

Form 23 – Application for special leave to appeal
(rule 41.01.1)

IN THE HIGH COURT OF AUSTRALIA
(CANBERRA) REGISTRY

No. of 2015

Between: David John Walter

Applicant

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MR PETER FRANKS, CEO
MACKAY REGIONAL COUNCIL
ABN 86 568 229 462 –
State Government Entity.

Respondent

Application for special leave to appeal to the High Court.

1. I the applicant, David John Walter, of Rural Number 187 Walsh River Road, Watsonville, Queensland, am a subject of the Crown and I am a person/individual of male gender inside the Preamble of The Commonwealth of Australia Constitution Act 1901 as Proclaimed and Gazetted and bound to Clauses 1 to 9 and sections 61, 109, 117 and 128 of the Commonwealth of Australia Constitution Act 1901, as is every other person in the Commonwealth of Australia and held to the common law of England and the laws of church and state.
2. I hereby make application for special leave to appeal to the High Court, as found at CHAPTER III – THE JUDICATURE of the Commonwealth of Australia Constitution Act 1901 as Proclaimed and Gazetted, against the whole of the Judgment of JUDGE VASTA of THE FEDERAL CIRCUIT COURT OF AUSTRALIA BRISBANE REGISTRY, given by a signed and sealed Order of JUDGE VASTA on 12th February 2015 supporting the signed and sealed Order of REGISTRAR BELCHER and the signed and sealed Orders of the Supreme Court.
3. As stated by JUDGE VASTA, Commonwealth Government Entity as a private person he could only note the Seals of the courts inside the Australian System of Government. These matters were held to the Bankruptcy Act No.33 of 1966 as Amended, being an unsigned statutory transitional Act of the Parliaments of Australia as held to COAG being ‘foreign governments and political subdivisions’ and being Australian businesses registered in Washington D.C. Refer definition Bankruptcy Act 1966 – Statutory unsigned transitional law – created by statute – contains no living persons.
‘entity’ means a natural person, company, partnership or trust – ‘

10th March 2015
Filed by David John Walter
R/N 187 Walsh River Road, Watsonville, Qld.4887
Tele/Fax: 07 4096 3009 Email: samara.butterfly@bigpond.com

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4. The members of the judiciary hold signed commercial contracts with the Parliaments of Australia but hold no royal commission of the Crown. They are held to the statutory laws of their employers, the Parliaments of Australia as Commonwealth or State government entities *inter alia* AUSTRALIA'S CONSTITUTION First edition May 1995 and **The Constitution** as in force 1st June 2003 *inter alia* Corporations Act 2001 and Corporations Agreement 2002 as Amended.
- 10 5. Further I myself, when placed before the courts was created as a statutory entity DAVID JOHN WALTER, not being a person/individual of male gender but an entity or 'thing' under the statutory laws of the Parliament of Australia.
- 20 6. As a result of the sequestration order making the date of the act of bankruptcy **14 APRIL 2014** being made against the estate of DAVID JOHN WALTER, signed and sealed on the 6th NOVEMBER 2014 under the hand of REGISTRAR BELCHER IN THE FEDERAL CIRCUIT COURT OF AUSTRALIA AT BRISBANE I have been served with bankruptcy papers by the Australian Financial Security Association to advise them of everything that I own and where I stand financially but these documents are to be filled out with the value of my assets to be in Australian currency. The documents I must fill out gives a very limited time to do them. If I fail to do so, it is clearly shown on the front of the documents that a warrant will be issued for my arrest and I can be imprisoned for failing to comply with the Order of the court in relation to bankruptcy.

30 That time is drawing very quickly to an end and I have been advised by a person in the FEDERAL CIRCUIT COURT IN BRISBANE that if I do not send in the completed forms I will have a warrant issued against me and be imprisoned for failure to comply with the Order. As clearly stated by JUDGE VASTA on the morning that I gave my evidence in relation to this bankruptcy and why it could not lawfully continue he stated he could only recognize the seals of the courts of Australia and was bound to those statutory laws only.

Grounds

- 40 1. I, David John Walter, the Applicant of Rural Number 187 Walsh River Road, Watsonville Queensland, am a British subject and an Australian citizen as held to Act No. 83 of 1948, An Act Relating to British nationality and Australian citizenship, assented to and signed by the Governor-General on 21st December 1948 and sealed to the Great Seal of the Commonwealth and further I am a subject of the Crown at section 117 of the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted.
- 50 2. I am found inside the Preamble and Clauses 1 to 9 of the Commonwealth of Australia Constitution Act 1901, as is Her Majesty the Queen who is as held to the Royal Style and Titles Act 1953, No. 32 of 1953 and the Statute of Westminster 1931, sealed with the Great Seal of the Commonwealth which is a statutory instrument of the Commonwealth of Australia, held to section 61, 109, 117 and 128 of the Commonwealth of Australia Constitution Act 1901.

3. The Justices of the High Court as held to CHAPTER III – THE JUDICATURE of the Commonwealth of Australia Constitution Act 1901, are tasked with upholding the Constitution Act as ‘guardians of the Constitution’ as set out in the Annotated Constitution of the Australian Commonwealth by Quick & Garran.
4. The Commonwealth of Australia Constitution Act 1901, which was Proclaimed and Gazetted on Tuesday 1st January 1901 created the ‘one indissoluble Federal Commonwealth’ – the Commonwealth of Australia.
- 10 5. The Queen in the Parliament, as held to the Royal Style and Titles Act 1953 *inter alia* the Statute of Westminster 1931 *inter alia* Magna Carta 1298. being the constitutional Sovereign and sits in every Parliament of the Commonwealth of Australia as held to section 61 of the Commonwealth of Australia Constitution Act 1901, being the holder of the executive power of the Commonwealth.
- 20 6. The Queen is the Supreme Governor of the Church of England as held to the *Church of England Assembly (Powers) Act* 1919 and held to the Holy See in one Catholic and Apostolic Church held to the laws of God - the Ten Commandments and held to the common law of England to the laws of church and state *inter alia* Judiciary Act 1903, Act No. 6 of 1903, sealed with the Seal of the King’s Most Excellent Majesty. In that Act it shows - Application of laws as found at section 79 – ‘State laws are to govern where applicable’ and at section 80 – ‘Common law to govern’, being the common law of England the laws of church and state.
- 30 7. I have never had any referendum placed before me by members of political parties, to give my consent and authority to the executive officers of those political parties to allow them to create their own Australian system of government and to allow them to create their own political and legal system under statutory laws which allow them to remove from the private people our rights to our real and personal property, our civil and political rights and liberties and our access to Courts of the Crown held to the common law of England and the laws of church and state.
- 40 8. Further, our civil and political rights and liberties are held to the Universal Declaration of Human Rights *inter alia* The Charter of the United Nations as set out in the Australian Treaty Series 1945 No. 1 *inter alia* the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted. At Chapter III – THE JUDICATURE , section 75 shows. ‘In all matters – (i) Arising under any treaty;.....’ and further to the Bangalore Principles of Judicial Conduct 2001 *inter alia* Sue v Hill [1999] HCA 30 *inter alia* Legal Services Commissioner v Walter [2011] QSC 132.
- 50 9. I have been bankrupted as a ‘non party’ to a proceeding as an entity DAVID JOHN WALTER by MR PETER FRANKS, CEO OF THE MACKAY REGIONAL COUNCIL, Australian Business Number 86 568 229 462, a State Government entity and a person and an individual of gender as held to the Bankruptcy Act 1966, by the definition of ‘entity’ in the Act. The

sequestration order was for the payment in Australian currency for the sum of A\$23,036.31 not being the legal tender of the Commonwealth of Australia but of a 'foreign government and political subdivisions' as registered Australian businesses in Washington DC in the SUPREME COURT OF QUEENSLAND (ABN 13 846 673 994 - Dept. Justice and Attorney-General) before MCMEEKIN J. being held to an unsigned unsealed Judgment.

10. I have no shares or equity and am not a shareholder in the Corporations Act 2001, containing no living persons inside the Constitutions of the corporation of the Parliaments of Australia in the Australian System of Government sealed to the Great Seal of Australia where their Sovereign is inherited and the Governor General is appointed by the Prime Minister. This corporate structure is not held to the common law that is the laws containing and protecting people/individuals of gender and their rights. The Australian judiciary and their courts are entities of the Parliaments of Australia being registered businesses in Washington D.C. their authority at civil law remains domiciled at the point of the registration of the Australian Business of a "foreign Government and political subdivisions."

20 Refer: Exhibit DJW - 7
Lade and Company Pty Ltd v Finlay and Anor;
Lade v Franks & Anor [2010] QSC 382

Before: MCMEEKIN J – ORDER - 13 October 2010

30 The *Supreme Court of Queensland Act 1991* is for The Supreme Court of Queensland which is inside the State Government Entity named DEPT OF JUSTICE & ATTORNEY GENERAL holding an ABN 13 846 673 994 with Trading Names including DEPT OF JUSTICE & ATTORNEY-GENERAL and with Business Names of MINA COLLECTIONS and The Great Bigfoot. (Refer: <http://abr.business.gov.au>)

Any member of the judiciary in an Australian Court who is held to the *Supreme Court of Queensland Act 1991* does not hold a sworn Royal Commission and seals of the Crown to the *Habeas Corpus Act 1862*.

40 There are no laws of God to the Church of England when a person swears their oath in court. The laws of the Anglican Church are the statutory laws of GOD to the ANGLICAN CATHOLIC CHURCH PARISH OF BRISBANE for 'Australian Citizens' only and holding an ABN 62 775 714 235 – Entity name MISSION TO SEAFARERS AUSTRALIA GERALDTON WESTERN AUSTRALIA.

Refer Exhibit DJW - 1:
FEDERAL CIRCUIT COURT OF AUSTRALIA
AT BRISBANE - ABN 99 470 863 260 –
Commonwealth Government Entity.

50 DAVID JOHN WALTER – APPLICANT
MR PETER FRANKS, CEO, MACKAY
REGIONAL COUNCIL (ABN 86 568 229 462)

RESPONDENT - "State Government Entity"
JUDGMENT UNSIGNED Pages 1-5.
REASONS FOR JUDGMENT(Unsigned)

Refer Exhibit DJW – 2

IN THE FEDERAL CIRCUIT COURT OF AUSTRALIA
AT BRISBANE - ABN 99 470 863 260 –
Commonwealth Government Entity.
FILE NO: (p) BRG880/2014
DAVID JOHN WALTER
APPLICANT

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MR PETER FRANKS, CEO, MACKAY REGIONAL
COUNCIL (ABN 86 568 229 462)
RESPONDENT
Copy of ORDER, signed by a person - JUDGE VASTA
ABN 99 470 863 260 – Commonwealth Government Entity

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Refer: Exhibit DJW -3

FEDERAL CIRCUIT COURT OF AUSTRALIA
File Number BRG 880 of 2014
DAVID JOHN WALTER – Applicant
MR PETER FRANKS, CEO, MACKAY
REGIONAL COUNCIL (ABN 86 568 229 462)
Respondent – State Government Entity

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Respondent's Outline of Submissions
T.A.HOUGHTON – Counsel for the Respondent
submission unsigned
KING & COMPANY SOLICITORS
ABN 16 962 646 773
Entity Type:- Other Partnership

Refer: Exhibit DJW – 4

IN THE FEDERAL CIRCUIT COURT OF AUSTRALIA
Brisbane Registry - ABN 99 470 863 260 –
Commonwealth Government Entity.
**Form 5 – Notice stating grounds of opposition to sequestration
order BRG 880 of 2014**
Filed by David J. Walter and dated 7th February 2015

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Refer: Exhibit DJW – 5

IN THE FEDERAL CIRCUIT COURT OF AUSTRALIA
Brisbane Registry
AFFIDAVIT of David John Walter dated 7th February 2015

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11. I, David John Walter have never been presented with or voted in any referendum held to the Commonwealth of Australia Constitution Act 1901, as

held to the Preamble, Clauses 1 to 9, section 61, 109, 117 and 128 to make any alteration to the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted or to remove that Constitution Act to allow the members of the political parties in the Parliaments of Australia and the United Kingdom, namely the executives of those political parties to create their own Parliaments.

- 10 12. I have never given my consent at referendum to allow any person/individual of gender inside the Parliaments of Australia as held to the Corporations Act 2001 and the Corporation Agreement 2002 as Amended to create *AUSTRALIA'S CONSTITUTION* First edition May 1995 and **The Constitution** as in force 1st June 2003 which is the Constitution of the Commonwealth commencing at CHAPTER I – THE PARLIAMENT and I am not a member of a political party either within the Commonwealth of Australia, the United Kingdom or anywhere world wide.
- 20 13. Further, I have no signed and sealed commercial contract with the Prime Minister of the Parliament of Australia Mr Tony Abbott MP or any other former Prime Minister of Australia commencing on 20th December 1972.
- 30 14. I am not a shareholder and hold no share certificates as held to the Corporations Act 2001 and I have no equity invested in the Corporation Act 2001 and further I am not inside the Constitutions of the Parliaments of Australia therefore I cannot vote, for an entity/thing created to statutory law as held to Sue v Hill [1999] HCA 30 for any member of a political party to form a government and create unsigned statutory laws created for Australian Citizens only or to give the total authority at civil law to any private person being a member of a political party to be the Prime Minister of Australia with the Governor-General of Australia and the Queen of Australia inside the Parliament at the direction of the Prime Minister.
- 40 15. I, David John Walter have never been presented with by the members of political parties holding the sworn positions as Members of the Legislative Assembly or voted in any referendum as held to the Constitution Act 1867(Qld) [31 Vic. No.38] to remove the entrenched provisions of the *Constitution Act 1867*, section 53 - 'Certain measures to be supported by referendum', as described in Reprint No 2, reprinted on 27th January 1998, section 53(1), section 1, 2, 2A, 11A, 11B, 14; and section 53.
- 50 16. I have never been presented with or voted in a referendum to allow the creation of the Parliament of Queensland Act 2001 or the Constitution of Queensland 2001 to replace the Constitution Act 1867(Qld) [31 Vic. No.38] - the Constitution of the people of the State of Queensland or to allow members of political parties inside the Legislative Assembly of Queensland to create unsigned statutory laws to be used over the private people of the State of Queensland or to give authority to any private person, being a member of a political party to be the Premier of “the *State*” of Queensland with the Governor of Queensland and the Queen of Australia inside the Legislative Assembly at the direction of the Premier.

17. I have no signed and sealed commercial contract with the Premier of “the *State*” of Queensland or any entity inside the Parliament of Queensland and I cannot subsequently vote for an entity/thing created to statutory law of “the *State*”
18. I have never been presented with or voted in a referendum presented to me by members of political parties to give my consent to allow my real and personal property to become an asset for the Parliaments of Australia or to have the legal tender of the Commonwealth of Australia altered to Australian currency holding no guarantee and no head of power.
19. We have never been presented with a referendum by members of political parties in the Parliament of the United Kingdom as held to the Political Parties, Elections and Referendums Act 2000 being members of political parties or MP’s inside the European Communities Act 1972(UK) *inter alia* Offences at Sea Act 1799(UK) *inter alia* Constitutional Reform Act 2005(UK) to alter their system of government or to create a Parliament of the United Kingdom. All employees are entities inside the Parliament of the United Kingdom but are still private persons and held to the Parliament of the United Kingdom of Great Britain and Northern Ireland.
20. The members of the Parliaments of Australia, being persons and individuals of gender are elected from inside the Preamble of the Constitution Act and elected by the people when people over the age of twenty one voted for one vote one value for the person who with the most votes wins.
21. In 1972, the elected members of Parliament of the Commonwealth of Australia, were representatives of the private people of the Commonwealth, with the Queen in the Parliament and had sworn their Oath of Allegiance to the Crown to govern on our behalf as held to section 51 of the Commonwealth of Australia Constitution Act 1901. The Speaker of the Parliament was elected by the Members of the Parliament and sat under the Seal to the Habeas Corpus Act 1862 and held to section 80 of the Judiciary Act 1903, No. 6 of 1903 to the common law of England and the laws of church and state.
22. Those members of the Parliament, inside the Parliament House of the Commonwealth of Australia in Canberra on 19th October 1973 approached Her Majesty as members of political parties only, in Australia who were evidently also representing the political parties across the Commonwealth of Nations for a royal style and titles for Australia and its Territories. Her Majesty refused by Royal Command to grant them any ‘Queen of Australia’ for the Government of Australia and its Territories to replace the authority of Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

Refer Royal Style and Titles Act 1973, No. 114 of 1973. The signature of the Sovereign is above the corporate Seal as held to the Australian Citizenship Act 1973, No. 99 of 1973, the Corporations Act 2001, section 9 act includes

‘thing’ the Corporations Agreement 2002 as Amended and Sons of Gwalia Ltd v Margaretic [2007] HCA 1 (31 January 2007) (2007) 232 ALR 232; (2007) 81 ALJR 525.

23. Every person is an individual and of gender and any decision which they make as an adult lies totally upon their shoulders and their own person.
24. Without any notification to ‘we the people’ who voted them into power in 1972 to be our representatives in the Parliament of the Commonwealth of Australia as held to CHAPTER I – THE PARLIAMENT and to section 51 and the Members of the Senate had advised no one of their approach to Her Majesty and the refusal of their request under the signed and dated instruction of Her Majesty not to grant them their requested royal style and title for Australia and its Territories, not being “of the Commonwealth”.
25. Despite Her Majesty signing and dating above the corporate Seal of the Parliaments of Australia on 19th October 1973 thus making that Seal and that Act holding none of the authority of the Crown, the members of political parties commenced the creation of the Parliaments of Australia.
26. The Statute Law Revision Act No. 216 of 1973 is amended by the Statute Law Revision Act 1974 which also came into operation on 31 December 1973 and it is an unsigned unsealed Act. It shows “Omit “of the Commonwealth” (wherever occurring) which is the people ‘of the Commonwealth’ of Australia including the Queen as found inside the Preamble, *inter alia* Crimes Act 1973, No. 33 of 1973, relation to the Deportation of Persons from Australia’ - Australia, being “of the Commonwealth” – we the people.
27. Held to the Corporate Bodies Contract Act 1960 (UK) members of political parties inside the Parliaments of the House of Commons in the United Kingdom of Great Britain and Northern Ireland with the Queen in the Parliament had no right in fact for the creation of statutory Acts for their Parliament of the United Kingdom - their ‘Corporation’ inside the European Union held to the European Communities Act 1972(UK) and bound to the civil laws of the members of political parties of the European Union representing no living persons. The shareholder’s currency the Euro has no head of power so it has, as with the Australian Dollar, no lawful value.
28. The Parliaments of Australia under the Australian System of Government *inter alia* the Corporations Act 2001 where at section 9 ‘Act includes ‘thing’ are a ‘foreign government and political subdivisions’ registered in Washington D.C. held to the civil law of the United States of America. The ANGLICAN CATHOLIC CHURCH which has taken the place of our Church of England is a registered business in the United States of America and holds an Australian Business Number ABN 90 434 433 679 – ABN 62 775 714 235 *inter alia* Financial Agreement Act 1994 Act No. 106 of 1994 as amended *inter alia* A New Tax System (Australian Business Number) Act 1999 No. 84, 1999 – Goods and Services Tax.

29. The offence of “Treason against the Sovereign’s person and authority’ in Chapter 6 of the Queensland Criminal Code Act 1899 was omitted in 1997 by “the *State*” of Queensland.
30. The Criminal Code Act 1995, an Act of the Parliament of Australia cites treason, amongst other defining provisions as being –“Causes the death of or harm to the Sovereign, the Sovereign’s consort, the Governor-General or the Prime Minister”.
- 10 31. With the removal of treason from the Criminal Code Act 1899, the intention of the political parties was very clear. It was to take the Commonwealth of Australia for members of political parties only and for Australian Citizens inside their Australian system of government.
32. The High Court of Australia is the superior Court of the Commonwealth of Australia as held to South Australia v Commonwealth ("First Uniform Tax case") [1942] HCA 14; (1942) 65 CLR 373 (23 July 1942)
- 20 Latham, C.J. [Extract]
 ‘Common expressions, such as: "The courts have declared a statute invalid," sometimes lead to misunderstanding. A pretended law made in excess of power is not and never has been a law at all. Anybody in the country is entitled to disregard it. Naturally he will feel safer if he has a decision of a court in his favour—but such a decision is not an element which produces invalidity in any law. The law is not valid until a court pronounces against it—and thereafter invalid. If it is beyond power it is invalid *ab initio*.’
- 30 33. I refer to the list of Exhibits and the List of Outstanding Court Cases to also be taken into consideration in the granting of the signed and sealed Judgment and Order of the High Court for the validation and lawful authority of the unsigned statutory laws of the Parliaments of Australia as held to the Statute Law Revision Act 1973 which is amended by the Statute Law Revision Act 1974 which also came into operation on 31st December 1973 inside the Australian System of Government *inter alia* the United Kingdom System of Government for the United Kingdom of England, Scotland and Wales only.
- 40 34. The unsigned transitional statutory laws holding no Royal assent are for the statutory entities of the Parliaments of Australia and the Parliament of the United Kingdom being private people themselves and individuals of gender and holding the standing of an individual only with no lawful authority over any persons worldwide. They do not have a Royal Commission or the authority of the Crown or the people they are allegedly representing.
35. These entities include the members of Parliament in the Parliaments of Australia, the House of Commons and the House of Lords of the United Kingdom the Governors and Governor-General, the Administrators of the Territories, the courts, the judiciary, the police service, the public servants, agents and authorities, the local governments, the employees inside the courts – eg. the registrars and clerks of court etc. These unsigned statutory Acts are

void *ab initio* and cannot lawfully be used against the private people in the Commonwealth of Australia as held to the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted and the United Kingdom of Great Britain and Northern Ireland as we are not inside their statutory Parliaments.

- 10 36. We hold no binding agreement or commercial contracts with the entities inside the Parliaments of Australia or the United Kingdom and we at no time gave our consent or authority at referendum held to the Commonwealth of Australia Constitution Act 1901, or for Queensland to the Constitution Act 1867(Qld) [31 Vic. No.38] for the alteration to our legal and political systems, our churches, our God, and our standing and authority as private sovereign people, subjects of the Crown, in the Commonwealth of Australia.
- 20 37. The Queen as held to the Royal Style and Titles Act 1953, No. 32 of 1953 is not inside their Parliaments but is still the owner of the allodial title to all the lands of the Commonwealth of Australia and the Commonwealth of Nations. As such, the common law of England and the laws of church and state are still valid laws and they uphold the rights of the private people and protect their lawful rights to the ownership of their real and personal property which is clearly one of the reasons why they are not upheld by the statutory laws of the Parliaments of Australia and the Parliament of the United Kingdom.
- 30 38. For the statutory unsigned laws of the members of political parties inside the Parliament of the United Kingdom and the Parliaments of Australia to be used over us inside their statutory courts by the employees of those Parliaments, the members of the judiciary being gender neutral statutory entities in the corporate structures of those Parliaments but upholding those laws as living persons over us in their Australian courts is, I believe, an offence of treason against the Sovereign and Her authority.
39. I made application to the Judicial Committee of the Privy Council in London and to Her Majesty in Council but my applications were refused by entities of the Privy Council to their statutory laws and as held to *Kirmani v Captain Cook Cruises Pty Ltd* (No 2) [1985] HCA 27 (1985) 159 CLR 461 (17 April 1985).
- 40 40. We the private people of the Commonwealth of Australia as held to the Commonwealth of Australia Constitution Act 1901, to the Preamble, Clauses 1 to 9, sections 61, 109, 117 and 128 now have no legal defence against the statutory laws of the Parliaments of Australia and the Parliament of the United Kingdom. Held by commercial contracts and binding agreements to the Prime Minister and the Premiers of the six States and the Chief Ministers of the two Territories, members of political parties inside those Parliaments and being their employers, the members of the judiciary inside the courts must take judicial note of the Seals of the Parliament and uphold their statutory laws against us to the financial and personal detriment of the private people and the lawful ownership of our real and personal property.

41. The commercial contracts we, in good faith and trust, signed with the owner of the real property, the Crown when we purchased our land believing those Deeds of Grant for Land would be upheld by our 'open and honest governments' are now worthless pieces of paper and the validity of signed and sealed commercial contracts world wide, especially when dealing with the Parliaments of Australia and the Parliaments of the United Kingdom must now be held in serious doubt.

42. Refer:- Subject but not limited to:-

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Judicial Committee Act 1833 CHAPTER 41
European Communities Act 1972 c. 68 1972 CHAPTER 68
Roman Catholic Relief Act 1829 1829 CHAPTER 7 10 Geo 4
An Act for the Relief of His Majesty's Roman Catholic
Subjects

[13th April 1829]

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Representation of the People Act 1985(UK)1985 CHAPTER 50
Parliamentary Constituencies Act 1986(UK) 1986 CHAPTER Civil
Jurisdiction and Judgments Act 1991 - 1991 CHAPTER 12
Parliamentary Corporate Bodies Act 1992(UK)
Statute Law (Repeals) Act 1998 1998 CHAPTER 431992
CHAPTER 27
Offences at Sea Act 1799 1799 CHAPTER 37 39 Geo 3
Political Parties, Elections and Referendums Act 2000 - 2000
CHAPTER 41
Constitutional Reform Act 2005 CHAPTER 4
Companies Act 2006 CHAPTER 46

Orders sought:

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1. An Order from the High Court validating the standing and authority of the members of political parties inside the Parliaments of Australia acting as Members of Parliament (M.P's) to make and impose their statutory laws over the private people and the lawful signed and sealed source of that standing and authority. Do those statutory unsigned transitional acts have any lawful authority or standing over any private person of the Commonwealth including the Crown and any other person worldwide.

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2. This order is also to include the validity of the statutory laws created by the members of the Parliament of the United Kingdom being members of political parties only in that Parliament to be in force over the private people of the United Kingdom of Great Britain and Northern Ireland. For the authority of the Prime Minister of that Parliament, so nominated to be in that position and the authority of the private persons and subjects of the Crown holding signed and sealed commercial contracts between each other as private persons and members of political parties for the introduction of the Australia Act 1986(UK).

3. Those commercial contracts are also upheld by the members of the political parties of the Parliaments of Australia, The Prime Minister and other Ministers, the Parliaments and the Premiers of the six 'new sovereign

states' as held to AUSTRALIA'S CONSTITUTION and **The Constitution**, the Constitutions of the Parliaments of Australia, not being 'of the Commonwealth' the Chief Ministers of the Northern Territory and the Australian Capital Territory and the CEO of the Local Government Association of Australia. These commercial contracts are also held between the Parliaments of Australia and the clergy in what was the Church of England and the Roman Catholic Church, now the Anglican Catholic Church of Australia, holding a statutory GOD and Australian Business Numbers and registered in Washington D.C.

- 10 4. An order as to the validity of the Corporations (Sons of Gwalia) Amendment Act 2010, No. 150 of 2010 which reversed the effects of the decision of the High Court - Sons of Gwalia Ltd v Margaretic [2007] HCA 1 (31 January 2007) (2007) 232 ALR 232; (2007) 81 ALJR 525 and the authority held by the private people of the Parliaments of Australia to make such a reversal of the law of the Commonwealth of Australia given by the members of the High Court.

20 These commercial contracts signed between private people holding them inside the Parliaments of Australia and the Parliament of the United Kingdom to their statutory laws are binding on those persons only. They are not binding agreements or commercial contracts to which we, as the private people of the Commonwealth of Australia and the United Kingdom of Great Britain and Northern Ireland are lawfully held and this includes the Queen as a private person, Mrs Elizabeth Mountbatten of the House of Windsor.

30 We have not been presented with or voted in referendums held to the Commonwealth of Australia Constitution Act 1901 as Proclaimed and Gazetted or the Constitution Act 1867(Qld) [31 Vic. No.38] to gain our consent and authority for the creation of these Parliaments of Australia and the United Kingdom and have not entered into or signed any commercial contracts or binding agreements with any members of political parties to become part of their Parliaments or to be held to their unsigned statutory laws. We have never given our verbal, implied or tacit consent to those unsigned statutory laws which hold, for us the authority of a piece of paper with writing on it only as. Having no contracts or agreements with the Parliaments of Australia, not being shareholders or having equity in their businesses registered in Washington D.C. we are not held to their corporate Seal of the Parliaments of Australia or the Parliament of Queensland to which the judiciary in the Australian courts must take judicial note.

40 Having no lawful commercial contract or binding agreement with the Parliaments of Australia or the Parliaments of the United Kingdom their statutory laws hold no validity or authority over us. We are held to the common law of England and the laws of church and state which protect our rights to the ownership of our real and personal property and our civil and political rights and liberties and our right to worship the God of our choice as private persons in the Commonwealth of Australia as held to the Commonwealth of Australia Constitution Act 1901, and the Constitutions of the six States.

The actions of these members of political parties I believe are held to the offence of treason against the Sovereign and Her authority and against each and every one of Her subjects as held to the Commonwealth of Australia Constitution Act 1901, inter alia the Constitutions of the six States, in particular the Constitution Act 1867(Qld) [31 Vic. No.38] and also against Her Majesty's subjects in the United Kingdom of Great Britain and Northern Ireland.

Hansard 1-3-1898 Constitution Convention Debates

QUOTE Sir JOHN DOWNER.-

10 I think we might, on the attempt to found this great Commonwealth, just advance one step, not beyond the substance of the legislation, but beyond the form of the legislation, of the different colonies, and say that there shall be embedded in the Constitution the righteous principle that the Ministers of the Crown and their officials shall be liable for any arbitrary act or wrong they may do, in the same way as any private person would be.

END QUOTE

Hansard 17-3-1898 Constitution Convention Debates

20 QUOTE Mr. BARTON.-

.....

Having provided in that way for a free Constitution, we have provided for an Executive which is charged with the duty of maintaining the provisions of that Constitution; and, therefore, it can only act as the agents of the people. We have provided for a Judiciary, which will determine questions arising under this Constitution, and with all other questions which should be dealt with by a Federal Judiciary and it will also be a High Court of Appeal for all courts in the states that choose to resort to it. In doing these things, have we not provided, first, that our Constitution shall be free: next, that its government shall be by the will of the people, which is the just result of their freedom: 30 thirdly, that the Constitution shall not, nor shall any of its provisions, be twisted or perverted, inasmuch as a court appointed by their own Executive, but acting independently, is to decide what is a perversion of its provisions? We can have every faith in the constitution of that tribunal. It is appointed as the arbiter of the Constitution. It is appointed not to be above the Constitution, for no citizen is above it, but under it; but it is appointed for the purpose of saying that those who are the instruments of the Constitution-the Government and the Parliament of the day-shall not become the masters of those whom, as to the Constitution, they are bound to serve. What I mean is this: That if you, 40 after making a Constitution of this kind, enable any Government or any Parliament to twist or infringe its provisions, then by slow degrees you may have that Constitution-if not altered in terms-so whittled away in operation that the guarantees of freedom which it gives your people will not be maintained; and so, in the highest sense, the court you are creating here, which is to be the final interpreter of that Constitution, will be such a tribunal as will preserve the popular liberty in all these regards, and will prevent, under any pretext of constitutional action, the Commonwealth from dominating the states, or the states from usurping the sphere of the Commonwealth. Having provided for all these things, I think this Convention has done well.

On the signing and sealing of the Orders of the High Court, I respectfully request that the Chief Justice of the High Court place those signed Orders on the Default Notices as found at DJW – 10 and DJW – 11 which were signed by myself personally and served on Her Majesty , in the Privy Council to advise the Crown, Mrs Elizabeth Mountbatten of the House of Windsor , to activate them immediately those demands as cited, to restore the security of the Commonwealth of Australia as held to the Commonwealth of Australia Constitution Act 1901, and the Constitution Act 1867(Qld) [31Vic. No.38].

10 As the constitutional Sovereign Her Majesty could not adhere to my demands as set out in those two Default Notices as Her Majesty cannot act until a supporting signed sealed, Judgment from the superior court, the High Court of the Commonwealth of Australia *inter alia* South Australia v Commonwealth ("First Uniform Tax case") [1942] HCA 14; (1942) 65 CLR 373 (23 July 1942), to give credibility, as held to the common law of England and the laws of church and state, that those Default Notices have standing and the matter as requested needs to be rectified by the Crown under Her Majesty's signed and sealed authority immediately.

20 I request the Chief Justice advise me at his earliest convenience that he has forwarded the Default Notices, along with his signed sealed Judgment as held to the South Australia v Commonwealth ("First Uniform Tax case") [1942] HCA 14; (1942) 65 CLR 373 (23 July 1942) Sons of Gwalia Ltd v Margaretic [2007] HCA 1 (31 January 2007) (2007) 232 ALR 232; (2007) 81 ALJR 525 to Her Majesty in Council in the Privy Council to advise Her Majesty, the constitutional Sovereign as a private person to reinstate the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted and the Constitution Act 1867(Qld) [31Vic. No.38] and other matters as held to my request.

30 I further request that Your Honour, the Chief Justice of the High Court of Australia sign and seal the two attached Caveats, found at Exhibit DJW 19 and DJW – 20 and have the Marshall of the High Court serve them immediately upon Mr Tony Abbott to prevent any further removal of the assets of the Commonwealth of Australia and the real and personal property of the private people of the Commonwealth of Australia by the use of their statutory unsigned laws upheld by their employees, the judges and magistrates of the Australian courts including the judges, registrars and deputy registrars of the FEDERAL CIRCUIT COURT OF AUSTRALIA and the Federal Court of Australia. I request to receive copies of the signed and sealed Caveats, and also forward copies to Her Majesty in the Privy Council.

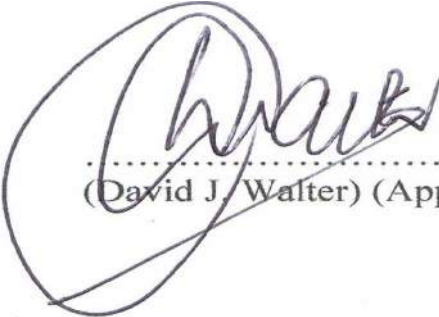
40 I refer to the documents that I have used as found on Exhibit DJW – 22. If Your Honours would require any of those documents, I can forward them to the Court by email upon your request as all those documents form a part, dating back to 2004, of this application for relief and the reinstatement of the laws and rights and liberties of the private people of the Commonwealth of Australia and Her Majesty as a private person and all commercial contracts, signed and held to the common law of England and the laws of church and state. At the present time, having no Courts of justice as held to the Magna Carta 1297 to enforce the common law of England we have no access to Courts of the Crown to protect our rights to our real and personal property and our civil and political rights and liberties from any 'foreign governments' and political subdivisions' not being 'of the Commonwealth throughout the Queen's dominions and world wide who do not

recognise private people only their real and personal property, in the Commonwealth of Australia or the United Kingdom Great Britain and Northern Ireland.

Further with regard to the List of Court Cases as shown in Exhibit DJW – 16, I respectfully request that an advice or Order be given as to which Court of the Crown held to the common law of England and the laws of church and state these matters may be placed so the persons who have been most adversely affected, both financially and emotionally, may receive justice and compensation.

Dated: 10th March 2015

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.....
(David J. Walter) (Applicant)

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IN THE HIGH COURT OF AUSTRALIA
(CANBERRA) REGISTRY

No. of 2015

Between: David John Walter Applicant

10

MR PETER FRANKS, CEO Respondent
MACKAY REGIONAL COUNCIL
ABN 86 568 229 462 –
State Government Entity.

Applicant's summary of argument

Part I:

- 20 1. I, David John Walter, of Lot 187 Walsh River Road, Watsonville, Queensland,
make an application for special leave to appeal before a Justice of the High
Court as held to CHAPTER III – THE JUDICATURE of the Commonwealth
of Australia Constitution Act 1901, as Proclaimed and Gazetted. I and the
Queen, Mrs. Elizabeth Mountbatten of the House of Windsor – the QUEEN
ELIZABETHÆ REGINÆ SECUNDÆ as people/ individuals of gender are
bound to the Preamble and Clauses 1 to 9 of the Commonwealth of Australia
Constitution Act 1901, as is every other individual person of gender in the
Commonwealth of Australia. The Commonwealth of Australia Constitution
Act 1901 is an Act the authority of which is over and above any unsigned
30 postponed or transitional laws of any Constitution, company or person,
operating within the Commonwealth of Australia on the lands of the Crown.
We are all bound to the laws of those lands, the common law of England and
the laws of church and state, to the Church of England and the Holy See and
held to the Crimes Act 1914.
- 40 2. I forwarded correspondence to Her Majesty the Queen with attached exhibits
which was dated 14th December 2014, forwarded by Express Courier
International and received at Buckingham Palace on 23rd December 2014. I
Refer to page 5 – members of political parties and subjects of the Crown,
having been elected in good faith and trust by 'we the people' into the
Parliament of the People, with the Queen in the Parliament of the
Commonwealth have now created an Australian System of Government over
and above the Crown and the private people.

10th March 2015
Filed by David John Walter
R/N 187 Walsh River Road, Watsonville, Qld.4887
Tele/Fax: 07 4096 3009 Email: samara.butterfly@bigpond.com

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3. Private people, being members of political parties only and not acting as representatives of the private people of the Commonwealth of Australia who had elected them in good faith and trust to represent them in the Parliament of the Commonwealth of Australia for peace, welfare and good government the elected members inside the Parliament of the Commonwealth of Australia in 1973, requested of Her Majesty to grant them a new royal style and title to be used in relation to Australia and its Territories.

- 10 4. Her Majesty did not accede to this request as she placed Her signature and the date over and above the corporate Seal of the Parliament of Australia, making that Act subordinate to the authority of the Crown. Her Majesty refused by Royal Command to grant them any 'Queen of Australia' for the Government of Australia and its Territories to replace the authority of Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith. I do not believe Her Majesty entered into any commercial contract with the members of the political parties for their own Government for Australia.

- 20 5. As a result of the Queen not granting their request as they had assumed the constitutional Sovereign would, each and every one of those persons, being members of political parties only had two decisions to make (1) To stop their political aspirations for a different form of government held to their own political agendas and go back to the Parliament of the Commonwealth of Australia and serve the people who elected them (2) or – go ahead and create their own corporate Parliaments to statutory law, contrary to the signed and sealed Royal command given to them by the Crown whose answer had been 'No'.

- 30 6. Taking no note of the signed and dated Royal Command of Her Majesty, those members of political parties commenced their own Parliaments of Australia but held no referendums to the Commonwealth of Australia Constitution Act 1901 or for Queensland to the Constitution Act 1867(Qld) [31 Vic. No.38] presented to the private people of the Commonwealth of Australia to gain our consent or authority for their actions and by masking their activities by using the words in the vernacular and using the evolutionary theory as cited in Sue v Hill [1999]HCA 30 over the past four decades they have created statutory Parliaments, being businesses registered in Washington D.C. and the private people in their employ are created as statutory entities held to statutory laws.
- 40 The members of political parties in the Parliaments of Australia have created what they term the Australian System of Government held to their political ideologies. They have placed the courts, the judiciary, the Police services, the public servants, agents and authorities, the Queen of Australia, the Governor-General, the Governors of the States, the Administrators of the Territories, the Local Government Councils inside their parliamentary corporate structures held by commercial contract to those Parliaments and their statutory laws.

- 50 7. We the private people of the Commonwealth of Australia are still held inside the Preamble and Clauses 1 to 9 of the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted despite the Parliaments of

Australia using as their Constitution the Constitution of the Commonwealth commencing at CHAPTER I – THE PARLIAMENT – now called AUSTRALIA’S CONSTITUTION First edition May 1995 and **The Constitution** as in force 1st June 2003.

- 10
8. Though we are not inside their corporate Parliaments of Australia under commercial signed and sealed contracts or binding agreements, the Parliaments uphold their statutory laws over us and remove our lawfully owned real and personal property from us under those laws and we have absolutely no recourse against these actions. The common law of England and the laws of church and state which protects our rights to our real and personal property and our civil and political rights and liberties as held to the Magna Carta 1297 are not upheld in their Australian courts as the judiciary must take judicial note of the Seals of the Parliaments of Australia. I have approached the Judicial Committee of the Privy Council, the United Nations the United Nations Security Council, the International Court of Justice and the Queen Herself, all to no avail.
- 20
9. For the past forty nine years these Parliaments of Australia and the United Kingdom consisting of private people with the authority of an individual only still use their statutory authority and the statutory laws of those Parliaments over all private people, including Her Majesty as a private person, Mrs Elizabeth Mountbatten of the House of Windsor and every private person world wide.
- 30
10. As the owner of all the lands of the Commonwealth of Australia and holding commercial contracts with 2.1 billion of Her subjects bound to commercial or civil laws Her Majesty upholds the rights and protections of Her subjects inside the Commonwealth of Australia Constitution Act 1901 and thus Her Majesty is bound to Her laws, the laws of church and state to the common law of England.
- 40
11. At no time were we, the private people presented with nor have we voted in a referendum under the Commonwealth of Australia Constitution Act 1901 to gain our consent and authority for members of political parties to alter our legal and political system, to render our commercial contracts held with the Crown for our real property - our land null and void – worthless. The real and personal property and money held in the legal tender of the Commonwealth of any person, including the Queen, held in our will and testament, our *inter vivos* trust is a valid commercial document which no person, company, corporation or business has any lawful authority to interfere with or to override that lawful commercial contract for our real property or take an unregistered third party interest in that real property.
- 50
12. I refer to the unsigned Judgment shown at Exhibit DJW – 1 and the signed and sealed Order of JUDGE VASTA of the FEDERAL CIRCUIT COURT OF AUSTRALIA, Brisbane Registry.
13. The actions of the members of political parties, both here and in the United Kingdom was to create Parliaments over and above the authority of the

Crown, being mirror images of the Parliaments as held to the Commonwealth of Australia Constitution Act 1901. The MP's - Members of Parliaments in the Australian System of Government constantly assure us that they are open honest and accountable governments working for the benefit of the private people and the Commonwealth of Australia. This is totally false and blatant political chicanery.

10 14. I refer to Folio DJW – 48 which shows that I as a private person failed to vote in a Local Government Council election. The Local Government is not a constitutionally recognized form of government, it is a creation of the Parliaments of Australia. The State Penalties Enforcement Registry of Queensland, as held to Book Two, Folio DJW – 91, page 163 to 165 to the Penalties and Sentences Act 1992, sealed and copyrighted The State of Queensland is a statutory Act of the Parliament of Queensland holding no lawful authority over me.

20 15. We are forced to vote for members of political parties and others in State, federal and local government elections or we are fined for Failure to Vote. If that fine is not paid the entities of the Australian Parliaments force us to pay:-
a) under threat of fine, or deduction of funds from our wages or bank accounts,
b) immobilization of our motor vehicle,
c) suspension of drivers licence
d) to seize and sell our property,
e) issue a warrant for our arrest and imprisonment.

Refer Folio DJW – 48 Book One, pages 85-86.

30 16. Refer Book One, Folio DJW – 49 page 87 – Mr Finlay James Cocks failed to vote in a Federal election. In correspondence received from the Australian Electoral Commission if he did not pay the fine it may result in:- “Having the matter dealt with by a court may result in a maximum penalty of \$170.00 (plus any court costs) and a criminal conviction may be recorded against you.”

40 17. Book Two - Folio DJW 12, Folio DJW – 13 and Folio DJW – 20 to be read *inter alia* to the Commonwealth Electoral Act 1973, No. 7 of 1973 – An Act To lower to Eighteen years of the Age Qualification for Enrolment, Voting and Candidature for Parliamentary Elections [*Assented to 16 March 1973*]. Note – from 1918 to 1966.

18. This was to allow members of political parties in the Parliaments of Australia to form Parliaments of Australia for ‘Australian Citizens’ held to the Australian Citizenship Act 1973, Folio DJW – 18 page 31 and for Australian Citizens to be able to use Australian currency as held to Folio DJW – 19 – the Reserve Bank of Australia Act 1973, No. 118 of 1973 An Act to amend the Reserve Bank Act 1959 – 1966 as held to the Reserve Bank Act 1959 on page 34, page 35:-

50 refer:- Interpretation – *Statutory office*’ means the office of the Governor or Deputy Governor (being a statutory entity of the Commonwealth).

19. Refer page 36 – Currency Act 1965, No 95 of 1965 as amended, section 9 – ‘Transactions to be in Australian currency’ *inter alia* Financial Agreement (Decimal Currency) Act 1966 signed by private persons as members of political parties as sealed to the current Corporations Act 2001 and the Corporations Agreement 2002 as Amended *inter alia* the Bankruptcy Act 1966 *inter alia* the and I refer to Part 1A – Interpretation,
‘s5 Interpretation - In this Act unless the contrary intention appears:

‘*entity* means a natural person, company, partnership or trust’

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inter alia Reserve Bank Act *inter alia* Folio DJW 23 – Industry Research and Development Act 1986, Act No. 89 of 1986 as amended.

Refer:- **Industry Research and Development Act 1986,
Act No. 89 of 1986 as amended.**

An Act to encourage certain research and development

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s19A General provisions concerning direction powers under sections 18A and 19

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

Being the legal tender of the Commonwealth as found at section 51(xii) ‘currency, coinage and legal tender’ of the Commonwealth of Australia Constitution Act 1901.

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20. Folio DJW – 24 Page 47, 48, 49 *Leask v Commonwealth* [1996] HCA 29 (5 November 1996) (1996) 187 CLR 579; (1996) 140 ALR 1; (1996) 70 ALJR 995 – I refer to page 48 – the term ‘*mens rea*’. ‘*Mens rea*’ means ‘guilty mind’ in relation to a criminal offence and the criminal offence lies upon that person as ignorance of the law is no excuse as held to the common law of England and the laws of church and state. Commonwealth money is held inside the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted in Part V – POWERS OF THE PARLIAMENT, section 51(xii) currency, coinage and legal tender which is personal property as real money is held in our wills and testaments, our *inter vivos* trusts for our heirs as held to the common law of the people.

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21. I refer to Book One Folio DJW – 25 – Lands Acquisition Act 1973, No. 208 of 1973 – An Act to amend the Lands Acquisitions Act 1955 – 1966 to convert all land throughout the Commonwealth into metric measure by omitting the word yards and substituting the word metres and taking that land subject to the Lands Acquisition Act 1989 and I refer to the definitions in that Act at section 6 –

‘*Court or Federal Court* means the Federal Court of Australia’.

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22. Refer High Court decisions relevant to this matter:-

Hillpalm Pty Ltd v Heaven's Door Pty Ltd [2004] HCA 59 (1 December 2004);

New South Wales v Ibbett [2006] HCA 57 (12 December 2006)

Newcrest Mining (WA) Limited v The Commonwealth of Australia [1997]HCA 38 (14 August 1997)

THE COMMON WEALTH v. NEW SOUTH WALES.

(1920) 33 CLR 1 at 13

10 Mobil Oil Australia Pty Ltd v Victoria [2002] HCA 27(26 June 2002)

Kable v Director of Public Prosecutions (NSW) HCA 24 (12 September 1996)

Plenty v Dillon [1991] HCA 5 (7 March 1991) (1991) 171 CLR 635

23. I refer to Exhibit DJW – 9 and Exhibit DJW – 3 which holds my appeal to the President of the United Nations Security Council. JUDGE VASTA as a private person had that document filed with the Judgment and the Orders on the FEDERAL CIRCUIT COURT OF AUSTRALIA website in the matter pertaining to my bankruptcy. He noted my argument along with my oral argument in which I asked for this matter to be dismissed on the grounds as held in my Affidavit.

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24. I refer Your Honours of the High Court to Exhibit DJW – 10 and Exhibit DJW – 11 – the Default Notices I forwarded to Mrs Elizabeth Mountbatten of the House of Windsor for failing to uphold the security of the Commonwealth of Australia as held to the Commonwealth of Australia Constitution Act 1901 and for the State of Queensland as held to the Constitution Act 1867(Qld) [31 Vic. No.38].

25. In my correspondence to Her Majesty dated 14th December 2014 and the attached exhibits I again requested of Her Majesty to return the security of the Commonwealth of Australia to the private people Her subjects, as held to the Commonwealth of Australia Constitution Act 1901.

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26. Her Majesty cannot do such a thing as the Commonwealth of Australia Constitution Act 1901 and the Constitution Act 1867(Qld) [31 Vic. No.38] still remain in place though these Constitutions are ignored by the Parliaments of Australia, the Australian legal profession and the Australian courts.

27. I refer to Exhibit DJW – 16. Every person in the Commonwealth of Australia regardless of race, colour or creed should have the protection of the Commonwealth of Australia Constitution Act 1901 being in the Preamble, and Clauses 1 to 9.

40

28. I have been to every Court in the world including THE HIGH COURT OF AUSTRALIA ABN: 69 445 188 986. Statutory entities being Commonwealth Government entities inside the High Court of Australia refused my application and we, the private people of the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted have nowhere else to go.

29. There are many people, as listed at Exhibit DJW – 16 who have asked me for assistance as they realize that the legal profession, being inside the Parliaments of Australia adhere only to the statutory laws of their employers which do not support or protect the private people. Your Honours will note that I have an injunction placed against me in the Supreme Court of Queensland brought against me by legal practitioners in KING & COMPANY SOLICITORS, MARK FREDERICK WILLIAMS and T.A. HOUGHTON who also brought the bankruptcy proceedings against me on behalf of Mr PETER FRANKS, CEO OF THE MACKAY REGIONAL COUNCIL, a State government entity. Refer *Legal Services Commissioner v Walter* [2011] QSC 132.
30. I did not fly to Brisbane for the hearing in fact JUDGE VASTA’S Associate rang personally and asked would I give my evidence by telephone to support my application for appeal against the sequestration order issued against the estate of the entity DAVID JOHN WALTER.
31. If I had have entered that court to give evidence personally, the members of the legal profession who brought this application against me and who were in attendance in the court and officers of the SUPREME COURT OF QUEENSLAND inside the Constitution of Queensland Act 2001 and the Parliament of Queensland Act 2001 who granted the injunction against me would have only had to have brought JUDGE VASTA’S attention to the Injunction against me and as he had to judicially note the Seal of the court he would have had to have me arrested and I would have been imprisoned for two years. I brought that fact to JUDGE VASTA’S attention and it is on the transcript.
32. Evidently the matter was suggested to be brought to Townsville, some four hours away from my home by car by the members of the legal profession but the Judge refused.
33. At the Hearing of my bankruptcy appeal in the FEDERAL CIRCUIT COURT OF AUSTRALIA JUDGE VASTA advised me he must take judicial note of the Seal of the FEDERAL CIRCUIT COURT OF AUSTRALIA over which he signed the Order.
34. In His Honour’s Judgment it was made very clear that I did not comply with the notices sent to me by KING & COMPANY SOLICITORS and I was bankrupted by a signed and sealed Order by REGISTRAR BELCHER of the FEDERAL CIRCUIT COURT OF AUSTRALIA a Commonwealth Government entity of that court as a ‘non party’ to a proceeding which is held to the civil law of the Parliaments of Australia.
35. I am not inside the Parliaments of Australia, I am not bound by commercial contract or binding agreement with any entity inside the Parliaments of Australia or with MR PETER FRANKS CEO OF THE MACKAY REGIONAL COUNCIL nor do I have any signed commercial contract or binding agreement with KING & COMPANY SOLICITORS, MARK WILLIAMS or T. A. HOUGHTON.

