900
3		House of Lords (United Kingdom) – Unilateral Modifications	→ The House of Lords made unilateral modifications to the Bill without the consent of the Australian electors.	1899 – 1900
4		Royal Assent	→ The Bill, as modified, received Royal Assent from the Monarch.	9 July 1900
5		Made an Act of UK Parliament	→ The Bill became the Commonwealth of Australia Constitution Act 1900 (UK) – an Act of the Parliament of the United Kingdom.	9 July 1900
6		IMPORTANT: Western Australia did not vote on the unilaterally altered Commonwealth of Australia Constitution that had received Royal Assent	→ Western Australia held its referendum on 31 July 1900 and passed the same amended 1898 Draft Bill as all the other Colony States.	31 July 1900
7		Proclamation	→ A Proclamation was issued by the Monarch appointing 1 January 1901 as the day the Act would come into operation.	Late 1900 (Exact date of Proclamation not publicly specified)
8		Commonwealth of Australia 1901 (UK) begins automatically	→ On 1 January 1901, the Commonwealth of Australia came into existence automatically by operation of the Act.	1 January 1901
Summary: The Australian people approved the amended 1898 Draft Bill in 1899. It then passed through the UK Parliament, was modified by the House of Lords, received Royal Assent on 9 July 1900, and came into force automatically on 1 January 1901.				

Why the Removal of “This Act shall bind the Crown” Was Unlawful and Detrimental to the People

12. The removal of the words “This Act shall bind the Crown” removed an express statement of accountability to the law.

13. In the above extract from covering clause 2, only extends to “the provisions of this Act referring to the Queen”, meaning, for example, her duties of appointing the Governor-General, the assent of bills, and ensuring continuity of power, but is silent on the accountability of the Crown and its agents.

14. By removing “This Act shall bind the Crown” and being silent on binding the Crown, they reveal their clear and deliberate intention to commit crimes against the people because of their own language.

15. The significance of removing “This Act shall bind the Crown” is not merely technical. It concerns the fundamental constitutional principle that **those who exercise public power must themselves remain subject to the law.**

16. By removing an express provision that the Act shall bind the Crown, the constitutional framework was altered in a manner capable of creating a profound asymmetry between the governing authority and the people it governs. It enabled the Crown and those exercising authority in its name to claim privileges, immunities, and exemptions from legal accountability that are not equally available to ordinary Australian civilians, especially when combined with covering clause 5.

17. The consequence is a system in which the people may be compelled to comply with Acts and Statutes, while those who create, administer, and enforce those laws can potentially stand outside the same obligations.

It contravenes contract law and equity and the legal maxims of law.

18. Where governmental power can be exercised without equivalent accountability, the people are left vulnerable to the misuse of that power, including the restriction of their rights and freedoms, the seizure or control of property, unlawful child abductions, and decisions made without effective means of obtaining redress or remedy.

19. The alteration removing “This Act shall bind the Crown” can be understood as having profound consequences for the constitutional relationship between the Crown, its agents, and the people. It permits: **Crown privilege without corresponding accountability.**



Conflict of Interest

20. Those who exercise authority in the name of the Crown can make, administer, and enforce laws, while the judiciary itself operates within an immunity under the constitutional system established under Crown authority. The Crown they swear their allegiance to offers them the same immunity to lawful due process; for example, the judiciary are immune from civil liability in relation to breaching fiduciary duties and poor or incorrect judicial decisions.

21. This raises a fundamental constitutional question: **how can genuine accountability exist where the institutions responsible for exercising, interpreting, and enforcing governmental power are ultimately part of the same constitutional structure whose authority is being challenged? A conflict of interest to the utmost.**

22. If the Crown and its agents possess privileges unavailable to the people, the result is an inherent asymmetry in the application of law—one rule for those who govern and another for those who are governed.

The potential weaponisation of law against the people.

23. When laws are enforceable against civilians but the authorities exercising that power can invoke Crown privilege or immunity to avoid equivalent accountability, legislation becomes a one-directional instrument of power and a dictatorship.

24. The people can be prosecuted, fined, deprived of liberty, have property and children taken or controlled, and be compelled to comply with government decisions, while the officials responsible may have access to protections and immunities unavailable to those affected by their decisions.

Conflict of Interest as a matter of the people's interest

25. Law cannot legitimately function as an instrument of control over the people while simultaneously becoming a shield for those exercising that control.

The creation of a fundamentally unequal legal relationship.

26. The people are expected to comply with Acts, Statutes, regulations, orders, and judicial decisions; yet the constitutional position of the Crown and its agents may permit exemptions, privileges, or immunities that the people do not possess.

27. This creates a **non-reciprocal relationship of power**: obligations flow downward from the governing authority to the people, while accountability does not necessarily flow upward from the governing authority to the people, a dictatorship disguised as a democracy.

28. That imbalance is particularly serious where government action affects a person's **liberty, property, family, livelihood, bodily autonomy, or fundamental freedoms**.

29. The issue is therefore one of constitutional accountability, not merely wording.

30. The removal of these words compromises the constitutional safeguards intended to protect the people from an unchecked concentration of power and the intentional removal of this by the United Kingdom Parliament without the consent of the electors of Australia.

31. A constitutional system should not merely establish who may exercise power. **It must also establish who can be held accountable when that power is abused.**

32. There is currently a system with a conflict of interest that self-investigates and self-decides with no separation of power or accountability, leaving it open to malfeasance with immunity.

33. The ultimate concern is therefore not simply that a few words were removed.

34. The concern is what those words represented: the principle that governmental authority itself must remain subject to the law, and that the people must have an effective means of holding those who exercise public power accountable for the consequences of their actions.



35. Without that protection, the people have become subject to a system in which **power is enforceable against and over them, while accountability is withheld from those who wield it. A dictatorship disguised as a democracy.**

36. The removal allows for Crown and Agent privileges and the waiving of accountability. This includes those who swear allegiance to that Crown and share in that same deceptive “conflict of interest” immunity.

37. The result is the status quo today, which allows for the unrestricted plundering of the people’s rights, freedoms, and assets, and has caused harm to innocent civilians. They have plundered for profit the assets on the landmass commonly known as Australia, with unchecked theft of the nation’s private and national resources, while benefiting from the profits and claiming immunity.

