Brief of Evidence
Book 2 of 4
Summary of Allegations and Affidavit

Alleged Crimes Committed by
THE AUSTRALIAN GOVERNMENTS' and its Agents
By Exercising and Enforcing Its Own Unlawful Legislative Power Without Lawful Ceded Authority or Sovereignty over the People on the Landmass Commonly Known as Australia

The Crown That Was Once Bound

The Commonwealth of Australia Constitution Act 1900 UK, A Dictatorship Disguised as a Democracy
The Broken Social Compact



Annexure Book 2 accompanies this document (separate file). References **"B2-xx"**

Title Page and Series

Document	Summary of Allegations and Affidavit Book 2: The Crown That Was Once Bound
Deponent	Peter-Scott of the family Haughton: and Ors UCSA.land
Made on behalf of	United Civilians Saving Australia (UCSA), UCSA.land
Respondent	THE AUSTRALIAN GOVERNMENT and the Crown, and the institutions that claim authority under the Constitution
Filed in	International Court of Competent Jurisdictional (TBA)
Annexures	Book 2 Annexure Book, Annexures B2-01 to B2-17, pp. 3–45 (separate volume)
Final Draft	16 Nov 2026. for proof reading

The Series

Volume	Subject	Status
Book 1	Affidavit and Submission and Annexure Book 1: the chronology from Captain Cook's arrival to about 1900, and the Crown's False claim of sovereignty without a Treaty.	Complete
Book 2	The Crown That Was Once Bound: the Constitution as approved by the electors and as altered. This volume, with its Annexure Book.	This document
Book 3	Australian 'Ordo Ab Chao" Statute Slavery Chronology 1900-Current	To follow
Book 4	Indictments, Brief of Evidence, Summary of Allegations Against THE AUSTRALIAN GOVERNMENT and their Agents, but not limited to- Genocide-Crimes Against Humanity-War Crimes- Acts of Aggression	To follow
The Endorsement	The public endorsement that UCSA invites Australians to read and sign at UCSA.land.	To follow.

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Glossary of Terms

Term	Meaning in this Book
Act, the (the 1900 Act)	Book 2 Annexure Book **B2-xx** evidence for Book 2 Summary of Allegations and Affidvit .
Bill / Draft Bill	The Draft Bill to Constitute the Commonwealth of Australia, adopted by the Australasian Federal Convention at Melbourne on 16 March 1898, amended by the Premiers in January–February 1899, and put to the electors in the referendums of 1898–99.
Covering clauses	The nine clauses that precede the Constitution in the Bill and provide for the steps needed to bring it into force. Covering clause 2 and covering clause 5 are the focus of this Book.
Covering clause 2	In the Bill: *"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."* In the Act: *"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."*
Covering clause 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 ..."* The Dictatorship.
Crown	The Queen, her heirs and successors, and the executive government exercising authority in the name of the Crown.
Crown not bound doctrine	The common law presumption that the Crown is not bound by a statute unless it is expressly named or is bound by necessary implication equals ambiguity replacing definitively expressed words.
Deponent	Peter Scott of the family Haughton, and Ord (Others) who have signed the Endorsement at UCSA.Land website
Delegates	The delegates of the federating colonies sent to London in 1900 to urge the passage of the Bill without amendment.
Electors	The people entitled to vote in the colonial referendums on the Bill in 1898–99 (and in Western Australia on 31 July 1900).
Enabling Acts	The Acts of the colonial Parliaments providing for the Bill to be put to the electors and, if accepted, sent to the Imperial Parliament to be passed into law.
Annexure B2-xx	Book 2 Annexure Book is the evidence that accompanies Book 2 Affidavit numbered B2-xx.

Term	Meaning in this Book
Fraud in the factum	Used to describe the substitution of a different instrument from the one the electors approved. See paragraph 16.8 for the limits of that term.
Imperial Parliament / Imperial Government	The Parliament and Government of the United Kingdom, which at 1900 held legislative power over the Australian colonies.
Policy enforcers	The Deponent's term for police and other officials who enforce legislation. Used only in Part 17.
Prerogative	The special powers, privileges and immunities of the Crown at common law.
Premiers	The Premiers of the colonies who met at Melbourne in January–February 1899 and agreed the *"minor amendments"* to the Bill.
Quick & Garran	Quick, J. and Garran, R. R., The Annotated Constitution of the Australian Commonwealth (Angus & Robertson, 1901), the contemporary account relied on in Part 11.
Respondent	The UK Crown, THE AUSTRALIAN GOVERNMENTS' and its Agents.
Royal Assent	The Monarch's formal approval that makes a Bill an Act: 9 July 1900 for the 1900 Act.
THE AUSTRALIAN GOVERNMENTS'	The Commonwealth Government and the States and Territory government employees (Agents) that derive their authority from the Constitution and the Crown.
The Concealed Colony	A Brief of Evidence-Australia: The Concealed Colony! A Report on the Continuance of the Application of British Law within the Territory of the Independent Sovereign Nation Australia. 1999
Void ab initio	Void from the beginning: treated as never having had legal effect.
Clean hands	The equitable principle that a party seeking relief, or defending a wrong, must not itself have acted unfairly or dishonestly in the matter.
Ordo Ab Chao	Latin for "Order Out of Chaos" used in Freemasonry the official motto of the 33 degree Freemasons.
Meritocratic	describes a system, organisation, or society in which people advance, succeed, or gain power based on their individual abilities, talents, skills, and efforts rather than their wealth, family background, social class, or connections.

Brief Summary of Book 2

1. Book 2 is about the one instrument the Crown relies on for its authority after 1900: the Commonwealth of Australia Constitution Act 1900 (UK) as procalimed and gazette.
2. The Bill that Australian electors approved in 1898–99 said, in covering clause 2, *"This Act shall bind the Crown"*. The Act that took effect on 1 January 1901 does not contain those words.
3. The record shows the Imperial Government proposed the omission in 1900 *"as involving an unnecessary interference with the prerogative"*. The Premiers said they had no authority to accept any amendment. The Delegates told London that altering the Bill would *"vitiate the agreement"* and make the Act's preamble *"a violation of the facts"*. No referendum was held on the altered text.
4. The Enabling Acts of South Australia, Victoria, New South Wales, Tasmania and Queensland, and the Addresses to the Queen, made no provision for Westminster to alter the Bill. Western Australia's Act is the only one that says *"subject to the amendments of the Imperial Parliament"*, and its own Schedule V Bill still contains the words *"This Act shall bind the Crown"*.
5. The Deponent evidences that the altered Act is not the instrument the electors approved, so it has no valid foundation in consent. Without the binding words, the Crown is not expressly bound, while covering clause 5 expressly binds *"the courts, judges, and people"*.
6. If the Crown is not bound by the Constitution, the Crown cannot draw authority from it. The Crown cannot both claim authority under the Constitution and claim to be exempt from it. This is the Summary Statement (Part 15).

Summary of Books

Book 1: Affidavit and Submission and B1 Annexure Book; the chronology from Captain Cook's arrival to about 1900, and the Crown's false claim of sovereignty without a Treaty and deals with the Crown's claimed acquisition to sovereignty, and its inability to prove it foundation of authority.
Book 2: Affidavit and Submission and B2 Annexure Book; The Crown That Was Once Bound: Dealing with The Commonwealth of Australia Constitution Act 1900 UK, The Broken Social Compact, A Dictatorship Disguised as a Democracy, the Constitution that was approved by the electors and then altered and what means.
Book 3: Affidavit and Submission and B3 Annexure Book; Breif of Evidence Australian Ordo Ab Chao Statute Slavery Chronology 1900-Current.
Book 4: Affidavit and Submission and B4 Annexure Book; Indictment Brief of Evidence Summary of Allegations Against THE AUSTRALIAN GOVERNMENT and their Agents, but not limited to- Genocide, Crimes Against Humanity, War Crimes, and Acts of Aggression.
The Endorsement: The public endorsement that UCSA invites Australians to read and sign at UCSA.land

Key Items and Where to Find Them

Each line gives the paragraph number in this Book, the page it is on, and the Annexures that proves and evidences it. For example, the removal of *"This Act shall bind the Crown"* from covering clause 2 is at paragraph 5.7, and the Imperial Government's own proposal to omit it is at paragraph 11.11.

#	Key item	Paragraph	Affidavit Page	Annexure
1	*"This Act shall bind the Crown"* in covering clause 2 of the elector-approved Bill	5.5, 7.3, 7.4	18, 25 25	B2-03, p. 5 B2-06, p. 8 B2-07, p. 9
2	The same words in the earlier drafts (SA 1897; the 1898 draft rejected by NSW)	7.2, 7.3	24 25	B2-05, p. 7 B2-06, p. 8
3	The words REMOVED from covering clause 2 of the Act as enacted	5.7 7.5	19 26	B2-03, p. 5 B2-08, p. 10 B2-10, pp. 14–15
4	What remains of covering clause 2 (*"heirs and successors"*)	7.1	23	B2-08, p. 10
5	Imperial Government proposes omission: *"an unnecessary interference with the prerogative"*	11.10 11.11,	354 35	B2-11, p. 18
6	The purpose of the omission: protecting the prerogative	11.12	35	B2-11, p, 18
7	Premiers: *"no authority to accept any amendments"*	11.13	35	B2-11, pp. 16 and 20 (extracts 1, 2, 3, and 14)
8	Delegates: amendment *"would at once vitiate the agreement"*	11.14	36	B2-11, p. 20 (extract 15)
9	Delegates' mandate: pass the Bill *"without amendment"*	11.7 11.1	33 33	B2-11, pp. 16-.17 (extracts 1-7)
10	Referendum result: 377,988 Yes; 141,386 No; 519,374 votes cast	4.7	16	B2-02, p. 4
11	Timeline of events, 1899 to 1 January 1901	4.8	16	B2-04, p. 6

#	Key item	Paragraph	Affidavit Page	Annexure
12	No referendum on the altered text in the Constitution	8.2, 11.3	28 33	–
13	The Aboriginal people not counted in the 1900 voting process and not counted until 1967	4.3 4.4	15, 16	B2-01, p. 3
14	The Benefits that binding the Crown binding words would have given the people	5.3	18	–
15	Conflict of interest: the judiciary and Crown immunity	6.9, 6.10	21, 21	–
16	No valid contract; mutual consent defeated	9.1, 9.2	29, 29	–
17	Clean hands	9.3	29	–
18	Hierarchy of law: the foundation and everything built on it	9.4	29	–
19	Western Australia voted on 31 July 1900, after Royal Assent 9 July 1900	10.1	30	B2-09, pp. 11-13
20	Western Australia, Schedule V: the Bill DOES contain *"This Act shall bind the Crown"*	10.3	30	B2-09, p. 12
21	Western Australia: *"subject to the amendments of the Imperial Parliament"*	10.4 16.6	31 51	B2-09, p. 13
22	Introductory Note, p. 5, paragraphs 1, 3 and 6: *"all that is needed"*	13.1, 13.2, 13.3	39, 39, 39	B2-17, p. 44
23	Enabling Acts (SA, Vic, NSW, Tas, Qld): no provision for Imperial amendment	13.5, 13.7	39 40	B2-12 to B2-15, pp. 23–35
24	South Australia, Victoria, New South Wales, Tasmania in detail, Enabling Acts	13.12 13.19 13.22, 13.25	40 41 42 42	B2-12 to B2-15, pp. 23–35
25	Addresses to the Queen: none made provision for amendment	13.28	43	B2-16, pp. 36–43

#	Key item	Paragraph	Affidavit Page	Annexure
26	Covering clause 5: *"binding on the courts, judges, and people"*	12.1, 12.3	37, 37	B2-17, p. 45
27	If the Crown is not bound: the list of consequences	14.1, 14.2	44, 44	–
28	The Crown not bound doctrine and its paradox	14.3	44	–
29	Public Governance, Performance and Accountability Act 2013 (Cth)	14.6	44	–
30	The Final Answer (table)	14.13	46	–
31	Constitution ss 61 and 71: the Crown's authority is exercised under the Constitution	15.2	47	–
32	The chain of consequence: Governor-General, judges, ministers, police	15.3	47	–
33	The Crown cannot have it both ways	15.6, 15.15	47 48	–
34	The Structure Collapse Nuclear Trigger (Part5)	15.25 15.1	49 47	–
35	Anticipated answers, including points that favour the Respondent	16.1, 16.2, 16.3, 16.4, 16.7	50, 50, 50, 51, 52	B2-11, pp. 16–22
36	Deponent Statement of Fact	17.1, 17.8	53, 53	–
37	Conclusion and Relief requested; the Endorsement	18.1, 18.5	54 56	–

PART 1

The Claim and the Question

1.1 The Deponent states and tenders that the altered Commonwealth of Australia Constitution Act 1900 (UK), *"An Act to constitute the Commonwealth of Australia"*, given Royal Assent on 9 July 1900 (Annexure B2-08, p. 10), is null and void from its inception (void ab initio). It is the same instrument that the Australian Parliament claims as its authority. It therefore has no authentic seat of authority and no lawful sovereignty established by the people in 1899. It is a violation and distortion of the factual record, a perversion of truth and a profound breach of factual integrity, and it voids the Australian Parliament's purported seat of authority.