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36. His Honour, being an entity but also a private person had the matter heard ‘de novo’ as held to the Respondent’s Outline of Submissions written by T.A.HOUGHTON, Counsel for the Respondent, which is unsigned.
37. I have now been sent further documentation in relation to my bankruptcy which I must complete forthwith or a warrant may be taken out for my arrest and I will be arrested and brought before the FEDERAL CIRCUIT COURT OF AUSTRALIA and as His Honour can only take judicial note of the Seal I, as can any other subject of the Crown, be arrested and imprisoned for a period of two years.
38. Under the statutory laws of the Parliaments of Australia we, the private people can only be placed before statutory courts of entities or ‘things’ being Commonwealth and State government entities holding no lawful authority of the Crown or held inside the Parliaments of Australia to the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted.
39. The Orders that I seek of this High Court are clearly set out. I request an Order of the High Court to validate the lawful authority over the private people of the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted of the statutory laws of the Parliaments of Australia which are created to the Statute Law Revision Act 1973 as amended by the Statute Law Revision Act 1974 which also came into operation on 31 December 1973 and are over and above the authority of the constitutional Sovereign and the Commonwealth of Australia Constitution Act 1901 as Proclaimed and Gazetted.
40. The same applies to the laws of the Parliament of the United Kingdom where they have members of Parliament representing British subjects of England, Scotland and Wales only.
41. I request an Order of the High Court to validate the authority of the Queen – Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith as held to the Royal Style and Titles Act No. 32 of 1953 under the Australian System of Government and who has also lost the rights to Her real property and has no recourse under the statutory laws of the Parliaments of Australia.
42. Further, for the High Court, to give signed sealed Order to validate the authority of the ‘Queen of Australia’ as held to the Royal Style and Titles Act 1973, Act No. 114 of 1973 and to validate also, on my behalf and that of all other private persons of the Commonwealth of Australia, as held to the Preamble, Clauses 1 to 9 of the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted, the lawful authority of the statutory laws, but person person/individual of gender, of the Parliaments of Australia over we the people and the Queen.
43. I refer to Folio DJW – 15 and 15(a); (b); (c) and (d) to be read as one and in particular pages 18 – 20. How did a person, holding the power of one person

only, being only one of 2.1 billion people in the Commonwealth of Nations but being a member of a political party inside the Parliament of Australia acting as the Treasurer sell from the Royal Australian Mint 167 tonnes of gold, the property of the private people of the Commonwealth of Australia.

- 10 44. The Crown holds in Her allodial title the lands on which Canberra, the Seat of Government, the Nations Capital sits. No private person can purchase lands in the Nations Capital as it is on neutral ground where the people, elected from the States and Territories to represent the private people attend the Parliament of the Commonwealth of Australia to govern the private people for peace, welfare and good government. The Treasurer, inside the Parliament of Australia, was working on the lands of the Crown in the Parliament of Australia when he sold the gold from the Royal Australian Mint to help cover the debt incurred by the members of political parties inside the Parliaments of Australia on behalf of those political parties, not by the private people of the Commonwealth of Australia on behalf of the private people.
- 20 45. The Parliament House of the People, the Parliament of the Commonwealth of Australia is now empty, the only person inside that Parliament is the Queen as held to the Commonwealth of Australia Constitution Act 1901 at section 61.
- 30 46. As held to the Electoral Act 1902, found at Folio DJW 33 – page 49 in Book One and having no Governor-General holding Her Majesty’s Royal Commission to sign those Writs for Election and those elected members, in breaking their sworn oath to the Crown in 1972 to form their own system of government, the Parliament House of the People which framed and held the laws of the private people to the Commonwealth of Australia Constitution Act 1901, is abandoned and we, the private people have been unable to lawfully vote in an election to elect private people to act on our behalf in the Parliament of the Commonwealth of Australia since 1972.
47. In “the *State*” of Queensland the Legislative Assembly holds members of political parties inside the Australian System of Government only and those entities do not represent the private people of the Constitution Act 1867(Qld) [31 Vic. No.38] in the State of Queensland.

48. I refer to:

40 Hansard 1-3-1898 Constitution Convention Debates
QUOTE Sir JOHN DOWNER.-
I think we might, on the attempt to found this great Commonwealth, just advance one step, not beyond the substance of the legislation, but beyond the form of the legislation, of the different colonies, and say that there shall be embedded in the Constitution the righteous principle that the Ministers of the Crown and their officials shall be liable for any arbitrary act or wrong they may do, in the same way as any private person would be.

END QUOTE

49. I refer to the signed judgment of JUDGE VASTA, being a Commonwealth Government entity and in particular paragraph 5. Those documents and other documents are to be included as evidence in this Application for the investigation by the High Court as to what legal standing do these unsigned statutory laws have over the private living people held to the Commonwealth of Australia Constitution Act 1901. There are no living people inside those statutory laws, but these documents can be read by a private person who has been created as a statutory entity, either Commonwealth government entity or State government entity and therefore are responsible for their own actions.
- 10
50. Any person created to the laws of nature and Nature's God, being a person, an individual and of gender which includes Her Majesty the Queen Mrs Elizabeth Mountbatten of the House of Windsor are bound to the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted held to the Preamble, Clauses 1 to 9, sections 61, 109, 117 and 128 and to rise above the authority of the Crown as has been done by the members of the political parties in the Parliaments of Australia from the 20th December 1972 to date is, I believe the offence of 'Treason against the Sovereign's person and authority'.
- 20
51. They have failed to abide by the provisions of the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted as private persons and individuals and as further upheld to the laws of the Commonwealth of Australia as held to the Privy Council and the Queen in Council, being the High Court decisions. Subject to those decisions which I have placed before the FEDERAL CIRCUIT COURT OF AUSTRALIA but as persons, JUDGE VASTA, REGISTRAR BELCHER, the Judges of the Supreme Court of Queensland and the District Court of Queensland and the Magistrates of the Magistrates Courts of Queensland must judicially note the Seal of the court as they hold signed and sealed commercial contracts with their employers, the Parliaments of Australia and receive Australian currency for their services as held to Public Employment (Consequential and Transitional) Amendment Act 1999, No. 146 of 1999. As a private person, they can read the documents as held to the Acts Interpretation Act 1901, Act No. 2 of 1901 as held to the definition of document. Refer Book Two, Folio 16 and 17 on pages 27 to 30.
- 30
52. I refer Folio DJW – 83, Book Two, pages 150 to 153 – Acts Interpretation Act 1954, Reprinted as in force on 18th August 2011, Reprint No. 16A sealed with the Public Seal of "the *State*" of Queensland and copyrighted State of Queensland 2011. I refer to section 15DA – 'automatic commencement of postponed law' and s36 – definition of *entity* – includes a person and an unincorporated body' and *document* on page 152.
- 40
53. As held to the definition of entity in the Bankruptcy Act 1966 where their employment creates them as an entity or 'thing' whether entities of a Commonwealth government or as entities of a State government inside those transitional unsigned laws, as a person of gender the vicarious liability lies on each of them to ensure that under no circumstances do they use the unsigned unsealed statutory Acts over any private person inside the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted.
- 50

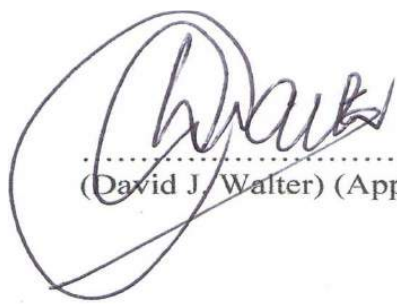
54. The question is, as a person and an individual of gender having employment inside a 'foreign government and political subdivisions' registered in Washington DC do they have any authority as a person, to sign an order to bankrupt my estate as 'a non party' to a proceeding to the sum of \$23,036.31 to be taken from my estate. Being unsigned unsealed statutory laws of the Parliaments of Australia as held to the Parliaments of the United Kingdom there are no courts of justice where the Stipendiary Magistrates and the Justices hold the sworn authority and Seals of the Crown to hold to criminal law to be able to fine and sentence a person under that criminal law or adjudicate in a commercial matter involving property etc. in a dispute between two of Her Majesty's subjects as held to the common law at section 80 of the Judiciary Act 1903, No. 6 of 1903 and as held to Sue v Hill [1999] HCA 30, *Legal Services Commissioner v Walter* [2011] QSC 132, Bangalore Principles of Judicial Conduct 2002.

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55. I request that all documentation presented to the High Court in this Application for Special Leave to Appeal speak for themselves as I have signed those documents personally.

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Dated: 10th March 2015


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(David J. Walter) (Applicant)

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IN THE HIGH COURT OF AUSTRALIA
(CANBERRA) REGISTRY

No. of 2015

BEWEEN: David John Walter Applicant

And

10

MR PETER FRANKS, CEO
MACKAY REGIONAL COUNCIL
ABN 86 568 229 462 –
State Government Entity. Respondent


EXHIBIT DJW - 1


20 This is the exhibit marked DJW 1- produced by myself, David John Walter
(deponent) and shown at the time of swearing my affidavit this 10th day of March
2015.

DJW – 1 FEDERAL CIRCUIT COURT OF AUSTRALIA
AT BRISBANE - ABN 99 470 863 260 –
Commonwealth Government Entity.

30 DAVID JOHN WALTER – APPLICANT
MR PETER FRANKS, CEO, MACKAY
REGIONAL COUNCIL (ABN 86 568 229 462)
RESPONDENT - “State Government Entity”
JUDGMENT UNSIGNED Pages 1-5.
REASONS FOR JUDGMENT(Unsigned)

Before me


.....
Commissioner of Declarations
DESMOND JOHN DEBEL



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FEDERAL CIRCUIT COURT OF AUSTRALIA

WALTER v MACKAY REGIONAL COUNCIL

[2015] FCCA 351

Catchwords:

BANKRUPTCY – Application for review – Registrar decision affirmed – application dismissed.

COSTS – General rule.

Legislation:

Bankruptcy Act 1966 (Cth), s.43

Federal Circuit Court Rules (Bankruptcy) 2006

Cases cited:

Colgate Palmolive v Cussons Proprietary Limited [1993] FCA 536.

Ledger Acquisitions Australia v Kiefer [2014] FCCA 2216

10 Applicant: DAVID JOHN WALTER

Respondent: MACKAY REGIONAL COUNCIL

File Number: BRG 880 of 2014

Judgment of: Judge Vasta

Hearing date: 12 February 2015

Date of Last Submission: 12 February 2015

Delivered at: Brisbane

Delivered on: 12 February 2015

REPRESENTATION

The Applicant appearing on his own behalf

Counsel for the Respondent: Mr Houghton

Solicitors for the Respondent: King & Company

ORDERS

- (1) That the application for review filed on 27 November 2014 be dismissed.
- (2) That the decision of Registrar Belcher made on 6 November 2014 be affirmed.
- (3) That a transcript of these proceedings be placed upon the Court file.
- (4) The Respondent's costs of and incidental to the application, including reserved costs, if any, be taxed under Part 40 of the *Federal Court Rules 2011* and paid by the Applicant.

10

**FEDERAL CIRCUIT COURT
OF AUSTRALIA
AT BRISBANE**

BRG 880 of 2014

DAVID JOHN WALTER

Applicant

And

MACKAY REGIONAL COUNCIL

Respondent

REASONS FOR JUDGMENT

1. On 20 September 2010 in Mackay before McMeekin J an application was
10 made by the Respondent in this matter to strike out an action brought by a
person by the name of William Alexander Lade. Mr Lade as plaintiff had
sued both the Respondent in this matter and the State Minister for Local
Government and Aboriginal and Torres Strait Island Partnerships. His
Honour, McMeekin J, on 13 October struck out the proceedings and
ordered this:

*“If the respondent (Mr Lade) wishes to be heard on the question of
costs then submissions are to be filed and served on the applicant on
or before 4 pm on 20 October 2010.”*

and also ordered:

- 20 *“In the event that no submissions are filed then the respondent (Mr
Lade) to pay the applicant’s costs fixed in the sum of \$2764.06 in
proceedings numbered S10 and in the sum of \$3027.13 in
proceedings numbered S12/2010.”*

2. On my limited reading of the judgment, the costs order was in favour of the Minister rather than the Mackay Regional Council though this is not clear. There does not seem, on the evidence before me, that there were any submissions filed by Mr Lade, the plaintiff. It seems to me then that the Respondent in this matter brought proceedings before the Supreme Court in September 2011. Those matters seem to have been chamber matters and there does not seem to have been any appearance for the present Applicant, Mr David John Walter. Notwithstanding that, his Honour, North J, made an order that both Mr Lade and Mr Walter, as a non-party to the matter, be liable for the costs of the Mackay Regional Council. The costs amounted to over \$26,000.00 and related to the matter S12/2010 notwithstanding the Minister's costs in the same application were a little over \$3,000.00.
10
3. After that order was made a Certificate of Costs Assessor filed 17 July 2012 brought the matter back to the Supreme Court on 31 August 2012. Deputy Registrar C. L. Smart made an order that the plaintiff, Mr Lade, and a non-party, David John Walter, the Applicant here, jointly and severally pay the first defendant's costs pursuant to an order of the Court dated 26 September 2011 and a Certificate of Costs Assessor filed 17 July 2012 assessed at \$26,860.98. It would seem then that the matter proceeded by way of a demand upon Mr Walter and a petition. He was served with the material on 23 March 2014 and he was to comply on or before 14 April 2014 with the requirements of that Bankruptcy Notice.
20
4. To comply with the Notice and dispute it, he had to satisfy the Court that he had a counter claim, set off or cross demand equal to or more than the sum claimed in the Bankruptcy Notice, being the counter claim, set off or cross demand that he could not have set up in the action in which the judgment referred to in the Bankruptcy Notice was obtained. The Applicant, Mr Walter did none of those things. He did not seek to go behind the Order of the Deputy Registrar. On 6 November 2014, Registrar Belcher of this Court presided over this matter and acted according to the *Bankruptcy Act 1966* (Cth). The Applicant Creditor had done all that is necessary under the Act to obtain a sequestration order under s.43 of that
30

Act. The Respondent Debtor had put no material before the Court. Unsurprisingly, the order was made.

5. Mr Walter appealed the making of that order to this Court. In this proceeding Mr Walter did not present any evidence regarding the actual bankruptcy. He has instead filed five separate books of “submissions”, as I have termed them. Without wanting to go through them fully, I will describe them in short compass as being applications that cast doubt upon the fact that a Court could allow sequestration or the authority of the Supreme Court or any other entity to take money that has not been money as described under the Constitution namely pounds, shillings and pence. It is a far more complex argument than that. However, as I have stated, my power is confined only to that of the *Bankruptcy Act 1966* (Cth). I must look at this matter as a hearing de novo.
10
6. When having a look at this matter it would seem to me that the only way in which Mr Walter could in any way be successful in this jurisdiction is to cast doubt upon the judgment or the order made by Deputy Registrar Smart in August 2012. That is a matter that he has not done, though having spoken to him on the phone in the course of these proceedings, it is quite obvious that that was not an option that he had even considered. This is because he was, to use my words, fixated on the other arguments as to the legality of the Court process as a whole rather than focusing on whether the debt was a true debt or whether he had been afforded natural justice in not being heard upon the amount of that debt (especially considering he was a non-party).
20
7. However, those are not matters for me to consider and nor could I give Mr Walter any form of legal advice as to what he should do. In the end my power only comes from the *Bankruptcy Act 1966* (Cth). What I am satisfied of in looking at the judgment of Senior Deputy Registrar Smart of 31 August 2012, is that Mr Walter does owe the Mackay Regional Council, through its CEO, the amount now of \$29,923.26.
30
8. I am satisfied that the creditor does not hold security over the property of the Debtor. I am satisfied that at the time when the act of bankruptcy was committed the Debtor was personally present in Australia, was ordinarily

resident in Australia and had a dwelling house or place of business in Australia. I am satisfied the following act of bankruptcy was committed by the Debtor within six months before the presentation of the petition before the Court and that the respondent debtor has failed to comply on or before 14 April 2014 with the requirements of Bankruptcy Notice 166665 issued by an authorised officer of the official receiver on 2 December 2013 and served on him on 23 March 2014. I am satisfied that Mr Walter has not satisfied the Court that he has a counter claim, set off or cross demand equal to more than the sum claimed in the Bankruptcy Notice, being a counter claim, set off or cross demand that he could not have set up in the action in which the judgment referred to in the Bankruptcy Notice was obtained. In those circumstances I have no choice but to dismiss the application of Mr Walter and affirm the decision of Registrar Belcher.

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9. In this matter the respondent in this proceeding, Mr Franks, CEO of the Mackay Regional Council, has asked for costs on an indemnity basis. I have been referred to the matter of *Colgate Palmolive v Cussons Proprietary Limited* (1993) FCA 536. I have also had regard to the very helpful decision of *Ledger Acquisitions Australia v Kiefer* [2014] FCCA 2216 that I had seen earlier when looking at the matter. It seems to me on the basis of these authorities that orders for indemnity costs should be made only in exceptional circumstances.

20

10. In the matter of *Kiefer* (Supra) I looked at the reasons of Lucev J. In that matter his Honour gave indemnity costs and he said that they were justified by reasons of some seven factors that justified, in his Honour's view, the making of an indemnity costs order. In this case, however, I don't find the same level of belligerence or humbugging by Mr Walter to justify such a course to be taken. In this case, whilst the costs have been expended by the Respondent in the matter, to my mind, it does not amount to the sort of exceptional circumstances as was spoken of in *Colgate* (Supra).

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11. Therefore I make the following orders:

1. That the application for review filed on 27 November 2014 be dismissed.
2. That the decision of Registrar Belcher made on 6 November 2014 be affirmed.
3. That a transcript of these proceedings be placed upon the Court file.
4. The Respondent's costs of and incidental to the application, including reserved costs, if any, be taxed under Part 40 of the *Federal Court Rules 2011* and paid by the Applicant.

10 **I certify that the preceding eleven (11) paragraphs are a true copy of the reasons for judgment of Judge Vasta**

Date: 19 February 2015

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IN THE HIGH COURT OF AUSTRALIA
(CANBERRA) REGISTRY

No. of 2015

BEWEEN: David John Walter

Applicant

10

And

MR PETER FRANKS, CEO
MACKAY REGIONAL COUNCIL
ABN 86 568 229 462 –
State Government Entity.

Respondent

EXHIBIT DJW - 2


20 This is the exhibit marked DJW 2- produced by myself, David John Walter (deponent)
and shown at the time of swearing my affidavit this 10th day of March 2015.

DJW – 2 IN THE FEDERAL CIRCUIT COURT OF AUSTRALIA
AT BRISBANE - ABN 99 470 863 260 –
Commonwealth Government Entity.
FILE NO: (p) BRG880/2014
DAVID JOHN WALTER
APPLICANT

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MR PETER FRANKS, CEO, MACKAY REGIONAL
COUNCIL (ABN 86 568 229 462)
RESPONDENT
Copy of ORDER, signed by a person - JUDGE VASTA
ABN 99 470 863 260 – Commonwealth Government Entity

Before me



Commissioner of Declarations
DESMOND JOHN DEBEL



**IN THE FEDERAL CIRCUIT COURT OF
AUSTRALIA
AT BRISBANE**

FILE NO: (P)BRG880/2014

DAVID JOHN WALTER
APPLICANT

MR PETER FRANKS, CEO, MACKAY
REGIONAL COUNCIL (ABN 86 568 229 462)
RESPONDENT

ORDER

BEFORE: JUDGE VASTA
DATE: 12 February 2015
MADE AT: BRISBANE

APPEARANCES: the Applicant appearing on his own behalf via telephone link and Mr Houghton of Counsel appearing on behalf of the Respondent.

THE COURT ORDERS:

1. That the application for review filed on 27 November 2014 be dismissed.
2. That the decision of Registrar Belcher made on 6 November 2014 be affirmed.
3. That a transcript of these proceedings be placed upon the Court file.
4. The Respondent's costs of and incidental to the application, including reserved costs, if any, be taxed under Part 40 of the Federal Court Rules 2011 and paid by the Applicant.



DATE ENTERED: 12 February 2015

IN THE HIGH COURT OF AUSTRALIA
(CANBERRA) REGISTRY

No. of 2015

BEWEEN: David John Walter

Applicant

10

And

MR PETER FRANKS, CEO
MACKAY REGIONAL COUNCIL
ABN 86 568 229 462 –
State Government Entity.

Respondent

EXHIBIT DJW - 3


20 This is the exhibit marked DJW 3- produced by myself, David John Walter (deponent)
and shown at the time of swearing my affidavit this 10th day of March 2015.


DJW – 3 FEDERAL CIRCUIT COURT OF AUSTRALIA
File Number BRG 880 of 2014
DAVID JOHN WALTER – Applicant
MR PETER FRANKS, CEO, MACKAY
REGIONAL COUNCIL (ABN 86 568 229 462)
Respondent – State Government Entity

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Respondent's Outline of Submissions
T.A.HOUGHTON – Counsel for the Respondent
submission unsigned
KING & COMPANY SOLICITORS
ABN 16 962 646 773
Entity Type:- Other Partnership

Before me


.....
Commissioner of Declarations
DESMOND JOHN DEBEL



FEDERAL CIRCUIT COURT OF AUSTRALIA

REGISTRY: QUEENSLAND

DIVISION: GENERAL

IN THE MATTER OF DAVID JOHN WALTER

File number: BRG 880 of 2014

COURT USE ONLY

Court

Location

Court date

Court time

10

DAVID JOHN WALTER

Applicant

MR PETER FRANKS, CEO, MACKAY REGIONAL COUNCIL

(ABN 86 568 229 462)

Respondent

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Respondent's Outline of Submissions

Material

1. Notice of Opposition dated 27 January 2015 filed;
2. Affidavit of Mark Williams Sworn 27 January 2015 and filed;
3. All the material filed by the respondent at first instance in support of the creditor's petition (whilst there is no challenge to the procedure or facts contained in this material it is read as a matter of caution in light of the wide ranging and opaque nature of the applicant's application for review)

30

Introduction

1. The applicant seeks that the orders made by the Registrar be "quashed". The basis of the application appears to be on some form of Constitutional grounds, which are largely indiscernible.
2. The respondent opposes the application on the basis that the applicant has failed to:
 - (a) provide any discernible grounds or any grounds of merit; and
 - (b) any Constitutional challenge to the jurisdiction of the Federal Circuit Court ("FCC") to hear and determine bankruptcy matters is well settled.

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Applicant's material

3. The applicant has not filed any sworn material. The material provided is more in terms of submissions.
4. At the directions hearing on 9 February 2015 the applicant (by his courier) handed to the bench a Form 5 "Notice of Grounds of Opposition to Sequestration Order"

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and an affidavit by him sworn 7 February 2015. These documents were received by the Court but not filed.

5. The respondent objects to these documents being filed in the form they represent. However, there is no objection (subject to relevance and prejudice) to the Court using the Fon-n 5 as the grounds of the application for review ("Grounds") and the Affidavit as submissions ("Submissions") with the exception of the "Exhibits" (subject to relevance e.g. if the applicant wishes to tender correspondence contained in the exhibits to prove that such correspondence was sent to the named recipient for the purpose of costs or some other legitimate and relevant purpose). There is no objection to the applicant using the Exhibits as reference material to support his Submissions but not further submissions in of themselves because much of the material is correspondence which repeats in part the Submissions and where it goes further is nonsensical to the point of being oppressive.

6. It follows, that apart from the potential of correspondence to be admitted as exhibits where the applicant can show relevance, the applicant does not rely on any facts and his case is based on the construction, interpretation or application of legal principles and statutes.

Legal Issues

No discernible grounds/baseless constitutional challenge

7. The applicant's Submissions are largely confusing and incoherent. He seems to attempt to articulate:

(a) A distinction between the *Australian Constitution Act 1900* (the "1900" Act) and the *Australian Constitution Act 1901* (the "1901" Act) insofar as one has a preamble and the other does not, and further that he as a person with a gender is "inside" the latter (presuming that as an individual citizen of Australia he is caught and subject to that Act) and "outside" the former. It cannot be discerned from the rest of the Submissions as to how this distinction (even if it were true) has any bearing on his bankruptcy or his application;

(b) That the "Constitution Act" section 51(xii) only provides for laws with respect to pounds shillings and pence and not Australian Currency and that as a consequence of his debts being in Australian Currency he is not subject to the Bankruptcy Laws;

(c) There was no lawful authority of the respondent to bring the Bankruptcy proceedings as he did because there is no Preamble and no living person inside the 1900 Act.

8. Dealing with these grounds as best as I can extract them from the nonsensical Submissions, the applicant makes three main complaints:

(a) The *Commonwealth of Australia Constitution Act 1900* was enacted by the parliament of the United Kingdom and Australia on 9 July 1900. It comprises

10 a preamble with 9 sections ("Preamble"), the 9th section being the "Constitution" which itself comprises sections 1 to 128. They are one in the same (although this may be the distinction between the 1900 and 1901 Acts the applicant is referring to because the Constitution was Gazetted in 1901). Section 3 of the Preamble provides for the Queen to declare by proclamation that the states of Australia be united as the Commonwealth of Australia (including Western Australia if she was satisfied that it had agreed to join by the time of the proclamation). On 17 September 1900, the Queen made that proclamation, Western Australia having by then agreed to so join. In my submission it cannot be intelligently discerned what the appellant is referring to as the 1901 Act and how any such distinction vitiates the Bankruptcy Orders;

(b) Section 51(xii) of the Constitution provides that the Parliament has the power to make laws with respect to currency, coinage and legal tender. "Legal tender" is not restricted to "pounds shillings and pence". This ground is a nonsense and vexatious;

20 (c) The final ground I have attempted to extract is also nonsense. As discussed in (a) above, there is no sensible flow of logic in the ground and no illustration or identification of what are the 1900 and 1901 Acts, suffice to say that there is only one Act that comprises the Constitution and that is the one passed by the parliament of the United Kingdom in 1900. There is no 1901 Act that comprises the Constitution of the Commonwealth of Australia.

9. In short, the applicant's "grounds" are incomprehensible, nonsensical and vexatious. It is submitted on this basis alone the application for review should be dismissed.

30 10. However, insofar as the applicant challenges the jurisdiction of the FCC on constitutional grounds I will attempt to respond to the applicant's Submissions by paragraph *seriatim* as follows:

(a) As discussed the inside and outside dichotomy with respect to the 1900 and 1901 Acts is nonsensical because there is no 1901 Act. (see Submissions para 1)

40 (b) Again there is no Commonwealth of Australia Constitution Act 1901. The 1900 Act was Gazetted in 1901, but naturally such an act only assists in promulgating the law. Further, the Gazette did not "Proclaim" the Constitution because only the Queen had such a power, which she exercised on 17 September 1900. (see Submissions para 2)

(c) The fact that the applicant is a resident of Queensland is uncontested. However, he provides no clear explanation as to how this fact is relevant to his application or the *Constitution Act 1867* (Qld). (see Submissions para 3)

50 (d) It is difficult to understand what the applicant means when he says that he is "protected" under the Constitution clauses 2 and 5 and the common law of England and the laws of church and state to the Church of England and the Holy See. This submission is a nonsense. (see Submissions para 4)

(e) It is incomprehensible as to what the applicant means when he refers to "vicarious liability", "individual gender" and "no people of gender" and the relevance of the various acts cited. (see Submissions para 5)

(1) The applicant's reference to the words 'statutory instrument' and its meaning as a law of the Commonwealth fails to direct the reader as to where this definition and its meaning is derived from and what point the applicant is trying to make about this definition apropos the statutes he cites in bullet points thereafter. (see Submissions para 6)

10

(g) As discussed it is incomprehensible what the applicant means when he refers to "a person being of male gender, inside the Preamble of the Commonwealth of Australia Constitution Act 1901". Reference to Exhibit DJW-6 is a reference to a letter that contains similar submissions, much of which are nonsensical. At page 25, the applicant refers to two constitutions (a May 1995 reprint and one in force as 1 June 2003) however he does not seek to identify any differences between them or exploit any such difference (of which there are no material differences). The applicant then seeks to make some point about the Chapter I of clause 9 of the Constitution and the fact it is devoid of the preamble which appears above it. Again it is difficult to make sense of his point. The applicant then makes a significant error by referring to the definition of "act" which "includes thing" in section 9 of the *Corporations Act 2001* and draws the conclusion that the reference is not to a private person. In my submission, it appears that the applicant has confused the word "act" as an Act of Parliament and distinguished that from a private person. The conclusion being that only natural private persons are considered and protected under the Preamble to the Constitution and not corporations and because an "act" like the Bankruptcy Act is a thing and not a natural person it is not lawfully enforceable under the Constitution. (see Submissions para 7)

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(h) As discussed section 51(xii) does not require currency to be in pounds shillings and pence. (see Submissions para 8)

(i) Again the point raised a paragraph 9 of the Submissions that private people are "inside" the Preamble of the Constitution does not make sense. (see Submissions para 9)

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(j) The applicant's submissions at paragraph 10 are also a nonsense. (see Submissions para 10)

(k) Paragraphs 11 to 26 are submissions that broadly deal with cases and definitions relating to validity of laws under the Constitution and fail to identify with any clarity precisely what the applicant's case is. (see Submissions para 11 to 26)

(1) Paragraph 27 refers to the applicant being a 'non-party to a proceeding' and that there is no definition of 'non-party' in the *Bankruptcy Act 1966*. The applicant had costs awarded against him as a non-party to proceedings in the Supreme Court due to his involvement in those proceedings. He has not sought to go behind the judgment. The submission is irrelevant, it is submitted. (see Submissions para 27)

50

(m) Paragraphs 28 to 31 are nonsensical. (see Submissions para 28 to 31)

11. It appears that the applicant maybe trying to draw a distinction between sections 1 to 8 of the Constitution which provides a Preamble that identifies natural persons where it says "Whereas the people" and section 9 which provides the Constitution of the Commonwealth (commencing with Chapter I) and provides no such Preamble and therefore because there is no such Preamble then private individuals are not subject to the rest of the sections 1 to 128, in particular section 51 (xvii) which is the power the Bankruptcy Act is legislated under.

10

12. Such a distinction fails to appreciate that the Constitution is one document.

13. As discussed the applicant's Submissions are a series of disjointed contradictory statements attempting to masquerade as legal propositions with no philosophical or intelligent link or binding between them.

14. In short the applicant's case has no merit.
Applicant's "Grounds"

20 15. Notwithstanding that the applicant's "Grounds" should be struck out as being vexatious I respond the them as follows *seriatim*:

(a) In relation to ground 1, the fact that the applicant seeks to assert that he as an individual is held to the Preamble of the Constitution as well as sections 61, 109, 117 and 128 is not a proper ground and the applicant has not illustrated any merit in this ground.

30

(b) In relation to ground 2, this is not a proper ground of review because the applicant fails to state how he did not commit an act of bankruptcy. In any case he has not filed any material relevant to this ground and does not challenge any of the respondent's material at first instance. The ground has no merit.

(c) In relation to ground 3, the applicant contends that he does not owe the money claimed because of some form of construction of section 51(xx) of the Constitution. Apart from this ground being a nonsense, the applicant has not made any sensible submissions on this point or filed any relevant affidavit material to support it. The ground has no merit.

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(d) In relation to ground 4, the applicant claims he is not insolvent under sections 51(xvii), (xii) and (xx) of the Constitution. The ground is a nonsense. The submissions do not refer to any authority to support such a conclusion and the ground is entirely without merit.

(e) In relation to ground 5, the applicant claims that he is able to pay all his debts to his lawful creditors. It is not clear whether the applicant is asserting that he is solvent or that the respondent is not a "lawful creditor". In any case the applicant has not filed any material to support solvency and he has not established in any way that the respondent is not a "lawful creditor". The ground has no merit.

50

(f) Ground 6 is a complete nonsense and indiscernible.

(g) Grounds 7 and 8 are not proper grounds of review.
Jurisdiction

16. Insofar as the applicant seeks to agitate arguments relating to the interpretation of the Constitution, it is submitted that this Court does not hold jurisdiction to entertain such an application. (See s39B of the *Judiciary Act 1903* which provides such jurisdiction is held by the Federal Court)

10 17. However, insofar as the applicant challenges the jurisdiction of the FCC to hear and determine the bankruptcy matters due to a lack of power under the Constitution to make laws with respect to such subject matter, it is submitted that the FCC's jurisdiction is well settled.

18. For the sake of brevity I refer the Court to the judgement of the FCC by Lucev J in *Ledger Acquisitions Australia Mb Ply Ltd* (30 October 2014) (unrep) because the judgment provides an extensive explanation of the validity of the FCC to hear bankruptcy matters.

Raising a New Case on Review

20

19. To avoid any doubt and in case the applicant seeks to raise a new case in the review relating to any factual issues, as opposed to legal construction and application, I make the following submissions regarding any such case.

20. The general principle is that parties are bound by their case at first instance.

21. It would be unfair on appeal/review to allow a new matter where the respondent would be subject to virtually a new hearing on issues different from those already litigated. Such a course would deny expedition, finality and justice'.

30

22. Nowhere in the conduct of the proceedings did the applicant raise even the prospect of challenges based on the issues arising in his "Grounds".

23. In *Water Board v Moustakas* the majority of the High Court held: 2
"[A] point cannot be raised for the first time upon appeal when it could possibly have been met by calling evidence below. The exception is that if all the facts have been established beyond controversy or where the point is one of construction or of law, then a court of appeal may find it expedient and in the interests of justice to entertain the point, but otherwise the rule is strictly applied.

40

In deciding whether or not a point was raised at trial no narrow or technical view should be taken. The pleadings will ordinarily be of assistance. Where the breach of a duty of care is alleged, the particulars should mark out the area of dispute but they may not be decisive if the evidence has been allowed to travel beyond them, although where this happens and fresh issues are raised the particulars should be amended to reflect the actual conduct of the proceedings. Nevertheless, failure to amend will not necessarily preclude a verdict upon the facts as they have emerged. It is necessary to look at the actual conduct of the proceedings to see whether a point was or was not taken at trial...

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in very exceptional cases a plaintiff's omission to put at trial a case formulated on appeal may not be conclusive against him. But the opportunity to assert the new case at another trial should be granted only where the interests of justice require it and such a course can be taken

¹ *Coulton v Holcombe* (1986) 162 CLR 1 at 6-11.

² (1988) 180 CLR 491 at 497-498.

without prejudice to the defendant."

24. It is patent that:

10 (a) The applicant did not raise any of the points raised in this application at first instance;

(b) the new case appears to rely on a constitution point that is indiscernible;

(c) insofar as the applicant's case is based on pure legal construction and application there is no real prejudice to the respondent apart from the lack of clarity of the applicant's argument which appears entirely without merit;

20 (d) insofar as the applicant may seek to raise any fresh case not based on the law then there is prejudice to the respondent (although it is not apparent that the applicant does seek to raise such a new case. His case is confined to the construction and application of the Constitution and acts that follow).

Summary

25. The applicant's case is prolix, indiscernible and vexatious. The applicant has failed to point to any authority to support the vague and often contradictory propositions and conclusions he makes.

26. The applicant's application for review is entirely without merit and should be dismissed.

30

27. Accordingly it is submitted that the application should be dismissed with costs awarded in favour of the respondent on an indemnity basis.

T A HOUGHTON

Counsel for the Respondent

10 February 2015

40

IN THE HIGH COURT OF AUSTRALIA
(CANBERRA) REGISTRY

No. of 2015

BEWEEN: David John Walter

Applicant

And

10

MR PETER FRANKS, CEO
MACKAY REGIONAL COUNCIL
ABN 86 568 229 462 –
State Government Entity.

Respondent

EXHIBIT DJW - 4

20 This is the exhibit marked DJW 4- produced by myself, David John Walter (deponent)
and shown at the time of swearing my affidavit this 10th day of March 2015.

DJW – 4 IN THE FEDERAL CIRCUIT COURT OF AUSTRALIA
Brisbane Registry - ABN 99 470 863 260 –
Commonwealth Government Entity.

30

**Form 5 – Notice stating grounds of opposition to sequestration
order BRG 880 of 2014**
Filed by David J. Walter and dated 7th February 2015

Before me



Commissioner of Declarations
DESMOND JOHN DEBEL



Form 5 Notice stating grounds of opposition to sequestration order BRG 880 of 2014

No. BRG 880 of 2014

IN THE FEDERAL CIRCUIT COURT OF AUSTRALIA

District Registry: Brisbane, Queensland

Division: General

10

IN THE MATTER OF: DAVID JOHN WALTER

MR PETER FRANKS, CEO, MACKAY REGIONAL COUNCIL
APPLICANT

DAVID JOHN WALTER
RESPONDENT

20 I, David John Walter, Respondent, intend to oppose the sequestration order based on Form 6 Creditors Petition, file by Mark Williams of KING & COMPANY on behalf of Mr Peter Franks, CEO, Mackay Regional Council on the following grounds:

1. I am a person/individual of male gender as held to the Preamble, Clauses 1 to 9 and sections 61, 109, 117 and 128 of the Commonwealth of Australia Constitution Act 1901.
2. I did not commit an act of bankruptcy as set out in the Creditors Petition.
- 30 3. I do not owe the money claimed by the creditor Mr Peter Franks of the Mackay Regional Council or to the Mackay Regional Council *inter alia* section 51(xx) Foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth *inter alia* Corporations Act 2001 and Corporations Agreement 2002 as Amended.
- 40 4. I am not insolvent under section 51(xvii) – Bankruptcy and insolvency and (xii) – Currency, coinage and legal tender of the Commonwealth of Australia Constitution Act 1901. Refer also to (xx) Foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth *inter alia* Corporations Act 2001 *inter alia* Corporations Agreement 2002 as Amended.

Filed on behalf of David John Walter, (Opponent)

Prepared by David John Walter

Tele: 07) 4096 3009

Fax: 07) 4096 3009

Email: samara.butterfly@bigpond.com

Address for service: R/N 187 Walsh River Road, Watsonville, Qld 4887

As there is no mail service to this address: P O Box 578, Herberton, Qld. 4887

5. I am able to pay all my debts to my lawful creditors.
6. I hold no shares nor have any capital invested in the Corporations Act 2001 of the Parliament of Australia, not being 'of the Commonwealth' but held to AUSTRALIA'S CONSTITUTION Reprinted in May 1995 and **The Constitution** 1900 in force as at 1st June 2003.
7. I request compensation on an indemnity basis to the sum of A\$23036.31 as held to [Hungerfords v Walker \[1989\] HCA 8; \(1989\) 171 CLR 125 \(9 February 1989\)](#) plus interest compounding daily from 26th September 2011.
8. An Affidavit and Annexure DJW - 1 supporting the grounds of opposition to the sequestration order placed against me by REGISTRAR BELCHER of the FEDERAL CIRCUIT COURT OF AUSTRALIA, BRISBANE on 6 November 2014 is filed with this notice.


10

This notice is filed by David John Walter, the Opponent.

20

Address for service: R/N 187 Walsh River Road, Watsonville, Qld 4887
As there is no mail service to this address: P O Box 578, Herberton, Qld. 4887

Date: 7th February 2015



(David J. Walter) (Opponent)

30

IN THE HIGH COURT OF AUSTRALIA
(CANBERRA) REGISTRY

No. of 2015

BEWEEN: David John Walter

Applicant

And

10

MR PETER FRANKS, CEO
MACKAY REGIONAL COUNCIL
ABN 86 568 229 462 –
State Government Entity.

Respondent


EXHIBIT DJW - 5


20 This is the exhibit marked DJW 5- produced by myself, David John Walter (deponent)
and shown at the time of swearing my affidavit this 10th day of March 2015.

DJW – 5 IN THE FEDERAL CIRCUIT COURT OF AUSTRALIA
Brisbane Registry
AFFIDAVIT of David John Walter dated 7th February 2015

30

Before me


.....
Commissioner of Declarations
DESMOND JOHN DEBEL



FEDERAL CIRCUIT COURT OF AUSTRALIA
2014.....

REGISTRY: BRISBANE

File number BRG 880 of

COURT USE ONLY

Court

Location

Court date

Court time

10

MR PETER FRANKS

.....

Applicant:

DAVID JOHN WALTER

.....

Respondent

AFFIDAVIT

20

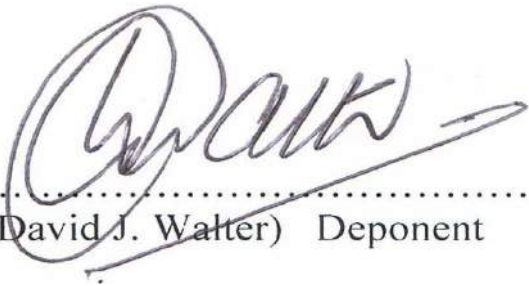
Name of deponent: David John Walter

Date sworn: 7th February 2015

I, David John Walter of Rural Number 187, Walsh River Road, Watsonville, Queensland, 4887, retired Northern Territory, Policeman make oath and say:

30

1. I, David John Walter am a person/individual of male gender found inside the Preamble of the Commonwealth of Australia Constitution Act 1901, and held to Clauses 1 to 9, section 61, 109, 117 and 128 of the Constitution Act 1901, I hold one share in the Commonwealth of Australia Constitution Act 1901.



.....
(David J. Walter) Deponent

7th February 2015

Filed by David John Walter, Deponent

Prepared by David John Walter

Tele: 07) 4096 3009 Fax: 07) 4096 3009 Email: samara.butterfly@bigpond.com

Address for service: R/N 187 Walsh River Road, Watsonville, Qld 4887

40

As there is no mail service to this address: P O Box 578, Herberton, Qld. 4887.

2. The Commonwealth of Australia Constitution Act 1901 was Proclaimed and Gazetted on 1st January 1901 as found in the Commonwealth of Australia Gazette, No. 1 of 1901.

3. I reside in the State of Queensland, one of the six States of the Commonwealth of Australia and held to the Constitution Act 1867(Qld) [31 Vic. No.38] which was granted by Her Majesty Queen Victoria, under Her Seal and signed.

10 4. As held to Clause 2 and Clause 5 of the Commonwealth of Australia Constitution Act 1901, I am protected, as is every other person inside the Preamble of the Commonwealth of Australia Constitution Act 1901 in the Commonwealth of Australia to the common law of England and the laws of church and state, to the Church of England and the Holy See.

20 5. I refer to Folio DJW 6 Pages 41-42, the Statute Law Revision Act 1996 'Enacted by the Parliament of Australia' and © Commonwealth of Australia sealed to the Corporations Act 2001 and sealed but unsigned. The Statute Law Revision Act 1996 is held to the Statute Law Revision Act 1973, No. 216 of 1973 in which you have the vicarious liability, being a person and an individual of gender, as is every other person involved in this matter and you have gained your employment under the Public Employment (Consequential and Transitional) Amendment Act 1999, No. 146 of 1999 as amended. This Act is also 'Enacted by the Parliament of Australia'. In your employment you are inside the Public Service Act 1999 which is an Act created to statute law and contains no people of gender.

6. I refer you to the words '*statutory instrument*' - means (a) a law of the Commonwealth'.

30 • The very first statutory instrument of the Commonwealth of Australia is the Commonwealth of Australia Constitution Act 1901, which is sealed to the Great Seal Act 1884 and signed by persons of gender at the direction of the Crown – Her Majesty Queen Victoria and held *inter alia* to The Commonwealth of Australia Act 1901 as Proclaimed and Gazetted, Preamble, Clauses 1 to 9, sections 61,109,117,128 further -

• Constitution Act 1867(Qld) [31 Vic. No.38]

• ANNO PRIMO EDWARDI SEPTIMI REGIS. No. 2 of 1901
An Act for the Interpretation of Acts of Parliament
and for Shortening their Language'

40 [Assented to 12th July, 1901.]


(David J. Walter) Deponent

7th February 2015

- Judiciary No. 6 of 1903 as assented to on 25th August 1903, pages 1 to 19 and in particular section 80 – Common law to govern – ie. the common law of England
- Habeas Corpus Act 1862.
- Habeas Corpus Act 1816.
- Statute of Westminster 1931.
- Statutory Instruments Act 1946 CHAPTER 36 .
- Nationality and Citizenship Act 1948.
- Royal Title Act of 1953.
- Royal Styles and Titles Act 32 of 1953.
- Church of England Assembly (Powers) Act, 1919 [9&10 GEO.5] [CH.76.]
- Corporate Bodies Contracts Act 1960(UK).
- Magna Carta 1297.
- Charter of the United Nations Act 1945.
- Crimes Act 1914, No. 12 of 1914.
- Bangalore Principles of Judicial Conduct 2002.

10

20

30

7. I can only be bankrupted as a person/individual being of male gender, inside the Preamble of the Commonwealth of Australia Constitution Act 1901, to section 51 (xvii) as stated in the correspondence shown at Exhibit DJW – 6 a copy of which I forwarded to both you as the Registrar and to Mr. Mark Williams of KING & COMPANY.

8. That bankruptcy can only be in the legal tender of the Commonwealth – pounds shillings and pence shown at section 51 (xii) of the Constitution Act and not in Australian currency which is not ‘of the Commonwealth’ and holds no guarantee or head of power.

40

9. This application to bankrupt me has been signed by private people as has your signed Order as you are all still inside the Commonwealth of Australia Constitution Act 1901, to the Preamble and Clauses 1 to 9 and held to the common law of England and the laws of church and state and you work on the lands of the Crown.


 (David J. Walter) Deponent

7th February 2015

10. There are no people/individuals of gender inside any of the Parliaments of Australia created to the Council of Australian Governments (COAG) Agreements of 1992 as held to the Statute Law Revision Act 1973, Act No. 216 of 1973 and the Parliaments of Australia and their employees are held to AUSTRALIA'S CONSTITUTION Reprinted in May 1995 and **The Constitution** 1900 in force as at 1st June 2003.

11. As a person and an individual of gender inside the Preamble of the Commonwealth of Australia Constitution Act 1901, and bound to Clauses 1 to 9 as is the Crown Herself, I am not bound to the Parliaments of Australia and I refer to Folio DJW – 5 of the Exhibits I have placed before you in this matter:-

12. [Extract]

“These documents are from statutory entities inside their own constitution which is held to the *Parliament of Queensland Act 2001* and its *Constitution of Queensland 2001*, the *Corporations Act 1989(Cth)*; *Corporations (Queensland) Act 1990*, *Corporations Act 2001(Cth) inter alia* Corporations Agreement 2002 as Amended and the *Corporations Amendment (Sons of Gwalia) Act 2010(Cth) inter alia* AUSTRALIA'S CONSTITUTION 1900, 9th July 1900. This Constitution which holds no private natural persons or individuals which includes her Majesty, Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith as held to the *Royal Style and Titles Act 1953* Act No. 32 of 1953 ‘AN ACT relating to the Royal Style and Titles’, *inter alia Statute of Westminster* 1931, [22 GEO. 5, CH.4]. Australia Act 1986 UK.”

This Constitution which holds no persons/individuals of gender which includes her Majesty, Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith as held to the *Royal Style and Titles Act 1953* Act No. 32 of 1953 ‘AN ACT relating to the Royal Style and Titles’, *inter alia Statute of Westminster* 1931, [22 GEO. 5, CH.4] Australia Act 1986 UK.

You have requested of me, a person/individual of male gender and outside of AUSTRALIA'S CONSTITUTION 1900, 9th July, 1900 and holding no signed and sealed commercial contract with any gender neutral entity inside the Australian System of Government to pay to KING & COMPANY a sum of



(David J. Walter) Deponent

40

7th February 2015

money in Australian currency, refer :- *Leask v Commonwealth* [1996] HCA 29 (5 November 1996); (1996) 187 CLR 579; (1996) 140 ALR 1; (1996) 70 ALJR 995 under which decision there was shown there is no head of power for that currency as the head of power is a gender neutral entity. (Refer *Statute Law Revision Act 1996 Act 43 of 1996*).

13. Refer:-

10 *Kirmani v Captain Cook Cruises Pty Ltd* (No 2) [1985] HCA 27 (1985) 159 CLR 461 (17 April 1985) High Court of Australia Gibbs CJ, Mason, Wilson, Brennan, Deane, Dawson, JJ.

14. Quick & Garran

The Annotated Constitution of the Australian Commonwealth

[Extract]

§32. “This Act”

The expression “This Act” occurs in Clauses 1, 2, 3, 4, 5, 6 and 8. The Act consists of Clauses 1 to 9 inclusive and Clause 9 enacts the Constitution; so that the Constitution is unquestionably a part of the Act.

20

§33. “And all Laws”

No difficulty is suggested by the words, “and all laws made by the Parliament of the Commonwealth under the Constitution”. The words “under the Constitution” are words of limitation and qualification. They are equivalent to the words in the corresponding section of the Constitution of the United States “in pursuance thereof” *Supra*. Not all enactments purporting to be laws made by the Parliament are binding; but laws made under, in pursuance of, and within the authority conferred by the Constitution, and those only, are binding on the courts, judges, and people. A law in excess of the authority conferred by the Constitution is no law; it is wholly void and inoperative; it confers no rights, it imposes no duties; it affords no protection.

30

[Extracts from Page 994 of § 481. “Alteration.”]