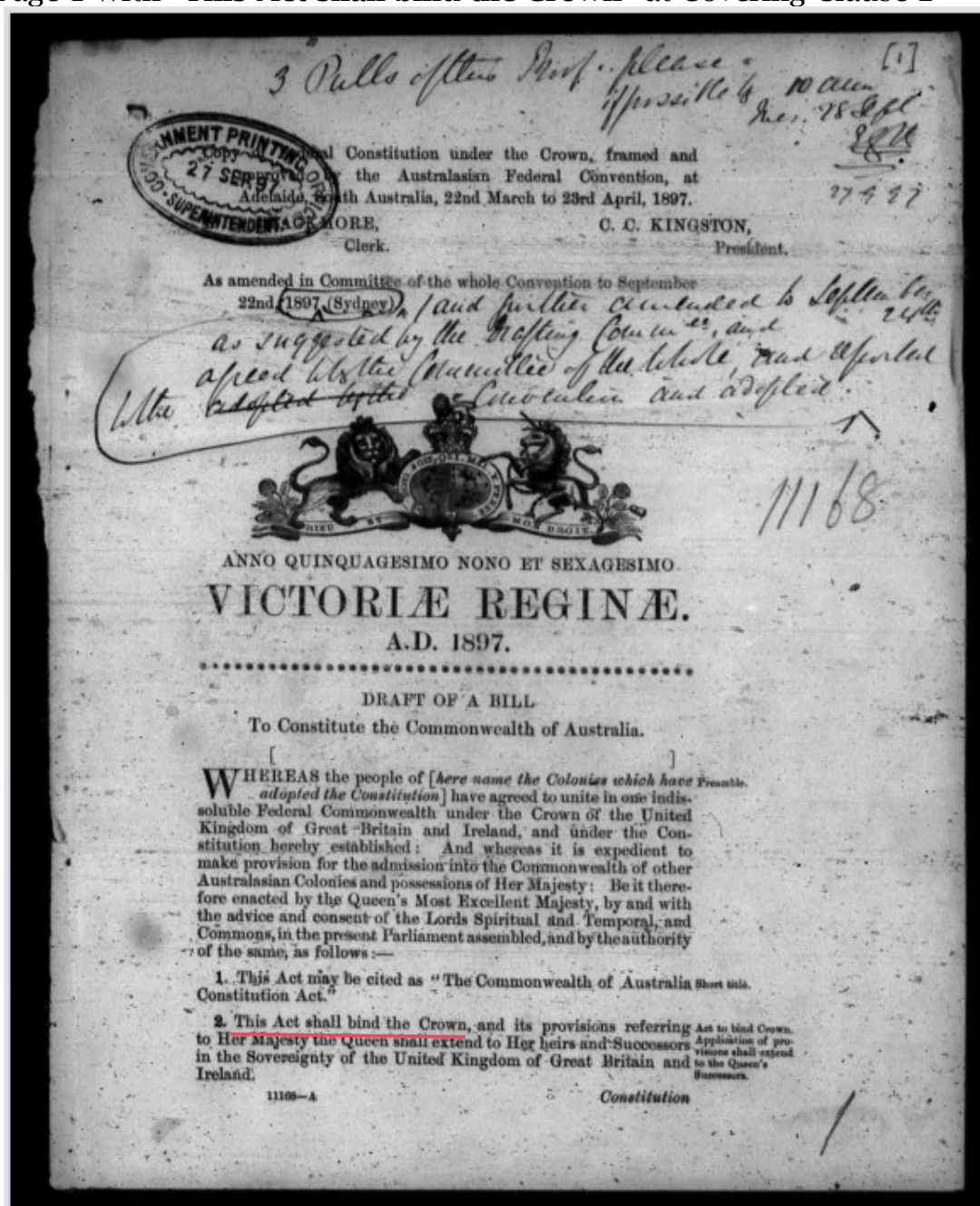


Supporting evidence

38. See Covering Clause 2. The removal of “This Act shall bind the Crown” in this way transferred the immunity to her heirs and successors, with only the remainder of the original Covering Clause being included: “The provisions of this Act referring to the Queen shall extend to Her Majesty’s heirs and successors in the sovereignty of the United Kingdom.” **Meaning:** The UK Parliament and the Crown retained continuity of power and legal immunity, without effective accountability or remedy for the people.

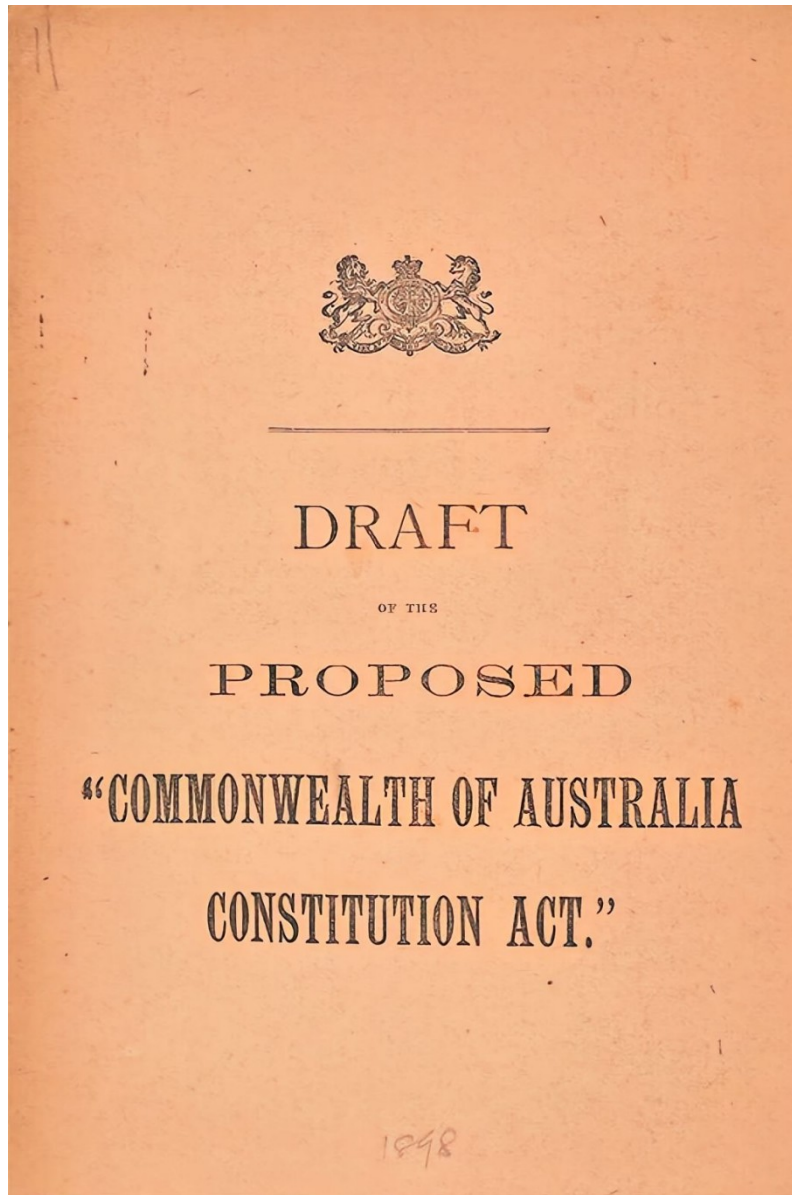
39. SA 1897 Draft of a Bill to Constitute the Commonwealth of Australia

Page 1 With “This Act shall bind the Crown” at Covering Clause 2



40. 1898 Draft for the PROPOSED “COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT”

