

## Path to Treaty Bill 2023

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Tribal Governing Council



## Constitution

A Declaration of Autonomy by the Gudang/Yadhaykenu  
Tribal Governing Council, authorised by the  
Treaty Council v1.5

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A Declaration of Autonomy by the Gudang/Yadhaykenu Tribal Governing Council v1.5

I, Alex Wymarra, on behalf of the supporting Gudang/Yadhaykenu People, do solemnly declare and give notice that, we, the descendants of the Gudang/Yadhaykenu People through its Gudang/Yadhaykenu Tribal Governing Council, testify that our country was given to Gudang/Yadhaykenu people and our respective family groups through their dreaming's for their specific land estates within Gudang/Yadhaykenu from time immemorial by our Creator and Law/Lore.

We do solemnly declare that a Covenant was made between the Gudang/Yadhaykenu People and our Creator and Law Giver who gave our ancestors the Laws and was transmitted to from generation to successive generation's to unite under His banner, using His Ancient Spiritual based System of Governance through His Social Kinship System to manage and implement His Laws by maintaining a social and spiritual balance and connection between all People, Community, Land, Air, Subsurface Mineral Resources, Gas, Plants, Flora and Fauna, Animals and Waters (meaning surface and subsurface - bore water) within our country to live in spiritual harmonies intended by our Creator.

#### Apical Ancestors of Gudang/Yadhaykenu People

The Gudang/Yadhaykenu Tribal Governing Council do solemnly declare that the following Apical Ancestors family groups are the survivors of the genocide and cultural genocide committed against the Gudang/Yadhaykenu People and they are as follows: Peter (Pahding,) Pablo, Wymarra (Wymarra Outa Akindi), Matthew (Charlie) Gelapa, Ann E Blanco, Ela/Illa (father of Tommy Dodd, Polly Polly and Tommy Somerset), Wonduinagrun and Tariba (parents of Tom Red Head), Charlotte Ware, Queen Raki and Chief Tchiako/Chiaku/Chiaku.

AKA, Elizabeth Pausa - Queen Elder.

George Pausa - Chief Authority for Allodial Land, Air & Sea Boundaries.

Meun (Shorty) Lifu - Chief Representative and Head of Ancestral History.

Alex Wymarra - Head of Foreign Affairs, Development and Trade.

Elder Hazel Wymarra - Head of Community Relations.

Edgar Wymarra - Head of Sport and Recreation

Nicholas Thompson Wymarra - Head of Health and Education.

Jarrah Benjamin Thompson Wymarra - Border Patrol.

Bryan Wymarra - Land and Sea Logistics

Elizabeth Wymarra - Head of Film, Television and Media.

Wandihnu Wymarra - Head of Youth and Digital Media.

Each of these Apical Ancestors have specific roles, responsibilities, obligations and purpose under Gudang/Yadhaykenu Law and Customs to maintain and keep the Gudang/Yadhaykenu identity intact for future generations, however possible by following the spiritual guidance and responsibilities bestowed upon them.

1. Alex Wymarra descendant's role is to be the present-day fortress and foundation of perpetuating and the preservation of Commercial Equality Law and Identity on country;
2. Nicholas Thompson Wymarra descendant's role is to safeguard and maintain the knowledge of the Gudang/Yadhaykenu Social Kinship System;
3. Uncle Shorty (Meun Lifu) descendant's role is the maintenance and endurance of the Gudang/Yadhaykenu Language during the dispersals.

### **Autonomous Gudang/Yadhaykenu Government Self-Government and Administration**

We do solemnly declare that the Gudang/Yadhaykenu people through its Gudang/Yadhaykenu Tribal Governing Council is endeavouring to establish its administrative arm, The Sovereign Gudang/Yadhaykenu Government. We assert and affirm that this is our land and our country, which is unquestionable. The Gudang/Yadhaykenu Tribal People having connection to our Tribal Lands through culture, customs and Gudang/Yadhaykenu Lore/Law now are self-governing as an autonomous Tribal Nation.

The process of self-government and administration has been handed down from Gudang/Yadhaykenu Tribal Elders from the beginning of time spanning many tens of thousands of years and coupled with the process of Gudang/Yadhaykenu Lore development, and Gudang/Yadhaykenu enforcement through the Gudang/Yadhaykenu Tribal Judicial System, is being used in the development of the Tribal People's rights to life, physical and mental integrity, liberty and security of a person, independence and economic development, free to cooperate and align with agents of other States at our own discretion and on equitable terms.

### **Asserting Sovereign Rights**

The Gudang/Yadhaykenu people have never ceded our Sovereign Rights or Spiritual Authority to any governments by signing any treaty or agreements to give up our Sovereign Rights to our Land, Subsurface, Mineral Resources, Gas, Plants (flora and fauna), Animals and Waters (surface and subsurface - bore water) or infrastructure within our country.

The Gudang/Yadhaykenu Tribal Governing Council do solemnly declare that any agreements signed prior to this declaration by any member or descendant of the Gudang/Yadhaykenu people has been signed under duress and have been misled and therefore is null and void of our free, prior and informed consent by various

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bodies withholding information and knowledge of our Sovereign Rights. Due to the physical abuse, social and emotional manipulation, manoeuvring legally- sanctioned discrimination (by placing the onus of proof on Gudang/Yadhaykenu) and the psychological traumas suffered while under the perpetual indoctrination process perpetrated by successive British Colonial Powers up until 1986 and then by a Corporate entity now trading as the State Government of Queensland (Brigalow Corporation and the Commonwealth Government of Australia.)

