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NOTICE OF REBUTTAL OF CLAIM OF TITLE TO LAND AND CLAIM OF RIGHT

Take NOTICE, that pursuant to the following Facts, the Illawarra/Five Islands Tribes rebut and deny any and all claims by the Collective Crown to ANY form of ownership, title, dominion or Sovereignty over the lands, Children, Women and Men of the Illawarra/Five Islands Tribes.

- 1: The parliament of the United Kingdom (UK) at Westminster is a parliament of record.
- 2: The Monarch of the UK parliament is appointed pursuant to the provisions of the *Act of Settlement 1701* UK, the *Act Establishing the Coronation Oath*, 1689 and the *Coronation Oath Act* UK.
- 3: All powers relating to the Regal or Vice Regal authorities of Sovereignty and Dominion of the (UK) parliament and its' subsidiary/franchise parliaments of the Commonwealth of Australia and the parliaments of the various States and Territories (the Collective Crown) are required to be, and are in fact, recorded in writing for, amongst other reasons, evidentiary purposes.
- 4: All authorities or powers provided by any statute which has been given the Royal Ascent of the Monarch of the UK parliament apply to British subjects only.
- 5: All authorities and powers provided by any statute which has been given the Royal Ascent by the Governors General of the COMMONWEALTH OF AUSTRALIA (the Commonwealth) apply in respect of British Subjects only.
- 6: All authorities and powers provided by any statute which has been given the Royal Ascent by the Governors of any of the States of the Commonwealth apply in respect of British Subjects only.
- 7: The Tribes of this Pacific Island continent, but particularly the **Illawarra/Five Islands** Tribe, have never been British Subjects.
- 8: The Tribes of this continent, but particularly the **Illawarra/Five Islands** Tribe, are not British Subjects.
- 9: On 27th June 1872 the *Pacific Islander Protection Act (35 & 36 Vict, c. 19.)* 1872 UK (the PIP Act) was created.
- 10: The *Pacific Islander Protection Act (35 & 36 Vict, c. 19.)* UK received the Royal Ascent of Queen Victoria, monarch of the UK parliament.

11: On ~2nd August 1875 the *Pacific Islander Protection Act (38 & 39 Vict, c. 19.)* UK (the PIP Act) as amended was created.

12: The *Pacific Islander Protection Act (38 & 39 Vict, c. 19.)* UK (the PIP Act) received the Royal Ascent of Queen Victoria, monarch of the UK parliament.

13: United Nations Resolution 2625 (XXV), a copy of which is attached and marked with the letter 'A', states the following:

The principal of equal rights and self determination of peoples.

By virtue of the principle of equal rights and self determination of peoples enshrined in the Charter of the United Nations, all peoples have the right freely to determine, without external interference, their political status and to pursue their economic, social and cultural development, and every state has the duty to respect this right in accordance with the provisions of the Charter.

Every State has the duty to promote, through joint and separate action, realization of the principle of equal rights and self determination of peoples, in accordance with the provisions of the Charter, and to render assistance to the United Nations in carrying out the responsibilities entrusted to it by the Charter regarding the implementation of the principle, in order:

A: To promote friendly relations and co-operation among States, and

B: To bring a speedy end to colonialism, having due regard to the freely expressed will of the people concerned;

and bearing in mind that subjection of peoples to alien subjugation, domination and exploitation constitutes a violation of the principle, as well as a denial of fundamental human rights, and is contrary to the Charter.

Every State has the duty to promote through joint and separate action universal respect for and observance of human rights and fundamental freedoms in accordance with the Charter.

The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by the Peoples constitute modes of implementing the right of self-determination by that People.

Every State has the duty to refrain from any forcible action which deprives Peoples referred to above in the elaboration of the present principle of their right to self-determination and freedom and independence. In their actions against, and resistance to, such forcible action in pursuit of the exercise of their right to self-determination, such Peoples are entitled to seek and to receive support in accordance with the Charter.

14: Accordingly, any UN Member State including but not limited to THE COMMONWEALTH OF AUSTRALIA or any part thereof, which uses any forcible action which deprives the **Illawarra/Five Islands** people of their free will and freedom to exercise their self determination and establish or continue in their own Sovereign and separate State commits a breach to the fundamental Human Rights of the **Illawarra/Five Islands** people.

15: In response to the COMMONWEALTH OF AUSTRALIA and New South Wales (the Crowns') previous, current and future acts of aggression, the **Illawarra/Five Islands** reserve the right to seek the protection from such acts of aggression in accord with UN Resolution 2625 (XXV).

16: The Crown does not have consent nor any other informed permission from the **Illawarra/Five Islands** People to conduct any form of commerce nor trade upon the Sovereign and Tribal lands of the **Illawarra/Five Islands** people.

17: The **Illawarra/Five Islands** people hereby declare the Crowns' claims to any and all forms of an interest in the lands of the **Illawarra/Five Islands** people to be false, misleading and fraudulent.

18: The **Illawarra/Five Islands** hereby give Notice to the Crown that We intend from the ~1st of April 2012 CE forward to govern and administer our selves and our lands and demand payment for the occupation of Our lands by the Crown of the sum of \$1,000,000,000.00 (one billion dollars) in Euro dollars payable in Gold Bullion.

