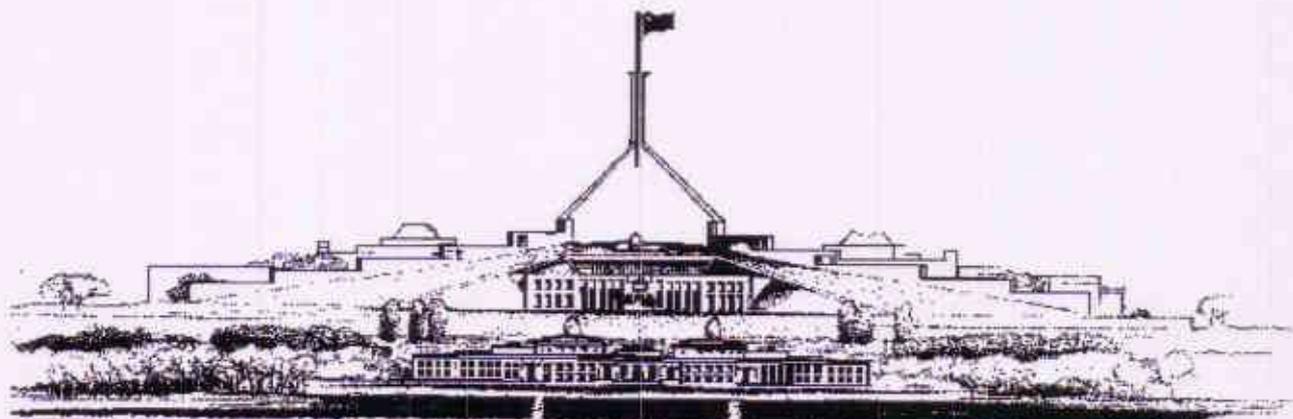




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



Senate

Official Hansard

No. 8, 2004

THURSDAY, 24 JUNE 2004

FORTIETH PARLIAMENT
FIRST SESSION—EIGHTH PERIOD

BY AUTHORITY OF THE SENATE

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SITTING DAYS—2004

Month	Date
February	10, 11, 12
March	1, 2, 3, 4, 8, 9, 10, 11, 22, 23, 24, 25, 29, 30, 31
April	1
May	11, 12, 13
June	15, 16, 17, 18, 21, 22, 23, 24
August	3, 4, 5, 9, 10, 11, 12, 30, 31
September	1, 2, 6, 7, 8, 9, 27, 28, 29, 30
October	5, 6, 7, 25, 26, 27, 28
November	22, 23, 24, 25, 29, 30
December	1, 2

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Thursday, 24 June 2004

The **PRESIDENT (Senator the Hon. Paul Calvert)** took the chair at 9.30 a.m. and read prayers.

PETITIONS

The Clerk—Petitions have been lodged for presentation as follows:

Defence: Involvement in Overseas Conflict Legislation

To the Honourable the President and Members of the Senate in Parliament assembled.

The Petition of the undersigned calls on the members of the Senate to support the Defence Amendment (Parliamentary Approval for Australian Involvement in Overseas conflict) Bill introduced by the Leader of the Australian Democrats, Senator Andrew Bartlett and the Democrats' Foreign Affairs spokesperson, Senator Natasha Stott Despoja.

Presently, the Prime Minister, through a Cabinet decision and the authority of the Defence Act, has the power to send Australian troops to an overseas conflict without the support of the United Nations, the Australian Parliament or the Australian people.

The Howard Government has been the first Government in our history to go to war without majority Parliament support. It is time to take the decision to commit troops to overseas conflict out of the hands of the Prime Minister and Cabinet, and place it with the Parliament.

by **Senator Bartlett** (from 136 citizens).

Education: Funding

To the Honourable the President and members of the Senate assembled in Parliament.

This petition of certain citizens of Australia draws to the attention of the Senate:

For over 150 years our country has been served by a comprehensive and inclusive system of public education. Public education has contributed to successful lives and democratic social development in an Australia which is highly skilled and economically strong. It has built our national identity and democratic traditions and given the

capacity for active citizenship to the Australian people.

All of this has been possible only because the system has enjoyed public confidence and public investment.

At this time both are under threat. Public confidence has been undermined by divisive attacks and public investment has been distorted by an unfair system of federal funding which favours an already well-off minority to the detriment of those in genuine need.

We therefore call on all Senators to condemn these unjust attacks, and to:

- accept national responsibility to provide priority in funding to public schools to enable them to continue to provide high quality education to all, regardless of wealth, location, ethnicity, religion or special needs; and,
- replace the current unfair SES funding model with a new Commonwealth and State system which provides enhanced educational resources to schools allocated on the basis of educational need and which ends public funding to wealthy schools which are already well resourced.

by **Senator Faulkner** (from 12,523 citizens).

Indigenous Affairs: Government Policy

To the Honourable President and members of the Senate in parliament assembled.

