



Standing Committee on Environment and Public Affairs

Legislative Council

**Inquiry into the Implications for Western Australia of Hydraulic
Fracturing for Unconventional Gas**

Contact:
Ronda Harman

This submission contains reasons why I do not believe fracking should be allowed in the state of Western Australia. Initially, I tried to address the Terms of Reference in order, however, due to the fact some arguments were being repeated for more than one term of reference I decided to set my submission out in a different way to limit repetition.

1. Terms of Reference

The current Terms of Reference set out for this inquiry are too narrow and do not cover all of the risks associated with fracking. Fracking will have a far reaching impact on the community and for this reason it is vital that all aspects are discussed in more detail. I have included some of these below and request that they also be taken into consideration.

2. Water

Access to clean, safe water is a basic human right. Without safe water the human race will cease to exist. Wells have been known to fail and chemicals used in fracking contaminates the water thus rendering it unsafe for human consumption. The water table has already been impacted by mining in the Midwest and waterholes have gone dry. There are reports from the United States showing more than 30 towns are now running out of water due to fracking. We should not allow this to happen in Western Australia where the ecosystem is already fragile and under threat. This would impact farming in the area, with even more farmers being forced off the land when they're already having hardship. A whole industry would be put at risk, and livelihoods ruined, all for the sake of one process. Cattle, in the United States, have been found dead within an hour of drinking contaminated water. Farmers in Western Australia would risk losing their livestock in this manner also.

3. Health risks

As I am not a health professional, I am unable to comment on this topic in depth. However, as a member of the community, I do have some concerns about health risks associated with fracking. Water contamination, air pollution, the threat of harmful chemicals will all impact the quality of life of local residents. There is reported to be an increase of cancer in one community in Queensland located near a fracking well. Similar concerns have been found in various other locations internationally.

4. Climate Change

Climate change is a huge issue globally. Fossil fuels a huge contributor to global warming and we are now at a crisis point. Rather than continue extracting fossil fuels at an alarming rate, risking the stability of the environment and the planet, we need to be focusing on the development and implementation of renewable energy. Western Australia has great opportunity with solar and wind power that would create jobs and pose less risk to the community than fracking. Climate change is impacting the world at an alarming rate and methane is a contributing factor. Gas is not a clean fuel, it is a dirty fuel and it should be left in the ground. With the availability of the sun in Western Australia, there is no reason why we can develop solar energy and move beyond fossil fuels. There is no future in fossil fuels except a toxic one. Climate change would see the loss of fauna and flora unique to this state. There is also an increased risk of earthquakes due to fracking and as we are now seeing more commonly in places where fracking has occurred, sink holes. Sinkholes make sense because if you are standing on solid rock, and then that rock is suddenly broken up by high pressure water, sand and chemicals, the rock is no longer solid and can easily collapse. It risks the very stability of the ground people are standing on.

5. Tourism

The Midwest is a tourist destination drawing visitors from all over the world to view the spectacular wildflower display every year. This tourism pumps money into the local economies in the small towns, through tours, accommodation, meals and souvenirs. With over 12,000 species of flowers, 60% of which are found nowhere else in the world, fracking in the Midwest could pose a threat to the tourism of the area and the contribution to the local economy that the wildflowers bring in. There is also a question of whether fracking would lead to the extinction of many of these species. Again, 60% of these wildflowers are found nowhere else in the world.

6. Wildlife

Mining has already affected the water table in the Midwest with soaks running dry. Local tribal people state that a waterhole frequented by kangaroos has run dry. With fracking in the area there is a potential for further waterholes to dry up or the water would be contaminated rendering the water unsafe for consumption. If fracking were to take place, several species of fauna that are already under threat of extinction could become extinct. There is also evidence by way of fresh feces and nests, found by local tribal people, of the existence of the Lesser Stick-nest Rat which has been thought to be extinct which would be impacted by fracking in the area. For this reason I call for further investigation on this.

7. Aboriginal Heritage and Culture

Both the Native Title Act 1993 and the Aboriginal Heritage Act 1972 state that Aboriginal people have a right to access sites of significance for ceremonial purposes and the conducting of cultural practices. Fracking would limit access to sites as it would be unsafe and water contamination would mean we would be unable to undertake prolonged periods of cultural practice. The potential loss of fauna and floral would also mean a discontinuation of the hunter/gatherer lifestyle still employed by some tribal members on a regular basis. These items are a basis for our culture, and continued disruption would be an act of genocide. According to the UN definition of Genocide:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

- **(a) Killing members of the group;**
- **(b) Causing serious bodily or mental harm to members of the group;**
- **(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;**
- **(d) Imposing measures intended to prevent births within the group;**
- **(e) Forcibly transferring children of the group to another group.**

Allowing fracking to proceed would be a deliberate infliction of conditions to bring about both physical and spiritual destruction in the conduction of culture by a specific ethnic and religious group. Sacred sites have spiritual significance to tribal people and fracking could mean damage to these sites, if not a total destruction of the sites. This would mean an impact on the spiritual practices and well-being of Aboriginal people. Article 8, of the UN Declaration on the Rights of Indigenous People also states:

1. Indigenous peoples and individuals have the right not to be subjected to forced assimilation or destruction of their culture.

2. States shall provide effective mechanisms for prevention of, and redress for:

- a. Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;**

- b. Any action which has the aim or effect of dispossessing them of their lands, territories or resources;
- c. Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;
- d. Any form of forced assimilation or integration;
- e. Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

While Articles 10, 11 and 12 of the UN Declaration on the Rights of Indigenous People state:

Article 10

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples concerned and after agreement on just and fair compensation and, where possible, with the option of return.

Article 11

1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.

2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

Article 12

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.

Fracking would hinder and even violate our rights under the UN Declaration on the Rights of Indigenous people. While environmental impact and associated health risks are of great concern, so is further loss of Aboriginal culture by way of decision being made without consideration of impact on us. Aboriginal culture is the World's oldest living culture that has struggled to survive through adversity and for this reason great consideration should be given to this.