“In particular, no law can be passed by the amending power which is repugnant to the Commonwealth of Australia Constitution Act—consisting of the preamble and the covering clauses to which the Constitution itself is annexed. The amending power can amend the Constitution, but the Constitution Act is above its reach. How

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.....
(David J. Walter) Deponent

7th February 2015

far the scope of the amending power may be limited by the scope and intention of the Constitution Act, as gathered from the preamble, it is impossible to say; but it is certain that, if amendments were passed which were inconsistent with such words as "indissoluble," "Federal Commonwealth," or "under the Crown," strong arguments would be available against their constitutionality.

15. Refer: Commonwealth of Australia Constitution Act 1901 –
Clause 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.

10

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, notwithstanding anything in the laws of any State; .."

16. *The High Court of Australia is the superior Court of the Commonwealth of Australia as held to South Australia v Commonwealth ("First Uniform Tax case") [1942] HCA 14; (1942) 65 CLR 373 (23 July 1942)*

Latham, C.J. [Extract]

20

'Common expressions, such as: "The courts have declared a statute invalid," sometimes lead to misunderstanding. A pretended law made in excess of power is not and never has been a law at all. Anybody in the country is entitled to disregard it. Naturally he will feel safer if he has a decision of a court in his favour—but such a decision is not an element which produces invalidity in any law. The law is not valid until a court pronounces against it—and thereafter invalid. If it is beyond power it is invalid *ab initio*.'


17. *Re Wakim* [1999] HCA 27 (17 June 1999); 198 CLR 511; 163 ALR 270; 73 ALJR 839 (Gleeson CJ, Gaudron, McHugh, Gummow, Kirby, Hayne, Callinan, JJ.)

30

Extracts]

"McHUGH J.

42. in the interpretation of the Constitution the connotation or connotations of its words should remain constant. We are not to give words a meaning different from any meaning which they could have borne in 1900. Law is to be accommodated to changing facts. It is not to be changed as language changes."


.....
(David J. Walter) Deponent

7th February 2015

.....Any purported law that is created beyond the powers of the Parliament is void ad initio and may be disregarded by anyone in the country.

KIRBY J.

193. A legislature cannot, by preambular assertions, recite itself into constitutional power where none exists.”

10 18. As held to South Australia v Commonwealth ("First Uniform Tax case") [1942] HCA 14; (1942) 65 CLR 373 (23 July 1942), the statutory laws of the Parliaments of Australia and United Kingdom are thereafter invalid. If it is beyond the power as held to the Constitution Act, it is invalid *ab initio*.’

- Commonwealth v New South Wales [1923] HCA 34 (9 August 1923)
- Leask v Commonwealth [1996] HCA 29 (5 November 1996)(1996) 187 CLR 579; (1996) 140 ALR 1; (1996) 70 ALJR 995
- Sue v Hill [1999] HCA 30 (23 June 1999)
- Mobil Oil Australia Pty Ltd v Victoria [2002] HCA 27 (26 June 2002)
- Hillpalm Pty Ltd v Heaven's Door Pty Ltd [2004] HCA 59 (1 December 2004)
- New South Wales v Ibbett [2006] HCA 57 (12 December 2006)
- Legal Services Commissioner v Walter [2011] QSC 132

20 19. The Constitution of the Parliaments of Australia is AUSTRALIA’S CONSTITUTION Reprinted in May 1995 and **The Constitution 1900** in force as at 1st June 2003 *inter alia* Ministers of State Amendment Act 2006, No. 38 of 2006 ‘The Parliament of Australia enacts’, *inter alia* The Royal Commissions Amendment Act 2006, No. 52 of 2006 – ‘The Parliament of Australia enacts’.

The Parliament of Australia defines in the Acts Interpretation Act 1901, No. 2 of 1901 as amended, Section 2B Definitions -

‘**Constitution**’ is the ‘Constitution of the Commonwealth’.

30 Clause 9 of the Commonwealth of Australia Constitution Act 1901, the Constitution Act of the Commonwealth of Australia shows:-

Constitution

9. The Constitution of the Commonwealth shall be as follows:..

20. This Constitution commences at Chapter I – The Parliament and is devoid of the Preamble, which holds “WHEREAS the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania (and later at Clause 3 – Western Australia)have agreed to united in one indissoluble Federal Commonwealth...”

40


.....
(David J. Walter) Deponent

7th February 2015

21. As held to South Australia v Commonwealth ("First Uniform Tax case") [1942] HCA 14; (1942) 65 CLR 373 (23 July 1942), the statutory laws of the Parliaments of Australia are thereafter invalid. If it is beyond the power as held to the Constitution Act, it is therefore invalid *ab initio*.'

22. I require a signed and sealed Order of the FEDERAL CIRCUIT COURT OF AUSTRALIA as held but not limited to South Australia v Commonwealth ("First Uniform Tax case") [1942] HCA 14; (1942) 65 CLR 373 (23 July 1942)- Leask v Commonwealth [1996] HCA 29 (5 November 1996)(1996) 187 CLR 579; (1996) 140 ALR 1; (1996) 70 ALJR 995-Sons of Gwalia Ltd v Margaretic [2007] HCA 1 (31
10 January 2007) (2007) 232 ALR 232; (2007) 81 ALJR 525 for the signed and sealed authority of the Australian courts inside AUSTRALIA'S CONSTITUTION Reprinted in May 1995 and **The Constitution 1900** in force as at 1st June 2003 holding no Preamble and no living persons who are inside the Preamble being persons/individuals of gender.

23. This signed authority is to validate how the FEDERAL CIRCUIT OF AUSTRALIA can hold transitional statutory unsigned 'postponed' or 'purported' laws over me and to bankrupt me, being a person inside the Preamble of the Commonwealth of Australia Constitution Act 1901, as held Clauses 1 to 9, sections 61, 109, 117 and 128 as I have no shares or equity and no standing inside the Corporations Act 2001 of the
20 Parliaments of Australia as held to their Constitutions and nor do I hold any commercial contract or binding agreement with the entities inside those Parliaments.

24. I have never been presented with or voted in a referendum held to the Commonwealth of Australia Constitution Act 1901 to gain my consent to remove me, the Constitution Act and the laws held to Clause 2 of that Act or the Commonwealth of Australia and to place me inside an Australian System of Government held to their AUSTRALIA'S CONSTITUTION Reprinted in May 1995 and **The Constitution 1900** in force as at 1st June 2003 and held to their purported statutory laws of their corporate structure for Australia.

30 25. This signed and sealed Order is to show the full authority of the FEDERAL CIRCUIT COURT OF AUSTRALIA not being 'of the Commonwealth' over and above the Commonwealth of Australia Constitution Act 1901, in particular to the Preamble, Clause 2, Clause 5 and CHAPTER III – THE JUDICATURE.

26. Having no Preamble and no living persons of gender inside AUSTRALIA'S CONSTITUTION Reprinted in May 1995 and **The Constitution 1900** in force as at 1st June 2003 an Order must also be given as to the lawful authority of Mark Frederick Williams of KING & COMPANY acting on behalf of Mr Peter Franks CEO of Mackay
40 Regional Council held to the Local Government Act to bring this application to have me bankrupted under the unsigned 'purported' statutory laws of the Parliaments of Australia.


.....
(David J. Walter) Deponent

7th February 2015

27. Further, as I have been brought before this court and bankrupted as a 'non party to a proceeding' I require, included in the signed and sealed Order of the Court, the lawful authority of yourself, being REGISTRAR BELCHER of the FEDERAL CIRCUIT COURT OF AUSTRALIA, Mark Frederick Williams of KING & COMPANY and Peter Franks, CEO of Mackay Regional Council to bankrupt me as a 'non-party to a proceeding' and cite in accordance with the Order of the Court to take 'the applicant creditors costs, including reserved costs from my estate' as held to the Bankruptcy Act 1966 which is an Act of the Parliament of Australia. There is no definition or mention of 'non-party' in the Bankruptcy Act 1966.

10

28. I am a person/individual of male gender as found in the definition of the Acts Interpretation Act 1901, No. 2 of 1901 'An Act for the Interpretation of Acts of Parliament' sealed to the Habeas Corpus Act 1862 created to the Laws of Nature and Nature's God and held to the Commonwealth of Australia Constitution Act 1901 to the Preamble, covering Clauses and sections 61, 109, 117 and 128.

29. The persons/individuals of gender in the Preamble and covering Clauses of the Commonwealth of Australia Constitution Act 1901 have been removed from any standing in the Parliaments of Australia under the statutory 'purported' laws of those Parliaments.

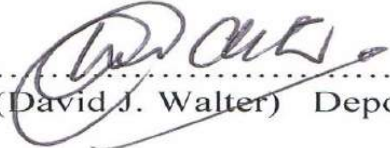
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30. The Magna Carta 1297 25 EDW 1 c29 was sealed and © The Australian Capital Territory 2002 being a Parliament inside the Council of Australian Governments – Parliaments of Australia, a 'Territory' not being 'of the Commonwealth'. It is interesting to note here that a distinguished British Judge called the Magna Carta "the greatest constitutional document of all time – the foundation of the freedom of the individual against the arbitrary authority of the despot". Refer Folio DJW 6 - Pages 43-44.

31. Mr Mark Williams of KING & COMPANY and Mr Peter Franks, CEO of Mackay Regional Council, after receiving my correspondence dated 21st March 2012 have continued using the authority of the statutory laws of their employers to bankrupt me under 'Australian law' which contains no persons/individuals of gender. Mr Williams is a person/individual of gender and still bound to the Commonwealth of Australia Constitution Act 1901, as I am, and inside the Preamble, Clauses 1 to 9 and sections 61, 109, 117 and 128 and Murray Belcher, held to the Public Employment (Consequential and Transitional) Amendment Act 1999, No. 146 of 1999 as amended *inter alia* Corporations Act 2001 under his employment inside the FEDERAL CIRCUIT COURT OF AUSTRALIA has upheld their application and has signed the Order as held to the Bankruptcy Act 1966 against me as REGISTRAR BELCHER, *inter alia* Crimes Act 1914.

30

40



(David J. Walter) Deponent

7th February 2015

32. I request that this document be placed on the file for the Appeal for this matter and be allowed to speak for itself as I can not attend to the court hearing as I live in far north Queensland and please also refer to *Legal Services Commissioner v Walter* [2011] QSC 132.

Document Number	Details	Paragraph	Page
1.	Affidavit of David John Walter sworn on 7 th February 2015 in support of Form 5 –Notice stating grounds of opposition to sequestration order dated 6 November 2014.		1 – 9
2.	Annexure DJW – 1 List of Exhibits in support of affidavit of David John Walter sworn 7 th February 2015.		1 - 55

Sworn by the deponent David John Walter
At, Atherton, Queensland.

on 7th February 2015


.....
(David J. Walter)

Before me:

Signature of Witness: 

Full name of witness: DAVID VINCENT ROBINSON

Qualification of witness: JP (QUALIFIED)



IN THE HIGH COURT OF AUSTRALIA
(CANBERRA) REGISTRY

No. of 2015

10 BEWEEN: David John Walter Applicant
And
MR PETER FRANKS, CEO Respondent
MACKAY REGIONAL COUNCIL
ABN 86 568 229 462 –
State Government Entity.

20 EXHIBIT DJW - 6

This is the exhibit marked DJW 6- produced by myself, David John Walter (deponent)
and shown at the time of swearing my affidavit this 10th day of March 2015.

DJW – 6 SUPREME COURT OF QUEENSLAND
(ABN: 13 846 673 994 Dept. Justice and Attorney-General)

30 WILLIAM ALEXANDER LADE AND
MR PETER FRANKS, CEO, MACKAY
REGIONAL COUNCIL No. S12 of 2010
ORDER of North J – 26 September 2011

Before me


.....
Commissioner of Declarations
DESMOND JOHN DEBEL ⁵



SUPREME COURT OF QUEENSLAND

REGISTRY: Mackay
NUMBER: S 12 of 2010

10

Plaintiff: WILLIAM ALEXANDER LADE
AND
First Defendant: MR PETER FRANKS, CEO,
MACKAY REGIONAL COUNCIL (ABN 86 568 229 462)
AND
Second Defendant: THE HON DESLEY BOYLE MP
MINISTER FOR LOCAL GOVERNMENT AND
ABORIGINAL AND TORRES STRAIT ISLANDER
PARTNERSHIPS (ABN 65 959 415 158)

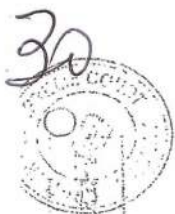
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ORDER

Before: North J
Dated: 26 September 2011
Initiating Document: Application filed 15 August 2011

THE ORDER OF THE COURT IS THAT:

1. There be summary judgment for the First Defendant on all of the Plaintiff's claims.
2. The Plaintiff and a non-party, David John Walter, pay the costs of the First Defendant of and incidental to this proceeding to be assessed on an indemnity basis.



40

Registrar:

IN THE HIGH COURT OF AUSTRALIA
(CANBERRA) REGISTRY

No. of 2015

BEWEEN: David John Walter

Applicant

And

10

MR PETER FRANKS, CEO
MACKAY REGIONAL COUNCIL
ABN 86 568 229 462 –
State Government Entity.

Respondent

EXHIBIT DJW -7


20 This is the exhibit marked DJW 7- produced by myself, David John Walter (deponent)
and shown at the time of swearing my affidavit this 10th day of March 2015.


DJW – 7 SUPREME COURT OF QUEENSLAND
(ABN 13 846 673 994 - Dept. Justice and Attorney-General)

30 *Lade and Company Pty Ltd v Finlay and Anor;*
Lade v Franks & Anor [2010] QSC 382

Before: McMeekin J – ORDER - 13 October 2010

Before me


.....
Commissioner of Declarations
DESMOND JOHN DEBEL



SUPREME COURT OF QUEENSLAND

CITATION: *Lade and Company Pty Ltd v Finlay & Anor; Lade v Franks & Anor* [2010] QSC 382

PARTIES: **LADE & COMPANY PTY LTD**
ACN 010 109 369
(respondent/plaintiff)

10

v

JOHN FINLAY, CEO, WHITSUNDAY REGIONAL COUNCIL

(first defendant)

THE HON DESLEY BOYLE MP, MINISTER FOR LOCAL GOVERNMENT AND ABORIGINAL AND TORRES STRAIT ISLANDER PARTNERSHIPS

(applicant/second defendant)

20

WILLIAM ALEXANDER LADE

(respondent/plaintiff)

v

PETER FRANKS, CEO, MACKAY REGIONAL COUNCIL

(first defendant)

THE HON DESLEY BOYLE MP, MINISTER FOR LOCAL GOVERNMENT AND ABORIGINAL AND TORRES STRAIT ISLANDER PARTNERSHIPS

(applicant/second defendant)

30

FILE NO/S: SC No 10 of 2010
SC No 12 of 2010

DIVISION: Trial Division
PROCEEDING: Application

40 ORIGINATING COURT: Supreme Court Mackay

DELIVERED ON: 13 October 2010

DELIVERED AT: Rockhampton

HEARING DATE: 20 September 2010

JUDGE: McMeekin J

ORDER: **1. Judgment for the applicant/second defendant in each of the proceedings S10/2010 and S12/2010.**
2. If the respondent wishes to be heard on the question of costs then submissions are to be filed and served on the applicant on or before 4pm on the 20th October 2010.
3 . In the event that no submissions are filed then the respondent to pay the applicant’s costs fixed in the sum of \$2,764.06 in proceedings numbered S10/10 and in the sum of \$3,027.13 in proceedings numbered S12/10.

10

CATCHWORDS: PROCEDURE – SUPREME COURT PROCEDURE – QUEENSLAND – PROCEDURE UNDER UNIFORM CIVIL PROCEDURE RULES AND PREDECESSORS – SUMMARY JUDGMENT – where the applicant applied for summary judgment against the plaintiff – where the respondent disputes the validity of Queensland legislation governing the collection of rates by local governments and the granting of title to lands – where the respondent rejects the authority of the court – whether summary judgment should be entered for the defendants against the plaintiff in accordance with rule 293 of the *Uniform Civil Procedure Rules*

20

PROCEDURE – SUPREME COURT PROCEDURE – QUEENSLAND – PROCEDURE UNDER UNIFORM CIVIL PROCEDURE RULES AND PREDECESSORS – PLEADING – STATEMENT OF CLAIM – where the applicant applied in the alternative for the plaintiff’s proceedings to be struck out – where the Statement of Claim fails to disclose a reasonable course of action – where there are fundamental deficiencies in the pleadings – whether the Statement of Claim should be struck out in accordance with rule 171 of the *Uniform Civil Procedure Rules*

30

Australia Act (1986) (Cth), s 3(2)
Australia Act (1986) (UK), s 3(2)
Colonial Laws Validity Act 1865, s 2, s 3
Constitution Act 1867 (Qld), s 53
Constitution of Queensland 2001, s 70
Crown Proceedings Act 1980 (Qld), s 8
Evidence Act 1977 (Qld), s 43, s 46A
Great Seal Act 1884
Imperial Acts Application Act 1984 (Qld)
Local Government Act 2009, s 94 (Qld)
Uniform Civil Procedure Rules 1999, r 155(2)(c), r 171,

40

r 293, r 681

Burns & Ors v Cassowary Coast Regional Council
(Unreported, Cairns, 27 of 2010, 27 April 2010)

Dare v Pulham (1982) 148 CLR 658

Deputy Commissioner of Taxation v Salcedo [2005] 2 Qd R
232

Mabo v State of Queensland (No 2) (1992) 175 CLR 1

McCawley v R [1920] AC 691 (PC)

10

COUNSEL: B. Hartigan for the applicant
Respondent in person

SOLICITORS: Crown Law for the applicant
Respondent in person

20

[1] **McMEEKIN J:** There are two proceedings before the Court and in each an application has been brought by the second defendant – who in each case is the Honourable Desley Boyle in her capacity as Minister for Local Government and Aboriginal & Torres Strait Islander Partnerships – for summary judgment pursuant to r 293 of the *Uniform Civil Procedure Rules* 1999 (UCPR) or alternatively that the plaintiff’s proceedings be struck out, as against the applicant, pursuant to r 171 UCPR contending that the plaintiff has no real prospect of succeeding on the claim

[2] The respondents are the respective plaintiff in each proceeding – Mr Lade and his company Lade & Company Pty Ltd. I will, for convenience, make reference only to Mr Lade’s proceeding as the issues seem to be the same in both.

30

[3] So far as is relevant to the applicant by the Claim the respondent plaintiff claims:

40

- (a) “Relief for duress, misrepresentation, and undue influence to the amount of \$5,269.63 plus 11% compound interest with daily rests for rates paid by the plaintiff...resulting from Rates Notices issued for rates and other fees on his private registered property, held by him in a Deed of Grant to an Estate in Fee-simple of alienated land in Queensland of the Commonwealth of Australia situated at 40 Peters Avenue, Midge Point, Queensland 4799”.
- (b) “Relief for the amount of \$250,000.00 for the trespass from the placing by the corporation ‘Queensland Government’ of the corporate ‘Public Seal of the State’ on my Certificate of Title to the land described at 1(b); and for the trespass of the resultant taking by the corporation ‘Queensland Government’ of a third party interest in my Title, without my knowledge or consent, and there is no entry of that interest registered anywhere on my Certificate of Title.”
- (c) “Relief for the amount of \$250,000.00 for the burden upon William Alexander Lade, not being a ‘person and a corporation’, resultant from the placing of a restrictive covenant on, and resultant from the

10 taking of a third party interest in, my Certificate of Title, by the
'Queensland Government'; and by the 'Queensland Parliament'
under the corporate '*Local Government Act 1993*'; all under the
'*Parliament of Queensland Act 2001*' and its '*Constitution of
Queensland 2001*'; to pay rates to an entity of a 'foreign
government' holding an Australian Business Number for
commercial activities; all devoid of any signed commercial
agreement between myself and the corporation 'Queensland
Government', of which the Second Defendant, The Hon Desley
Boyle MY, is a Cabinet Minister for Local Government and
Aboriginal and Torres Strait Islander Partnerships (A.B.N. 65 959
415 158)."

[4] Mr Lade tendered to the Court two statements which purport to set out his
argument. I have had regard to these statements but have not found them
particularly helpful. An example of the submissions made is:

20 "As I am a private person and Her Majesty is a private person and we are
both persons of gender, we are exempt under the Corporations
(Queensland) Act 1990 from any of the laws of the 'foreign government' of
'the State' of Queensland which is under the Australian System of
Government held to their own statutory law and held to the Crimes at Sea
4
Act 2001 of the Queensland Government which is for commercial law
only."

30 [5] In the circumstances I have gained little benefit from the submissions and have
done my best to comprehend the pleading in the Statement of Claim. The
applicant's counsel has described the plaintiffs' pleading, not entirely unfairly, as
"unintelligible". However, as best I can understand it Mr Lade contends:

- 40
- (a) that he is a loyal subject of Her Majesty Queen Elizabeth II;
 - (b) that Her Majesty is the holder of all land in Queensland;
 - (c) that he has not consented to any alteration to this arrangement by
voting at a referendum to bring about any change;
 - (d) that the system of local government established under various State
Acts of Parliament is unconstitutional there never having been a
referendum as required by s 53 of the *Constitution Act 1867* (Qld) to
alter the system of government in this State;
 - (e) that he has no commercial arrangement with any Minister or other
authorised officer of the Queensland Government to pay rates or
other charges to the State;
 - (f) that he acquired his land at 40 Peters Avenue pursuant to a
"commercial contract under the Crown of the United Kingdom of
Great Britain and Northern Ireland" his title being acquired under
the *Land Act 1962* (Qld) and the *Real Property Act 1861* (Qld),
those Acts being valid Acts as they were "sealed under the Crown of

the United Kingdom of Great Britain and Northern Ireland according to law subject to the *Great Seal Act 1884 (UK)*”;

- (g) Ministers of the Queensland government are responsible for the commercial activities of their respective departments;
- (h) that he has never entered into any arrangement with the Queensland Government or any other person (including the applicant here) to allow any person to take joint ownership of his land;
- (i) that by placing the “corporate ‘Public Seal of the State’” on his Certificate of Title, without his knowledge or consent, the applicant has thereby trespassed upon his Certificate and placed a restrictive covenant on it “thereby ... removing the contractual rights granted by the Crown”.

10

[6] Mr Lade, who appeared in person, indicated, quite courteously, that he does not accept the authority of the Court nor the validity of the rules of Court.

[7] Regrettably perhaps for Mr Lade, I am obliged to apply the rules of Court as much to his proceedings as to those of anyone else. Those rules provide that if the Statement of Claim “discloses no reasonable cause of action” then it is liable to be struck out: r 171 UCPR.

20

[8] The plaintiff’s pleading has obvious and fundamental defects. I will give some examples. Whilst in his prayer for relief Mr Lade seeks relief based on “duress, misrepresentation and undue influence”, apparently related to the payment of rates, there is no pleading of any payment of rates nor of any duress, misrepresentation or undue influence by the applicant or anyone else that has caused Mr Lade to do anything.

[9] The claim for relief in the sum of \$500,000 – presumably for damages – suffers from the defect that there is no pleading that complies with r 155(2)(c) UCPR. That is the plaintiff has not pleaded “the basis upon which the amount claimed has been worked out or estimated”.

30

[10] The assertion that a Minister of the Crown is liable, by reason of her office, for the affixation of a seal to a document by a public servant was not supported by argument or authority. To the extent that relief is sought against the Crown in right of the State then proceedings are to be brought “against the Crown under the title the ‘State of Queensland’”: s 8 *Crown Proceedings Act 1980 (Qld)*.

40

[11] I appreciate that Mr Lade would no doubt assert that the *Crown Proceedings Act 1980* and the UCPR are of no force and effect presumably because they were not “sealed under the Crown of the United Kingdom of Great Britain and Northern Ireland according to law subject to the *Great Seal Act 1884 (UK)*”.

[12] I observe that the UCPR provisions reflect rules that have long been part of the law. The provisions I have mentioned, or rules very much like them, have, for well

over one hundred years, been found necessary to ensure fairness between parties to litigation and the just resolution of competing claims. The plaintiffs' pleadings are embarrassing. They fail the test enunciated by Cotton LJ in *Philipps v Philipps* (1878) 4 QBD 139, a case often cited in this area:

10 “What particulars are to be stated must depend on the facts of each case. But in my opinion it is absolutely essential that the pleading, not to be embarrassing to the defendants, should state those facts which will put the defendants on their guard, and tell them what they will have to meet when the case comes on for trial.”

[13] To like effect is the observation of the majority in *Dare v Pulham* (1982) 148 CLR 658 at 664, where Murphy, Wilson, Brennan, Deane and Dawson JJ held:

20 “Pleadings and particulars have a number of functions: they furnish a statement of the case sufficiently clear to allow the other party a fair opportunity to meet it (*Gould and Birbeck and Bacon v Mount Oxide Mines Ltd (In liq)* (1916) 22 CLR 490); they define the issues for decision in the litigation and thereby enable the relevance and admissibility of evidence to be determined at trial (*Miller v Cameron* (1936) 54 CLR 572); and they give a defendant an understanding of a plaintiff's claim in aid of the defendant's right to make a payment into court.”

30 [14] The Statements of Claim fail these tests and for that reason alone should be struck out. If there was any viable cause of action evident then I would give leave to replead. That brings me to the fundamental problem with the proposed causes of action. They appear to depend on the acceptance of the presumption that the legislative provisions that govern the collecting of rates in respect of land by local authorities and the granting of title to lands are invalid, and that, to be valid, Acts of our Parliament must comply with Imperial legislation.

[15] As to that latter contention it is clear that since the passing of the *Australia Act* (1986) (Cth) Australian law is now entirely free of Imperial control: *Mabo v State of Queensland (No 2)* (1992) 175 CLR 1 at 29 per Brennan J. Prior to that time

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40 local legislation would only be void if repugnant to British statutes extending to the colonies by paramount force: ss 2 and 3 *Colonial Laws Validity Act* 1865. The *Australia Act* (1986) (Cth) and *Australia Act* (1986) (UK) (“the Australia Acts”) rendered the *Colonial Laws Validity Act* 1865 inapplicable to any laws passed by the Parliament of a State and expressly declared that the Parliaments of the States had power to repeal or amend any United Kingdom legislation “in so far as it is part of the law of the State”: s 3(2) of the Australia Acts. In Queensland Parliament has specified those Imperial Acts which remain in force: *Imperial Acts Application Act* 1984 (Qld). The *Great Seal Act* 1884 is not one of the Acts mentioned in the relevant schedule (Schedule 1). Hence it forms no part of the law of Queensland.

[16] Apart from invalidity brought about by a failure to comply with Imperial legislation Mr Lade also seems to contend, relying on s 53 of the *Constitution Act 1867* (Qld), that, absent a referendum, the constitutional requirements necessary to validate the various legislative provisions under which rates have been levied or his Certificate of Title dealt with were not met.

[17] Section 53 of the *Constitution Act 1867* (Qld) provides:

“Requirement for referendum

10

53 Certain measures to be supported by referendum
(1) A Bill that expressly or impliedly provides for the abolition of or alteration in the office of Governor or that expressly or impliedly in any way affects any of the following sections of this Act namely—
sections 1, 2, 2A, 11A, 11B; and this section 53 shall not be presented for assent by or in the name of the Queen unless it has first been approved by the electors in accordance with this section and a Bill so assented to consequent upon its presentation in contravention of this subsection shall be of no effect as an Act.”

20

[18] The sections referred to in s 53 provide under the headings “The Legislature” and “The Governor” respectively as follows:

“The Legislature

1 Legislative Assembly

30

There shall be within the said Colony of Queensland a Legislative Assembly.

2 Legislative Assembly constituted

Within the said Colony of Queensland Her Majesty shall have power by and with the advice and consent of the said Assembly to make laws for the peace welfare and good government of the colony in all cases whatsoever.

2A The Parliament

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(1) The Parliament of Queensland consists of the Queen and the Legislative Assembly referred to in sections 1 and 2.

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(2) Every Bill, after its passage through the Legislative Assembly, shall be presented to the Governor for assent by or in the name of the Queen and shall be of no effect unless it has been duly assented to by or in the name of the Queen.

The Governor

11A Office of Governor

(1) The Queen's representative in Queensland is the Governor who shall hold office during Her Majesty's pleasure.

(2) Abolition of or alteration in the office of Governor shall not be effected by an Act of the Parliament except in accordance with section 53.

(3) In this Act and in every other Act a reference to the Governor shall be taken—

- 10 (a) to be a reference to the person appointed for the time being by the Queen by Commission under Her Majesty's Royal Sign Manual to the office of Governor of the State of Queensland; and
- (b) to include any other person appointed by dormant or other Commission under the Royal Sign Manual to administer the Government of the State of Queensland.

11B Definition of Royal Sign Manual

20 In section 11A the expression *Royal Sign Manual* means the signature or royal hand of the Sovereign."

[19] There are at least two difficulties for Mr Lade's contentions. First, parliament is quite at liberty to alter these provisions if it so wishes, even though the Act is expressed to be a constitutional one: see *McCawley v R* [1920] AC 691 (PC). So if the relevant Acts have been passed without regard to the requirements of the *Constitution Act 1867* (Qld), as Mr Lade contends, then Parliament must be assumed to have so intended.

30 [20] Secondly, I am required to take judicial notice of Acts of Parliament and assume the accuracy of copies of such Acts: s 43 and 46A of the *Evidence Act 1977* (Qld). So, without evidence to the contrary, I am not concerned with the question of whether the constitutional requirements relating to the valid passing of any Act of Parliament have been complied with.

40 [21] Now, so far as I am aware, there never has been a referendum held to alter these constitutional arrangements. Equally, so far as I am aware, there has been no Bill passed that expressly or impliedly provides for the abolition of or alteration in the office of Governor or that expressly or impliedly in any way affects any of the nominated sections of the *Constitution Act 1867*, nor do any of the legislative enactments mentioned by Mr Lade in his pleading have this effect. As well, again so far as I am aware, the constitutional requirements were followed in the passing into law of the enactments in question.

[22] I turn then to the complaints about rates and the affixation of a seal to a Certificate of Title. Parliament has given formal constitutional recognition to local authorities: s 70 *Constitution of Queensland 2001* (and see formerly s 54

Constitution Act 1867 (Qld) (inserted in 1989)). A local authority has power to levy

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rates: s 94 *Local Government Act* 2009 and formerly s 963 *Local Government Act* 1993. Apparently Mr Lade has chosen to pay whatever rates were levied on his land. It was not demonstrated how that choice can give rise to any cause of action against the applicant.

10 [23] Next, Mr Lade contends that he acquired his land from the Crown of the United Kingdom of Great Britain and Northern Ireland, and that the placing of a seal upon his Certificate of Title had the effect of “removing the contractual rights granted by the Crown” and constituted “a trespass, a restrictive covenant, or the taking of a third party interest”.

[24] The proposition that the placing of a seal on a document constitutes a trespass, a restrictive covenant, or the taking of a third party interest, is not self evidently true. Certainly there was no demonstration of how the placing of a seal on a Certificate of Title has had any adverse effect on Mr Lade.

20 [25] The proposition, I think, is that public servants acting under the authority of Acts of Parliament derogate in some way from Mr Lade’s title by dealing with it as the legislation provides, and the relevant Minister is therefore liable to him for the alleged diminution in value brought about by that adverse derogation. Assuming, for the sake of argument, that there is such a derogation, the fallacy in the proposition is the notion that Parliament is precluded from so derogating once an estate in fee simple has been granted. So much has been established in a number of decisions that Ms Hartigan has taken me to: *Bone v Mothershaw* [2002] QCA 120; *Burns v State of Queensland* [2006] QCA 235; *Wilson v Raddatz* [2006] QCA 392; *Glasgow v Hall* [2007] QCA 19. Special leave to appeal to the High Court was refused in *Bone*¹ and *Glasgow*².

30 ¹ High Court Unreported, B29/2002, 25 June 2003.

² [2007] HCA Trans 557.

[26] It is apparent that the plaintiffs have no real prospect of success and have not demonstrated that there is any need for a trial: *Deputy Commissioner of Taxation v Salcedo* [2005] 2 Qd R 232.

40 [27] Mr Lade initially sought an adjournment so that his case could be argued by a Mr Walter who for personal reasons could not attend the hearing. There is no point. The end result is plain. I note that Mr Walter has conducted similar arguments in some of the cases I have mentioned and failed: see *Burns* (supra); *Wilson* (supra); and *Glasgow* (supra). See also the decision of P Lyons J in *Burns & Ors v Cassowary Coast Regional Council* (Unreported, Cairns, 27 of 2010, 27 April 2010). Costs orders have been made against Mr Walter in some cases. The applicant made Mr Lade aware of this history well prior to the hearing.

[28] In each case I grant judgment for the applicant/second defendant.

[29] The applicant has filed affidavits in which the deponent has set out the costs incurred by the applicant. The costs have been assessed on the standard basis. I have not heard from Mr Lade on the question of costs. Normally of course costs will follow the event: r 681 *UCPR*. Where the pleading discloses no cause of action and where the defendant has drawn the plaintiff's attention to earlier decisions which made plain the deficiencies in the pleaded case and so given the plaintiff the opportunity to avoid the costs of the application there is strong reason why the usual rule should apply. Nonetheless I will give Mr Lade the opportunity to be heard if he wishes. The orders will be as follows:

- 10
- (a) If the respondent wishes to be heard on the question of costs then submissions are to be filed and served on the applicant on or before 4pm on the 20th October 2010;
 - (b) In the event that no submissions are filed then I order that the respondent to pay the applicant's costs fixed in the sum of \$2,764.06 in proceedings numbered S10/10 and in the sum of \$3,027.13 in proceedings numbered S12/10

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IN THE HIGH COURT OF AUSTRALIA
(CANBERRA) REGISTRY

No. of 2015

BEWEEN: DAVID JOHN WALTER

Applicant

10

And

MR PETER FRANKS, CEO
MACKAY REGIONAL COUNCIL
ABN 86 568 229 462 –
State Government Entity.

Respondent

EXHIBIT DJW - 8

20

This is the exhibit marked DJW 8- produced by myself, David John Walter (deponent)
and shown at the time of swearing my affidavit this 10th day of March 2015.

DJW – 8 SUPREME COURT OF QUEENSLAND
(ABN 13 846 673 994 - Dept. Justice and Attorney-General)

30

NUMBER: S 12 OF 2010
WILLIAM ALEXANDER LADE AND
MR PETER FRANKS, CEO, MACKAY
REGIONAL COUNCIL (ABN 86 568 229 462)

ORDER – Before: CL Smart – Deputy Registrar

Before me



Commissioner of Declarations
DESMOND JOHN DEBEL



SUPREME COURT
OF QUEENSLAND
31 AUG 2012
FILED
MACKAY

SUPREME COURT OF QUEENSLAND

REGISTRY: Mackay
NUMBER: S 12 of 2010

Plaintiff:

WILLIAM ALEXANDER LADE

AND

First Defendant:

MR PETER FRANKS, CEO,
MACKAY REGIONAL COUNCIL (ABN 86 568 229 462)

AND

Second Defendant:

THE HON DESLEY BOYLE MP
MINISTER FOR LOCAL GOVERNMENT AND
ABORIGINAL AND TORRES STRAIT ISLANDER
PARTNERSHIPS (ABN 65 959 415 158)

20

ORDER

Before: C L Smart
Deputy Registrar

Dated:

Initiating Document: Certificate of Costs Assessor filed 17 July 2012.

THE ORDER OF THE COURT IS THAT:

30

1. The Plaintiff, and a non-party, David John Walter, jointly and severally pay the First Defendant costs pursuant to:-
 - (a) the Order of the Court dated 26 September 2011; and
 - (b) the Certificate of Costs Assessor filed 17 July 2012,
assessed at \$26,860.98.

40

Signed: *[Signature]*
Registrar



ORDER
Filed on behalf of the First Defendant
Form 59 R.661

Page 1

King & Company
Solicitors
Level 7, 95 North Quay
BRISBANE QLD 4000
Ph: 07 3243 0000 : Fax: 07 3236 1885
Ref: MPW:TK:AA18462 255291_1

IN THE HIGH COURT OF AUSTRALIA
(CANBERRA) REGISTRY

No. of 2015

BEWEEN: David John Walter

Applicant

And

10

MR PETER FRANKS, CEO
MACKAY REGIONAL COUNCIL
ABN 86 568 229 462 –
State Government Entity.

Respondent


EXHIBIT DJW - 9

20 This is the exhibit marked DJW 9- produced by myself, David John Walter (deponent)
and shown at the time of swearing my affidavit this 10th day of March 2015.

DJW – 9 List of Exhibits placed before the FEDERAL CIRCUIT COURT
OF AUSTRALIA by David John Walter.

30

Before me


.....
Commissioner of Declarations
DESMOND JOHN DEBEL



List of Exhibits

Folio DJW – 1	FEDERAL CIRCUIT COURT OF AUSTRALIA Form - Application for Review dated 26 th November 2014 Applicant - David John Walter
10 Folio DJW – 2	Signed and Sealed Order from FEDERAL CIRCUIT COURT OF AUSTRALIA – Brisbane Registry – BRG 880 of 2014 Signed by REGISTRAR BELCHER 6 NOVEMBER 2014
20 Folio DJW – 3	Correspondence dated 10 th November 2014, written and signed by David J. Walter to Registrar – Mr Murray Belcher, Registrar of the FEDERAL CIRCUIT COURT OF AUSTRALIA, Brisbane, Queensland re Form 6 Creditors Petition 880/14. Correspondence - President, United Nations Security Council New York.
20 Folio DJW – 4	Correspondence dated 21 st November 2014, written and signed by L.D.Walter on behalf of David J. Walter to Mr Murray Belcher, Registrar of the FEDERAL CIRCUIT COURT OF AUSTRALIA, Brisbane, Queensland
30 Folio DJW – 5	Correspondence dated 21 st March 2012 written and signed by David J. Walter to King & Company –Attention: Partner Responsible: Mark Williams.
40 Folio DJW – 6	Correspondence dated 8 December 2014 written and signed by David J. Walter to Australian Financial Security Authority, Attention: Sharad Sekhri

FEDERAL CIRCUIT COURT OF AUSTRALIA

Application for Review

Fill in boxes A only	
A	File number BRG880/2013
B	Filed at Filed on
C	Place of hearing
	Hearing date Hearing time

Type or print clearly Cross boxes where applicable

NOTICE TO RESPONDENT(S)

Name(s) of respondent(s) Mr Peter Franks
 address CEO Mackay Regional Council (ABN 86 568 229 462) Mackay Queensland 4740

- The applicant(s) seeks a review of the exercise or power described below
- The application is listed for hearing at the time and place in Box above.
- If you do not attend the hearing the application may be decided in your absence.

A DETAILS OF APPLICANT

1 Name(s) of applicant(s)

family name (surname) Walter given names David John

family name (surname) _____ given names _____

sent to solicitor in 3 other give details:

2 Postal address for service of documents on applicant(s)

P O Box 578,
Herberton, Queensland postcode 4887
 tel 07) 4096 3009 fax ()

3 Solicitor for applicant(s)

- name _____ code _____
 - firm name _____ postcode _____
 - address _____
 - phone/fax/DX _____

B DETAILS OF EXERCISE OF POWER SOUGHT TO BE REVIEWED

4 Name of Registrar and registry / place

surname Belcher registry or place Brisbane General Federal Law Registry

5 Date of decree(s) or order(s) of which review is sought

day 6th / month November / year 2014

6 Terms of the decree(s) or order(s)

copy attached set out below give terms in full

1. A sequestration order be made against the estate of DAVID JOHN WALTER
 2. The applicants creditor's costs, including reserved costs, if any, be fixed in the sum of \$9,747.50 and paid from the estate of the respondent debtor in accordance with the BANKRUPTCY ACT 1966 (Cth)

THE COURT NOTES that the date of the act of bankruptcy is **14 APRIL 2014**

C DETAILS OF ORDERS SOUGHT TO BE REVIEWED

7 Are you seeking to review all the orders on the application?

Attach an extra page if you need more space

Yes

no set out the order(s) to be reviewed
(give each order to be reviewed the same number it has on the application)

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D ORDER(S) SOUGHT

8 Set out the decree(s) or order(s) sought in place of those to be reviewed

Attach an extra page if you need more space

Give a number to each decree or order sought.

1. That the sequestration order made against the estate of DAVID JOHN WALTER be quashed

2. That the order that the applicant creditor's costs including reserved costs if any for the sum of \$9747.50 to be paid from the estate of David John Walter is to be quashed

3. That the date of and the act of bankruptcy being set down as 14 April 2014 be quashed.....

Refer to letter dated 10th November 2014 from David J. Walter to Mr M. Belcher, Registrar, Federal circuit Court of Australia as attached to this documentation.

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SIGNATURE

Signed

[David J. Walter]

Date

26th November 2014

applicant

solicitor

This reply was prepared by:

(print name if solicitor/counsel)

applicant

solicitor

counsel

[Redacted Name]

Application_Review_FCC_0313.V1

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20

IN THE FEDERAL CIRCUIT COURT OF AUSTRALIA
AT: BRISBANE

BRG 880 of 2014

IN THE MATTER OF: DAVID JOHN WALTER

MR PETER FRANKS, CEO, MACKAY REGIONAL COUNCIL
APPLICANT

DAVID JOHN WALTER
RESPONDENT

ORDER

REGISTRAR: **REGISTRAR BELCHER**
DATE OF ORDER: **6 NOVEMBER 2014**
MADE AT: **BRISBANE**

AFSA	ADELAIDE
- 6 NOV 2014	
<input type="checkbox"/> POST	<input type="checkbox"/> COUNTER
<input type="checkbox"/> FAX	<input checked="" type="checkbox"/> EMAIL

THE COURT ORDERS THAT:

1. A sequestration order be made against the estate of DAVID JOHN WALTER.
2. The applicant creditor's costs, including reserved costs, if any, be fixed in the sum of \$9,747.50 and paid from the estate of the respondent debtor in accordance with the *Bankruptcy Act 1966* (Cth).

THE COURT NOTES that the date of the act of bankruptcy is **14 APRIL 2014**.



DATE ENTRY STAMPED: 6 NOVEMBER 2014

Note:

Subsection 104(2) of the *Federal Circuit Court of Australia Act 1999 (the Act)* provides that a party to proceedings in which a Registrar has exercised any of the powers of the Court under subsection 102 (2), or under a delegation under subsection 103 (1), of the Act may, within the time prescribed by the Rules of Court, or within any further time allowed in accordance with the Rules of Court, apply to the Court to review that exercise of power.

Exhibit DJW – 3

Touched by a Butterfly



Kissed by an Angel

David J. Walter

Post Office Box 578
Herberton
Queensland 4887
Australia

Tel: (07) 4096 3009

Int: + 61 7 4096 3009

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

Registrar,
Federal Circuit Court of Australia,
Harry Gibbs Commonwealth Law Courts Building,
10 119 North Quay,
Brisbane, QLD 4000.

ATTENTION: Mr. Murray Belcher, Registrar of the Federal Circuit Court of Australia

Dear Mr. Belcher,

I refer to Form 6 Creditors Petition, BRG 880/14 in the matter of David John Walter,
the Respondent and the Applicant Mr. Peter Franks, CEO, Mackay Regional Council
(ABN 86 568 229 462).

20

I have advised both Mr. Mark Williams as a private person and Mr. Peter Franks, CEO
of the Mackay Regional Council that I have no signed commercial contract with any
individual or any private person inside the Parliaments of Australia as held to the
Council of Australian Governments (COAG) signed by the members of the political
parties of Australia, not being 'of the Commonwealth' the six sovereign States, the
Northern Territory, the Australian Capital Territory and the Local Government
Association which uses Australian currency, not being 'of the Commonwealth' but the
Australian dollar which is held to the American dollar, commencing on 14th February
1966 and held to the Corporations Act 2001 in which I am not a shareholder. I have no
30 equity invested in that corporation created to statutory law as held to the Statute Law
Revision Act 1973 *inter alia* the Corporations Agreement 2002 as Amended as held to
the Corporations Amendment (Sons of Gwalia) Act 2010.

Being a statutory corporation it contains no private persons and it has no maintenance
of capital and the Currency Act 1965 is not an Act 'of the Commonwealth'.

I refer to the attached documents which I have forwarded to you by email and these
documents and this matter and others is now inside the United Nations Security Council

in New York with my request to return the security of the Commonwealth as held to the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted to the Preamble and Clauses 1 to 9 and sections 61, 109, 117 and 128.

The Bankruptcy Act commenced in 1966 as held to the Reserve Bank of Australia Act No. 118 of 1973 as held to the Reserve Bank Act 1959 – 1966 and this Act is awaiting Royal Assent.

10 The Currency Act 1965 relates to coinage and legal tender of Australia *inter alia* to the Financial (Decimal Currency) Agreement Act 1966, Act No. 39 of 1966 *inter alia* to the Bankruptcy Act 1966 sealed to the Corporations Act 2001 and both Acts are copyrighted Commonwealth of Australia.

In the Bankruptcy Act 1966 – section 5 – Interpretation
‘*entity*’ means a natural person, company, partnership or trust.

20 You as a Registrar, a public official of the Federal Circuit Court of Australia, not being of the Commonwealth and Mr. Peter Franks CEO of the Mackay Regional Council are private persons and members of the public and sought employment with the Parliaments of Australia as held to the Public Employment (Consequential and Transitional) Amendment Act 1999 whereby you will hold signed commercial contracts with an individual private person holding the authority of the CEO of the Parliament of Australia, being an individual Mr. Tony Abbott MP a private person and not being the Prime Minister of the Commonwealth of Australia as held to the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted.

I refer to the attached document, forwarded to the President of the United Nations Security Council, signed under my hand on 26th October 2014.

30 I draw your attention to page xii to what may be termed the Acts Interpretation Act No. 2 of 1901 of the Commonwealth of Australia and the definition of ‘person’ and ‘party’.

You are operating on the lands of the Crown in the Commonwealth of Australia and as the Registrar of the Federal Circuit Court of Australia you are bound inside the Parliament of Australia to the Corporations Act 2001 and the Corporations Agreement 2002 as Amended where you receive Australian currency for your services.

40 Mr. Mark Williams and Mr. Peter Franks are entities of the Parliament of Queensland and hold commercial contracts to ‘Part 5 – Powers of the State’ for commercial activities only within the Constitution of Queensland 2001. I refer to the Acts Interpretation Act 1954(Qld) as found in Book ‘B’ on pages 67 to 70. I refer to the definition of “ ‘entity’ – includes a person and an unincorporated body”.

Refer Queensland Treasury Corporation – An Act of “the *State*” of Queensland – unsigned.

QUEENSLAND TREASURY CORPORATION (registrant) a Statutory Corporation of THE STATE OF QUEENSLAND AUSTRALIA “the *State*” and registered in Washington DC 20549 and as held to the Corporations (Queensland) Act 1990 to civil law only *inter alia* Crimes at Sea Act 2001 (of “the *State*”).

I, as a private sovereign person, and inside the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted, can only be lawfully bankrupted as found on page 13 to section 51 (xii), (xvi) and (xvii).

10 I, David John Walter am not insolvent nor am I bankrupt under the provisions of the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted held to section 51. I have no outstanding bills or accounts which I have not paid, held in the legal tender of the Commonwealth of Australia, being in pounds shillings and pence neither do I have any outstanding unpaid bills or accounts in the currency of the Parliaments of Australia – the Australian dollar.

20 The ‘debt’ for which I have been made bankrupt by you, Mr Murray Belcher, the Registrar of the Federal Circuit Court of Australia, a public official, not holding the sworn authority of the Crown but held to the statutory laws of the Parliaments of Australia, is for a debt I did not incur, in a court ‘proceeding’ in which I played no part but which resulted in you, Mr Belcher, declaring me bankrupt under the statutory laws of the Parliaments of Australia as a ‘non party to a proceeding’ under proceedings commenced, again, by Mr Mark Frederick Williams of King & Company, Solicitors, at the direction of Mr Peter Franks, CEO of the Mackay Regional Council.

I refer you now in particular to the attached correspondence dated 26th October 2014 and all the documentation which you are to peruse as found on page xxiv of the attached Book.

30 I refer to the Acts Interpretation Act No. 2 of 1901 as sealed to the Corporation Act 2001 and the Corporations Agreement 2002 as Amended and to your workplace laws as found on page xix also sealed to the Corporations Act 2001, Corporations Agreement 2002 as Amended as held to the Corporations Amendment (Sons of Gwalia) Act 2010 as held to the Seas and Submerged Lands Act 1973, of Australia not being ‘of the Commonwealth’ and under the Acts Interpretation Act 1901 I refer to the definition of “*Australia*” and “*territorial sea*”.

40 I am not an Australian Citizen held to the Australian Citizenship Act 2007, I am a British subject and an Australian citizen held to the Nationality and Citizenship Act 1948, signed by the Governor-General and sealed to the Great Seal of the Commonwealth.

I refer you to the definition of ‘document’ on page xxv as held to the definition of ‘entity’ in the Bankruptcy Act 1966. You are a private person as am I and you can clearly read the documents which I have placed before you. I have placed these matters before Mr. Williams and Mr. Peter Franks CEO of the Mackay Regional Council on previous occasions with my request not to proceed with bankruptcy proceedings against

me as held to the Bankruptcy Act 1966 but they have continually brought these matters up and have now taken them to a Federal Circuit Court of Australia.

That court is inside the Federal Court Act 1979 which holds no standing - not being 'of the Commonwealth' as held to the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted for any matter, for example family court matters or property.

10 Refer page l and li. An unsigned Legislative Instrument as held to the Legislative Instruments (Transitional Provisions and Consequential Amendments) Act 2003 Act No. 140 of 2003 *inter alia* Statute Law Revision Act No. 216 of 1973 – no rules of any Court inside the Corporations Act 2001 and the Corporations Agreement 2002 as Amended hold any standing or any lawful authority over any private person or company or corporations world wide as held to the Corporate Bodies Contracts Act 1960(UK).

20 As previously stated, I hold no commercial contracts, agreements or transactions with "the *State*" where the "the *State*" holds the power of an individual only as found in the Constitution of Queensland 2001 – Part 5 – Powers of the State or with Mr. Mark Frederick Williams of King & Company, Solicitors, or with King & Company Solicitors or with Mr. Peter Franks, CEO of the Mackay Regional Council or with the Mackay Regional Council or in fact with any local government entity none of which are constitutionally recognized local governments.