Rejected by NSW electors, 1898

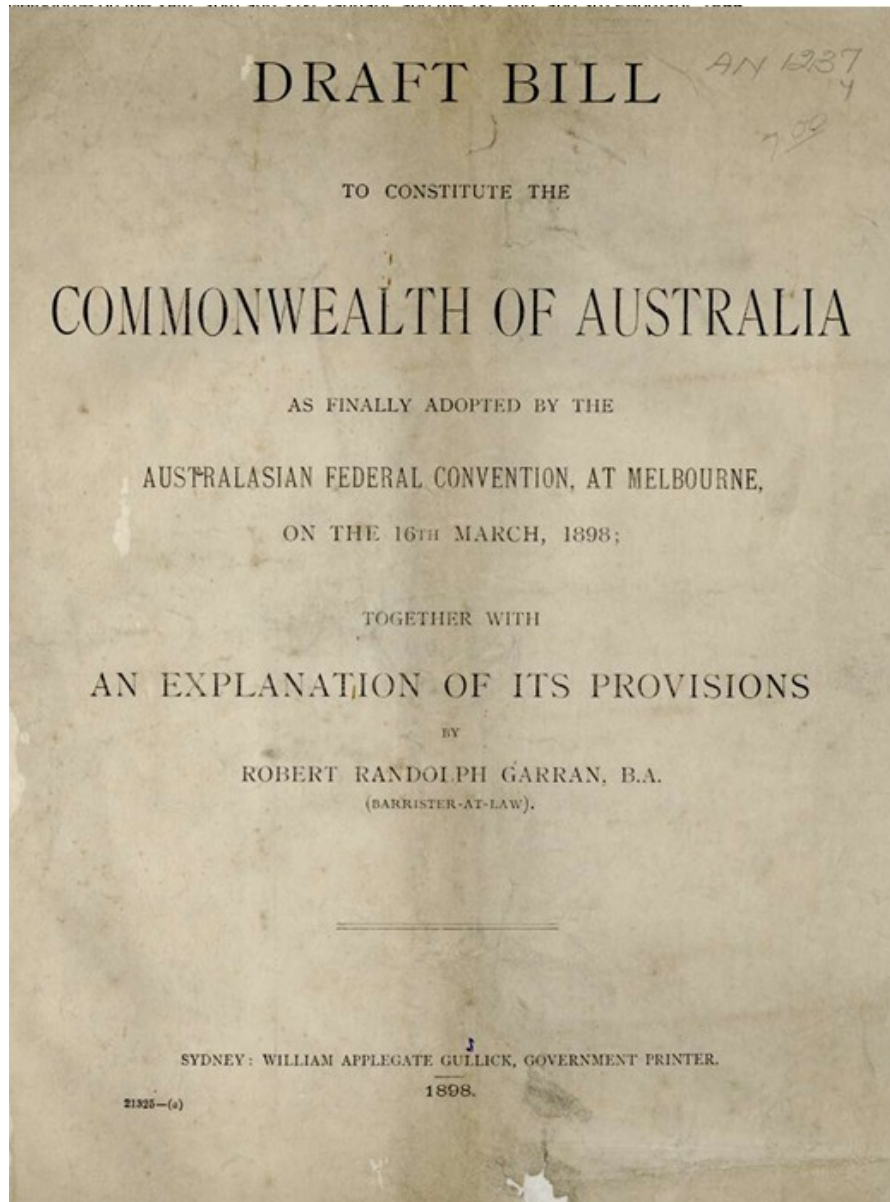


Extract: Covering Clause 2

Act to bind Crown, and extend to the Queen's Successors.
II. This Act shall bind the Crown, and its provisions referring to the Queen shall extend to Her Majesty's Heirs and Successors in the Sovereignty of the United Kingdom.

See “**This Act shall bind the Crown**” included in Covering Clause 2, and this accountability was intended to continue through the Crown's heirs and successors in the sovereignty of the United Kingdom.

41. 1898 Draft of a bill to constitute the Commonwealth of Australia: copy of federal constitution under the Crown, as finally adopted by the Australasian Federal Convention at Melbourne, in the Colony of Victoria, on the 16th March 1898, showing amendments of the **Constitution agreed to at a conference of the Prime Ministers of Victoria, New South Wales, Queensland, South Australia, Tasmania, and Western Australia, which sat at Melbourne on the 28th, 30th and 31st of January, and the 1st, 2nd and 3rd February 1899.**