8. Sovereignty

Due to the fact that no tribe in Australia has ceded their sovereignty or tribal lands to the Crown, the land has never been under the jurisdiction of the Crown and therefore, the Government has no right to approve the fracking process to be undertaken on tribal lands. I ask that the Parliament provide a Proof of Purchase, a signed document, a treaty or such item proving the land belongs to the Crown. Please find attached a copy of a Notice of Rebuttal which sets out tribal claim to our land. Also included is supporting evidence of our Sovereign status:

- UN RESOLUTIONS (24 October 1970)
- PIP Act 1875
- HALSBURYS RULES Section

- Criminal Code Amendment (Slavery & Sexual Servitude) Act 1999
- Privy Council Document (Email)
- ABSTUDY FORM_PART B

To sum up, I personally believe that fracking should not be allowed to take place in Western Australia. It is damaging to the environment and to the community. Fracking poses too great a risk. There is a risk to water, to communities, to agriculture, to employment through loss of farming and community structure. There is an impact on Aboriginal culture and on local fauna and flora as well as an impact on the global environment through climate change. This is my personal view on why fracking should not be allowed to go ahead in Western Australia. Thank you for taking the time to read my submission.

Signed

Ronda Harman

16/9/2013.

NOTICE OF REBUTTAL

Take NOTICE, that pursuant to the following Facts, the Widi 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 Widi 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 States and Territories thereof (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 Widi Tribes, have never been British Subjects.
- 8:** The Tribes of this continent, but particularly the Widi Tribes, 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 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: The term LOT, when used in reference to the Torrens Titling system is an analogy for the phrase Location Of Title.

- 15:** 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.
- 16:** At all times absolute title over the lands on this continent has remained with the Sovereign Tribes of this continent.
- 17:** The Widi Tribes have never KNOWINGLY acquiesced their Title nor dominion over their lands to the Crown in any form nor style.
- 18:** To forcibly remove the Widi 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.
- 19:** 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*.
- 20:** 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 States and Territories thereof (the Collective Crown) are required to be, and are in fact, recorded in writing for, amongst other reasons, evidentiary purposes.
- 21:** 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.
- 22:** 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.
- 23:** 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.
- 24:** The Tribes of this Pacific Island continent, but particularly the Widi Moiety Tribes, have never been British Subjects.
- 25:** The Tribes of this continent, but particularly the Widi Moiety Tribes, are not British Subjects.

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 Ascent 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 Ascent 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 Ascent 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 Widi 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 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 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 Widi 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 Widi 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 Widi 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 Widi 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 Widi 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 Crimes 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 Widi Tribal Moiety a competent and truthful expose' true intention of the Crown and its' fraudulent attempt to usurp the Sovereignty of the Widi Tribal Moiety.

143: The Collective Crown has at all material times, through the use of threats, intimidation and genocidal actions, held the Widi Tribal Moiety in a comparatively poor, uneducated (in the Crowns ways) and indefensible state, rendering the Widi Tribal Moiety incapable of comprehending or answering the Collective Crowns' 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 the Widi Tribal Moiety as to exactly which legal 'person' or capacity the Widi Tribal Moiety should challenge the Collective Crown.

144: To remove or attempt to remove the status of Sovereignty from the Widi Tribal Moiety and the records is to ethnically cleanse or attempt to ethnically cleanse the Widi Tribal Moiety from the record.

145: The Widi 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 Widi 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.

Widi: Means the Widi 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)

RESOLUTIONS ADOPTED ON THE REPORTS OF THE SIXTH COMMITTEE

CONTENTS

Resolution No.	Title	Item	Date of adoption	Page
2625 (XXV)	Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (A/8082)	85	24 October 1970	121
2634 (XXV)	Report of the International Law Commission (A/8147)	84	12 November 1970	124
2635 (XXV)	Report of the United Nations Commission on International Trade Law (A/8146)	86	12 November 1970	125
2644 (XXV)	Report of the Special Committee on the Question of Defining Aggression (A/8171)	87	25 November 1970	126
2645 (XXV)	Aerial hijacking or interference with civil air travel (A/8176)	99	25 November 1970	126
2669 (XXV)	Progressive development and codification of the rules of international law relating to international watercourses (A/8202)	91	8 December 1970	127
2697 (XXV)	Need to consider suggestions regarding the review of the Charter of the United Nations (A/8219)	88	11 December 1970	127
2698 (XXV)	United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law (A/8213)	90	11 December 1970	128
2723 (XXV)	Review of the role of the International Court of Justice (A/8238)	96	15 December 1970	128
<i>Other decisions</i>				
Amendment to Article 22 of the Statute of the International Court of Justice (Seat of the Court) and consequential amendments to Articles 23 and 28		89	8 December 1970	129
Progressive development and codification of the rules of international law relating to international watercourses		91	8 December 1970	129
Review of the role of the International Court of Justice		96	15 December 1970	129
Aerial hijacking or interference with civil air travel		99	25 November 1970	129

2625 (XXV). Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations

The General Assembly,

Recalling its resolutions 1815 (XVII) of 18 December 1962, 1966 (XVIII) of 16 December 1963, 2103 (XX) of 20 December 1965, 2181 (XXI) of 12 December 1966, 2327 (XXII) of 18 December 1967, 2463 (XXIII) of 20 December 1968 and 2533 (XXIV) of 8 December 1969, in which it affirmed the importance of the progressive development and codification of the principles of international law concerning friendly relations and co-operation among States,

Having considered the report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States,¹ which met in Geneva from 31 March to 1 May 1970,

Emphasizing the paramount importance of the Charter of the United Nations for the maintenance of international peace and security and for the development of friendly relations and co-operation among States,

Deeply convinced that the adoption of the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations on the occasion of the twenty-fifth anniversary of the United Nations would contribute to the strengthening of world peace and constitute a landmark in the development of international law and of relations among States, in promoting the rule of law among nations and particularly the universal application of the principles embodied in the Charter,

Considering the desirability of the wide dissemination of the text of the Declaration,

1. Approves the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, the text of which is annexed to the present resolution;

2. Expresses its appreciation to the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States for its work resulting in the elaboration of the Declaration;

3. Recommends that all efforts be made so that the Declaration becomes generally known.

1883rd plenary meeting,
24 October 1970.

¹ Official Records of the General Assembly, Twenty-fifth Session, Supplement No. 18 (A/8018).

