

Form 1 Notice of a constitutional matter  
(rule 5.01.3)

IN THE HIGH COURT OF AUSTRALIA No. of

[ MELBOURNE OFFICE OF THE ] REGISTRY

BETWEEN:

10 TRAN ©® (artificial person)  
tran (natural man god creation) deny consent to be enslaved  
PHAM ©® (artificial person)  
pham (natural man god creation) deny consent to be enslaved  
WILSON ©® (artificial person)  
wilson (natural man god creation) deny consent to be enslaved  
Plaintiffs

and

20 Governor General (Commonwealth of Australia)  
Prime Minister of Australia (Commonwealth of Australia)  
Attorney General (Commonwealth of Australia)  
Defendants

#### NOTICE OF A CONSTITUTIONAL MATTER

1. The Plaintiff gives notice that this proceeding involves a matter arising under the Constitution or involving its interpretation within the meaning of Section 78B of the Judiciary Act 1903 .

30 Filed for Plaintiff by

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2. [ State the nature of the matter (e.g., the constitutional issue which is said to arise).

On grounds **section 78b(1) of the judiciary Act 1903, ULTRA VIRES** concerning Australia and states laws and **oaths** (queen of a foreign country) after 10 September 1919 ( Hansard, Commonwealth of Australia for the 10th September, 1 of October 1919, Pages 12169a, 12171d and on 30 September 1921 page 11631, the speech is by Mr. Hughes, Prime Minister) and trespass of sovereignty and points 1 to 26 below.

- 1) Interpretation of the *Commonwealth of Australia Constitution Act, 1900 (U.K.)*
- 2) *The Royal Style and Titles Act, 1973 (Cth) (foreign law)*
- 10 3) *Deprivation of rights under color of law. What was the due process of law*
- 4) *Interpretation Act 1901 (Cth)*
- 5) *Judicial Act 1903 (Cth)*
- 6) *Evidence Act 1995 (Cth)*
- 7) *Privacy Act 1988 (Cth)*
- 8) *Crimes Act 1914 ( Cth) and Criminal Code Act 1995 (Cth)*
- 9) *Administrative Appeals Tribunal Act 1975 (Cth)*
- 10) *Human Rights and Equal Opportunity Act 1986 (Cth)*
- 11) *Racial Discrimination Act 1975 (Cth)*
- 12) *Human Rights Act, 1998 (UK)*
- 20 13) *Royal and Parliamentary Titles Act, 1927 (U.K.) (foreign law)*
- 14) *commonwealth of Australia and it states politician and judges are committing treason (oath to queen) and are not legal, lawful or authorised because working for foreign power (sue v hill)*
- 15) *validity of all admiralty laws, and maritime laws in the commonwealth of Australia and its states*
- 16) *what presumption, assumption, interpretation of the word, statute, society person (natural person gods creation, persona, artificial person(s) {family name and or Mr} which has duties and responsibility)*
- 17) *validity of all state and commonwealth laws after 1919 to present day*
- 30 18) *All politician and judges are stealing the natural Australia people sovereignty given by the king and parliament of England(foreign power)*
- 19) *Proof of the **corpus delecti***
- 20) **FIAT JUSTITIA, RUAT COELUM**

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- 21) commonwealth of Australia and united kingdom treaties: Peace Treaty of Versailles on 28th June 1919, League of Nations, Article 2 (1) of the Charter of the United Nations, Geneva Convention Number IV, *Article 36 of the Statute of International Justice* 1966, *Declaration on Civil and political Rights, Universal Declaration of Human Rights* .
- 22) “*Commonwealth Power to Make and Implement Treaties*” paragraph 4.13
- 23) *At P15 ‘ People Versus Power’ by Sir Kenneth M. McCaw QC (ISBN 0 03 900161 X).*
- 24) The agreement or contract that all the natural people of the Commonwealth of Australia signed giving their Sovereignty to a foreign power the queen or parliament of England (sue v hill, high court of Australia).
- 10 25) United Nation Treaties: **Universal Declaration of Human Rights, article 5 and 14 (inter alia) International Convention on the Elimination of All Forms of Racial Discrimination, article 14.1 (inter alia) International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights.**
- 26) This natural man does not consent to be governed or ruled by lies, deceit and the fictional government and courts using the colour of law and has sworn a oath to the queen of England foreign power (sue v hill)