19: The **Illawarra/Five Islands** hereby give Notice to the Crown that sum of \$1,000,000,000.00 (one billion dollars) in Euro dollars payable in Gold Bullion is to be paid by the ~1st May 2012 CE.

20: The **Illawarra/Five Islands** hereby give Notice to the Crown that sum of \$1,000,000,000.00 (one billion dollars) in Euro dollars payable in Gold Bullion, if not paid by the ~1st May 2012 CE will accrue interest at the rate of 0.25% daily (\$2,500,000.00 daily).

21: The term LOT, when used in reference to the Torrens Titling system is an analogy for the phrase Location Of Title.

22: The Location Of Title in a Deposited Plan does not refer to the land as no title can be given lawfully in respect of Title over land upon this island continent due to the fact the Crown has never had nor held absolute title in order to vest title to or in another.

23: At all times absolute title over the lands on this continent has remained with the Sovereign Tribes of this continent.

- 24:** The **Illawarra/Five Islands** Tribe has never KNOWINGLY acquiesced their Title nor dominion over their lands to the Crown in any form nor style.
- 25:** To forcibly remove the **Illawarra/Five Islands** Tribes' Sovereignty over their Tribal lands by refusing to recognize their Sovereignty in favor of the Crowns' fraudulent claim to title is to commit ethnic cleansing the Tribal moiety from the records and is an act of war against them violating respected International law.
- 26:** On 27th June 1872 the *Pacific Islander Protection Act (35 & 36 Vict, c. 19.)* 1872 UK (the PIP Act) was created.
- 27:** The *Pacific Islander Protection Act (35 & 36 Vict, c. 19.)* UK received the Royal Assent of Queen Victoria, monarch of the UK parliament.
- 28:** On ~2nd August 1875 the *Pacific Islander Protection Act (38 & 39 Vict, c. 19.)* UK (the PIP Act) as amended was created. A copy of that Act is attached and marked with the letter 'B'.
- 29:** The *Pacific Islander Protection Act (38 & 39 Vict, c. 19.)* UK (the PIP Act) received the Royal Assent of Queen Victoria, monarch of the UK parliament.
- 30:** The two PIP Acts of 1872 and 1875 UK are to be read as one act as provided for in Section 1 of the 1875 amendment there-to.
- 31:** Section 6 of the PIP Act 1875 provides that 'It shall be lawful for Her Majesty to exercise power and jurisdiction over Her subjects within any islands or places in the pacific ocean not being within Her Majesties dominions.....' etc.
- 32:** The whole of Section 6 of the PIP Act 1875 describes the nature and limitation of the UK Monarchs' jurisdiction on this Pacific Island continent being applicable in respect of British Subjects only.
- 33:** Halsbury's' Rules (England) 3rd Edition (Halsbury's), which is the contemporaneous Edition when speaking of the PIP Act, at volume 36 - Statutes, paragraph 559 at page 337 of that volume, affirms the parliamentary rule that the parliament of the UK can not usurp the sovereignty of the Tribal parliaments of the Pacific Islands, of which this island continent is the largest, and vice versa.
- 34:** Halsbury's also provides in the section cited that: 'Once put into force a statute cannot be repealed by any later Parliament, its provisions can merely be brought forward into current legislation, because a later Parliament cannot derogate from its forefathers legislation.....' A copy of the relevant section of Halsburys' is attached and marked with the letter 'C'.

35: It was the intention of the UK parliaments' creation of the PIP Act to prevent the unlawful usurpation of the Tribes Sovereignty by application and enforcement of the stated prohibitions and protections as provided in Sections 6 & 7 of the PIP Act 1875.

36: The provisions of the PIP Act remained enforceable in respect of the Crown and British subjects and THEIR administrative parliaments and THEIR agents and agencies on this Pacific Island continent until at least the 24th August 1999 when the Commonwealth of Australia parliament made an attempt to repeal the PIP Act.

37: This is evidenced by Schedule 2 of the *Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999* CTH, a copy of which is attached and marked with the letter **D**.

38: The UK Act known as *63 & 64 Victoria Chapter 12 An Act to Constitute the Commonwealth of Australia Act 1900* UK is an Act of the UK parliament and has received the Royal Ascent of a monarch of that parliament.

39: Given the UK Act known as *63 & 64 Victoria Chapter 12 An Act to Constitute the Commonwealth of Australia Act 1900* UK was created by application of Royal Ascent of a monarch of the UK parliament, it has a jurisdiction in respect of British subjects only.

40: Section 9 of the UK Act known as *63 & 64 Victoria Chapter 12 An Act to Constitute the Commonwealth of Australia Act 1900* UK is referred to as the Commonwealth Constitution Act (the Constitution).

41: In its' original form, the Constitution provided at sub-section 51.26 that:
PART V - POWERS OF THE PARLIAMENT

CHAPTER I SECT 51
Legislative powers of the Parliament

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:-

(xxvi)The people of any race, other than people of the Aboriginal race, for whom it is deemed necessary to make special laws:

42: Section 51.26 was drafted into the Constitution so as to accord with previous legislation, namely the PIP Acts, and to comply with the statutory prohibition to the usurpation of the Sovereignty of the Tribes created by the UK parliament through the PIP Act at Section 7.