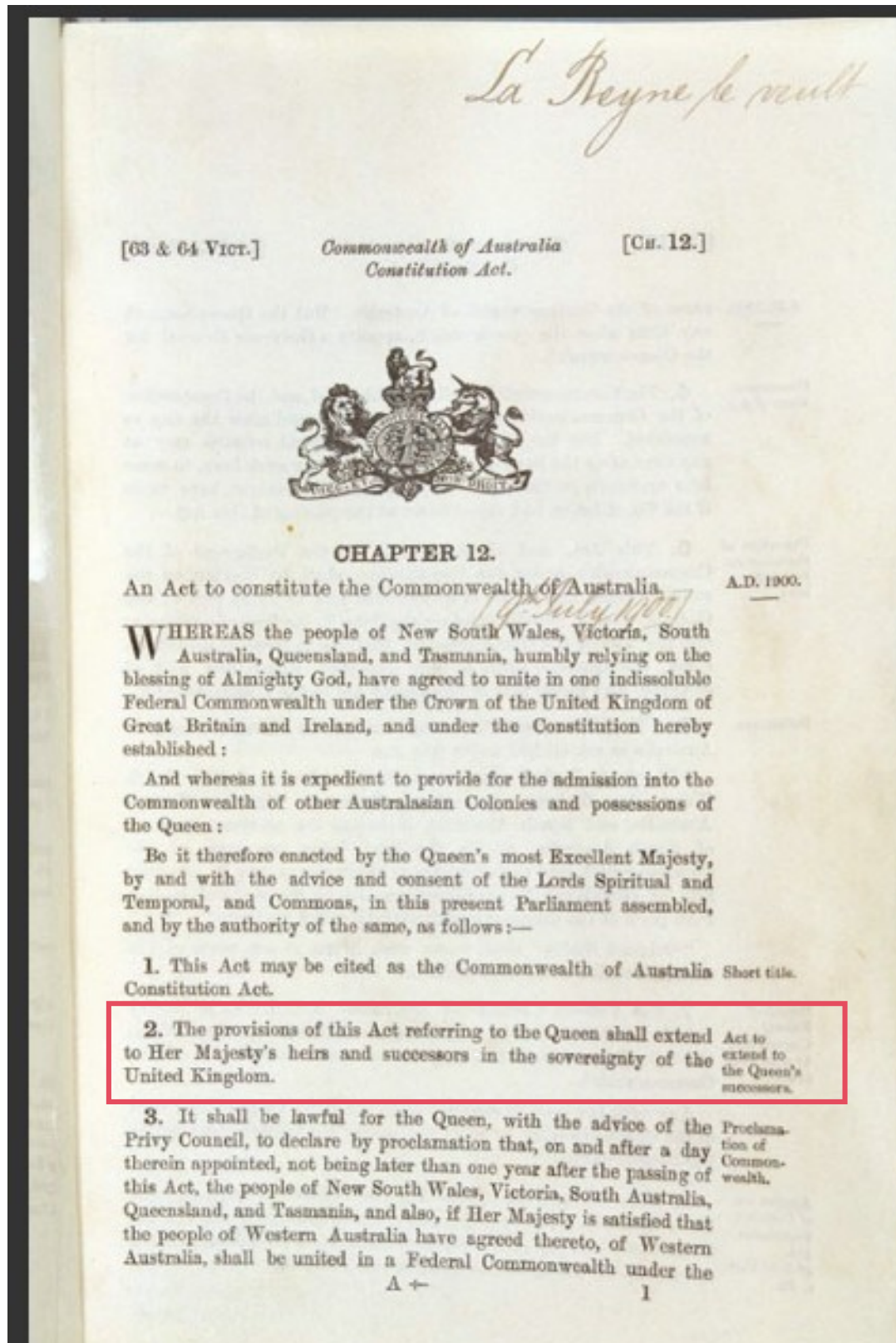
Extract; Covering Clause 2

Act to bind Crown, and extend to the Queen's Successors.	II. This Act shall bind the Crown, and its provisions referring to the Queen shall extend to Her Majesty's Heirs and Successors in the Sovereignty of the United Kingdom.	II. The Crown. —This Act is to be binding on the Crown. References to “the Queen” extend to the King or Queen for the time being.
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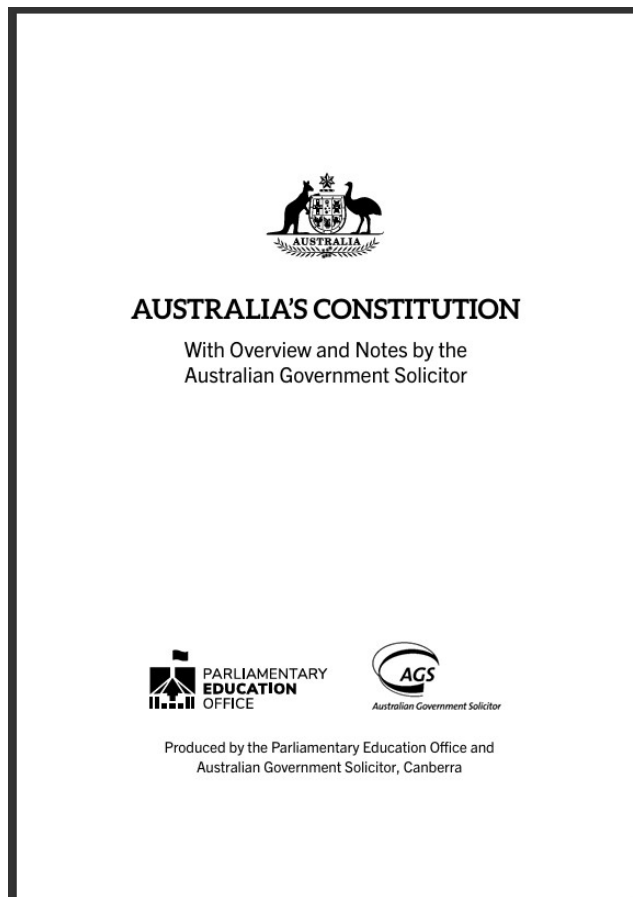
See “**This Act shall bind the Crown**” included in the voter-approved Constitution sent to the UK for Royal Assent in 1900.



42. The Unilaterally Altered Commonwealth of Australia Constitution Act UK [9 July 1900] enacted in Australia, automatically on 1 January 1901 Removal of "This Act shall bind the Crown" without further elector approval for all amendments.



43. 2025 AUSTRALIA'S CONSTITUTION with Overview and Notes by the Australian Government Solicitor, including Commonwealth of Australia Constitution Act [9th July 1900]



Commonwealth of Australia Constitution Act

An Act to constitute the Commonwealth of Australia

[9th July 1900]

WHEREAS the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the Constitution hereby established:

And whereas it is expedient to provide for the admission into the Commonwealth of other Australasian Colonies and possessions of the Queen:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. Short title

This Act may be cited as the Commonwealth of Australia Constitution Act.¹

2. Act to extend to the Queen's successors

The provisions of this Act referring to the Queen shall extend to Her Majesty's heirs and successors in the sovereignty of the United Kingdom.

[Download the Commonwealth of Australia Constitution Act 1900 – UCSA](#)



44. The Delegates pressed for the Bill to be enacted in the form approved by the Australian people and maintained that they lacked authority to make further changes.

“(4.) Without disputing the constitutional power of the Imperial Parliament to amend the Bill on its own responsibility, the Premiers respectfully urge that the voice of the Australian people given on the Bill as it stands should receive that favourable consideration which such a weighty referendum demands. The Premiers do not consider themselves as having authority to accept any amendments. They

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WESTERN AUSTRALIA AND NEW ZEALAND.—On 27th April, Mr. Chamberlain telegraphed to Sir A. C. Onslow, the Acting-Governor of Western Australia, that the Premiers had declared that they had no authority to accept amendments, and had given their Delegates no fresh instructions. He therefore could not press the matter further, and now urged West Australian Ministers to consider whether

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They trusted that even now the Imperial Government might be willing to provide by separate legislation for this and any other matter they might consider essential, passing the Commonwealth Bill without amendment as desired by the peoples. Parliaments, and Governments of the colonies. For the immediate and ultimate consequences if the suggested amendments were made the Delegates could not be held responsible. If they had been outspoken and tenacious of their views, the sincerity of their apprehensions would, no doubt, be accepted as sufficient justification.

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Sources: Quick, J. and Garran, R.R., *The Annotated Constitution of the Australian Commonwealth* (Angus & Robertson, 1901)

45. The evidenced history shows the original constitutional proposals were put to the electors in **June 1898**, but NSW **failed to achieve the required double majority, consequently, the 1898 referendums did not succeed.**

46. Following agreement by the Premiers to minimal amendments in February 1899, further referendums were conducted in 1899 on the revised **“1898 Bill to Constitute the COMMONWEALTH OF AUSTRALIA”**. This demonstrates that amendments were returned to the electors for approval rather than simply imposed without their vote.

47. Despite the express limits on the Delegates' authority, the 1898 Bill approved by the voters was subsequently altered in the United Kingdom and received **Royal Assent on 9 July 1900**, becoming the **Commonwealth of Australia Constitution Act 1900 (UK)**, which came into automatic operation on **1 January 1901**.



48. The central constitutional issue is that such substantive alterations made by the UK after the elector-approved referendum process, and without a further referendum authorising those alterations, can lawfully be treated as breaching the Constitutional Contract, as they were not approved by the Australian people. **The people voted on the Bill submitted to them.**

49. No Australian elector ever authorised the critical alterations made to the enacted instrument of the Commonwealth of Australia Constitution Act 1900 UK, thus it is null, void, and defunct from the beginning.

London by Sir Philip O. Fysh (Tasmania). It was agreed that the delegation should represent all the federating colonies in unitedly urging the passage of the Bill through the Imperial Parliament without amendment, and in explaining any legal or constitutional questions that might arise. The Government of Western Australia

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It was evident from the outset that, whilst the Delegates were anxious to secure the passage of the Bill without amendment, the Imperial Government were equally anxious to amend certain provisions which seemed to them to affect Imperial interests. The only

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now in the Bill agreed to. It was yet again debated in the Premiers' Conference prior to the last referendum, and no alteration was made in the form of the Bill. The vote was then taken and the Bill was adopted by a large majority of the electors; (c) the Commonwealth Bill belongs therefore in a very special sense to the people of Australia, whose only mandate to Governments and Parliaments is to seek its enactment by the Imperial Parliament in the form in which it was adopted by the people.

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been in most cases favourably considered. The Delegates, too, finding it impossible to carry out what they believed to be their mandate to secure the passage of the Bill without amendment, had been most considerate, and he had now arrived at an absolute agreement with four of them. He then read and explained the proposed new clause.

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Sources: Quick, J. and Garran, R.R., *The Annotated Constitution of the Australian Commonwealth* (Angus & Robertson, 1901)



Covering Clause 5 allowed the passing of dictatorial laws without the consent of the people that harm the people without recourse or remedy.

All that was required was already in the Bill to Constitute
Extract below - Covering Clause 5;

Operation of the Constitution and laws

Operation of the
constitution and
laws.

5. This Act, and all laws made by the Parliament of the Commonwealth under the Constitution, shall be binding on the courts, judges, and people of every State and of every part of the Commonwealth, notwithstanding anything in the laws of any State; and the laws of the Commonwealth shall be in force on all British ships, the Queen's ships of war excepted, whose first port of clearance and whose port of destination are in the Commonwealth.