ANNEX

DECLARATION ON PRINCIPLES OF INTERNATIONAL LAW CONCERNING FRIENDLY RELATIONS AND CO-OPERATION AMONG STATES IN ACCORDANCE WITH THE CHARTER OF THE UNITED NATIONS

PREAMBLE

The General Assembly,

Reaffirming in the terms of the Charter of the United Nations that the maintenance of international peace and security and the development of friendly relations and co-operation between nations are among the fundamental purposes of the United Nations,

Recalling that the peoples of the United Nations are determined to practise tolerance and live together in peace with one another as good neighbours,

Bearing in mind the importance of maintaining and strengthening international peace founded upon freedom, equality, justice and respect for fundamental human rights and of developing friendly relations among nations irrespective of their political, economic and social systems or the levels of their development,

Bearing in mind also the paramount importance of the Charter of the United Nations in the promotion of the rule of law among nations,

Considering that the faithful observance of the principles of international law concerning friendly relations and co-operation among States and the fulfilment in good faith of the obligations assumed by States, in accordance with the Charter, is of the greatest importance for the maintenance of international peace and security and for the implementation of the other purposes of the United Nations,

Noting that the great political, economic and social changes and scientific progress which have taken place in the world since the adoption of the Charter give increased importance to these principles and to the need for their more effective application in the conduct of States wherever carried on,

Recalling the established principle that outer space, including the Moon and other celestial bodies, is not subject to national appropriation by claim of sovereignty, by means of use or occupation, or by any other means, and mindful of the fact that consideration is being given in the United Nations to the question of establishing other appropriate provisions similarly inspired,

Convinced that the strict observance by States of the obligation not to intervene in the affairs of any other State is an essential condition to ensure that nations live together in peace with one another, since the practice of any form of intervention not only violates the spirit and letter of the Charter, but also leads to the creation of situations which threaten international peace and security,

Recalling the duty of States to refrain in their international relations from military, political, economic or any other form of coercion aimed against the political independence or territorial integrity of any State,

Considering it essential that all States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

Considering it equally essential that all States shall settle their international disputes by peaceful means in accordance with the Charter,

Reaffirming, in accordance with the Charter, the basic importance of sovereign equality and stressing that the purposes of the United Nations can be implemented only if States enjoy sovereign equality and comply fully with the requirements of this principle in their international relations,

Convinced that the subjection of peoples to alien subjugation, domination and exploitation constitutes a major obstacle to the promotion of international peace and security,

Convinced that the principle of equal rights and self-determination of peoples constitutes a significant contribution to

contemporary international law, and that its effective application is of paramount importance for the promotion of friendly relations among States, based on respect for the principle of sovereign equality,

Convinced in consequence that any attempt aimed at the partial or total disruption of the national unity and territorial integrity of a State or country or at its political independence is incompatible with the purposes and principles of the Charter,

Considering the provisions of the Charter as a whole and taking into account the role of relevant resolutions adopted by the competent organs of the United Nations relating to the content of the principles,

Considering that the progressive development and codification of the following principles:

(a) The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

(b) The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered,

(c) The duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter,

(d) The duty of States to co-operate with one another in accordance with the Charter,

(e) The principle of equal rights and self-determination of peoples,

(f) The principle of sovereign equality of States,

(g) The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter, so as to secure their more effective application within the international community, would promote the realization of the purposes of the United Nations,

Having considered the principles of international law relating to friendly relations and co-operation among States,

1. Solemnly proclaims the following principles:

The principle that States shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations

Every State has the duty to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations. Such a threat or use of force constitutes a violation of international law and the Charter of the United Nations and shall never be employed as a means of settling international issues.

A war of aggression constitutes a crime against the peace, for which there is responsibility under international law.

In accordance with the purposes and principles of the United Nations, States have the duty to refrain from propaganda for wars of aggression.

Every State has the duty to refrain from the threat or use of force to violate the existing international boundaries of another State or as a means of solving international disputes, including territorial disputes and problems concerning frontiers of States.

Every State likewise has the duty to refrain from the threat or use of force to violate international lines of demarcation, such as armistice lines, established by or pursuant to an international agreement to which it is a party or which it is otherwise bound to respect. Nothing in the foregoing shall be construed as prejudicing the positions of the parties concerned with regard to the status and effects of such lines under their special régimes or as affecting their temporary character.

States have a duty to refrain from acts of reprisal involving the use of force.

Every State has the duty to refrain from any forcible action which deprives peoples referred to in the elaboration of the principle of equal rights and self-determination of their right to self-determination and freedom and independence.

Every State has the duty to refrain from organizing or encouraging the organization of irregular forces or armed bands, including mercenaries, for incursion into the territory of another State.

Every State has the duty to refrain from organizing, instigating, assisting or participating in acts of civil strife or terrorist acts in another State or acquiescing in organized activities within its territory directed towards the commission of such acts, when the acts referred to in the present paragraph involve a threat or use of force.

The territory of a State shall not be the object of military occupation resulting from the use of force in contravention of the provisions of the Charter. The territory of a State shall not be the object of acquisition by another State resulting from the threat or use of force. No territorial acquisition resulting from the threat or use of force shall be recognized as legal. Nothing in the foregoing shall be construed as affecting:

(a) Provisions of the Charter or any international agreement prior to the Charter régime and valid under international law; or

(b) The powers of the Security Council under the Charter.

All States shall pursue in good faith negotiations for the early conclusion of a universal treaty on general and complete disarmament under effective international control and strive to adopt appropriate measures to reduce international tensions and strengthen confidence among States.

All States shall comply in good faith with their obligations under the generally recognized principles and rules of international law with respect to the maintenance of international peace and security, and shall endeavour to make the United Nations security system based on the Charter more effective.

Nothing in the foregoing paragraphs shall be construed as enlarging or diminishing in any way the scope of the provisions of the Charter concerning cases in which the use of force is lawful.

The principle that States shall settle their international disputes by peaceful means in such a manner that international peace and security and justice are not endangered

Every State shall settle its international disputes with other States by peaceful means in such a manner that international peace and security and justice are not endangered.

States shall accordingly seek early and just settlement of their international disputes by negotiation, inquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means of their choice. In seeking such a settlement the parties shall agree upon such peaceful means as may be appropriate to the circumstances and nature of the dispute.

The parties to a dispute have the duty, in the event of failure to reach a solution by any one of the above peaceful means, to continue to seek a settlement of the dispute by other peaceful means agreed upon by them.

States parties to an international dispute, as well as other States, shall refrain from any action which may aggravate the situation so as to endanger the maintenance of international peace and security, and shall act in accordance with the purposes and principles of the United Nations.

International disputes shall be settled on the basis of the sovereign equality of States and in accordance with the principle of free choice of means. Recourse to, or acceptance of, a settlement procedure freely agreed to by States with regard to existing or future disputes to which they are parties shall not be regarded as incompatible with sovereign equality.

Nothing in the foregoing paragraphs prejudices or derogates from the applicable provisions of the Charter, in

particular those relating to the pacific settlement of international disputes.

