



F.R.E.E. ASSN. INC.

Fundamental Rights Enterprise Ecology

RECEIVED

16 MAR 2009

LEGAL, CONSTITUTIONAL AND
ADMINISTRATIVE REVIEW
COMMITTEE

5th. March 2009.

Attn., Chair & members.

Legal, Constitutional and Administrative Review Committee.

Re, ISSUES PAPER

FEBRUARY 2009.

Dear Mrs Dianne Reilly and members,

On perusal of issues paper the committee of the Fundamental Rights Enterprise Ecology have some serious questions we feel need to be addressed prior to the drafting of a preamble for the Queensland constitution 2001. The closing date of the 13th. March 2009. Appears to be somewhat rushed to construct a meaningful draft and one wonders if there are other agendas driving this document.

We submit to you our concerns that we feel are of the utmost importance and require answers prior to the drafting of a preamble.

Question 1.

Is the Queensland Constitution of 2001 already in force legally, this constitution has never been ratified by the people in the form of a referendum. Should the constitution deemed to be of legal status then under what authority and what power was it authorised.

Please forward copy of the power of authority for government to enact a state constitution without a referendum of the people.

To add, delete or change a constitution would require a referendum. Refer to section 128 Australian Constitution

Also refer to section 109 of the Australian Constitution that is relevant to any state constitution.

Both copies enclosed.

Question 2.

The 1999 Referendum for a preamble to the Australian Constitution and to uphold the Westminster system of Government in its current form was as follows.

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Contact person: Chairman John Bonaventura

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On the 6th. November 1999 Queensland voted 67.19% against any change to the Australian constitution. What evidence is there to assume this result does not apply to the Queensland constitution. Do all State and Federal governments abide by the results of these referendums or just look for another way to present it again.

This is highlighted in Issue 2.9: (Should the preamble contain any other elements and, if so, what should they be?)

Refer to Issue 3 and 2.9: these are conflicting. Should this occur the courts would be obliged to follow the will of the government and not the will of the people?

Question 3.

Is the Queensland constitution 2001 for the people of Queensland or to advance the operation of the (Brigalow Corporation) E. Mail attached.

Question 4.

There is reference to the Australia Acts 1986.

This Act has never been put to the people by referendum for this act to be ratified and passed into law, so at this stage it is just another meaningless document that has no legal status. To use this document could be seen as an act of treason. Careful consideration should be given to the statement in the issues paper in regard to this act and the legal ramification of it prior to further reference of it.

Section 128 of the Australian Constitution makes this quite clear.

Question 5.

Apology by Prime Minister Kevin Rudd.

With regards to 13 Th. February 2008 No Prime Minister gets a mandate to dictate under our present Federal election system of compulsory preferential voting. We cannot believe any elected representative to the state or federal government has the power to speak on behalf of the people and say sorry or apologise to the Aboriginal and Torres Strait Islanders, outside of section 128 of the Australian Constitution.

This was again highlighted in the referendum of 1999.

In conclusion this association considers that to add a preamble without going to a referendum on the above mentioned issues would appear to be unconstitutional.

Yours Faithfully

John Bonaventura

Chairman..........

The Constitution

* * * * *

Section
repealed
No. 55,
s. 3.

CHAPTER VIII.

ALTERATION OF THE CONSTITUTION.

Chap
Alter
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128. This Constitution shall not be altered except in the following manner:—

Mode
alterin
Consti

The proposed law for the alteration thereof must be passed by an absolute majority of each House of the Parliament, and not less than two nor more than six months after its passage through both Houses the proposed law shall be submitted in each State and Territory to the electors qualified to vote for the election of members of the House of Representatives.

Paragrap
altere
No. 84, 1
s. 2.

But if either House passes any such proposed law by an absolute majority, and the other House rejects or fails to pass it, or passes it with any amendment to which the first-mentioned House will not agree, and if after an interval of three months the first-mentioned House in the same or the next session again passes the proposed law by an absolute majority with or without any amendment which has been made or agreed to by the other House, and such other House rejects or fails to pass it or passes it with any amendment to which the first-mentioned House will not agree, the Governor-General may submit the proposed law as last proposed by the first-mentioned House, and either with or without any amendments subsequently agreed to by both Houses, to the electors in each State and Territory qualified to vote for the election of the House of Representatives.

Paragrap
altere
No. 84, 1
s. 2.

When a proposed law is submitted to the electors the vote shall be taken in such manner as the Parliament prescribes. But until the qualification of electors of members of the House of Representatives becomes uniform throughout the Commonwealth, only one-half the electors voting for and against the proposed law shall be counted in any State in which adult suffrage prevails.

And if in a majority of the States a majority of the electors voting approve the proposed law, and if a majority of all the electors voting also approve the proposed law, it shall be presented to the Governor-General for the Queen's assent.

No alteration diminishing the proportionate representation of any State in either House of the Parliament, or the minimum number of representatives of a State in the House of Representatives, or increasing,

The Constitution

diminishing, or otherwise altering the limits of the State, or in any manner affecting the provisions of the Constitution in relation thereto, shall become law unless the majority of the electors voting in that State approve the proposed law.

iph
ly No. 84.
2.

In this section, "Territory" means any territory referred to in section one hundred and twenty-two of this Constitution in respect of which there is in force a law allowing its representation in the House of Representatives.

SCHEDULE.

OATH.

I, *A.B.*, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law. SO HELP ME GOD!

AFFIRMATION.

I, *A.B.*, do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law.

(NOTE.—*The name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being is to be substituted from time to time.*)

CHAPTER V.
THE STATES.

Saving of
Constitutions.