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1. The matter before all Courts depends upon the interpretation; and validity of the executive and judiciary power of the Commonwealth as vested in the Queen (*a foreign power*) and is exercisable by the Governor-General (*oath to a foreign power*) of the Commonwealth of Australia as the Queen's (*a foreign power*) representative and extends to the execution and maintenance of clause nine (9) of the (63 & 64 VICTORIA, CHAPTER 12) An Act to constitute the Commonwealth of Australia.(9th July 1900)UK (*a foreign law*) and of the laws of the Commonwealth, as is specified in section 61 of the aforesaid clause of the aforesaid Act.
2. The *Preamble* to the *Commonwealth of Australia Constitution Act, 1900 (U.K.)* defines the Crown (*a foreign power*) as that of "the United Kingdom of Great Britain and Ireland".
3. Clause two (2) of the *Commonwealth of Australia Constitution Act, 1900 (U.K.)* states, "The provisions of this Act referring to the Queen (*a foreign power*) shall extend to Her Majesty's heirs and successors in the sovereignty of the United Kingdom."
4. Throughout the entire *Commonwealth of Australia Constitution Act, 1900 (U.K.) (a foreign law)* "the United Kingdom" is as defined within the *Preamble* to that Act.
5. The *Royal and Parliamentary Titles Act, 1927 (U.K. (a foreign law))* established the new sovereignty of the United Kingdom of Great Britain and Northern Ireland. The *Royal and Parliamentary Titles Act, 1927 (U.K.) (a foreign law)* was never law applicable to the Commonwealth of Australia, not being law adopted as Australian law under the *Statute of Westminster Adoption Act, 1942 (Cth) (foreign law)*.
6. The *Royal Style and Titles Act, 1973 (Cth) (a foreign law)* are not legal or lawful in the commonwealth of Australia.
7. Australian law since 1919 are not legal or lawful in the commonwealth of Australia subsequent laws (*foreign laws*) are not legal or lawful.
8. In order for a Bill of Law of the Federal Parliament of the Commonwealth of Australia to become an Act of Law of the Commonwealth of Australia, the Bill is required to be given Royal Assent in accordance with the provisions of section 58 of clause nine (9) of the *Commonwealth of Australia Constitution Act, 1900 (U.K.) (a foreign law)*.
9. 78b notices have been sent to all the attorney general of the state and commonwealth and Territory of Australia.

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### Constitutional Issues For Ruling

1. Which Sovereign appointed and which Sovereign was represented by the Governors-General (swears a oath to *foreign power and foreign laws*) of the Commonwealth of Australia and states who gave Royal Assent to non-existent laws enforced by French, Hayne, Gummow and Crennan?
2. The Plaintiffs submits that the Royal Assent given by the Governors-General (sworn a oath to *foreign law and power*) to (*foreign laws*) are defective and cannot be rectified as any Royal Assent so given would have been given either by a representative of a non-existent Sovereignty or by a representative of a Sovereignty that was not recognized by the Commonwealth of Australia Constitution Act, 1900 (Cth). (*foreign law*)
3. Australia was a Plenipotentiaries a belligerent nation of the Peace Conference of Versailles
4. meaning and assumption of the word person
5. the law that allows a *foreign* government and their law to **establishing a religion and imposing the governments religious observance and over rides god the creator (who creates owns control) of man and interferes with the natural mans practices and observance to their creator god on the living man?**
6. commonwealth of australia papers relating to the peace treaties, contracts and agreements signing and ratification by the parliament of Australia.
  - (a) Memorandum dated 12th March, 1919 circulated by Sir Robert Borden, on behalf of the Dominion Prime Ministers. (Sir Robert Borden was Prime Minister of Canada)
  - (b) Rules of the Peace Conference contained in Annex II to Protocol I of the Conference, defining the position and representation of the several powers, including the Dominions (dated 18th January 1919).
  - (c) Correspondence between the Commonwealth Government and the Secretary of State for the Colonies concerning the signing and ratification of the Peace Treaties.
  - (d) Order in Council passed in Australia, moving his majesty The King to issue Letters Patent appointing plenipotentiaries in respect of the Commonwealth of Australia.

Section (b) of this document was classified Secret by His Britannic Majesty's Government and had a nominal 30 years non disclosure attachment notification.

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- a. A matter arising under The Constitution or involving its interpretation within the meaning of section 78B of the Judiciary Act 1903 as follows:
- b. Whether Section 1 of the constitution is null and void. S1:

**Legislative power**

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 hereinafter called *The Parliament* , or *The Parliament of the Commonwealth* .