The principle concerning the duty not to intervene in matters within the domestic jurisdiction of any State, in accordance with the Charter

No State or group of States has the right to intervene, directly or indirectly, for any reason whatever, in the internal or external affairs of any other State. Consequently, armed intervention and all other forms of interference or attempted threats against the personality of the State or against its political, economic and cultural elements, are in violation of international law.

No State may use or encourage the use of economic, political or any other type of measures to coerce another State in order to obtain from it the subordination of the exercise of its sovereign rights and to secure from it advantages of any kind. Also, no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist or armed activities directed towards the violent overthrow of the régime of another State, or interfere in civil strife in another State.

The use of force to deprive peoples of their national identity constitutes a violation of their inalienable rights and of the principle of non-intervention.

Every State has an inalienable right to choose its political, economic, social and cultural systems, without interference in any form by another State.

Nothing in the foregoing paragraphs shall be construed as affecting the relevant provisions of the Charter relating to the maintenance of international peace and security.

The duty of States to co-operate with one another in accordance with the Charter

States have the duty to co-operate with one another, irrespective of the differences in their political, economic and social systems, in the various spheres of international relations, in order to maintain international peace and security and to promote international economic stability and progress, the general welfare of nations and international co-operation free from discrimination based on such differences.

To this end:

(a) States shall co-operate with other States in the maintenance of international peace and security;

(b) States shall co-operate in the promotion of universal respect for, and observance of, human rights and fundamental freedoms for all, and in the elimination of all forms of racial discrimination and all forms of religious intolerance;

(c) States shall conduct their international relations in the economic, social, cultural, technical and trade fields in accordance with the principles of sovereign equality and non-intervention;

(d) States Members of the United Nations have the duty to take joint and separate action in co-operation with the United Nations in accordance with the relevant provisions of the Charter.

States should co-operate in the economic, social and cultural fields as well as in the field of science and technology and for the promotion of international cultural and educational progress. States should co-operate in the promotion of economic growth throughout the world, especially that of the developing countries.

The principle 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 peoples 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 a people 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 purposes and principles of the Charter.

The territory of a colony or other Non-Self-Governing Territory has, under the Charter, a status separate and distinct from the territory of the State administering it; and such separate and distinct status under the Charter shall exist until the people of the colony or Non-Self-Governing Territory have exercised their right of self-determination in accordance with the Charter, and particularly its purposes and principles.

Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.

Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country.

The principle of sovereign equality of States

All States enjoy sovereign equality. They have equal rights and duties and are equal members of the international community, notwithstanding differences of an economic, social, political or other nature.

In particular, sovereign equality includes the following elements:

- (a) States are juridically equal;
- (b) Each State enjoys the rights inherent in full sovereignty;
- (c) Each State has the duty to respect the personality of other States;
- (d) The territorial integrity and political independence of the State are inviolable;
- (e) Each State has the right freely to choose and develop its political, social, economic and cultural systems;
- (f) Each State has the duty to comply fully and in good faith with its international obligations and to live in peace with other States.

The principle that States shall fulfil in good faith the obligations assumed by them in accordance with the Charter

Every State has the duty to fulfil in good faith the obligations assumed by it in accordance with the Charter of the United Nations.

Every State has the duty to fulfil in good faith its obligations under the generally recognized principles and rules of international law.

Every State has the duty to fulfil in good faith its obligations under international agreements valid under the generally recognized principles and rules of international law.

Where obligations arising under international agreements are in conflict with the obligations of Members of the United Nations under the Charter of the United Nations, the obligations under the Charter shall prevail.

GENERAL PART

2. Declares that:

In their interpretation and application the above principles are interrelated and each principle should be construed in the context of the other principles.

Nothing in this Declaration shall be construed as prejudicing in any manner the provisions of the Charter or the rights and duties of Member States under the Charter or the rights of peoples under the Charter, taking into account the elaboration of these rights in this Declaration.

3. Declares further that:

The principles of the Charter which are embodied in this Declaration constitute basic principles of international law, and consequently appeals to all States to be guided by these principles in their international conduct and to develop their mutual relations on the basis of the strict observance of these principles.

2634 (XXV). Report of the International Law Commission

The General Assembly,

Having considered the report of the International Law Commission on the work of its twenty-second session,²

Emphasizing the need for the further codification and progressive development of international law in order to make it a more effective means of implementing the purposes and principles set forth in Articles 1 and 2 of the Charter of the United Nations and to give increased importance to its role in relations among nations,

Noting with satisfaction that at its twenty-second session the International Law Commission completed its provisional draft articles on relations between States and international organizations, continued the consideration of matters concerning the codification and progressive development of the international law relating to succession of States in respect of treaties and State responsibility and included in its programme of work the question of treaties concluded between States and international organizations, as recommended by the General Assembly in resolution 2501 (XXIV) of 12 November 1969,

Noting further that the International Law Commission has proposed to hold a fourteen-week session in 1971 in order to enable it to complete the second reading of the draft articles on relations between States

² *Ibid.*, Supplement No. 10 (A/8010/Rev.1).

THE PACIFIC ISLANDERS PROTECTION ACT, 1875.

(38 & 39 Vict. c. 51.)

An Act to amend the Act of the Session of the Thirty-fifth and Thirty-sixth years of the reign of Her present Majesty, chapter nineteen, intituled "An Act for the prevention and punishment of criminal outrages upon natives of the islands in the Pacific Ocean." [2286]
[2nd August, 1875.]

1. Construction of Act and short title.—This Act shall be construed as one with the Pacific Islanders Protection Act, 1872 (in this Act referred to as the principal Act); and the expression "this Act," when used in the principal Act, shall be deemed to include this Act.

The principal Act and this Act may be cited together as "The Pacific Islanders Protection Acts, 1872 and 1875," and each of them may be cited separately as "The Pacific Islanders Protection Act" of the year in which it was passed. [2287]

For the Pacific Islanders Protection Act, 1872 (c. 19), see p. 718, *ante*.

2. Amendment of 35 & 36 Vict. c. 19, s. 3, as to the carrying in British vessels of native labourers.—[Recital.] The license mentioned in sections three and five of the principal Act may authorise a British vessel to carry native labourers in such vessel for the purpose of carrying on any fishery, industry, or occupation in connexion with the said vessel, and may for that purpose be in the form contained in the Schedule B. to this Act, in lieu of the form contained in Schedule B. to the principal Act; and the bond mentioned in section three of the principal Act shall in such case be in the form contained in Schedule A. to this Act in lieu of the form contained in Schedule A. to the principal Act.