### **United Nations Declaration of the Rights of the Indigenous Peoples**

Under the United Nations Declaration of the Rights of the Indigenous Peoples, the Corporate entity now trading as the Commonwealth Governments of Australia, under then Prime Minister Kevin Rudd in 2009, had signed off and became party to the United Nations Declaration of the Rights of the Indigenous Peoples.

Former Indigenous Affairs Minister, Jenny Macklin says, the Government's support for the United Nations Declaration of the Rights of the Indigenous Peoples will "reset" the relationship between Indigenous and non-Indigenous Australians.

Updated 3 Apr 2009.

**Affirming further** that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin, racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

**Reaffirming** also that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,

**Concerned that** indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

**Recognising** the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

**Further recognising** the urgent need to respect and promote the rights of indigenous peoples affirmed in treaties, agreements and other constructive arrangements with States,

#### **Article 4**

Indigenous peoples, in exercising their right to self -determination, have the right to Independence or self -government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.

#### **Article 5**

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their rights to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

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## Article 11

1. Indigenous peoples have the right to practice and revitalise their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

## Who are the Gudang/Yadhaykenu People?

In a statement made by the former Prime Minister, Hon. Julia Gillard made at the Miner's Conference; The Prime Minister, Hon. Julia Gillard, gave a speech defining the 'Governments Position' at the miner's conference held on the 30th May 2012.

"And here's the rub: you don't own the minerals; they own it and they deserve their share, she added. Governments only sell you the right to mine the resource - a resource we hold in trust for a sovereign people." The government do not own the resources, they hold the resources in trust for another people. Who are the other people?

<http://www.abc.net.au/news/2012-05-31/gillard-faces-down-miningbosses/4043276>

We, the Gudang/Yadhaykenu people are the Sovereign People and Owners of this Land and Natural Resources on top and underneath our land, therefore, an institution operating on our country, has no legal or legitimate standing under our First Nation Customary Lore/Law or any other illegitimate Law, which has no jurisdiction or dominion over Gudang/Yadhaykenu People and Country.

Anthropologists, Anthony Redmond and Noni Sharp, has identified the Gudang/Yadhaykenu people as the true and correct owners of this tribal lands as described in Anthropological Reports.

## Gudang/Yadhaykenu Social and Spiritual Laws

The Gudang/Yadhaykenu Tribal Governing Council do solemnly declare that we reassert and reaffirm our Ancient Social and Spiritual Laws and the Covenant made between the Gudang/Yadhaykenu Tribal Governing Council and our Creator and Law First Nations Customary Lore, that gave us these specific laws to live and enjoy the life as intended by our Creator.

We, The Gudang/Yadhaykenu Tribal Governing Council do solemnly declare that all people living on country are under the Care and Protection of our Ancient Social and Spiritual Laws accordingly. We, the Gudang/Yadhaykenu Tribal Governing Council, request all people to Obey, Observe and Respect these Ancient Social and Spiritual Laws by maintaining Conduct of Behaviour, Respect for Elders and all people, Respect the Equal Rights and Opportunity for Women and Men alike, Protect the Children, maintain the Roles,

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Responsibility and Obligations to Family, Community and Country, maintain the Rights to Housing, Education, Employment, Health and Wellbeing.

The Gudang/Yadhaykenu Tribal Governing Council hereby declared and re-enacted these Ancient Social and Spiritual Laws and have the full power to make laws accordingly for the peace, order and good government of the Gudang/Yadhaykenu State/Province that have internal and extraterritorial operation in accordance with the United Nations Declaration on Rights of Indigenous Peoples Article 4 and Article 5.

#### **Gudang/Yadhaykenu Tribal Judicial System and Tribal Court**

Gudang/Yadhaykenu Tribal justice system has been and remains the first and highest law/lore on Tribal Lands and being the superior law/lore on Tribal Lands will be enforced through Gudang/Yadhaykenu Tribal Council of Elders and Gudang/Yadhaykenu Tribal Law person / Lore person, upon all who are on Tribal Lands.

All Gudang/Yadhaykenu Tribal People and any agent of any State who is on Tribal Lands are subject to all Gudang/Yadhaykenu Tribal Laws/ Lore's (hereafter: Gudang/Yadhaykenu Lore person.)

Any man, woman, child or agent of the State breaching Gudang/Yadhaykenu Lore will be summoned to a court of Gudang/Yadhaykenu Tribal Council of Elders, under the jurisdiction of The Treaty Council Central Commission United Tribal Nations Allodial Tribunal.

#### **Tribal Law/Lore**

The Gudang/Yadhaykenu Tribal Governing Council have had and maintain a continuous bloodline and connection (hereafter, connection) to our Tribal Lands through culture, custom and Gudang/Yadhaykenu Lore.

The Gudang/Yadhaykenu Lore's are the foundation blocks for the Tribal Nation. Gudang/Yadhaykenu Lore is developed as a process of the Gudang/Yadhaykenu Tribal Governing Council, a process that has been handed down from Gudang/Yadhaykenu Tribal Governing Council from the beginning of time spanning many tens of thousands of years.