43: By way of the referendum of 27th May 1967, the British subjects to whom the Commonwealth Constitution and State/Territory Constitutions applied, decided to amend THEIR Commonwealths' Constitution by simply removing the words '**other than people of the Aboriginal race**' from Sub-section 51.26 there of.

44: That referendum result did not affect the independence nor Sovereign status of the Tribes.

45: In its' original form, the Constitution provided at section 127 that:
127. In reckoning the number of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives shall not be counted."

46: Section 127 of the Constitution was drafted into the Constitution so as to accord with previous legislation, namely the PIP Acts, and to comply with the statutory prohibition to the usurpation of the Sovereignty of the Tribes created by the UK parliament through the PIP Acts.

47: By way of the referendum of 27th May 1967, the British subjects to whom the Commonwealth Constitution applied decided to repeal section 127 in its' entirety.

48: That referendum result did not affect the Sovereign nor legal status of the Tribes.

49: The nefarious manipulation by the Crown to the interpretation of the Commonwealth Constitution and amendments made to it in order to misrepresent the fraudulent usurpation of the Tribes' Sovereignty, as is evidenced by the Commonwealths' claim to parliamentary sovereignty, is nonetheless fraud and untenable at law.

50: The referendum of the 27th May 1967 was reserved exclusively for the participation in, and determination of the proposed Constitutional amendments by, those British subjects present upon this Pacific Island continent to whom the Constitution, as a UK statute, applied.

51: The Tribes, other than certain Tribal people who had 'obtained' a 'franchise', were not allowed to participate in that referendum as the Constitution, being a statute of the UK parliament, given Royal Ascent by a UK monarch, did not apply to the Tribes either to their benefit nor detriment, as, equally, the Tribal Law of the Tribes has no lawful effect on the lands of the UK as provided by Halsbury's.

52: The Referendum of 27 May 1967 did not address any matter relating to the Sovereignty of the Tribes of this Pacific Island continent which, until at least 24th August 1999, had been protected from any legal usurpation by the UK parliament and or that parliaments' subsidiary/franchised 'Australian' parliaments, by the PIP Acts.

53: In 1999 the Commonwealth parliament created the *Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999* (CTH) by way of the purported application of the required Royal Ascent of the Governor General, purporting to have Vice Regal authority given by Queen Elizabeth II as either the Queen of the UK or the Queen of Australia. A copy of that amendment to that Act is attached and marked with the letter D.

54: That Governor General mentioned in the above paragraph, Sir William Deane (1996-2001), did not have the required standard of Vice Regal authority necessary to give the Royal Assent to create the *Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999* (CTH) with this fact being acknowledged in written advice from the Privy Council secretariat on September 2nd 2003. A copy of that advice is attached and marked with the letter 'E'.

55: Accordingly, all acts undertaken by Sir William Deane in that unlawful capacity were acts of fraud and do not carry ANY weight at law.

56: The *Australia Act 1986* UK, which provides for the creation of the *Australia Act 1986* CTH states in its' preamble that:

1986 CHAPTER 2

An Act to give effect to a request by the Parliament and Government of the Commonwealth of Australia.

[17th February 1986]

Whereas the Parliament and Government of the Commonwealth of Australia have, with the concurrence of the States of Australia, requested and consented to the enactment of an Act of the Parliament of the United Kingdom in the terms hereinafter set forth:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-.....

57: The legal fact is that there has never been a referendum undertaken of the Australian people in order for the parliaments (Commonwealth, State and or Territory) to obtain the required legal consent of the Australian people to their parliaments allowing a foreign parliament and power (the UK Parliament and its' monarch) to make a statute for them.

58: Unless and until there is a Reciprocal Treaty, entered into between the UK and the Commonwealth of Australia parliaments, entered with the full knowledge and consent of the Australian people, evidencing a full compliance with the Full General Assembly of The United Nations' Resolution 2625 (XXV) of October 24, 1970, thereby declaring ALL British Acts (both Colonial and Imperial) as legal and binding on the **Illawarra/Five Islands Tribes** in accord with their consent to same, the creation of the *Australia Act 1986* UK has no legal effect at all in respect of Tribal Peoples on this continent as it is a statute that binds the UK people only, having emanated from THEIR parliament under the authority and Seal of THEIR monarch.

59: Unless and until there is a Reciprocal Treaty, entered into between the Governments of the UK and the Commonwealth of Australia and the Sovereign Tribes of this Pacific Island Continent, with the full knowing consent of the Tribes under full intention of the Tribes acquiescing their Sovereignty to the UK AND Australian parliaments, evidencing full compliance with the Full General Assembly of The United

Nations' Resolution 2625 (XXV) of October 24, 1970, thereby declaring ALL British Acts (both Colonial and Imperial) as legal and binding on the Sovereign Tribes of this Pacific Island continent, there can be no legal bind between the Tribes of this Pacific Island continent and the UK parliament and or the Australian parliaments at ANY time until and including the present.

60: Following the Balfour Declaration in 1927, when it was realized the United Kingdom no longer had any executive power over Australia, the UK Parliament passed legislation separating the Monarch and the UK Parliament from the Governors-General of Australia.