106. The Constitution of each State of the Commonwealth shall, subject to this Constitution, continue as at the establishment of the Commonwealth, or as at the admission or establishment of the State, as the case may be, until altered in accordance with the Constitution of the State.

Saving of
Power of
State
Parliaments.

107. Every power of the Parliament of a Colony which has become or becomes a State, shall, unless it is by this Constitution exclusively vested in the Parliament of the Commonwealth or withdrawn from the Parliament of the State, continue as at the establishment of the Commonwealth, or as at the admission or establishment of the State, as the case may be.

Saving of
State laws.

108. Every law in force in a Colony which has become or becomes a State, and relating to any matter within the powers of the Parliament of the Commonwealth, shall, subject to this Constitution, continue in force in the State; and, until provision is made in that behalf by the Parliament of the Commonwealth, the Parliament of the State shall have such powers of alteration and of repeal in respect of any such law as the Parliament of the Colony had until the Colony became a State.

Inconsistency
of laws.

109. When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

Provisions
referring to
Governor.

110. The provisions of this Constitution relating to the Governor of a State extend and apply to the Governor for the time being of the State, or other chief executive officer or administrator of the government of the State.

States may
surrender
territory.

111. The Parliament of a State may surrender any part of the State to the Commonwealth; and upon such surrender, and the acceptance thereof by the Commonwealth, such part of the State shall become subject to the exclusive jurisdiction of the Commonwealth.

States may
levy charges
for
inspection
laws.

112. After uniform duties of customs have been imposed, a State may levy on imports or exports, or on goods passing into or out of the State, such charges as may be necessary for executing the inspection laws of the State; but the net produce of all charges so levied shall be for the use of the Commonwealth; and any such inspection laws may be annulled by the Parliament of the Commonwealth.

Intoxicating
liquids.

113. All fermented, distilled, or other intoxicating liquids passing into any State or remaining therein for use, consumption, sale, or

This material may be copied or passed on

If you would like to be included on my mailing list please let me know at
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**New Queensland Government Structure
Is this a criminal act?**

The Queensland government has had no upper house since the 1920s and therefore we are already living under a form of dictatorship.

Unbeknown to us the constitution has recently been changed and if you look at the attachment you will see that the Governor has been demoted to parliamentary secretary whose job it is to stamp all government procedure

This has taken away our third tier of government which was meant to control the excesses of corrupt politicians. So we are now at the stage of no upper house to keep the lower house in check and no Governor to oversee it all,

What should we do? We should at least have a referendum to reinstall the upper house. Can the Governor General override the Qld Government and reinstall the old Constitution?

Open attachment for state of new Qld parliamnet

1. *Queensland Constitution 1867* was reframed with 114 Changes, 131 Additions and 116 Deletions.
2. January 1998, QLD National Party documented a move to place the QLD Governor in the Government as a Parliamentary Secretary under the *QLD Constitution 1867*.
3. This became official January 29 1999, the same day the *QLD Constitution 1867* was reprinted.
4. Thus the Governor was no longer a sworn representative of Her Majesty Queen Elizabeth II, but a Public Servant of the QLD Government.
5. **He was still using the Public Seal of the State on behalf of the Premier and Parliament of QLD and maintained the appearance of the Governor to the Sovereign People of the State.**
6. During the early 1990's all important and relevant Acts were changed and framed, but were adjourned without a definite date of reprinting.
7. On 3 December 2001, the *Queensland Constitution 2001* came into being.
8. On this day, this became the "Fundamental Law of QLD".
9. 7 June 2001, all the framed Acts were reprinted and became law.
10. **QLD then became, at the completion of these matters, without the assent of any of the laws by the Crown or Her Representative, an independent sovereign State and fractured the common law and the separation of powers in that state.**
11. 15 July 2001, *The Corporations (Q) Act 1990 (Q) Reprint No 3* created in QLD a Corporate Government. This is known as the Brigalow Corporation.
12. The State of Queensland Australia is registered with the US Securities and Exchange Commissions under No. 0001244818.
13. The Queensland Treasury Corp is registered under No. 0000852555.
14. All Crown land, assets and infrastructure on that land including schools, hospitals, roads, etc are subject to and responsible to the Ministers of the State of QLD as cited at *Chapter III of the QLD Constitution 2001*.
14. **All Sovereign People are now persons under the Corporation. All persons are chattel (a piece of property that is moveable).**
15. **Their land, bank accounts and all items of ownership are now assets under the Brigalow Corporation.**
16. The Premier is now the Executive Leader of the Parliament of QLD.
17. All government tiers, including Local Council are now inside the Parliament of the State of QLD.
18. The public officials are not public officials of "the Crown" but public officials of "the State" of QLD.
19. The Common Law has been repealed from the *Supreme Court Act 1995 (Q), Reprint No. 2*, reprinted as in force 2 March 2001 © State of Q 2001
20. The Supreme Court, the District Courts and the Magistrate's Courts are now inside the Parliament of the State of QLD, and as such must obey the QLD Constitution 2001.
21. The Australian Constitution, the Common Law & Equity, the High Court and the Federal Government no longer have any superior governance over the State of QLD.
22. The State of QLD and the Sovereign People of QLD have only Civil and Statute Law in this state.
23. As private ownership can not exist under Civil and Statute Law, all private equity and inheritance in the State is now the property of "the State",
24. **Under the civil law system, which is now subject to the Uniform Civil Procedures Rules of the Supreme Court Act 1991(Qld), every person is guilty until they prove their innocence.**
25. There has been no Referendum of the Sovereign People to approve any of these moves. This means they are *Ultra vires*, an act beyond the powers or authority of the government.
26. **Every State in Australia has begun its own "Legal Theft" of the ownership rights of the Australian People.**