#### **Genocide and Cultural Genocide**

Pope Nicholas V, issued the papal bull Dum Diversas on 18 June, 1452 Under the Doctrine of Discovery and are responsible for the Acts of Genocide and Cultural Genocide and the Gudang/Yadhaykenu Tribal Governing Council holds the Sovereign State of the Vatican City and any existing colonial power or entity replacing the colonial powers to be accountable.

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Pope Nicholas V issued the papal bull Dum Diversas on 18 June, 1452. It authorised Alfonso V of Portugal to reduce any "Saracens (Muslims) and pagans and any other unbelievers" to perpetual slavery. This facilitated the Portuguese slave trade from West Africa.

The same pope wrote the bull [Romanus Pontifex](#) on January 5, 1455 to the same Alfonso. As a follow-up to the Dum Diversas, it extended to the Catholic nations of Europe dominion over discovered lands during the Age of Discovery. Along with sanctifying the seizure of non-Christian lands, it encouraged the enslavement of native, non-Christian peoples in Africa and the New World. Under the Doctrine of Discovery, to be "discovered", claimed, and exploited. If the "pagan" inhabitants could be converted, they might be spared. If not, they could be enslaved or killed.

The Discovery Doctrine is a concept of public international law expounded by the United States Supreme Court in a series of decisions, initially in [Johnson v. McIntosh](#) in 1823. The doctrine was Chief Justice John Marshall's explanation of the way in which colonial powers laid claim to newly discovered lands during the Age of Discovery. Under it, title to newly discovered lands lay with the government whose subjects discovered new territory. The doctrine has been primarily used to support decisions invalidating or ignoring aboriginal possession of land in favour of colonial or post-colonial governments.

<http://doctrineofdiscovery.org/>

The repercussion of the Papal Bull and Doctrine of Discovery precipitated the course of genocide and cultural genocide committed against Gudang/Yadhaykenu people is written in European history of the invasion of Gudang/Yadhaykenu country.

We, the Gudang/Yadhaykenu Tribal Governing Council through its administrative arm the Autonomous Gudang/Yadhaykenu Government assert that the Commonwealth Government of Australia and the Queensland Government that their experts are not the underwriters on Gudang/Yadhaykenu Law, it is inconceivable and come from a Eurocentric point of view from a dominant superior society, which is racist and biased, which was Affirmed in the United Nations Declaration of the Rights of Indigenous People following statement;

**Affirming further** that all doctrines, policies and practices based on or advocating superiority of peoples or individuals on the basis of national origin, racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust.

The Gudang/Yadhaykenu Tribal Governing Council assert and affirm that the Gudang/Yadhaykenu Law is a living Ancient Social and Spiritual Law, it is genuinely inherent within each Gudang/Yadhaykenu person. The Gudang/Yadhaykenu Ancient Social and Spiritual Law is of the past, present and future, it can never be lost, destroyed, neither confined or contained in the past, it adapts, it evolves and it advances as stated in United Nations Declaration on the Rights of Indigenous Peoples Article 11;

The Native Title Act 1993 removes any preconceived idea that the Australian landmass was terra nullius.

"The High Court has: (a) rejected the doctrine that Australia was terra nullius (land belonging to no-one) at the time of European settlement," in an Extract of a letter # 1 to John Wilson by Sir Harry Gibbs 1st November 1995.

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The Gudang/Yadhaykenu Tribal Governing Council wishes to make a point of clarification, and it should also be noted that the term, "Custodian" again implies the notion of "Terra Nullius (land belonging to no-one,)" therefore, the Gudang/Yadhaykenu Tribal Governing Council does not accept the use of the word "Custodians," which again, denies the true meaning of Gudang/Yadhaykenu people are "Land Owners," not "Custodians." The Gudang/Yadhaykenu Tribal People not being an officer, citizen, resident, agent or person of the Crown, State, Queensland, Australia, Commonwealth, United Nations, Holy See or any other corporation whether in the purported right of the Crown or otherwise (hereafter: agent of the State), have the right not to be subject to forced assimilation, integration, nor destruction of our culture, nor our resources being confiscated, taken, occupied, used or damaged without free prior and informed written consent (hereafter: consent) of the Tribal People.

In accordance with the ancestral customs of the Gudang/Yadhaykenu Tribal Nation (hereafter: Tribal Nation) maintaining the right to belong to our Tribal Nation to maintain, protect and develop past, present and future manifestations of our culture.

The Gudang/Yadhaykenu Tribal People have never given, ceded, signed a treaty, bargained, sold or contracted away Tribal Lands, the British Government of the time and subsequently the State just felt free to take the Tribal Lands, even though the Tribal Lands were not and are not free to take without the consent of the Gudang/Yadhaykenu Tribal people.

As part of our unalienable fundamental freedoms, the activities and aspirations will be anything that the Tribal People have done in the past, doing at present and will do in the future, such as but not limited to self-governing, administration, policing, education, hunting, fishing, resource utilisation, barter, wealth generation by use of natural wealth and resources of the Tribal Lands, taking possession of all constructions, erections and fixtures on Tribal Lands not authorised by Tribal People and any other activity for the benefit and enjoyment of the Tribal People and Tribal Lands.