61: The Australian Governors-General, States' Governors, and the Australian Parliaments from then on dealt with the British Foreign Office, not the British Colonial Office, as did all other independent nations as the Queen of the UK parliament was legally an alien to them.

62: The Full Bench of the High Court of Australia has ruled that the United Kingdom is a power foreign to Australia in *Sue v Hill*, HC 1999.

63: None of the above mentioned issues or actions had or have the effect at law of diminishing the status of the Sovereignty of the Tribes.

64: Accordingly, no authority that is an authority vested in the monarch of the UK parliament or is an authority created by or vested in the purported Queen of Australia valid, legal nor binding the Sovereign Tribes of this Pacific Island continent.

65: Under UK statute if Queen Elizabeth II of the parliament of the UK takes the title of 'Queen' or position of Head of State of anywhere else she is committing an act of treason against the people of the UK, and is assuming the role of an Absolute Monarch by usurping the authority of the Parliament of the UK, to which the Monarch has been subjective since the time Charles I lost his head in 1649.

66: Following the Restoration William and Mary of Orange came to the throne of England.

67: Before William and Mary of Orange were crowned, in January 1689, they signed the Declaration of Right (*Bill of Rights 1689* UK) which removed from the Monarch/s, the power of absolute Monarchy and made the monarch subjective to the UK parliament, or in other words, the Monarch became a "Monarch in Parliament" as opposed to a "Monarch in Counsel", or in other words, the monarch is a public servant.

68: In October 1690 the Bill of Rights was passed which, among other things, gave Executive Power in the UK to the UK Parliament. (This was the birth of the 'Constitutional Monarchy', where the Executive Power no longer lay with the monarch.)

69: This has never been changed in UK statute.

70: The Constitution at Chapter 1, Section 1, **still** provides:

70.1: *"The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the Queen, a Senate, and a House of Representatives, and which is herein-after called "The Parliament" or "The Parliament of the Commonwealth."*

71: It is clear and irrefutable that the "Queen" referred to in The Constitution, Chapter 1, Part 1, Paragraph 1, is the "Queen" of the Parliament of the UK and not the purported and illegal 'Queen of Australia', the creation of which person has not complied with the requirements of either the UK parliament nor its own statutes, nor Australian statutes.

72: The [63 & 64 Vict.] (Chapter 12) *An Act to Constitute the Commonwealth of Australia 1900* UK at Section 2 provides:

"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."

73: The Queen referred to in The [63 & 64 Vict.] (Chapter 12) *An Act to Constitute the Commonwealth of Australia 1900* UK Section 2 is the Queen Victoria of the parliament of the UK, and NOT the purported and illegal person of the 'Queen of Australia'.

74: The Constitution at Chapter 1, Part 1, Section 2 provides:

74.1 *"A Governor-General appointed by the Queen shall be Her Majesty's representative in the Commonwealth, and shall have, and may exercise in the Commonwealth during the Queen's pleasure, but subject to this Constitution, such powers and functions of the Queen as Her Majesty may be pleased to assign to him."*

75: The person or entity referred to in The Constitution at Chapter 1, Part 1, Paragraph 2, must be the Queen of the Parliament of the UK which has been acknowledged as being a Foreign Power since at least 1999 when the High Court determined so in *Sue -v- Hill - High Court 1999*.

76: Therefore, section 61 the Constitution, which confers Executive Power on the Queen of the UK through the various Governors-General by vice-Regal powers, in actual FACT confers executive power in Australia on the Parliament of the UK as the Queen cannot, under UK law, bestow any commissions of appointment, including Writs of Commission for 'Australian' Magistrates etc, without the approval of the UK Parliament.

77: The *Royal Styles and Titles Act 1973* removed the title 'Queen of the United Kingdom in Australia' and substituted the title 'Queen of Australia'.

78: Either title is a deception as they both suggest that "Queen Elizabeth II" of London England, Monarch of the Parliament of the UK, can, does or ever did hold any Executive, Royal, Legal, Constitutional and or any other right, entitlement or authority

over the Australian people, however, neither title extends a right of Sovereignty over the Tribes in any case.

79: Apart from the *Royal Styles and Titles Act 1973* being used illegally (as it confers a “Royal Right” which no longer exists at law), The Constitution recognizes only the “Queen of the United Kingdom of Great Britain and Ireland”.

80: The ‘Queen of Australia’ has no executive or other power within Australia as this person is not recognized by the Constitution of the Commonwealth of Australia.

81: The Queen of Australia has no executive power within the UK.

82: Executive power within the UK lies with the UK Parliament and not with the Monarch.

83: Unless specifically agreed to, and or asked for, by the Australian people through their elected representatives, via a federal referendum, no Executive power of the Parliament and or the Monarch of the UK has any lawful authority over the Australian people with that prohibition being more clearly defined in respect of the Tribal people of this Pacific Island continent.

84: The Monarch of the Parliament of the UK in her purported capacity as Queen of Australia or any other alleged or purported capacity or right cannot confer any delegated executive powers to the Governors-General of Australia, or Governors of the States, that she herself does not possess including:

84.1: Regal and or Vice-Regal authority for ANY person to act in the purported official capacity of:

84.1.1: the Governor General of the Commonwealth of Australia, and or;

84.1.2: the Governor of any of the States and or Territories of the Commonwealth of Australia.