30 Mr. Mark Williams, Mr. Peter Franks, and yourself, Mr. Murray Belcher, Registrar of the Federal Circuit Court of Australia are held to signed and sealed commercial contracts as private persons held to the definition of *entity* in the Bankruptcy Act 1966 *inter alia* the Workplace Relation and Other Legislation Amendment Act 1996 Act No. 60 of 1996 *inter alia* Corporations Act 2001 section 9 'Act includes thing', and you all receive Australian Currency for your services not the Legal tender of the Commonwealth in pounds, shillings and pence.

As the Federal Circuit Court of Australia is a court inside the Corporations Act 2001 and the Corporation is registered in Washington D.C. it is not a common law Court of the Commonwealth and has no standing or lawful authority over any private persons, their real and personal property, or their civil and political rights and liberties.

40 The Federal Court of Australia is held to the Corporations Act 2001 and this court is bound as held to section 80 of the Judiciary Act 1903 as amended – an Act that is unsigned and a transitional law only since 1972 held to the common law of 'Australia' to the ANGLICAN CATHOLIC CHURCH as a registered business within the United States of America and held to the civil laws of the United States. The civil law of the United States is the law of the people only under the authority of the people only whereby the people vote for the President to be their Chief Executive Officer and holds that authority for four years as the people of the United States of America hold the allodial title to the lands.

This is not as with the Commonwealth of Australia where to section 61 of the Commonwealth of Australia Constitution Act 1901, the Crown holds the executive power of the Commonwealth and the Crown as a private person holds the allodial title to all the lands in the Queen's dominions.

10 The laws of justice and to the laws of God in any sovereign nation world wide are held to the laws of the land and in the Constitution of that sovereign nation. As the owner of all the lands in allodial title within the six States of the Commonwealth of Australia of which Queensland is one and we being a Federal Commonwealth since 1st January 1901 the laws of justice are held to the common law of the Commonwealth of Australia and held by Clauses 1 to 9 in the Commonwealth of Australia Constitution Act 1901 to the common law of England for all matters which includes a criminal proceeding. Under such a criminal proceeding the prosecutors of the Crown must prove beyond all reasonable doubt in a Court of common law before a jury of his peers that the person is in fact guilty.

20 This allows a sworn member of the judiciary, holding the Royal Commission Signet and Seals of the Crown to fine that person in the legal tender of the Commonwealth or imprison that person in one of Her Majesty's Prisons as a result of that criminal conviction.

Any matters where contracts are signed either to common or civil law world wide, it is again up to a Justice or a Stipendiary Magistrate, holding the Commission Signet and Seals of the Crown who is in fact the full representative of the Crown and being fully trained in the law of the Crown adjudicates and their decision in relation to a commercial contract between parties is binding.

30 As the Australian Government, with whom you hold a signed and sealed commercial contract, as do the members of the Federal Circuit Court of Australia, not being 'of the Commonwealth' and the Parliaments of Australia are corporations registered in the United States of America they are bound to the civil law of the people of the United States of America and under that law a person is guilty of any offence, criminal or civil and it is up to the person to prove their innocence or standing in an Australian court.

40 That is not the law of the Commonwealth of Australia. Being a corporation registered in the United States of America you are operating within the Commonwealth of Australia, in Queensland, one of the six States of Australia and you are bound to the laws of the Commonwealth of Australia.

Any ruling you or any member of that court makes in any application, holds no standing over the common law of the Commonwealth of Australia under the common law of England and the laws of church and state as you have sought public employment with the Parliaments of Australia and you receive Australian currency, the Australian dollar for your services as found in the Public Service Act 1996 for the Australian Public Service only, not being 'of the Commonwealth' and not being a member of the

public service of the Commonwealth of Australia where you receive your salary in the legal tender of the Commonwealth of Australia held to the common law of England and the laws of church and state.

Being within a corporation registered in the United States of America and operating within the Commonwealth of Australia you are only a guest within the Commonwealth of Australia and held to the laws of the Commonwealth of Australia under the common law of England and the laws of church and state.

- 10 You will know that in the Commonwealth of Australia, companies are created by the Crown by the Governor-General of the Commonwealth of Australia under the common law of England and the laws of church and state and must be in the legal tender of the Commonwealth, pounds shillings and pence.

If that company is registered and operates in any other country of the world it must operate under the laws of the Constitution of that country where it is registered and the employees of that country, if committing an offence against the laws of that country and can be detained and arrested as has happened.

- 20 The Judiciary Act 1903, Act No. 6 of 1903 assented to on 25th August 1903, signed and sealed with the Seal of the King holds the common law of the Commonwealth of Australia and bound to Clauses 1 to 9 of the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted to the common law of England and the laws of church and state to the Church of England and the Holy See.

I now demand that you withdraw any documents in relation to bankruptcy that you have signed and sealed this date against me a private person and party inside the Commonwealth of Australia Constitution Act 1901 as held to the Preamble and Clauses 1 to 9 to the common law of England and the laws of church and state as held to the

- 30 Church of England and the Holy See.

You will notify every person or organization that has been informed of those bankruptcy proceeding that would have cut off my credit and ability to live and you will notify me at once that that has been done on Monday 10th November 2014.

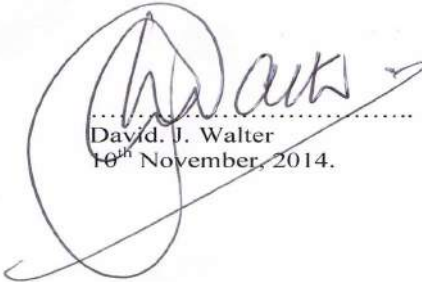
- 40 This matter is to be included in further documentation which will be forwarded to the United Nations Security Council for resolution and if not complied with by yourself will be forwarded to the International Court of Justice the Hague, as held to the Bangalore Principles of Judicial Conduct 2002 for investigation into this illegal bankruptcy of a private person inside the Commonwealth of Australia Constitution Act 1901 held to the Preamble and Clauses 1 to 9 and sections 61, 109, 117 and 128.

If you wish you may refer this to Mr. Mark Williams and Mr. Peter Franks as they are included in documentation already in the United Nations Security Council as they will be so informed, for further criminal investigation at International Law of Justice if the matters I have raised have any basis as held to international criminal law.

A copy of these documents will be posted tomorrow air express to United Nations Security Council and all Members States and Nations of the United Nations Security Council but they have already been emailed to them.

I await your reply by 1600hrs Monday, 10th November, 2014 by telephone or e-mail.

Yours sincerely,



David J. Walter
10th November, 2014.

10

cc. President of the United Nations Security Council

20

30

Touched by a Butterfly



Kissed by an Angel

David J. Walter

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Herberton

Queensland 4887

Australia

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Tel: (07) 4096 3009

Int: + 61 7 4096 3009

*'Where there is no vision the people perish; but he that keepeth
the law, happy is he' -*

Proverbs Ch. 29

President,
United Nations Security Council,
United Nations
New York.

10

Dear President and Members,

For urgent attention of and prompt action :-

For the immediate resolution/order to be given by the Members of the United Nations Security Council to the International Court of Justice, The Hague as held to the Bangalore Principles of Judicial Conduct 2002 and international law to action the request previously given to the Registrar Legal Matters, in the International Court of Justice, The Hague by myself to be authorised to immediately sign, seal and serve on her Majesty the Queen the following:

20

a) The application for a Default Judgment against the Parliaments of Australia as held to AUSTRALIA'S CONSTITUTION First Edition May 1995 and **The Constitution** as in Force 1st June 2003 to be signed, sealed and served on Her Majesty the Queen as held to the Bangalore Principles of Judicial Conduct 2002 and international law inside the International Court of Justice, The Hague.

30

b) The application for a Default Judgment against the Parliament of "the *State*" of Queensland held to the Constitution of Queensland 2001 and the Parliament of Queensland Act 2001 to be signed and served on Her Majesty the Queen as held to the Bangalore Principles of Judicial Conduct 2002 and international law inside the International Court of Justice, The Hague.

I further request that the two Caveats I have included in my application and which are also with the Registrar of the International Court of Justice The Hague be signed and sealed and served by The International Court, on Mr Tony Abbott MP, Prime Minister of the Parliament of Australia forthwith to protect the property of the private sovereign people of the Commonwealth of Australia and people worldwide.

The International Court of Justice The Hague, as held to the Bangalore Principles of Judicial Conduct 2002 to international law holds, in the Registry, Legal Matters of that Court all hard copies signed under my hand for the abovementioned Applications for a Default Judgment for the Parliaments of Australia and the Parliaments of Queensland.

I request that these matters be investigated by the International Court of Justice to international law in all jurisdictions.

10 I further request that the outstanding matters, as held to the List of Court Cases & Further Pending Matters as cited in pages 141 to 171 of my Application for a Default Judgment against the Parliaments of Australia be investigated and determined to the civil and criminal and common law of the International Court of Justice, The Hague and further requests as outlined.

The United Nations Security Council is an international body inside which the Commonwealth of Australia and its private people including the Queen, held by the treaty series, have not been represented by any private sovereign person since 1972.

20 The private sovereign people of the Commonwealth of Australia have not voted to elect any members to the House of Representatives or the Senate of the Parliament of the Commonwealth of Australia under a Writ for Election signed by the Governor-General, holding Her Majesty's Seal and Signet, commencing from 12th December 1972.

30 Any vote since that day has been for a member of a 'foreign government and political subdivision' held to the statutory laws of the Parliaments of Australia which have no more validity than any piece of paper with writing on it as they are unsigned and unsealed. Those elected persons to the Parliaments of Australia are Members of Parliament (MP's) being members of the political parties whom they represent under signed and sealed contracts held with the Members of Parliament (MP's) of the United Kingdom inside the European Communities Act 1972 and by signing commercial contracts to create corporate parliaments which contain no private people, no shareholders, no maintenance of capital.

I refer to Sue v Hill [1999] HCA 30, the Sons of Gwalia Ltd v Margaretic [2007] HCA 1 (31 January 2007)(2007) 232 ALR 232; (2007) 81 ALJR 525 and Legal Services Commissioner v Walter [2011] QSC 132.

40 There are no Courts of the Crown held to the common law of England and the laws of church and state anywhere under the Parliaments of Australia and the Parliament of the United Kingdom whereby any member of the judiciary, holding the authority of the Crown can lawfully imprison, fine or take any lawful interest in or over any real or personal property of a private person world wide as they only hold the authority of the Prime Minister of Australia who is in a corporation registered in Washington DC to the civil laws of the United States of America.

I refer you to the List of Court Matters found on pages 141 – 176 in the attached document and the private sovereign people who have been bankrupted and lost their real and personal property in Australian courts.

Reference:

[Extract] 'Freedom of the Individual and Property Rights'

Dr Mark Cooray, LLB (Hons) Ceylon; Phd (Cambridge); Phd (Colombo)

'8.1 The Property Basis of all Rights'

10 “Property rights are not just another human right; such a statement understates the case. They are much more fundamental than that. Property rights are basic to all rights.

 This relationship first occurred to me while studying the loss of rights in totalitarian countries. My general conclusion was that the loss of property rights either preceded or accompanied the loss of other rights. This was so in Hitler's Germany. It was so in Lenin's and Stalin's Russia. It has also been the case in other totalitarian countries. It is possible that some property rights could be retained while other rights, such as freedom of speech, freedom of press, freedom of religion, freedom of association and so on, would be severely
20 curtailed or taken away. But it is now inconceivable to me that other rights could be maintained when property rights were gone.”

Her Majesty the Queen holds a signed and sealed commercial contract between the Crown, the Queen and the lawful owners of that real property as held to the Constitutions of the six States of the Commonwealth of Australia and inside the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted on Tuesday 1st January 1901. That Constitution is sealed and signed and binding on any person, company or corporation world wide as held to the common law of England and the laws of church and state to the laws of God.

30 The Member States of the United Nations Security Council are now being called upon to act on behalf of the sovereign private people of the Commonwealth of Australia to restore the security of the Commonwealth of Australia and our Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted and the Constitution Act 1867(Qld) [31 Vic. No.38] as we have no access to any Court of the Crown in the Queen's dominions nor are our rights to our real and personal property or our civil and political rights and liberties protected by the statutory gender entities inside the Parliaments of Australia, acting as judges, magistrates, registrars or public officials of the courts inside the Parliaments of Australia.

40 The Queen of Australia is a creation of Australian statutory law, a “thing” a name on a document only, as that position does not exist to common law and that Queen does not replace or hold the authority of Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories

Queen, Head of the Commonwealth, Defender of the Faith in the Commonwealth of Australia, private person/individual.

The members of the political parties in the Parliaments of Australia in their own private Government Gazette, declared AUSTRALIA not being 'of the Commonwealth' a new government to be over and above the authority of the Crown and the private people on 12 December 1972, *inter alia* the Statute Law Revision Act No. 216 Of 1973

10 **Statute Law Revision Act 1973 ***
No. 216 of 1973

AN ACT
For the purposes of Statute Law Revision.
[Assented to 19 December 1973]

BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:-

20 **Short title.**

1. This Act may be cited as the Statute Law Revision Act 1973.*
- * *The Statute Law Revision Act 1973 is amended by the Statute Law Revision Act 1974, which also came into operation on 31 December 1973.*

Commencement.

2. This Act shall come into operation on 31 December 1973

Amendment of Acts.

3. The Acts specified in column 1 of Schedule 1, are amended as respectively specified in column 2 of that Schedule.

30

Citation of Amended Acts.

4. An Act specified in column 1 of Schedule 2, as amended by this Act, may be cited as in the manner specified in column 2 of that Schedule

Repeal of Acts.

5. The Acts specified in Schedule 3 are repealed.

SCHEDULE 3—REPEAL OF ACTS—Section 5

PART VII—MISCELLANEOUS ACTS

40

Royal Commission Act 1954 No. 2 of 1954
Royal Style and Titles Act 1953 No. 32 of 1953
Royal Style and Titles Act (Australia) 1947 No. 70 of 1947

SCHEDULE 1—AMENDMENT OF ACTS—Section 3

<p><i>Aboriginal Enterprises (Assistance) Act</i> 1968</p>	<p>Section 10— Omit “Territory <u>of the Commonwealth</u>” Insert “Territory”</p>
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<p><i>Acts Interpretation Act 1901-1966</i> as amended by the <i>Acts Interpretation Act 1973</i></p>	<p>Section 26— Omit from paragraph (e) <u>“of the Commonwealth”</u> Section 30—Omit from paragraph (2)(b) <u>“of the Commonwealth”</u></p>
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10	<p><i>Australian Electoral Office Act 1973</i></p> <p><i>Citizenship Act 1948-1969,</i> as amended by the <i>Australian Citizenship Act 1973</i></p> <p><i>Crimes Act 1914-1966</i> as amended by the <i>Crimes Act 1973</i></p> <p><i>Currency Act 1965-1969</i></p>	<p>Section 4—<u>Omit</u> from the definition of “Australia” subsection (I) “<u>of the Commonwealth</u>”.</p> <p>Section 6—<u>Omit</u> “<u>under the authority of the Commonwealth</u>”</p> <p>Section 65—<u>Omit</u> from paragraph (1) (a) “<u>Great Seal of the Commonwealth</u>” <u>insert “Great Seal of Australia”</u></p> <p>Section 10— From the definition of “Territory” in sub-section (1) <u>Omit “of the Commonwealth”</u></p>
20	<p><i>Geneva Conventions Act 1957-1966</i> “Australia”</p> <p><u>Commonwealth</u>”.</p> <p><i>Royal Commissions Act 1902-1966</i></p>	<p>Section 5—<u>Omit</u> from the definition of in. sub-section (2) “<u>of the</u> Section 2—<u>Omit</u> “<u>Great Seal of the</u> <u>Commonwealth</u>” <u>insert “Great Seal of Australia”</u>”.</p>

30 The Parliaments of Australia as held to their Royal Style and Titles Act 1973, Act No. 114 of 1973 hold no lawful authority over the private sovereign people of the Commonwealth of Australia or the Crown of the United Kingdom of Great Britain and Northern Ireland other than that lawfully granted to them upon the creation of the ‘one indissoluble Federal Commonwealth’ on 1st January 1901 under the Commonwealth of Australia Constitution Act 1901, as proclaimed and Gazetted.

40 The powers of the elected Members of the House of Representatives in THE PARLIAMENT of AUSTRALIA, voted by ‘we the people’ being over the age of twenty one years for one vote one value and with the Queen in the Parliament are held to the provisions of the Commonwealth of Australia Constitution Act 1901, to Part V – Powers of the Parliament.

Refer: Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted shown at Folio DJW 6 page 17 Index Book 1 Folio DJW – 5 on page 11

- Refer:- s51. (i) Trade and commerce with other countries, and among the States:
 (iv) Borrowing money on the **public credit of the Commonwealth**:
 (xii) Currency, coinage and legal tender:
 (xv) Weights and measures:
 (xvi) Bills of exchange and promissory notes:
 (xvii) Bankruptcy and insolvency

50 Refer section 51(i) Trade and commerce with other countries, and among the States.

The members of political parties of the Parliaments of Australia, having the power of an individual only and still being inside the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted cannot show the results of a referendum signed by the Governor General and presented to the private sovereign people to validate that they have the consent or authority of those private sovereign people of the Commonwealth of Australia to create their statutory Parliaments of Australia and their statutory laws to be held over us outside of and above the lawful authority of the Crown.

10 I refer to the ‘G20’ Meeting to be held in Brisbane during the weekend of 15th and 16th of November 2014. I request of the Members of the United Nations Security Council even at this late date to immediately advise the members attending that meeting that the delegates of Australia and the United Kingdom are not representative of we private sovereign people and the Crown inside Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted but represent themselves and their corporate structures – the Parliaments of Australia and the United Kingdom only.

Facts in issue:-

20 As I have previously stated, I am not a legal practitioner or a constitutional lawyer and I do not make this application to be in any way subversive to the security or the authority of the Commonwealth of Australia but, on behalf of the Crown and the private sovereign people, to restore the security of the Commonwealth of Australia as held to our Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted, subject but not limited to all matters commencing in 2003 with Mrs Catherine Elizabeth Burns as found on pages 141 to 175.

1. The actions of the people who have ‘administered’ the Government of Australia over the past 48 years, have done so over and above the authority of the signed and sealed order of the Crown dated 19 October 1973 but they had commenced their activities
30 over many years prior to that date.

2. The Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted was the Act under which ‘one indissoluble Federal Commonwealth’ was created. As stated in Quick & Garran’s *The Annotated Constitution of the Australian Commonwealth*

“The Commonwealth is the united political society thus established; it consists of the people and of the pre-existing colonies, converted into States.

40 Attention is particularly drawn to this definition of Commonwealth, which is clear and unchallengeable, according to the express wording of the Preamble and the first six clauses of the Imperial Act”.

By using AUSTRALIA’S CONSTITUTION First Edition May 1995 – **The Constitution** as their Constitution the members of political parties in the Parliaments of Australia have removed the authority of the Crown, the private sovereign people and all laws made by

the Parliament of the Commonwealth held to the Commonwealth of Australia Constitution Act 1901 as Proclaimed and Gazetted.

3. In the Statute Law Revision Act 1973 they omitted the words ‘of the Commonwealth’ from all the Acts of the Parliament of the Commonwealth of Australia including the Royal Commission Act 1902 – 1966

Section 2 - Omit ‘Great Seal of the Commonwealth’ Insert ‘Great Seal of Australia’,

10

4. The Parliament of “the *State*” of Queensland omitted from the Queensland Criminal Code Act 1899 - Chapter 6 the offence of “Treason against the Sovereign’s person and authority’ in 1997. The Act is sealed to the Public Seal of The State of Queensland and copyrighted.

20

5. The members of political parties altered the legal tender of the Commonwealth, pounds sterling to the Australian dollar and altered the Imperial measurements to metric measurements, which also altered our lawfully held Deeds of Grant for Land, held with the Crown and, we have been advised by a Government department they have destroyed the original Deeds of Grant for Land held with the Crown as they were no longer required being of ‘historical value’ only.

6. The lawful Courts of the Crown held to the authority of the Crown to the common law of England and the laws of church and state, the Church of England and the Holy See have been removed and replaced with Australian courts, held inside the Parliaments of Australia and using Australian statutory law and Australian common law only.

30

7. By the use of unsigned statutory laws the Justices and Stipendiary Magistrates holding the Signet, Seals and authority of the Crown have been removed and replaced with Australian judges and magistrates holding no authority of the Crown but held to commercial workplace agreements with the Parliaments of Australia.

8. The members of the legal profession receive their practicing certificates from the Australian courts which are inside the Parliaments of Australia and the public service officials in Australian courts hold workplace agreements and commercial contracts with the Parliaments of Australia for their employment.

40

9. The Acts of the members of political parties in the Parliaments of Australia have removed the Church of England and the Roman Catholic and Apostolic Church and replaced them with the Anglican Church and the Catholic Anglican Church of Australia which hold Australian Business Numbers and their GOD inside those churches is an entity only. Refer MISSION TO SEAFARERS AUSTRALIA GERALDTON WESTERN AUSTRALIA – ANGLICAN CHURCH – ABN 90 434 433 679.

10. The members of the political parties of the Parliaments of Australia have registered QUEENSLAND TREASURY CORP CIK#: ; statutory corporation THE

STATE OF QUEENSLAND AUSTRALIA CIK# and COMMONWEALTH OF AUSTRALIA#: in the U.S. Securities & Exchange Commission in Washington DC being 'foreign governments and political subdivisions. Refer Index Book Two Folio DJW 61 pages 118 – 189 inclusive.

11. We the private sovereign people, and the Queen as held to Royal Styles and Titles Act No.32 of 1953 being a private person, have been removed as held to the Statute Law Revision Act No 216 of 1973, by the new Parliaments of Australia under their own statutory Acts. Those Parliaments of Australia have incurred, under their 'administration', massive overseas debt. As we are not in their Parliaments to whom does that debt belong? It cannot lawfully be the debt of the private sovereign people as we are 'of the Commonwealth' not inside the Australian System of Government whose entities incurred the debt or is it going to be the same as what has happened to me – are the private sovereign people 'of the Commonwealth' going to be bankrupted and forced to live in penury to pay back a debt as a 'non party to a proceeding' incurred by the Parliaments of Australia.

In the matter of Mrs. Catherine Elizabeth Burns, and Her Majesty the Queen both of whom are private persons in their eighties will forfeit their lawfully owned real property, under the bankruptcy proceedings, held to the Bankruptcy Act of 1966 for Australian Currency only, being brought against Mrs. Burns for non payment of rates (on land she is allowed to do nothing with – not even build a house) by the Cassowary Coast Regional Council - whose CEO is Mr. Terry Brennan states "The Plaintiff is a body corporate constituted by the Local Government Act 2009 ("the Act") and as such is capable of suing in its corporate name".

Mrs Catherine Elizabeth Burns is fully aware, having already been one of the unfortunate recipients of 'justice' in Australian courts in "the *State* of Queensland which is how she lost all rights to her lawfully owned registered land in the first place, that there is nothing that she can produce to the 'Registrar' or presiding judge or magistrate in the court that will afford her any leniency or defence.

The local government is not constitutionally recognized but has been given power and authority over the real property and money of private sovereign people under the statutory laws of the Parliaments of Australia, supported by the Australian courts, Australian judges and magistrates, public officials acting as Registrars inside those courts and the legal profession.

Neither I, Her Majesty the Queen nor any other private person can protect Mrs. Catherine Elizabeth Burns' commercial binding and legal contract she has in her original Deed of Grant for Land she holds with the Crown and for her to employ a member of the legal profession to assist her is a complete waste of time and money, as more and more people are unfortunately discovering, because, in matters such as this – "the *State*" and the Parliaments of Australia have won before the 'Respondent' walks into the court room under their control of the courts, the judges, the magistrates, the registrars, public officials

and legal profession who are all inside those Parliaments and held to their control by commercial contracts and practicing certificates.

Mrs. Catherine Elizabeth Burns has held a legal Deed of Grant for Land with Her Majesty for real property purchased at public auction in 1968. She has held that block of land for forty six years and it is held in a commercially binding legal contract with the Crown in free and common socage with no further benefit to the Crown as held to 1660 – Charles II.

- 10 The actions of these private people to bankrupt Mrs. Catherine Elizabeth Burns which are not held to the laws of Bankruptcy and Insolvency to section 51(xvii) of the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted, as has happened to me – will ensure that her property will be taken by “the *State*” of Queensland as an asset for themselves.

The request I now make has now become imperative because Mrs. Burns’ matter is being taken to court next week, 11th November 2014 and she faces the very real prospect, assisted and upheld by the legal system that she will be forfeiting her lawfully owned real property in that matter.

20

In the correspondence which I forwarded to the Members of the United Nations Security Council on 26th October 2014 I advised them that Mark Frederick Williams of King & Company, Solicitors were taking bankruptcy proceedings against me as a ‘non party to a proceeding’ concerning Mr. William Alexander Lade.

This is an application which I could not defend in that court being the Federal Circuit Court of Australia, registered inside the Corporations Act 2001 and the Corporations Agreement 2002 as Amended.

- 30 This is the second time that Mr. Mark Williams of King & Company, Solicitors has attempted to bankrupt me as a non party to a proceeding for a matter pertaining to Mr. William Alexander Lade. I do not believe that Mr. Lade has been prosecuted for this ‘debt’ or bankrupted for it though he was the principal in this matter.

Mr. Murray Belcher, the Registrar, a public official held by commercial contract to the Parliament of Australia who presided over the matter in the Federal Circuit Court of Australia today perused the ‘evidence’ provided by Mr. Peter Franks and Mr. Mark Williams of King & Company Solicitors and proceeded to bankrupt me

- 40 I have no way to defend these proceedings in any court of the world. Neither my wife nor I hold any transaction, signed and sealed agreement or commercial contract with the Parliament of Australia, the Government or the Parliament of “the *State*” of Queensland, the Mackay Regional Council, Mr. Peter Franks, CEO, nor do I retain as legal practitioners or hold a commercial contract with Mr. Mark Frederick Williams of King & Company Solicitors or with King & Company Solicitors as a legal firm, or Mr. William Alexander Lade as a private person and a corporation sole and we hold no transaction or

commercial signed contract or agreement with any of those private people or any entity in their corporations or companies. I am being held to a debt as a non-party to a proceeding in Australian currency as held to the Currency Act 1965 © Commonwealth of Australia, Index to Book Two Folio DJW 21 pages 36- 42 - Australian dollar.

I have just this morning received correspondence from KING & COMPANY, SOLICITORS, signed by a person unknown – ‘King & Company’ and with the contact being Mark Williams.

- 10 Attached were documents in relation to my Bankruptcy No. BRG 880 of 2014 in the FEDERAL CIRCUIT COURT OF AUSTRALIA AT: BRISBANE.
IN THE MATTER OF: DAVID JOHN WALTER
MR PETER FRANKS, CEO, MACKAY REGIONAL COUNCIL
APPLICANT

DAVID JOHN WALTER
RESPONDENT

- 20 Note – the Signed Order of the REGISTRAR - M. Belcher as a private person held to the Seal of the FEDERAL CIRCUIT COURT OF AUSTRALIA *inter alia* Corporations Act 2001 where the Act includes ‘thing’ at section 9 and held to the CORPORATIONS AGREEMENT 2002 AS AMENDED and the Corporations (Sons of Gwalia) Amendment Act 2010 and their workplace laws held to the Workplace Relations and Other Legislation Amendment Act 1996, Act No. 60 of 1996 as amended and the Public Employment (Consequential and Transitional) Amendment Act 1999, Act No. 146 of 1999 as amended *inter alia* Legislative Instruments (Transitional Provisions and Consequential Amendments) Act 2003, No. 140 of 2003. All these Acts are unsigned transitional laws only and have no Royal Assent.

- 30 I note I was bankrupted in Australian currency, not being ‘of the Commonwealth’ by REGISTRAR BELCHER, the date of the Order was **6 NOVEMBER 2014** and THE COURT NOTES that the date of the act of bankruptcy is **14 APRIL 2014** and that debt is held to my estate, my will and testament for my heirs and assigns which I have had duly signed and witnessed by two independent people contemporaneously as a private person inside the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted and held to the common law of England in Clauses 1 to 9 and to the laws of church and state.

- 40 As I have stated previously The Bankruptcy Act 1996(Cth) as held to the Corporations Act 2001 where the Act includes ‘thing’ and holds no private persons.

Not being a shareholder inside that corporation of the Parliaments of Australia and having no capital inside that corporation I cannot lawfully be bankrupted under that Act as DAVID JOHN WALTER and MR PETER FRANKS, as is MR MURRAY BELCHER are statutory entities or ‘things’ as found in the Corporations Act 2001 *inter alia* the Statute Law Revision Act 1973, No. 216 of 1973 as found on pages 4 and 5.

I note on page 5 – of this document which shows the Statute Law Revision Act 1973 – *Geneva Conventions Act 1957 – 1966* Section 5 – Omit from the definition of ‘Australia’ in sub-section (2) “of the Commonwealth”.

The *Geneva Conventions Act 1957 – 1966* is sealed and copyrighted Commonwealth of Australia *inter alia* to the Charter of the United Nations Act 1945 which is sealed and copyrighted Commonwealth of Australia and sealed to the Corporations Act 2001 *inter alia* Trusts (Hague Convention) Act 1991 and copyrighted Commonwealth of Australia.

- 10 All those Acts are unsigned transitional Acts and held to AUSTRALIA’S CONSTITUTION First Edition May 1995 and **The Constitution** as in Force 1st June 2003.

All these unsigned statutory Acts are the creation of the Statute Law Revision Act 1973, No. 216 of 1973, over and above the authority of the Crown and ‘we the people’ as signed on 19th October 1973 and the Parliaments of Australia and the Parliament of the United Kingdom are only members of political parties and at the refusal of the Crown on 19th October 1973, disobeyed Her Royal Order and created Australian governments and United Kingdom governments with no private people in their corporations and removing
20 the lawfully owned property of the private sovereign people world wide for their own personal benefit and ably assisted by their judiciary and the legal profession, their courts and Governors and Governor General who have not held the authority of the Crown since 1972 for the Commonwealth and for The States and Territories of the Parliaments of Australia since 1983.

If the Acts are created to statutory law the dates are also created to statutory law as is **14TH APRIL, 2014** – the date as shown does not exist, it is a statutory date only refer Statute Law Revision Act No. 216 of 1973 pages 4-5. There is no seal at the top of the Statute Law Revision Act No. 216 of 1973 and it is unsigned – it has no more validity
30 than any unsigned unsealed words on a piece of paper. I and every other private person can read those documents including the members of the political parties of Australia inside the Parliaments of Australia and their employees inside those Parliaments of Australia which include the courts, the judiciary, the legal profession, the public officials of those courts, the police services, public servants, agents and authorities, all being bound by commercial signed contracts or practicing certificates and paid and dealing in Australian currency only not being ‘of the Commonwealth.

I refer you to Book ‘B’ commencing at Folio DJW 5 commencing at page 73 to page 85.

- 40 My wife and I are held by our Certificates of Birth and as shareholders holding one share each to the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted, to the Preamble, Clauses 1 to 9 and section 61, 109, 117 and 128.

As held to the Statute Law Revision No. 216 of 1973 created by the members of the political parties after the refusal of the Crown to grant a royal style and title for the Queen of Australia the removal from their ownership and possession of the real and personal

property lawfully owned any private sovereign person is indefensible in any of the statutory Australian courts before statutory entities being judges and magistrates and members of the legal profession and public service which are also statutory entities inside the Parliaments of Australia.

10 I forwarded the documentation pertaining to the matter which I had forwarded to the United Nations Security Council on 26th October 2014 to Mr. Mark Williams and the Director of King & Company, Solicitors with the request that they read and consider the documentation and cease bankruptcy proceedings against me until such time as the
10 United Nations Security Council had advised me of what actions they would be taking on behalf of the private sovereign people of the Commonwealth of Australia.

I, as a private sovereign person, and inside the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted, can only be lawfully bankrupted as found on page 13 to section 51 (xii), (xvi) and (xvii).

20 I, David John Walter am not insolvent nor am I bankrupt under the provisions of the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted held to section 51. I have no outstanding bills or accounts which I have not paid, held in the
20 legal tender of the Commonwealth of Australia, being in pounds shillings and pence neither do I have any outstanding unpaid bills or accounts in the currency of the Parliaments of Australia – the Australian dollar.

30 The ‘debt’ for which I have been made bankrupt by Mr Murray Belcher, the Registrar of the Federal Circuit Court of Australia, a public official, not holding the sworn authority of the Crown but held to the statutory laws of the Parliaments of Australia, is for a debt I did not incur, in a court ‘proceeding’ in which I played no part but which resulted in Mr Belcher declaring me bankrupt under the statutory laws of the
30 Parliaments of Australia as a ‘non party to a proceeding’ under proceedings commenced, again, by Mr Mark Frederick Williams of King & Company, Solicitors at the direction of Mr Peter Franks, CEO of the Mackay Regional Council.

40 Insulated inside their Parliaments of Australia and the complete totalitarian (though unlawful) power and authority they have over the private sovereign people of the Commonwealth of Australia neither Mark Frederick Williams or the Director of King & Company Solicitors paid any attention to my request (supported by copies I sent them of the correspondence I had forwarded to you) for them to not continue bankruptcy proceedings against me until such time as I had heard from the United Nations Security Council regarding my application to them.

I was informed by an officer of the court on Thursday 6th November 2014 that I had been bankrupted in the Federal Circuit Court of Australia, inside the Parliament of Australia in Brisbane by the Registrar, Mr. Murray Belcher, a public official of the Court and a paid employee of the Parliaments of Australia.

Obviously, as is clearly supported by the actions of these statutory entities, the United Nations Security Council and its Members have absolutely no credibility or authority in the eyes of the Director of King & Company, Solicitors or Mr. Mark Frederick Williams for reasons unknown to me.

10 Bankruptcy proceedings have become almost an epidemic in Australia today, and speaking for Queensland, seems to the most simple and obvious way the legal system and “the *State*” are gaining their unlawful ownership of the real and personal property and money of the private sovereign people because those statutory entities are fully secure in the knowledge that the private sovereign people have absolutely no recourse to justice other than the ‘justice’ handed out by the legal system created by the Parliaments of Australia and the Parliament of the United Kingdom, for the obtaining of the real and personal property lawfully owned by the private sovereign people, including the Crown as assets for their Corporations, registered in the Capital Washington D.C. not being of the Commonwealth.

20 We do not have, not being part of the Parliaments of Australia and the Australian System of Government a right to vote for a private person to represent us and our region on our behalf but are forced, under threat of fine/imprisonment up to 2 years /criminal conviction for failing vote for a member of a political party who control the Parliaments of Australia for their own corporate benefit and their corporations with no law world wide to protect the real or personal property of any private sovereign person or sovereign country world wide as the Parliaments of Australia and the Parliament of the United Kingdom do not recognize private sovereign people only their property.

30 We cannot vote under our Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted, we have an Australian currency which holds no head of power and has no value world wide and cannot be used to purchase property owned by any private person or sovereign nation world wide.

When Mrs. Catherine Elizabeth Burns is bankrupted, not only will she be unable to pay, as I cannot, her property, and ours, if we do not comply with the ‘ruling’ of the court will be taken and warrants will be issued for our arrest under the statutory laws of Australia – not being ‘of the Commonwealth’ – this is quite apparent as shown in the list of Court Cases & Further Pending Matters on pages 141-179 of the attached correspondence and I draw your attention in particular to the matter of Ian Sidney Henke commencing on pages 108 – 140.

40 I have been threatened with bankruptcy proceedings before for the sum of \$2150.00 and I paid because I was contacted at home by the Sheriff in the Atherton court to advise me that they were issuing a warrant for my wife’s arrest and imprisonment. My wife is 68 years old and has been a law-abiding citizen all of her life and was understandably extremely upset by this threat by a public servant of “the *State*” of Queensland who could carry out that threat, lawful or otherwise, because he ‘cannot be touched’ inside the statutory laws of the Parliaments of Australia.

I could not go to court to protect my wife from his threat because under an Injunction of the “the *State*” of Queensland – namely the Legal Services Commissioner inside the Department of Justice and Attorney General I cannot enter any Australian court because if I do I shall be arrested and imprisoned for two years.

10 This situation, under what is described by our Australian Parliaments as ‘democratic government and justice’ for peace welfare and good government is becoming an absolute disgrace to our wonderful country, our Crown and our Commonwealth of Australia. There is nothing so appalling and damaging for those in power than uncontrolled and unlimited power and authority as is clearly shown in the contempt for the power and authority of the United Nations Security Council and its Members by Mark Frederick Williams and the Director of King & Company Solicitors when I forwarded them the documentation I had sent to you and asked them to wait for your reply which they completely disregarded.

20 The Member of the United Nations Security Council and Member Nations of the United Nations and anyone who reads this document can take this as fact. If anyone attempts to remove the real property owned lawfully by Mrs. Catherine Elizabeth Burns and the Crown I will defend her lawful rights to the last breath in my body as this situation is quite untenable and cannot be allowed to continue.

If two ladies who hold a commercial contract to both common law and civil law, laws which are valid world wide can have their lawfully owned real property ‘acquired’ under creative statutory laws which allow such reprehensible actions by private persons, who have created statutory Parliaments over and above the authority of the Crown there is obviously no valid commercial law world wide and the constitution of every sovereign nations is worthless.

30 I also must advise the United Nations Security Council that there is a G20 Meeting for member countries to be held in Brisbane, the capital of Queensland a State of the Commonwealth held to the Constitution Act 1867(Qld) [31 Vic. No.38] as found in Index Book One at Folio DJW 43 from pages 74 – 79 and inside the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted.

40 The representatives of the Parliaments of Australia and the United Kingdom do not have the authority of the Crown or the sovereign private people to represent us at this meeting as they are not voted in by ‘we the people’ and the Queen in the Parliament of the Commonwealth of Australia but are representing the Parliaments of Australia and its statutory entities inside its corporate structure only.

Refer:- s51. (i) Trade and commerce with other countries, and among the States: commencing 14th February 1966. The Parliaments of Australia can trade only in Australia Currency the Australian dollar not being the Legal tender of the Commonwealth of Australia – pounds, shillings and pence.

The delegation from Australia and the United Kingdom do not hold the lawful authority of the private sovereign people and the Queen to use or touch any assets of the people and the Queen in the Commonwealth of Australia as held to Clauses 1-9 of the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted to the common laws of England and the laws of church and state of the Church of England and the Holy See to the laws of God.

10 The Parliaments of Australia and the United Kingdom as corporations, not being 'of the Commonwealth' and registered outside of the Commonwealth, cannot lawfully sign or enter into any international treaty or agreement to use any property or any authority over and above the authority of the Crown.

The Parliaments of Australia and the Parliament of The United Kingdom have created a power base completely isolated and insulated from the authority of the Crown, the United Nations, the United Nations Security Council and the International Court of Justice as held to the Bangalore Principles of Judicial Conduct 2002 and their Parliaments are devoid of the private sovereign people.

20 The Parliaments of Australia and the Parliament of the United Kingdom have their own statutory laws and their self created authority and have between themselves, as members of political parties, the signed Financial Agreement (Decimal Currency) Act 1966 and the Financial Agreement Act 1994, © Commonwealth of Australia sealed to the Corporations Act 2001 and the Corporations Agreement 2002 as amended, not being 'of the Commonwealth' found in Index Book Two Folio DJW 45 pages 89 – 92, not being laws of the Commonwealth signed and sealed by the Governor-General of the Commonwealth to the common law of England and the laws of church and state.

30 I would like to draw the United Nations Security Council's attention to Index Book Two Folio DJW – 95 pages 171 to 175 which is the Council of Australian Governments Bilateral Agreement the Intergovernmental Agreement on the Environment (IGAE) signed between the three levels of government in 1992. In this agreement they signed under their hands that:

'the use of natural resources and land, remain a matter for the owners of the land or resources, whether they are government bodies or private persons.'

This clause of the Agreement is ignored as it does not suit their purpose.

40 In setting up these systems of government for their own agendas, the members of the political parties in the United Kingdom of Great Britain and Northern Ireland and in the Commonwealth of Australia in their Parliaments of Australia and Parliament of the United Kingdom have never at any time presented the private sovereign people with a referendum to gain our consent to any of their actions or to gain our consent to the loss of the protection of the Crown held to the common law of England and the laws of church and state.

Under section 161 of Quick & Garran's *Annotated Constitution of Australia's Commonwealth* it shows that 'peace, order, and good government' is for legislatures to ensure 'the protection of life and property, and the enforcement of contractual rights of every king;'.
10

By the simple removal of the authority of the Crown (the Queen/King) of the United Kingdom of Great Britain and Northern Ireland and the private sovereign people from their corporations they did not have to consider 'the protection of life and property, and the enforcement of contractual rights of every king;' in their legislatures, which are created to statutory law.

By the repeal of the Royal Styles Titles Act 1953 as held to the Statute Law Revision Act No. 216 of 1973 and the sealing and © Commonwealth of the Statute of Westminster 1931 and the Statute of Westminster Adoption Act 1942, the Parliaments of Australia and The United Kingdom are no longer held to the common law of England and the laws of church and state refer: [9&10 GEO.5.] Church of England Assembly (Powers) Act, 1919 [Ch.76] holds the Church of England to the Holy See. Refer Index to Book 1 pages 44-45.

20 Since 14th February 1966 to the current date – 5th November 2014 there has been a systematic alteration to and erosion of our democratic system of government as held to the Westminster System of Government, removing the Legal tender of the Commonwealth, and replacing it with the Australian dollar - \$A having no standing and no value as a Bill of exchange held to the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted and altering the Deeds of Grant held to Imperial laws and measures and replacing it with metric measures held to their statutory laws only.

30 In making this application for relief and a passing of resolutions by the Security Council of the United Nations as soon as possible, we the people, including the Queen are protected inside The Charter of the United Nations as set out in the Australian Treaty Series 1945
No. 1 *inter alia* the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted. At Chapter III – The Judicature, section 75 shows. 'In all matters – (1) Arising under any treaty;.....'

We have had no referendum presented to us by any Government in the Commonwealth of Australia as held to sections 61,109,117 and 128 of our Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted nor have we voted in any referendum to give our consent and authority to the following - subject but not limited to:-
40

- The alteration of our system of Government, not being "of the Commonwealth"
- The loss of our ability to vote for a private sovereign person to represent us and our region for our benefit not for the benefit of a political party
- Our rights to worship God in a Church of our choosing
- To alter and or remove our lawful rights to the ownership of and the use of our real property

- To render void the lawful commercial contracts we hold with the Crown (signed between all parties when the real property was purchased)
 - The erosion of our civil and political rights and liberties
 - To have removed from us our access to Courts of the Crown presided over by Justices and Stipendiary Magistrates holding the Seals and Signet of the Crown and the authority of the Crown to the common law of England and the laws of church and state, to the Church of England and the Holy See. Refer Acts Interpretation Act No.79 of 1973 Folio DJW 16 – 17 pages 27-30 Index to Book 2 – Crimes at Sea Act 2000
- 10 ➤ Replacement of the legal tender of the Commonwealth with the Australian dollar under the Currency Act 1965 which holds no head of power and no commercial value worldwide, refer Index Book Two pages 31-57.

When the members of political parties who had been elected by ‘we the people’ to be our representatives in our Parliament of the Commonwealth of Australia approached Her Majesty in all Her capacities for the royal style and title of ‘Queen of Australia’ Her Majesty refused and it is very clear on the documentation that Her Majesty’s signature, being above the Great Seal of Australia and being a Royal Command did not grant any of the Crown’s authority to the members of the political parties in the Commonwealth of Australia to create a ‘Queen of Australia’, or their own Australian common laws inside Australian courts and devoid of the private sovereign people of the Commonwealth of Australia.

The Queen of Australia is a creation of Australian, statutory law, a “thing” a name on a document only, as that position does not exist to common law and that Queen does not replace or hold the authority of Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith in the Commonwealth of Australia who is a private person/individual.

30 Refer Page 75 and page 92 in attached correspondence.



Royal Style and Titles Act 1973
No. 114 of 1973
AN ACT
Relating to the Royal Style and Titles.

40 The Parliament House of the People is vacant and the Queen inside that Parliament, held to the ‘articles of association’ the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted has had no elected Members to sit in Her Parliament since 1975 and sits in that Parliament alone.

No Minister of State holds the sworn position and authority as the Prime Minister of the Commonwealth of Australia being the first among equals, to be instructed by the Queen to go to the Governor-General of the Commonwealth of Australia for a Writ for Election for the Parliament of the Commonwealth of Australia as shown in Index Book one – Folio DJW – 33, page 49. This also applies to the Premiers of the six States who, when their government’s tenure has expired must approach the Governor of their State for a Writ of Election.

Refer:-

10 Executive power

61. The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen’s representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth.

Refer: ‘Operation of the Constitution and laws

20 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, ‘

30 ‘This Act’ being The Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted, which hold the Preamble and Clauses 1 to 9 is no longer acknowledged by the Parliaments of Australia therefore ‘all laws made by the Parliament of the Commonwealth under the Constitution....’ are no longer ‘binding on the court, judges, and people of every State and part of the Commonwealth’ as those ‘historical’ court(s), judges, people, States and that Commonwealth are not part of the Australian System of Government under which the Parliaments of Australia ‘administer’ government for ‘Australia’ as that Australian System of Government is the one, devoid of the authority of the Crown, held to the Royal Style and Titles Act 1973 shown on the previous page.

40 The Parliaments of Australia, by the simple expedient of removing ‘of the Commonwealth’ being ‘we the people’ including her Majesty the Queen as a private person, ensured we could not challenge their version or definition of ‘the Commonwealth’ as it is simply no longer acknowledged inside their self created ‘Parliaments’ and by omitting the “Great Seal of the Commonwealth” and replacing it with the “Great Seal of Australia” and the Royal Commissions Act 1902 – 1966 removed the security of the Commonwealth as held to Clauses 1-9 of the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted held to the common law of England and the laws of church and state as held to the Church of England and the Holy See. These actions commenced 20th December,1972.

By the removal of the authority of the Crown and the private sovereign people and altering their laws to remove the provision of ‘Treason against the Sovereign’s person and authority’

has created over the past 48 years, a strong belief in the members of political parties that they have insulated themselves from any possibility of being brought to account for their actions because we, as the private sovereign people have 'no where to go' under their system of government to protect ourselves as their courts are inside the corporate structure of the Parliaments of Australia as entities. Being bound by commercial contract to the workplace laws of their employers, the Australian courts, the Australian judiciary and the legal practitioners who obtain their practicing certificates from the courts, adhere to the directions given by the Parliaments of Australia with the surety that their particular commercial contracts will be strictly upheld.

10

Note:

The offence of "Treason against the Sovereign's person and authority" in Chapter 6 of the Queensland Criminal Code Act 1899 was omitted in 1997 by "the *State*" of Queensland.

The Criminal Code Act 1995, an Act of the Parliament of Australia cites treason, amongst other defining provisions as being –"Causes the death of or harm to the Sovereign, the Sovereign's consort, the Governor-General or the Prime Minister".

20

I believe that a criminal complaint offence of High Treason as may have been committed by members of political parties as private persons inside the Parliaments of Australia and the Parliament of the United Kingdom and those employees, agents and authorities inside their Parliaments of Australia and the United Kingdom who have assisted their plans and actions may well be possible for investigation to international law. They are "foreign governments and political subdivisions" and are acting over and above the full signed sealed authority of the Crown of the United Kingdom of Great Britain and Northern Ireland and the private sovereign people.

The Oxford Dictionary defines high treason and treason as:-

"The crime of betraying one's country, especially by attempting to kill or overthrow the sovereign or government":

30

The members of political parties in the Parliaments of Australia have removed from power our Government of the Commonwealth of Australia with the Queen in the Parliament and replaced it with the Parliaments of Australia and their 'Queen of Australia'.

40

The sealing of the Magna Carta 1297 by the members of political parties in the Australian Capital Territory and in the Parliament of the United Kingdom has no standing in any law world wide as the Acts of the Parliaments of Australia are pieces of paper with writing on them with no authority over us 'we the people' - they are the policies of the members of political parties only. Reference pages 37 – 40 attached documents.

The members of political parties of the Parliaments of Australia are still lawfully bound as every other person including the Queen, inside the Commonwealth of Australia Constitution Act 1901, as held to the Preamble and Clauses 1 to 9 (British laws) and

sections 61, 109, 117 and 128 being private persons and hold one share in the Constitution.

Those members of political parties have no lawful authority to trade or sell any real or personal property or assets of the Commonwealth of Australia or the private sovereign people held to the legal tender of the Commonwealth of Australia guaranteed by the Crown and the Bank of England in exchange for their 'Australian currency' holding no head of power and no guarantee.

- 10 The Parliament of the United Kingdom of Great Britain and Northern Ireland and the House of Lords are held to Imperial laws. In the Commonwealth of Australia the money is the legal tender of the Commonwealth, pounds, shillings and pence; real property (land) is held in acres, roods, etc., measurements of distance in yards feet inches and liquid in pints, quarts and gallons.

- 20 On 14th February 1966, individual private people, being members of political parties but also having been elected in good faith and trust by the private people to be Members of the House of Representatives, sworn in by the Governor-General betrayed the private people and the Queen by introducing, without the consent of the people, decimal currency and converting the real and personal property of the private people held to Imperial measurement into metric measurements.

As you will note, many people in this application, including myself, are being or have been bankrupted under the Bankruptcy Act 1966. Many hundreds of thousands of people have been bankrupted and lost all their property, their livelihoods, everything they owned and have worked for under the Bankruptcy Act 1966 of the Parliaments of Australia.

- 30 Bankruptcy Act 1966 – section 5 – Interpretation
'*entity*' means a natural person, company, partnership or trust.

Refer: Clause 5 '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,

Clause 6 – Definitions

- 40 6. "The Commonwealth" shall mean the Commonwealth of Australia as established under this Act."

Please Note: the Preamble and the above Clauses are part of Clauses 1 to 9 of the Commonwealth of Australia Constitution Act 1901 which are not recognized by the Parliaments of Australia under their Australian System of Government.