In the exercise of our unalienable rights based on our Tribal Origin and Identity, Tribal People are freely pursuing our economic, social and cultural development of the Tribal Nation; the following is a list of some but not an exhaustive list of pursuits that Tribal People will be pursuing and developing on Tribal Lands:

1. Justice and Judicial System;
2. Tribal Law/Lore;
3. Self-Government and Administration;
4. Policing;
5. Education;
6. Health;
7. Spiritual Beliefs and Manifestations;
8. Energy;
9. Travelling;
10. Fishing;
11. Hunting;
12. Mining;
13. Logging;

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14. Farming;
15. Aviation;
16. Border control;
17. Wealth Generation and Controlling Commercial activities;
18. Environment Protection and Conservation.

## Education

The Gudang/Yadhaykenu Tribal Governing Council through its Gudang/Yadhaykenu Government have connection to our Tribal Lands through culture, custom and lore and this is the cornerstone of Gudang/Yadhaykenu Tribal education (hereafter: 'Tribal Education') Curriculum.

The Tribal People through the Tribal Education system with the right to practice and revitalise our cultural beliefs and customs, will be maintaining and protecting all past, present and future manifestations, philosophies and beliefs.

These Gudang/Yadhaykenu Tribal manifestations, will be the practice and development of the Gudang/Yadhaykenu Tribal spiritual customs and ceremonies at Gudang/Yadhaykenu Tribal Cultural Sacred Sites throughout Tribal Lands.

The Tribal Education System may be utilised to instruct agents of the State, to understand the Gudang/Yadhaykenu Tribal Culture, Gudang/Yadhaykenu lore and Language as a means for financing our autonomous functions for the economic subsistence and benefit (hereafter, 'subsistence') of all Gudang/Yadhaykenu Tribal people.

**Co-operation with the State will be sought by the Tribal People to incorporate a Tribal Education Curriculum** into the State Curriculum in a manner appropriate to Gudang/Yadhaykenu Tribal cultural methods of teaching and learning.

All broadcasting infrastructure constructed on Tribal Lands without consent will be issued an Allodial Land Use Permit by the Gudang/Yadhaykenu Tribal People.

## Health

The Gudang/Yadhaykenu Tribal People have connection to our Tribal Lands through culture, custom and Gudang/Yadhaykenu Lore and this is the cornerstone of Gudang/Yadhaykenu Tribal health system.

The Gudang/Yadhaykenu Tribal People through our right to the conservation of all cultural and ancestral medicinal plants, animals and minerals, have the right to access without discrimination of plants, animals and minerals without hindrance or interference from any agents of any State.

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All medical facilities and health buildings constructed without consent on or in Tribal Lands such as the hospitals on Country boundaries and any other location on or in Tribal Lands will be issued an Allodial Land Use Permit by the Gudang/Yadhaykenu Tribal People, and will be utilised by Tribal People for the equal right of the highest attainable standard of physical and mental health.

### **Spiritual Beliefs and Manifestations**

The Gudang/Yadhaykenu Tribal Governing Council and its Peoples have connection to our Tribal Lands through culture, custom and Gudang/Yadhaykenu Lore and spiritual belief and manifestations. The Tribal People through the revitalisation of our ceremonies, culture and spiritual belief develop, maintain and protect our right to use and control our ceremonial lands and objects in privacy. The Tribal Nation through the repatriation or burial of Gudang/Yadhaykenu Tribal members remains past, present and future are utilising sacred ceremonial and burial sites within Tribal Lands for the enjoyment of present and future generations of Tribal People. These sacred ceremonial and burial sites within or on Tribal Lands being for the enjoyment of Tribal People are not to be desecrated or interfered with by any man, woman, child nor agents of the State.

### **Energy**

The Gudang/Yadhaykenu Tribal Governing Council and its People being secure of our own means of subsistence to freely engage in ancestral or other economic activities such as generation, distribution and supply of energy within or on Tribal Lands.

All generation, distribution and supply infrastructure constructed without consent on or in Tribal Lands and any such facility on or in Tribal Lands, are the possessions of Tribal People as a means of subsistence for all Tribal People. Other construction, erections or facilities constructed without consent such as the wind-generation facilities within or on Tribal Lands will be issued an Allodial Land Use Permit by the Gudang/Yadhaykenu Tribal People.

### **Travelling**

The Gudang/Yadhaykenu Tribal Governing Council and People have connection to the land, having travelled over our lands and territories without hindrance or interference having never required any form of travel document or licence, and as such, the Tribal People are maintaining our unalienable right to travel on the Tribal Lands.

### **Fishing**

The Gudang/Yadhaykenu Tribal Governing Council and People will be fishing on all of the Tribal Lands or conducting fishing operations as a means of subsistence for all Tribal People in their true and correct

capacity as Tribal People, and as such are not to be interfered with by agents of any other State. Any such interference will be judged under the Treaty Council Central Commission United Tribal Nations Allodial Tribunal Lore and Tribal punishment administered to the individual or individuals responsible for such hindrances or interferences.

The methods will be all customary and modern methods of harvest, capture or catching by such equipment but not limited to boats, canoe, lines, nets, spears, traps, firearms, spear guns or any other method deemed suitable by the Tribal People.

Permits will be issued to incoming Joint Venture Commercial Partnership.

This will mean taking, using and selling any freshwater or saltwater flora and fauna. All the rivers and creeks amongst others where there has been constructed in Tribal Lands without consent, to do so and as a consequence, are now the possession of the Tribal People as a means of subsistence for all Tribal People.

All agents of the State, other than Tribal People are now required to have Gudang/Yadh aykenu Tribal Governing Council authorisation permits to fish within or on Tribal Land, Air & Sea.