If a native labourer, carried in pursuance of a license issued under this section, is not engaged in like manner as a seaman forming part of the crew of the vessel, by an agreement made in accordance with the Merchant Shipping Act, 1854, and the Acts amending the same, the

engagement of such labourer shall be recorded in such manner and with such particulars as may be from time to time prescribed by Her Majesty by Order in Council, but in all cases the name of the labourer engaged shall be entered in the official log with particulars sufficient to identify such labourer. [2288]

See now the Merchant Shipping Act, 1891 (c. 60), Vol. 18, title SHIPPING AND NAVIGATION.

3. Amendment of 35 & 36 Vict. c. 19, ss. 6, 16, as to seizure of suspected British vessels.—[Recital of 35 & 36 Vict. c. 19, ss. 6, 16.] Where a British vessel may, under the principal Act, be detained, seized, and brought in for adjudication by any officer, all goods and effects found on board such vessel may also be detained, seized, and brought in for adjudication by such officer, either with or without such vessel; and all the provisions of the principal Act referring to the seizure or detention of a vessel shall, so far as is consistent with the tenor thereof, be construed also to refer to the seizure and detention of such goods and effects. [2289]

See the Pacific Islanders Protection Act, 1872 (c. 19), p. 718, *ante*.

4. Jurisdiction of courts in regard to vessels, goods, and effects seized under 35 & 36 Vict. c. 19, or this Act.—[*Recital.*] The High Court of Admiralty of England and every Vice-Admiralty Court in Her Majesty's dominions out of the United Kingdom shall have jurisdiction to try and condemn as forfeited to Her Majesty or restore any vessel, goods, and effects alleged to be detained or seized in pursuance of the principal Act or of this Act, and on restoring the same to award such damages in respect of the detention and seizure of such vessel, goods, and effects, or any of them, and of any person on board such vessel, and in respect of any act or thing done in relation to such detention or seizure, or in respect of any of such matters, and in any case to make such order as to costs, as, subject to the provisions of the principal Act and this Act, the court may think just.

For the purposes of the principal Act and this Act, any court mentioned in this section shall have the same powers as are by sections twelve and thirteen of the principal Act (which sections relate to the issue of commissions for the examination of witnesses and other matters relative to obtaining evidence) vested in the supreme court of any of the Australasian colonies, and further all powers which such court has in the case of any vessel, goods, and effects, or matter brought before it in the exercise of its jurisdiction under any other Act or otherwise. [2240]

Colonial Courts of Admiralty take the place of Vice-Admiralty Courts and the jurisdiction of the Admiralty Division of the High Court in England, see the Colonial Courts of Admiralty Act, 1880 (c. 37), Vol. 1, title ADMIRALTY, p. 24.

5. Adaptation of 35 & 36 Vict. c. 19, ss. 18, 20, to this Act.—Sections nineteen and twenty of the principal Act, which relate to proceedings instituted in and an award of damages by a Vice-Admiralty Court in respect of the seizure or detention of a vessel, shall extend to any such proceedings and award by the High Court of Admiralty of England, and to any such proceedings and award, either in that Court or any Vice-Admiralty Court, in respect of the seizure or detention of any goods or effects authorised by this Act to be seized or detained. [2241]

As to Vice-Admiralty Courts and the High Court of Admiralty, see note to s. 4. See the Pacific Islanders Protection Act, 1872 (c. 19), p. 713, *ante*.

6. Power for Her Majesty to exercise jurisdiction over British subjects in islands of the Pacific Ocean; to erect a court of justice for British subjects in the islands of the Pacific; to make ordinances.—It shall be lawful for Her Majesty to exercise power and jurisdiction over her subjects within any islands and places in the Pacific Ocean not being within Her Majesty's dominions, nor within the jurisdiction of any civilized power, in the same and as ample a manner as if such power or jurisdiction had been acquired by the cession or conquest of territory, and by Order in Council to create and constitute the office of High Commissioner in, over, and for such islands and places, or some of them, and by the same or any other Order in Council to confer upon such High Commissioner power and authority, in her name and on her behalf, to make regulations for the government of her subjects in such islands and places, and to impose penalties, forfeitures, or imprisonments for the breach of such regulations.

It shall be lawful for Her Majesty, by Order in Council, to create a court of justice with civil, criminal, and Admiralty jurisdiction over Her Majesty's subjects within the islands and places to which the authority of the said High Commissioner shall extend, and with power to take cognizance of all crimes and offences committed by Her Majesty's subjects within any of the said islands and places, or upon the sea, or in any haven, river, creek, or place within the jurisdiction of the Admiralty; and Her Majesty may, by Order in Council, from time to time direct that all the powers and jurisdiction aforesaid, or any part thereof, shall be vested in and may be exercised by the court of any British colony designated in such order, concurrently with the High Commissioner's court or otherwise, and may provide for the transmission of offenders to any such colony for trial and punishment, and for the admission in evidence on such trial of the depositions of witnesses taken in such islands and places as aforesaid, and for all other matters necessary for carrying out the provisions of such Order in Council.

It shall be lawful for Her Majesty, by any Order or Orders in Council, from time to time to ordain for the government of Her Majesty's subjects, being within such islands and places, any law or ordinance which to Her Majesty in Council may seem meet, as fully and effectually as any such law or ordinance could be made by Her Majesty in Council for the government of Her Majesty's subjects within any territory acquired by cession or conquest.

The person for the time being lawfully acting in the capacity of High Commissioner and any Deputy Commissioner duly appointed and empowered under the provisions of any such Order in Council as aforesaid, and acting under the directions of the High Commissioner, shall have and may exercise and perform any power, authority, jurisdiction, and duty vested in or imposed upon any British consular officer by the principal Act or by any other Act having reference to such consular officers, passed either before or after the passing of this Act; and every such Act shall be construed as if the said High Commissioner and Deputy Commissioner were named therein in addition to a British consular officer. [2242]

So much of this section as authorises Her Majesty to confer Admiralty jurisdiction on any court is repealed by the Colonial Courts of Admiralty Act, 1890 (c. 27), ss. 16, 18, and Sched. II, Vol. 1, title ADMIRALTY, pp. 80, 83.

Under the Western Pacific Commission a High Commissioner exercises jurisdiction over the islands in the Western Pacific, which are not within the limits of the Colony of Fiji, the States of New South Wales and Queensland, the Dominion of New Zealand, or under the protection of any civilised power.

By Pacific Order in Council, March 15, 1898, jurisdiction was extended to foreigners and to some natives.

By the New Hebrides Order in Council, November 15, 1907, art. 9 jurisdiction was extended to the New Hebrides, the Banks and Torres Islands; see also the New Hebrides Order in Council (S. R. & O. 1922, No. 717, 1923, No. 336).