85: Halsburys Laws of England, Volume II, paragraphs 9 (11) to 9 (25) provides:
“the Royal Sign Manual is a power of the United Kingdom Parliament under such various acts as the Great Seal Act, the Crown Offices Act, the Clerk of the Crown and Chancery Act, and the Crown Seal Offices Act etc.”

86: Therefore, NO appointments or commissions made by the “Queen of England” (who is recognized in the Constitution), or the “Queen of Australia” (who is not recognized in the Constitution), that are not signed by senior members of the UK Parliament are valid appointments as the monarch has not had the power to make appointments of her own volition since 1690, however, any appointments or commissions that are signed by same have no legal authority in/on Australia.

87: The last purportedly valid appointments made by a British Monarch were made by Queen Victoria who died in 1901.

88: Under UK law, Royal appointments, authorities and commissions die with the Monarch.

89: There have never been any Royal Appointments, authorities or commissions made in accordance with UK law since the time of Queen Victoria.

90: Therefore, all bills presented to the Australian parliaments since that time have never received lawful 'Royal Assent' as required in the Commonwealth Constitution, and therefore remain as Bills and have never become Acts.

91: Pursuant to Section 128 of the Constitution, the Parliament of Australia had no power to appoint a new Head of State in the guise of "Queen of Australia". To do so is to claim sovereignty over the People of Australia without the permission of the people of Australia.

92: No such permission was ever given. (See Australian Parliament House website, Referendum Results).

93: The Australian Parliaments:

93.1: did not get the power to appoint a Governor-General from the UK parliament nor its' monarch, and,

93.2: did not get the power to appoint a Governor-General from the Australian people.

94: Section 6 of the [63 & 64 Vict.] (Chapter 12) *An Act to Constitute the Commonwealth of Australia 1900* UK refers to the "States" in their previous and now untenable capacities as Colonies of the United Kingdom.

95: The following is the Oath of Allegiance sworn by ALL purported "Australian" Parliamentarians of both the House and the Senate, as contained within the Constitution which is the foundation statute of Australia and binds the Courts to its' words.

95.1:

OATH

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

AFFIRMATION.

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

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

96: The Constitution does not contain any element/s of Sovereignty as it was never meant to grant or provide for any claim by the UK to Sovereignty or dominion over this Pacific Island continent as to do so would be to attempt to usurp the Sovereignty of the Tribes and that had been previously statute barred by the UK parliament.

97: The Tribes are NOT:

97.1: part of any Australian or UK Colony (as defined in the Constitution, nor,

97.2: a "possession of the Queen (of the UK or Australia)" (as defined by the Constitution).

89.2.1: However, IF the Queen claims a right of possession over the Tribes of this island continent she is to be held as a Slave holder and or Slave Trader pursuant to Section 270.1 of the *Criminal Code Act 1995* CTH.

97.3: subject to ANY purported or actual statute or other legality enacted or otherwise given any power either:

97.3.1: by the UK Queen's most Excellent Majesty, or,

97.3.2: by "Her heirs and or successors, or,

97.3.3: by and or with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the United Kingdom Parliament.

98: The Tribes of this Pacific Island continent are not, and never have been, legally subject to any authority/s of ANY foreign power/s including the Collective Crown in any and all of its' purported or actual capacities.

99: The Tribes of this Pacific Island continent are not, and never have been, legally required to acknowledge, be subservient to, or be in any way obliging to and or governed by either:

99.1: the monarch of the UK, and or,

99.2: any of their "heirs and or successors",

99.3: any agent nor agency, for or of the Collective Crown jointly or severally, whether as the Monarch of the Parliament of the UK or the purported monarch of the Commonwealth of Australia.

100: The Schedule of the *Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999* (CTH) states the following:

Schedule 2—Repeal of Imperial Acts

1 Repeal of certain Imperial Acts relating to slavery
The Imperial Acts and provisions of Imperial Acts specified in this Schedule are repealed, so far as they are part of the law of Australia or of an external Territory.

Pacific Islanders Protection Act 1873 (35 & 36 Victoria, ch 19)

2 The whole of the Act
Repeal the Act.

Pacific Islanders Protection Act 1875 (38 & 39 Victoria, ch 51)

3 The whole of the Act
Repeal the Act.

101: The Schedule 2 of the *Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999* (CTH) evidences the fact that the PIP Acts were valid and the provisions thereof remained enforceable in respect of the Crown until at least the 24th August 1999. (Attachment D)

102: Since the creation of the *Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999* (CTH) there has been no legally binding, fully informed, knowing acquiesce to the Collective Crown jointly or severally in any of its'/their purported rights, guises or capacities by the **Illawarra/Five Islands** Tribal Moiety of their Sovereignty, Title nor dominion over their Tribal lands nor selves.

103: It has been held by the High Court that a matter held in a schedule to an Act is not part of the law as in the Judgment of that Court in *Teoh* (Minister of State for Immigration and Ethnic Affairs v Ah Hin Teoh (1995) 183 CLR 273, [1995] HCA 20) (Teohs' case).

104: The High Court held in Teohs' case held that despite the fact that the *International Covenant on Civil and Political Rights* and the *Rights of the Child Treaty* were written into the schedule of the *Human Rights and Equal Opportunity Commission Act 1986* CTH and referred to DIRECTLY in the text of the Act, they were NOT written into the Act and do not apply as a part thereof.