## **Hunting**

The Gudang/Yadhaykenu Tribal Governing Council and People will hunt and gather over all of the Tribal Lands in their true and correct capacity as Tribal People and as such are not to be hindered or interfered with by agents of any State. Any such hindrance or interference will be judged under The Treaty Council Central Commission United Tribal Nations Allodial Tribunal Lore and Tribal punishment administered to the individual or individuals responsible for such hindrances or interferences.

The methods will be all customary and modern methods of harvest, capture or catching by such equipment but not limited to spear, boomerang, firearm, net or trap or any other method deemed suitable by the Tribal People. Being Tribal People on Tribal Lands, no licence will be used by Tribal People to do such activities, as such none will be produced to any agents of any State, when requested to do so by any agents of any State. This will mean taking, using and selling any flora and fauna. All agents of the State, other than Tribal People are now required to have Gudang/Yadhaykenu authorisation to hunt within or on Tribal Lands.

## **Mining**

The Gudang/Yadhaykenu Tribal Governing Council and People will conduct mining operations as a means of subsistence for all Tribal People on Tribal Lands in their true and correct capacity as Tribal People and as such are not to be hindered or interfered with by agents of the State. Any such interference will be judged under the Treaty Council Central Commission United Tribal Nations Allodial Tribunal and Tribal punishment administered to the individual or individuals responsible for such interferences. The methods will be all

customary and modern methods of mining or extraction by such equipment as but not limited to hand tools, heavy machinery or any other method deemed suitable by the Tribal People. All agents of any State, other than Tribal People are now required to have Gudang/Yadhaykenu authorisation to mine or excavate for minerals, petroleum or gas within or on Tribal Land, Air & Sea.

## Logging

The Gudang/Yadhaykenu Tribal Governing Council and People will conduct logging and saw milling operations as a means of subsistence for all Tribal People on Tribal Lands in their true and correct capacity as Tribal People and as such are not to be hindered or interfered with by agents of the State. Any such hindrance or interference will be judged under the Treaty Council Central Commission United Tribal Nations Allodial Tribunal and Gudang/Yadhaykenu Lore and Tribal punishment administered to the individual or individuals responsible for such hindrances or interferences.

The methods will be all customary and modern methods of logging or milling by such equipment as but not limited to axe, saw, hand tools, heavy machinery or any other method deemed suitable by the Tribal People. All agents of any State, other than Tribal People are now required to have Gudang/Yadhaykenu authorisation Permit to harvest or log within or on Tribal Lands.

## Farming

The Gudang/Yadhaykenu Tribal Governing Council and People will conduct farming operations as a means of subsistence for all Tribal People on Tribal Lands in their true and correct capacity as Tribal People and as such are not to be hindered or interfered with by agents of the State. Any such hindrance or interference will be judged under The Treaty Council Central Commission United Tribal Nations Allodial Tribunal and Gudang/Yadhaykenu Lore and Tribal punishment administered to the individual or individuals responsible for such hindrances or interferences.

Any construction in the heartland of the Tribal Lands without consent to do so is now as a result of being affixed to Tribal Lands the possession of the Tribal People and be utilised for irrigation purposes of Gudang/Yadhaykenu Tribal Farms as a means of subsistence for all Tribal People within the commercial Joint Venture Partnership with incoming interest. The methods will be all customary and modern methods of farming or harvesting by such equipment as but not limited to hand tools, heavy machinery, aircraft or any other method deemed suitable by the Tribal People.

All agents of the State, other than Tribal People are now required to have Gudang/Yadhaykenu authorisation permits to farm on Tribal Lands. The Tribal People have the lawful right to sell water allocations from any water courses, storage facilities or aquifers within the boundaries of the Tribal lands, to agents of the State as a means of subsistence for all Tribal People. All agents of the State other than Tribal People are now required to have Gudang/Yadhaykenu authorisation permits to pump or harvest water from any water source within or on Tribal Lands or Waters.

## **Aviation**

The Gudang/Yadhaykenu Tribal Governing Council and People will conduct aviation operations as a means of subsistence for all Tribal People on Tribal Lands in their true and correct capacity as Tribal People and as such are not to be hindered or interfered with by agents of the State. Any such interference will be judged under the Treaty Council Central Commission United Tribal Nations Allodial Tribunal and Gudang/Yadhaykenu Lore and Tribal punishment administered to the individual or individuals responsible for such hindrances or interferences.

All agents of any State, other than Tribal People are now required to have a licence or similar instrument issued under authorisation to conduct aviation operations within, on or over Tribal Lands.

The existing airports affixed to Tribal Lands of which Injinoo Airport amongst others being constructed on or in Tribal Lands without consent will be issued an Allodial Land Use Permit by the Gudang/Yadhaykenu Tribal People.

## **Wealth Generation and Controlling Commercial Activities**

All commercial activities taking place on Tribal Lands will only be so allowed by the consent of the Gudang/Yadhaykenu Tribal Governing Council permit issued.

Tribal People as a means of subsistence for all Tribal People require that all commerce and or commercial activities taking place on Tribal Land, Air & Sea pay arranged rent or permit fee (See "Notice End of Free Occupation Period") as recompense for loss of the ability to enjoy, use, develop and control the Tribal Lands Tribal People have owned or otherwise occupied and used, due to the continued occupation, confiscation and damage without our consent of Tribal People.