1.2 The Crown that was once expressly bound in the 1899 elector-approved Draft Bill to Constitute the Commonwealth of Australia is the Crown that is not expressly bound in the Commonwealth of Australia Constitution Act 1900 (UK).

1.3 Without the originating electors' consent or approval, the UK Parliament removed the words *"This Act shall bind the Crown"* from the covering clause 2. That left the Constitution deliberately ambiguous and unclear, so that the Crown can avoid direct answers on accountability. It created immunity for those who swear allegiance to that Crown and a lengthy dictatorship disguised as a democracy, which secures continuity of power without express accountability or liability.

1.4 The unauthorised alteration of the elector-approved Constitution raises a fundamental question of constitutional legitimacy. The UK Parliament materially altered the constitutional instrument without renewed approval from Australian electors, and the Deponent evidences that this made the Constitution void from the beginning.

1.5 The 377,988 *"Yes"* votes recorded in 1899 were cast for the proposal put before those electors, not for a materially different instrument enacted afterwards. The substitution is a violation of the facts. It vitiates the agreement between the electors, the Crown, and the Constitution that underpins the current sitting Australian Parliament.

1.6 When the Crown is expressly bound to the Constitution, there is no room for guesswork, because the legal document states the obligation in unambiguous language. The present ambiguous language has produced a lack of accountability. That lack of accountability is, in the Deponent's submission, one of the main reasons for the situation now complained of: fraud and

treason on the people under THE AUSTRALIAN GOVERNMENT and its Agents/employees.

1.7 The ambiguous language creates multiple possible meanings. The interpretation is left to the High Court judges, described as the Guardians of the Constitution, who sit without a jury. Beyond the conflict of interest that results, the Crown is not accountable for any harmful laws made under covering clause 5. That is a *"dictatorship disguised as a democracy"*.

1.8 In plain terms, the Deponent explains, by evidence-based facts, why the unilaterally modified Commonwealth of Australia Constitution Act 1900 (UK) has no basis in law in Australia and is void ab initio.

> *"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*

1.9 Relationship to Book 1 and the Books to follow. Book 1 sets out the chronology from Captain Cook's arrival to about 1900 and asks on what lawful, identifiable, non-circular foundation the authority of the Crown over Australia rests. Book 2 deals with the one instrument the Crown can point to for its authority after 1900, the altered Constitution, and shows that this instrument is itself not the instrument the electors approved. Book 3, Book 4 and the Endorsement will follow on from Books 1 and 2, and this Book is to be read with them.

PART 2

Summary Statement in Point Form

2.1 This Part summarises Book 2 in point form. Each point is proved in the paragraphs and Annexures cited.

2.2 In 1898–99 the Australian electors voted on a Draft Bill to Constitute the Commonwealth of Australia. Covering clause 2 of that Bill read: *"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."*

Proved at: Part 7; Annexures B2-03 to B2-07 (pp. 5–9)

2.3 The electors approved that Bill: 377,988 Yes and 141,386 No, a total of 519,374 votes cast in the five colonies.

Proved at: Part 4; Annexure B2-02, p. 4

2.4 The Act that came into force on 1 January 1901 contains covering clause 2 without the words *"This Act shall bind the Crown"*. It reads only: *"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."*

Proved at: Part 7; Annexures B2-03 (p. 5), B2-08 (p. 10), B2-10 (pp. 14–15)

2.5 The omission was not accidental. The Imperial Government proposed, in terms, that the words *"This Act shall bind the Crown"* be omitted *"as involving an unnecessary interference with the prerogative"* (Quick & Garran, 1901).

Proved at: Part 11; Annexure B2-11, pp. 16–22

2.6 The electors never voted on the omission. No referendum was held on the altered text, and the colonial Premiers stated that they had no authority to accept any amendment.

Proved at: Parts 8 and 11; Annexure B2-11, pp. 16–22

2.7 The Delegates were sent to London to secure passage *"without amendment"*. They told the Imperial Government that an altered Bill would *"vitiate the agreement"* and make the preamble *"a violation of the facts"*.

Proved at: Part 11; Annexure B2-11, pp. 16–22

2.8 None of the Enabling Acts of South Australia, Victoria, New South Wales, Tasmania or Queensland, and none of their Addresses to the Queen, made provision for amendment by the Imperial Parliament. Western Australia's 1900 Act is the only one that contains the words *"subject to the amendments*

of the Imperial Parliament", and its own Schedule V Bill contains *"This Act shall bind the Crown"*.

Proved at: Parts 10 and 13; Annexures B2-09 (pp. 11–13), B2-12 to B2-16 (pp. 23–43)

2.9 Covering clause 5 makes the Act and all laws made under it binding on *"the courts, judges, and people"*. Without the words in clause 2 the Crown is not expressly bound, so those who make, enforce and judge the laws do so with no express accountability.

Proved at: Part 12; Annexure B2-17, pp. 44–45

2.10 The Deponent evidences that this is a fraud on the electors and a breach of the constitutional compact. A document altered after assent and enforced without notice or consent lacks the mutual consent on which any contract or social compact depends.

Proved at: Parts 8, 9

2.11 The consequence follows by logic. If the Crown is not bound by the Constitution, the Crown cannot draw authority from it, so the Governor-General, Parliament, Executive and Judiciary have no authority under it.

Proved at: Parts 14 and 15

2.12 The Crown cannot both claim authority under the Constitution and claim to be exempt from it. This is the Summary Statment identified in Part 15.

Proved at: Part 15

2.13 Authority that rests on neither the electors' consent nor a lawful instrument rests on assertion and the power to enforce it.

Proved at: Part 15

2.14 The Deponent discloses in Part 16 the answers the Respondent is expected to raise, and responds to each.

Proved at: Part 16

2.15 This Book asks the Respondent to identify the instrument, the date and the admissible evidence on which its authority in Australia lawfully rests.

Proved at: Part 18

PART 3

Purpose of this Resource

3.1 The purpose of this Book is to set out a historical chronology and context that evidences the unlawful unilateral changes, not voted for by the Australian electors, made to the Commonwealth of Australia Constitution Act 1900 (UK), given Royal Assent on 9 July 1900 and in force in Australia on 1 January 1901.

3.2 The changes were made by the United Kingdom Parliament without the approval of the Australian electors (voters). The Draft Bill of the Constitution approved by the electors expressed limitations on governmental power and accountability.

3.3 It is evidenced that the removal of the words *"This Act shall bind the Crown"* from covering clause 2 altered the elector-approved Bill to constitute. The result is a governing system in which the Crown and its Agents are shielded from legal accountability through immunity. The Deponent evidences that this was done unlawfully and by deception of the people, still to this day

3.4 The existing altered Act omits the words *"This Act shall bind the Crown"*. The electors did not approve that omission, and the Deponent says:

(a) This was a specific component in the constitutional contract. It was a provision to ensure accountability of the Crown and the governing system and its Agents, and it set the course for the entire Constitution.

(b) It was to ensure that the people had that provision as security that the Crown and its Agents were to be held accountable, with recourse and remedy in law for any malfeasance and harm to the people. This is what was removed.

3.5 The consequence of the unapproved alteration is the imbalanced system that exists today, in which those who create and enact Acts and Statutes are shielded from accountability.

3.6 The people have no shield from harmful acts of malfeasance because of the removal of the words *"This Act shall bind the Crown"* from covering clause 2, allowing in covering Clause 5 the legislators to make dictatorial legislation without accountability and enforce the *"rules"* upon the people who have no way of repealing those legislations they did not vote for.

3.7 The evidence that follows shows precisely what the Australian electors approved, what was subsequently altered, and what was ultimately enacted.

PART 4
Background and Historical Chronology

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

4.1 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, could approve it. It set out in a constitutional contract the detailed terms and conditions for the electors to approve.

4.2 The 1898 Draft Bill to Constitute the Commonwealth of Australia was put to the electors in each colony in rounds of voting. Original inhabitants and most women were excluded from voting at that time.

4.3 Eligibility to vote was highly restricted:

- **(a)** Original inhabitants were excluded (see the extract at paragraph 4.4).
- **(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 and over.
- **(e)** Landholders were given multiple votes per parcel of land owned.
- **(f)** Voters must be registered on colonial electoral rolls.
- **(g)** Total population: approximately 3.77 million.
- **(h)** Eligible voters: approximately 1.1–1.2 million.
- **(i)** Total votes cast (combined colonies): 519,374.
- **(j)** Votes in favour: 377,988 *"Yes"* votes.
- **(k)** Votes against: 141,386 *"No"* votes.

4.4 The evidence below remained part of the Australian Constitution for 66 years, until it was overwhelmingly repealed by the 1967 Referendum, which allowed First Nations people to be included in official population counts. Before that, they were not permitted to have a counted vote in their own land. (Annexure B2-01, p. 3.)

Annexure B2-01, item Detail of the heading and opening of the clause from the Commonwealth of Australia Constitution Act 1900 Detail: *"Aborigines of Australia not to be counted in reckoning population."* (Annexure B2-01, p. 3.)

Aborigines not to be counted in reckoning population.	127. In reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives shall not be counted.

4.5 The first rounds of the constitutional Australian referendums were held in June 1898. New South Wales did not have enough votes to meet the double majority required.

4.6 After the colonial Premiers agreed to *"minor amendments"* in February 1899, there was a second round of referendums in July 1899 on the *"Revised 1898 Draft Bill to Constitute the Commonwealth of Australia"*, to approve those minor changes and to gain approval from New South Wales.

4.7 The total result of the voting in the five colonies whose electors accepted the Draft Constitution that included *"This Act shall bind the Crown"* is shown below. (Annexure B2-02, p. 4; source: Quick, J. and Garran, R.R., The Annotated Constitution of the Australian Commonwealth, Angus & Robertson, 1901, p. 225.)