The Protectorate formerly included the Tongan (or Friendly Islands) and Savage Island (Nieu), but by S. R. & O. 1901, No. 581, the boundaries of New Zealand were extended to include islands of the Cook group and Nieu.

The Gilbert and Ellice Islands Protectorate was annexed and made a colony by the Gilbert and Ellice Islands Order in Council, 1915 (S. R. & O. 1915, III, p. 215); see also Orders in Council, January 27, February 29, 1916 (S. R. & O. 1916, Nos. 29, 187); Order in Council, 1919 (S. R. & O. 1919, No. 778).

7. Saving of rights of tribes.—Nothing herein or in any such Order in Council contained shall extend or be construed to extend to invest Her Majesty with any claim or title whatsoever to dominion or sovereignty over any such islands or places as aforesaid, or to derogate from the rights of the tribes or people inhabiting such islands or places, or of chiefs or rulers thereof, to such sovereignty or dominion, and a copy of every such Order in Council shall be laid before each House of Parliament within thirty days after the issue thereof, unless Parliament shall not then be in session, in which case a copy shall be laid before each House of Parliament within thirty days after the commencement of the next ensuing session. [2243]

8. Amendment of definitions in 35 & 36 Vict. c. 19.—[Recital.] The term "Australasian colonies" in the principal Act and this Act shall mean and include the colony of Fiji.

Subject to the provisions of any Act or ordinance passed by the Legislature of the colony of Fiji, the provisions of the principal Act and this Act shall continue to apply and be deemed always to have continued to apply to natives of Fiji in like manner as if they were natives of islands in the Pacific Ocean not being in Her Majesty's dominions nor within the jurisdiction of any civilised power. [2244]

For the Pacific Islanders Protection Act, 1872 (c. 10), see p. 718, *ante*.

9. Alteration of forms.—The forms in the schedules to the principal Act shall be altered by the substitution of a reference to the Pacific Islanders Protection Acts, 1872 and 1873, for the reference therein to the principal Act. [2245]

10. Proclamation of Act.—This Act shall be proclaimed in each Australasian colony by the governor thereof within six weeks after a copy of it has been received by such governor, and shall take effect in the said colony from the day of such proclamation. [2246]

[S. 11 *rep.* 46 & 47 Vict. c. 39 (S.L.R.)]

Sect. 2.

SCHEDULE A.

Form of Bond to be entered into by Masters of Vessels under the Pacific Islanders Protection Acts, 1872 and 1875.

Know all men by these presents, That we, *A.B.*, of *C.D.*, of *Queen Victoria*, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, in the sum of five hundred pounds of good and lawful money of Great Britain, to be paid to our said Sovereign Lady the Queen, her heirs and successors to which payment well and truly to be made, we bind ourselves and every of us, jointly and severally, for and in the whole, our heirs, executors, and administrators, and every of them, firmly by these presents.

Sealed with our seals. Dated this day of 18 .

Whereas it is enacted by the Pacific Islanders Protection Act, 1875, that a license may be given by the Governor of one of the Australian colonies, as therein defined, or a British consular officer, authorising a British vessel to carry native labourers in such vessel for the purpose of carrying on any fishery, industry, or occupation in connexion with the said vessel

Now the condition of their obligation is this, that if in respect of the vessel , whereof the above bounden *A.B.* is master, all and every the requirements of the said Acts, so far as they are applicable thereto, and of the license issued under the Pacific Islanders Protection Act, 1875, to the said master shall be well and truly performed, and if the above bounden *A.B.* shall satisfy the Governor of any of Her Majesty's Australian colonies, or the British consular officer aforesaid, that no kidnapping was allowed or connived at by any person on board of or connected with the said vessel during the currency of the said license, then this obligation is to be void, otherwise to remain in full force.

Signed, sealed, and delivered by the above
bounden *A.B.* and *C.D.* in the presence
of *E.F.* of

(L.S.)

(L.S.)

[2247]

Sect. 2.

SCHEDULE B.

(Royal Arms.)

License for the employment of Natives at Sea.

A.B., master of the , the vessel more particularly described below, having shown to my satisfaction that he is engaged in the fishery [or industry, or occupation, as the case may be,] of , in connexion with such vessel, and having given the bond to Her Majesty required by the Pacific Islanders Protection Acts, 1872 and 1875, I [the Governor of the Colony of , or Her Majesty's Consul of , as the case may be], do hereby, in exercise of the authority for that purpose conferred on me by the said Acts, license the said vessel to employ in the said fishery [or as the case may be] not more than native labourers from the day of 18 to the day of 18 .

Should this vessel be found to answer the subjoined description, and appear to be strictly engaged in the lawful pursuit of the above-mentioned object, it is the direction of Her Majesty's Government that she shall not be obstructed in the prosecution of her present voyage, nor in the shipment, employment, or landing of her native hands.

This license shall not be transferable, and shall be available only for the period aforesaid.

DESCRIPTION of the Vessel above referred to.

Tons (registered tonnage)	-	-	-	-
Rig (i.e. ship, barque, brig, etc.)	-	-	-	-
How painted	-	-	-	-
Name painted on stern	-	-	-	-
Whether any poop	-	-	-	-
Whether any quarter galleries	-	-	-	-
Whether a top-gallant fore-castle	-	-	-	-
Name of chief officer	-	-	-	-
Number of officers and crew, including surgeon, if any	-	-	-	-
Bound from <i> </i> to <i> </i> , and intending to call at <i> </i>				
and <i> </i>				
Given under my hand and seal at <i> </i> this <i> </i> day of <i> </i> 18 <i> </i>				

Governor or Consul,
[as the case may be].
(L.S.)

To the respective flag officers, captains, and commanding officers of Her Majesty's ships, and to all others whom it may concern.

[2248]

**Halsbury (3rd Edition, volume 36-statutes paragraph
559 at page 337 of that volume)**

12. As for the supremacy of New Zealand Parliament, the basis statement of principle as a first principle of law can be found in Halsbury (3rd Edition, volume 36-statutes paragraph 559 at page 337 of that volume) as follows:.

'559. Legislative supremacy of Parliament-The legislative authority of the Sovereign in Parliament is supreme *(e)*, A statute, whether public or private *(f)*, can define or override the common law *(g)*, abrogate local custom *(h)* and amend or repeal the provision of earlier statutes *(i)*. Since, however, every Parliament is supreme, one Parliament cannot derogate from the powers of a subsequent Parliament *(k)*, and it follows that a statute can neither provide that it shall be incapable of repeal *(l)* nor dictate the form of subsequent legislation *(m)*'.