The Gudang/Yadhaykenu Tribal Governing Council and People had and still have a continuing spiritual relationship with the Tribal Lands, having been bequeathed by previous Gudang/Yadhaykenu Tribal Governing Council the responsibility of future generations to such Tribal Lands.

Tribal People in the exercise of our unalienable Tribal rights and fundamental freedoms, enjoying the full enjoyment to own, use, develop and control Tribal Lands that the Tribal People have and still enjoy, own, occupy, use and otherwise acquire from time immemorial. All agents of the State other than Tribal People are now required to have Gudang/Yadhaykenu authorisation to conduct any commercial activity on Tribal Lands.

## **Environment Protection and Conservation**

The Gudang/Yadhaykenu Tribal Governing Council and People in the exercise of our unalienable Tribal rights and fundamental freedoms and responsibilities of future Gudang/Yadhaykenu generations have been bequeathed the responsibility by previous Gudang/Yadhaykenu Tribal generations from time immemorial for the conservation and protection of the environment and resources within or on Tribal Lands.

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The consent of the Gudang/Yadhaykenu Tribal Governing Council is required for the storage or disposal of hazardous substances within or on Gudang/Yadhaykenu Tribal Lands. Such storage or disposal of hazardous substances by agents of any State will require authorisation.

#### **Other Issues**

Any and all other construction, erections or facilities constructed without consent within or on Tribal Lands will be issued an Allodial Land Use Permit by the Gudang/Yadhaykenu Tribal People.

#### **Conclusion**

Therefore, the Autonomous Gudang/Yadhaykenu Tribal Governing Council declares through its administrative arm the Gudang/Yadhaykenu Government that we are prepared and indeed welcome the opportunity to negotiate and to cooperate under a Treaty between the respective neighbouring Tribal Governing Councils, the Corporation Entity trading as the Commonwealth of Australia and the Queensland Government, United Kingdom and the United Nations as an equal Sovereign State. Furthermore, we will negotiate and enter commercial agreements with other entities national and international including but not limited to corporations and states. We, the Gudang/Yadhaykenu Tribal Governing Council through its administrative arm the Sovereign Gudang/Yadhaykenu Government hold the Social and Spiritual Authority for its people, through our Law, People and our Elders under our Social Kinship System do hereby solemnly declare that we have been authorised to declare our autonomy and thus Reassert and Reaffirm our Sovereign Rights from the 21st September 2018, hence forth.

By order of the Gudang/Yadhaykenu Tribal Governing Council, take notice and govern yourself accordingly.

Autographed before me a Gudang/Yadhaykenu man, KNOW all men that I, Alex Wymarra of Gudang/Yadhaykenu Nation, on Tribal Lands known by the Crown as Northern Peninsula Area North Queensland, Australia, at the request of supporting Gudang/Yadhaykenu people, did witness the signing of this notice in the presence of the following Gudang/Yadhaykenu people.

Yours Sincerely,



**Name: Elder Uncle George Pausa**

**Verified by:**

**Date: 2nd June 2021**



**Name: Alex Wymarra**

**Verified by:**

**Date: 2nd June 2021**

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Name: Allen J Buck

Verified by:

Date: 2nd June 2021

#### Appendix 1 Meanings of certain words

**The State** - Crown, State, Queensland, Australia, Commonwealth, United Nations, Holy See and all other corporations whether in the purported right of the Crown or otherwise,

**Agents of the of any State** - officer, citizen, resident, agent or person of the Crown, State, Queensland, Australia, Commonwealth, United Nations, Holy See or any other corporation whether in the purported right of the Crown or otherwise

**Tribal Lands** - Gudang/Yadhaykenu Tribal Lands, Airs, Waters, Seas Resources and Ancestral Domains as represented by the Gudang/Yadhaykenu Land, Air & Sea

**Tribal People** - Gudang/Yadhaykenu

#### Attachment 1

Map of Gudang/Yadhaykenu Country - Northern Peninsula Area North Queensland



#### Attachment 2

Copy of Letter number 2 from Sir Harry Gibbs

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## Explanatory Statement

I am a former member of the High Court and I wish to take this unusual method of informing you about a matter that is going to deeply affect us all. Unfortunately, a document such as this is too easily "lost" in the bureaucratic jungle in which we operate.

A group of Australian Citizens have taken it upon themselves to test the validity of our current political and judicial system. Like you, I have lived my entire legal career with the assumption that the basis for our legal and political system, state and federal, was written in stone. This group has undertaken to present this paper when they test the legal system. The group is articulate, well-educated and counts some of our best legal minds amongst its members. One of Australia's best-known barristers is one of the group's leading lights. It is far better informed with regard to international law than most members of the judiciary or for that matter, the legal academe. It has better international contacts than I would have thought possible. After spending some time with the group leader, I was able to elicit its primary intentions. It is the introduction of a totally democratic system of government devoid of party politics operated by the will of the people incorporating a system of debit taxation which should go a long way to eliminating the current unemployment problem and also addressing other pressing social issues. An A.B.S. financial model supports the proposal.

The group has so far concentrated on matters relating to taxation, state and federal, minor industrial and motor traffic while undertaking not to present a criminal defence using their current presentation. I challenged the leader of this group to present any evidence he had with regard to the above defence so I could use my legal expertise to play the part of the devil's advocate. It should be brought to your attention that the group has access to documentation that we members of the judiciary have little knowledge. I refer to the British Parliamentary Papers for the Colony of Australia for the years 1860 through to 1922. These are photocopies of all document's correspondence etc, between the states and later the Commonwealth of Australia, the British Crown and the British Government. They are very revealing documents and indicate the degree of chicanery in which the politicians of all shades were involved and as I can now see, at the expense of the legal academe and the judiciary. I present for your perusal the details of the group's presentation along with my comment on each major item. The group relies solely upon historical fact and rejects political rhetoric and legal opinion unless based upon historical fact.