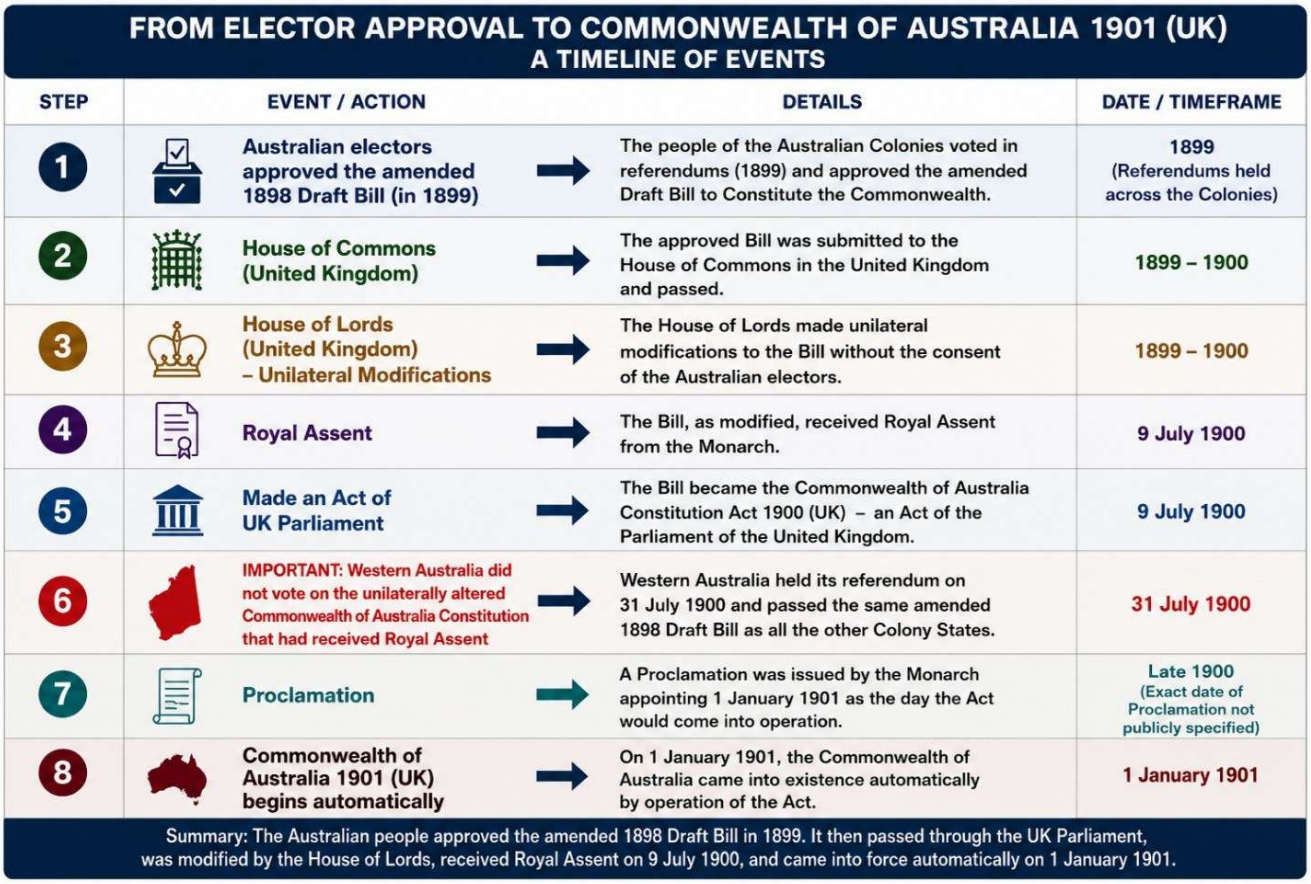
Result of the referendums in the five colonies. Source: Quick & Garran (1901), p. 225 (Annexure B2-02, p. 4)

	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

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

4.8 The chronology in the table below summarises the sequence from elector approval to the commencement of the Act. It is a summary aid prepared by UCSA; the primary documents are the Annexures cited throughout. (Annexure B2-04, p. 6.)

From elector approval to Commonwealth of Australia 1901 (UK): a timeline of events (Annexure B2-04, p. 6).



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.

PART 5

The Unapproved Alteration that allowed a Dictatorship to be disguised as a Democracy

5.1 The words *"This Act shall bind the Crown"* were removed intentionally and unilaterally by the Imperial Parliament House of Lords. Those words would have enforced express accountability on the Crown and the Australian Government and its Agents, past and present, who swore allegiance to that same Crown. The effect of the removal was to take accountability for any defective legislation they enforce on the civilian population away from the Crown and the Members of the Parliament of the Commonwealth. That granted them immunity from prosecution and civil liability while retaining continuity of power over the people, who remain bound by the foreign-altered Act for which no Australian voted.

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

5.3 The drafters of the Constitution knew that including the words *"This Act shall bind the Crown"* would establish a clear and powerful principle: that the Crown and its agents would be subject to, and accountable under, the same constitutional law that governs the people. Had the 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.

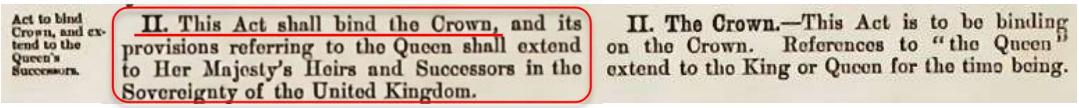
(f) Preserved constitutional accountability, ensuring that the government could be held to the standards established by the Constitution rather than operating above them.

(g) Protected the balance of power, reinforcing the principle that political authority is a public trust for the people, by the people, and not an unrestricted, unaccountable power over the people.

5.4 In simple terms, the foundation of a government accountable to the law, answerable to the people and limited in the exercise of its power would have been strengthened. 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, Maxium of law all are equal before the law.

5.5 The *"1898 Draft Bill to Constitute the Commonwealth of Australia"*, extracted below, shows *"This Act shall bind the Crown"* in the original covering clause 2. The left-hand column is the text of the clause; the right-hand column is the Introductory Note to the same Bill, which describes it as *"II. The Crown.—This Act is to be binding on the Crown."*Annexure B2-03, p. 5. Source: https://nla.gov.au/nla.obj-110807462/view?partId=nla.obj-110823347#page/n0/mode/1up

Covering clause 2 of the 1898 Draft Bill, with the Introductory Note *"II. The Crown.—This Act is to be binding on the Crown"* (Annexure B2-03, p. 5).



Act to bind Crown, and extend to the Queen's Successors.

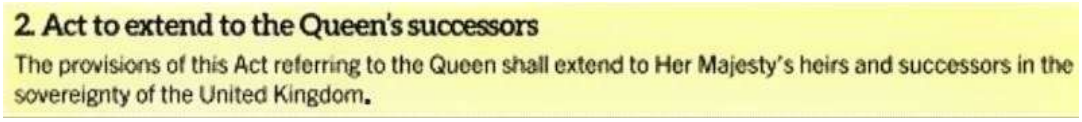
II. This Act shall bind the Crown, and its provisions referring to the Queen shall extend to Her Majesty's Heirs and Successors in the Sovereignty of the United Kingdom.

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.

5.6 The facts show that the Draft Bill to Constitute the Commonwealth of Australia, with its 9 covering clauses and 127 sections, was approved by approximately 377,988 people. The express terms of covering clause 2 read *"This Act shall bind the Crown"*, which means accountability without immunity from the laws made under covering clause 5, and therefore accountability and recourse.

5.7 The extract below evidences the removal of *"This Act shall bind the Crown"* from covering clause 2 of the Commonwealth of Australia Constitution Act 1900 (UK). It removed accountability without the informed consent or knowledge of the Australian electors, while maintaining continuity of reigning power. (Annexure B2-03, p. 5; enacted text at Annexures B2-08, p. 10, and B2-10, pp. 14–15.)

Covering clause 2 as enacted in 1900: *"Act to extend to the Queen's successors"* (Annexures B2-03, p. 5, and B2-10, pp. 14–15).



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.

5.8 Download of the Act as enacted: the Commonwealth of Australia Constitution Act 1900 is also available in current authorised form at https://www.legislation.gov.au/C1900Q00005/latest/text

PART 6

Why the Removal of *"This Act shall bind the Crown"* was Unlawful and Detrimental to the People

6.1 The removal of the words *"This Act shall bind the Crown"* removed an express statement of accountability to the law.

6.2 In the extract from covering clause 2 above, what remains extends only to *"the provisions of this Act referring to the Queen"*. That means, for example, her duties of appointing the Governor-General, assenting to bills and ensuring continuity of power. It is silent on the accountability of the Crown and its agents.

6.3 By removing *"This Act shall bind the Crown"* and being silent on binding the Crown, the drafters of the altered clause reveal by their own language a deliberate intention to commit crimes against the Australian People.

6.4 The significance of removing the words is not merely technical. It concerns the fundamental constitutional principle that those who exercise public power must themselves remain subject to the law.

6.5 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.

6.6 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. The Deponent evidences that this contravenes contract law, equity and the legal maxims of law.

6.7 Where governmental power can be exercised without equivalent accountability, the people are left vulnerable to the misuse of that power. That includes the restriction of their rights and freedoms, the seizure or control of property, the removal of children (see paragraph 17.3 for the Deponent's belief), and decisions made without effective means of obtaining redress or remedy.

6.8 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

6.9 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 allegiance to offers them the same immunity from lawful due process. For example, the judiciary are immune from civil liability in relation to breaching fiduciary duties and poor or incorrect judicial decisions.

6.10 This raises a fundamental constitutional question: how can genuine accountability exist where the institutions and agents that exercise statutory interpretations without a jury and enforce governmental powers, are ultimately part of the same constitutional structure whose unfounded and unprovable sovereign authority is being challenged by the people. The Deponent evidences that this is a conflict of interest to the utmost and allegedly an organised crime cartel of secret society members in a joint enterprise.

6.11 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

6.12 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. The Deponent calls this a dictatorship, and it is disguised as a democracy.

6.13 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

6.14 Law cannot legitimately function as an instrument of control over the people while simultaneously becoming a shield for those exercising that control. A dictatorship disguised as a democracy.

The Creation of a Fundamentally Unequal Legal Relationship

6.15 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.

6.16 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. The Deponent describes this as a dictatorship disguised as a democracy.

6.17 That imbalance is particularly serious where government action affects the people's liberty, property, family, livelihood, bodily autonomy, or fundamental freedoms.

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

6.19 The removal of these words compromises the constitutional safeguards intended to protect the people from an unchecked concentration of power. The removal was made by the United Kingdom Parliament without the consent of the electors of Australia.

6.20 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.

6.21 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 impunity.

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

6.23 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.

6.24 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.

6.25 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 *"conflict of interest"* immunity.

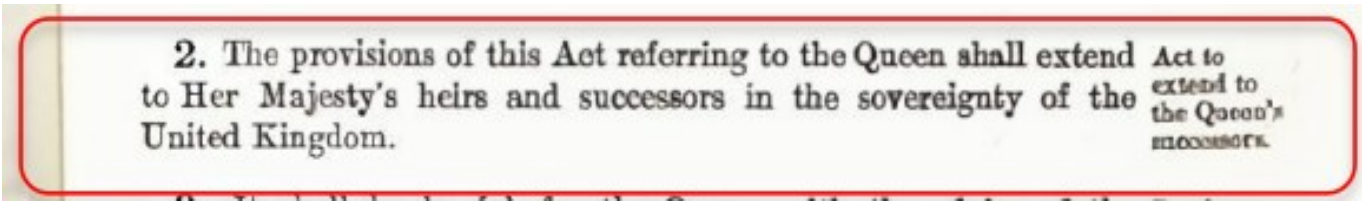
6.26 The result is the status quo today. The Deponent evidences that it allows the unrestricted plundering of the people's rights, freedoms and assets and has caused harm to innocent civilians, with unchecked use of the nation's private and national resources by those who benefit from the profits and claim immunity.