- 12.1 As can be found in *(i)* of above, [para. 12], New Zealand Parliament cannot derogate from the Sovereign Supremacy of England and England cannot derogate from the Sovereign Supremacy of The Maori Nation assembled in Parliament at Waitangi and following the principle found in *(k)* a statute does not need to state that it cannot be repealed because as found in *(i)* once put into force it 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.



Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999

No. 104, 1999

**An Act to amend the *Criminal Code Act 1995*, and
for related purposes**

Contents

1 Short title.....	1
2 Commencement.....	1
3 Schedule(s).....	2
Schedule 1—Criminal Code Act 1995.....	3
1 Before the Dictionary in the Criminal Code.....	3
Chapter 8—Offences against humanity.....	3
Division 270—Slavery, sexual servitude and deceptive recruiting	
.....	3
270.1 Definition of slavery.....	3
270.2 Slavery is unlawful.....	3
270.3 Slavery offences.....	3
270.4 Definition of sexual servitude.....	4
270.5 Jurisdictional requirement.....	5
270.6 Sexual servitude offences.....	6
270.7 Deceptive recruiting for sexual services.....	6
270.8 Aggravated offences.....	7
270.9 Alternative verdict if aggravated offence not proven.....	7
270.10 No nationality requirement.....	7
270.11 Attorney-General's consent required.....	8
270.12 Other laws not excluded.....	8
270.13 Double jeopardy.....	8
270.14 External Territories.....	8
2 The Dictionary in the Criminal Code.....	8
3 The Dictionary in the Criminal Code.....	9
Schedule 2—Repeal of Imperial Acts.....	10
1 Repeal of certain Imperial Acts relating to slavery	
.....	10
<i>Pacific Islanders Protection Act 1873 (35 & 36 Victoria, ch 19).....</i>	<i>10</i>
2 The whole of the Act.....	10
<i>Pacific Islanders Protection Act 1875 (38 & 39 Victoria, ch 51).....</i>	<i>10</i>

3 The whole of the Act.....	10
<i>Slavery Abolition Act 1833 (3 & 4 William IV, ch 73).....</i>	<i>10</i>
4 Section 12.....	10
<i>Slave Trade Act 1824 (5 George IV, ch 113).....</i>	<i>10</i>
5 The whole of the Act.....	10
<i>Slave Trade Act 1843 (6 & 7 Victoria, ch 98).....</i>	<i>10</i>
6 The whole of the Act.....	10
<i>Slave Trade Act 1873 (36 & 37 Victoria, ch 88).....</i>	<i>11</i>
7 The whole of the Act.....	11



Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999

No. 104, 1999

An Act to amend the *Criminal Code Act 1995*, and for related purposes

[Assented to 24 August 1999]

The Parliament of Australia enacts:

1 Short title

This Act may be cited as the *Criminal Code Amendment (Slavery and Sexual Servitude) Act 1999*.

2 Commencement

This Act commences 28 days after the day on which it receives the Royal Assent.

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—Criminal Code Act 1995

1 Before the Dictionary in the *Criminal Code*

Insert:

Chapter 8—Offences against humanity

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.

- (2) A person who:
- (a) whether within or outside Australia:

- (i) enters into any commercial transaction involving a slave; or
 - (ii) exercises control or direction over, or provides finance for, any commercial transaction involving a slave; or
 - (iii) exercises control or direction over, or provides finance for, any act of slave trading; and
- (b) is reckless as to whether the transaction or act involves a slave, slavery or slave trading;
is guilty of an offence.

Penalty: Imprisonment for 17 years.

- (3) In this section:

slave trading includes:

- (a) the capture, transport or disposal of a person with the intention of reducing the person to slavery; or
 - (b) the purchase or sale of a slave.
- (4) A person who engages in any conduct with the intention of securing the release of a person from slavery is not guilty of an offence against this section.
- (5) The defendant bears a legal burden of proving the matter mentioned in subsection (4).

270.4 Definition of *sexual servitude*

- (1) For the purposes of this Division, *sexual servitude* is the condition of a person who provides sexual services and who, because of the use of force or threats:
- (a) is not free to cease providing sexual services; or
 - (b) is not free to leave the place or area where the person provides sexual services.

(2) In this section:

sexual service means the commercial use or display of the body of the person providing the service for the sexual gratification of others.

threat means:

- (a) a threat of force; or
- (b) a threat to cause a person's deportation; or
- (c) a threat of any other detrimental action unless there are reasonable grounds for the threat of that action in connection with the provision of sexual services by a person.

270.5 Jurisdictional requirement

A person commits an offence against section 270.6 or 270.7 only if:

- (a) all of the following subparagraphs apply:
 - (i) the person is an Australian citizen, a resident of Australia, a body corporate incorporated by or under a law of the Commonwealth or of a State or Territory or any other body corporate that carries on its activities principally in Australia; and
 - (ii) the conduct constituting the offence is engaged in outside Australia; and
 - (iii) the sexual services to which the alleged offence relates are provided, or to be provided, outside Australia; or
- (b) both:
 - (i) the conduct constituting the alleged offence is to any extent engaged in outside Australia; and
 - (ii) the sexual services to which the alleged offence relates are to any extent provided, or to be provided, within Australia; or
- (c) both:
 - (i) the conduct constituting the alleged offence is to any extent engaged in within Australia; and
 - (ii) the sexual services to which the alleged offence relates are to any extent provided, or to be provided, outside Australia.

270.6 Sexual servitude offences

(1) A person:

- (a) whose conduct causes another person to enter into or remain in sexual servitude; and
- (b) who intends to cause, or is reckless as to causing, that sexual servitude;

is guilty of an offence.

Penalty:

- (c) in the case of an aggravated offence (see section 270.8)—imprisonment for 19 years; or
- (d) in any other case—imprisonment for 15 years.

(2) A person:

- (a) who conducts any business that involves the sexual servitude of other persons; and
- (b) who knows about, or is reckless as to, that sexual servitude;

is guilty of an offence.

Penalty:

- (c) in the case of an aggravated offence (see section 270.8)—imprisonment for 19 years; or
- (d) in any other case—imprisonment for 15 years.

(3) In this section:

conducting a business includes:

- (a) taking any part in the management of the business; or
- (b) exercising control or direction over the business; or
- (c) providing finance for the business.

270.7 Deceptive recruiting for sexual services

- (1) A person who, with the intention of inducing another person to enter into an engagement to provide sexual services, deceives that other person about the fact that the engagement will involve the provision of sexual services is guilty of an offence.