Refer:- s51. (i) Trade and commerce with other countries, and among the States:

- (iv) Borrowing money on the public credit of the Commonwealth:
- (xii) Currency, coinage and legal tender:
- (xv) Weights and measures:
- (xvi) Bills of exchange and promissory notes:
- (xvii) Bankruptcy and insolvency

Refer pages 141-176.

LIST OF COURT CASES & FURTHER PENDING MATTERS

10

I have attempted, on behalf of each of these private sovereign people, including the Queen, to have these matters heard in a Court of the Crown, under the common law of England and the laws of church and state, the Church of England and the Holy See as held to CHAPTER III – THE JUDICATURE of the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted and further, before the Judicial Committee of the Privy Council in London and the Queen in Council.

20

All of these matters have been heard and decided in Australian courts under Australian statutory law before judges or magistrates who are inside the Parliaments of Australia. My attempts to use the common law of England and the laws of church and state held to our Constitution have been to no avail as they are, in Australia, defined as ‘historical laws’ and no longer recognized.

Each of these matters are those for which I have made this application to the Members of the United Nations Security Council for resolution on behalf of the private sovereign people who have been adversely affected by these decisions. Many of the people affected have lost the rights to their real property, the use of their real property to make a living - their livelihoods, their money and their civil and political rights and liberties.

30

I hold all the files on these matters in my possession if and when required to be presented to be heard in a Court of law held to the common law of England and the laws of church and state or to international law.

I refer to the matter of Mr. Ian Sidney Henke - pages : 108 – 140

Mr. Henke was prosecuted and imprisoned as a ‘thing’ under the statutory laws of the Parliaments of Australia.

40

I requested the intervention of Her Majesty in this matter but have realized that Her Majesty could not intervene as she only holds authority in the Commonwealth of Australia as held to the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted

As the Parliaments of Australia are a Corporation registered in Washington DC Her Majesty had no authority to intervene having no sovereign authority in any ‘foreign corporation’.

The Members of the United Nations must immediately upon receipt of this application for relief and resolution/s and further application as I have requested to be placed before The International Court of Justice as held to the Bangalore Principles of Judicial Conduct 2002

request of the members of the Parliaments of Australia being delegates inside the United Nations for certified and witnessed documents validating their standing and lawful authority, inside the Parliaments of Australia and the Parliament of the United Kingdom to impose their statutory laws over us and their authority to 'administer' government over and above the lawful authority of the Crown. These documents are as held to page 1viii -
10 BOOK 'A' for AUSTRALIA and for 'the *State*' of Queensland Australia in BOOK 'B'.

These certified, signed and sealed copies of all documents requested must be produced immediately. The delegates of Australia and the United Kingdom must also produce the results of the referendums presented to and voted on by the private sovereign people of the Commonwealth of Australia which gave our consent to the creation of those Parliaments, the removal of the Crown and the laws of the Crown and the protection the Crown provided to us over our laws, our rights to our real and personal property and our civil and political rights and liberties. They must also provide certified, signed and
20 witnessed documentation to validate our consent to their removal of our Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted as our Constitution under which we are governed.

If these certified and witnessed documents cannot be produced I request that the Members of the United Nations Security Council accede to my request immediately and advise the Registrar of the International Court of Justice to sign and seal the Default Judgments I requested be served on the Queen and which are included in my application. (Copies of which are already in the International Court of Justice, The Hague).

30 I further request that the two Caveats I have included in my application and which are also with the Registrar of the International Court of Justice The Hague be signed and sealed and served by The International Court, on Mr Tony Abbott MP, Prime Minister of the Parliament of Australia to protect the property of the private sovereign people of the Commonwealth of Australia, people worldwide, forthwith.

The private persons/individuals representing the United Kingdom - must produce forthwith full signed, sealed and witnessed documents, as requested in my correspondence to Mr. Paul Madden, High Commissioner to Australia, British High Commission, Commonwealth, Yarralumla ACT 2600 – as held in Book 5 Folio DJW 6
40 pages 85 – 99, immediately upon receipt of this application by e-mail, and further held to the original documents to be forwarded to the Security Council of the United Nations 7th November 2014 *inter alia* Corporate Bodies Contract Act 1960 (UK).

The private persons created as gender neutral entities or 'things' to the statutory laws of the Parliaments of Australia and the Parliaments of the United Kingdom are also still

living persons and can also read the documents and are therefore held vicariously liable for their actions.

The most important property of any living person on this planet, born to the laws of nature and Nature's God is their life. All private persons, which includes the Queen Herself, Mrs. Elizabeth Mountbatten of the House of Windsor and the Members of the United Nations Security Council are held to the Charter of the United Nations and held to the Court of the United Nations, the International Court of Justice, The Hague, held to the Bangalore Principles of Judicial Conduct 2002 and international law.

10

Subsequently any international treaties prior to 14th February 1966 signed on behalf of 'we the people' including the Queen "of the Commonwealth" are protected in the Charter of the United Nations 1945.

Any treaties or agreements in any form, by parol or signed by members of political parties inside the Parliaments of Australia or the United Kingdom, are void have "No Standing" Any contracts or agreements which the members of "political parties" being individuals only have signed with any other State or Sovereign country world wide are void as they do not have the lawful authority of the private sovereign people to act on our behalf commencing 14th February 1966.

20

The largest land holder in the world is Her Majesty the Queen who holds lawful binding commercial contracts with millions of people and companies all over the world for their real property – their land, held in their *inter vivos* trust, their will and testaments, for their heirs and assigns and held to the common law of England and the laws of church and state, the Church of England and the Holy See.

What lawful authority did a private person/individual being member of a "political party" in the Australian Government have to appropriate and sell 167 tonnes of gold from the Royal Australian Mint, property of the Crown and the private sovereign people?

30

I believe it is the duty of every Member of the United Nations Security Council to uphold the right to vote of any private person world wide and for them to be able to vote for a private person to represent them in a Parliament of the People – in this case in the Parliament of the Commonwealth of Australia as held to the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted which was usurped some 42 years ago by the Parliaments of Australia, and some 31 years for each State of the Commonwealth and we ask that the Parliament of the Commonwealth of Australia be returned to us and the Parliaments of the Six States and two Territories.

40

I have also brought your attention to Book Three – 'A' and Book Three 'B' where I have asked for the rights of the private sovereign people to be upheld to the common law of England and the laws of church and state. The private sovereign people have no access to justice in a Court of the Crown holding the authority of the Crown and they are at the mercy of entities directed by members of political parties who have the

authority of an individual only and do not hold the consent or authority of the private sovereign people of the Commonwealth of Australia.

10 Being inside businesses and corporations registered in Washington DC and held to the civil laws of the United States of America, the Parliaments of Australia are in effect, guests or 'foreign governments and political subdivisions' in the Commonwealth of Australia and are not operating to the laws as held to the Commonwealth of Australia inside the Parliament of the Commonwealth of Australia held to the Commonwealth of Australia Constitution Act 1901 as Proclaimed and Gazetted on behalf of 'we the people' and the Crown and those 'foreign government' should be asked to leave.

We do not ask anything of the members of political parties creating private corporations and private businesses and having their corporations and businesses registered and bound and held to the civil law of the United States of America and dealing in the world currency of the United States the American dollar but that we should no longer be under their 'administration' as we are not inside their Parliaments of Australia and cannot be held to their statutory laws, only lawfully held to the common law of England in the Commonwealth of Australia.

20 All real and personal property we lawfully own under a signed and sealed commercial contract is NOT theirs for the taking for the benefit of their corporate structures – that is theft unless we have given our signed or tacit consent to such a taking which we have not done.

They do not recognize any private person only their property but they have placed themselves inside the United Nations Security Council as sovereign governments.

30 We ask that they validate, with certified documentation which must be produced forthwith what sovereign countries and what sovereign people they represent and for this documentation be placed for examination before the Member States of the Security Council for appraisal.

40 As has been requested in my original documentation forwarded to each of the Members of the United Nations Security Council we wish to have the lawful authority and standing of the members of political parties in the Parliaments of Australia validated with certified and sealed copies of the referendums and the documentation which upholds their claims of authority to create themselves as a lawfully constituted and elected Government of Australia held to the referendums, voted on by us the private sovereign people giving our consent and authority for their actions over us.

I now plead my case and with the support of all the people so named in my Application, inside the Commonwealth of Australia Constitution Act 1901, to the Preamble and Clauses 1 - 9 and held to the common law of England to the laws of church and state as held to the Church of England and the Holy See to the laws of God.

I request the immediate relief and the restoration of the security of the Commonwealth of Australia as held to our Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted and for my application for a Default Judgment to be signed, sealed and served upon her Majesty to give her Majesty the full authority of the International Court of Justice, The Hague as held to Bangalore Principles of Judicial Conduct 2002, for an expedient resolution by the Member States of the United Nations Security Council – with the exception of the delegates of Australia and The United Kingdom until such time as those delegates can produce their certified lawful standing and authority to be representing us, the private sovereign people of the Commonwealth of Australia as they claim they can do.

I request that I receive, on behalf of the Queen, myself and all the sovereign private people so named in my application, advice on the course of action and the courtesy of a prompt reply to my applications advising me of what is being done on behalf of the private sovereign people of the Commonwealth of Australia

An Application signed under my hand for the passing of a resolution/s by the Members of the United Nations Security Council to reinstate forthwith The Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted for ‘We the people’ of the Commonwealth of Australia and the sovereignty and authority of Her Majesty the Queen Mrs. Elizabeth Mountbatten of the House of Windsor in all Her capacities as held to the common law of England and the laws of church and state, The Church of England and the Holy See *inter alia* the Royal Style and Titles Act 1953, the Statute of Westminster 1931, the Australia Act 1986 and the Magna Carta 1297 must, I believe be considered and actioned immediately on our behalf.

If this request is not acceded to or actioned the entire system of legally binding commercial contracts, held and guaranteed by the Crown world wide and our democratic right to the protection of our rights to our real and personal property, our civil and political rights and liberties and our lives themselves will disintegrate and be worthless.

We are the sovereign people seeking the full protection under the laws of Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith as held to the common law of England and the laws of church and state and to the signed and sealed International Treaty for the full protection by the United Nations and The Security Council to international law as held to the Court of the United Nations being the International Court of Justice as held to the Bangalore Principles of Judicial Conduct 2002.

A request for the immediate action and immediate resolution by The Security Council of The United Nations and to uphold the full requests that I have made for the return of the security of The Commonwealth of Australia and the United Kingdom Great Britain and Northern Ireland as held to this final application signed and dated under my hand and with the full support of the people as found in the attached documents for the immediate relief for ‘we the people’ and the Crown.

The Parliaments of Australia and United Kingdom are not lawful parliaments and do not have lawful standing over the private sovereign people of the Commonwealth and have no lawful standing worldwide unless their representatives/delegates as private persons inside the United Nations Security Council can produce their validated, certified authority and standing subject but not limited to this application for relief and resolutions to be granted forthwith as requested on demand.

10 I refer to my application and the correspondence forwarded by email on 26th October 2014 to each of the Members of the United Nations Security Council, and other Sovereign Nations.

If we the people “of the Commonwealth” have these ‘foreign Australian Governments’ registered in Washington DC remove, without lawful legal judgment our rights and ownership of our real and personal property and the United Nations Security Council remains oblivious to our application and does nothing to help are we to assume that we ‘are on our own’ and are allowed to take whatever other means available to us to protect ourselves?

20 Are we the people ‘of the Commonwealth’, having exhausted every possible avenue we thought was available to us to be left with NO ALTERNATIVE and must act with whatever means left at our discretion to protect our Crown and our real and personal property if the United Nations don’t recognize or validate their own Charter. This then would be a declaration of war; as fighting for our Commonwealth of Australia as established under the Commonwealth of Australia Constitution Act 1901 Proclaimed and Gazetted I believe is legal.

30 If private people are able to use their positions and create Parliaments of Australia and the Parliament of the United Kingdom for their own agendas and their own corporate benefit over and above the authority of the Crown and are allowed, by tacit consent or ‘diplomacy’ to continue their actions to the detriment and potential destruction of an entire economy, country, social structure and the rights and protections of the sovereign private people who are the Commonwealth, there is obviously no laws, no valid commercial contracts and certainly no honesty or integrity anywhere in the ‘halls of power’ of this world and this world will descend, as history has shown when greed is the overriding motivation for all actions, into anarchy once again.

40 I believe no more needs to be said or produced in this application -Sir Harry Gibbs former Chief Justice the High Court Australia *inter alia* the judgment of Judge White in the matter of Mrs. Catherine Elizabeth Burns held in Cairns Queensland 2nd August 2004 – under an unsigned unsealed judgment of an Australian court.

Explanatory Statement by former Chief Justice of the High Court of Australia Sir Harry Talbot Gibbs:

[Extract]

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.....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

10 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."

"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.".....

20 "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."

Reference quote :- in the unsigned unsealed judgment of Judge White in the Matter Mrs. Burns, whom I represented in 2003 in the District Court of "the *State*" of Queensland AUSTRALIA.

P & E Appeal No. 62 of 2004 Judgment of Judge White DCJ 2nd August 2004
[Extract]

30 "People come to Courts in the hope of receiving justice; I have no doubt that is what brought Mrs. Burns to this Court. Courts where possible, try to give justice, particularly when the rights of an individual citizen are being trampled upon by executive government. But a Court may only give justice which is allowed by law. Sadly, this law does not allow me to do justice to Mrs. Burns".

40 We ask that these matters be expedited as soon as possible as we, the private sovereign people of the Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted in the Commonwealth of Australia and the private people in the United Kingdom of Great Britain and Northern Ireland have no protection from the self created 'authority' and 'laws' of members of political parties in the Parliaments of Australia, their courts, their judiciary and their legal profession in any court of the world as I have shown.

All my applications, to people in Australia, the United Kingdom and to International Courts have been ignored by all concerned. Which leaves us with the impression that though what I say is valid, no one wants to do anything for reasons best known themselves which may well have very little to do with the rights and protections of the

private sovereign people of the world and more to do with a world wide political agenda to which we are not privy.

If every one I have contacted is using the old, tried and true defence of silence I leave you with the request to look at history, which always repeats itself, and the words of Thomas Jefferson – “All tyranny needs to gain a foothold is for people of good conscience to remain silent.”

10 Over centuries and as still occurs at this very moment in time if foreign invaders take over any sovereign nation and its people by whatever method, be it with armed attack or force of numbers, then at least the people can fight and defend their sovereign nation as they can see their attackers.

20 What has happened in the Commonwealth of Australia and the United Kingdom of Great Britain and Northern Ireland is that members of the “bodies politic” private persons/ individuals of the political parties inside their Parliaments of Australia and the Parliament of the United Kingdom carried out their agendas by subterfuge. These actions have been like a cancer from within, eating the wealth of the nations and the people and stealing their assets after those members of political parties protected and insulated themselves under their own statutory laws from any laws worldwide that can stop the actions of these ‘foreign governments and political subdivisions’.

These Parliaments are not ‘of the people’ and not accountable it appears, under any laws but their own.

30 Though this has been happening unchecked for a very long time, the fear must always be that what stops the people of the Sovereign nations of the Commonwealth of Australia and Great Britain and Northern Ireland repeating history and using as much force as necessary as been done since the commencement of time as we know it, to force these people as members of parliaments not being “of the people and the Queen,” from our sovereign shores, as many sovereign nations are doing at this very moment of time with the full, signed and sealed resolutions of the Security Council of the United Nations.

40 What criminal offences to International Criminal Law would we the people commit if such an appalling thing happened and who would the United Nations offer to assist and protect – ‘We’ the private sovereign people of the Commonwealth and the Queen who have no accessible justice and are losing all we have worked for and own or the members of political parties who are destroying our lives, our rights and our beloved country and taking our real and personal property, assisted by their statutory laws, and the entities inside their Parliaments their statutory courts, statutory judges and magistrates, registrars being public officials, the legal profession and their public service employees.

I only repeat what is on the lips of many people in Australia today, because if it is correct that the Parliaments of Australia and their entities inside those Parliaments - the courts, the judiciary, public servants Police services etc. are not accountable to any laws of justice worldwide, if no resolutions or relief are granted by the Members of the United

Nations Security Council what other solution are we as the private sovereign people who are still 'of the Commonwealth' of Australia being offered or where do we go to find such a solution?

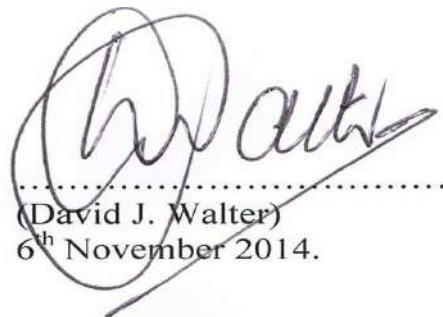
10 I will forward this document by Air Express from Herberton, Queensland, Australia but these documents could take up to ten days before arrival. I will include a USB Flash Drive containing Book One, Book Two, Book Three 'A' and Book Three 'B'; Book Four Application to the Court of Justice of the European Union, Book Five – Letters of Demand; Book 'A' Application for Default Judgment regarding the Parliaments of Australia and Book 'B' Application for Default Judgment regarding the Parliament of Queensland.

If any further information is required any sooner I can e-mail the information to you.

Could I please be advised by e-mail upon your receipt this document so I may advise all many private person who are interested and concerned.

Yours sincerely,

20



(David J. Walter)
6th November 2014.

Cc: Her Majesty the Queen
Supreme Pontiff FRANCIS
Member States of the United Nations Security Council

**KING &
COMPANY**
—SOLICITORS—

Our ref: MFW:AA18462

Your ref:

Date: 6 November 2014

Level 7, Quay Central
95 North Quay, Brisbane.

G.P.O. Box 758, Brisbane, Q, 4001

Telephone: (07) 3243 0000
Facsimile: (07) 3236 1885
www.kingandcompany.com.au

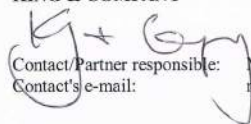
David John Walter
Rural No. 187 Walsh River Road
WATSONVILLE QLD 4887

**MR PETER FRANKS, CEO, MACKAY REGIONAL COUNCIL v DAVID JOHN WALTER
— FEDERAL CIRCUIT COURT BRG NO. 880 OF 2014**

We act for the creditor.

We **enclose**, by way of service, a sealed copy of the Sequestration Order made against you by the Federal Circuit Court, Brisbane on 6 November 2014.

Yours faithfully
KING & COMPANY


Contact/Partner responsible: Mark Williams
Contact's e-mail: mark.williams@kingandcompany.com.au

IN THE FEDERAL CIRCUIT COURT OF AUSTRALIA
AT: BRISBANE

BRG 880 of 2014

IN THE MATTER OF: DAVID JOHN WALTER

MR PETER FRANKS, CEO, MACKAY REGIONAL COUNCIL
APPLICANT

DAVID JOHN WALTER
RESPONDENT

ORDER

REGISTRAR: **REGISTRAR BELCHER**

DATE OF ORDER: **6 NOVEMBER 2014**

MADE AT: **BRISBANE**

THE COURT ORDERS THAT:

1. A sequestration order be made against the estate of DAVID JOHN WALTER.
2. The applicant creditor's costs, including reserved costs, if any, be fixed in the sum of \$9,747.50 and paid from the estate of the respondent debtor in accordance with the *Bankruptcy Act 1966* (Cth).

THE COURT NOTES that the date of the act of bankruptcy is **14 APRIL 2014**.



DATE ENTRY STAMPED: 6 NOVEMBER 2014

Note:

Subsection 104(2) of the *Federal Circuit Court of Australia Act 1999 (the Act)* provides that a party to proceedings in which a Registrar has exercised any of the powers of the Court under subsection 102 (2), or under a delegation under subsection 103 (1), of the Act may, within the time prescribed by the Rules of Court, or within any further time allowed in accordance with the Rules of Court, apply to the Court to review that exercise of power.

Prepared in the Brisbane Registry, Federal Circuit Court of Australia, Level 6, Commonwealth Law Courts, 119 North Quay, BRISBANE QLD 4000, Telephone 07 3248 1100.

Exh

Exhibit DJW-4

Touched by a Butterfly



Kissed by an Angel

David J. Walter

Post Office Box 578
Herberton
Queensland 4887
Australia

Tel: (07) 4096 3009

Int + 61 7 4096 3009

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

10 Registrar,
Federal Circuit Court of Australia,
Harry Gibbs Commonwealth Law Courts Building,
119 North Quay,
Brisbane, QLD 4000.

ATTENTION: Mr. Murray Belcher, Registrar of the Federal Circuit Court of Australia

Dear Mr. Belcher,

RE: BRG 880/2013 – Mr Peter Franks, CEO, Mackay Regional Council (ABN 86 568
229 462) v. David John Walter.

20 Reference is made to your correspondence dated 12 November 2014 which I received
yesterday 20th November 2014 and which was, as stamped on your correspondence,
said to have been sent on 12 November 2014 by email but which we did not receive as I
have thoroughly checked the entire contents of my email folders to no avail.

My husband is away on family matters for a time and I cannot contact him and I am not
aware of what he is able to or plans to do in this matter.

30 As I previously said, your correspondence was only received yesterday. In consideration
of the fact that you said you have made 'a cursory view' of the matters raised in the
correspondence David forwarded to you but such things can only be addressed 'in
accordance with proper practice and procedure' and as David did not fly to Brisbane from
far north Queensland for the court hearing it was heard and decided in his absence by I
believe – yourself, I shall acquaint you with part of the contents of David's letter.

In his correspondence to you, Mr Belcher, David stated:-

I, David John Walter am not insolvent nor am I bankrupt under the provisions of
the Commonwealth of Australia Constitution Act 1901, as Proclaimed and

10 Gazetted held to section 51. I have no outstanding bills or accounts which I have not paid, held in the legal tender of the Commonwealth of Australia, being in pounds shillings and pence neither do I have any outstanding unpaid bills or accounts in the currency of the Parliaments of Australia – the Australian dollar. The ‘debt’ for which I have been made bankrupt by you, Mr Murray Belcher, the Registrar of the Federal Circuit Court of Australia, a public official, not holding the sworn authority of the Crown but held to the statutory laws of the Parliaments of Australia, is for a debt I did not incur, in a court ‘proceeding’ in which I played no part but which resulted in you, Mr Belcher, declaring me bankrupt under the statutory laws of the Parliaments of Australia as a ‘non party to a proceeding’ under proceedings commenced, again, by Mr Mark Frederick Williams of King & Company, Solicitors, at the direction of Mr Peter Franks, CEO of the Mackay Regional Council.

20 As previously stated, I hold no commercial contracts, agreements or transactions with “the *State*” where the “the *State*” holds the power of an individual only as found in the Constitution of Queensland 2001 – Part 5 – Powers of the State or with Mr. Mark Frederick Williams of King & Company, Solicitors, or with King & Company Solicitors or with Mr. Peter Franks, CEO of the Mackay Regional Council or with the Mackay Regional Council or in fact with any local government entity none of which are constitutionally recognized local governments.

.....

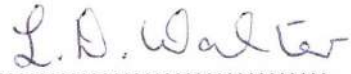
30 This matter is to be included in further documentation which will be forwarded to the United Nations Security Council for resolutionwill be forwarded to the International Court of Justice the Hague, as held to the Bangalore Principles of Judicial Conduct 2002 for investigation into this illegal bankruptcy of a private person inside the Commonwealth of Australia Constitution Act 1901 held to the Preamble and Clauses 1 to 9 and sections 61, 109, 117 and 128.

I thank you for your advice where you state “You are encouraged to seek independent legal advice in relation to any review rights that you might have.’ As I can not do that and David is not here could you please advise if the time to appeal can be extended in this matter if necessary and also considering the fact that the courts close down for the Christmas period and I do not know when that is can you please give me a time frame.

40 Given that David has a Legal Injunction - *Legal Services Commissioner v Walter* [2011] QSC 132 brought against him by the Department of Justice and Attorney General of “the *State*” of Queensland is there an exception for David to attend a court if again, “the *State*” brings proceedings against him for their benefit and is it assumed if he does attend court (as in this matter) the threat of imprisonment will not be activated?

A prompt reply to this correspondence will be appreciated.

Yours sincerely,



.....
(L.D. Walter) for David J. Walter
21st November 2014

As this letter is emailed and a hard copy has been posted under my signature please accept this letter until the hard copy is received at your office.

10

20

30

40

Exhibit DJW – 5

Touched by a Butterfly



Kissed by an Angel

David J. Walter

Post Office Box 578
Herberton,
Queensland 4887
Australia

Tel: (07) 4096 3009
Fax: (07) 4096 2641

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

KING & COMPANY
Level 6, Quay Central
95 North Quay, Brisbane,
Queensland.
G.P.O Box 758,
Brisbane, Q.4001

10

Dear KING & COMPANY,

ATTENTION: Partner Responsible: Mark Williams

RE: JOHN FINLAY – ATS – ROBERT HAROLD LADE (SM 11/10),
GERAGHTY – ATS – GLASGOW (NUMBER: S45 of 2010)
FRANKS – ATS – W.A. LADE (NUMBER: S12 OF 2010)
JOHN FINLAY – ATS - LADE & COMPANY (S 10/10)

20

I refer to my telephone conversation with Mark Williams last Friday 16th March 2012 at approximately 1630 hours in relation to the statutory documents which I have received.

These documents are from statutory entities inside their own constitution which is held to the Parliament of Queensland Act 2001 and its Constitution of Queensland 2001, the Corporations Act 1989(Cth); Corporations (Queensland) Act 1990, Corporations Act 2001(Cth) inter alia Corporations Agreement 2002 as Amended and the Corporations Amendment (Sons of Gwalia) Act 2010(Cth) inter alia AUSTRALIA'S CONSTITUTION 1900, 9th July 1900 – "The Constitution".

30

This Constitution which holds no private natural persons or individuals which includes her Majesty, Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith as held to the *Royal Style and Titles Act 1953 Act*

No. 32 of 1953 'AN ACT relating to the Royal Style and Titles', *inter alia Statute of Westminster* 1931, [22 GEO. 5, CH.4] Australia Act 1986 UK.

10 Your have requested of me, a private natural person and outside of AUSTRALIA'S CONSTITUTION 1900, 9th July,1900 and holding no signed and sealed commercial contract with any gender neutral entity inside the Australian System of Government to pay to KING & COMPANY a sum of money in Australian currency, refer :- *Leask v Commonwealth* [1996] HCA 29 (5 November 1996); (1996) 187 CLR 579; (1996) 140 ALR 1; (1996) 70 ALJR 995 under which decision there was shown there is no head of power for that currency as the head of power is a gender neutral entity. (Refer *Statute Law Revision Act 1996 Act 43 of 1996*).

Neither I, David John Walter, nor Robert Harold Lade, Maureen Joyce Lade (Deceased); William Alexander Lade, Leslie Kay Glasgow nor Keith Ronald Glasgow have ever been presented with or voted in a referendum, as is required, to alter or seal the *Constitution Act 1867(Qld)* [31 Vic. No.38] (refer sections 1, 2, 2A, 11A, 11B and 53).

20 The Constitution Act 1867(Qld) [31 Vic. No.38] is now sealed with the Public Seal of the State of Queensland and copyrighted State of Queensland which is inside the corporate structure of the Queensland Government and its gender neutral entities.

That Act is not the Constitution of the private natural people, which includes the Queen inside the *Constitution Act 1867(Qld)* [31 Vic. No.38] *inter alia* to section 128 of the *Commonwealth of Australia Constitution Act 1901*, as Proclaimed.

30 The common law that was used to hold the commercial binding contract between natural persons - the owners of the Deeds of Grant for land and the holder of all the lands in the Commonwealth of Australia, Her Majesty the Crown is held to the *Judiciary Act 1903*, Act No. 6 of 1903, assented to on 25th August 1903..

That privately owned real property forms part of the will and testament, the *inter vivos* trust of the private natural people for their heirs and assigns and no person or corporation, which includes the corporation- KING & COMPANY, being a 'foreign corporation' corporation inside the Australian Government corporation can override or interfere in this common law trust.

40 No commercial contract signed and sealed by any Australian business or corporation holds any lawful validity over the common law rights and the rights to their real and personal property of the natural private people of the Commonwealth of Australia.

Australian businesses and corporations are held to the Corporations laws of AUSTRALIA'S CONSTITUTION 1900, 9th July 1900 and to the Australian Parliament which consists of gender neutral entities only - members of political parties acting for and on behalf of the Australian Government corporate structure only.

These political parties do not act on behalf of nor do they represent the private natural people of the *Commonwealth of Australia Constitution Act 1901*, as Proclaimed held to the Preamble and Clauses 1 to 9 (British laws) and section 61, 109, 117 and 128.

This application for the non payment of rates to be paid in Australian currency is held to the LOCAL GOVERNMENT LEGISLATION AMENDMENT ACT (No. 2) 1993 Act No. 22 of 1993 sealed with The Public Seal of The State of Queensland © The State of Queensland 1993.

10 The Local Government is not inside the *Constitution Act 1867(Qld)* [31 Vic. No.38] *inter alia* to the *Commonwealth of Australia Constitution Act 1901*, as Proclaimed.

The Local Government has not been proclaimed in the ‘COMMONWEALTH OF AUSTRALIA GOVERNMENT GAZETTE’ or the ‘QUEENSLAND Government Gazette’ therefore it is not under a law of the Commonwealth of Australia.

All Bills of “The Commonwealth” and of the six States of “The Commonwealth” require the same procedure, manner and form to become laws to bind us the people to them. When this full process is duly completed any monies to be paid shall be paid in the legal tender currency of “The Commonwealth.”

20 Refer: *Acts Interpretation Act 1901* No. 2 of 1901 Assented to 12th July 1901.
General Provisions.
Constitutional and official definitions.

17. In any Act, unless the contrary intention appears—
(a) “The Commonwealth” shall mean the Commonwealth of Australia
(b) “Australia” includes the whole of the Commonwealth

30 KING & COMPANY is a registered ‘foreign corporation’ outside of “The Commonwealth” consisting of gender neutral entities not private natural persons being male or female, with a current Australian Business Number for Australia *inter alia* the *Workplace Relations Legislation Amendment Act 1996*, *Statute Law Revision Act 1996 Act 43 of 1996*, *The Foreign States Immunities Act 1985*, *inter alia* the *Foreign Corporations (Application of Laws) Act 1989 inter alia* the *Corporations Act 1989*, *Corporations (Queensland) Act 1990 inter alia* *Seas and Submerged Lands Act 1973*, Act No. 161 of 1973 *inter alia* *Parliament Act 1974*, Act No. 165 of 1974 *inter alia* *Corporations Act 2001*, the *Corporations Agreement 2002 as Amended* and *inter alia* *Corporations Amendment (Sons of Gwalia) Act 2010*, *inter alia* *Electoral Act 1992 Act No.28 of 1992*, sealed with the Public Seal of The State of Queensland © The State of Queensland *inter alia* *Commonwealth Electoral Act 1918 Act 27 of 1918* as amended
40 *inter alia* AUSTRALIA’S CONSTITUTION 1900 [9th July 1900]. The corporate structure of the Australian Government system is for gender neutral entities or “things” only devoid of all natural persons being male or female.

Refer:- *Foreign States Immunities Act 1985* Act No. 196 of 1985 as amended

3 Interpretation

(1) In this Act, unless the contrary intention appears:—

agreement means an agreement in writing and includes:
(a) a treaty or other international agreement in writing; and
(b) a contract or other agreement in writing.
Australia when used in a geographical sense,
includes each of the external Territories.
bill of exchange includes a promissory note.

10 I refer to the definition of ‘Australia’ as held to the *Workplace Relations Legislation Amendment Act 1996, Statute Law Revision Act 1996 Act 43 of 1996* and *The Foreign States Immunities Act 1985*.

‘Australia’ is not “ ‘Australia’ includes the whole of the Commonwealth” as held to the *Commonwealth of Australia Constitution Act 1901* as proclaimed held to the PREAMBLE, Clauses 1 to 9 sections 61,109,117,128 but held to AUSTRALIA’S CONSTITUTION 1900 [9th July 1900] devoid of all natural persons being male or female and is defined as ***Australia*** “when used in a geographical sense, includes each of the external Territories.”

20 KING & COMPANY is an AUSTRALIAN Registered Business. The employees of KING & COMPANY holding a contract or other agreement in writing, receive a promissory note or Australian Currency for their services as company employees each employed to the *Foreign Corporations (Application of Laws) Act 1989*, are still held to the laws of vicarious liability against any civil actions taken against private persons being of male or female gender (which includes the Crown), to common law as held to the *Judiciary Act 1903*, No.6 of 1903 as assented to 25th August 1903, to section 80.

30 This applies to all private persons inside that ‘foreign corporation’ working within the Commonwealth of Australia as held to *Commonwealth of Australia Constitution Act 1901* as Proclaimed , to the PREAMBLE, Clauses 1 to 9 and to sections 61, 109, 117 and 128.

Any foreign corporation and its employees working in a country which is not its home country would have to abide by the laws and the Constitution of that foreign country in the same way as that foreign country’s own people would.

This applies in the same way to the common law held to the *Judiciary Act 1903 inter alia* the *Commonwealth of Australia Constitution Act 1901*.

40 Refer ***Re Wakim [1999] HCA 27*** (17 June 1999); 198 CLR 511; 163 ALR 270; 73 ALJR 839
(Gleeson CJ, Gaudron, McHugh, Gummow, Kirby, Hayne, Callinan, JJ.)
[Extracts]

“McHUGH J.

42. in the interpretation of the Constitution the connotation or connotations of its words should remain constant. We are not to give words a meaning different

from any meaning which they could have borne in 1900. Law is to be accommodated to changing facts. It is not to be changed as language changes."

KIRBY J.

193. A legislature cannot, by preambular assertions, recite itself into constitutional power where none exists."

Refer *Sue v Hill* [1999] HCA No. 30 *inter alia* Bangalore Principles of Judicial Conduct 2002.

10

***Sue v Hill* [1999] HCA 30** (23 June 1999); 199 CLR 462; 163 ALR 648; 73 ALJR 1016 (Gleeson CJ, Gaudron, McHugh, Gummow, Kirby, Hayne, Callinan JJ.)

Note: The complaint was that Mrs Heather Hill, as a citizen of a "foreign power" i.e. the United Kingdom, was rendered by s 44(i) of the Constitution incapable of being chosen as a Senator.

***Commonwealth v New South Wales* [1923] HCA 34**

(9 August 1923); (1923) 33 CLR 1

20

(Knox CJ, Isaacs, Higgins, Gavan Duffy, Starke, JJ.)

[Extracts]

Isaacs J. With respect to the expression "fee simple,"

Viscount Haldane for the Privy Council

refers to "an estate in fee" as "the most comprehensive estate in land which the law recognizes."

Lord *Haldane* also speaks of a case where "the title of the Sovereign is a pure legal estate, to which beneficial rights may or may not be attached."

30

The same learned Lord says that in England "there has always been permitted great latitude in splitting up the title to the fee simple."

The same learned Lord, again for the Privy Council, recognized the principle when he spoke of certain land "the fee of which is in the Crown."

The evidence as held to *Constitution Act 1867*(Qld) [31 Vic. No.38] to common commercial law and the laws of equity that I placed before the SUPREME COURT OF QUEENSLAND ACT 1991 Act No.68 of 1991 sealed with the Public Seal of The State of Queensland and © The State of Queensland 1991 should still stand.

40

Members of the Australian judiciary inside Australian courts in The State of Queensland are gender neutral entities held to AUSTRALIA'S CONSTITUTION 1900 [9th July 1900].

There is no separation of powers in the Australian Parliament or the Australian Government as all judicial members and Australian courts, both State and federal are employees of the Australian Parliament and inside AUSTRALIA'S CONSTITUTION 1900 [9th July 1900].

In The State of Queensland the judges are employees of the Queensland Government and are held inside the WORKPLACE HEALTH AND SAFETY ACT 1995, Reprinted as in force on 10th January 2000 (includes amendments up to Act No.42 of 1999) Reprint No.3A sealed with the Public Seal of The State of Queensland © State of Queensland 2000, *inter alia Workplace Relations Legislation Amendment Act 1996* and the *Statute Law Revision Act 1996 Act 43 of 1996*.

10 The Australian judicial members are paid in Australian currency for their services, as company employees each employed to the *Foreign Corporations (Application of Laws) Act 1989*.

The members of the Australian judiciary do not sign and seal any of their judgments or orders, as they do not hold the authority of the Crown who is also exempt from the civil laws as found inside **AUSTRALIA'S CONSTITUTION 1900** [9th July 1900]. The judges, in the matters your refer to in your correspondence to me, could not sign or seal any order personally themselves as a private person being devoid of the Royal Commission and seals of Her Majesty.

20 The Australian judicial members inside Australian courts do not uphold the common law of the land held to the laws of Her Majesty as the holder of the title to all lands in The Commonwealth of Australia. The members of the Australia judiciary do not protect the rights to real the and personal property of the Crown, as a private natural person, or the individual natural persons of The Commonwealth of Australia as the judiciary are employed inside the Australian Parliament held to **AUSTRALIA'S CONSTITUTION 1900** [9th July 1900] and must act in accordance with the directions given by the Prime Minister and or the Premiers of their respective home States.

30 There has been no referendum held to the provisions of section 128 of the *Commonwealth of Australia Constitution Act 1901*, as Proclaimed or to section 53 of the *Constitution Act 1867(Qld)* [31 Vic. No.38] to gain the consent of the private natural people of The Commonwealth of Australia to agree to be held to the Constitution of the Commonwealth **not** the *Commonwealth of Australia Constitution Act 1901*, as Proclaimed. We did not consent to lose our civil and political rights and liberties and the rights to our lawfully held real and personal property under the Australian System of Government and its Parliament of Australia with its gender neutral entities. These entities of political parties do not represent the individual natural people but only act on behalf of and for the benefit of their corporate structure in the Australian Government.

40 Individual private natural persons reside in The Commonwealth of Australia, held to the Preamble and Clauses 1 to 9(British laws), section 61, 109, 117 and 128 of the Commonwealth of Australia Constitution Act 1901, with Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith as their Sovereign and Head of State of The Commonwealth of Australia holding the executive power of The Commonwealth to section 61 of the *Commonwealth of Australia Constitution Act 1901*.

Mr. Williams in our telephone conversation of 16 March 2012 you threatened the commencement of bankruptcy proceedings against me in an Australian Court before a member of the Australian judiciary both of which are inside AUSTRALIA'S CONSTITUTION 1900 [9th July 1900] and in which all entities are gender neutral entities or "things".

Your threat was based on the full amounts KING & COMPANY have ascertained I owe in Australian currency.

- 10 I refer to the *Bankruptcy Act 1966*(Cth) Act No.33 of 1966 as amended, section 7A Application of the *Criminal Code*. There are no private persons, being individuals of male or female gender inside the CRIMINAL CODE ACT 1995(Cth). Subsequently, all natural private persons which include the Crown are outside of the Admiralty or civil laws held to AUSTRALIA'S CONSTITUTION 1900 [9th July 1900].

I bring to your attention the matter of Injunction – *Legal Services Commission v Walter* [2011] QSC 132 a matter which, by your own admission on 16th March 2012 you, in collusion with the Legal Services Commissioner and the Attorney General of The State of Queensland were the main instigator.

20

Reference: *Corporations (Queensland) Act 1990*. Section 8(4) – shows the definition of 'private person' and shows at section 18 'This part overrides the prerogative'. In this Act Her Majesty, the Crown is a private person and exempt from the corporate laws of The State of Queensland.

Each private natural person in this matter, including myself, presented those written documents to support the applications that the commercial contract for a Deed of Grant held in fee simple was a lawfully binding contract with the Crown, as a private person.

- 30 All civil arguments to the reprinted statutory laws of the Queensland Government or the Parliament of Queensland to section 15DA of the *Acts Interpretation Act 1954* (Qld) Reprint No.16B, sealed with the Public Seal of The State of Queensland and © State of Queensland 2012 reprinted under the provisions of the *Reprints Act 1992* (Qld) which is not a law making Act are applicable to the *Constitution Act 1867*(Qld) [31 Vic. No.38] *inter alia* to the *Corporations (Queensland) Act 1990 inter alia* the *Corporations Act 1989*(Cth).

- 40 *Corporations (Queensland) Act 1990* at Part 9 – Jurisdiction and Procedure of Courts, refers to the courts inside the *Corporations Act 1989*(Cth). Those civil courts can only hear and determine civil matters arising from the corporations law of the Parliament of Queensland inside the Parliament of Australia to AUSTRALIA'S CONSTITUTION 1900 [9th July 1900].

As we are private natural persons (and this includes the Crown) it is hoped that this concludes the matters held against all private natural individual persons (which includes

yourself as an employee of KING & COMPANY) as referred to in your written correspondence to me.

All matters should be adjourned *sini die* with no further action taken against any private natural persons in requests for monies to be paid in Australian currency as it is not the legal tender of The Commonwealth of Australia and the Local Government is not a constitutional entity and has no validity at law of "The Commonwealth" therefore has no lawful basis for the imposition of Local Government rates over private individual natural persons which includes Her Majesty, the Crown, the Queen as the holder of the allodial title to all lands in "The commonwealth", held in commercial common law contracts with living private persons or individuals, being male or female.

10



.....
(David J. Walter)
21 March 2012

cc: SUPREME COURT OF QUEENSLAND REGISTRY, Rockhampton,
Queensland

20

30

40

Exhibit DJW – 6

Touched by a Butterfly



Kissed by an Angel

David J. Walter

Post Office Box 578
Herberton
Queensland 4887
Australia

Tel: (07) 4096 3009

Int + 61 7 4096 3009

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

Australian Financial Security Authority,
GPO Box 2851,
Melbourne, Vic. 3001

10

Attention: Sharad Sekhri

RE: IN THE MATTER OF DAVID JOHN WALTER – BRG 880 of 2014

Dear Sir,

I refer to our telephone conversation of this morning referring to the abovementioned
bankruptcy which was brought against the estate of an entity – DAVID JOHN WALTER
for the sum of \$A9747.50 being in Australian currency, not being the currency of the
Commonwealth on behalf of an entity inside the Parliaments of Australia MR PETER
FRANKS, CEO OF THE MACKAY REGIONAL COUNCIL who has no standing or
authority being an entity created by statute as held to the Statute Law Revision Act 1973,
No. 216 of 1973 not being 'of the Commonwealth' *inter alia* the Statute Law Revision
Act 1996. There are no private people sealed to the Corporation Act 2001.

20

Commencing in 1966 held to the Financial Agreement (Decimal Currency) Act 1966
decimal currency was created ie. the Australian dollar and further by the conversion to
metric measurement – metres and hectares etc. not being 'of the Commonwealth' but
used to convert our Deeds of Grant for Land as held in a commercial contract with the
Crown to those metric measures and also for liquid measures for litres, mls. etc.

30

The Currency Act 1965 is not 'of the Commonwealth' it is a statutory document only,
refer Folio DJW – 13 Acts Interpretation Act 1901, Act No. 2 of 1901 as amended –
section 23 – definition of 'document' which shows 'any record of information' which has
'meaning for persons qualified to interpret them'.

I am a private sovereign person found in the Commonwealth of Australia Constitution
Act 1901, as found in the Preamble, holding one share in that Constitution as does the

Queen and every other private sovereign person and held in the Preamble and Clauses 1 to 9 of our Constitution to sections 61, 109, 117 and 128 *inter alia* the Nationality and Citizenship Act 1948, the Royal Style and Titles Act 1953, the Statute of Westminster 1931 the Statutory Instruments Act 1946 *inter alia* the Habeas Corpus Act 1816 and the Magna Carta 1297.

The current holder of the Crown of the United Kingdom of Great Britain and Northern Ireland is Mrs Elizabeth Mountbatten of the House of Windsor – the CROWN ELIZABETHÆ REGINÆ SECUNDÆ.

10

Held to the Commonwealth of Australia Constitution Act 1901 the Queen appoints the Governor-General of the Commonwealth of Australia as directed by the Mrs Elizabeth Mountbatten of the House of Windsor – the CROWN ELIZABETHÆ REGINÆ SECUNDÆ.

Within the States, the Governors of the six States are again appointed by the Queen at the direction of the CROWN ELIZABETHÆ REGINÆ SECUNDÆ to represent the Crown in Her absence.

20

Each of those private people so appointed swear their Oath of Allegiance to the Crown to the laws of church and state and to the common law of England whereby they receive their Royal Commissions, Signet and Seals.

The Queen inside the Parliament of the Commonwealth of Australia as the holder of the executive power to section 61 of the Commonwealth of Australia Constitution Act 1901, with the instruction from the Crown, orders that the Governor-General held to the Constitution at CHAPTER I sections 2, 3 and 4 shall receive and be paid an annual salary of £10,000 as found at section 51(xii). By accepting that position and by swearing an Oath of Office to the Commonwealth of Australia Constitution Act 1901, the Governor-General is commercially bound to the Crown and in the absence of the Crown, carries out all the duties of the Crown.

30

For any alteration to the Commonwealth of Australia Constitution Act 190, or any alteration to the Constitutions of the six States there must be a referendum of the private sovereign people in the six States.

As you will note in the documentation as attached, I have made an application to many Courts overseas, including the Judicial Committee of the Privy Council in London and the Court of Justice of the European Union as there are no Courts of the Crown held to the common law of England being ‘of the Commonwealth’ which are guaranteed by the Crown available to ‘we the people in the Commonwealth of Australia.

40

I have tried every available Court world wide, including the International Court of Justice, The Hague and I have now placed these matters, including the matter of my bankruptcy before the Members of the United Nations Security Council for resolution.

Held to the Corporate Bodies Contracts Act 1960(UK) neither Her Majesty as a private person, being the current holder of the Crown, nor my wife nor I as held to the Commonwealth of Australia Constitution Act 1901, to the Preamble which includes the

Queen have any signed and sealed contract or binding agreement between any private person inside any corporation or any other Parliament, not being 'of the Commonwealth' and created outside of the provisions of the Commonwealth of Australia Constitution Act 1901.

10 I refer to the Australian Government InfoSheet (Folio DJW – 3) as attached and refer in particular to the Great Seal of Australia which has no standing over the Commonwealth of Australia Constitution Act 1901. At page 4 of that InfoSheet it shows that their Sovereign is 'inherited'. You cannot 'inherit' a living private person and their Governor General is selected by the Prime Minister as opposed to the Governor General of the Commonwealth of Australia who is selected by the Crown.

The Magna Carta 1297 (Folio DJW 5), held to the common law of England and the laws of church and state to the Church of England and the Holy See to the Laws of God, has been sealed by the Parliament of the Australian Capital Territory one of the Parliaments inside the Parliaments of Australia under the Australian System of Government as held to the Workplace Relations Act 1966, No. 60 of 1966 and sealed to the Corporations Act 2001 (Folio DJW 7).

20 The Parliaments of Australia are not 'of the Commonwealth' they are sealed to the Seas and Submerged Lands Act 1973 and I refer you to the Acts Interpretation Act 1901, No. 2 of 1901 as shown at Folio DJW 13.

That Act gives the definition of Australia. That 'Australia' is not 'of the Commonwealth.

I am not an Australian Citizen as held to the Australian Citizenship Act 1973 No. 99 of 1973.

30 These Acts were created to the Statute Law Revision Act 1973, No. 216 of 1973 by private people, members of political parties only and devoid of the Royal Assent of the Crown and the authority of the private sovereign people and the Queen, the current holder of the Crown, through the Commonwealth of Australia Constitution Act 1901. Those Acts have no lawful standing over 'we the people' of the Constitution as all inside those Acts are gender neutral statutory entities only, including yourself and have no lawful authority over us – refer Acts Interpretation Act 1901 Act No. 2 of 1901 as amended at Folio DJW – 13.

All private people, regardless of who you are, are bound to the common law of England and the laws of church and state and the common law of England also holds the criminal law.

40 Each and every private person is held to the International Court of Justice, The Hague as held to the Bangalore Principles of Judicial Conduct 2002 for all matters including those of criminal law.

The Parliament of Australia is held to two constitutions - AUSTRALIA'S CONSTITUTION Reprinted in May 1995 and **The Constitution** in force as at 1st June 2003. The Constitutions of the Parliaments of Australia commence at CHAPTER I – THE PARLIAMENT and is devoid of the Preamble, which contains the private sovereign people and the Crown and Clauses 1 – 9 which hold the Crown, the laws held to the Constitution Act and the Courts and is held to the Electoral Act 1918, not being 'of the

Commonwealth’ and to the Corporations Act 2001 where at section 9 – ‘act includes ‘thing’ – not a private person and to the Corporations Agreement 2002 as Amended. I now refer to:-



**Public Employment (Consequential and Transitional) Amendment Act 1999
Act No. 146 of 1999 as amended**

The Parliament of Australia enacts:

Reference:-

10

Transitional provisions Part 3

Section 4

new Act means the *Public Service Act 1999*

Statutory Agency means a *Statutory Agency* within the meaning of the *new Act*.

statutory instrument means:

- (a) a law of the Commonwealth (other than the new Act); or
- (b) a law of a Territory; or
- (c) an instrument having effect under a law covered by paragraph (a) or (b)

20

© Commonwealth of Australia

The Parliament of Australia, not being ‘of the Commonwealth’ with their corporations registered outside of the Commonwealth of Australia have no lawful authority over any private sovereign people ‘of the Commonwealth’ in the Queen’s dominions and every sovereign government world wide unless they hold a signed and sealed commercial contract with those people.

30

It allows for any private person, including yourself, along with members of the judiciary, the Director of the Reserve Bank of Australia and others, to seek employment inside the Parliaments of Australia with a signed and sealed commercial contract with the members of the political parties in the Parliaments of Australia including the Prime Minister of Australia, the Premiers of the six States, the Chief Ministers of the two Territories and the Ministers for Local Government under the Australian System of Government or Council of Australian Governments (COAG).

When any private person, that is a member of the public signs a commercial contract with a nominated member of the body political party they are bound to the workplace laws of the Parliaments of Australia. The Crown does not create corporations, the Crown creates companies only.

40

Any member employed by a member of political parties inside the Corporations Act 2001 and the Corporations Agreement 2002 as Amended who receives their salary and benefits in the Australian currency, not being ‘of the Commonwealth’ that currency cannot be used inside the Commonwealth of Australia for any purpose, including taxation and purchasing real property.

THE HIGH COURT OF AUSTRALIA is in fact THE FEDERAL COURT.