105: Accordingly, and appropriately, it has been held that what is in a schedule is not part of the Act.

106: It is fact therefore, that the PIP Acts have not been lawfully repealed as it is in the Schedule to the *Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999* (CTH) that the suggestion is made that the Acts were repealed and, as established in Teohs' case, there is no legal bind between what is in an Act and what is in the Schedule

to that Act, and that doesn't touch on the issues of propriety concerning the Commonwealth of Australia parliament 'repealing' a statute of the UK parliament.

107: More over and regardless of whether the PIP Acts have or have not been lawfully repealed or otherwise, there has been no knowing informed act of acquiescence of Sovereignty by the **Illawarra/Five Islands** Tribal Moiety, neither before nor after the 24th of August 1999.

108: The statutory limitations to the Crowns' right to extend or construe to extend its' UK parliaments' Sovereignty or dominion over the Tribes and Tribal lands remains binding on the Crowns' Australian parliaments as despite the claim that the parliaments of Australia have attained political/parliamentary sovereignty they can not claim sovereignty over the Tribes and Tribal lands as that Sovereignty was never vested in the UK parliament in order for it to pass any form of sovereignty onto ANY "Australian" parliament.

109: The Crowns parliaments have never sought nor obtained from the Tribes their fully informed knowing consent to legislate on the Tribes' behalf. It being trite fact that the vast majority of Tribal people have no competent comprehension of the statutes nor their implication, let alone having ever legally, knowingly acquiesced to same.

110: The Collective Crown has acted on a presumption to have had the right to legislate for and in respect of the Tribes without the Tribes' consent and competent comprehension of the Collective Crowns' true nefarious intentions.

111: That presumption is rebutted by the Tribes and is unsustainable at law.

112: The Tribes, jointly and severally, have rebutted the presumption made by the Collective Crowns' parliaments that they have now, or at any time have had, a consent or any other authority to legislate for and or in respect of the Tribes through public Notice and ceremony.

113: One such ceremony was held at Buondi (Bondi Beach) in May 2011 in full public view and Notice, with other treaty ceremonies taking place between the Tribes to create the Original Sovereign Tribal Federation (OSTF) (with the OSTF being given the authority to speak for and on behalf of the Federations' member Tribes who wish to be so supported) both prior to and since that Treaty Ceremony.

114: The OSTF is established by way of Treaty between the various member Tribes and in accord with Tribal law.

115: Section 118 of the Constitution provides the following:

CHAPTER V SECT 118
Recognition of laws, &c. of States

118. Full faith and credit shall be given, throughout the Commonwealth to the laws, the public Acts and records, and the judicial proceedings of every State.

116: Section 30 of the *Acts Interpretation Act 1989* NSW provides that:

Effect of amendment or repeal of Acts and statutory rules

- (1) The amendment or repeal of an Act or statutory rule does not:
 - (b) affect the previous operation of the Act or statutory rule or anything duly suffered, done or commenced under the Act or statutory rule, or
 - (c) affect any right, privilege, obligation or liability acquired, accrued or incurred under the Act or statutory rule, or
- (2) Without limiting the effect of subsection (1), the amendment or repeal of an Act or statutory rule does not affect:
 - (a) the proof of any past act or thing, or
 - (b) any right, privilege, obligation or liability saved by the operation of the Act or statutory rule, or

117: Accordingly, the right of the Tribes to have their Sovereignty and dominion over their lands protected from usurpation by the Crown or its' agents is not affected by the repealing of the PIP Acts.

118: Section 31 of the *Acts Interpretation Act 1989* NSW provides that:

Acts and instruments to be construed so as not to exceed the legislative power of Parliament

- (1) An Act or instrument shall be construed as operating to the full extent of, but so as not to exceed, the legislative power of Parliament.
- (2) If any provision of an Act or instrument, or the application of any such provision to any person, subject-matter or circumstance, would, but for this section, be construed as being in excess of the legislative power of Parliament:
 - (a) it shall be a valid provision to the extent to which it is not in excess of that power, and
 - (b) the remainder of the Act or instrument, and the application of the provision to other persons, subject-matters or circumstances, shall not be affected.

119: Accordingly, the parliament does not have a right to exceed the statutory limitation of the PIP Act in any construction of any instrument nor in the performance nor exercising of ANY powers, including the granting of such powers to the parliaments agents, namely police, magistrates, Departmental officers etc, to act beyond such limitations.

120: Section 32 of the *Acts Interpretation Act 1989* NSW provides that:

Instruments to be construed so as not to exceed the powers conferred by the Acts under which they are made

- (1) An instrument shall be construed as operating to the full extent of, but so as not to exceed, the power conferred by the Act under which it is made.
- (2) If any provision of an instrument, or the application of any such provision to any person, subject-matter or circumstance, would, but for this section, be construed as being in excess of the power conferred by the Act under which it is made:
 - (a) it shall be a valid provision to the extent to which it is not in excess of that power, and
 - (b) the remainder of the instrument, and the application of the provision to other persons, subject-matters or circumstances, shall not be affected.
- (3) This section applies to an instrument in addition to, and without limiting the effect of, any provision of the instrument or of the Act under which it is made.