The petition of the undersigned shows:

That the current intention of the Government to abolish the rights of Aboriginal and Torres Strait Islander people to exercise their right of self-determination and self-management, will severely disadvantage Aboriginal and Torres Strait Islander people.

Your petitioners request that the Senate:

1. oppose any legislation for the abolition of ATSIC unless and until an alternative elected representative structure, developed and approved by Aboriginal and Torres Strait Islander peoples is put in place and which would, at the same time assume the function of ATSIC.

2. oppose any move to appoint an advisory committee as contrary to the rights of Aboriginal and Torres Strait Islander people to elect their own representatives.
3. oppose any move to diminish, dismantle, destroy and/or erode the principles of self-determination and self-management since any such action would turn back the clock on hard won rights of Aboriginal and Torres Strait Islander people.
4. strongly defend these rights of self-determination and self-management of Aboriginal and Torres Strait Islander people previously supported by the Australian Parliament.
5. oppose any move to main-stream services for Aboriginal and Torres Strait Islander people as this too would severely disadvantage Aboriginal and Torres Strait Islander people.

by **Senator Ridgeway** (from 159 citizens).

Indigenous Affairs: Natural Law and Spirituality

To the Honourable President and Members of the Senate in the Parliament assembled.

Theme of the undersigned shows:

That the rule of Law, as defined by the Commonwealth of Australia Constitution Act 1901, and as per the Grievances listed in the Petition to the Senate by the Sovereign People of Australia is fraudulently and unlawfully being administered by the current de-facto Parliament.

That the system of Governance as currently administered by the Parliament, in which the Federal Police can refuse to investigate the claims of the Petition by the Sovereign People of Australia using their so called discretionary powers is in breach of Covering Clause S of the Constitution Act.

That the current unlawful Governance in the Commonwealth of Australia, as per the stated grievances above, has been and still is responsible for the Genocide of the Indigenous Peoples, their System of the Rule of Natural Law and Spirituality, their Culture and the land mass of Australia.

That the current system of Governance under the Westminster model is a class structured system which allows for corruption, injustice and inequity, is not only outdated it is inferior to the Rule of Natural Law and Spirituality as practised by the Indigenous People of this Land.

That the High Court of Australia has illegally and without authority rewritten the Commonwealth Constitution Act and Constitution, by not applying Covering Clause 5. "This Act, and all the laws made by the Parliament under the Constitution are binding on the courts, judges and the people...."

That the Queen of the United Kingdom has abrogated her sworn duties under the Coronation Oath, and the Proclamation by Her predecessor, Queen Victoria. This is incorporated into the Commonwealth Constitution Act 1901, and is sworn by her representative the Governor General, to govern all People by Law under God, the creator of the Rule of Natural Law.

That the Sovereignty of this Land the 500 plus Nations of the First Peoples, and the system of the Rule of Natural Law and Spirituality has never been ceded to the U.K. Crown, nor to the Australian Crown.

Your Petitioners request that the Senate:

Take notice and

- (1) Adopts as the guiding Principals of the Parliament of the Commonwealth, the System of the Rule of Natural Law and Spirituality, which is the Law, Spirituality and Culture of this land, as practised by the Indigenous People since the beginning of time.
- (2) That all future laws made by the Parliament of the Commonwealth of Australia, be guided by the Rule of Natural Law and Spirituality.
- (3) That the Rule of Natural Law and Spirituality given by the Great Creator Spirit of the Universe is a universal Law and the birthright of all the People of the Planet, and will be acknowledged, taught and respected as Law.
- (4) That the Rule of Natural Law and Spirituality be acknowledged as the system

which connects the Land and its Ecosystems, the Sea and all marine life, the sky and the planets and stars and the Indigenous People through language and Spiritual connection and is a complete system, in which all parts are in balance and harmony.

- (5) That this system of Natural Law and Spirituality, though a kinship relationship of 8 female and 8 male connects Land, Law and spirituality though Language and Culture to all things and to each other, and is the only system which offers sustainability for this planet and for future Generations.
- (6) That this system of Natural Law and Spirituality is about the sustainability of all ecosystems of the Planet, equality of all People of the human race, Spirituality, interconnectedness and balance. This system does not allow for corruption, nepotism, environmental vandalism etc, which are the basis of capitalism, so called democracy and freedom, all of which are a primitive illusion. This system of Natural Law and Spirituality would not allow any leader, for example George Bush, John Howard or Tony Blair, or rogue nations and states to be above the Law. The Law is the Law is the Law.
- (7) That this Petition and the Petition to the Senate by the Sovereign People of Australia, is to be taken as The Declaration of Sovereignty and Independence by the Indigenous People of the 500 plus Nations of the First Peoples of this Land.

That it is Our intention to set up the first Aboriginal Government, on the site currently occupied and known as the Aboriginal Tent Embassy and that we require vacant possession of the Old Parliament House site immediately for the Law Council of Elders and Custodians of the Rule of Nil Law and Spirituality. That we will be pursuing International recognition through the United Nations and diplomatic communication with the governments of the World.