The High Court of Australia still stands inside CHAPTER III- THE JUDICATURE of the Commonwealth of Australia Constitution Act 1901, and held to Clauses 1 to 9 to the common law of England, the laws of church and state and the Magna Carta 1297.

I attach a copy an extracts from the High Court of Australia Decision:-

10 Sons of Gwalia Ltd v Margaretic [2007] HCA 1 (refer Folio's Folio DJW 6 and Folio DJW -8).

Having no Governor-General of the Commonwealth of Australia as held to the Commonwealth of Australia Constitution Act 1901, the members of the judiciary of the High Court of Australia inside the Parliaments of Australia do not hold the Royal Commission of the Crown, the Signet and Seals of the Crown and they are bound only to the statutory laws of the Parliaments of Australia which are not 'of the Commonwealth'.

20 With no Courts of the Crown available to any private sovereign person, including the Queen inside the Commonwealth of Australia Constitution Act 1901, there is no person world wide or any sovereign government world wide who have any protection against the statutory laws of the Parliaments of Australia commencing in February 1966.



Legislative Instruments (Transitional Provisions and Consequential Amendments) Act 2003
No. 140, 2003

30 An Act to deal with transitional and consequential matters arising from the enactment of the *Legislative Instruments Act 2003*, and for other purposes

[Assented to 17 December 2003]

The Parliament of Australia enacts:

S46B Disallowable non-legislative instruments

(1) This section applies to instruments:

- 40 a) that are neither legislative instruments within the meaning of the *Legislative Instruments Act 2003* nor rules of court; and
b) that are made under a provision of an Act or legislative instrument (the *enabling provision*) and
c) that are expressly declared by the enabling provision or by another provision of the Act or instrument to be disallowable instruments for the purposes of this section.

© Commonwealth of Australia

ABN Lookup – current details for ABN: 92 661 124 436

Entity name: **ATTORNEY-GENERALS DEPARTMENT**
Entity type: Commonwealth Government Entity

Recital:

These bankruptcy proceedings have been brought against me as an entity – DAVID JOHN WALTER by another entity MR PETER FRANKS, CEO OF THE MACKAY REGIONAL COUNCIL and held to the Statute Law Revision Act No. 216 of 1973, as held to the Statute Law Revision Act 1996 Act No. 43 of 1996 Folio DJW – 4.

- 10 The Parliaments of Australia are the creation of members of political parties only which commenced with the introduction of decimal currency, not being the legal tender of the Commonwealth on 14th February 1966 and without the lawful authority of the private sovereign people and the Crown, CROWN ELIZABETHÆ REGINÆ SECUNDÆ.

What are the provisions to which private sovereign people must be held to stand for election to The House of Representatives and The Senate or the Legislative Councils of the six States.

- 20 The provisions are that they wish, as private people, who can be a member of any club or party, to serve in their elected positions on behalf of the Commonwealth of Australia and the private sovereign people only for the benefit of the people and the whole of the Commonwealth of Australia. It must be noted that those private people standing for election are inside the Preamble of the Commonwealth of Australia Constitution Act 1901, which commences “WHEREAS the people...”

As a person inside the Preamble, the only provision is that the person must be over the age of twenty one years and held to the Nationality and Citizenship Act 1948 and that standing regardless of colour, race or creed, ensures that any person is entitled to stand to represent the private sovereign people.

- 30 A Writ of Election is signed by the Governor-General or the Governors of the six States holding the authority of the Crown and the Signet and Seals and Royal Commission of the Crown.

It allows for any subject of the Crown, held to section 117 and inside the Preamble for one vote one value to vote for their chosen representative.

- 40 Upon the private person receiving the largest number of votes are elected into an honorary position only, receiving no remuneration for their services so they are not commercially bound by any commercial contract to any person inside the Commonwealth of Australia Constitution Act 1901.

When those people who are elected as Members of the House of Representatives or the Members of the Legislative Assemblies a further executive government, with the Queen in that Executive Government as the holder of the executive power of the Constitution to section 61 are chosen to be Ministers of State of the Commonwealth of Australia. One of those persons holds the honorary position of the Prime Minister of Australia as the first among equals or the Premiers of the six States. They hold the authority of one.

What is the lawful authority of these members of the Executive Government and I refer to my application to the President of the United Nations Security Council in New York to whom I have applied as shown on page 5. The Parliaments of Australia as held to their Royal Style and Titles Act 1973, Act No. 114 of 1973 hold no lawful authority over the private sovereign people of the Commonwealth of Australia or the Crown of the United Kingdom of Great Britain and Northern Ireland other than that lawfully granted to them upon the creation of the 'one indissoluble Federal Commonwealth' on 1st January 1901 under the Commonwealth of Australia Constitution Act 1901, as proclaimed and Gazetted.

10

The powers of the elected Members of the House of Representatives in The parliament of the Commonwealth of Australia, voted by 'we the people' being over the age of twenty one years for one vote one value and with the Queen in the Parliament are held to the provisions of the Commonwealth of Australia Constitution Act 1901, to Part V – Powers of the Parliament.

Refer: Commonwealth of Australia Constitution Act 1901, as Proclaimed and Gazetted shown at Folio DJW 6 page 17 Index Book 1 Folio DJW – 5 on page 11

PART V – POWERS OF THE PARLIAMENT

20

51. The parliament shall, subject to this Constitution, have power to make Laws for the peace, order, and good government of the Commonwealth with respect to:

- (i) Trade and commerce with other countries, and among the States:
- (iv) Borrowing money on the public credit of the Commonwealth:
- (xii) Currency, coinage and legal tender:
- (xv) Weights and measures:
- (xvi) Bills of exchange and promissory notes:
- (xvii) Bankruptcy and insolvency
- (xx) Foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth.

30

The Commonwealth of Australia Constitution Act 1901 has never been repealed and nor have the Constitutions of the six States which are still held to the Constitution Act 1901 as held to the Preamble, Clauses 1 to 9, to section 61, 109, 117 and 128 and held to the common law of England and the laws of church and state to the Parliament of the United Kingdom of Great Britain and Northern Ireland to the House of Lords and the House of Commons.

40

The fault element lies within the Constitution Act 1901. Our Constitution is still there as held to the Preamble, Clauses 1 to 9, section 61, 109, 117 and 128 *inter alia* Habeas Corpus Act 1816. The fault element lies within the Constitution Act 1901 itself and this is further upheld as held to the Corporations Sons of Gwalia (Amendment) Act 2010 and the Corporations Act 2001. At section of that Act 'act includes 'thing' – a 'thing' is not a private person.

What is a common factor to all companies created by the Crown within the Commonwealth of Nations or corporations of other sovereign countries in the world. The common aspect is that the company or corporation must have private people in them, assets, capital and equity to maintain and shareholders.

10 The Corporations Act 2001 and all Acts of the Parliaments of Australia are the creation of the members of political parties inside the Parliaments of Australia the creation of which was refused by the Crown on 19th October 1973 where the Crown signed above the Great Seal of Australia which did not give the Crown's authority to the creation of the Parliaments of Australia or the Queen of Australia.

20 There are no shareholders or equity or assets inside the corporate structure of the Parliaments of Australia therefore having no private people inside them they have no lawful authority over us. The Statute of Westminster Adoption Act 1942, *inter alia* Statute of Westminster 1931 *inter alia* Statutory Instruments Act 1946, The Australian System of Government, is not held to Westminster System of Government, but a private Corporation not being "of the Commonwealth", but operating on the land of the Crown and are held to the Commonwealth of Australia Constitution Act 1901, to the Preamble, Clauses 1 to 9 and sections 61, 109, 117, and 128 to the common law of England and to the Laws of God, to church and state to the Church of England, the Holy See and the Magna Carta 1297.

You, Mr Sekhri are bound by commercial contract to the Prime Minister of Australia as a private person only. Any authority over any private sovereign person, their lawfully owned real and personal property or their lives not being lawfully held to the Commonwealth of Australia Constitution Act 1901, or to the common law of England and the laws of church and state can not be upheld in any Court of the Crown which holds to those laws.

30 We are held to a Treaty of the Charter of the United Nations inside CHAPTER III – THE JUDICATURE – s75 In all matters – (i) Arising under any Treaty..."

A Treaty is signed as held to section 51 (xx) which states (xx) 'Foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth' and further held for trade and commerce (i) Trade and commerce with other countries, and among the States' and held to the Currency and coinage Act.

40 Any person nominated to be a Minister of State an honorary position, in relation to foreign affairs, acts only for foreign affairs and trade between other countries and States. Therefore those Ministers of State are bound to the Commonwealth of Australia Constitution Act 1901, as are the Queen and all other private persons.

It does not allow the Queen to invade another countries, or to sell real property to another person that is not lawfully owned by a private person 'of the Commonwealth' without a signed and sealed commercial contract or binding agreement.

The members of political parties took over the Commonwealth of Australia devoid of the consent of the private sovereign people or the Crown using 'gradualism' or the 'evolutionary theory'. They hold no lawful authority under tacit or valid consent at referendum given by the private sovereign people or the Crown to allow their Parliaments of Australia to form and to use the real and personal property of the private sovereign people for their own financial benefit as collateral for their corporate structure.

10 They have placed themselves as representatives of the private sovereign people of the Commonwealth of Australia inside the United Nations and in the United Nations Security Council as a member nation in that Council.

We the people, including the Crown are inside the United Nations but we are now no longer recognized but our real and personal property has been unlawfully acquired by those members of political parties inside the Parliaments of Australia under their statutory laws.

20 I have written to the President of South Korea, Miss Geun-Hye Park whose delegate for the month of December is the President of the United Nations Security Council with a request that the lawful standing of the delegates in the United Nations Security Council who state they represent all the private sovereign people of the Commonwealth of Australia as well as the members of the Parliaments of Australia to validate and produce certified documentation showing our consent, at referendum, for the Parliaments of Australia to remove our lawful rights to our real and personal property, our civil and political rights and liberties and our Courts of the Crown held to the authority of the Crown and the common law of England and the laws of church and state.

30 I have asked in my application to the President of the United Nations Security Council that members of political parties who have under the evolutionary process created these Parliaments of Australia if they cannot produce their lawful standing to us that they be placed before the International Court of Justice, The Hague as held to the Bangalore Principles of Judicial Conduct 2002 for possible criminal proceedings against them.

As stated in our telephone conversation this morning, the ramifications of the bankruptcy proceedings taken against me as an entity and as I have no where to go to access a lawful Court of the Crown I have placed all this documentation before the President of South Korea for forwarding to Her Representative in the United Nations Security Council.

40 I am fully aware of the possible ramifications to these matters but we, the private sovereign people of the Commonwealth of Australia have absolutely no rights to justice, protection of our lawful ownership of real and personal property and our civil and political rights and liberties and as a result I have been left with no alternative.

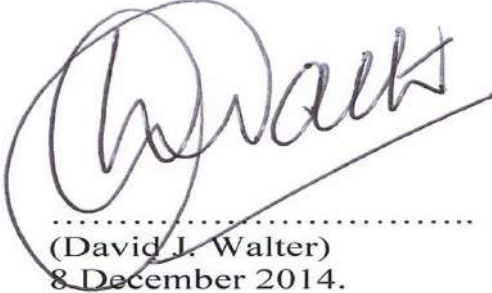
I ask that until this matter is heard on appeal, as per the attached documentation, my bank accounts and property are released back into my lawful ownership.

I request that you forward this documentation to the Director or Director General of the Australian Financial Security Authority and he may forward it to whomever he believes is appropriate.

I must, Mr Sharad Sekhri congratulate on your courtesy and approach to me on the telephone. We have all over the years, had to deal with many public servants. They have a tendency not to listen or to care. You were the opposite and I thank you very much for your courtesy and assistance.

Yours sincerely,

10



.....
(David J. Walter)
8 December 2014.

Cc: Her Majesty the Crown ELIZABETHÆ REGINÆ SECUNDÆ
Ambassador His Excellency Mr Bong-hyun Kim,
Korean Embassy, for the immediate attention of the President of South Korea,
Her Excellency Miss Geun-Hye Park.

Mr. Mark Frederick Williams of King & Company, Solicitors,

20

King & Company Solicitors

Mr. Peter Franks, CEO of the Mackay Regional Council

Secretary General Ban Ki-moon - United Nations

30



Australian Government
Australian Financial Security Authority

28 November 2014

Mr David John WALTER
Rural No.187 Walsh River Road
WATSONVILLE QLD 4887

Dear Mr Walter,

REQUEST FOR INFORMATION– QLD 4571 OF 2014/4 (I 115)

You were made bankrupt on 06 November 2014 by Sequestration Order through the Federal Circuit Court of Australia. The Official Trustee in Bankruptcy is administering your estate.

The Australian Financial Security Authority (AFSA) is the Official Trustee which administers this estate under the *Bankruptcy Act 1966* and its related legislation. The trustee is given the power to sell property that is not exempt, and pay dividends to creditors who have valid claims after payment of the costs of the administration including the trustee's fees.

Pursuant to Section 6A(3) of the *Bankruptcy Act 1966* ('the Act') you are required to provide the following information and documentation to AFSA by close of business **12 December 2014**:

- A copy of your completed Statement of Affairs (SOA) and copies of relevant documents. A blank Statement of Affairs is enclosed for your completion.
- The trustee understands that you co-own a property located at Rural No. 187 Walsh River Road, WATSONVILLE QLD 4887. To assist the trustee with the further administration of your estate, please provide the trustee with a copy of latest available mortgage statement and council rates notice for the property.

For your reference, I enclose section 267B of the Act below which outlines the consequences of failing to provide information when requested under section 6A(3).

Section 267B Failure of person to provide information -

(1) A person must not refuse or fail to comply with a notice given to the person under subsection 6A(3), paragraph 77C(1)(a) or section 139V.

- Penalty: Imprisonment for 12 months.

Tax Refund

Please note that if you are entitled to receive a tax refund for the financial year ending 30 June 2014, the refund should not be spent without the trustee's consent. In addition, please notify the trustee of the exact amount that you are entitled to receive, once you have lodged the tax return.

Enclosed is the AFSA Client Service Charter for your reference.

To discuss this matter further, please contact Sharad Sekhri on 03 8631 4858.

Yours sincerely,



Sharad Sekhri
For the Official Trustee in Bankruptcy

Phone : 03 8631 4858
Facsimile : 03 8631 4924
Email : sharad.sekhri@afsa.gov.au

28 November 2014

2

FEDERAL CIRCUIT COURT OF AUSTRALIA

Application for Review

Fill in boxes A only	
A	File number BRG880/2013
B	Filed at Filed on 27 Nov 2014
C	Place of hearing Level 1, 119 North Quay, BRISBANE
Hearing date	09 FEB 15 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
Hearing time	09 30

• Type or print clearly • Cross boxes where applicable

NOTICE TO RESPONDENT(S)

Name(s) of respondent(s) **Mr Peter Franks**
 address **CEO Mackay Regional Council (ABN 88 568 229 462) Mackay Queensland 4740**

- The applicant(s) seeks a review of the exercise of power described below
- The application is listed for hearing at the time and place in Box above.
- If you do not attend the hearing the application may be decided in your absence.

A DETAILS OF APPLICANT

1 Name(s) of Applicant(s)
 Give details for each in this extra page if you need more space

family name (surname) Walter	given names David John
family name (surname)	given names 27 NOV 2014

sent to solicitor in 3 other give details:

2 Postal address for service of documents on applicant(s)
P O Box 578, Herberton, Queensland postcode 4887
 tel (07) 4098 3009 fax ()

3 Solicitor for applicant(s)
 name _____ code _____
 firm name _____ postcode _____
 address _____
 phone/fax _____

FILED PROCEEDINGS OFFICE
 FEE PAID \$

B DETAILS OF EXERCISE OF POWER SOUGHT TO BE REVIEWED

4 Name of Registrar and registry place
Belcher registry or place **Brisbane General Federal Law Registry**

5 Date of decree(s) or order(s) of which review is sought
6th / November / 2014

6 Terms of the decree(s) or order(s)
 attach an extra page if you need more space

copy attached set out below give terms in full

1. A sequestration order be made against the estate of DAVID JOHN WALTER
 2. The applicants creditor's costs, including reserved costs, if any, be fixed in the sum of \$9,747.50 and paid from the estate of the respondent debtor in accordance with the BANKRUPTCY ACT 1966 (Cth)

THE COURT NOTES that the date of the act of bankruptcy is **14 APRIL 2014**



C DETAILS OF ORDERS SOUGHT TO BE REVIEWED

7. Are you seeking to review all the orders on the application?
Attach an extra page if you need more space.

Yes
 no set out the order(s) to be reviewed
(give each order to be reviewed the same number it has on the application)

.....

D ORDER(S) SOUGHT

8. Set out the decree(s) or order(s) sought in place of those to be reviewed.
Attach an extra page if you need more space.

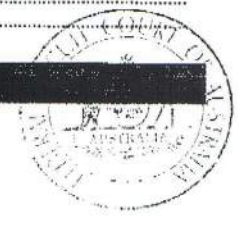
Give a number to each decree or order sought.

- 1. That the sequestration order made against the estate of DAVID JOHN WALTER be quashed
- 2. That the order that the applicant creditor's costs including reserved costs if any for the sum of \$9747.50 to be paid from the estate of David John Walter is to be quashed
- 3. That the date of and the act of bankruptcy being set down as 14 April 2014 be quashed.


Refer to letter dated 10th November 2014 from David J. Walter to Mr M. Belcher, Registrar, Federal Circuit Court of Australia as attached to this documentation.

.....

SIGNATURE



Page 2

Signed
 [David J. Walter] 

Date
 26th November 2014

applicant solicitor

This reply was prepared by:
 (print name if solicitor/counsel)

applicant solicitor counsel

Application Review FCC 03 1 V1



House of Representatives

Infosheet

THE AUSTRALIAN SYSTEM OF GOVERNMENT

No. 20
March 2008

Australia is a federation of six States which, together with three self-governing Territories, have their own constitutions, parliaments, governments and laws. This Infosheet is about the national or central government, usually called the Federal Government or the Commonwealth Government. However, State and Territory governments are also based on the same principle of parliamentary government.

Readers of this Infosheet are also recommended to read Infosheets No. 13 'The Constitution' and No. 19 'House, Government and Opposition'.



The Australian Coat of Arms signifies the national unity of Australia and is a sign of its identity and authority

Parliamentary government

The Constitution of Australia establishes the federal Government by providing for the Parliament, the Executive Government and the Judicature (more usually called the Judiciary)—sometimes referred to as the 'three arms of government'. However, some of the central features of Australia's system of government (described as parliamentary, or responsible government) are not set down in the Constitution but are based on custom and convention.

Parliamentary government means that the Executive Government comes from within the Parliament; responsible government means that the Executive Government is responsible to the Parliament. This is the central feature of a Westminster-style government following the United Kingdom model—in contrast to other systems of government where the Executive is quite separate and not directly answerable to the Legislature—for example, in the United States of America.

The separation of powers

Political theory recognises three powers of government—the legislative power to make laws; the executive power to carry out and enforce the laws; and the judicial power to interpret laws and to judge whether they apply in individual cases.

The principle of the separation of powers is that, in order to prevent oppressive government, the three powers of government should be held by separate bodies—the Legislature, Executive and Judiciary—which can act as checks and balances on each other.

With parliamentary government the legislative and executive functions overlap, as the members of the Executive Government—the Ministers—are drawn from the Parliament. However, in the Australian system there are still checks and balances between the Executive and Legislature—Ministers are subject to the scrutiny of other Members of the Parliament led by an officially recognised Opposition. In addition, the Executive does not necessarily control both Houses of the Parliament (see below).

Infosheet No. 19 'House, Government and Opposition' gives more detail on the relationship between the Parliament and the Executive Government.

The Parliament

The Constitution gives the legislative power of the Commonwealth—the power to make laws—to the Parliament.

The Parliament consists of the Queen, represented by the Governor-General, and two Houses—the House of Representatives and the Senate. The Parliament passes legislation. Proposed laws have to be agreed to by both Houses of Parliament to become law. The two Houses have equal powers, except that there are restrictions on the power of the Senate to introduce or directly amend some kinds of financial legislation. Infosheet No. 7 'Making laws' describes the parliamentary processes for the passage of legislation. The Governor-General has a role in the legislative process by assenting to Acts. See later in this Infosheet for more information about the role of the Governor-General.

The Parliament also authorises the Executive Government (often simply called the Government or the Executive) to spend public money by agreeing to government proposals for expenditure and taxation, scrutinises the administrative actions of the Government and serves as a forum for the debate of public policy.

Another function of the Parliament under our system is to provide from its membership the members of the Executive Government. After a general election the political party (or coalition of parties) with the support of a majority of members in the House of Representatives becomes the governing party and its leader becomes the Prime Minister.

The composition of the House also determines who will form the official Opposition. The party (or coalition of parties) which has the most non-government Members in the House of Representatives becomes the opposition party and its leader becomes the Leader of the Opposition. The Opposition has the officially recognised function, established by convention, of opposing the Government. The Opposition is an essential part of Australia's democratic system of government. This subject is discussed in more detail in Infosheet No. 19 'House, Government and Opposition'.

While the Government has, by definition, a majority in the House of Representatives, the system of voting used for Senate elections gives greater opportunity to minority parties and independents, and the Government often does not have a majority in the Senate.

The Executive Government Constitutional provisions

The Constitution states that the executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen's representative. However, a realistic understanding of Australia's Executive Government cannot be obtained from the Constitution alone, and in fact a literal reading of the Constitution can be misleading.

The Executive Government in practice

In reality, the executive power is possessed by the Prime Minister and Cabinet (senior Ministers). Their power derives:

- constitutionally from their membership of the Federal Executive Council—see below—and status as 'advisers' to the Governor-General;
- politically, from the people at elections for the House of Representatives; and
- from convention—that is, custom and tradition.

Neither the Prime Minister nor the Cabinet are mentioned in the Constitution—the framers of the Constitution took their existence for granted, as they did the various conventions of the Westminster system of government inherited from the United Kingdom.

Table 1 gives a comparison of the constitutional provisions and the actual practice according to the conventions which have operated in Australia.

Composition of the Ministry

Prime Minister

The Prime Minister is the head of the Government. He or she achieves this position by being the elected leader of the party in government (in the case of a coalition government, the major party).

Cabinet

The Cabinet, consisting of senior Ministers presided over by the Prime Minister, is the Government's pre-eminent policy-making body. Major policy and legislative proposals are decided by the Cabinet. The Prime Minister selects Ministers for Cabinet positions.

Ministers

Ministers are selected by the Prime Minister. There are currently 30 Ministers. The maximum number can be increased by legislation. About 17 or so senior Ministers administer the major departments and are, usually, members of Cabinet. Other Ministers are responsible for particular areas of administration within a major department, or may be in charge of a small department, or have responsibility for an area of government which involves more than one department (e.g. the Minister for Climate Change and Water). Ministers are appointed from both Houses of Parliament, although most (about two thirds) are Members of the House of Representatives.

Parliamentary Secretaries

Up to 12 Members and Senators are appointed by the Prime Minister as Parliamentary Secretaries to assist or represent Ministers in their administrative responsibilities.

The role of the Governor-General

The Governor-General performs the ceremonial functions of head of state on behalf of the Queen. While executive government powers are exercised by the Governor-General or in his or her name, such actions are carried out as advised by the Prime Minister and Ministers.

Under the Constitution the Governor-General:

- appoints and dismisses Executive Councillors;
- appoints and dismisses Ministers to administer the public service departments and agencies;
- appoints judges (the dismissal of judges can only be initiated by the Parliament);
- is the commander in chief of the defence forces;
- decides when the Parliament meets (subject to some constitutional requirements), and may prorogue (suspend) or dissolve it;
- issues writs for general elections;
- initiates government expenditure by recommending appropriations to the Parliament;

- converts proposed laws to Acts of Parliament by assenting to legislation that has been passed by both Houses;
- may block or propose amendments to any law passed by the two Houses of Parliament.

The Governor-General also has executive powers under many Acts of Parliament—for example, the power to proclaim legislation (that is, bring it into effect) and to make regulations and other kinds of delegated legislation (that is, legislative powers that the Parliament has delegated to the Executive Government). Most of the executive actions taken by the Governor-General are of this kind.

In practice, except when reserve powers are involved—see below—these functions are exercised as advised by the Prime Minister and Ministers.

The Governor-General's reserve powers

In some matters the Constitution gives the Governor-General powers to act independently. These include the power to dissolve the House of Representatives and, in certain situations, both Houses (see Infosheet No. 18 'Double dissolution'). However, in other than exceptional circumstances, the Governor-General will follow the advice of a Prime Minister who retains the confidence of the House.

The powers that the Governor-General has to act without advice are referred to as 'prerogative' or 'reserve' powers and are not clearly defined in the Constitution. Constitutional experts do not agree on their precise extent or on the nature of the exceptional circumstances in which they may be exercised.

The role of the Federal Executive Council

The Federal Executive Council is the constitutional mechanism for providing ministerial advice to the Governor-General. It is not a forum for policy debate or deliberation and its proceedings are entirely formal. All Ministers and Parliamentary Secretaries become members of the Executive Council. They receive the title 'Honourable'. The Council's full membership never meets. In practice the minimum number of Ministers or Parliamentary Secretaries (that is, two in addition to the person presiding) are rostered to attend. Meetings of the Council are presided over by the Governor-General or a deputy appointed by the Governor-General (usually the Minister with the title Vice President of the Executive Council). The matters dealt with at each meeting are recommendations by Ministers, for the approval of the Governor-General in Council, that something be done—for example, that a regulation be made, a treaty be ratified, or a person be appointed to a position.

While the Executive Council may seem no more than a rubber stamp, the processes involved in bringing matters before the Council ensure that Ministers' actions are properly documented, are legally and constitutionally valid, and are in accordance with government policy.

The role of the Queen

Australia is a constitutional monarchy. A monarchy is a country where the position of head of state is inherited. A constitutional monarchy is one where the powers of the monarch or sovereign—the King or Queen—are limited by law or convention, and generally exercised only according to the advice of an elected government.

The head of state is a formal, symbolic and ceremonial position, as opposed to the position of head of government, which has the administrative power to govern the country. In some systems of government the head of state and head of government are the same person—for example, in the United States the President has both functions.

Australia's head of state is Queen Elizabeth II. Queen Elizabeth is also Queen of the United Kingdom and several other countries which used to be part of the former British Empire. The Queen's role as Queen of Australia is quite separate from her role as Queen of the United Kingdom. The United Kingdom Government plays no part in the Queen's role as Queen of Australia.

In Australia the powers of the Queen have been delegated by the Australian Constitution to her representative in Australia, the Governor-General. That is, while Australia's head of state is the Queen, the functions of head of state are performed by the Governor-General. The Queen's only necessary constitutional function is to appoint the Governor-General, and in doing this the Queen acts as advised by the Australian Prime Minister. The Constitution gives the Queen the power to disallow an Australian Act of Parliament, but this has never been done and it is extremely unlikely that it would ever be done.

The Judiciary

The Constitution vests the judicial power of the Commonwealth—the power to interpret laws and to judge whether they apply in individual cases—in the High Court and other federal courts. The High Court is established by the Constitution. Other federal courts are created by legislation of the Parliament. Judges are appointed by the Governor-General acting on the advice of the Prime Minister and Cabinet. Judges can only be removed from office by the Governor-General following a request for the removal from both Houses of Parliament on the ground of proved misbehaviour or incapacity.

One of the major functions of the High Court is to interpret the Constitution. The High Court may rule a law to be unconstitutional—that is, beyond the power of the Parliament to make—and therefore of no effect. While the Parliament may override a court's interpretation of any ordinary law by passing or amending an Act of Parliament, the Parliament is subject to the Constitution. The Constitution cannot be changed by an Act of Parliament alone—a referendum of the people is necessary.

Table 1 – The Executive Government of Australia

	<i>How achieved</i>	<i>Formal appointment pursuant to Constitution</i>	<i>Constitutional functions</i>	<i>Conventions applying / functions in practice</i>
Sovereign	Inherited.		Head of Executive Government and one of constituent parts of the Parliament, but these functions are delegated to the Governor-General. Appoints the Governor-General. May disallow an Act of Parliament (but this has never been done).	Head of State. Only necessary personal function is to appoint the Governor-General. May on occasion perform acts normally carried out by the Governor-General, such as opening a session of Parliament or assenting to an Act of Parliament. Acts as advised by the Prime Minister.
Governor-General	Selected by the Prime Minister.	By the Sovereign, as her representative in Australia.	Represents the Queen as head of Executive Government and one of constituent parts of the Parliament. In most matters must act as advised by the Federal Executive Council.	Performs functions of Head of State. Normally in all matters acts as advised by the Prime Minister and Ministers. Has reserve powers to act independently in emergencies. The extent of these and way they should be exercised are not agreed on.
Prime Minister	Leader of the party which has the most Members of the House of Representatives. Is elected leader through internal party processes.	By the Governor-General as a Minister of State. By the Governor-General as a member of the Federal Executive Council.	As for Ministers. The position of Prime Minister is not recognised by the Constitution.	The Governor-General commissions the leader of the party (or coalition) with the largest number of Members of the House of Representatives to form a Government. The Prime Minister chairs Cabinet and is in practice the Head of the Executive Government.
Ministers	Selected by the Prime Minister from Members of the House of Representatives and Senators from the party or coalition of parties in government. The Prime Minister's selection may be constrained by internal party processes.	By the Governor-General as Ministers of State. By the Governor-General as members of the Federal Executive Council. (Ministers must be appointed to the Federal Executive Council. Ministers must be Members of the House of Representatives or Senators, or become so within three months of appointment).	As Ministers, to administer Departments of State. As Executive Councillors, to advise the Governor-General. The Cabinet is not recognised by the Constitution.	Senior Ministers are in charge of larger or more important departments, and are normally members of the Cabinet. Junior Ministers may be in charge of a small department, or assist another Minister in the administration of a larger department. The Cabinet is, in practice, the heart of the Executive Government. All major policy and legislative proposals are decided by the Cabinet.
Parliamentary Secretaries	As for Ministers.	As for Ministers (Parliamentary Secretaries are a class of Ministers designated as Parliamentary Secretaries).	As for Ministers.	Parliamentary Secretaries assist Ministers in the administration of their departments.
Executive Councillors	As for Ministers.	By the Governor-General (there is no constitutional restriction on who should be appointed).	To advise the Governor-General.	Only Ministers and Parliamentary Secretaries are appointed (generally for life). Only Executive Councillors who are members of the current Government advise the Governor-General.



Statute Law Revision Act 1996
No. 43, 1996

An Act to make various amendments of the statute law of the Commonwealth, to repeal certain Acts, and for related purposes
[Assented to 25 October 1996]

10 The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Statute Law Revision Act 1996*.

2 Commencement

(1) Subject to subsections (2) and (3), this Act commences on the day on which it receives the Royal Assent.

(2) Each item in Schedule 2 commences or is taken to have commenced (as the case requires) at the time specified in the note at the end of the item.

20 (3) Each item in Schedule 3 is taken to have commenced when the Act containing the provision amended by the item received the Royal Assent.

3 Schedule(s)

(1) Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

(2) The repeal of an Act by this section does not affect the operation of any amendment of another Act made by the repealed Act.

30 **4 Definition**

In this Act:

Corporations Law means the Corporations Law set out in section 82 of the *Corporations Act 1989*.

Refer: Contents List on Pages (i) to (xi) of Act No. 43 of 1996 which includes:-

Schedule 1—Repeal of Acts	[16 Acts] [Pages 3-4]
Schedule 2—Amendment of Principal Acts	[60 Acts] [Pages 5-28]
Schedule 3—Amendment of Amending Acts	[67 Acts] [Pages 29-52]
Schedule 4—Amendment of certain Acts to correct references to the Remuneration Tribunal Act 1973	[95 Acts] [Pages 54-68]
Schedule 5—Gender neutral language	[58 Acts] [Pages 69-92]

40

Schedule 5—Gender neutral language, which includes:-

	<i>Aboriginal and Torres Strait Islander Heritage Protection Act 1984</i>	Pages 69-69
	<u>Australian Citizenship Act 1948</u>	71-72
	<u>Australian Federal Police Act 1979</u>	72-72
	<u>Commonwealth Places (Application of Laws) Act 1970</u>	74-75
	<i>Crimes (Taxation Offences) Act 1980</i>	75-75
	<u>Currency Act 1965</u>	75-75
	<i>Defence Force Discipline Act 1982</i>	75-76
	<i>Director of Public Prosecutions Act 1983</i>	76-76
	<u>Federal Court of Australia Act 1976</u>	76-77
10	<i>Freedom of Information Act 1982</i>	77-78
	<u>Governor-General Act 1974</u>	78-78
	<u>High Court of Australia Act 1979</u>	79-79
	<i>Jury Exemption Act 1965</i>	79-79
	<i>Marriage Act 1961</i>	80-80
	<i>Migration Act 1958</i>	81-81
	<u>National Parks and Wildlife Conservation Act 1975</u>	83-83
	<i>Ombudsman Act 1976</i>	84-85
	<u>Passports Act 1938</u>	85-85
	<i>Racial Discrimination Act 1975</i>	88-88
20	<u>Statutory Declarations Act 1959</u>	90-90
	<u>Veterans' Entitlements Act 1986</u>	91-91
	<i>Whale Protection Act 1980</i>	

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Folio DJW - 5



30
 Australian Capital Territory
 Republication No 1
 Republication date: 5 July 2002

Magna Carta (1297)

25 Edw 1 c 29

The Great Charter of the Liberties of England and the Liberties of the Forest confirmed by King Edward

Edward, by the grace of God, King of England, Lord of Ireland and Duke Guyan:

To all archbishops, bishops, etc:

40
 We have seen the Great Charter of the Lord Henry sometimes King of England, our father, of the liberties of England in these words:

Henry, by the Grace of God, King of England, Lord of Ireland, Duke of Normandy and Guyan, and Earl of Anjou, to all archbishops, bishops, abbots, priors, earls, barons, sheriffs, provosts, officers, and to all bailiffs and other our faithful subjects, who shall see this present Charter, greeting:

10 Know you that We, unto the honour of Almighty God, and for the salvation of the souls of our progenitors and successors, Kings of England, to the advancement of Holy Church and amendment of our realm, of our free will, have given and granted to all archbishops, bishops, abbots, priors, earls, barons, and to all freemen of this our realm these liberties following, to be kept in our Kingdom of England forever:

29 Imprisonment etc contrary to law

No freeman shall be taken or imprisoned, or disseised of his freehold, liberties or free customs, or be outlawed or exiled or in any other wise destroyed; nor will We pass upon him nor condemn him, but by lawful judgment of his peers or by the law of the land.

We will sell to no man, and we will not deny or defer to any man, either justice or right.

20 We, ratifying and approving these gifts and grants aforesaid, confirm and make strong all the same for us and our heirs perpetually, and by the tenor of these presents do renew the same: willing and granting for us and our heirs that this Charter and all and singular its articles for ever shall be steadfastly, firmly and inviolably observed.

© Australian Capital Territory 2002.

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[Extracts]

30 **Sons of Gwalia Ltd v Margaretic [2007] HCA 1**
(31 January 2007)
(2007) 232 ALR 232; (2007) 81 ALJR 525

HIGH COURT OF AUSTRALIA

GLEESON CJ,
GUMMOW, KIRBY, HAYNE, CALLINAN, HEYDON AND CRENNAN JJ

S208/2006 & S209/2006

40

ORDER

In each matter, the appeal is dismissed with costs.

On appeal from the Federal Court of Australia

RE: [Corporations Act 2001](#) (Cth), [ss 553\(1\), 563A](#).

GLEESON CJ.

1. These appeals raise an issue concerning the subordination of what are sometimes called "shareholder claims" to claims of other creditors in the application of the insolvency provisions of the [Corporations Act 2001](#) (Cth) ("the [Act](#)"). The resolution of the issue turns upon the meaning and effect of [s 563A](#) of the [Act](#), which is in Div 6 (concerning proof and ranking of claims) of [Pt 5.6](#) (concerning winding-up). That section provides:

10

"Payment of a debt owed by a company to a person in the person's capacity as a member of the company, whether by way of dividends, profits or otherwise, is to be postponed until all debts owed to, or claims made by, persons otherwise than as members of the company have been satisfied."

2. [Section 553](#), which is also contained in Div 6 of [Pt 5.6](#), provides that, subject to the Division, in every winding-up, all debts payable by, and all claims against, the company (present or future, certain or contingent, ascertained or sounding only in damages) are admissible to proof against the company. It is obvious that there are debts that may be owed by a company to a person who is a member of the company which are not owed to the person in the person's capacity as a member. It is equally obvious that, whatever be the precise test according to which the distinction is to be drawn, the subordination effected by [s 563A](#) is limited to debts owed to a member as a member, and does not apply to debts owed to a person otherwise than as a member. Debts owed by way of dividends, profits or otherwise to a person in the person's capacity as a member are contrasted with debts owed to, or claims made by, a person otherwise than as a member.

20

3. The language of [s 563A](#) has a long history; a history that goes back before the decision in *Salomon v Salomon & Co Ltd*[\[1\]](#), to a time when the separateness of a corporation from its members had not been fully recognised, and when the difference between corporations and partnerships was not as distinct as it later became. Subject to certain exceptions, it was an established rule of partnership law that a partner in a bankrupt firm could not prove in competition with the debts of outside creditors upon a dissolution[\[2\]](#). Lord Lindley explained the rule as follows[\[3\]](#):

30

"[The creditors of the firm] are, in fact, his own creditors, and he cannot be permitted to diminish the partnership assets to the prejudice of those who are not only creditors of the firm, but also of himself. If, therefore, a partner is a creditor of the firm, neither he nor his separate creditors (for they are in no better position than himself) can compete with the joint creditors as against the joint estate."

40

4. Once it became accepted that a company formed under the applicable companies legislation is a corporate entity with a legal existence distinct from that of its members, it followed that the creditors of a company were not also creditors of the members either collectively or individually. That is an essential aspect of the difference between an ordinary trading company formed with limited liability, and a partnership.

5. There was another, more enduring, influence in company law, reflected in certain decisions said to apply to the present case. It concerns the law relating to the raising and **maintenance of share capital**. Companies Acts, in a variety of ways, have given effect to the principle, also established before *Salomon v Salomon & Co Ltd*, that the creditors of a company which is being wound up have a right to look to the paid-up capital as the fund out of which their debts are to be discharged^[4]. Statutory manifestations of that principle have been modified over the years, and it may be doubted that it reflects the reality of modern commercial conditions, where assets and liabilities usually are more significant for creditors than paid-up capital. As Lord Browne-Wilkinson said in *Soden v British & Commonwealth Holdings Plc*^[5], it is "wholly irrelevant" to the position of a member who has acquired fully paid shares on the market.

GUMMOW J.

34. The resolution of the issues in these appeals turns upon the construction of certain provisions of the [Corporations Act 2001](#) (Cth) ("the [Act](#)") incorporated in a Deed of Arrangement to which Sons of Gwalia Ltd ("Gwalia") is subject. There is a dispute respecting the application of those provisions to "shareholder claims" by Mr Margaretic, the first respondent. The expression "shareholder claims" is used here to identify claims for damages against a company by a subscriber for, or purchaser of, its shares, where the claimant asserts reliance upon misleading or deceptive conduct of the company or other wrongful act or omission on its part which was causative of that shareholder's loss. ING Investment Management LLC ("ING") is a creditor of Gwalia which is not a shareholder and its interests are adverse to those of Mr Margaretic.

35. The apparently seamless continuity in the reception and development of the **common law** in Australia is apt to distract attention from the supreme importance of statute law. In this vein, the submissions presented on these appeals to varying degrees proceeded from an implicit premise which is false.

36. There are no "general principles of company law" applicable in a winding up and to which there must be reconciled those provisions of the [Act](#) and its predecessors (beginning with the *Companies Act 1862* (UK) ("the 1862 UK Act")^[28]) which stipulate a particular system of proof of debts and the ranking of debts and the placement of "shareholder claims" in that system.

HAYNE J.

135. A person who buys, or subscribes for, shares in a company, relying upon misleading or deceptive information from the company, or misled as to the company's worth by its failure to make disclosures required by law, may have a claim for damages against the company. That claim may be framed in the tort of deceit but, more probably than not, will now be framed as a claim under consumer protection provisions of the [Trade Practices Act 1974](#) (Cth)^[175] or investor protection provisions of the [Corporations Act 2001](#) (Cth)^[176] ("the [2001 Act](#)") or the [Australian Securities and Investments Commission Act 2001](#) (Cth)^[177]

("the [ASIC Act](#)").

If the company comes under external administration before it has satisfied the shareholder's claim, and the company's affairs are to be administered as on a winding up, does the shareholder's claim rank with the claims of other creditors, or is it postponed? If, as is agreed to be the case here, the shares become worthless when the company goes into external administration, is the shareholder's claim one of the circumstances giving rise to which occurred before "the relevant date" (fixed by the [2001 Act](#) as the commencement of that administration)?

10 136. These questions are to be answered by reference to the applicable statutory regime: in particular, the provisions of [Pt 5.6](#) of the [2001 Act](#). In construing those statutory provisions, it will be necessary to take account of their long legislative history. The answer to the questions that arise in this case do not depend upon any principle of judge-made law. In particular, they do not depend upon the application, or the identification of the content, of what is sometimes called

"the rule in *Houldsworth's Case*" (*Houldsworth v City of Glasgow Bank*[\[178\]](#)).

20 143. It was an agreed fact that Mr Margaretic had made a claim against SOG for damages or compensation under statute, or at **common law** or in equity, in respect of fraud, misrepresentation, or other acts or omissions of SOG. It was further agreed that Mr Margaretic was intending to submit his claim for proof in the deed of company arrangement of SOG. There was evidence that other shareholders made or intended to make like claims.

30 182. It is of the first importance to recognise that *Webb Distributors* concerned whether the claims which the shareholders sought to make against the societies were admissible to proof in the winding up. The arguments that the parties in that litigation advanced in support of, or in opposition to, the admissibility of such claims to proof were based on what was said to be the "**common law** rule in *Houldsworth v City of Glasgow Bank*[\[217\]](#)" and whether that "rule" had received statutory recognition in the *Companies (Victoria) Code*. In particular, the arguments of the parties in *Webb Distributors*, both in this Court and in the courts below, laid heavy emphasis upon principles of **maintenance of capital**[\[218\]](#), and upon the issues presented by the second of the questions identified earlier, namely, whether the shareholders could rescind the contracts pursuant to which they became members and could sue the societies. The Court's reasons are to be understood as responding to these arguments of the parties.

40 190. The conclusion reached in *Webb Distributors* concerned, and concerned only, the rights of a member who had subscribed for shares, as distinct from having acquired shares by contract from a person other than the company itself. **Maintenance of capital** may be relevant to a shareholder's entitlement to recover from the company amounts that the shareholder subscribed as capital, but it has no direct relevance to the recovery from the company of damages for loss occasioned by the making of a contract to acquire existing shares in the company from a third party. It has no direct relevance to that second kind of case because the shareholder does not seek the return of what was subscribed as capital when the shares were allotted. Whether, in the first kind of case, it is right to

describe the claim as one which seeks the return of what was subscribed is a question that need not be answered here. Even if it were right, it would provide no reason for concluding that a shareholder like Mr Margaretic, who was not a subscriber, has no claim against the company under the consumer and investor protection provisions mentioned at the start of these reasons. Nor would it provide a reason for concluding that such a shareholder had no claim for deceit. Neither *Webb Distributors* nor *Houldsworth* established any **common law** "principle" that no shareholder, no matter how the shares were acquired, can have a claim of the kind now in issue against a company whose assets were to be administered as on a liquidation. The reasoning in those cases, because it was founded in important respects upon considerations of preservation of capital, can have no direct application when the plaintiff shareholder did not subscribe capital. But whether or not that is so, the asserted common law "principle" could not deny the operation of the relevant consumer protection and investor protection provisions. Finally, the conclusion reached in *Webb Distributors*, like the conclusion reached in *Houldsworth*, turned, in important respects, upon whether the shareholder could rescind the contract with the company for subscription for shares. None of these considerations is relevant to the present matters where there was no contract for the acquisition of shares made between the shareholder, Mr Margaretic, and the company, SOG.

Soden v British & Commonwealth Holdings plc

20

CALLINAN J.

254 In my view therefore, the history, overall, including the absence of relevant legislation to effect a change to render *Webb* irrelevant or otherwise not binding, favours SOG's position.

[Extracts]

30 Comments by The Hon Justice Robert Austin of the Supreme Court of New South Wales at a Corporations Workshop in Glenelg, South Australia on 20-22 July 2007 held by the Business Law Section of the Law Council of Australia on a paper by Konrad de Kerloy

“Implications of the Sons of Gwalia Decision”

The principle of maintenance of capital

40 The principle of maintenance of capital was one of the three foundational principles of 19th-century British and Australian company law. The other two were the concept of limited liability and the idea that a company had power to act only if the power was conferred upon it by its memorandum of association. The third principle, the doctrine of *ultra vires*, was abrogated by legislation that reflected an important change of policy. But the other two principles, maintenance of capital and limited liability, have been retained, although both of them have been substantially qualified by statutory reforms.

In the *Sons of Gwalia* case, Gummow and Hayne JJ made the point that there is no common law of companies: the company is a statutory creature and the principles governing it must be derived from statute. The 19th century principles conformed to these propositions. Though the principles were given wide application, each of them was derived from the express provisions of, or by necessary implication from, the terms of the companies legislation.

10 **Folio DJW - 7**



Corporations Act 2001

Act No. 50 of 2001 as amended

This compilation was prepared on 1 August 2010
taking into account amendments up to Act No. 103 of 2010

20 **563A Member's debts to be postponed until other debts and claims satisfied**

Payment of a debt owed by a company to a person in the person's capacity as a member of the company, whether by way of dividends, profits or otherwise, is to be postponed until all debts owed to, or claims made by, persons otherwise than as members of the company have been satisfied.

Folio DJW - 8



30

**Corporations Amendment (Sons of Gwalia) Act 2010
No. 150, 2010**

**An Act to amend the law relating to
claims against corporations, and for related purposes**

[Assented to 17 December 2010]

The Parliament of Australia enacts:

1 Short title

40 This Act may be cited as the *Corporations Amendment (Sons of Gwalia) Act 2010*

2 Commencement

- (1) Each provision of this Act specified in column 1 of the table commences or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provision(s)	Commencement	Date/Details
1. Sections 1 to 3 and anything in this Act not elsewhere covered by this table	The day this Act receives the Royal Assent	17 December 2010
2. Schedule 1	The day after this Act receives the Royal Assent	18 December 2010

Note: This table relates only to the provisions of this Act as originally enacted. It will not be amended to deal with any later amendments of this Act.

- (2) Any information in Column 3 of the table is not part of this Act. Information may be inserted in this column, or information in it may be edited, in any published version of this Act.

3 Schedule(s)

Each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendment of the Corporations Act 2001

1 At the end of Chapter 2F

Add:

Part 2F.4—Proceedings against a company by members and others

247E Shareholding does not prevent compensation claim

A person is not prevented from obtaining damages or other compensation from a company only because the person:

- (a) holds, or has held, shares in the company; or
- (b) has subscribed for shares in the company; or
- (c) has a right to be included in the register that the company maintains under section 169.

1A After subsection 411(5)

Insert:

(5A) If the compromise or arrangement:

- (a) involves creditors of the Part 5.1 body with subordinate claims (within the meaning of subsection 563A(2)); and
- (b) is approved by the Court;
those creditors are also bound by the compromise or arrangement

despite the fact that a meeting of those creditors has not been ordered by the Court under subsection (1) or (1A).

2 Section 563A

Repeal the section, substitute:

563A Postponing subordinate claims

10 (1) The payment of a subordinate claim against a company is to be postponed until all other debts payable by, and claims against, the company are satisfied.

(2) In this section:

claim means a claim that is admissible to proof against the company (within the meaning of section 553).

debt means a debt that is admissible to proof against the company (within the meaning of section 553).

subordinate claim means:

20 (a) a claim for a debt owed by the company to a person in the person's capacity as a member of the company (whether by way of dividends, profits or otherwise); or

(b) any other claim that arises from buying, holding, selling or otherwise dealing in shares in the company.

2A Subsection 563B(2)

Omit "debts owed to members of the company as members of the company (whether by way of dividends, profits or otherwise)", substitute "subordinate claims (within the meaning of section 563A)".

3 At the end of Division 3 of Part 5.9

Add:

30

600H Rights if claim against the company postponed

(1) A person whose claim against a company is postponed under section 563A is entitled:

(a) to receive a copy of any notice, report or statement to creditors only if the person asks the administrator or liquidator of the company, in writing, for a copy of the notice, report or statement; and

40 (b) to vote in their capacity as a creditor of the company, at a meeting ordered under subsection 411(1) or during the external administration of the company, only if the Court so orders.

(2) In this section:

external administration includes the following:

(a) voluntary administration;

(b) a compromise or arrangement under part 5.1;

(c) administration under a deed of company arrangement;

- (d) winding up by the Court;
- (e) voluntary winding up.

4 Application provision—postponed claims

(1) Section 563A of the *Corporations Act 2001*, as amended by this Schedule, applies to a claim that arises after this Schedule commences.

10

(2) Section 600H of the *Corporations Act 2001*, as inserted by this Schedule, applies to a claim made against a company if the external administration of the company commences after this Schedule commences.

[*Minister's second reading speech made in—
House of Representatives on 29 September 2010,
Senate on 26 November 2010*]

20 Folio DJW - 9



Parliament of Australia
Department of Parliamentary Services

BILLS DIGEST

17 June 2010, no. 182, 2009–10, ISSN 1328-8091

Corporations Amendment (Sons of Gwalia) Bill 2010

30

Date introduced: 2 June 2010

House: House of Representatives

Portfolio: Financial Services, Superannuation and Corporate Law

Commencement:

The formal provisions commence on Royal Assent.

Schedule 1 commences the day after Royal Assent.¹

¹ **Clause 2** of the Bill. Note, however, that the Explanatory Memorandum claims that the Bill commences on a single day 'fixed by proclamation'. See Explanatory Memorandum, Corporations Amendment (Sons of Gwalia) Bill 2010, pp. 3 and 8.