121: Accordingly, the States' parliament does not have a right to exceed the statutory limitation of the PIP Act in any construction of any instrument nor in the performance nor exercising of any power nor authority, including the granting of such power/authority to the parliaments agents including but not limited to police, magistrates, Departmental officers etc,.....

122: In relation to the observance of the PIP Acts, Section 31 the *Acts Interpretation Act 1989 NSW* provides that
Regard to be had to purposes or objects of Acts and statutory rules.

In the interpretation of a provision of an Act or statutory rule, a construction that would promote the purpose or object underlying the Act or statutory rule (whether or not that purpose or object is expressly stated in the Act or statutory rule or, in the case of a statutory rule, in the Act under which the rule was made) shall be preferred to a construction that would not promote that purpose or object.

123: Accordingly, the States' parliament must comply with the underlying construction and intent of the PIP Act which was clearly to protect Tribal Sovereignty, particularly given the stated limitation of the parliaments powers being over British subjects only, and the VERY clearly stated protection of Sovereignty and dominion to the Tribes within the text of the PIP Act.

124: Section 34.2 of the *Acts Interpretation Act 1989 NSW* provides that:

- 34: Use of extrinsic material in the interpretation of Acts and statutory rules**
- (2) **Without limiting the effect of subsection (1), the material that may be considered in the interpretation of a provision of an Act, or a statutory rule made under the Act, includes:**

- (a) all matters not forming part of the Act that are set out in the document containing the text of the Act as printed by the Government Printer,
- (b) any relevant report of a Royal Commission, Law Reform Commission, committee of inquiry or other similar body that was laid before either House of Parliament before the provision was enacted or made,

125: The Published Report on the *Enquiry Into Aboriginal People Wherever British Settlements Were Made*, a Report released in respect of the 5 year inquiry held by the UK parliaments' House of Commons, clearly states the UK Parliament knew and accepted it did not have Sovereignty over this Pacific Island continent as at 1840.

126: There is no legal instrument in existence which evidences a knowing and lawful acquiescence of Sovereignty, title nor dominion over the Kokatha Tribes' lands or people by the Kokatha Tribe Elders Council, whether on so called 'just terms' or otherwise.

127: The Collective Crown, jointly and severally has no lawful title or ownership rights to or in respect of the lands which lands remain the indisputable Real Estate of the **Illawarra/Five Islands** Tribal Moiety and subject to their laws only.

128: Section 116 of the Constitution provides that the Crown can not legislate in respect of religious observance. It specifically provides;

CHAPTER V SECT 116

Commonwealth not to legislate in respect of religion

116. The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

129: Accordingly, given the Religious Spirituality of the **Illawarra/Five Islands** Tribal Moiety is centered upon the possession and occupation of Tribal lands as an integral part of the Tribes' spirituality, it is an understood and trite fact that the **Illawarra/Five Islands** Tribal Moiety view themselves as the inalienable and permanent Sovereigns of their area of this Pacific Island continent in accord with that status provided by the Creator.

130: No UK monarch has the right under any statute to steal that which is not His/Hers. This includes a prohibition from stealing from the Tribes what was given to them by their Creator Spirit, including the people themselves.

131: It is not the lawful prerogative of the UK parliament nor its subsidiary Australian parliaments to usurp the Sovereignty of the Tribes or to otherwise dictate the status of the Tribes unless the UK and or Australian parliaments are presuming a right of ownership over the Tribes jointly and severally.

132: If the UK and or Australian parliaments are presuming a right of possession or ownership over the Tribes then the Tribes would bring to the attention of those making such an assertion of Section 268 of the Criminal Code 1995 CTH, and section 270 of the Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999 CTH, which provides the following:

Division 270—Slavery, sexual servitude and deceptive recruiting

270.1 Definition of slavery:

For the purposes of this Division, slavery is the condition of a person over whom any or all of the powers attaching to the right of ownership are exercised, including where such a condition results from a debt or contract made by the person.

270.2 Slavery is unlawful

Slavery remains unlawful and its abolition is maintained, despite the repeal by the Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999 of Imperial Acts relating to slavery.

270.3 Slavery offences

- (1) A person who, whether within or outside Australia, intentionally:
- (a) possesses a slave or exercises over a slave any of the other powers attaching to the right of ownership; or
 - (b) engages in slave trading; or
 - (c) enters into any commercial transaction involving a slave; or
 - (d) exercises control or direction over, or provides finance for:
 - (i) any act of slave trading; or
 - (ii) any commercial transaction involving a slave;
- is guilty of an offence.

Penalty: Imprisonment for 25 years.

133: Ownership at law is defined as being:

OWNERSHIP:

The complete dominion, title, or proprietary right in a thing, person or claim. See PROPERTY.

The ownership of a thing is the right of one or more persons to possess and use it to the exclusion of others. Ownership is the right by which a thing belongs to some one in particular, to the exclusion of all other persons.

(Blacks Law 2nd Edition)

134: No contract made without the benefit of full disclosure is legal or binding.

135: Enforcing the terms or conditions of any contract including any contract, social, adhesive or other, between a Tribal man, woman or child and the Crown in any of its' rights, purported or actual, when such terms or conditions are not clearly adduced to the Tribal person in a form they can FULLY comprehend prior to the entering of the contract, is extrinsic fraud.