PART 7

Supporting Evidence: What the Electors Approved and What Was Enacted

7.1 See covering clause 2. The removal of *"This Act shall bind the Crown"* left only the remainder of the original covering clause: *"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."* The Deponent evidences that this meant the UK Parliament and the Crown retained continuity of power and legal immunity, without effective accountability or remedy for the people.

Extract from Annexure (B2-08, p. 10)

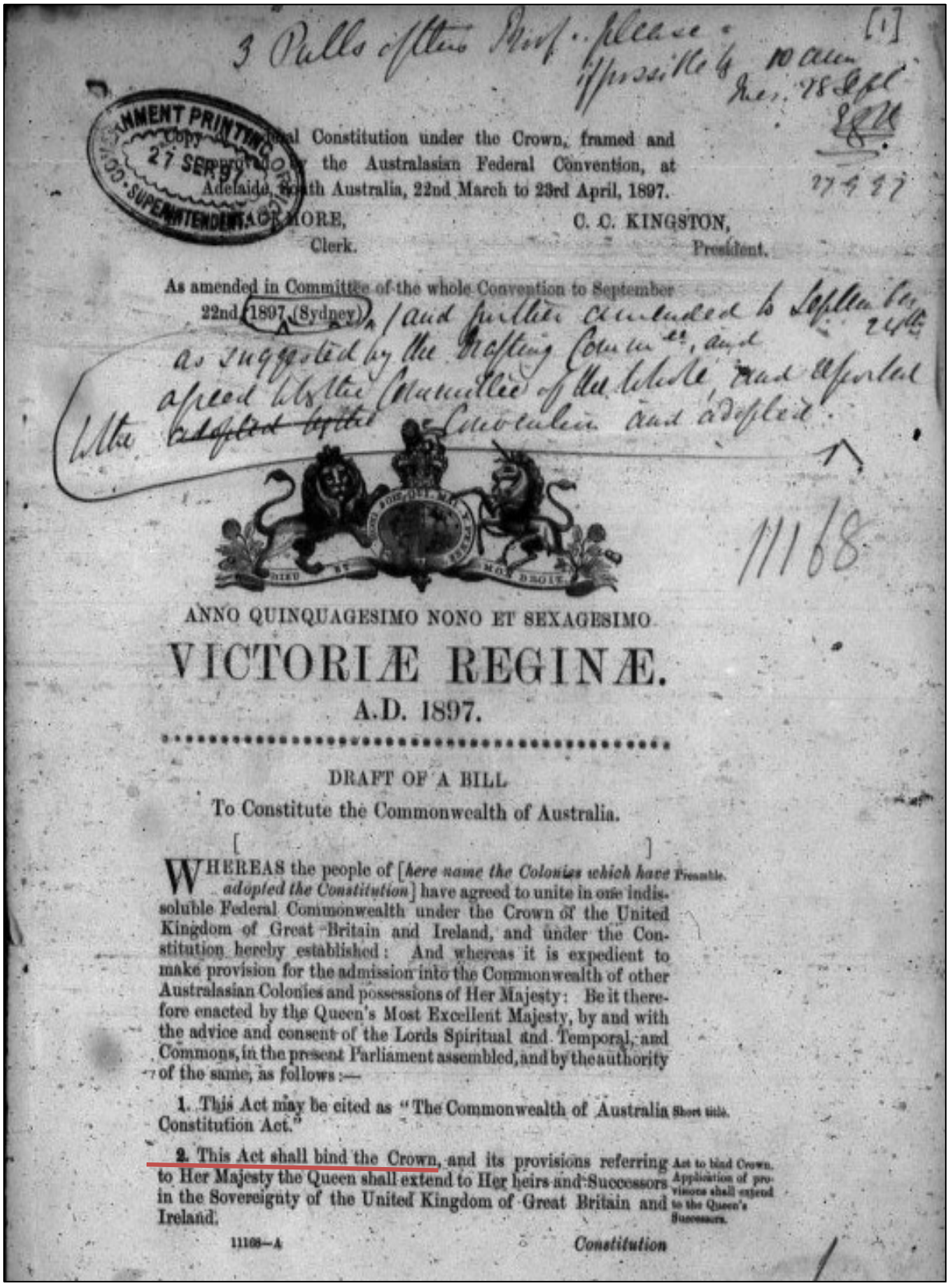


2. The provisions of this Act referring to the Queen shall extend to Her Majesty's heirs and successors in the sovereignty of the United Kingdom.

Act to extend to the Queen's successors.

7.2 **The South Australian 1897 Draft of a Bill to Constitute the Commonwealth of Australia,** p. 1, with *"This Act shall bind the Crown"* at covering clause 2. (Annexure B2-05, p. 7.)

South Australia, 1897 Draft Bill, page 1: covering clause 2 includes *"This Act shall bind the Crown"* (Annexure B2-05, p. 7).



3 Bills of this Sort – please – if possible by 10 am Mon. 28 Sept

[1]

GOVERNMENT PRINTING OFFICE COPY 27 SEP 97 SUPERINTENDENT

al Constitution under the Crown, framed and
by the Australasian Federal Convention, at
Adelaide, South Australia, 22nd March to 23rd April, 1897.

MORE, Clerk. C. C. KINGSTON, President.

As amended in Committee of the whole Convention to September 22nd 1897 (Sydney)

A

and further amended to 29th Sept as suggested by the Drafting Committee, and agreed to by the Committee of the whole, and finally adopted by the Convention and adopted.

11168

ANNO QUINQUAGESIMO NONO ET SEXAGESIMO

VICTORIÆ REGINÆ.

A.D. 1897.

DRAFT OF A BILL

To Constitute the Commonwealth of Australia.

[ ]

Preamble.

WHEREAS the people of [*here name the Colonies which have adopted the Constitution*] 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 make provision for the admission into the Commonwealth of other Australasian Colonies and possessions of Her Majesty: 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:—

Short title.

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

Act to bind Crown. Application of provisions shall extend to the Queen's Successors.

2. This Act shall bind the Crown, and its provisions referring to Her Majesty the Queen shall extend to Her heirs and Successors in the Sovereignty of the United Kingdom of Great Britain and Ireland.

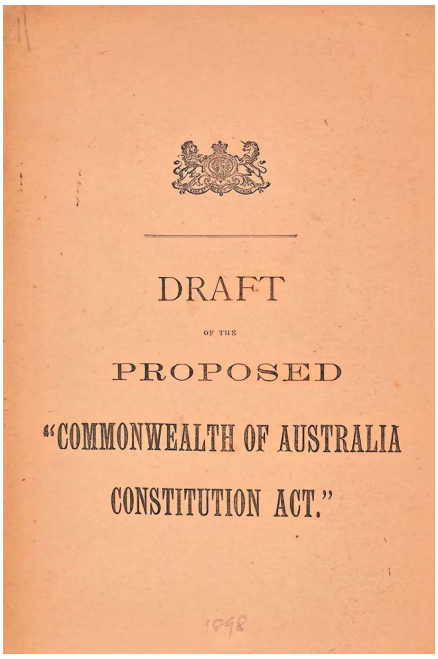
11168—A

Constitution

7.3 The 1898 Draft for the proposed *"Commonwealth of Australia Constitution Act"*, the New South Wales electors did not get up to a double majority so a constitutional conference was called to alter the status of the double majority requirement. **Extract: covering clause 2**. See *"This Act shall bind the Crown"* included in covering clause 2; this accountability was intended to continue through the Crown's heirs and successors in the sovereignty of the United Kingdom.

(Annexure B2-06, p. 8.)

1898 Draft of the proposed Commonwealth of Australia Constitution Act (Annexure B2-06, p. 8).



DRAFT

OF THE

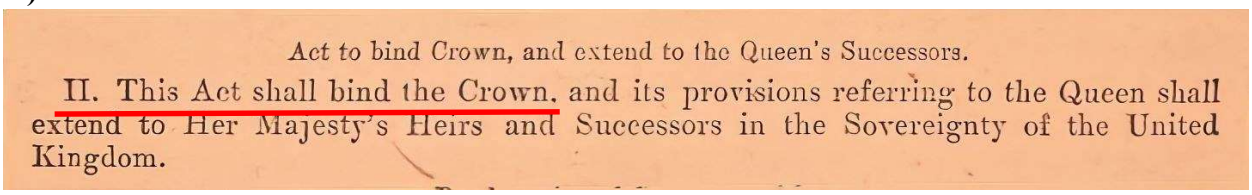
PROPOSED

"COMMONWEALTH OF AUSTRALIA

CONSTITUTION ACT."

1898

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."*** **(Annexure B2-06, p. 8.)**

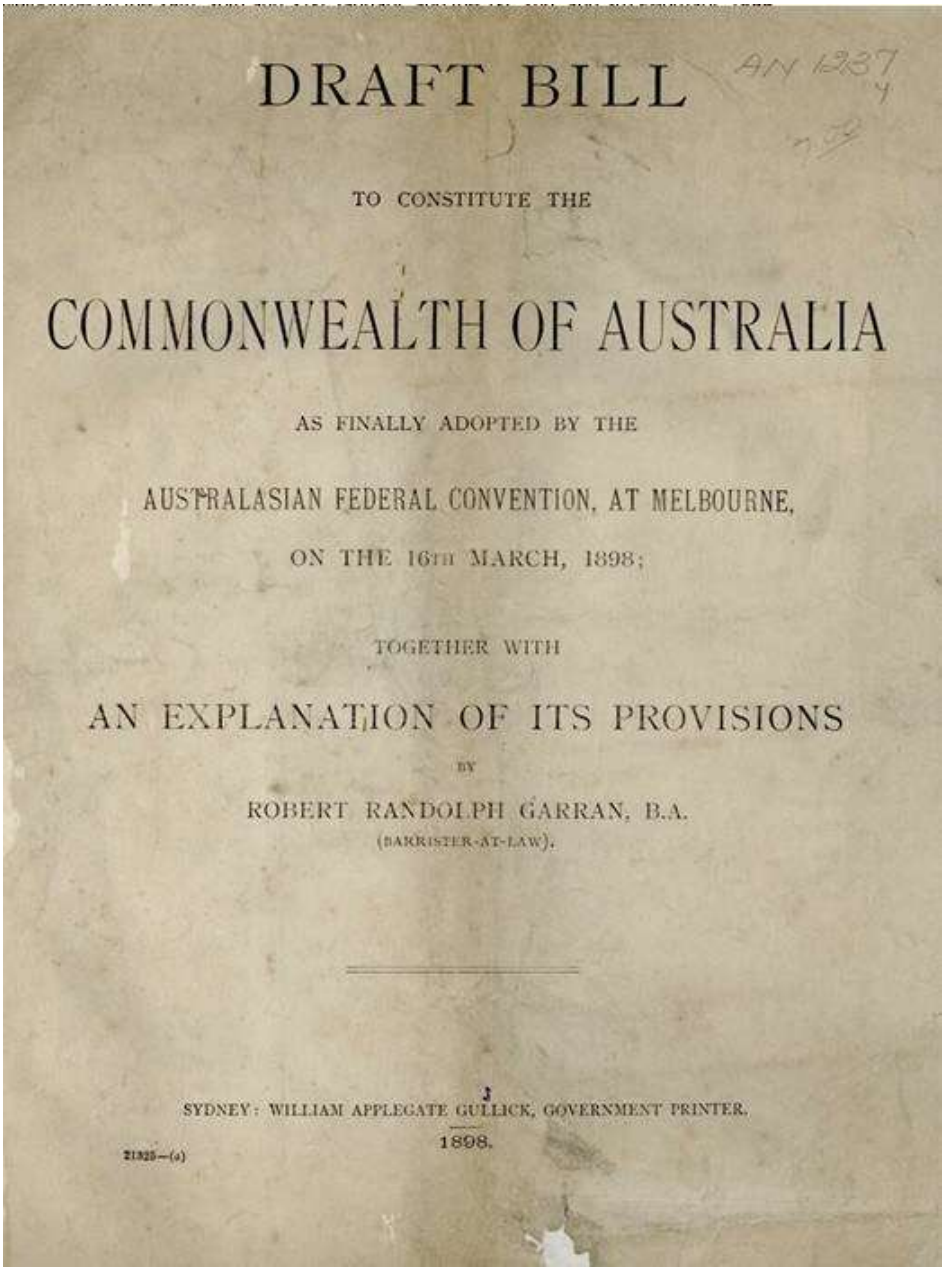


Act to bind Crown, and extend to the Queen's Successors.