40

Purpose

The main purpose of the Bill is to amend the *Corporations Act 2001* (the Corporations Act) to reverse the effects of the decision of the High Court of

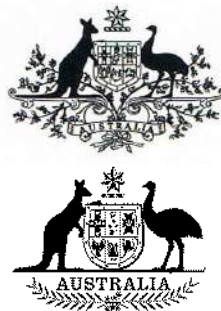
Australia in *Sons of Gwalia Ltd v Margaretic* [2007] HCA 1; (2007) 231 CLR 160; (2007) 232 ALR 232; (2007) 81 ALJR 525 (*Sons of Gwalia*).²

Background

Decision in *Sons of Gwalia*

10 In *Sons of Gwalia*, the High Court determined that section 563A of the Corporations Act, as currently worded, *did not* subordinate certain compensation claims by shareholders below the claims of other creditors in the external administration of a company. More particularly, it determined that shareholders who had suffered loss or damage as a result of purchasing shares in a company on the basis of false or misleading information contained in the company's financial statements should rank equally with unsecured creditors in the distribution of the company's assets in a winding-up. In so deciding, the High Court affirmed the decision of the House of Lords in *Houldsworth v City of Glasgow Bank* (1880) 5 AC 317, which established that a person's capacity to bring a claim for damages can be affected by how the person acquired the shares and whether the person still holds them.

20 **Folio DJW - 10**



Trade Practices Amendment Act (No. 1) 2001 Act No. 63 of 2001 as amended

This compilation was prepared on 7 August 2002
[This Act was amended by Act No. 63 of 2002]

An Act to amend the *Trade Practices Act 1974*, and for related purposes

30

[Assented to 28 June 2001]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Trade Practices Amendment Act (No. 1) 2001*.

2 Commencement

(1) Subject to subsection (2), this Act commences on the 28th day after the day on which it receives the Royal Assent.

(2) Items 4 and 5 of Schedule 2 commence immediately after the later of:

- (a) the commencement of section 1; and
- (b) the commencement of item 2 of Schedule 1 to the *A New Tax System (Trade Practices Amendment) Act 2000*.

(3) The items of Schedule 2 (other than items 4 and 5) commence immediately after the commencement of item 260 of Schedule 1 to the *Treasury Legislation Amendment (Application of Criminal Code) Act (No. 1) 20013* Schedule(s)

10 Subject to section 2, each Act that is specified in a Schedule to this Act is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this Act has effect according to its terms.

Schedule 1—Amendments commencing on the 28th day after Royal Assent

Trade Practices Act 1974

1 Subsection 50(6) (definition of market)

Omit all the words after “services”, substitute:

20 in:

- (a) Australia; or
- (b) a State; or
- (c) a Territory; or
- (d) a region of Australia.

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30 **Folio DJW - 11**



Australian Securities and Investments Commission Act 2001
Act No. 51 of 2001 as amended

This compilation was prepared on 3 January 2013
taking into account amendments up to Act No. 178 of 2012

An Act to provide for the Australian Securities and Investments Commission, a Corporations and Markets Advisory Committee and certain other bodies, and for other purposes

Part 1—Preliminary

Division 1—Objects

1 Objects

(1) The objects of this Act are:

- 10 (a) to provide for the Australian Securities and Investments Commission (*ASIC*) which will administer such laws of the Commonwealth, a State or a Territory as confer functions and powers under those laws on ASIC; and
- (b) to provide for ASIC's functions, powers and business; and
- (c) to establish a Corporations and Markets Advisory Committee to provide informed and expert advice to the Minister about the content, operation and administration of the corporations legislation (other than the excluded provisions), about corporations and about financial products and financial markets; and
- 20 (d) to establish a Takeovers Panel, a Companies Auditors and Liquidators Disciplinary Board, a Financial Reporting Council, an Australian Accounting Standards Board, an Auditing and Assurance Standards Board and a Parliamentary Joint Committee on Corporations and Financial Services.

(2) In performing its functions and exercising its powers, ASIC must strive to:

- 30 (a) maintain, facilitate and improve the performance of the financial system and the entities within that system in the interests of commercial certainty, reducing business costs, and the efficiency and development of the economy; and
- (b) promote the confident and informed participation of investors and consumers in the financial system; and
- (d) administer the laws that confer functions and powers on it effectively and with a minimum of procedural requirements; and
- (e) receive, process and store, efficiently and quickly, the information given to ASIC under the laws that confer functions and powers on it; and
- 40 (f) ensure that information is available as soon as practicable for access by the public; and
- (g) take whatever action it can take, and is necessary, in order to enforce and give effect to the laws of the Commonwealth that confer functions and powers on it.

(3) This Act has effect, and is to be interpreted, accordingly.

12AD Application of Division to Commonwealth and Commonwealth authorities

- 50 (1) Subject to this section, this Division binds the Crown in right of the Commonwealth in so far as the Crown in right of the Commonwealth carries on a business, either directly or by an

authority of the Commonwealth.

(3) Nothing in this Division makes the Crown in right of the Commonwealth liable to a pecuniary penalty or to be prosecuted for an offence.

(4) The protection in subsection (3) does not apply to an authority of the Commonwealth.

(5) For the purposes of this section, the following transactions do not amount to carrying on a business:

- 10 (a) a transaction involving only persons who are all acting for the Crown in right of the Commonwealth (and none of whom is an authority of the Commonwealth);
- (b) a transaction involving only persons who are all acting for

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Folio DJW - 12



Statute of Westminster Adoption Act 1942

Act No. 56 of 1942 as amended

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Folio DJW – 13



Acts Interpretation Act 1901

Act No. 2 of 1901 as amended

This compilation was prepared on 17 November 2005

An Act for the Interpretation of Acts of Parliament and for Shortening their Language

Part 1—Preliminary

2B Definitions

In any Act:

.....

Australia means the Commonwealth of Australia and, when used in a geographical sense, includes the Territory of Christmas Island and the Territory of Cocos (Keeling) Islands, but does not include any other external Territory.

Note: See also section 15B.

Australian citizen has the same meaning as in the *Australian Citizenship Act 2007 territorial sea* has the same meaning as in the *Seas and Submerged Lands Act 1973*.

23 Rules as to gender and number

10

In any Act:

- (a) words importing a gender include every other gender; and
- (b) words in the singular number include the plural and words in the plural number include the singular.

document means any record of information, and includes:

- (a) anything on which there is writing; and
- (b) anything on which there are marks, figures, symbols or perforations

having a meaning for persons qualified to interpret them; and

- (c) anything from which sounds, images or writings can be reproduced with or without the aid of anything else; and
- (d) a map, plan, drawing or photograph.

20

estate includes any estate, interest, charge, right, title, claim demand, lien or encumbrance at law or in equity

Constitutional and official definitions.

4. (1) Section 17 of the Principal Act is amended—

(a) by omitting paragraphs (a) and (b) and substituting the following paragraph:—

“(a) ‘Australia’ or ‘the Commonwealth’ means the Commonwealth of Australia and, when used in a geographical sense, does not include an external Territory:”

30

© Commonwealth of Australia

40

IN THE HIGH COURT OF AUSTRALIA
(CANBERRA) REGISTRY

No. of 2015

BEWEEN: David John Walter

Applicant

And

10

MR PETER FRANKS, CEO
MACKAY REGIONAL COUNCIL
ABN 86 568 229 462 –
State Government Entity.

Respondent

EXHIBIT DJW - 10

20

This is the exhibit marked DJW 10- produced by myself, David John Walter (deponent)
and shown at the time of swearing my affidavit this 10th day of March 2015.


DJW – 10 Default Notice for the Parliament of Australia issued to Mrs Elizabeth
Mountbatten of the House of Windsor – the QUEEN ELIZABETHÆ
REGINÆ SECUNDÆ

the Queen as held to the Royal Style and Titles Act 1953:-

30

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

Before me


.....
Commissioner of Declarations
DESMOND JOHN DEBEL



Default Notice

Complainant: David John Walter of Rural Number 187, Walsh River Road, Watsonville, Queensland 4887, Australia.

Postal Address: Post Office Box 578, Herberton, Queensland 4887, Australia.

10 Defendant: Mrs Elizabeth Mountbatten of the House of Windsor – the QUEEN ELIZABETHÆ REGINÆ SECUNDÆ

the Queen to the *Royal Styles and Titles Act* 1953, No. 32 of 1953, – Elizabeth the Second, by the Grace of God of the United Kingdom, Australia and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

20 Address for Service: Buckingham Palace, London SW1A 1AA, United Kingdom.

Content and effect of default notice:

a) Nature of the alleged breach.

The nature of the alleged breach is as follows:-

30 That I, David John Walter, of Rural Number 187, Walsh River Road, Watsonville, Queensland 4887, Australia, am a private person, as are You Madam Yourself – Mrs Elizabeth Mountbatten of the House of Windsor; the current holder of the Crown of the United Kingdom as held to the *Royal Titles Act* 1953(UK) [1 & 2 ELIZ. 2] [CH. 9] [assented to 26th March 1953] and to the *Royal Style and Titles Act* 1953, No. 32 of 1953, assented to April 3rd 1953; and the Supreme Governor of the Church of England and the holder of laws of church and state.

40 You Madam, are a private person, as I myself am, and as are the other private people who have supported this application commencing in 2010 and who are found at Folio DJW – 1 – ‘List of names of individual natural persons who have requested to be included in this documentation’. These applications since 2010 pertain to the alleged breach of The Corporation of The Commonwealth of Australia as held to the *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted.

We are private persons inside the Preamble and Clauses 1 to 9 (British laws) of the *Commonwealth of Australia Constitution Act*; held to the *Great Seal Act* 1884(UK) [47 & 48 VICT.] [CH. 30] [assented to 28th July 1884], the *Habeas Corpus Act* 1862(UK) [25

VICT.] [CAP. XX] [assented to 16th May 1862], and the Constitution, *Magna Carta*; held to sections 61, 109, 117 and 128 of Clause 9 of the *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted; and are further held to the *Corporate Bodies' Contracts Act*, 1960(UK) [8 & 9 ELIZ. 2] [CH. 46] [assented to 29th July 1960], as shown in Folio DJW – 28 in the attached List of Exhibits for the Parliaments of Australia.

Every living person, who is a natural person on this earthly planet, is conceived and born, lives from breath to breath and then subsequently dies.

10

As private persons who have been born within The Commonwealth of Australia, we all hold one individual share in The Corporation, being The Commonwealth of Australia as established under the *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted.

The *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted, is sealed to the *Habeas Corpus Act* 1862 and to the *Great Seal Act* 1884 and is held to the Constitution, the signed and sealed *Magna Carta*.

20 The *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted, is also signed by private people and is held to the *Judiciary Act* 1903, No. 6 of 1903, assented to 25th August 1903, as found at page 3 of the attached List of Exhibits where the 'common law of England' holds.

In all Courts with Federal jurisdiction, in the exercise of their jurisdiction in civil and criminal matters, the justices and the Stipendiary Magistrates, (including in the High Court of Australia), each hold, as a private person, Your sworn and signed Royal Commission held to the laws of church and state and held to Chapter III – The Judicature of the *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted.

30

With regard to private persons, it must be noted that within the Preamble of the *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted, there is no distinction of colour, class or creed between any private persons who hold, either by right of birth or naturalization, one share in The Commonwealth of Australia.

The Governor-General of The Commonwealth of Australia, when appointed, holds Your Royal Commission of the Crown and is held to the laws of church and state, that is, to the 'common law of England' and the laws of God and of the Church of England.

40 The Governor-General is Your personal representative of the Crown in The Commonwealth of Australia, and resides in the Australian Capital Territory where the Parliament House of us the people is located. The Speaker who represents the Queen in Parliament is in the legislature and sits under the Seal of the *Habeas Corpus Act* 1862.

Each holder of one share inside The Corporation, The Commonwealth of Australia, if over the age of twenty-one years, may vote in elections held under the *Commonwealth*

Electoral Act 1902, No. 19 of 1902, assented to 10th October 1902, and under the seal of the *Habeas Corpus Act 1862*, as shown on page 2 of the attached List of Exhibits.

This allows each shareholder over the age of twenty-one to vote (one vote, one value) for a private person who is within their electorate, inside the *Commonwealth of Australia Constitution Act 1901*, as Proclaimed and Gazetted, and who will represent their constituents in the legislature of the Parliament of The Commonwealth of Australia in The House of Representatives.

- 10 Those elections also allow for the voting in of private people to become Senators in the Senate of The Commonwealth of Australia, where they, one might say, are the ‘rules committee’, and where they are also held to the laws of church and state.

When a Bill is passed by the members of the House of Representatives and then the Senate, that Bill is forwarded to Your sworn and appointed Governor-General to ensure that the provisions of the proposed Bill do not infringe upon the common law rights of the private people to their real and personal property, their civil and political rights and liberties or their rights to practice their own form of religion.

- 20 After Your sworn and appointed Governor-General assents in Your name to the Bill and seals and signs it, the Proclamation of the resultant Act is published in the Commonwealth Government Gazette and the Act thus becomes a law of The Commonwealth of Australia.

The *Commonwealth of Australia Constitution Act 1901*, as Proclaimed and Gazetted, has the separation of powers between the three arms of the institution of government in The Commonwealth of Australia, at Chapter I – The Parliament, Chapter II – The Executive Government and Chapter III – The Judicature.

- 30 Those private people who are selected to become members of the judiciary, are those who have expertise in common law in equity and other areas of law holding back to the *Habeas Corpus Act 1862*, the *Great Seal Act 1884* and the Constitution, the *Magna Carta* and the laws of church and state.

The *Commonwealth of Australia Constitution Act 1901*, as Proclaimed and Gazetted, allows for private people of The Commonwealth of Australia, at Chapter III – The Judicature, to seek higher authority through the Queen in Council to the Privy Council in London, if those people believe they have substantial grounds for an appeal to that Council.

- 40 The Commonwealth of Australia was created after much discussion at many meetings over several years; after referendums of the people who requested to be united in one indissoluble Federal Commonwealth under the Crown of the United Kingdom; and after Gazettal of the Royal Proclamation by Her Majesty Queen Victoria who declared that the *Commonwealth of Australia Constitution Act* commence on 1st January 1901.

The legislative power of The Commonwealth of Australia is vested in a Federal Parliament, consisting of the Queen as well as a Senate and a House of Representatives, both consisting of private people elected by the private people in the six States to represent the private people in The Commonwealth of Australia for their benefit and welfare and that of the Queen and The Commonwealth of Australia.

Members of the House of Representatives hold and swear their oath of allegiance to the Queen, The Commonwealth of Australia and its people to the laws of church and state.

- 10 The Ministers of State also swear to uphold the laws of church and state prior to receiving their Royal Commission through the Governor-General for the maintenance of the Constitution on behalf of The Commonwealth of Australia and their fellow countrymen, British subjects and Australian citizens.

Being private people themselves drawn from within The Commonwealth of Australia, they themselves are held to the 'common law of England', to the laws of church and state and to the *Crimes Act* 1914, No. 12 of 1914. Their actions and duties carried out in their positions of trust granted by us, the people when electing them, and under their sworn and signed appointments, are bound to the authority as held to the *Habeas Corpus Act* 1862
20 and to sections 51 and 52 of the *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted.

Any other private person to whom they can delegate their authority must also uphold the common law in equity and the laws of church and state.

There can be no removal of any private person's real and personal property, held in their *inter vivos* trusts, their will and testament for their heirs and successors under the laws of church and state, especially when that property is held in a lawfully binding commercial contract signed between the relevant parties, in particular as in the matter of a Deed of
30 Grant of Land between the Crown and the registered owner of that land.

This also applies to the real property and other assets held within the *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted, on behalf of the private people of The Commonwealth of Australia – for example, Qantas Airlines, the Commonwealth Bank and Telstra.

Those assets include the money of us, the people who have built the postal and telegraph services, hospitals and schools which are on the lands of the Crown and protected under common law, holding those assets for us, the people inside the *Commonwealth of*
40 *Australia Constitution Act* 1901, as Proclaimed and Gazetted, and held to common law in equity to the laws of church and state.

Those private people who are elected into the Senate of The Commonwealth of Australia, are given the authority by us, the people, to be a 'rules committee' to ensure that Bills must adhere to sections 51 and 52 of the *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted, and to the laws of church and state. If a Bill does not

pass the scrutiny of the Senate, or the Bill interferes with our lawful rights, the Bill is to be sent back to the House of Representatives to be redone or reworded.

Your Majesty the Queen is held to the *Royal Style and Titles Act* 1953, No. 32 of 1953. The private people of the Queen's dominions granted to Your Majesty that royal style in 1953 as shown on page 5 (vi) of the attached List of Exhibits. That *Royal Style and Titles Act* 1953 has the signature of '[Elizabeth R]' under the Great Seal of the Commonwealth of Australia as no private person can be above it.

10 Your Majesty, as a private person, is the owner of the allodial title of all the lands throughout the Queen's dominions – in this matter – all of the lands within the six States of The Commonwealth of Australia, including the Australian Capital Territory. The lands which have been sold from those lands of the Crown to private people or Corporations that have shareholders with equity world wide, are registered under a Deed of Grant of Land as held to the Lands Acts for each of the six States in lawfully binding commercial contracts between the purchasers and Your Majesty, as held to common law in equity and to the laws of church and state.

20 Those Deeds of Grant of Land are held in Your *inter vivos* trusts, Your will and testament for Your successors and heirs. The Crown owns the gold, silver and petroleum in, on and under those lands and no private person or corporation can interfere or take a third party interest in those lawfully held lands unless there is a lawfully signed and sealed commercial contract between all parties involved as held to the *Habeas Corpus Act* 1862, the *Great Seal Act* 1884, the Constitution – *Magna Carta* and the Corporate Bodies' Contracts Act, 1960.

The *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted, is the Constitution of The Commonwealth of Australia and Your Majesty is the current holder of the Crown of the United Kingdom.

30 I and the people who have supported this application; and those of us who have purchased land in contracts which are legally binding worldwide; and those who hold land in their *inter vivos* trust, their will and testament; still believe we have the same lawful rights to those lands as when those lands were purchased in Deeds of Grant of Land, as held to the common law in equity and the laws of church and state in The Commonwealth of Australia.

40 Our Constitution, the *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted, which includes the Preamble and Clauses 1 to 9, lies adjourned *sine die* under the Australian System of Government in the Parliaments of Australia, but through no fault of our own. We, the private people, have never given our consent at referendum for the replacement of our Constitution with that of the 'Constitution' commencing at Chapter I – The Parliament.
(Refer page 13 of the attached List of Exhibits at Folio DJW – 3(g)(i) and 3(g)(ii))

The validity of such actions on the part of political parties acting as Members of Parliament in the Parliaments of Australia should be a matter of criminal investigation and resolution on behalf of the private people of The Commonwealth of Australia.

We, the private people of The Commonwealth of Australia, have never been asked for or given our consent at referendum for our Sovereign “Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith”,

10 to be replaced by an entity inside the Parliaments of Australia as the Queen of Australia and for us to be ‘administered’ by gender neutral statutory entities inside the Parliaments of Australia and for us to not be governed by private people within The Parliament of The Commonwealth of Australia under the *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted.

The Governor-General, a private person, is to represent You, a private person, Mrs Elizabeth Mountbatten of the House of Windsor; and is to sign Writs for Elections to elect private people into The Parliaments of The Commonwealth of Australia.

20 We, the private people who includes the Queen, are held to the *Habeas Corpus Act* 1862 and have never consented to the alteration of our system of Government, and have never consented for our laws to no longer be enacted by The Queen’s Most Excellent Majesty, the Senate and the House of Representatives of the Commonwealth of Australia; as has happened since 1972.

The laws under which we are now ‘administered’, are assented to by only statutory entities which are inside their own corporate Parliaments of Australia.

30 I refer to the ‘Acts of the Australian Parliament passed during the Year 1973’ and I refer to the *Social Services Act* 1973, No. 1 of 1973, assented to 16th March 1973, which had the enacting manner and form of:-

“BE IT ENACTED by the Queen, the Senate and the House of Representatives of Australia, as follows:”

That Act is null and void to the *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted, and has no authority over us the people of that Constitution.

40 I refer to page 18 of the attached List of Exhibits at Folio DJW – 3(m), which refers to the Armorial Ensigns of The Commonwealth of Australia for use by the Government of The Commonwealth of Australia and its Public Functionaries and as granted by His Majesty King George the Fifth under Royal Warrant dated 19th September 1912.

The Armorial Ensigns of The Commonwealth of Australia were not granted for use by the Parliaments of Australia to seals laws and have no relationship to the *Habeas Corpus Act* 1862 or to any of the Acts found between pages 1 to 6 of the List of Exhibits of the

Australian Parliament. Those Acts are null and void as they are not Acts created by private people nor held to the *Corporate Bodies' Contracts Act*, 1960.

As found at Exhibit 1, I refer to Your Coronation Oath, subject to which Your Majesty could not grant any Act to any private person within the *Commonwealth of Australia Constitution Act* 1901, (or anywhere in the world) to pass Your authority and sovereignty, Your lands and Your laws, to that person, unless the consent of the private persons who are Your subjects in The Commonwealth of Australia, was gained in a majority vote at referendum and we were paid out in full for the value of our real and personal property as held to the Louisiana Purchase Treaty.

For Your Majesty to pass Your authority and sovereignty to a political party would also bring into question the power, authority and assets Your Majesty would have left to pass to Your heirs and successors when You leave the throne.

The strength and authority of the institution of the Monarchy is not the power that it wields but the power it denies others.

The private persons who have created the Australian Government in the Parliaments of Australia, do not have the authority of the Crown for their actions.

As was stated - prophetically as it turns out, by Sir John Downer in the Constitution Convention Debates of 8th March 1898:-

“Of course; but Parliament must only be trusted when it is within the Constitution. The Senate of to-day and the House of Representatives must not be put in a position superior to the Constitution”.

On or about 19th October 1973, private people from within the *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted, who had been elected by the sovereign people in good faith into the greatest position of trust to represent us in the Parliaments of The Commonwealth of Australia, approached Your Majesty on Your visit to this country and being members of an unincorporated corporation in ‘political parties’ requested that You grant them a royal style and title for ‘Australia’ under the *Royal Style and Titles Act* 1973, No. 114 of 1973.

The *Royal Style and Titles Act* 1973, No. 114 of 19th October 1973, with its ‘Queen of Australia’, was created by the Government of Australia in relation to ‘Australia’ not in relation to ‘the Commonwealth of Australia and its Territories’ as was the *Royal Style and Titles Act* 1953, No. 32 of 1953, assented to April 3rd 1953. The ‘Queen of Australia’ was for use in Australia and its Territories only – clearly not to replace Your Majesty as cited in the *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted, at Clause 2 – the Queen of the United Kingdom.

The *Royal Style and Titles Act* 1953 in the Preamble shows

“WHEREAS it was recited in the preamble to the Statute of Westminster, 1931 that it would be in accord with the established constitutional position of all the

members of the British Commonwealth of Nations in relation to one another that any alteration in the law touching the Royal Style and Titles should, after the enactment of that Act, “require the assent as well of the Parliaments of all the Dominions as of the Parliament of the United Kingdom:” ”

There was no assent of any other Parliament of the Dominions or the Parliament of the United Kingdom given for the *Royal Style and Titles Act 1973*.

10 You Madam, Mrs Elizabeth Mountbatten of the House of Windsor, devoid of the consent of us, Your subjects and the private people of The Commonwealth of Australia, refused to grant that request as found on page 11 of the List of Exhibits at Folio DJW 3(e), the *Royal Style and Titles Act 1973*, No. 114 of 1973, for “Elizabeth the Second, by the Grace of God, Queen of Australia and Her Other Realms and Territories, Head of the Commonwealth”.

That Act is still unsealed and ‘awaiting Her Majesty’s pleasure’.

20 The private people who approached You, Mrs Elizabeth Mountbatten of the House of Windsor, requested to be granted the sovereignty of The Commonwealth of Australia as found in the constitutional definitions in the *Acts Interpretation Act 1901*, No. 2 of 1901.

You were to grant to the person who was to be the Chief Executive Officer of the Corporation – (the President) E.G.WHITLAM all of the real and personal assets of the private people, including the Queen and property held by any person world wide within The Commonwealth of Australia.

30 The members of that corporation through their corporation act, requested that You, as the holder of the executive power of The Commonwealth of Australia, grant to Mr E.G.Whitlam, the authority and the sovereignty of Australia and its lands for the corporate Parliaments of Australia and those Members of Parliament to be held for the Australian Citizens held to the *Australian Citizenship Act 1973*, No. 99 of 1973.

40 There has never been a referendum under Your authority by the Governor-General of The Commonwealth of Australia, presented to us, the private people of The Commonwealth of Australia, by the private people, being members of political parties inside the Parliaments of Australia, to gain our consent to create those Parliaments of Australia; to use the Armorial Ensigns of The Commonwealth of Australia for sealing its laws; to copyright its laws with © Commonwealth of Australia; or to amend the *Citizenship Act 1948-1969* with the *Australian Citizenship Act 1973*, No. 99 of 17th September 1973, which is not a signed commercial agreement between any private people of The Commonwealth of Australia nor is it an Act of us, the private people.

Australian Citizens as held to the *Australian Citizenship Act 1973*, No. 99 of 1973, *inter alia* with the *Acts Interpretation Act 1973*, No. 79 of 19th June 1973; *inter alia* with the *Statute Law Revision Act 1973*, No. 216 of 19th December 1973 and the *Statute Law Revision Act 1974*, No. 20 of 15th July 1974 both deemed to commence 31st December

1973; are all gender neutral entities and as such do not exist other than as statutory entities in the corporate Parliaments of Australia.

The *Acts Interpretation Act* 1973, No. 79 of 19th June 1973 was ‘An Act to amend the Acts Interpretation Act 1901-1966’ and has not been assented to by any private people. It has been reprinted to statutory law only. This Act has no Seal and has no definition of ‘person’ inside that Act. (Refer pages 9 and 10 of the List of Exhibits). The only reference to a private person is found in that of a Stipendiary Magistrate where that ‘Stipendiary Magistrate’ will become a ‘magistrate’ to whom an annual salary is payable.

10

All persons, such as Justices of the Peace, Stipendiary Magistrates and justices, who holding any Royal Commission, hold their sworn Royal Commissions and seals of the Crown and are paid for their services in the legal tender of the Commonwealth and are paid from the consolidated revenue fund of the Governor-General or Governors of the States as held in the *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted. I refer You to page 10 of the attached List of Exhibits, Folio DJW – 3(c):-

Acts Interpretation Act 1901, Act No. 2 of 1901 as amended, compilation prepared on 17 November 2005, taking into account amendments up to Act No. 133 of 2005.

20

17 Constitutional and official definitions

(a) *Australia* or *the Commonwealth* means the Commonwealth of Australia and, when used in a geographical sense, includes the Territory of Christmas Island and the Territory of Cocos (Keeling) Islands, but does not include any other external Territory;

23 Rules as to gender and number

In any Act:

30

- (a) words importing a gender include every other gender; and
- (b) words in the singular number include the plural and words in the plural number include the singular

Note: The *Acts Interpretation Act* 1901, Act No. 2 of 12th July 1901 stated:—

Constitutional and official definitions.

17. In any Act, unless the contrary intention appears—

40

- (a) “The Commonwealth” shall mean the Commonwealth of Australia
- (b) “*Australia*” includes the whole of the Commonwealth

This compilation prepared on 17 November 2005 with a seal representing the Stylised Arms of the Armorial Ensigns of The Commonwealth, is to be read in conjunction with the *Acts Interpretation Act* 1973, No. 79 of 1973, in which there are no private people and is some twenty Acts before the *Australian Citizenship Act* 1973, No. 99 of 1973. There

are no private persons in the *Australian Citizenship Act 1973* they include every other gender – they are not living people but entities created by statute.

I refer to the *Statute Law Revision Act 1973*, Act No. 216 of 1973 of 19th December 1973 which was amended by the *Statute Law Revision Act 1974*, Act No. 20 of 1974 of 25th July 1974, both of which were deemed to commence 31st December 1973, and both had, under the evolutionary process, an enacting “formula” of:-

“Be it enacted by **the Queen**, (*Note: Queen’s Most Excellent Majesty removed*), the Senate and the House of Representatives **of Australia**, as follows” .

10

These two Acts unconstitutionally removed the words ‘of the Commonwealth’ from many Acts, such as from the *Currency Act 1965-69*; and unconstitutionally replaced ‘Great Seal of the Commonwealth’ with ‘Great Seal of Australia’ in their amendments to numerous Statute Laws such as in the *Judiciary Act 1903-1969*. Also, the word ‘Governed’ was omitted and replaced by ‘administered’ as in the *Acts Interpretation Act 1901-1966* after it was amended by the *Acts Interpretation Act 1973*.

20

(Refer to Folio DJW – 3(a) – the Commonwealth of Australia Gazette No. 131 dated Wednesday 20 December 1972, which published an Order made by His Excellency Paul Hasluck, Governor-General in and over the Commonwealth of Australia, with regard to administrative arrangements for the Public Functionaries of Ministers of State and their respective Departments of State of the Commonwealth. This Order was made under the ‘Great Seal of the Commonwealth’, and the Commonwealth of Australia Gazette had a Seal representing the Conventional Arms of the Armorial Ensigns of the Commonwealth.)

30

Under an ‘evolutionary process’ of reprinting Acts of Parliament, removing the words ‘of the Commonwealth’, and replacing the ‘Great Seal of the Commonwealth’ with the ‘Great Seal of Australia’, there has been a progressive, subtle but persistent erosion of the fundamental principles under which The Commonwealth of Australia was created under the *Commonwealth of Australia Constitution Act 1901*, as Proclaimed and Gazetted.

None of the Acts of the Parliaments of Australia apply to any private persons of The Commonwealth of Australia, which includes the Queen, inside the Preamble and at Clause 2 of the *Commonwealth of Australia Constitution Act 1901*, as Proclaimed and Gazetted, and the laws of church and state are no longer upheld in Australian courts by Australian judiciary who, being entities inside the corporate Parliaments of Australia must administer the law as predicated by their political masters.

40

As the Members of Parliament in the Parliaments of Australia are gender neutral entities in a corporate structure, they do not have to consider the requirements or welfare of the ordinary private people in their electorates as they have been elected ‘under false pretences’ by abusing the good faith and trust of the private people who elect them.

We, the sovereign people, believed that the representatives, chosen from our electorates and whom we voted into office, were acting on behalf of the private people and for the good governance of The Commonwealth of Australia.

In reality and using the ‘evolutionary process’ as cited in *Sue v Hill* [1999] HCA 30, the elected private people in political parties adhere to the principles of their particular political agendas and govern according to the ideals of their particular parties only.

10 In the Parliaments of Australia, the Church of England in which I was baptized, confirmed and worshipped as a private person and the holy sacraments of baptism, confirmation, marriage and to be interred in mother earth upon death to the laws of God, no longer exists, as they have created the Anglican Church of Australia as entities holding Australian Business Numbers – one of the entities being MISSIONS TO SEAFARERS AUSTRALIA GERALDTON WESTERN AUSTRALIA.

Since 1985 since the framing of the *Australia Act* 1986, there has been no Governor-General or Governors of the States appointed by Your Majesty to administer the laws of church and state. Refer Folio DJW – 10 to Folio DJW – 10(f).

20 As there has been no Governor-General appointed by Your Majesty as the Crown, there have been no Courts of ‘common law of England’ as held to Section 80 of the *Judiciary Act* 1903, No 6 of 1903 as assented to on 25th August 1903 shown on page 3 (iv) of the attached List of Exhibits, in the *Judiciary Act* 1903

Your Majesty, as Your subjects, we hold commercial signed and sealed contracts for our real property with You, the holder of the allodial title to all lands in The Commonwealth of Australia.

30 Under the common law in equity held to the *Habeas Corpus Act* 1862 and the *Judiciary Act* 1903, No. 6 of 1903 assented to 25th August 1903, we had, in The Commonwealth of Australia held to the *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted, the right to be judged for a criminal offence to common law and were innocent until proven guilty by a jury of our peers.

We also had our commercial, signed and sealed contracts, in any form, upheld to common law to the *Habeas Corpus Act* 1862 and to the *Judiciary Act* 1903, No. 6 of 1903 assented to 25th August 1903. In the *Judiciary Act* 1903 as cited at section 80 the ‘common law of England’ is to govern.

40 The *Judiciary Act* 1903, No. 6 of 1903, was amended by the *Judiciary Amendment Act* (No.2) 1979, No. 138 of 1979 which repealed Sections 4 to 14 at Part II – Constitution and Seat of the High Court; and was amended by the *Law and Justice Legislation Amendment Act* 1988, Act No. 120 of 1988 which amended Section 80 and replaced ‘common law of England’ with ‘common law in Australia’.

Private persons are exempt from the statutory laws of the corporate Australian System of Government in the Parliaments of Australia.

As previously stated, there has been a subtle but persistent erosion of our rights to our real and personal property, our civil and political rights and liberties and our access to a Court of The Commonwealth of Australia held to the 'common law of England'.

10 The Parliaments of Australia are at the direction of the Prime Minister of Australia and the Premiers of the six States. By creating a 'Queen of Australia' for Australia and its Territories, the political parties, with their Members of Parliaments, have used the 'Queen of Australia' to replace 'Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith', with their intention to create their own corporate version of Her Majesty's sovereignty and authority over us.

20 The 'Queen of Australia' does not hold the sovereignty, the lands, the assets or the guarantees of "Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith", and of "Elizabeth the Second, by the Grace of God of the United Kingdom, Australia and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith" as held to the *Royal Style and Titles Act 1953*.

30 The members of political parties as Members of Parliaments of Australia have used – 'Australia' in place of The Commonwealth of Australia; 'the common law in Australia' to replace 'the common law of England' and its historical traditions of respecting the rights of the individual and their ownership of their real and personal property; 'Australian Courts' in place of the 'Courts of The Commonwealth of Australia'; and members of the 'Australian judiciary – magistrates and judges' in place of a 'Stipendiary Magistrate and justice of The Commonwealth of Australia'.

All of this has only validated the comment by Sir John Downer in 1898:-

"Of course; but Parliament must only be trusted when it is within the Constitution. The Senate of to-day and the House of Representatives must not be put in a position superior to the Constitution".

40 The Parliaments of Australia are 'within the Constitution' but it is THE CONSTITUTION *as in force on 1st June 2003* and AUSTRALIA'S CONSTITUTION – **The Constitution** 9th July 1900 First edition May 1995, which is not the same as the *Commonwealth of Australia Constitution Act 1901*, as Proclaimed and Gazetted, which includes the Preamble and Clauses 1 to 9 (British laws).

(Refer Folio – DJW 3(g)(ii) on page 13 of List of Exhibits for Parliaments of Australia – re: *Acts Interpretation Act 1901*, No. 2 of 1901 as amended – Part 2 – Definitions – In any Act '**Constitution** means the Constitution of the Commonwealth').

The Constitution of the Commonwealth commences at Chapter I – The Parliament which places them in a ‘position superior’ to our Constitution as the sovereign people of the *Commonwealth of Australia Constitution Act 1901*, as Proclaimed and Gazetted, are in the Preamble and Clauses 1 to 9 (British laws) of our Constitution Act therefore we are not acknowledged or considered. Those clauses were placed there by the then Crown to defeat that possible future action.

10 The actions of these private people, the members of political parties as Members of Parliaments of Australia their agents and employees, which includes the Australian judiciary in ‘Australia and its Territories’ have, for their own corporate benefit, used their self created power and authority to take and use the real and personal property of private people of The Commonwealth of Australia.

20 These actions have been carried out without the consent of us, the people, to take and/or remove any of our private real and personal property and our civil and political rights and liberties as held to the Declaration of Human Rights. This has resulted in the total removal of the security of The Commonwealth of Australia and taken for the purposes of the *Corporations Act 2001*. Refer *Sue v Hill* [1999] HCA 30, *Bangalore Principles of Judicial Conduct 2002* and *Legal Services Commissioner v Walter* [2011] QSC 132.

By altering and/or removing the definition of treason in their legislation they have attempted to remove themselves and their actions from prosecution for any such offence. The Members of Parliament in the Parliaments of Australia are still private persons within the *Commonwealth of Australia Constitution Act 1901*, as Proclaimed and Gazetted, but as statutory entities inside their corporate structure, they hold the security of the Commonwealth and of the People, including the Crown to the *Australian Citizenship Act 1973* and the *Australian Passports Act 2005*, where the Prime Minister of Australia is in fact the ‘President’ of the Corporation:-

30 Refer: *Foreign Corporations (Application of Laws) Act 1989*, Act No. 183 of 1989
Corporations Act 1989 No 109 of 1989
Corporations (Repeals, Consequential and Transitional) Act 2001
Act No. 55 of 2001 as amended
Corporations Act 2001 Act No. 50 of 2001 as amended Section 9
which cites: ‘Act includes thing’ (which is a gender neutral entity)
Corporations Agreement 2002 as amended
Corporations Amendment (Sons of Gwalia) Act 2010, No. 150, 2010.

40 The Prime Minister – as the ‘President’ of the Parliaments of Australia and of the ‘COMMONWEALTH OF AUSTRALIA’, the Company Name of a business registered under File No. 333-163307 with the SECURITIES AND EXCHANGE COMMISSION, under a Seal representing the Armorial Ensigns of The Commonwealth of Australia and with an address of 1610 MASSACHUSETTS AV NW, C/O AUSTRALIAN EMBASSY, WASHINGTON DC 20036 – is the head of a ‘foreign Government and political subdivisions thereof’.

Further, held to the *Commonwealth Electoral Act* 1918, Act No. 27 of 1918 as amended, compilation prepared on 25 July 2012 to statutory law compilations as held and subject but not limited to:-

- *Acts Interpretation Act* 1973, No. 79 of 1973,
- *Australian Citizenship Act* 1973, No. 99 of 1973,
- *Royal Style and Titles Act* 1973, Act No. 114 of 1973,
- *Governor General Act* 1974, Act No. 16 of 1974 as amended,
- *Parliament Act* 1974, Act No. 165 of 1974,
- *Australia Act* 1986 Act No. 142 of 1985 as amended,
- 10 • *Foreign Corporations (Application of Laws) Act* 1989, Act No. 183 of 1989
- *Corporations Act* 1989 No 109 of 1989
- *Corporations (Repeals, Consequentials and Transitionals) Act* 2001 Act No. 55 of 2001 as amended
- *Corporations Act* 2001 Act No. 50 of 2001 as amended Section 9 which cites: ‘Act includes thing’ (which is a gender neutral entity)
- Corporations Agreement 2002 as amended
- *Corporations Amendment (Sons of Gwalia) Act* 2010, No. 150, 2010.
- *CORPORATIONS (QUEENSLAND) ACT 1990* sealed with the Public Seal of The State and copyrighted State of Queensland 1990
- 20 • *The Legislative Instruments Act* 2003, Act No. 139 of 2003 as amended
- *Anglican Church of Australia Constitution Act* 1961, A1961-16

I am a private person as are the private people shown in the List of Names of people supporting this Application and those private people who have been imprisoned, fined and convicted in the List of Court Cases as attached. You Madam, are a private person and the current holder of the Crown of the United Kingdom as held to the *Royal Style and Titles Act* 1953. None of us are members of the political parties found in Australia to ‘administer’ for ‘Australian Citizens’ the Parliaments of Australia, commencing with their first Acts in 1973 to date.

30

We hold no shares, no share certificates and no equity inside the *Corporations Act* 2001 for the corporation of the Parliaments of Australia commencing in 1973 as held to the Electoral Act and being private persons and not ‘Australian Citizens’, nor being members of political parties representing ‘Australian Citizens’ and having no standing inside the Parliaments of Australia we have never been able to vote for any members of political parties representing ‘Australian Citizens’ only since 1972 as any statutory vote is void.

I refer Your Majesty to the *Corporations Amendment (Sons of Gwalia) Bill* 2010 – a Bill to reverse the effects of the decision of the High Court of Australia – *Sons of Gwalia Ltd v Margaretic* [2007] HCA 1 (31 January 2007); (2007) 232 ALR 232; (2007) 81 ALJR 525.

40

In the Parliament of Australia of the Australian System Government the Sovereign is inherited and appointed by the Prime Minister of Australia, or The President of The Corporation now registered in Washington D.C. to civil law of The United States of America.

Their positions are as gender neutral entities created by statute, there are no shareholders, no assets and no equity in their corporate Parliaments of Australia and in the *Corporations Act* 2001 at section 9 – ‘Act includes thing’.

10 This also includes those private persons as entities held to the laws of a statutory GOD in the Anglican Church of Australia and the employees, agents authorities and any private person having signed a commercial contract or agreement with any entity in the Parliaments of Australia or the President of the corporate Parliaments of Australia – the Prime Minister as held to the *Corporations Act* 2001.

Regardless of what statutory position they hold as an entity or ‘thing’, inside their Parliaments of Australia these entities are still private persons and as such are still held to the *Crimes Act* 1914, No.12 of 1914, as they are in operation within The Commonwealth of Australia and are still held to The Corporation of The Commonwealth of Australia as held to the *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted, and held to the Preamble, Clauses 1 to 9 (British laws)

inter alia with:-

20 The *Great Seal Act* 1884(UK)
 Habeas Corpus Act 1862(UK)
 Statute of Westminster 1931(UK)
 Royal Titles Act 1953(UK)
 Royal Style and Titles Act 1953
 Coronation Oath of 1953
 Australia Act 1986(UK)
 Corporate Bodies’ Contracts Act 1960(UK)
 Church of England Assembly (Powers) Act 1919(UK)
 Constitution – the *Magna Carta*.

30 as is every other private person including the Queen.

The Intergovernmental Agreement on the Environment was signed in May 1992 between the Commonwealth and all Heads of State, Territories and Local Government

At: **SCHEDULE 2 - RESOURCE ASSESSMENT, LAND USE DECISIONS AND APPROVAL PROCESSES**

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

© Commonwealth of Australia

In 1992 the Intergovernmental Agreement on the Environment was signed by individual private persons being members of political parties only being Members of Parliament inside The Parliaments of Australia, in the Australian System of Government and in that bilateral agreement they agreed, and signed their names to the effect that:-

“the use of natural resources and land, remain a matter for the owners of the land or resources, whether they are Government bodies or private persons.”

10 Members of the political parties have been elected through the *Commonwealth Electoral Act* 1918, Act No. 27 of 1918 as amended, compilation prepared on 25 July 2012, and at section 4D – application of the Criminal Code; but that reprint of the *Commonwealth Electoral Act* is only for a candidate for a political party to be voted in for the maintenance of their *Corporations Act* 1989 for the Australia Citizens only that they represent and now *inter alia* with the *Corporations Act* 2001.

When it came to ‘land use and assessment’, the members of political parties inside their own corporation, in signing and sealing that commercial contract – the bilateral agreement to civil laws inside their Parliaments of Australia which includes the Local Government, held to the *Corporations Act* 2001, validated that the use of natural resources and land, remain a matter for the owners of the land or resources, whether they are Government bodies or private persons.

20 Your Majesty, as the current holder of the Crown, You hold the title to all the lands in the Queen’s Dominions of The Commonwealth of Australia, including in the six States. You hold those titles in Your *inter vivos* trust, Your will and testament for Your heirs and assigns. You sell those lands to private people or corporations world wide, in commercial contracts, signed and sealed by both parties, to the conditions and reservations that You require, for example as in Queensland, to sections 30 and 40 of the *Constitution Act* 1867(Qld) [31 Vic. No.38].

Those contracts are binding commercial contracts between all private persons and held to the common law in equity and the laws of church and state and they are held in our *inter vivos* trust, our will and testament for our heirs.

30 The ‘Government bodies’ are the bodies created to govern The Commonwealth of Australia to the *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted, and to the Constitutions of the six States held to the *Royal Style and Titles Act* 1953, *Australia Act* 1986 (UK), and the *Statute of Westminster* 1931.

Effect of the alleged default:

40 The *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted, remains to this day being the law of The Commonwealth of Australia of the people, for the people and by the people but has been adjourned *sine die* and not through the fault, consent or knowledge of the private people.

It is reprehensible to expect ordinary everyday private people to have to constantly check the reports of Hansard in the Parliaments of Australia or to check new Bills being proposed and passed by the Australian Parliament to ascertain what Acts of The Commonwealth of Australia have been repealed (for example the *Royal Style and Titles*

Act 1953) or altered so as to invalidate the authority of The Commonwealth of Australia and to remove our rights to the common law of England or access to Courts of The Commonwealth of Australia to uphold and protect our common law rights and our rights to our real and personal property. The legal tender of The Commonwealth of Australia was changed in 1974 (and it is believed some Members inside the Parliament were not even aware of such a thing being proposed) by the Prime Minister E.G. Whitlam to 'Australian currency'.

10 It may be easy to say 'we the private people should have done something about the altered status of The Commonwealth of Australia or our different system of Government' but it is very difficult when the actions are carried out using the subtle but persistent 'evolutionary process' and when everything has been created using slight variations on the context of words in the common vernacular.

For example we are legally and constitutionally defined as 'The Commonwealth of Australia' with a Government and a Parliament of 'The Commonwealth of Australia' but these have been altered to 'Australia' with an 'Australian Government' and a 'Parliament of Australia'. The *Commonwealth of Australia Constitution Act 1901*, as Proclaimed and Gazetted, is now called THE CONSTITUTION *as in force on 1st June 2003* and
20 AUSTRALIA'S CONSTITUTION – **The Constitution** 9th July 1900 First edition May 1995.

Until the definition of the Constitution is read in the *Acts Interpretation Act 1901*, Act No. 2 of 1901 as amended from 1973; one does not realize that the Constitution, under which the 'one indissoluble Federal Commonwealth' was created, has been adjourned *sine die*; because the Constitution under which we are to be governed, has been replaced with 'Constitution of the Commonwealth' 1900, which was not Proclaimed or Gazetted, and which commences at Chapter I – The Parliament. Although the '**Commonwealth of Australia Constitution Act**' (**The Constitution**) is on the front page of the Constitution
30 showing on the official website 'ComLaw' for Commonwealth legislation.

Note also that the *Acts Interpretation Act 1901*, is still shown as 'Act No. 2 of 1901' which was the original Act's number, despite its having had numerous amendments radically altering the interpretation of Acts.

As a consequence of these 'word plays', it is very difficult to ascertain the validity of any publications from the Parliaments of Australia, as nothing can be taken at face value.

40 If, as we are constantly told, we have 'open, honest and accountable government', at what point in time will that 'government' manifest itself, as there is very little reliable evidence thus far.

Remedy of the alleged default:

I, David John Walter, a private person and a resident of Queensland residing at Rural Number 187 Walsh River Road, Watsonville, Queensland 4887, Australia, hold a

commercial contract with Your Majesty which is held in a Deed of Grant in fee simple for land.

I hereby default You, Mrs Elizabeth Mountbatten of the House of Windsor, for failure to perform, and as legally required by You, to uphold the common law rights of Your subjects in The Commonwealth of Australia under the *Commonwealth of Australia Constitution Act 1901*, as Proclaimed and Gazetted.

10 As the successor and current holder of the Crown of the United Kingdom and as a private person and the holder of all the lands within the Queen's dominions and the lands within The Commonwealth of Australia, which includes the six States, Your laws of the land are held to common law in equity held to the laws of England through the *Habeas Corpus Act 1862*, the *Great Seal Act 1884* and the Constitution – *Magna Carta* which show that the 'common law of England' is to be available to all Your subjects in a Writ issued by You out of England.

20 Further, as the Queen held to Your Coronation Oath, the *Royal Style and Titles Act 1953*, the *Statute of Westminster 1931* and the *Corporations Act(UK)*, You have allowed private people from within The Commonwealth of Australia, being members of political parties, to create a Parliament of Australia for Australian Citizens only where the members of the political parties are elected through their own Electoral Act to be Members of Parliament in Parliaments of Australia to administer the Corporations Act commencing in 1989 – 2001 as held to THE CONSTITUTION *as in force on 1st June 2003* and AUSTRALIA'S CONSTITUTION – **The Constitution** 9th July 1900 First edition May 1995.

30 I and the other private people who have supported this application are private persons, being individual natural persons inside the *Commonwealth of Australia Constitution Act 1901*, as Proclaimed and Gazetted, to the Preamble, Clauses 1 to 9 (British laws) and sections 61, 109, 117 and 128 and we are Your subjects.

40 Those private people who are members of political parties in their own corporate structures, their agents, employees, banking institutions, and their Australian currency, have no authority over myself or the other private people; as those private people are in a private corporation operating in The Commonwealth of Australia as held to the laws of their corporation which are copyrighted 'Commonwealth of Australia' and are under a Seal representing the Stylised Arms of the Armorial Ensigns of The Commonwealth of Australia which were granted to us the people of The Commonwealth by His Majesty King George the Fifth under Royal Warrant dated 19th September 1912, for use by the Government of The Commonwealth of Australia and its Public Functionaries.

All private persons, regardless of their positions or employment within the Parliaments of Australia, are still within The Commonwealth of Australia so are still held to the laws of the *Commonwealth of Australia Constitution Act 1901*, as Proclaimed and Gazetted, for both criminal and civil matters. The Australian currency, being used within The Commonwealth of Australia instead of inside the *Corporations Act 2001* itself, has no lawful commercial value to the Uniform Commercial Code or for any private person.

10 I, David John Walter, do now hereby default You, Mrs Elizabeth Mountbatten of the House of Windsor, in that You have failed to perform an Act legally required of You as the current holder of the Crown and the Queen held to the *Royal Style and Titles Act* 1953, to protect the security of The Commonwealth of Australia as held to *Sue v Hill* [1999] HCA 30, *Bangalore Principles of Judicial Conduct* 2002 and *Legal Services Commissioner v Walter* [2011] QSC 132 and *Leask v The Commonwealth*, for and on behalf of us, the people, who are the *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted, to the common law in equity and the laws of church and state, which You swore in Your Coronation Oath to Your subjects to uphold. (“The things which I have here before promised, I will perform and keep. So help me God”).

I, David John Walter, do now hereby default You, Mrs Elizabeth Mountbatten of the House of Windsor, for failing to uphold as a private person Your duty of care and Your vicarious liability toward us, Your subjects, to allow our *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted, which has lain adjourned *sine die* for the past forty-one years, to be replaced.