That we will be pursuing reparation from the Government of the United Kingdom and the Crown for Genocide, stealing our Lands and Sawed sites, stolen Generations, the environmental vandalism, the spiritual, cultural and eth-

nic cleansing of this Lands First Peoples, through the World Court and International Judicial Committees.

That all moneys currently paid to and in trust and on behalf of Aboriginal and Torres Strait Islanders and their organisations are to be continued as part payment on the Inter on the Reparations sought before the World Cowry.

We will be seeking reparation from the World Council of Churches for the same grievances that we have charged the Commonwealth Parliament and Government with.

That all purported exploration and mining leases on so called Crown Land and Seas are hence forth Terminated, and that reparation will be sought for the Spiritual and environmental vandalism used by the Companies responsible, and that full restoration of those sites will be part of the Claims for compensation.

That all attempts to reconcile the unlawful Governance by the Commonwealth Parliament as stated in these 2 Petitions has failed.

That all de-facto Members of the current Parliament are in denial of the facts and have been unable to disprove the grievances listed and unable to provide any lawful authority under the Commonwealth of Australia Constitution Act 1901.

We the People of this Land are standing forward in the name of the Great Creator Spirit/God and telling the truth and exposing the Genocide, fraud and lies of the current Parliament.

We open our hearts to all Peoples of Australia and the World to share this land/Law in respect of First People and the Rule of Natural Law and Spirituality.

That this Declaration of Sovereignty and Independence is based in Peace, Spiritual Law, and Respect for all People and the Land.

by Senator Ridgeway (from two citizens).

Indigenous Affairs: Government Policy

The Honourable President and Members of the Senate in the Parliament assembled.

The petition of the undersigned shows:

- (1) The Letters Patent 1984 relating to the Office of Governor General, purporting to revoke

and issue new Instructions, are unlawful and have no Constitutional head of power under the Commonwealth of Australia Constitution Act 1901.

- (2) That the statement tabled and not read to the House of Representatives on the 24th August 1984 by PM Bob Hawke, misrepresents the legality of Letters Patent and permanent Instructions 1900, and the constitutionality of the Letters Patents 1984.
- (3) That the Queen of Australia, has no constitutional powers under the Great Seal of Australia, nor the Constitution Act 1901, to revoke Letters Patent and Instructions, issued under the Great Seal of the United Kingdom and Northern Ireland.
- (4) That the correct heads of power to revoke, or issue new Letters Patent and Instructions, is Sec 2 of the Constitution Act 1901, and not Section 126, which refers to Deputies appointed directly by the Governor General.
- (5) That no lawful Instrument exists, granting transfer of the legal Sovereignty of the Imperial Parliament, to the Commonwealth of Australia, upon attaining independence.
- (6) That the said legal Sovereignty of the Imperial Parliament, could only be transferred to the body politic constituting the Commonwealth, and that is the people of the Commonwealth. (Quick and Garran, re Sovereignty p327, etc.)
- (7) That the Executive Government of the Commonwealth has at some stage of Australia's constitutional evolution into a Nation (H.C.A.), obfuscated and assumed the said legal Sovereignty, and "altered" the Commonwealth of Australia Constitution Act, without the knowledge of the People.
- (8) That the people have not been consulted, nor have they granted, that the legal Sovereignty reside anywhere else, other than in the People.
- (9) That the High Court of Australia, does not command the respect of the people because it has passed judgements that have no factual basis in law, and do in fact rewrite the Constitution, by way of so called legal positivism".

Your Petitioners request that the Senate:

- (a) Immediately holds a Public Royal Commission, plebiscite and or Senate Inquiry into the above grievances.
- (b) That on the above grievances being correct at law, it would stand that no lawful authority resides in the current Parliament, nor Executive Government, and that all Members of the de facto Parliament, stand down.
- (c) That no writs for the next Federal elections be issued, until this matter is settled.
- (d) That a Council of Elders, 12 Indigenous and 12 non Indigenous persons, be appointed to oversee the Administration of the Commonwealth until the truth has been told to the People and plebiscites and valid elections can be held.

by **Senator Ridgeway** (from two citizens).

Education: Educational Textbook Subsidy Scheme

To the Honourable the President and Members of the Senate in Parliament assembled.

The Petition of the undersigned draws to the attention of the Senate, concerns that the expiration of the Educational Textbook Subsidy Scheme on June 30 will lead to an eight percent increase in the price of textbooks, which will further burden students and make education less accessible.

Your petitioners believe:

- (a) a tax on books is a tax on knowledge;
- (b) textbooks—as an essential component of education—should remain GST free;
- (c) an increase in the price of textbooks will price many students out of education, particularly those students from disadvantaged backgrounds; and,
- (d) the Educational Textbook Subsidy Scheme should be extended past June 30.

Your petitioners therefore request the Senate act to extend the Educational Textbook Subsidy Scheme indefinitely.

by **Senator Stott Despoja** (from 9,471 citizens).