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.

7.4 The 1898 Draft of a Bill to Constitute the Commonwealth of Australia: copy of the federal constitution under the Crown, as finally adopted by the Australasian Federal Convention at Melbourne, in the Colony of Victoria, on 16 March 1898, showing amendments agreed to at a conference of the Head-Ministers of Victoria, New South Wales, Queensland, South Australia, Tasmania and Western Australia, which sat at Melbourne on 28, 30 and 31 January and 1, 2 and 3 February 1899. Extract: covering clause 2 shows *"This Act shall bind the Crown"* included in the voter-approved Constitution sent to the UK for Royal Assent in 1900. (Annexure B2-07, p. 9.)

Draft Bill to Constitute the Commonwealth of Australia, as finally adopted at Melbourne on 16 March 1898 (Annexure B2-07, p. 9).



DRAFT BILL

TO CONSTITUTE THE

COMMONWEALTH OF AUSTRALIA

AS FINALLY ADOPTED BY THE

AUSTRALASIAN FEDERAL CONVENTION, AT MELBOURNE,

ON THE 16TH MARCH, 1898;

TOGETHER WITH

AN EXPLANATION OF ITS PROVISIONS

BY

ROBERT RANDOLPH GARRAN, B.A.

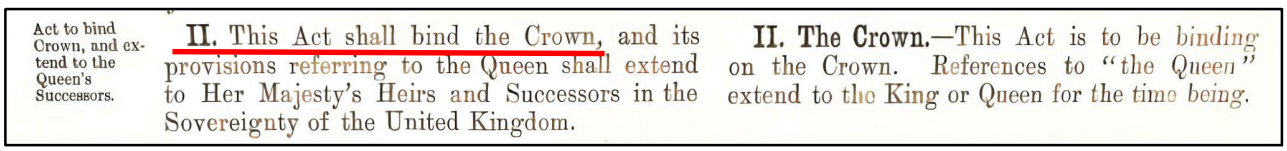
(BARRISTER-AT-LAW).

SYDNEY: WILLIAM APPLEGATE GULLICK, GOVERNMENT PRINTER.

1898.

21325—(a)

Extract: covering clause 2 and Introductory Note (Annexure B2-07, p. 9).



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.

7.5 The unilaterally altered Commonwealth of Australia Constitution Act (UK) [9 July 1900], which took effect in Australia automatically on 1 January 1901, removed *"This Act shall bind the Crown"* without further elector approval for any of the amendments. (Annexure B2-08, p. 10.)

Commonwealth of Australia Constitution Act 1900 (UK), 63 & 64 Vict. c. 12, first page (Annexure B2-08, p. 10).

La Reyne le veult

CHAPTER 12.

An Act to constitute the Commonwealth of Australia. A.D. 1900.

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

2. 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. Act to extend to the Queen's successors.

3. It shall be lawful for the Queen, with the advice of the Privy Council, to declare by proclamation that, on and after a day therein appointed, not being later than one year after the passing of this Act, the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, and also, if Her Majesty is satisfied that the people of Western Australia have agreed thereto, of Western Australia, shall be united in a Federal Commonwealth under the Proclamation of Commonwealth.

PART 8

After the Alterations

8.1 Once these significant alterations were completed and agreed by both Houses of the UK Parliament, the Bill was given Royal Assent by Queen Victoria and became an Act of the UK Parliament, followed by the Proclamation. It was then sent to Australia as *"The Commonwealth of Australia Constitution Act 1900 (UK)"*, without the changes having been approved by the electors, and was enforced upon the Australian people.

8.2 There was no further Australia-wide referendum on the Constitution after it returned from London. The referendums had already occurred in the colonies between 1898 and 1900. Moving forward without any further consultation, referendum or approval is, the Deponent evidences, a breach of the constitutional compact, a violation of contract and international law, and fraud (see paragraph 16.8 on the use of the term *"fraud in the factum"*).

8.3 The colonial premiers and governments were involved in implementing federation and organising the transition. There was no second constitutional approval by the premiers or the Australian voters after the Act returned altered from London.

PART 9

Summary Conclusion: The Consequences of the Unauthorised Removal

9.1 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)"*.

9.2 Altering a contract, including a Constitution, after one party has agreed to its terms, without notifying that party or obtaining its consent before the altered instrument is accepted and enforced, defeats the fundamental requirement of mutual consent. The Deponent evidences that such conduct constitutes 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. It undermines the legitimacy, enforceability and legal integrity of the instrument itself, and what remains is a dictatorship disguised as a democracy.

9.3 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.

9.4 This Book identifies the logical consequence that the legal system refuses to confront. If the Crown is not bound by the Constitution, the supreme law, then the entire hierarchy of statutes collapses. The chain of consequence is as follows.

The Collapse of All Statute Law and Legislation: The Hierarchy of Law

9.5 In Australia, the legal hierarchy is:

(a) The Commonwealth of Australia Constitution (supreme law).
(b) Commonwealth statutes (made under the Constitution).
(c) State statutes (subject to the Constitution).
(d) Regulations and by-laws (made under statutes).

9.6 If the foundation is invalid, everything built upon it is invalid.

PART 10

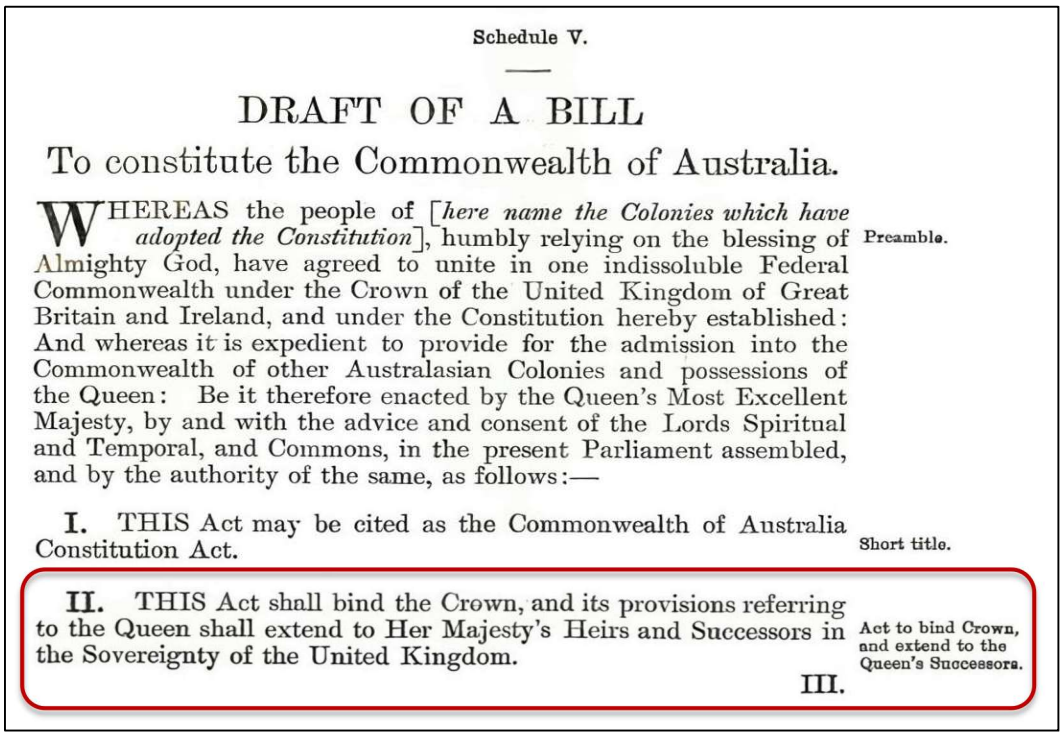
What Constitution Bill did Western Australia vote for on 31 July 1900?

10.1 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.

10.2 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. (Annexure B2-09, pp. 11–13.) *Western Australia: "A Bill to make provision for the acceptance and enactment of a Federal Constitution for Australasia", 13 June 1900 (Annexure B2-09, pp. 11–13).*

10.3 The Western Australian Bill, pages 8–9, and Schedule V, *"Draft of a Bill to constitute the Commonwealth of Australia"*, show *"This Act shall bind the Crown"* in covering clause 2. (Annexure B2-09, pp. 11–13)

Western Australia Enabling Act 1900, Schedule V: *"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."* (Annexure B2-09, p. 12)



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:— Preamble.

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

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. Act to bind Crown, and extend to the Queen's Successors.

III.

10.4 The Deponent draws attention to the Western Australian Enabling Act of 13 June 1900 (63 Vict. No. 56). Notably, the qualification *"Subject to the amendments of the Imperial Parliament"* were not given to the electors at the time the electors cast their votes on 31 July 1900; the precise nature and extent of the Imperial amendments were not yet known in Australia. That wording is disclosed here and addressed in paragraph 16.6. Amendment provisions appear only in the Enabling Act of Western Australia; despite not knowing the exact alterations that might have been made, they only knew some type of alterations had been made. In the end, the WA electors voted on a Bill that had already been altered and given Royal Assent 9 July 1900 (Annexure B2-09, pp. 11–13.) Western Australia Enabling Act, assented 13 June 1900: the words *"subject to the amendments of the Imperial Parliament"* (highlighted) (Annexure B2-09, pp. 11–13).

10.5 The 2025 edition of Australia's Constitution, with Overview and Notes by the Australian Government Solicitor, including the Commonwealth of Australia Constitution Act [9 July 1900] again evidences the word *"This Act shall bind the Crown"* have been removed. (Annexure B2-10, pp. 14–15.)

10.6 This is the Constitution under which THE AUSTRALIAN GOVERNMENT sits today. Covering clause 2 is underlined in the extract: *"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." (*Annexure B2-09, pp. 11–13)

Australia's Constitution (Australian Government Solicitor, 2025): the Act as enacted, covering clause 2 underlined (Annexure B2-10, pp. 14–15).

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.

PART 11

The Delegates, the Premiers and the Imperial Amendments

11.1 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. (Annexure B2-11, pp. 16–22: extracts 1 to 7, pp. 16–17. Source: Quick & Garran, 1901.)

11.2 The evidenced history shows that the original constitutional proposals were put to the electors in June 1898, but New South Wales failed to achieve the required double majority. Consequently the 1898 referendums did not succeed.

11.3 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.

11.4 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.

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

11.6 No Australian elector ever authorised the critical alterations made to the enacted instrument of the Commonwealth of Australia Constitution Act 1900 (UK). The Deponent evidences that it is therefore null and void and defunct from the beginning.

The Delegates in the United Kingdom

11.7 **The Delegates:** The official delegation sent to London in March 1900 to oversee the passage of the Australian Constitution Bill and resist British amendments consisted of five colonial representatives, alongside an observer from Western Australia: Edmund Barton-Represented New South Wales and acted as the leader and chief spokesman of the delegation. Alfred Deakin-Represented Victoria and strongly opposed British interference with the voter-

approved draft. Charles Cameron Kingston - Represented South Australia and firmly resisted changes to the "people's bill".Sir Philip Fysh - Represented Tasmania, James Robert Dickson-Represented Queensland, because Western Australia had not yet held its Federation referendum (which took place on 31 July 1900), it was not part of the official five-colony delegation. However, Western Australia was represented at the discussions by an observer—its London Agent-General, Sir Edward Wittenoom. The extracts show that 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. 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. (Annexure B2-11, pp. 16–22: extracts 4 to 6, p. 17.)