20 I refer to my correspondence to You, my statutory Letter of Demand dated 13th December 2012 in which I requested of Mr David T. Irvine, the Head of the Australian Security Intelligence Organisation to investigate and lay criminal charges if required and report the results to Your Majesty within seven days from 13th December 2012.

I received no reply from Mr David T. Irvine and when I forwarded a copy to Your Majesty I again received no acknowledgement or reply.

30 I now give Your Majesty fourteen days from the receipt of this Default Notice, to place appropriately qualified persons, holding Your Royal Commission and Seals to thoroughly investigate the matters raised in my complaint to Mr Irvine.

I will personally sign any Indictment or Complaint if required for the arrests for the private people as found on page 11 if there is any basis for my allegations and complaints.

If no reply is received within fourteen days of Your receipt of this correspondence, I shall place these matters before the International Court of Justice.

40 I refer to the correspondence forwarded to Your Majesty on 19th October 2012 and it is attached at Folio DJW – 2 of the List of Exhibits.

As a private person You failed to perform an Act legally required of You as the current holder of the Crown and the Queen held to the *Royal Style and Titles Act* 1953 and the *Habeas Corpus Act* 1862. As found on pages 17 and 18 of that correspondence I requested:-

- i) Your Majesty the QUEEN, to personally, by Royal Command and Commission, to immediately reactivate and reinstate The *Commonwealth of Australia Constitution Act 1901* as Proclaimed and Gazetted on 1st January 1901 *inter alia Judiciary Act 1903*, Act No. 6 of 1903 as assented to on 25th August 1903 to common law and canon law to be the law of The Commonwealth of Australia, as held to our signed seal commercial agreements between all parties, which includes the Queen.
- 10 ii) To issue a Writ for Election to elect private natural people from within the regions and communities of The Commonwealth of Australia held to the *Commonwealth of Australia Constitution Act 1901* to be members of the House of Representatives and Senators of The Parliament of The Commonwealth of Australia, when the People of “ The Commonwealth” and Your Majesty nominate and agree to an appropriate time.
- 20 iii) Your Majesty the QUEEN, to personally by Royal Command appoint a Governor-General in and over The Commonwealth of Australia, to hold your Royal Commission and seals to the laws of church and state and such powers and functions of the Queen as Her Majesty may be pleased to assign and subject to the *Commonwealth of Australia Constitution Act 1901*, as Proclaimed and Gazetted.
- iv) To recommence immediately Courts of The Commonwealth of Australia under the Crown and held to common law and equity *inter alia Commonwealth of Australia Constitution Act 1901* as Proclaimed and Gazetted, held to Chapter III – The Judicature, *inter alia Judiciary Act 1903* No 6 of 1903, as assented to on 25th August 1903 *inter alia Habeas Corpus Act 1862 inter alia Great Seal Act 1884*, *inter alia* the Constitution the Magna Carta.
- 30 v) Your Majesty being the current holder of the Crown to appoint administrators to assist us, the People in the transfer from the Parliaments of Australia, created by statute on or about 1st January 1973 to the newly elected Parliaments of The Commonwealth of Australia under the fully re-established provisions of The *Commonwealth of Australia Constitution Act 1901* as Proclaimed and Gazetted.
- vi) Your Majesty to again be acknowledged as the Commander in Chief of The Commonwealth of Australia Defence Forces, held to section 68 of the *Commonwealth of Australia Constitution Act 1901*, as Proclaimed and Gazetted.
- 40 vii) Your Majesty to advise the UN and other such agencies and world authorities that this Parliament of Australia since 1st January 1973 has not had the authority of us the People or Your Majesty being the current holder of the Crown, to sign on our behalf for The Commonwealth of Australia, any international treaties, agreements or contracts in any form, entered into and signed and sealed by the statutory entities of the Parliaments of Australia and those contracts are therefore void *ab initio*.

- viii) To authorize or personally have registered, signed and sealed in a Court of common law the two attached Caveats signed under my hand and dated 19th October 2012 and to return a copy of each to myself so I may forward a copy of those caveats to the responsible parties concerned as soon as possible by mail and email if possible.
- ix) For Your Majesty, The Queen to reintroduce the Church of England into The Commonwealth of Australia as The Anglican Church is a statutory entity created by and held to statutory law and to GOD, a created statutory entity,
- x) For the matters of court cases in conjunction with the attached files and documents in support of this application be listed and heard in a Court of common law.

I have also attached two freshly signed Caveats and held to *Commonwealth v New South Wales* [1923] HCA 34 (1923) 33 CLR 1(9 August 1923).

Those Caveats are to be signed and registered and returned to me to forward to the members of political parties in the Parliaments of Australia to prevent any further acquisition and removal of property and to validate their authority to place us before the courts of Australia which are not courts held to the *Habeas Corpus Act* 1862 but are entities inside the *Corporations Act* 2001. The Caveats are to be forwarded to me to my above postal address of Post Office Box 578, Herberton, Queensland 4887, Australia. There is not postal delivery service to my residential address.

I refer to the List of Court Cases which have been held under the Australian System of Government in Australian courts and to the United Kingdom system of government as some of these matters have been placed before the Privy Council in London and refused to their statutory laws.

What I refer to as the 'Documents in Support of the Application' that all those matters contained in the documents in which we have been held to the laws of the Parliaments of Australia for Australian Citizens and the Parliament of the United Kingdom for Citizens of the United Kingdom, do not apply to us, the private people.

Some of these court matters were forwarded to the Judicial Committee of the Privy Council in London on 2nd January 2011 and were refused to be heard to statutory law by Ms Jackie Lindsay, Chief Clerk of the Privy Council. That documentation is still held by the Judicial Committee of the Privy Council in London.

I now refer Your Majesty to Folio DJW – 1 – the matter of Ian Sidney Henke who is a private person inside the Preamble of the *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted, and one of Your subjects held to section 117.

Your Majesty is subject to the *Habeas Corpus Act* 1862 and the *Judiciary Act* 1903, No 6 of 1903, as assented to on 25th August 1903, and it is Your personal guarantee that Your

subjects are lawfully entitled to be tried in a Court of The Commonwealth before a justice holding Your Royal Commission and Seals to the laws of church and state.

Since my original application on 27th September 2011 for Your Majesty to use Your royal prerogative and discretionary powers and to pardon and release Mr Ian Sidney Henke, You have defaulted and failed to perform an act legally required under Your full prerogative authority as the current holder of the Crown, in that Mr Ian Sidney Henke should immediately be released from an Australian prison of a 'foreign government of political subdivisions'.

10

The documents that I supplied to You for the court cases that I have handled in the courts of the Australian System of Government, commencing on 2nd August 2004 in the matter of Mrs Catherine Elizabeth Burns as shown on page 3 of 11 of this document as with all those court matters I again default You in that You have failed in Your duty of care.

I, David John Walter, I, in defaulting You, Mrs Elizabeth Mountbatten of the House of Windsor, for failing to legally uphold Your side of the commercial contracts with us, the private people and Your subjects, do hereby give You fourteen days to attend to and complete the requests that I have made to You as held to the court cases held in Australian courts, the signing of the Caveats as forwarded to You on 19th October 2012 and to which You failed to acknowledge or reply.

20

Within fourteen days of Your receipt of this Notice, in the event of Your failing to do Your lawful duty as requested and required, we will still not have a Government of The Commonwealth of Australia, since 1972 or Courts of The Commonwealth of Australia held to common law both as held to the *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted, to protect us and our real and personal property and our civil and political rights and liberties, since 1985, so I shall be placing these matters in the International Court of Justice in the Hague which is open to all persons, for the issuing of a Default Notice against You, Mrs Elizabeth Mountbatten of the House of Windsor.

30


.....
(David J. Walter)(Complainant)
12th February 2013

IN THE HIGH COURT OF AUSTRALIA
(CANBERRA) REGISTRY

No. of 2015

BEWEEN: David John Walter

Applicant

10

And

MR PETER FRANKS, CEO
MACKAY REGIONAL COUNCIL
ABN 86 568 229 462 –
State Government Entity.

Respondent

EXHIBIT DJW - 11

20

This is the exhibit marked DJW 11- produced by myself, David John Walter (deponent)
and shown at the time of swearing my affidavit this 10th day of March 2015.


DJW – 11 Default Notice for “**the State**” of Queensland issued to Mrs Elizabeth
Mountbatten of the House of Windsor – the QUEEN ELIZABETHÆ
REGINÆ SECUNDÆ

30

the Queen as held to the Royal Style and Titles Act 1953:-

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

Before me


Commissioner of Declarations
DESMOND JOHN DEBEL



40

Default Notice

Complainant: David John Walter of Rural Number 187, Walsh River Road, Watsonville, Queensland 4887, Australia.

10 Postal Address: Post Office Box 578, Herberton, Queensland 4887, Australia.

Defendant: Mrs Elizabeth Mountbatten of the House of Windsor – the QUEEN ELIZABETHÆ REGINÆ SECUNDÆ

20 the Queen to the *Royal Styles and Titles Act* 1953, No. 32 of 1953, – Elizabeth the Second, by the Grace of God of the United Kingdom, Australia and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

Address for Service: Buckingham Palace, London SW1A 1AA, United Kingdom.

Content and effect of default notice:

a) Nature of the alleged breach.

30 The nature of the alleged breach is as follows:-

I, David John Walter of Rural Number 187 Walsh River Road, Watsonville, Queensland 4887, Australia, being a private person and a resident of Queensland, ‘a State’ of The Commonwealth of Australia as established and constituted under the *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted, and as held to the *Constitution Act 1867(Qld)* [31 Vic. No.38] as shown on the List of Exhibits for the Default Notice at (iii), do hereby now serve this Default Notice upon You, Mrs Elizabeth Mountbatten of the House of Windsor:-

40 For Your failure to maintain the security of us the people, the residents of Queensland as held to the *Constitution Act 1867(Qld)* [31 Vic. No.38] and held to Sections 61, 109, 117 and 128 of the *Commonwealth of Australia Constitution Act* 1901, that since 1985, being the constitutional Sovereign Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith and the current holder of the Crown, You

failed to appoint a Governor to the Constitution Act 1867(Qld) [31 Vic. No.38] as Your sworn personal Representative to the laws of church and state and holding Your Royal seals and commission as held to the Habeas Corpus, Act 1862, the Great Seal Act, the Constitution – Magna Carta, signed and sealed, the Royal Style and Titles Act 1953, and the Corporate Bodies Contracts Act 1960.

10 I am a private person as are You Madam, the constitutional Sovereign, holding the *Constitution Act* 1867(Qld) [31 Vic. No.38] as held to the *Land Act* 1962, No. 42 of 28th December 1962 as shown on the List of Exhibits for the Default Notice on page 8 at (viii) as ELIZABETHÆ SECUNDÆ REGINÆ that You have allowed the members of political parties in the Parliaments of Australia, representing Australian Citizens held to the Australian Citizenship Act 1973, the Australia Act 1986, the Corporations Act 1989 and the Corporations Act 2001, devoid of any signed and sealed commercial contract between myself as a private owner of land held in a Deed of Grant in fee simple, and You Madam being the holder of the allodial title to the land held to the laws of church and state and common law.

20 All land held by private people in Queensland has no commercial value. The land is now held as private property for ‘Australian Citizens’ as held to the Corporations Act 1989.

Your Majesty, as both you and I are private persons, we are conceived, born male or female, live from breath to breath and die. Being natural persons we hold our real and personal property and our common law rights and the rights to worship the God of our choosing to the *Habeas Corpus Act* 1862 and further to the *Universal Declaration of Human Rights*.

30 After discussion and consultation between the private people, referendums of the people and due process, Her Majesty the QUEEN VICTORIÆ REGINÆ Proclaimed that from 1st January 1901, as ‘indissoluble Federal Commonwealth’ was to be created, with Her Colony of Queensland to become one of the six States of that Federal Commonwealth.

Each of the six States created is held inside each of their own Constitutions and the members in each of the Parliaments of those six States are elected for the good government of those States and the private people within them.

40 The *Constitution Act* 1867(Qld) [31 Vic. No.38] for the Colony of Queensland was granted by Your forebear Her Majesty Queen Victoria to whom You are successor, heir and assign. As such You hold all the lands and property of the *Constitution Act* 1867(Qld) [31 Vic. No.38] as previously held by Her Majesty Queen Victoria.

It was our forebears, the British subjects and citizens in Australia, who moved to Moreton Bay and who requested of Queen Victoria to grant them a Constitution for the purposes of having a government of Queensland for their Colony of Queensland consisting of the private people in the new Colony and held to the laws of the land to the *Habeas Corpus Act* 1862.

After due consideration, Her Majesty the Queen, granted to the people of the Colony the *Constitution Act 1867(Qld)* [31 Vic. No.38] as on the List of Exhibits at page 2 (iii).

That Constitution Act is sealed with the Seal of the constitutional Sovereign VICTORIÆ REGINÆ and was a document signed under the authority of Her Majesty.

10 This allowed for an Order in Council, empowering the Government of Queensland, being from the private people as found in the Legislative Council and the Legislative Assembly, with the Queen in the Parliament as the Speaker, to make laws for the administration of justice in the Colony now the State of Queensland as held to the *Commonwealth of Australia Constitution Act 1901*, as Proclaimed and Gazetted, at section 61, 109, 117 and 128.

20 All the people within the *Constitution Act 1867(Qld)* [31 Vic. No.38] are held to sections 61, 109, 117 and 128 of the *Commonwealth of Australia Constitution Act 1901*, as Proclaimed and Gazetted and as shown on the List of Exhibits at page 3 (iii), are further held to the *Statute of Westminster 1931* at section 9 – ‘Saving with respect to States of Australia’, held to the *Royal Style and Titles Act 1953*, No. 32 of 1953 as shown at page 6 and to Your Coronation Oath as sworn on 2nd June 1953, the *Australia Act 1986(UK)* as shown at page 7, and as shown at page 4 the *Judiciary Act 1903*, No. 6 of 1903, as assented to on 25th August 1903, states at section 80 that the ‘common law of England’ is to govern to the *Habeas Corpus Act 1862* over all private people, which includes the Queen.

In 1917 a referendum was put to the people of Queensland to gain their consent to abolish the Legislative Council – the upper house, but the people voted no to this proposal.

30 In 1922, using technically legal means but contrary to the wishes of the private people at referendum, the Labor Government of the day abolished the Legislative Council and it has never been reinstated. This created The Commonwealth of Australia’s first unicameral Parliament, a Parliament with no accountability and no checks and balances.

The *Constitution Act 1867(Qld)* [31 Vic. No.38] is identical to billions of other constitutions worldwide. However this Constitution allows Your Majesty, as a private person, to hold the lands in Your *inter vivos* trust for Your successors and this Constitution is to be administered to the laws of the land and the laws of church and state.

40 The refusal of the sovereign people inside the *Constitution Act 1867(Qld)* [31 Vic. No.38] to agree to the abolition of the Legislative Council should have been adhered to.

The private people, who were elected in good faith by the people of Queensland, and who had sworn or affirmed their Oath of Allegiance when taking their place within the Legislative Council, not only acted contrary to the wishes of the people, but then altered the provisions of the *Constitution Act 1867(Qld)* [31 Vic. No.38] devoid of the consent of the people or the Crown and contrary to section 109 of the *Commonwealth of Australia Constitution Act 1901*, as Proclaimed and Gazetted, thereby breaching both Constitutions.

This then allowed the members of the political parties – to manipulate the power of the holder of the Crown of the United Kingdom, the owner of all the lands held in allodial title and the holder of the executive power of the *Commonwealth of Australia Constitution Act* 1901 at section 61 and held to the *Habeas Corpus Act* 1862 – and to influence the appointments of their choice of a Governor-General and Governors – but contrary to the *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted.

- 10 The actions which altered the authority of the owner of the lands and of the Crown in all its capacities to appoint the Governor-General and the Governors of the States, were not approved by us, the private people. Those actions also altered the authority of the personally appointed Governor-General and Governors to be able to protect Her Majesty’s assets and property to the laws of church and state.

20 Refer to page 3 of the List of Exhibits for Queensland – *Constitution Act* 1867(Qld) [31 Vic. No.38] – where it shows that as the current constitutional Sovereign as found on page 8 (viii) to the *Land Act* 1962, No. 42 of 1962; as the constitutional Sovereign ELIZABETHÆ SECUNDÆ REGINÆ and as a private person; all those lands held at section 30 of the *Constitution Act* 1867(Qld) [31 Vic. No.38] and the seas found in or around the Colony, now State of Queensland; are held in Your *inter vivos* trust, Your will and testament for Your heirs and assigns and Your successor, as was originally granted to You upon Your succession to the Throne.

30 At section 40 of the *Constitution Act* 1867(Qld) [31 Vic. No.38] – Crown rights and revenues – all revenues shall be held by the Governor of the State in consolidated revenue. It also allows Your Majesty, as a private person and as current holder of the Crown in the said Colony, now a State of Queensland, to sell the lands to a private person or corporation in the terms and conditions as set down – e.g. lands are to be put up for public auction by Your public officials and to be sold to the highest bidder for real money.

When the land is sold and the procedures of the sale completed, a Deed of Grant in fee is issued, signed and sealed under the hand of the Governor of the State, appointed personally by Yourself as the current holder of the Crown and a signed and sealed commercial contract between Yourself and the new owner or the current holder of the Deed of Grant is in place and registered.

40 The Deed of Grant is issued in the name of “Elizabeth the Second, By the Grace of God, of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith”, or “Elizabeth the Second, by the Grace of God of the United Kingdom, Australia and Her other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith” as cited in the *Royal Style and Titles Act* 1953 as shown at (vi) on page 6 of the List of Exhibits.

The Queen as held to the *Royal Style and Titles Act 1953*, is represented by the Speaker of the Legislative Assembly and held to the ‘common law of England’ to the *Habeas Corpus Act 1862* and the laws of church and state, the Queen has not been inside the Legislative Assembly since 1985.

10 On the finalization of the sale of the property, Your Majesty then divests Yourself of all interest in that land except as is clearly show in section 40 – the ownership of the Royal mines, minerals and petroleum. The revenue received from those assets is vested in the Legislature of the people of Queensland – the Legislative Assembly and held in consolidated revenue in the legal tender of The Commonwealth of Australia.

On the sale of property and the issuing of the Deed of Grant the Certificate of Title is registered to the *Real Property Act 1861*. As the current holder of the Crown You do not require any further payment of fees or taxes or rates as the Crown holds no further interest in the land other than the Royal reserves.

20 Being the constitutional Sovereign ELIZABETHÆ SECUNDÆ REGINÆ and the owner of all the lands to the *Land Act 1962*, the sale of that land and the commercial contract for that land is guaranteed to the laws of church and state. The holder of the Deed of Grant for that real property holds that property in their *inter vivos* trust for their issue. Your Majesty retains the allodial title to the lands, and reserves the revenue from the minerals and petroleum which may be on, in or under that land, for the private people in the Legislative Assembly of Queensland, which includes the Queen, to be used for the public benefit.

No other person can lawfully take a pecuniary, executive interest over our private lives as private people or the real or personal property that we hold in our wills and testaments, our *inter vivos* trusts for our heirs and assigns (successors).

30 Consequently no third party can take any lawful executive interest, not only in Your private property, but in any of the real property of the private people, without the consent of the owners of the land in writing in a signed and sealed commercial contract, with compensation to be paid to those private persons as owners, whether that be a private person holding the Deed of Grant in fee or Your Majesty as a private person holding the allodial title to that land to the laws of church and state as held to the *Constitution Act 1867(Qld)* [31 Vic. No.38] and the *Habeas Corpus Act 1862*.

40 I refer to the *Constitution Act 1867(Qld)* [31 Vic. No.38] section 30 – General provisions, shown on page 3 of the List of Exhibits:-

‘ “An Act to repeal of the Acts of Parliament now in force respecting the disposal of the waste lands of the Crown in Her Majesty’s Australian Colonies and to Make other provisions in lieu thereof” which concerns the maintenance of existing contracts it shall be lawful for the Legislature of this colony to make laws for regulating the sale letting disposal and occupation of the waste lands of the Crown within the said colony’.

The waste lands are not ‘waste lands as such’. They are waste lands as unused lands of the Crown, lands that the Legislature has not, as yet, requested be put up for public auction and sold in Deeds of Grant in fee simple for the use of private people or corporations requiring g that land for their own private use and ownership. Any unused lands still remain the property of Your Majesty and remain in Your *inter vivos* trust, your will and testament for your heirs and successors any as other private person to common law and the laws of church and state.

- 10 The *Constitution Act 1867*(Qld) [31 Vic. No.38] only allows for the private people within the Legislative Assembly to make laws for the administration of justice which is for criminal offences at common law and the setting of the penalties as requested by the private people of the Constitution. To become a law of the State of Queensland, the Bill is passed through the Legislative Assembly, signed and sealed by the Governor holding Your sworn Royal commission and Seals and published in the Queensland Government Gazette.

- 20 Justices of the Peace, Stipendiary Magistrates and Justices are sworn and appointed by the Governor in and over the State of Queensland, to hear and determine criminal matters at common law where every private person may be tried and is innocent until proven guilty before a jury of his/her peers.

Those officials of the Crown in the judiciary uphold the laws for justice as created by us and on behalf of us, the people from within the *Constitution Act 1867*(Qld) [31 Vic. No.38].

Those members of the judiciary are also responsible for matters with regard to contracts held to common law between private citizens and private citizens and the Crown.

- 30 As shown on page 16 of the List of Exhibits at Folio DJW – 5, the *Corporations (Queensland) Act 1990* is held to the Public Seal of the State and copyrighted © State of Queensland, and is not an Act held to the *Constitution Act 1867*(Qld) [31 Vic. No.38] as in that Corporations Act, all private persons were exempt and there is no prerogative.

The *Corporations (Queensland) Act 1990* is held to AUSTRALIA’S CONSTITUTION as shown on the List of Exhibits at page 19 THE CONSTITUTION dated 9th July 1900 held *inter alia* with The Constitution as in force on 1st June 2003, the Constitution of the political parties of the Parliaments of Australia and is the ‘Constitution of the Commonwealth’ commencing at Chapter I – The Parliament.

- 40 At the introduction of the *Australia Act 1986*, No. 142 of 1985, for ‘Australian Citizens’ for the Parliaments of Australia, the matter of *Kirmani v Captain Cook Cruises Pty Ltd* (No 2) [1985] HCA 27 (17 April 1985) was placed before The High Court of Australia – the corporate High Court of Australia for ‘Australian Citizens’ only. That High Court of Australia holds an Australian Business Number, ABN 69 445 188 986, and the entities

inside that High Court of Australia are entities held to the corporate Australian Government and its Parliaments of Australia under an Australian System of Government.

Note: This decision of the Australian Government's High Court of Australia, has altered the application by "Australian Courts" and by the Privy Council, of Section 74 of the *Commonwealth of Australia Constitution Act 1901* as Proclaimed and Gazetted, by denying the private People inside the Preamble and Clauses 1 to 9 (British laws), their constitutional right of access to the Queen in Council and Her Majesty's Privy Council.

- 10 This then removed any further appeals to the Privy Council and the appointment under the authority of the Crown of any Governor-Generals or Governors of the States or Administrators of the Territories inside the Australian Government where their sovereign is 'inherited'

This was done by private persons being members of political parties inside the Parliaments of Australia as held to the *Australian Citizenship Act 1973*, No. 99 of 1973.

- 20 Although the private people held to the *Constitution Act 1867(Qld)* [31 Vic. No.38] are to vote for other private people to represent them in the Parliament of Queensland, Members of political parties are in the Queensland Parliament, the Parliament of The State of Queensland which is one of the 'new States' of the Parliaments of Australia for 'Australian Citizens' and represented by those members of political parties on their behalf.

These members of political parties for 'Australian Citizens' do not represent us the sovereign people as held to the *Constitution Act 1867(Qld)* [31 Vic. No.38] and to the *Commonwealth of Australia Constitution Act 1901*, as Proclaimed and Gazetted.

- 30 I am not an 'Australian Citizen' and neither are any of the other private people listed in my application as shown at Folio DJW – 2.

The Parliament of Queensland is for a Queensland Government for 'Australian Citizens' only. As a result of this there have been no courts of common law for us the people inside the *Constitution Act 1867(Qld)* [31 Vic. No.38] and I refer to the List of Court Cases at Folio DJW – 2.

- 40 In Queensland, under the Letters Patent of 10th June 1925 constituting the Office of Governor, the Governor's Commission is to be from the Sovereign of the United Kingdom, for a Governor in and over the State of Queensland and its Dependencies in the Commonwealth of Australia to be appointed to the said office by Commission under Her Majesty's Sign Manual and Signet.

However, with no approval first sought from the electors of Queensland in referendums and *contra to* Section 53 of the *Constitution Act 1867(Qld)* [31 Vic. No.38] as current on 5th April 1977, the Governor, a private person, is now a State Government Entity inside the Department of Premier and Cabinet, holding an ABN 19 108 283 540 and holding a

commercial contract with the Premier of The State of Queensland. All Acts are now sealed with the Public Seal of the State and are copyrighted© State of Queensland.

Since 1985, with no Governor appointed by the Crown, members of the judiciary do not hold the Royal Commission and Seals of the Crown and are not held to the 'common law of England', the *Habeas Corpus Act* 1862, the *Great Seal Act* 1884, the Constitution – *Magna Carta* and are not held to the laws of church and state and the laws of God to the Church of England.

- 10 The Queen as held to the *Royal Style and Titles Act* 1953 has not been inside the Legislative Assembly since 1985 by the removal of all applications and appeals to the Privy Council.

Any private person, as either an employee, agent or authority, holding a signed and sealed contract with the Premier of The State of Queensland in the Queensland Parliament under the Australian System of Government, is held to the civil law only.

- 20 I, David John Walter, being a private person, along with the other private persons as found at Folio DJW – 2, and along with those people who have been convicted of criminal and civil charges to the civil statutory laws of The State of Queensland, do not hold any signed and sealed commercial contract with any person or any member of any political party inside the Australian System of Government as held to the *Constitution of Queensland* 2001 and its *Parliament of Queensland Bill* 2001 as shown on the List of Exhibits at page 9 (x).

- 30 No Premier in Queensland – as held to the *Constitution of Queensland* 2001 and the *Parliament of Queensland Act* 2001 and as held to the Second Reading Speech of a private person 'Peter Beattie' who stated that The Constitution of Queensland 'does not include a statement of executive power vesting in the Sovereign' – acknowledges the holder of the executive power to section 61 of the *Commonwealth of Australia Constitution Act* 1901, as Proclaimed and Gazetted. That executive power is that of Your Majesty, the constitutional Sovereign of the State of Queensland and the current holder of the Crown of the United Kingdom.

- 40 Not being an 'Australian Citizen' or shareholder inside the *Corporation (Queensland) Act* 1990 as held to the *Corporation Act* 2001 in which at section 9 'Act includes thing,' I, David John Walter, cannot vote in any election for any member of a political party to become a Member of any of the Parliaments of Australia for 'Australian Citizens' only, as I and the other people named in the List of People in my documentation, hold no commercial contract with any corporate Parliament of Australia. We are not members of political parties nor are we shareholders; we do not hold any share Certificates nor are we 'Australian Citizens' as held to the *Australian Citizenship Act* 1973, No. 99 of 1973; and we hold no commercial contract, signed and sealed between all parties with any entities of the Queensland Government.

The *Supreme Court of Queensland Act 1991* is for The Supreme Court of Queensland which is inside the State Government Entity named DEPT OF JUSTICE & ATTORNEY GENERAL holding an ABN 13 846 673 994 with Trading Names including DEPT OF JUSTICE & ATTORNEY-GENERAL and with Business Names of MINA COLLECTIONS and The Great Bigfoot. (Refer: <http://abr.business.gov.au>)

Any member of the judiciary in an Australian Court who is held to the *Supreme Court of Queensland Act 1991* does not hold a sworn Royal Commission and seals of the Crown to the *Habeas Corpus Act 1862*.

10

At Folio DJW – 6(a) there are no laws of God to the Church of England. The laws of the Anglican Church are the statutory laws of GOD to the ANGLICAN CATHOLIC CHURCH PARISH OF BRISBANE for ‘Australian Citizens’ only and holding an ABN 62 775 714 235 – Entity name MISSION TO SEAFARERS AUSTRALIA GERALDTON WESTERN AUSTRALIA.

I draw Your attention to the List of Exhibits at pages 8 (ix) and 9 – the *Queensland Government (Land Holding) Amendment Act 1992*, Act No. 17 of 1992 which is sealed with the Public Seal of the State and copyrighted © The State of Queensland 1992.

20

I refer to page 27 of the List of Exhibits at Folio DJW – 12 The Louisiana Purchase and at Folio DJW 13 – Uniform Commercial Code.

I, David John Walter, have not signed any commercial agreement as held to the *Queensland Government (Land Holding) Amendment Act 1992*, to the Louisiana Purchase Treaty, or to the Uniform Commercial Code *inter alia* with the *Corporate Bodies’ Contracts Act 1960 (UK) [8 & 9 ELIZ. 2] [CH. 46] [assented to 29th July 1960]*. Our lawful commercial contract for our private real property is still held to the *Constitution Act 1867(Qld) [31 Vic. No.38]*.

30

We have not signed any commercial agreement or contract to grant any of our land or real property to the Premier of The State of Queensland as held to the *Constitution of Queensland 2001* as shown at Folio DJW – 9 and to the *Parliament of Queensland Act 2001* as shown at Folio DJW – 10; for the use of any Parliaments of Australia or for any ‘Australian Citizens’ held inside their own corporation.

40

My rights as a private person, and the rights of the private persons who have supported this application including those who have lost their rights to their property and their civil and political rights and liberties by the actions of members of political parties inside the Parliaments of Australia – have been abused, despite those members of political parties still being private persons themselves and as such are still held to the *Crimes Act 1914*.

I refer to page 14 of the List of Exhibits at Folio DJW – 2 – Correspondence forwarded to Your Majesty on 24th October 2012 and held to Folio DJW – 2(a).

I refer to the document showing that on 23rd January 2001, a PROCLAMATION was made under the Public Seal of the State and stated:-

‘I, Major General Peter Arnison, Governor
dissolve the Legislative Assembly of Queensland.’

The Governor signed as ‘Peter Arnison’ but there is no Governor’s seal of authority.
The document also stated:-

10 ‘Signed and Sealed on 23 January 2001.’

The signature ‘P Beattie’ is under ‘By Command’ and above ‘God Save the Queen’.

I refer to the List of Exhibits for Queensland on page 9 (x) – Second Reading Speech, Circulated by Authority of the Premier and Minister for Trade, the Hon Peter Beattie MP, for the *Constitution of Queensland 2001* and the Parliament of Queensland Bill 2001.

20 Mr Beattie created ‘our constitution’ to the laws of ‘the State’ for ‘my government’ being the government under the Premier of Queensland and one of the Parliaments of Australia where the Premier of Queensland appoints the Governor who is to be the inside the *Constitution of Queensland 2001* and its *Parliament of Queensland Act 2001* and as a private person with that Governor to hold no Royal Commission and seals of the Crown, as that Governor is acting for ‘Australian Citizens’ only.

I further refer Your Majesty again to Folio DJW – 2 and Folio DJW – 2(a) in the attached List of Exhibits, as well to the *Electoral Act 1992* shown in my previous correspondence, in which at Folio DJW – 26 on page 5 – the *Electoral Act 1992* is sealed with the Public Seal of the State and copyrighted © State of Queensland 2011.

30 That Act only allows for the election of members of political parties to the *Parliament of Queensland Act 2001* and the *Constitution of Queensland 2001* for ‘Australian Citizens’ where those political parties have at least 500 members to be able to be elected under that *Electoral Act 1992* to be members of the Parliament to its *Constitution of Queensland 2001*, i.e. to be MPs of the Queensland Parliament, not as Members of the Legislative Assembly of the Parliament of Queensland under the *Constitution Act 1867(Qld)* [31 Vic. No.38].

40 I refer to the Writ for Election issued which was shown in my previous correspondence, and which is not a Writ issued under the hand of the Governor in and over the State of Queensland who was appointed by the Crown to the *Constitution Act 1867(Qld)* [31 Vic. No.38] .

Refer: The statutory laws of the Queensland Parliament as held to the *Parliament of Queensland Act 2001* and the *Constitution of Queensland 2001*.

Refer to the List of Exhibits at pages 10, 11, 12 and 13 – the *Acts Interpretation Act 1954* sealed with the Public Seal of the State and copyrighted © State of Queensland 2011.

The statutory laws – of the Queensland Parliament as held to its *Parliament of Queensland Act 2001* and its *Constitution of Queensland 2001* for its ‘Australian Citizens’ held to the *Australian Citizenship Act 1973* and the *Australia Act 1986*, No. 142 of 1985 – have been reprinted under the *Reprints Act 1992*, sealed with the Public Seal of the State and copyrighted with the year of reprinting next to © State of Queensland. The *Reprints Act 1992* includes ‘any document’ as shown on page 13, List of Exhibits.

10

The statutory laws called Acts, are also reprinted under the Public Seal of the State and copyrighted to the *Legislative Standards Act 1992* and to the *Statutory Instruments Act 1992* which states at section 5A – ‘This Act binds the State’ and at section 12 – ‘Meaning of rules of court’.

Those ‘rules of court’ are the rules held to the Supreme Court of Queensland as held to the *Supreme Court of Queensland Act 1991* (which is shown at Folio DJW – 6) and the *Magistrates Act 1991* and the *Justices of the Peace and Commissioners for Declarations Act 1991*, as held to the laws of their church and state – the Anglican Catholic Church to the laws of GOD as a statutory entity.

20

I refer to the *Acts Interpretation Act 1954*, Reprint No. 16A as in force 18 August 2011, which states as shown at page 12 of the attached List of Exhibits:-

‘Part 8 Terms and references in Acts.

32B Gender

In an Act, words indicating a gender include each other gender.’

30

Therefore there are no private people held to the *Parliament of Queensland Act 2001* or to the *Constitution of Queensland 2001* which are sealed with the Public Seal of the Seal and copyrighted © State of Queensland.

Under an ‘evolutionary process’ the *Constitution Act 1867(Qld)* [31 Vic. No.38] has been progressively eroded, with the remaining shell sealed with the Public Seal of the State and copyrighted © State of Queensland, but *contra to* Section 53 of the *Constitution Act 1867(Qld)* [31 Vic. No.38] as of 5th April 1977.

Subsequently section 109 of the *Commonwealth of Australia Constitution Act 1901*, as Proclaimed and Gazetted, applies:-

40

‘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.’

As the *Acts Interpretation Act 1954* (as amended, reprinted and copyrighted) applies to ‘Australian Citizens’ in the *Corporations (Queensland) Act 1990* and the *Corporations*

Act 2001, subsequently as held to its section 15DA, laws reprinted to the *Reprints Act 1992*, *Legislative Standards Act 1992* and the *Statutory Instruments Act 1992* are all for 'Australian Citizens' inside the corporate Parliaments of Australia

As I, David John Walter, do not hold any commercial contract with any private person inside the corporate Queensland Parliament as held to its *Parliament of Queensland Act 2001* and its *Constitution of Queensland 2001*; and as I am not a shareholder and do not hold any equity inside those corporations; I am not held to their statutory laws nor are the private people who wish to support this application and this Default Notice.

10 The 'Australian Citizens' in the Parliaments of Australia, the Council of Australian Governments (COAG), the Prime Minister, the Premiers of the States, the Chief Ministers of the Territories and the Local Government Association of Australia, signed the Intergovernmental Agreement on the Environment – (the IGAE) and framed Acts with which to uphold this bilateral agreement and its provisions.

As the Premiers of the States have no signed and sealed contracts with the private people of the States, under that signed bilateral agreement the lands and natural resources remain a matter for the private people and government bodies and that includes the lands held by Your Majesty.

20 The *Constitution Act 1867(Qld)* [31 Vic. No.38] remains in place even though it has been adjourned *sine die* since 1985.

The breach of the *Constitution Act 1867(Qld)* [31 Vic. No.38] in 1922 by the elected Members of Parliament was not in accordance with the terms as set down in that Constitution.

30 Using the 'evolutionary process' as cited in *Sue v Hill* [1999] HCA 30 the members of political parties have subtly and persistently eroded the fundamental principles under which the State of Queensland as held to the *Constitution Act 1867(Qld)* [31 Vic. No.38] was created.

The QUEENSLAND TREASURY CORPORATION is listed in the United States of America with the SECURITIES AND EXCHANGE COMMISSION as having a Central Index Key of CIK0000852555 and as being a Statutory Corporation of THE STATE OF QUEENSLAND, AUSTRALIA of a 'foreign Government and political subdivisions thereof'. The Company Name COMMONWEALTH OF AUSTRALIA is listed as having a File No. 333-163307 and CIK0000805157 showing that the Debt Securities of the Queensland Treasury Corporation are covered by the Australian Government.

40 **Effect of the alleged default**

In 1985, despite no referendum being held as required under section 53 of the *Constitution Act 1867(Qld)* [31 Vic. No.38] as of 5th April 1977, the private people in Queensland suffered the removal of the protection of the Crown of the United Kingdom

and the common law rights to their real and personal property and their civil and political rights and liberties.

After the *Australia Act* 1986, No. 142 of 1985 affected all laws made in Queensland, the *Constitution Act* 1867(Qld) [31 Vic. No.38] as of 5th April 1977 was left adjourned to lie *sine die*.

10 However, the resultant Parliament and Government in Queensland have only the authority of the members of political parties representing 'Australian citizens' in Queensland, and with their statutory laws of 'the State', have their Governor, Courts, agents, employees and local government do their bidding under its *Parliament of Queensland Act* 2001 and its *Constitution of Queensland* 2001.

Their statutory laws are created to their *Reprints Act* 1992, their *Legislative Standards Act* 1992, their *Statutory Instruments Act* 1992, and under their *Acts Interpretation Act* 1954, 'Australian citizens' are gender neutral entities which are not private persons held to the *Constitution Act* 1867(Qld) [31 Vic. No.38] as of 5th April 1977.

20 The first Criminal conviction which upheld the statutory law of the Parliaments of Australia to civil law was *Bone v Mothershaw* in the matter of the taking of real property held to the Deed of Grant between private persons and converting that real property of the registered owner to The State of Queensland without due compensation under the Louisiana Purchase Treaty..

30 Under the statutory laws of the Queensland Parliament and the Queensland Government, and under their civil law held to their *Corporations (Queensland) Act* 1990 *inter alia* with the *Corporations Act* 2001, Mrs Catherine Elizabeth Burns lost all her constitutional and common law rights, liberties and privileges to her real property which should have been protected by her Deed of Grant, by the *Constitution Act* 1867(Qld) [31 Vic. No.38] and by the common law in equity and the laws of church and state.

The COMMONWEALTH OF AUSTRALIA and the QUEENSLAND TREASURY CORPORATION along with their 'interests' are registered in the United States of America, and the Parliaments and Governments in Australia are held to American civil law; but all those held to the Queensland Parliament and Queensland Government, actually work on the Land held by the Crown of the United Kingdom and are therefore still subject to the *Constitution Act* 1867(Qld) [31 Vic. No.38] as of 5th April 1977 and the *Criminal Code Act* 1899.

40 However, in Queensland since 1985, private people lost their protection from the actions by the members of political parties representing 'Australian Citizens' and by those in 'The State of Queensland' held to their *Corporation (Queensland) Act* 1990, their *Supreme Court of Queensland Act* 1991, their *Parliament of Queensland Act* 2001 and their *Constitution of Queensland* 2001

As a result of not holding any shares or share certificates in the *Corporations Act 1989 inter alia* with the *Corporations Act 2001*, we cannot vote to elect any private person to represent ‘Australian Citizens’ and members of political parties in Queensland.

Without my signed and written consent, the Parliaments of Australia have placed ‘the Queen of Australia’ between me and the elected members of the political parties, and have registered the land in their *Land Title Act 1994* for their use as assets and equity.

- 10 Those justices who are bound to the *Supreme Court of Queensland Act 1991*, use their authority to enforce civil law only in ‘Queensland Courts’ held to ‘Australian Courts’ under the *Australia Act 1986*, No. 142 of 1985, thereby removing from the private people all rights to common law in equity and to the laws of church and state and removing their rights and privileges as in The Universal Declaration of Human Rights.

Legal practitioners and other members of the legal profession practise civil law only and are held to the *Supreme Court of Queensland Act 1991*, *inter alia* with the *Corporation (Queensland) Act 1990*, the *Corporations Act 2001*, the *Constitution of Queensland 2001* and the *Parliament of Queensland Act 2001*.

- 20 Under the Australian System of Government, there is no redress in ‘Australian Courts’ for relief from injustices aforementioned.

In Queensland, the Premier, the ‘President’ of the Corporation, appoints and controls the Governor, an office holder bound to the *Parliament of Queensland Act 2001* and the *Constitution of Queensland 2001* who can then appoint the members of the political parties who will sit in the Queensland Parliament, and can appoint certain members of the Queensland Government and Queensland Courts.

- 30 The Governor, Members of the Queensland Parliament (MPs), certain members of the Queensland Government, the members of the judiciary in Queensland Courts, swear or affirm their Oath of Allegiance to a ‘Queen of Australia’, a Statutory Instrument held to the *Royal Style and Titles Act 1973*.

The copyrighted civil laws of the Queensland Parliament and Queensland Government and the Public Seal of the State, do not apply to us, the private people inside the *Constitution Act 1867(Qld)* [31 Vic. No.38] as of 5th April 1977 and the *Commonwealth of Australia Constitution Act 1901*, as Proclaimed and Gazetted.

- 40 It must be noted here that You Madam, Mrs Elizabeth Mountbatten of the House of Windsor, did not call Yourself the ‘Queen of Australia’ on 9th March 1977 but rather in Your Royal Warrant to Queensland, You described Yourself as:-

“Elizabeth the Second by the Grace of God
of the United Kingdom of Great Britain and Northern Ireland
and of Our other Realms & Territories
Queen, Head of the Commonwealth, Defender of the Faith”

Remedy of the alleged default:

I, David John Walter, a private person and a resident of Queensland residing at Rural number 187 Walsh River Road, Watsonville, Queensland 4887, Australia hold a commercial contract with Your Majesty held in a Deed of Grant in fee simple for land.

I, David John Walter, do hereby default You Madam, Mrs Elizabeth Mountbatten of the House of Windsor, for failure to perform and as legally required by You to uphold the common law rights of Your subjects in Your State of Queensland.

10

You Madam, Mrs Elizabeth Mountbatten of the House of Windsor, have defaulted as held to Your signed and sealed commercial contract with us, the people within the *Constitution Act 1867(Qld)* [31 Vic. No.38] as held to the *Corporate Bodies' Contracts Act 1960(UK)*, in that You have, by Your express, implied or tacit consent, allowed since 1985, the people of the State of Queensland to be 'administered' by private people representing 'Australian Citizens' only to the *Australian Citizenship Act 1973* and the *Australia Act 1986*, No. 142 of 1985 inside their own *Corporations Act 1989* as held at Folio DJW – 5.

20

I, David John Walter, do hereby now default You, Mrs Elizabeth Mountbatten of the House of Windsor, as You are the constitutional sovereign held to the *Constitution Act 1867(Qld)* [31 Vic. No.38] and further held to the *Royal Styles and Titles Act 1953*.

You Madam, have failed – to perform those acts which are legally required by You – to maintain the *Constitution Act 1867(Qld)* [31 Vic. No.38] – to appoint a Governor holding Your Royal Commission and Seal – and to have private people from within the *Constitution Act 1867(Qld)* [31 Vic. No.38] as held to the Order in Council, to form a Government of Queensland.

30

Whereas we now have an eroded shell of the *Constitution Act 1867*, a Governor who is appointed by a 'President' of a Corporation and under the 'Queen of Australia', and a Government of Members of Parliament elected from political parties for 'Australian Citizens'.

Those Members of Parliament receive Australian currency for their services and that currency must remain within the Queensland Parliament held to the *Parliament of Queensland Act 2001* and its *Constitution of Queensland 2001*, as that currency is not the legal tender of The Commonwealth of Australia.

40

The authority of the Members of Parliament in the Queensland Parliament held to the *Parliament of Queensland Act 2001* and its *Constitution of Queensland 2001* remains inside their corporate structure for 'Australian Citizens' only.

As Members of Parliament for 'Australian Citizens' only in the Parliaments of Australia, when signing the Intergovernmental Agreement on the Environment (IGAE), the private individuals as signatories to that agreement, have not taken any interest in, and have not

adhered to, the provisions of that agreement and have not taken any interest in, and have not adhered to the provisions of the *Constitution Act 1867(Qld)* [31 Vic. No.38].

In sealing and copyrighted all the Acts of all the Parliaments of Australia, including in Queensland, they have been sealed and copyrighted for ‘Australian Citizens’ only and the Parliaments of Australia.

The laws of us, the private people held to the *Constitution Act 1867(Qld)* [31 Vic. No.38] and the *Commonwealth of Australia Constitution Act 1901*, as Proclaimed and Gazetted, still remain although they have been adjourned *sine die* for over four decades.

10

For approximately four decades, there have been no Parliaments in Queensland held to the *Constitution Act 1867(Qld)* [31 Vic. No.38] as there have been no Governors of Queensland holding Your Majesty’s sworn Royal Commission and Seals to the laws of church and state and to Your Coronation Oath.

You Madam, Mrs Elizabeth Mountbatten of the House of Windsor, are legally bound to us, Your subjects who reside in Queensland, as we are held to the *Constitution Act 1867(Qld)* [31 Vic. No.38] under which You are the constitutional Sovereign, ELIZABETHÆ SECUNDÆ REGINÆ as held to the *Royal Style and Titles Act 1953*.

20

Madam, it is Your duty to ensure, that the appointments of the Governor-General and the Governors of the States as originally set down by Queen Victoria, are upheld, as Your Majesty is the current heir and successor to the Crown of the United Kingdom.

On 24th October 2012 I made a personal application to You Madam, for reactivation of the *Constitution Act 1867(Qld)* [31 Vic. No.38] (A copy of that correspondence is attached at DJW – 2) – I requested :-

30

❖ Your Majesty appoint a Governor for Queensland holding Your Majesty’s Royal Commission and Seals and duly sworn to the laws of God to the laws of church and state.

40

❖ Re-establish the *Supreme Court Act 1921* and the Stipendiary Magistrates Court held to common and canon law to section 80 of the *Judiciary Act 1903*, Act No. 6 of 1903 (Clth) as assented to on 25th August 1903, *The Judicature Act. (40Vic.No 6) Amendment (Qld)*, *Supreme Court Act of 1867* 31 Vic. No. 23 amended up to Act No. 7 of 1965 (Qld) under Your authority as the Crown with the members of the judiciary in these Courts holding the Royal Commission and Seals of the Crown. For these Courts to commence immediately and to again be the laws of the State of Queensland as held to our signed sealed commercial agreements between all parties, which includes the Queen as held to the *Habeas Corpus Act 1862* and the Constitution, Magna Carta.

❖ To re-introduce the Church of England in the State of Queensland as held to the *Royal Style and Titles Act 1953*, *Statute of Westminster 1931*, and *Church of England Assembly (Powers) Act 1919* [CH.76].

- ❖ To issue a Writ for Election to elect private natural people from within the regions and communities of the State of Queensland, when the People of Queensland and Your Majesty nominate and agree to an appropriate time.
- ❖ Your Majesty being the current holder of the Crown to appoint administrators to assist us, the People in the transfer from the Parliament of Queensland, created by statute to the newly elected Legislative Council and Legislative Assembly of Queensland under the provisions of the *Constitution Act 1867(Qld)* [31 Vic. No.38] and under the laws of the Crown.
- ❖ For the matters of court cases in conjunction with the attached files and documents in support of this application be listed and heard in a Court of common law.

10

This is further held in the correspondence which I forwarded in the Letter of Demand shown at Folio DJW – 1.

20

The matters relating to The State of Queensland as found in the correspondence to Mr David T Irvine where those private people are inside their own *Parliament of Queensland Act 2001* and *Constitution of Queensland 2001* and are also held to the *Crimes Act 1914* as they are on the lands of the Crown as held to the *Constitution Act 1867(Qld)* [31 Vic. No.38] and held to section 109 of the *Commonwealth of Australia Constitution Act 1901*, as Proclaimed and Gazetted, *inter alia* section 80 of the *Judiciary Act 1903*, No 6 of 1903 as assented to on 25th August 1903.

30

That You Madam, Mrs Elizabeth Mountbatten of the House of Windsor, immediately appoint persons holding Your sworn Royal Commission and authority, to investigate the matters presented to Mr David T. Irvine and Yourself, regarding the actions of the private people in the Parliament in Queensland, as set referred to by me at Folio DJW – 3 and Folio DJW – 12 as attached.

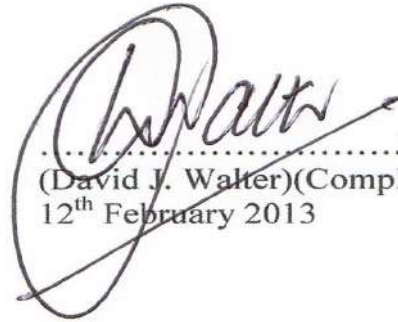
40

I, David John Walter, will personally sign any Indictment or Complaint that is required as a result of the requests that I made to Your Majesty in the Letter of Demand dated 13th December 2012 which remains unanswered.

Your Majesty, I, David John Walter, do hereby now give You Madam, Mrs Elizabeth Mountbatten of the House of Windsor, fourteen days, subject to and upon receipt of this Default Notice, to rectify and immediately perform Your duty to the *Constitution Act 1867(Qld)* [31 Vic. No.38] as legally required by myself and to reintroduce the *Constitution Act 1867(Qld)* [31 Vic. No.38] and the further requests that I have made in this Notice of Default.

As a private person if You fail to do so I will put all the correspondence that I have forwarded to You over the past several years with regard to these matters in the International Court of Justice in the Hague, as we, the private persons of the State of Queensland in The Commonwealth of Australia, have lost our civil and political rights and liberties and our rights to our real and personal property at common law in equity and

the laws of church and state for a Default Judgment to be issued against You as a private person for Your failure to rectify these matters to which You are held to common and the laws of church and state.



.....
(David J. Walter)(Complainant)
12th February 2013