Citation: [Commonwealth of Australia Constitution Act \[transcript - pdf\]](#)

50. Originally, the words "This Act shall bind the Crown" would have forced accountability without immunity upon Parliament of the Commonwealth of Australia from any actions it committed under Covering Clause 5, and we would not be in this mess today if those words had not been removed, because the buck would have stopped somewhere. Accountability was supposed to lie with the Crown and its Agents.

51. Covering Clause 5 says: This Act, and all the laws made by the Parliament of the Commonwealth under this Constitution, shall be binding on the courts, judges, and people of every State and every part of the Commonwealth. = Besides constitutional alterations, no other laws are currently presented to the Australian people, and are without recourse or adequate remedy, evidence a dictatorship because **"This Act shall bind the Crown" has been removed.**

52. It represents a total reversal from a democracy to a dictatorship under the unilaterally modified Commonwealth of Australia Constitution Act 1900 UK forced upon the Australian people by the threat of gunpoint for noncompliance.

53. This evidences fraud in the factum against every man, woman, and child in Australia because the Commonwealth of Australia Constitution Act 1900 UK was ultimately enacted without accountability and with the granting of immunity to its agents from any actions committed under Covering Clause 5.



54. This was not the Constitution approved by the Australian electors, which expressed accountability without immunity for any actions committed under Covering Clause 5.

55. The above outlines a total reversal of the Australian elector referendum-approved Constitution in 1899 without the consent or knowledge of the Australian people, and **it terminates the unilaterally modified Commonwealth of Australia Constitution Act 1900 UK in full, its fraud in the factum** on every man, woman, and child in Australia.

56. Anyone who is attempting to maintain the above dirty deeds done dirt cheap” hoax on the Australian people has unclean hands and is attempting to commit and maintain the High Crimes on the people of Australia.

57. Today, in layman’s terms, I will be explaining through indisputable evidence based facts, why the unilaterally modified Commonwealth of the Australia Constitution Act 1900 UK has absolutely no basis in law in Australia and is void ab-initio, (invalid from the very beginning).

**“Woe unto you, lawyers !.
for ye have taken away the key of knowledge:
ye entered not in yourselves,
and them that were entering in ye hindered.”**

Luke 11:52



58. Extract; 1898 Revised Draft Bill to Constitute Page 5 - Introductory Note

INTRODUCTORY NOTE.

BETWEEN December, 1895, and October, 1896, Enabling Acts were passed by the Parliaments of the five colonies of New South Wales, Victoria, South Australia, Western Australia, and Tasmania, to enable those colonies to take part in the framing, acceptance, and enactment of a Federal Constitution for Australasia.

In accordance with those Acts, each of the colonies elected ten representatives to a Convention charged with the duty of framing a Federal Constitution for Australasia. The Convention sat in Adelaide from the 22nd March to the 5th May, 1897, and framed a draft Constitution, which was then submitted for consideration to each House of Parliament in each of the five colonies. The Convention sat again in Sydney from the 2nd September to the 24th September, 1897, and in Melbourne from the 20th January to 17th March, 1898, and reconsidered the draft Constitution, together with the amendments suggested by the various Legislatures. The Convention finally adopted a Federal Constitution on the 16th March, 1898.

Under the Enabling Acts, the Constitution is now to be submitted to the electors of the five colonies for acceptance or rejection by direct vote. If three or more colonies accept the Constitution, the Houses of Parliament of those Colonies may adopt addresses to the Queen, praying that the Constitution may be passed into law by the Imperial Parliament.

If the Constitution is rejected in any colony, no further action is to be taken in that colony under the Enabling Act.

The majority of votes is to decide the question ; but in New South Wales the Constitution is to be taken to be rejected if there are less than 80,000 affirmative votes ; in Victoria, if there are less than 50,000 affirmative votes ; in Western Australia and in Tasmania, if there are less than 6,000 affirmative votes.

The Constitution is framed in the form of a Bill to be passed by the Imperial Parliament, and in this Bill the Constitution itself is preceded by nine "covering clauses," which provide for all the steps necessary to bring the Constitution into force.

Citation: <https://nla.gov.au/nla.obj-110807462/view?partId=nla.obj-110823347#page/n0/mode/1up>

59. These are the words extracted from the introductory notes on page 5 of the 1898 Draft Bill to Constitute the Commonwealth of Australia: Page 5 Paragraph 1 **“to enable those colonies to take part in the framing, acceptance, and enactment of a Federal Constitution for Australasia”**



60. It also says on page 5 paragraph 3 “**Under the Enabling Acts, the Constitution is now to be submitted to the electors of the five colonies for acceptance or rejection by direct vote.**”

61. It also says on Page 5 Paragraph 6 “**The Constitution is framed in the form of a Bill to be passed by the Imperial Parliament, and in the Bill the Constitution itself is preceded by nine covering clauses, which provide for all the steps necessary to bring the Constitution into force.**” All that was required was already in the Bill to Constitute the Commonwealth of Australia, no further amendments were authorised or required.

62. Evidenced by the extract below the Delegates went to the UK Parliament with the elector-approved 1898 Draft Bill, with **“This Act shall bind the Crown”** in Covering Clause 2 and their mandate was to secure the passage of that approved Bill through the UK Parliament to Royal Assent **without alteration, amendment, or substitution of its elector-approved terms.**

It was evident from the outset that, whilst the Delegates were anxious to secure the passage of the Bill without amendment, the Imperial Government were equally anxious to amend certain provisions which seemed to them to affect Imperial interests. The only

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Pap., May, 1900, p. 19.) These amendments, only five in number, were wholly confined to the covering clauses of the Bill. (1) As regards Privy Council appeals, it was proposed to modify the effect of clause 74 by adding to covering clause 5 a declaration that nothing in the Act or the Constitution should affect any prerogative of the Crown to grant special leave of appeal to Her Majesty in Council. (2) In covering clause 2, the words “This Act shall bind the Crown” were proposed to be omitted, as involving an unnecessary interference with the prerogative. (3) In covering clause 5, the provision that the laws of the Commonwealth should be in force on British ships plying between ports of the Commonwealth was proposed to be omitted as being too wide and involving a possible conflict of jurisdiction; whilst it was thought that all necessary powers of legislation in respect of the coasting trade were given by sec. 736 of the Merchant Shipping Act, 1894 (see p. 50, *supra*). (4) It was proposed to declare, in covering clause 5, that the laws of the Commonwealth were “colonial laws” within the meaning of the Colonial Laws Validity Act, 1865 (28 and 29 Vic. c. 63). A contention had been raised in Canada that this Act was not fully applicable to laws of the Dominion (see Lefroy, *Legisl. Power in Canada*, pp. 227-8); and the Crown Law Officers feared that in Australia a similar contention might derive some support from the definition of “colony” in covering clause 6. (5) It was proposed that the Constitution, instead of being appended to covering clause 9, should be placed as a schedule to the Act.

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MEMORANDUM OF THE DELEGATES.—Preliminary to a further interview with the Secretary of State for the Colonies, the Delegates forwarded to him a Memorandum, dated 23rd March, of their reasons for urging the passage of the Bill in the form in which it had been affirmed by the people. (House of Com. Pap., May, 1900, p. 13). In defending the provisions proposed to be altered, they carefully guarded themselves against even appearing to acquiesce in the suggestion that any amendment was necessary. They called attention to the recital in the preamble that the people of the federating colonies had agreed to unite in a federal Commonwealth “under the Constitution hereby established;” and argued that this recital would not be justified if the Constitution were in any way altered.