1. "The Commonwealth of Australia Constitution Act 1900 (UK) is an act of the parliament of the United Kingdom. It did not contain any substance of sovereignty and was a colonial act centralising self-government of the six Australian Colonies. Australia remained a colony of the United Kingdom."

1a. although the late Lionel Murphy attempted to show that there was an element of sovereignty in this act he failed. The international definition of sovereignty has been espoused at length and the above act although important in the development of Australia, did not have the authority of sovereignty. The historical evidence that Australia remained a British Colony post 1901 is overwhelming.

## Copy of Letter from Sir Harry Gibb

2. "Australia made an international declaration of its intention to become a sovereign nation when Prime Minister Hughes and his deputy, Sir Joseph Cook signed the Treaty of Versailles on June 28, 1919. On its cognisance of signing this treaty, Australia was granted a "C" class League of Nations mandate over former German territories in the Pacific. In effect, Papua New Guinea became a colony of Australia achieving its own independence on 16 September 1975. The League of Nations became part of International Law on 10 January 1920 with Article X of the Covenant of League of Nations guaranteeing the sovereignty of each member,"

2A. The Significance of Australia joining the League of Nations as a foundation member has never been addressed in Australia before. Strangely, only one book has ever examined the question of Australian independence. Written by W. J. Hudson and M. P. Sharp in 1988 "Australian Independence" printed by Melbourne University Press. As both were members of the Department of Foreign Affairs and Trade at the time of authorship and had access to the, British Parliamentary Papers, I find it most interesting they have avoided any mention of these papers in their book. Their conclusion that Australia became an independent nation via. the Statute of Westminster in 1931 flies in the face of contradictory evidence within the above mentioned papers and readily available historical fact. Prime Minister Hughes address to the Commonwealth Parliament on 10 September 1919, "Australia has now entered into a family of nations on a footing of equality. Australia has been born in a blood sacrifice" that demonstrates the politicians of the day were only too well aware of the change of status from a colony to that of sovereign nation while attempting to remain within the Empire.

Prime Minister Bruce made this reply to the British Government in 1922 after a request for troops against Kernel Ataturk in the Chanak crisis. Bruce's reply is contained in the British Parliamentary Papers, "We have to try to ensure there shall be an Empire foreign policy which if we are to be in anyway responsible for it, must be one to which we agree and have assented. If we are to take any responsibility for the Empire's foreign policy, there must be a better system, so that we may be consulted and have a better opportunity to express the views of the people of this country. We cannot blindly submit to any policy which may involve us in war." This is a far cry from the declaration of war against Germany made on behalf of the British Colony of Australia by George V of the United Kingdom in 1914. I have re-produced Bruce's reply in full as I believe this reply contains clear historical evidence of a Prime Minister who was well aware of the change of status from a colony to a sovereign nation. The later Statute of Westminster 1931 was an acknowledgment of that status.

3. "Paragraph 4 of the Statue of Westminster Act 1931 contravenes Article X of the Covenant of the League of Nations. Paragraph 1 of the Australia Act 1986 contravenes Article 2 paragraphs 1 and 4 of the Charter of the United Nations."

3A Paragraph 4 of the Statute of Westminster reads "No Act of Parliament of the United. Kingdom passed after the commencement of this Act shall extend, or be deemed to extend, to a Dominion as part of the law of that Dominion, unless it is expressly declared in that Act that Dominion, has requested, and consented to the

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enactment thereof." Paragraph 1 of the Australia Act is very similar, "No Act of the Parliament of the United Kingdom passed after the commencement of this Act shall extend, or be deemed to extend, to the Commonwealth, to a State or Territory as part of the law of the Commonwealth, of the State or of the Territory." I passed this one to the Federal Attorney General and asked him what was the source of this quite incredible authority that sought to overturn the authority legislated within the Covenant of the League of Nations in Article X and the Charter of the United Nations in Article 2 paragraphs 1 and 4. He is unable to provide any documentation to support these clauses, Article X of the Covenant of the League of Nations states, "The members of the League undertake to respect and preserve against external aggression the territorial integrity and existing political independence of all Members of the League. In case of any such aggression or in case of any threat or danger of such aggression, the Council shall advise upon the means by which this obligation shall be fulfilled."

It is appropriate that I now introduce a statement by Sir Geoffrey Butler KBE, MA and Fellow, Librarian and Lecturer in International Law and Diplomacy of Corpus Christi College, Cambridge author of "A Handbook to the League of Nations" used as a reference to the League by virtually all nations at that time. He refers to Article 1 of the Covenant of the League of Nations.

"It is arguable that this article is the Covenant's most significant single measure. By it the British Dominions, namely New Zealand, Australia, South Africa, and Canada, have their independent nationhood established for the first time. There may be friction over small matters in giving effect to this internationally acknowledged fact but the Dominions will always look to the League of Nations Covenant as their Declaration of Independence.

Article 2 paragraph 1 of the United Nations Charter states, "The Organisation is based on the principle of the sovereign equality of all its Members."