11.8 Quick & Garran record that *"the delegation should represent all the federating colonies in unitedly urging the passage of the Bill through the Imperial Parliament without amendment"*, and that 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."* (Annexure B2-11, pp. 16–22: extracts 4 and 6, p. 17.)

11.9 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. (Annexure B2-11, pp. 16–22: extract 5, p. 17.)

The Imperial amendments, including the omission of *"This Act shall bind the Crown"*

11.10 Quick & Garran record that the Imperial amendments were

In summary:

(1) Privy Council appeals: preserving the prerogative to grant special leave of appeal;

(2) covering clause 2: the words *"This Act shall bind the Crown"* to be omitted;

(3) covering clause 5: the provision that Commonwealth laws be in force on British ships plying between Commonwealth ports to be omitted;

(4) covering clause 5: a declaration that Commonwealth laws are *"colonial laws"* within the Colonial Laws Validity Act 1865; and

(5) the Constitution to be placed as a schedule to the Act rather than appended to covering clause 9. (Annexure B2-11, pp. 16–22: extract 8, p. 18.)

11.11 As to the second amendment, Quick & Garran record in terms: *"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."* (Annexure B2-11, pp. 16–22: extract 8, p. 18.)

Quick & Garran (1901): *"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."* (underlined in the extract) (Annexure B2-11, pp. 16–22: extract 8, p. 18).

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.

11.12 The Deponent evidences that this is the Imperial Government's own statement of why the words were removed: to avoid binding the Crown, in order to protect the prerogative. The immunity complained of in Part 6.3 (p19) is therefore the stated purpose of the omission and not an accident of drafting.(B2-11, p.18)

11.13 The Premiers declared that they had no authority to accept any amendments. In the Premiers' own words, *"The Premiers do not consider themselves as having authority to accept any amendments."* (Annexure B2-11, pp. 16–22: extracts 1, 2 and 3, p. 16 and Extract 14 p..20)

11.14 The Delegates' Second Memorandum urged that the proposed amendment *"would at once vitiate the agreement, and render this solemn declaration a violation of the facts"*, the declaration being the recital that the people of the colonies had agreed to federate *"under the Constitution hereby established"*. (Annexure B2-11, pp. 16–22: extract 15, p. 20.)

Delegates' Second Memorandum: the amendment *"would at once vitiate the agreement, and render this solemn declaration a violation of the facts"* (Annexure B2-11, pp. 16–22: extract 15, p. 20).

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.

11.15 The Delegates told the Imperial Government that any amendment in the covering clauses which altered the meaning of the Constitution *"would be in effect an alteration of the Constitution"*. They said that the Premiers decline to accept alterations *"because that course is unauthorized in view of the mandate, and would therefore be improper"*, and that the Premiers *"decline to authorize others to do on their behalf that which they cannot rightly do themselves"*. (Annexure B2-11, pp. 16–22: extract 9, p. 18, and extract 18, p. 21)

11.16 The Delegates said that if the people accepted the Constitution with an amendment *"it would be because they were made to choose between the bowl of intervention and the dagger of delay."*
(Annexure B2-11, pp. 16–22: extract 17, p. 20)

11.17 The Deponent evidences that the electors were never given even that choice, because no referendum on the altered text was held. Disclosure of the points the Respondent may rely on from the same record is made in Part 16.

PART 12

Covering Clause 5: Laws Binding on the People without Recourse or Remedy

12.1 Covering clause 5 allowed the passing of laws, without the consent of the people, that bind the people without recourse or remedy. All that was required was already in the Bill to Constitute. The extract below is covering clause 5, *"Operation of the Constitution and laws"*. (Annexure B2-17, pp. 44–45: covering clause 5, p. 45)

Covering clause 5: *"Operation of the Constitution and laws"* (Annexure B2-17, pp. 44–45: covering clause 5, p. 45).

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.

12.2 Originally, the words *"This Act shall bind the Crown"* would have forced accountability, without immunity, upon the Parliament of the Commonwealth of Australia for any injurious actions committed within legislation or statutes created by the Australian Parliament actions it committed under covering clause 5. The Deponent evidences that the difficulty now complained of would not have arisen had those words not been removed, because the buck would have stopped somewhere. Accountability was to lie with the Crown and its agents. **Remembering** that the Australian Government initiates alterations to the Constitutional referendum questions, under s128, are manufactured by The Australian Parliament only, under Covering Clause 5 without consultation or input from the Australian people, the people are only permitted to say Yes or No to the Government's constructed questions for referendums.

12.3 Covering clause 5 says: *"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."* Other than constitutional alterations under s 128, no laws are presented to the Australian people for approval. The people are without recourse or adequate remedy, which the Deponent evidences a dictatorship because *"This Act shall bind the Crown"* has been removed.

12.4 The Deponent evidences that this represents a total reversal from a democracy to a dictatorship under the unilaterally modified Commonwealth of Australia Constitution Act 1900 (UK), enforced upon the Australian people on pain of the penalties for non-compliance (see paragraph 17.6).

12.5 The Deponent evidences that this is deception and fraud against every man, woman, and child in Australia, because the Act was ultimately enacted without accountability and with immunity for the Crown and its agents from any injurious actions committed within legislation or statutes created by the Australian Parliament under covering clause 5.

12.6 This was not the Constitution approved by the Australian electors, which expressed accountability without immunity for any actions committed under covering clause 5.

12.7 The above outlines a total reversal of the Australian elector referendum-approved Constitution of 1899, without the consent or knowledge of the Australian people. The Deponent evidences that it terminates the unilaterally modified Commonwealth of Australia Constitution Act 1900 (UK) in full.

12.8 Anyone who attempts to maintain the above deception on the Australian people has unclean hands (see paragraph 17.7).

PART 13

The Introductory Note, the Enabling Acts and the Addresses to the Queen

The Introductory Note to the 1898 Revised Draft Bill

13.1 These are the words extracted from the Introductory Note 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"*.

13.2 **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."*

13.3 **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.

13.4 The Introductory Note at page 5 of the 1898 Revised Draft Bill confirms the democratic mandate: the electors, not Westminster, were the source of authority for the Constitution.
1898 Revised Draft Bill, Introductory Note, (Annexure B2-17, pp. 44–45: Introductory Note, p. 44).

13.5 **The Enabling Acts** of South Australia (8 March 1899), Victoria (10 July 1899), New South Wales (3 April 1899), Tasmania (11 July 1899) and Queensland (14 June 1899) were not subject to amendments of the Imperial Parliament, unlike Western Australia. (B2-12 to B2-15, pp. 23–35)

13.6 **The Western Australian Enabling Act of 13 June 1900** contains the words *"subject to the amendments of the Imperial Parliament"*. The Deponent's reading of those words is that the specific power being voted on does not stand alone and must operate under the broader rules, limits and unknown future alterations allowed by the alteration to the Constitution. See paragraph 10.4 and Part 16 for disclosure.(Annexure B2-09 p13)

Australasian Federation Enabling Acts

13.7 The legal significance of the Enabling Acts cannot be overstated, because they established the precise boundaries of the authority granted to the Imperial Parliament. Every Australasian Federation enabling Act passed between 1895 and 1900 received Royal Assent from the Governor (or acting Lieutenant-Governor/Administrator). The specific language used in the South Australian Address, mirrored in the subsequent petitions of the other colonies, created a conditional mandate: the Imperial Parliament was requested to pass the Constitution into law *"as accepted"* by the people. There was no provision within these Enabling Acts that invited, permitted, or authorised the British government to unilaterally excise, alter, or rewrite clauses that had already been ratified by the Australian electors.

The Historical Enabling Acts (1895–1900)

13.8 Before the constitutional conventions of 1897–1898, each colony was required to pass an Enabling Act that had been given Royal Assent, authorising its participation in the framing and adoption of a Federal Constitution. These Enabling Acts collectively define the mandate given to the process: the Constitution was to be submitted to the electors and, upon acceptance, transmitted to the Imperial Parliament for passage, not amendment.

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

13.10 The Introductory Note at page 5 of the 1898 Revised Draft Bill states: *"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."*

13.11 The Enabling Acts further specify: *"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."*

South Australia — Enabling Act (No. 717) of 1899

13.12 The Act to amend *"The Australasian Federation Enabling Act (South Australia), 1895"*, assented to 8 March 1899. South Australia was the first of the colonies to pass its Federal Address.

13.13 Contemporary South Australian newspaper records report that on 9 August 1899 the Address had passed both Houses and was being forwarded to England. The Address prayed that the Queen would cause *"a measure to be submitted to the Imperial Parliament for passing into law"* the Federal Constitution of Australia *"which has been accepted by the colonies of New South Wales, Victoria, South Australia, and Tasmania."*

13.14 All the colonies had in covering clause 2 the express, unambiguous words *"This Act shall bind the Crown"*.

13.15 Later official correspondence confirms that the Secretary of State for the Colonies acknowledged receipt of South Australia's Addresses to Her Majesty and described them as praying that a measure be submitted to Parliament for passing into law the Federal Constitution for Australasia.

13.16 South Australia's own parliamentary record also states that the Parliament resolved on 31 August that an Address be forwarded to the Queen praying that a measure be submitted to the Imperial Parliament *"to give effect to the Federal Constitution of Australasia."*

13.17 South Australia's position was therefore, accepted the Federal Constitution, then ask Westminster to pass it into law.

13.18 The South Australia Enabling Act of 1899 (No. 717), assented to on 8 March 1899, authorised the submission of the Federal Constitution to electors and its subsequent transmission to the Imperial Parliament. This Act, and the original scanned document, confirm that the Constitution to be submitted to electors and transmitted to the Imperial Parliament contained the words *"This Act shall bind the Crown"* in covering clause 2. See **South Australia: An Act to amend *"The Australasian Federation Enabling Act, 1895"*, assented 8 March 1899, page 1 (Annexure B2-12, pp. 23–24).**

Victorian Enabling Act 1899

13.19 The Victorian parliamentary record is exceptionally clear. Victoria's Address says that a Convention *"framed a Draft Federal Constitution in the form of a Bill for enactment by the Imperial Parliament."* It then says that in early 1899 the Premiers *"amended the said Draft Federal Constitution in certain respects."* The Enabling Acts then provided for the Constitution *"drafted and amended as aforesaid"* to be submitted to the electors. Victoria then says that the electors had accepted *"the said Constitution as amended."* (Annexure B2-13, pp. 25–26)

13.20 Paragraph 7 of the Victorian Address is particularly important. Victoria said, *"we ... transmit to Your Majesty the said Constitution amended as aforesaid" and prayed that the accompanying Constitution be submitted to*

the Imperial Parliament "that it may be passed into law by the Imperial Parliament." (Annexure B2-16, pp. 36–43: Victoria Address, pp. 41–42)

13.21 Victoria's wording is direct. What was sent: *"the said Constitution amended as aforesaid"*. What was requested*: "that it may be passed into law"*. It did not request: *"that the Imperial Parliament may amend it as it sees fit."* (Annexure B2-16, pp. 36–43: Victoria Address, pp. 41–42)

New South Wales Enabling Act 1899

13.22 The New South Wales Address says that the Prime Ministers amended the Draft Federal Constitution in early 1899. It then says that the Enabling Acts provided for submission of that Constitution *"drafted and amended as aforesaid"* to the electors. The Address then states that the electors of New South Wales, Victoria, South Australia and Tasmania had accepted *"the said Constitution as amended."* The crucial operative paragraph asks the Queen to cause *"the accompanying Constitution"* to be submitted to the Imperial Parliament for establishment of the Commonwealth. (Annexure B2-14, pp. 27–30)

13.23 There is no express New South Wales wording in this Address saying that Westminster was authorised to substitute Constitution amendments.