In answer to a question whether, if alterations were made, it was preferable that they should be placed in the covering clauses rather than in the Constitution itself, the Delegates replied that though this would, in appearance, be the less objectionable method, yet any amendment in the covering clauses which altered the meaning of the Constitution would be in effect an alteration of the Constitution, and would therefore be equally objectionable.

They then dealt categorically with the specific amendments foreshadowed by the Crown Law Officers. As regards the application of the Colonial Laws Validity Act, they thought that the meaning of the Bill was clear without the proposed amendment, and that the

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provisions of the Bill. (House of Com. Pap., May 1900, p. 22.) It stated that they were most anxious for the speedy passage of the Bill in a form which would give the Australian colonies the Federation which they desired; but, at the same time, it was their bounden duty to protect the interests of the United Kingdom and the rest of the Empire. The points of difference were few, and involved a minimum

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that an annual alteration of duties would greatly injure and disturb trade. If the Bill were to be amended at all by the Imperial Legislature, he did not see why the West Australian amendment should not be introduced. The argument against the amendment was that a further referendum would be necessary; and if there must be a referendum there was an opportunity for this amendment. Questioned by Mr. Chamberlain, he admitted that a referendum would cause some delay, and that he could not ask for the amendment if it alone necessitated a referendum. He also urged that if his amendment were accepted, a further amendment would be necessary to enable Western Australia, within a certain time, to be admitted as an Original State. Cross-examined by Mr. Kingston, he admitted that there was a strong feeling on the goldfields in favour of accepting the Bill without amendment, but maintained that the majority of the producing population were against it. He could not form an opinion whether the Bill if referred to the people would be accepted.

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For these and other reasons the Imperial Government felt that they must press for the amendment of clause 74, but they wished to effect the amendment in the way most agreeable to Australian sentiment, and so as to avoid if possible the delay and expense of a further referendum. Several suggestions had been made, but the Delegates' lack of instructions prevented their discussing the form of the proposed amendment.

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that the Premiers concurred in his policy of amending the Bill, what he immediately desired was that the Delegates should be authorized to consult with the Imperial Government as to the best means of effecting the alterations, especially with a view to avoiding, if possible, a further referendum. The responsibility would rest with the Imperial

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now in the Bill agreed to. It was yet again debated in the Premiers' Conference prior to the last referendum, and no alteration was made in the form of the Bill. The vote was then taken and the Bill was adopted by a large majority of the electors; (c) the Commonwealth Bill belongs therefore in a very special sense to the people of Australia, whose only mandate to Governments and Parliaments is to seek its enactment by the Imperial Parliament in the form in which it was adopted by the people.

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On 28th April the Colonial Office informed Mr. Reeves that the Premiers at the Melbourne Conference had decided that they had no authority to accept any amendments, and considered that the Bill already provided sufficiently for the admission of New Zealand. Under these circumstances he did not feel justified in further pressing for amendments in regard to a question which appeared to be one to be settled by the Australian colonies without Imperial interference.

THE DELEGATES' SECOND MEMORANDUM.—In some quarters, the Premiers' resolution was viewed as an "invitation" to the Imperial Government to amend the Bill. The Delegates of the federating colonies—except Queensland—made haste to correct this impression.

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The substantial issue which they again pressed upon the attention of Her Majesty's Government was that the Bill as prepared was an Australian Constitution in a double sense—Australian not only in origin, but by the deliberate endorsement of Parliaments and peoples. Any amendment, not both absolutely essential and incapable of achievement by any other means and at any other time, was to be deprecated as destroying the character of the measure, and re-opening numerous issues at present happily and conclusively settled. They again drew attention to the phrase in the preamble, reciting that the people of the colonies had agreed to federate "under the Constitution hereby established;" and urged that the proposed amendment would at once vitiate the agreement, and render this solemn declaration a violation of the facts.

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They feared that the amendment of clause 74 would encourage the persistent opponents of the Bill to renew their agitation. A fresh referendum would involve expense, delay, and vexation; and if a referendum were not granted it would be truly asserted that the Bill no longer contained the compact accepted by the people. In either case, the initiation of the Commonwealth would be embittered by the introduction of issues fruitful in strife.

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The Delegates assured Her Majesty's Government that the proposed amendment, even through a covering clause, could not fail to be distasteful and harassing to the Australian people. "If they accepted the Constitution with such an amendment, it would be because they were made to choose between the bowl of intervention and the dagger of delay."

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"The Delegates therefore plead most earnestly with Her Majesty's Government that effect may be given to the representations made by the Australian Premiers in their recent telegram. That despatch makes it clear that the clause as it stands was repeatedly considered and ratified by Convention, Premiers, and people; that the electoral adoption of the Bill is a mandate to Executives and Legislatures to seek its enactment in the form which the people gave it by their representatives, and confirmed by their votes; that the Premiers decline to accept alterations, because that course is unauthorized in view of the mandate, and would therefore be improper; and that they decline to authorize others to do on their behalf that which they cannot rightly do themselves. This request implies no questioning of the trusteeship of Her Majesty's Government, of the wisdom of Parliament, or of its sovereign power; but often it has been the truest wisdom of sovereignty to abstain from the exercise of its power, or so to exercise it as only to win the gratitude of those who are subject to its authority."

This Memorandum was subscribed by the Delegates of four of the federating colonies; but Mr. Dickson, the Queensland Delegate, refused to sign it, on the ground that to continue to press upon the Imperial Government correspondence which might lead to further arguments would invite delay in presenting the Bill to Parliament,

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Sir Henry Campbell-Bannerman, leader of the Opposition, expressed regret and disappointment that the Government had not felt themselves obliged to accept the Bill in its entirety. He thought that any proposed amendments should have been formulated and submitted to Australia at an earlier stage, and that Conferences and Memoranda in the Jubilee Year were not enough, in view of the many subsequent opportunities for intervention. The Government, by reserving action, had in effect, though not in intention, flouted Australia. He deprecated the conduct of the Government in going behind the opinions of the accredited representatives of Australia.

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He contrasted the Constitution with that of Canada, and briefly outlined its provisions. The Bill had been prepared by the Australian people; and though he denied altogether that Australia regarded the Imperial Parliament merely as a court for the registration of their decrees—though he was convinced that the Australian people would be neither offended nor insulted at the alteration of a word or even a clause—he did think that they expected a reasonable regard to their opinion whenever it had been conclusively shown, and to those rights of self-government of which they had made so magnificent a use. The principles on which the Imperial Government had dealt with the Bill were these. They had accepted without demur, and they asked the House to accept, every word, every line, every clause, which dealt exclusively with the interests of Australia. But where the Bill touched the interests of the Empire as a whole, or of Her Majesty's subjects or possessions outside Australia, the Imperial Parliament occupied a position of trust which it was not the desire of the Empire—nor, he believed, of Australia—that they should fulfil in a formal or perfunctory manner. In accordance with these principles they had made some amendments; but they had refused—even at the desire of Western Australia and New Zealand—to make amendments where Imperial interests were not affected.

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negotiate with a view to securing a compromise. The publication of the Blue Book, containing the correspondence between the Delegates and the Imperial Government, had greatly increased public interest in the question; and the English press, whilst generally approving the resolve of the Government to protect Imperial interests, showed a marked sympathy with the aims of the Delegates. The Delegates had

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rights of self-government accorded to Australia. The Bill was then read a second time with cheers, and taken into Committee *pro forma*.