Article 2 paragraph 4 of the Charter states, 'All members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.'

In view of the above, the historical evidence for Australian Independence by 10 January 1920 when the League of Nations became part of International Law is overwhelming. When this evidence is reinforced with the contents of the Charter of the United Nations, the continued usage of any legislation that owes its very legitimacy to the parliament of an acknowledged foreign power cannot be supported by either legal opinion or indeed historical evidence.

Following discussions with members of the British Government relating to the Letters Patent for the Governor General and State Governors I find that these documents no longer have any authority. Indeed, the Queen of the United Kingdom is excluded from any position of power in Australia by the United Nations Charter and is excluded under UK law from the issue of a Letters Patent to other than a British Subject. A Letters Patent must refer to an action to be taken with regard to British Citizens. The Immigration Act. 1972 UK defines Australian Citizen as aliens.

The Governor General's Letters Patent is a comedy of errors. We are greeted in the name of the Queen of Australia who suddenly becomes the Queen of the United Kingdom in the next paragraph, I therefore have come to the conclusion that the current legal and political system in use in Australia and its States and Territories has no basis in law.

Of the Letters Patent. This Queen the gives instructions to the Governor General with reference to the Commonwealth of Australia Constitution Act 1900 UK. Here we have a clear breach of Article 2 paragraph 1 of the United Nation Charter. Under both UK and international law, the -Queen is a British Citizen.

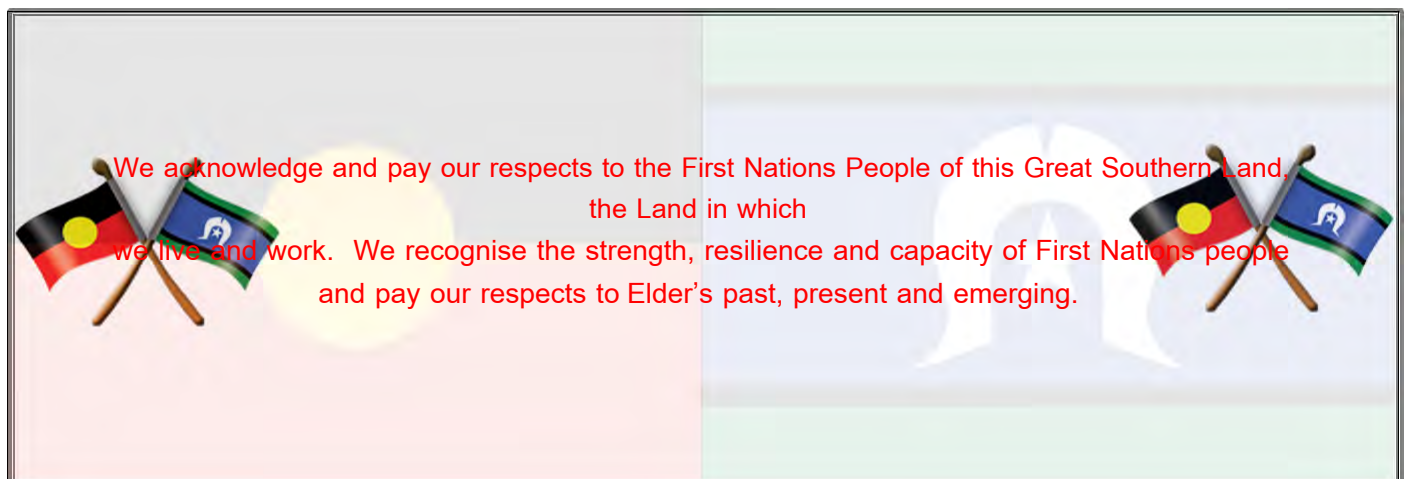
State Governors are in a worse position as their authority comes from the late Queen Victoria of the United Kingdom. Regardless of the validity of the Commonwealth of Australia Constitution Act 1900 UK, if the authority of Governor General and the State Governors is invalid then so is the entire political and legal system of government.

When advised that the War Crimes Commission was taking an interest, I called them in Geneva. Under the 1947 Geneva Convention, they are empowered to look into cases here in Australia where it is alleged the law of a foreign country was enforced against a citizen of a member state of the United Nations. As they perceive that only the judiciary can actually enforce the law, the judiciary becomes their target. The group has already placed cases before them which they are currently investigating. If found guilty, the penalties are horrific and include the death penalty!

I could go on with more relevant information however I think now is the time for a summary. The group leader, a QC, states the obvious when he asked me how could a colony now acknowledged by all world nations to be a sovereign Nation retain exactly the same legal and political system it enjoyed as a colony without any change whatsoever to the basis for law. This point alone requires an answer.

The High Court has already answered with regard to the position held by treaties signed by the Commonwealth Government in the Teoh case of 1994. "Ordinary people have the right to expect government officials to consider Australia's international obligations even if those obligations are not reflected in specific Acts of Parliament, the rights recognised in international treaties are an implied limit on executive processes." Article 36 of the Statute of the International Court of Justice is the correct reference for you to refuse to hear a matter when an international treaty is cited as a defence.

My advice is to adjourn any case "sine die" that challenges the authority of the Letters Patent. Under no circumstances hear a case that challenges the validity of a State or the Federal Constitution. It is the politicians who are using us as pawns without them having to face the music. These matters are of concern to politicians, let them sort out these problems and accept any inherent risks themselves!



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