- c. Whether Section 51 of the constitution is null and void. S51:

**Legislative powers of the Parliament**

10 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: (inter alia)

(vi) the naval and military defence of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth;

(xix) naturalization and aliens;

(xxiii) invalid and old-age pensions;

(xxiiiA) the provision of maternity allowances, widows' pensions, child endowment, unemployment, pharmaceutical, sickness and hospital benefits, medical and dental services (but not so as to authorize any form of civil conscription), benefits to students and family allowances;

20 (xxiv) the service and execution throughout the Commonwealth of the civil and criminal process and the judgments of the courts of the States;

(xxv) the recognition throughout the Commonwealth of the laws, the public Acts and records, and the judicial proceedings of the States;

(xxvi) the people of any race , ~~other than the aboriginal race in any State,~~ for whom it is deemed necessary to make special laws;

(xxvii) immigration and emigration;

(xxxi) the acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has power to make laws;

(xxxvi) matters in respect of which this Constitution makes provision until the Parliament otherwise provides;

30 (xxxix) matters incidental to the execution of any power vested by this Constitution in the Parliament or in either House thereof, or in the Government of the Commonwealth, or in the Federal Judicature, or in any department or officer of the Commonwealth.

- d. Whether Section 52 of the constitution is null and void. S52:

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## **Exclusive powers of the Parliament**

The Parliament shall, subject to this Constitution, have exclusive power to make laws for the peace, order, and good government of the Commonwealth with respect to:

- (i) the seat of government of the Commonwealth, and all places acquired by the Commonwealth for public purposes;
- (ii) matters relating to any department of the public service the control of which is by this Constitution transferred to the Executive Government of the Commonwealth;
- (iii) other matters declared by this Constitution to be within the exclusive power of the Parliament.

10 e. Whether Section 73 of the constitution is null and void. S73:

### **Appellate jurisdiction of High Court**

The High Court shall have jurisdiction, with such exceptions and subject to such regulations as the Parliament prescribes, to hear and determine appeals from all judgments, decrees, orders, and sentences:

- (i) of any Justice or Justices exercising the original jurisdiction of the High Court;
- (ii) of any other federal court, or court exercising federal jurisdiction; or of the Supreme Court of any State, or of any other court of any State from which at the establishment of the Commonwealth an appeal lies to the Queen in Council;
- 20 (iii) of the Inter-State Commission, but as to questions of law only;

and the judgment of the High Court in all such cases shall be final and conclusive.

But no exception or regulation prescribed by the Parliament shall prevent the High Court from hearing and determining any appeal from the Supreme Court of a State in any matter in which at the establishment of the Commonwealth an appeal lies from such Supreme Court to the Queen in Council.

Until the Parliament otherwise provides, the conditions of and restrictions on appeals to the Queen in Council from the Supreme Courts of the several States shall be applicable to appeals from them to the High Court.

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- f. Whether Section 75 of the constitution is null and void. S75:

**Original jurisdiction of High Court**

In all matters:

- (i) arising under any treaty;
- (ii) affecting consuls or other representatives of other countries;
- (iii) in which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party;
- (iv) between States, or between residents of different States, or between a State and a resident of another State;
- (v) in which a writ of Mandamus or prohibition or an injunction is sought against an officer of the Commonwealth;

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the High Court shall have original jurisdiction.

- g. Whether Section 80 of the constitution is null and void. S80:

**Trial by jury**

The trial on indictment of any offence against any law of the Commonwealth shall be by jury, and every such trial shall be held in the State where the offence was committed, and if the offence was not committed within any State the trial shall be held at such place or places as the Parliament prescribes.

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- h. Whether judges, commonwealth officials, registrars and deputy registrars of the courts, or prothonotaries have the legal capacity to make laws contrary to the aforementioned Constitution sections, inter alia;

- i. Whether *Human Rights and Equal Opportunity Commission Act 1986* is null and void as illegally opinioned by French, Hayne, Gummow, Crennan, North, Gray, Heerey JJ, contrary to

- i. Being validly published and proclaimed Act of the Australian Parliament;
- ii. By Reference to Section 13 Acts Interpretation Act 1901, as part of an Act it is Law;
- iii. It is cited as a Law in the *Privacy Act 1988*;
- iv. It is cited in S 138 (3) (f) *Evidence Act 1995*;
- v. It is cited as a Law in the *Criminal Code Act 1995*, in the Dictionary, and three offences;

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vi. By S 5 Commonwealth of Australia Constitution Act 1900, it binds the “courts judges and people of every State” so every Magistrate and Judge must cease discrimination, Guaranteed by Article 14 of **International Covenant on Civil and Political Rights (THE COVENANT)**;

vii. By Article 50 of the Covenant its provisions extend to every State Jurisdiction in Australia.

j. Whether S 3 of the *Administrative Appeals Tribunal Act 1975* is null and void: decisions under an Enactment are reviewable