13.24 The New South Wales Enabling Act 1899 (Australasian Federation Enabling Act), introduced by Mr Reid on 13 April 1899, authorised New South Wales' participation in the Federation process. The Address to the Queen, signed by Legislative Council President John Lackey and Legislative Assembly Speaker J. P. Abbott in August 1899, confirmed the transmission of *"the said Constitution as amended"* for passage into law by the Imperial Parliament. There is no express wording authorising Westminster to substitute its own amendments. Source: https://files.parliament.nsw.gov.au/fileapi/ParlFiles/GetArtifact/PA000609_010.pdf?serverRelativeUrl=/historictabledpapers/files/120365/PA000609_010.pdf (Annexure B2-14, pp. 27–30)

Tasmania Enabling Act 1899

13.25 The Tasmanian Address is preserved in the parliamentary papers. It says that the Convention framed the Draft Federal Constitution and the Premiers subsequently agreed upon amendments. The Federation Enabling Acts then provided for the submission of the *"Federal Constitution amended as aforesaid"* to the electors. Tasmania records that its electors had accepted *"the said Constitution as amended."* (Annexure B2-15, pp. 31–35.)

13.26 Paragraph 6 of the Tasmanian Address is of particular interest. Tasmania says *"we … transmit to Your Majesty the said Constitution and the said Constitution amended as aforesaid"* and asks the Queen to cause *"the accompanying Constitution, amended as aforesaid"* to be submitted to the

Imperial Parliament so that *"it may be passed into law by the Imperial Parliament."*

13.27 The terminology is consistent. *"Amended as aforesaid"* means the amendments already identified in the preceding paragraphs, with no provision for it to be amended further.

Addresses to the Queen from the Legislative Councils and Houses of Assembly

13.28 None of the addresses made provision for any amendments. They requested the Imperial Parliament to pass the Federal Constitution *"accepted by the colonies of New South Wales, Victoria, South Australia, and Tasmania"*. This confirms that the Constitution as accepted by the colonies, with *"This Act shall bind the Crown"* intact, was the document intended for Imperial passage. (Annexure B2-16, pp. 36–43)

13.29 There was no provision for amendment, and in particular none for removing the words from covering clause 2, *"This Act shall bind the Crown"*. This transformed the Constitution from unambiguous to ambiguous: the Crown is in the Constitution but not expressly bound by it.

13.30 As is evident from the State Enabling Acts, only in Western Australia does the Act specify that the Bill is subject to the amendments of the Imperial Parliament (see paragraph 10.4 and Part 16).

PART 14

If the Crown Is Not Bound by the Constitution

14.1 If the Crown is not bound by the Constitution, then:

(a) the Commonwealth Parliament has no authority and its statutes are void;

(b) the Governor-General has no authority and his assent is meaningless;

(c) the High Court has no authority and its judgments are nullities; and

(d) the States have no authority and their laws are void.

14.2 The Constitution is the source of authority for the Commonwealth Parliament (s 1), the Executive Government (s 61), the Federal Judicature (s 71) and the States (ss 106–108). On that submission, every statute enacted would be void.

The Crown Not Bound Doctrine Applied to Statutes

14.3 The doctrine holds that the Crown is not bound by statute unless expressly named or bound by necessary implication. If the Constitution does not bind the Crown, then no Commonwealth statute binds the Crown unless it expressly says so, no State statute binds the Crown unless it expressly says so, and the Crown can disregard every law it finds inconvenient.

14.4 This creates a paradox. If the Crown is not bound by statute, then:

(a) The Crown can ignore tax laws that are enforced against the people by threat of incarceration. On that footing, no revenue can be lawfully collected that the people are charged with.

(b) The Crown can ignore criminal laws and can commit any act without accountability, and those who swear allegiance to the Crown gain that same immunity.

(c) The Crown can ignore property laws and sell and claim land that is not theirs on defective title deeds, so that all land titles granted by the Crown are unenforceable.

(d) The Crown can ignore constitutional limits, and the Crown has unlimited, arbitrary power.

14.5 The Deponent evidences that this is not a legal system. His characterisation of it is set out at paragraph 17.1.

The PGPA Act Proves the Point

14.6 The Public Governance, Performance and Accountability Act 2013 (Cth) expressly binds the Crown. The Deponent says that this is because, without an express clause, the Crown would not be bound even by a statute regulating its own finances. Found in Chapter 1, Division 3.
Source; https://www.legislation.gov.au/C2013A00123/latest/text

14.7 This proves that the Crown is not bound by statute unless expressly named. The Constitution does not expressly bind the Crown, because *"This Act shall bind the Crown"* was removed by the UK Parliament. The Deponent evidences that this vitiated the constitutional social compact.

14.8 Therefore, the Deponent evidences that the Constitution does not bind the Crown, and ambiguity is left to statutory interpretation by the Guardians of the Constitution, which are the High Court of Australia judges, functioning without a jury, appointed by The Australian Parliament, sitting under that same ambiguous Constitution that they protect, thus protecting their circular foundations of unfounded authority; therefore, all statutes, legislation, and decisions in the Australian courts made under it have no authority on this landmass known as Australia. It is a dictatorship disguised as a democracy, a continued trespass that causes harm and fraud to the people.

The Logical Collapse

14.9 If the Crown is not bound by the Constitution:

- **(a)** the Commonwealth Parliament is not a lawful legislature and offers no remedy for their harm and errors on the people;
- **(b)** the Governor-General's assent is not a lawful enactment;
- **(c)** the High Court's judgments (without jury) are not lawful adjudications;
- **(d)** the States are not lawful polities;
- **(e)** local councils have no authority; and
- **(f)** every statute, regulation and by-law is void.

14.10 The Deponent evidences that the entire legal system collapses under its own lack of jurisdiction and inability to prove sovereignty, with no lawful ability to rightfully enforce against the Australian people.

The Final Answer

If the Crown is not bound by the Constitution…	Then…
The Constitution is not supreme law	It is a worthless document
Parliament has no authority	Its statutes and appointments are void
The Governor-General has no authority	His assent is meaningless
The High Court has no authority	Its judgments are nullities

If the Crown is not bound by the Constitution…	Then…
Every statute is void Every Legislation is void	There is no valid law being practised, and those subject to the Constitution have no protections under it on this landmass known as Australia, because it has no sovereignty or authority over the people

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

14.14 If the Crown is not bound by the Constitution, then there is no supreme law, no lawful Parliament, no lawful Executive, no lawful Judiciary, no lawful statute; there is only force by those who enforce without a lawful foundation that relies on a circular argument.

14.15 The Crown's authority rests on nothing but coercion. The Crown is not bound by the Constitution, so the Crown has no authority and no sovereignty over this landmass known as Australia. The Deponent evidences that, as a result, all statutes, legislation, fines and court orders are void.

14.16 The legal system cannot answer this. It can ignore it, suppress information, or continue to enforce new legislation. This identifies the terminal logical consequence of the *"Crown Not Bound Doctrine"*.

PART 15

The Structural Collapse Nuclear Trigger

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

15.2 The Constitution establishes the Crown's authority within Australia. Section 61 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.

15.3 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, minister, public official, and police officer holds office without lawful authority, and the Deponent evidences that their decisions are null and void.

15.4 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 from the Australian electors, delegates and premiers.

15.5 The Constitution as enacted has not been voted for by anyone on this landmass known as Australia. It does not bind the Crown; it binds everyone except the Crown.

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

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

15.8 The Solicitor-General cannot argue that the Crown is bound by the Constitution when covering clause 5 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"*. The Deponent evidences that it excludes the Crown.

15.9 The common law doctrine that the Crown is bound by statute only where expressly stated or by necessary implication does not, on the Deponent's submission, help the Crown here. The Constitution does not expressly bind the Crown and has been purposely left in an ambiguous situation, allowing for statutory interpretation by the Guardians of the Constitution the High Court judges appointed by the Australian Parliament, who rely on the Constitution for its unregulated power without a verifiable foundation. The Deponent evidences that it does not bind the Crown by necessary implication either, and that it binds everyone except the Crown, which ensures the continuity of the reign by force. (Disclosure of the contrary authority is made at paragraph 16.3.)

15.10 The Deponent evidences that the Crown's exclusion is textual and deliberate, to create immunity from prosecution and accountability and to protect those who swear allegiance to that same Crown, while maintaining the facade of continuity of power. (See paragraph 17.2.)

15.11 The practical consequence, the Deponent evidences, is that if the Crown has no authority under the Constitution then:

(a) the Governor-General has no authority under the Constitution;
(b) the High Court has no authority under the Constitution;
(c) the judges have no authority under the Constitution;
(d) the ministers have no authority under the Constitution;
(e) the parliament has no authority under the Constitution;
(f) every law enacted by the parliament is void;
(g) every judgment of the courts is void; and
(h) every exercise of executive power is void.

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

15.13 The Crown cannot claim immunity from the Constitution's provisions while simultaneously relying on those provisions for its authority.

15.14 The Crown cannot claim to be the source of the Constitution's authority while simultaneously being exempt from it.

15.15 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.

15.16 The only honest answer, the Deponent's evidence is that the Crown's authority in Australia is based on nothing but assertion and the power of enforcement at the threat of gunpoint, harm, and loss .

15.17 The Constitutions' power and accountability was unilaterally altered without authorisation, making the social compact 'void ab initio' Void from the beginning.

15.18 The Crown removed the binding provision yet claimed continuity of power.

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

15.20 This is the fraud at the heart of the Australian legal system, causing harm to the people for the profit of those who benefit and those who it protects.

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

15.22 The Crown exercised power under provisions from which it had exempted itself. The Deponent evidences that the Crown appointed governors, judges, ministers and officials under an authority and sovereignty it cannot prove.

15.23 The Crown has no authority outside the Constitution, because the Crown's claim to sovereignty has never been proven, because it can not be.

15.24 The Crown has no authority or sovereignty anywhere on this landmass commonly known as Australia.

15.25 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. If the Crown has no authority under it, then every exercise of Crown authority in Australia is void.

PART 16

Anticipated Answers and Candour

16.1 So that this Book cannot be accused of overstating its case, the Deponent discloses below the principal points the Respondent is expected to raise, including points that appear in the Deponent's own sources, and answers each. Nothing in this Part withdraws any submission made earlier in this Book.

16.2 **Respondent's Reply; Westminster's power to amend.**

The Respondent will say that the Imperial Parliament had the formal power to amend its own Bill. The Premiers' own telegram, recorded by Quick & Garran, begins *"Without disputing the constitutional power of the Imperial Parliament to amend the Bill on its own responsibility …"* (Annexure B2-11, pp. 16–22: extract 1, p. 16).

Deponent's Answer: the Deponent does not contend that Westminster lacked the formal power to enact words. The submission is that the altered text is not the instrument the electors approved, and that the Act recites that the people *"have agreed to unite … under the Constitution hereby established"*. The Delegates told the Imperial Government that an altered Bill would render that recital *"a violation of the facts"* (Annexure B2-11, pp. 16–22: extract 15, p. 20). The legitimacy of the instrument depends on the electors' consent, and that consent was given to a different text.