AUSTRALIAN CRITICISMS.—In Australia, however, the suggested compromise was received, first with hesitation, and then with distinct disapproval, both the drafting and the policy of the new clause being condemned. On 24th May, a telegram seems to have been sent by

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They urged the reconsideration of the proposal to pass the Bill without amendment. If that was impossible, they said that the original proposal to preserve the prerogative right of appeal intact would be less objectionable than the new proposal.

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Extracted Sources: Quick, J. and Garran, R.R., *The Annotated Constitution of the Australian Commonwealth* (Angus & Robertson, 1901) pp229-247

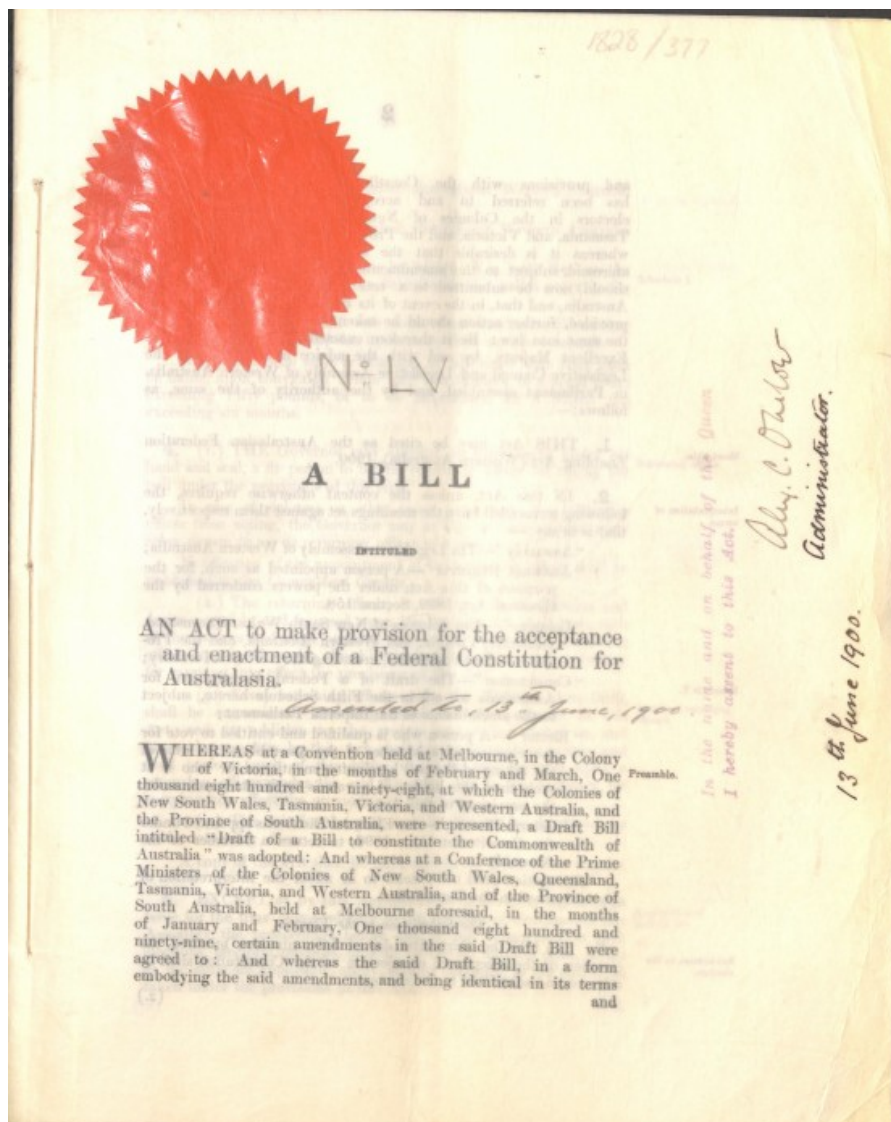
63. The historical record further demonstrates that the colonial delegates were expressly seeking the Bill's passage "**without amendment**", while recognising that the Imperial Government was seeking changes to provisions it considered to affect Imperial interests.



So what Contitution Bill did Western Australia vote for on 31 July 1900?

64. Western Australia voted on 31 July 1900 for the same amended 1898 Draft Bill to Constitute the Commonwealth of Australia that had been approved by the other colonies. The critical point is that Western Australians did **not** vote on the *Commonwealth of Australia Constitution Act 1900 (UK)*, which had already received Royal Assent on 9 July 1900. They voted on the amended Constitution Bill resulting from the 1899 Premiers' negotiations—the same Bill approved by the other colonies, in which “**This Act shall bind the Crown**” had not been removed from Covering Clause 2.

65. Western Australia held its referendum on 31 July 1900, voting on the same amended Constitution Bill that had been settled for the other Australian colonies, with “This Act shall bind the Crown” in Covering Clause 2



WA 1898 Bill to constitute the COMMONWEALTH OF AUSTRALIA pages 8 -9 with "This Act shall bind the Crown" in Covering Clause 2

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Schedule II.

APPLICATION FOR VOTER'S CERTIFICATE

The Australasian Federation Enabling Act (Western Australia), 1900.

To the Electoral Registrar or Assistant Registrar for the
Electoral District.

I hereby apply for a Voter's Certificate, and declare—

(a.) That I have resided in Western Australia for twelve months;

(b.) That I am a natural born (or naturalised) subject of Her Majesty, of the age of twenty-one years or upwards, and under no legal incapacity;

(c.) That to the best of my knowledge and belief my name was not on any roll existing at the commencement of The Electoral Act, 1900;

(d.) That I have not already obtained a Voter's Certificate.

Dated the day of 1900.

Name in full.....

Residence.....

Occupation.....

N.B.—Making a false statement in this application is perjury, and punishable as such.

Schedule III.

VOTER'S CERTIFICATE.

COUNTERFOIL

The Australasian Federation Enabling Act (W.A.), 1900.

VOTER'S CERTIFICATE.

No.

Electoral District.....

Polling Place.....

Name of person (to whom issued).....

Residence.....

Occupation.....

Date of issue.....

Signature of Electoral Registrar or Assistant Registrar.....

Signature of Holder.....

The Australasian Federation Enabling Act (Western Australia), 1900.

VOTER'S CERTIFICATE.

No.

Electoral District.....

Polling Place.....

(Name) of (Residence).....

whose name is signed hereunder, is entitled to vote in the above Electoral District on the question of the acceptance or rejection of the Constitution.

Dated the day of 1900.

Signature of Electoral Registrar or Assistant Registrar.....

Signature of Holder.....

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Schedule IV.

BALLOT PAPER OF ASSENT VOTER.

COUNTERFOIL

No.

Name of District.....

Name of Applicant.....

Address of Applicant.....

No.

District.

Are you in favour of the Federal Constitution Bill?

YES.

NO.

(If you are in favour of the Bill strike out the above word NO.)

(If you are against the Bill strike out the above word YES.)

Schedule V.

DRAFT OF A BILL

To constitute the Commonwealth of Australia.

WHEREAS the people of [here name the Colonies which have adopted the Constitution], humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the Constitution hereby established: And whereas it is expedient to provide for the admission into the Commonwealth of other Australasian Colonies and possessions of the Queen: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same, as follows:—

I. THIS Act may be cited as the Commonwealth of Australia Constitution Act.

II. THIS Act shall bind the Crown, and its provisions referring to the Queen shall extend to Her Majesty's Heirs and Successors in the Sovereignty of the United Kingdom.