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*“Enactment is defined as set out below, and where a decision is made by any administrative officer, whatever called, it is caught by the Act:*

*Rules which purport to confer a power to make a decision, but do not specify that it must be made by a “court” including decisions made under Rules of Court are reviewable under the above Act.”*

*Enactment includes: (c) an instrument (including rules, regulations or by?laws) made under an Act or under such an Ordinance;*

k. whether the Affidavits and the sworn Statements of Australian Citizens are less valid and of less legal basis than the lies and fabrication of other Australians and the Commonwealth of Australia;

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l. Human Rights and Equal Opportunity Act (HREOA) 1986 (Cth): whether Australia has obligations under International Convention on Civil and Political Rights and other International Human Rights charters make it unlawful to deprive Australian citizens access to the laws and legal process and to basic Human Rights;

m. Racial Discrimination Act 1975 (Cth): whether Australia has obligations under International Convention on the Elimination of All Forms of Racial Discrimination and whether Commonwealth laws (HREOA and RDA) make it unlawful to discriminate and treat differently based on race; and whether the Judiciary is exempt from them;

n. Whether Order 53 r 2, 0 53B r 2 and 059 r 1 and Section 44 of the Administrative Appeals Tribunal Act 1975 permit the Plaintiff the option seek the Court make findings of facts;

o. Evidence Act 1995: whether hearsay is admissible; Respondents' documents satisfy all the elements that make them prima facie inadmissible by the rule against hearsay;

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p. Whether perjury is endorsed and encouraged by the Judiciary in the interpretation and/or application of the Judiciary Act 1903 and/or any other Acts;

q. Whether fabrication of evidence and facts are endorsed and encouraged by the Judiciary in the interpretation and/or application of the Judiciary Act 1903 and/or any other Acts;

r. Whether rule 6.07 of the High Court Rules 2004, dispenses with the Constitution, and all other Acts of Parliament of the Commonwealth of Australia, and International Treaties to which Australia is signatory;

s. Whether rule 6.06.1 of the High Court Rules 2004 provides for “having given that person an opportunity to be heard”.

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- t. Whether *Human Rights and Equal Opportunity Act 1986 (Cth) and Racial Discrimination Act 1975 (Cth) or Human Rights Act, 1998 (UK)* apply in the Commonwealth of Australia;

3. I State the facts showing the matter is one to which Section 78B of the Judiciary Act 1903 applies.

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- i) On 24th January 2008, Hayne J violated the Plaintiff's rights to Originating Process and Notice(s) of Constitutional Matter in the High Court jurisdiction in direct violation of the *Commonwealth of Australia Constitution Act 1900*, the *Acts Interpretation Act 1901 - SECT 25D* and others, the *Evidence Act 1995 (Cth)*, the *Crimes Act 1914 (Cth) S 43* and other sections, the *HREOCA 1986* and *RDA 1975* which give rise to Australia's obligations under the *Universal Declaration of Human Rights*, *International Convention on the Elimination of All Forms of Racial Discrimination*, *International Covenant on Civil and Political Rights*, *International Covenant on Economic, Social and Cultural Rights*, under articles relating to "right to an effective remedy by the competent national tribunals" and "right to social security"; as affirmed by Crennan, Gummow JJ on 20 February 2008, in denying the Applicant right of reply in further application (5 Feb 2008) to the High Court, contrary to rule 6.06.1 of the High Court;
- 20
- ii) Hayne J not only prejudiced the process but effectively running the defence for the Defendants, (who failed to file notices of appearances), on false pretenses and non-existent jurisdiction; All Defendants failed to appear to challenge the proceedings;
- iii) Hayne J failed to recognize "Peremptory Stay of Proceedings" on challenges of jurisdiction at the lower courts;
- iv) Hayne J failed to award court costs for the Defendants' non-appearances and for costs from costs regulations 8.2, 9, 10, 11;
- v) The Commonwealth Governor General authorized Fee Regulations Rule 11, without authorization of Australian Parliament, and contrary to Australia's obligations to ICCPR article 14.1, inter alia; thereby authorized the Commonwealth's violations of the Plaintiff's Human Rights of access to the High Courts, and lower Courts;
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- vi) President of HREOC John von Doussa refusing to terminate complaints of racial discrimination under *HREOA 1986 46PO (Cth)*, inter alia, such that they can be heard in the Federal Court, contrary to Australia's obligations to ICCPR article 14.1, inter alia;
- vii) President of HREOC John von Doussa refusing to report human rights violations to Australian Parliament under *HREOA 1986 46PO (Cth)* inter alia;

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