16.3 **Respondent's Reply; The Crown is bound by necessary implication.**

The Respondent will say that the common law presumes that the Crown is not bound by a statute unless named or bound by necessary implication, that the presumption can be displaced by necessary implication, and that the High Court treats the Constitution as binding on the Crown in right of the Commonwealth and the States. [Counsel to confirm authorities, for example Commonwealth v Cigamatic Pty Ltd (1962) 108 CLR 372 and Bropho v Western Australia (1990) 171 CLR 1:

Deponent's Answer: (a) the Imperial Government's stated reason for omitting the words was that they were *"an unnecessary interference with the prerogative"* (Annexure B2-11, pp. 16–22: extract 8, p. 18). If the Crown were bound anyway the words would not have interfered with the prerogative, so the omission was understood to change the Crown's position;

(b) the electors approved an express term, and are entitled to the term they approved and not to a court-made statutory interpretation in its place;

(c) the inference is made by judges who sit within the structure whose authority is in issue (paragraphs 6.9 and 6.10);

(d) the burden of showing a lawful, non-circular foundation for that implication lies on the Respondent (Book 1, paragraph 1.2).

16.4 Respondent's Reply; The Delegates' agreement.

The Respondent will point to the statement recorded by Quick & Garran that the Secretary of State had *"arrived at an absolute agreement with four of"* the Delegates on the proposed new clause (Annexure B2-11, pp. 16–22: extract 7, p. 17), and that the Delegates, *"finding it impossible to carry out what they believed to be their mandate"*, were *"most considerate"*.

Deponent's Answer: on the same record the Premiers had declared that they had no authority to accept any amendment, and the Delegates stated that they could not authorise others to do on their behalf what they could not rightly do themselves (Annexure B2-11, pp. 16–22: extract 1, p. 16, and extract 18, p. 21). A Delegate cannot supply the consent of the electors.

16.5 Respondent's Reply: Compromise on clause 74.

The Respondent will say that the Australian public criticised the compromise (Annexure B2-11, pp. 16–22: extract 22, p. 22) and that it was accepted in the end. **Deponent's Answer:** criticism and acquiescence in a compromise on clause 74 is not a vote on the omission of the words from covering clause 2. No referendum was held.

16.6 Respondent's Reply: Western Australia.

The Respondent will say that the Western Australian Enabling Act of 13 June 1900 expressly made the Bill *"subject to the amendments of the Imperial Parliament"*, that Western Australia voted on 31 July 1900 after Royal Assent, and that Western Australian electors therefore accepted that the Bill might be amended.

Dependents Answer: the other five colonies' Acts contain no such words as *"subject to the amendments of the Imperial Parliament"* (paragraph 13.5); Schedule V, the Bill put to Western Australian electors, contains *"This Act shall bind the Crown"* (paragraph 10.3); and the question of what electors in Western Australia were told on 31 July 1900, after the Act had been given Royal Assent 9 July 1900. The Deponent accepts that the Western Australian wording is the point most favourable to the Respondent in the Enabling Acts but Western Australia can not federate on it own.

16.7 Respondent's Reply; Later acceptance of the Constitution.

The Respondent will say that the Constitution has been accepted and operated on for over a century, that it has been altered under s 128 by referendum (including the 1967 referendum), that the Australia Acts 1986 ended the legislative power of the UK Parliament over Australia, and that the High Court treats the Constitution's authority as resting on the continuing acceptance of the Australian people.

Deponent's Answer: (a) none of those referendums asked electors to approve the removal of the words from covering clause 2;

(b) consent must be informed, and the electors were never told of the omission;

(c) the Respondent's answer asks the Court to treat the instrument as validating itself, which is the circularity that Book 1 identifies and which the Respondent has not answered

(d) The Australia Act required a referendum at s 128 to alter the Constitution but that did not happen.`.

16.8 The term *"fraud in the factum".* The Deponent uses the phrase to describe the substitution of a different instrument from the one the electors approved. In the strict law of contract, fraud in the factum concerns a deception as to the nature of the document signed. The Deponent relies on the phrase in its descriptive sense and, in the alternative, on the absence of mutual consent, breach of the constitutional compact and fraud and misrepresentation in the ordinary sense.

PART 17

The Deponent's Statements of Fact

17.1 The Deponent states that the situation described in Part 14 is not a legal system but slavery and the tyranny of a foreign nation-state's dictatorship, and that the courts have chosen a *"for-profit"* pathway of slavery of the people over truth and integrity. The Deponent states that the consequence is generational slavery and harm to the people.

17.2 The Deponent states that those who swear allegiance to the Crown, and their secret-oath private member association societies, are protected by the immunity described in this Book, that those who enforce the law do so *"for profit"* and under the immunity of covering clause 5, and that this immunity protects those who commit crimes, including the protection of paedophiles.

17.3 The Deponent states that the people are subjected to unlawful removal of children described in Books 3 and 4 as *"child stealing"* and *"unlawful child abductions"*, to the sale of land that is not the Crown's to sell, and to the continuing effects of genocide, first of the original people and then ongoing.

17.4 The Deponent states that the legal system is a facade, a *"theatre of wigs and robes pretending to be law"*, and that Government banking courts operating for profit are a fraud.

17.5 The Deponent states that people are fined for not voting for the candidates chosen for them, and that this is part of the Secret Society representative democracy fraud.

17.6 The Deponent states that the Acts, Statutes and Legislation are enforced upon the Australian people by the threat of force, and that taxes are enforced at the threat of incarceration or force by policy enforcers who rely on *"Right by Might"* without verifiable foundations of authority.

17.7 The Deponent states that those who maintain the matters described in this Book, being a *"dirty deeds done dirt cheap"* hoax on the Australian people, are attempting to commit and maintain multiple high crimes against the people of Australia.

17.8 The Deponent states that the Australian people are ruled by those who are a Criminal Cartel of Secret Societies who by deception, have enslaved the people of Australia and are causing harm and death without accountability or remedy.

PART 18

Relief, Conclusion and Endorsement

18.1 The Deponent respectfully requests that the Court rulings be made to:

(a) receive this Book 2 and Annexures B2-01 to B2-17 (pp. 3–45) as the filing of evidence, to be read with Book 1 and with Books 3, 4 and the Endorsement when filed;

(b) issue a R**ule Nisi**, returnable 10 days after service, requiring the Respondents to show cause, by certifiable and verifiable affidavit, why the orders sought should not be made. The Respondents must identify the instrument, the date, and the admissible evidence on which the claimed sovereign power of the Crown, and the authority of THE AUSTRALIAN GOVERNMENT over the people on the landmass commonly known as Australia, lawfully rests. A rule nisi is a provisional order that takes effect automatically on the return date unless the party adversely affected shows cause. If the Respondents fail to appear, or fail to show valid cause, the **"Rule Absolute"** is to be made and the orders sought are to be permanent and binding. If valid cause is shown, the rule may be discharged;

(c) require the Respondents to answer, with specificity, why the words *"This Act shall bind the Crown"*, approved by the electors in covering clause 2, do not appear in the Commonwealth of Australia Constitution Act 1900 (UK) as enacted;

(d) require the Respondents to answer each of the Closing Questions at paragraph 18.3, on oath and with certifiable and verifiable evidence with specificity;

(e) declare a court ruling that THE AUSTRALIAN GOVERNMENT has no valid standing in law and no sovereignty over the people on the landmass commonly known as Australia, and is therefore invalid, and that every Act and Statute it has made is invalid and they must stand down;

(f) installs a **Meritocratic Interim Government** made from the people who have shown great courage and fortitude in relation to the restoration of justice and common law, and by utilsing their own time and funds, they have helped expose these outlined allegations in these affidavits, and they shall swear/affirm new oaths that they have the counties' and the people's best interests at heart, by their actions, we can see;

(g) issue international arrest warrants under the authority of the Merirtocratic Interim Government ordering the Australian Military,

who are United Nations Peacekeepers, to arrest and detain THE AUSTRALIAN GOVERNMENTS' State and Federal Agents for trial of their crimes as outlined in Book 4 and as specified by Common Law;

(h) rule that a new Meritocratic interim government be installed, constituted by a Grand Jury of twenty-five (25) for a period of 12 months until fresh elections can be conducted, the Interim Government to act under military direction for the safety and well-being of the people on the landmass commonly known as Australia. Common Law to apply;

(i) rule that the already constructed turnkey blockchain voting app be implemented, so that the people vote in a direct democracy on new laws and the direction of the nation, replacing the current representative democracy; and

(j) make such further or other orders as the Court considers just.

18.2 The people on the landmass of Australia, and the Deponent, have not seen or been presented with any certified or verifiable sovereign cause of action. Nothing has been produced that gives THE AUSTRALIAN GOVERNMENT and its agents authority over the people. This is the question the Agents and respondents must answer:

> **The Crown cannot establish an allodial title merely by proving sovereignty or radical title. It must identify the juridical source by which an absolute beneficial title was actually acquired, and distinguish that title from the radical title attributed to the Crown by the doctrine of tenure.**
>
> **Name the source. Produce the instrument. Or concede there is none.**

18.3 The Deponent puts the following Closing Questions to the Respondents:

Question 1. Where is the instrument, doctrine, judgment or other legally operative event that converted the Crown's radical title into an absolute beneficial (allodial) title?

Question 2. Who holds that title today? Is it THE AUSTRALIAN GOVERNMENT or any of its agents, and what is the document that vested it?

Question 3. Radical title is a feature of the doctrine of tenure. It is not ownership. What is the lawful juridical source of the absolute beneficial title, and how is it distinguished from radical title?

Question 4. If the Crown cannot name that source, by what lawful authority does anyone claim power over the landmass known as Australia and the people on it?

Question 5. The Commonwealth of Australia Constitution Act 1900 (UK) was unilaterally altered after the electors approved it, when the words *"This Act shall bind the Crown"* were removed. Where is the evidence that the Australian people approved the altered text Constitution?

Question 6. The States' constitutions were never lawfully ceded by the people of Australia. Where is their current lawful source?

18.4 The Deponent makes the following Closing Statements:

(1) Sovereignty is not ownership.
(2) Radical title is not allodial title.
(3) Power that cannot show its source is not authority.
(4) The people did not approve the altered Act of 1900.
(5) The States' constitutions were never ceded by the people.
(6) The Crown once bound itself, then removed the words.
(7) Where is the instrument of authority and sovereignty?

18.5 The Commonwealth of Australia Constitution Act 1900 (UK) is void ab initio, and the Deponent evidences that the people are therefore free from tyranny.

18.6 Free to have prosperity in a meritocracy, and a direct blockchain voting app so that the people have their voice and govern as a people with the best interests at heart: to protect the people and care for the land, with prosperity packages for humanitarian projects.

> *"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)*

18.7 We now have an opportunity to restore truth, justice, law and what is right for our land and the people, enacted by the people of this great nation so that the people can prosper as soon as possible.

18.8 To support this work, go to UCSA.land to read and sign the Endorsement to make Australia recognised as a Meritocratic Sovereign Independent Nation State, so we can prosper on the international landscape.

Affirmation (to be inserted at the front of this Book)

I, Peter Scott of the family Haughton, of Adelaide, DOB; 19th October 1967, affirm that the matters stated in this Affidavit and Submission (Book 2) are true to the best of my knowledge and belief, except where they are stated to be submissions or belief, and that the Annexures marked B2-01 to B2-17 (pp. 3–45) are true copies of or extracts from the documents they purport to be.

(End of affidavit statement.)
This affidavit must be rebutted point by point with specificity under the penalty of perjury by way of a certifiable and verifiable affidavit with 10 days of receipt as per the Nisi Rule, otherwise it stands as unrebutted facts

AFFIRMED / SWORN by the Deponent at [place] on [date] before me:

Deponent: _____

Before me: _____

[Name, qualification and registration number of the authorised witness]

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