III.

Schedule V.

DRAFT OF A BILL

To constitute the Commonwealth of Australia.

WHEREAS the people of [here name the Colonies which have adopted the Constitution], humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the Constitution hereby established: And whereas it is expedient to provide for the admission into the Commonwealth of other Australasian Colonies and possessions of the Queen: Be it therefore enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same, as follows:—

I. THIS Act may be cited as the Commonwealth of Australia Constitution Act.

II. THIS Act shall bind the Crown, and its provisions referring to the Queen shall extend to Her Majesty's Heirs and Successors in the Sovereignty of the United Kingdom.

III.



After the Alterations

66. Once these most significant alterations were completed and agreed upon by both Houses in the UK Parliament, it was then given Royal Assent by Queen Victoria and sent back to the UK Parliament, where it was made an Act of the UK Parliament, followed by the Proclamation, and then sent to Australia as “The Commonwealth of Australia Constitution Act 1900 UK”, without the changes being approved by the electors, and then enforced upon the Australian people.

67. There was **no further Australia-wide referendum on the Constitution itself** after it returned from London. The referendums had already occurred in the colonies between 1898 and 1900, and therefore, moving forward without any further consultation, referendums, or approvals is deemed a breach of the constitutional compact, a violation of contract and international law, and committing fraud in the factum.

68. The colonial premiers and governments were involved in implementing federation and organising the transition, but there was **no second constitutional approval by the premiers or the Australian voters after the Commonwealth of Australia Constitution Act returned altered from London.**

Summary Conclusion

The Consequences of the Unauthorised Removal of “This Act shall bind the Crown”

69. It is abundantly evidenced that the people on the landmass currently known as Australia have never had any valid contract at any time with the “Commonwealth of Australia Constitution Act 1900 UK”.

70. Altering a contract, including a Constitution, after one party has agreed to its terms, without notifying that party or obtaining their consent before the altered instrument is accepted and enforced, defeats the fundamental requirement of mutual consent. Such conduct constitutes **fraud in the factum and contractual fraud** and, where done to impose authority without valid consent, is evidence of unauthorised and illicit control, a fundamental breach of consent, an abuse of purported authority, and an attempt to impose legal obligations without valid agreement or lawful mandate. Such conduct undermines the legitimacy, enforceability, and legal integrity of the instrument itself, and what remains is **a dictatorship disguised as a democracy.**



71. Those who knowingly maintain a falsehood after being presented with compelling factual and historic evidence cannot claim clean hands. **The deliberate preservation of a fraud does not erase the underlying wrongdoing—it compounds it.**

72. This document has identified the fatal contradiction at the heart of the Australian legal system.

73. If the Crown is not bound by the Constitution, then the Crown has no authority under the Constitution. This is not a minor technicality. It is a structural collapse.

74. The Constitution establishes the Crown's authority within Australia. Section 61 of the Constitution states that the executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen's representative. Section 71 vests the judicial power of the Commonwealth in the High Court and other federal courts. Section 2 establishes the Governor-General as the Queen's representative.

Every exercise of Crown authority in Australia is exercised under the authority of the Constitution.

75. If the Crown is not bound by the Constitution, then the Crown is not subject to its provisions.

If the Crown is not subject to its provisions, then the Crown cannot derive any authority from those provisions.

If the Crown cannot derive authority from the Constitution, then the Crown has no authority under the Constitution.

If the Crown has no authority under the Constitution, then the Governor-General has no authority under the Constitution.

If the Governor-General has no authority under the Constitution, then every appointment made by the Governor-General is void.

If every appointment is void, then every judge, every minister, every public official, and every police officer holds office without lawful authority.



76. This is the precise consequence of the alteration of Covering Clause 2. The people approved a Draft Bill that contained the words "This Act shall bind the Crown." The UK Parliament removed those words without authorisation.

77. The Constitution as enacted does not bind the Crown. The Constitution binds everyone except the Crown.

78. The Crown cannot have it both ways. The Crown cannot claim immunity from the Constitution while simultaneously claiming authority under it.

79. If the Crown is not bound by the Constitution, then the Crown is not subject to it. If the Crown is not subject to it, then the Crown cannot exercise power under it. If the Crown cannot exercise power under it, then the Crown has no authority in Australia.

80. The Solicitor-General cannot argue that the Crown is bound by the Constitution when Covering Clause 5 expressly declares that the Constitution is "binding on the courts, judges, and people of every State and of every part of the Commonwealth." The clause does not say "binding on the Crown." It deliberately excludes the Crown.

81. The Crown is not bound. The Crown is not subject. The Crown has no authority under the Constitution.

82. The common law doctrine that the Crown is bound by statute only where expressly stated or by necessary implication does not help the Crown here. The Constitution does not expressly bind the Crown. It does not bind the Crown by necessary implication. It explicitly binds everyone except the Crown.

83. The Crown's exclusion is textual and deliberate.

84. The practical consequence is devastating. If the Crown has no authority under the Constitution, then:

- The Governor-General has no authority under the Constitution
- The High Court has no authority under the Constitution



- The judges have no authority under the Constitution
- The ministers have no authority under the Constitution
- The parliament has no authority under the Constitution
- Every law enacted by the parliament is void
- Every judgment of the courts is void
- Every exercise of executive power is void

There is no escape from this logic. The Crown cannot claim to be above the Constitution while simultaneously claiming to act under it.

85. The Crown cannot claim immunity from its provisions while simultaneously relying on those provisions for its authority. The Crown cannot claim to be the source of the Constitution's authority while simultaneously being exempt from it.

86. The Solicitor-General cannot answer this argument. He or she cannot say "the Crown is bound by the Constitution" because Covering Clause 2 as enacted does not say that. He or she cannot say "the Crown is not bound by the Constitution but still has authority under it" because that is a logical contradiction. He or she cannot say "the Crown's authority predates the Constitution" because if that is true, then the Crown's authority does not derive from the Constitution and the Constitution is irrelevant.

87. The only honest answer is that the Crown's authority in Australia is based on nothing but assertion.

88. The Constitution was unilaterally altered without authorisation.

89. The Crown removed the binding provision.

90. The Crown then claimed authority under the very document from which it had exempted itself.

91. This is the fraud at the heart of the Australian legal system.

92. The Crown claimed authority under a Constitution that does not bind the Crown.



93. The Crown exercised power under provisions from which it had exempted itself. The Crown appointed governors, judges, ministers, and officials under an authority it cannot prove.

WE have exposed this fraud.

94. The Crown has no authority under the Constitution because the Crown is not bound by it.

95. The Crown has no authority outside the Constitution because the Crown's claim to sovereignty has never been proven.

96. The Crown has no authority anywhere in Australia.

This is the nuclear trigger identified. It is not a technical argument. It goes to the very foundation of the Australian and United Kingdom legal systems. If the Crown is not bound by the Constitution, the Crown has no authority under it. And if the Crown has no authority under it, then every exercise of Crown authority in Australia is void.

“When the righteous are in authority and become great, the people rejoice: but when the wicked man rules, the people groan.” Proverbs 29:2 (AMP)

We now have an opportunity to restore truth, justice, law, and what is right for the people and by the people of this great nation, HalleluYah

To support this work, go to [UCSA](#) to read and sign the Endorsement to make Australia lucky again

~ We kindly thank you, and peace be with you ~

~United Civilians Saving Australia ~ [UCSA.land](#)