136: Nothing done under color of fraud is legally binding nor enforceable.

137: If any legal right of Sovereignty over the Tribes on the behalf of the UK parliament, its' monarch or the Crown in any capacity or right does or did exist, there has never been any lawful reassignment of such purported right of Sovereignty from the UK parliament, monarch or the Crown to the Australian parliaments.

138: The Law of the Tribes is still, to this day, recognized by the Commonwealth as evidenced by Form 'b' at question 16 on page 4 of the current (AS AT 7th September 2011 at 12:19:55 AM) Australian government CENTRELINK 'Claim for ABSTUDY' form (Government Printer form number XY019.1101 - a copy of which is attached hereto and marked with the letter 'F'); the question asks:

What is your CURRENT relationship status?

and the check box answer number 7 is:

'married or recognised as married under Aboriginal/Torres Strait Islander law'

139: This request by the Commonwealth parliament (whether or not vicariously through its' government) for this information in respect of the recognition of a marriage Created by the authority of Tribal law, is a public record of the acceptance and recognition by the Crown of the fact of the continued existence of Tribal law, with full faith and credit being necessarily due to the provisions of that Tribal law by all courts and judges of the Commonwealth and States in the Right of the crown.

140: "Qui prior est tempore potior est jure". Translated, the legal maxim says: "He who is first in time has the strongest claim in law"...

141: A Tribal person, despite acting in his/her rightful manner as a Tribal man/woman upon Tribal lands, and whilst doing so, trying to bring the incongruous nature of the current inequitable interface between Settlers' statutes and Tribal law, acts in accord with Section 24.F of the Cries Act 1914, which provides that:

CRIMES ACT 1914

- SECT 24F

Certain acts done in good faith not unlawful

- 1) Nothing in the preceding provisions of this Part makes it unlawful for a person:**
 - (a) to endeavor in good faith to show that the Sovereign, the Governor-General, the Governor of a State, the Administrator of a Territory, or the advisers of any of them, or the persons responsible for the government of another country, has or have been, or is or are, mistaken in any of his or their counsels, policies or actions;**
 - (b) to point out in good faith errors or defects in the government, the constitution, the legislation or the administration of justice of or in**

the Commonwealth, a State, a Territory or another country, with a view to the reformation of those errors or defects;

- (c) to excite in good faith another person to attempt to procure by lawful means the alteration of any matter established by law in the Commonwealth, a State, a Territory or another country;
- (d) to point out in good faith, in order to bring about their removal, any matters that are producing, or have a tendency to produce, feelings of ill-will or hostility between different classes of persons; or
- (e) to do anything in good faith in connection with an industrial dispute or an industrial matter.

142: At no time has there been provided to the **Illawarra/Five Islands** Tribal Moiety a competent and truthful 'expose' true intention of the Crown and its' fraudulent attempt to usurp the Sovereignty of the **Illawarra/Five Islands** Tribal Moiety.

143: The Collective Crown has at all material times, through the use of threats, intimidation and genocidal actions, held the **Illawarra/Five Islands** Tribal Moiety in a comparatively poor, uneducated (in the Crown's ways) and indefensible state, rendering the **Illawarra/Five Islands** Tribal Moiety incapable of comprehending or answering the Collective Crown's claims with those claims being made variously on the part of the Crown in various rights and capacities and in such a manner as to confuse **Illawarra/Five Islands** Tribal Moiety as to exactly which legal 'person' or capacity the **Illawarra/Five Islands** Tribal Moiety should challenge the Collective Crown.

144: To remove or attempt to remove the status of Sovereignty from the **Illawarra/Five Islands** Tribal Moiety and the records is to ethnically cleanse or attempt to ethnically cleanse the **Illawarra/Five Islands** Tribal Moiety from the record.

145: The **Illawarra/Five Islands** Tribal Moiety is not a member of the Torres Strait Islander group of Tribes and are a separate and distinct race of men, women and children.

145: The Laws and customs, culture and ways of the **Illawarra/Five Islands** Tribal Moiety are neither connected, similar nor a party to the Torres Strait Islander tribes.

146: The findings in the Mabo 1 and Mabo 2 cases were in respect of the Torres Strait Islanders and NOT in respect of the Tribes of the main land of this Pacific Island continent.

DEFINITIONS:

Collective Crown: This term means, whether jointly or severally, the United Kingdom parliament and or its' monarch, the Commonwealth of Australia and or its' monarch and or Head of State, the States of New South Wales, South Australia, Western Australia, Queensland, Victoria, and or Tasmanian parliaments and or their monarchs and

or Heads of State, and the Territories of the Australian Capital Territory and the Northern Territory and or their monarchs and or Heads of State, the City of London Corporation, the Crown in any and all of its purported and or actual rights and or capacities.

Tribe and or Tribes: This term means, whether jointly or severally (as appropriate), the original Tribes of this Pacific Island Continent.

Illawarra/Five Islands: Means the **Illawarra/Five Islands** tribe in their Sovereign independent status.

British subject: Means any man, woman or child who is not a member of one of the Tribes of this Pacific Island continent, yet is present here whether as a tourist, worker, diplomat, immigrant, or other)