Penalty:

- (a) in the case of an aggravated offence (see section 270.8)—imprisonment for 9 years; or
- (b) in any other case—imprisonment for 7 years.

(2) In this section:

sexual service means the commercial use or display of the body of the person providing the service for the sexual gratification of others.

270.8 Aggravated offences

- (1) For the purposes of this Division, an offence against section 270.6 or 270.7 is an *aggravated offence* if the offence was committed against a person who is under 18.
- (2) If the prosecution intends to prove an aggravated offence, the charge must allege that the offence was committed against a person under that age.
- (3) In order to prove an aggravated offence, the prosecution must prove that the defendant intended to commit, or was reckless as to committing, the offence against a person under that age.

270.9 Alternative verdict if aggravated offence not proven

If, on a trial for an aggravated offence against section 270.6 or 270.7, the jury is not satisfied that the defendant is guilty of an aggravated offence, but is otherwise satisfied that he or she is guilty of an offence against that section, it may find the defendant not guilty of the aggravated offence but guilty of an offence against that section.

270.10 No nationality requirement

In determining whether a person has committed an offence against this Division (other than an offence to which paragraph 270.5(a) applies), it does not matter whether the person is or is not an Australian citizen or a resident of Australia.

270.11 Attorney-General's consent required

- (1) Proceedings for an offence against this Division must not be commenced without the Attorney-General's written consent if:
 - (a) the conduct constituting the alleged offence is to any extent engaged in outside Australia; and
 - (b) the person alleged to have committed the offence is not:
 - (i) an Australian citizen; or
 - (ii) a resident of Australia; or
 - (iii) a body corporate incorporated by or under a law of the Commonwealth or of a State or Territory; or
 - (iv) any other body corporate that carries on its activities principally in Australia.
- (2) However, a person may be arrested for, charged with, or remanded in custody or released on bail in connection with an offence against this Division before the necessary consent has been given.

270.12 Other laws not excluded

This Division is not intended to exclude or limit the operation of any other law of the Commonwealth or any law of a State or Territory.

270.13 Double jeopardy

If a person has been convicted or acquitted in a country outside Australia of an offence against the law of that country in respect of any conduct, the person cannot be convicted of an offence against this Division in respect of that conduct.

270.14 External Territories

In this Division:

Australia, when used in a geographical sense, includes the external Territories.

2 The Dictionary in the *Criminal Code*

Insert:

sexual servitude has the meaning given by section 270.4.

3 The Dictionary in the *Criminal Code*

Insert:

slavery has the meaning given by section 270.1.

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.

Slavery Abolition Act 1833 (3 & 4 William IV, ch 73)

4 Section 12

Repeal the section.

Slave Trade Act 1824 (5 George IV, ch 113)

5 The whole of the Act

Repeal the Act.

Slave Trade Act 1843 (6 & 7 Victoria, ch 98)

6 The whole of the Act

Repeal the Act.

Slave Trade Act 1873 (36 & 37 Victoria, ch 88)

7 The whole of the Act

Repeal the Act.

*[Minister's second reading speech made in—
Senate on 24 March 1999
House of Representatives on 11 August 1999]*

(42/99)

Optus

From: [REDACTED]
To: [REDACTED]
Sent: Tuesday, August 19, 2003 1:20 AM
Subject: RE: Appointment of the Governor-General of Australia

I am sorry but there is no Order for this appointment.

Privy Council Office

-----Original Message-----

From: [REDACTED]
Sent: 14 August 2003 23:59
To: [REDACTED]
Subject: Appointment of the Governor-General of Australia

Dear Sirs,

I would like to view the Order Approved at the Council appointing the new Governor-General of Australia, Major-General Michael Jeffrey.

Please send me internet directions/instructions on how I can see the relevant documents.

Yours sincerely,
[REDACTED]

PLEASE NOTE: THE ABOVE MESSAGE WAS RECEIVED FROM THE INTERNET.

On entering the GSI, this email was scanned for viruses by the Government Secure Intranet (GSI) virus scanning service supplied exclusively by Cable & Wireless in partnership with MessageLabs.

GSI users see
<http://www.gsi.gov.uk/main/notices/information/gsi-003-2002.pdf> for further details. In case of problems, please call your organisational IT helpdesk.

3/22/2004

Optus

From: [REDACTED]
To: [REDACTED]
Sent: Tuesday, September 02, 2003 2:00 AM
Subject: RE: Orders appointing Australian Governors-General

I am sorry but there is no Order for this appointment.

Privy Council Office

-----Original Message-----

From: [REDACTED]
Sent: 01 September 2003 08:55
To: [REDACTED]
Subject: Orders appointing Australian Governors-General

Dear Sirs,

Re: Australian Governors-General Sir Ninian Stephen (1982 - 1989); William Hayden (1989 - 1996); Sir William Deane (1996 - 2001) and Dr. Peter Hollingworth (2001 - 2003).

Please tell me if there were Orders Approved at the Council were made appointing the above Australian Governors-General. If so, which ones and the dates those Orders were made.

I am sorry to trouble you - but I would truly appreciate your help.

Yours sincerely,
[REDACTED]

PLEASE NOTE: THE ABOVE MESSAGE WAS RECEIVED FROM THE INTERNET.

On entering the GSI, this email was scanned for viruses by the Government Secure Intranet (GSI) virus scanning service supplied exclusively by Cable & Wireless in partnership with MessageLabs.

GSI users see

<http://www.gsi.gov.uk/main/notices/information/gsi-003-2002.pdf> for further details. In case of problems, please call your organisational IT helpdesk



Australian Government



Claim for ABSTUDY

FORM

b

Purpose of this form

For Aboriginal and Torres Strait Islander students and full-time Australian Apprentices.

You should have received the **Notes Booklet, information you need to know about your claim for ABSTUDY FORM b**, with this claim. In this claim, this booklet will be referred to as the **Notes Booklet**. If you do not have this **Notes Booklet**, call us on **13 2317** or go to our website at www.centrelink.gov.au

Important

You can submit a claim for ABSTUDY over the phone by calling **13 2317**.

What else you will need to provide

You will need to provide **proof of identity**. There is a complete list of acceptable documents in the **Notes Booklet**.

This form tells you which **other documents** you need to provide to support your claim. Depending on your circumstances, you may have to fill in **other forms**.

Filling in this form

Please use **black or blue pen**.

Mark boxes like this ☐ with a **✓** or **X**.

Where you see a box like this ☐ ► Go to **Question 5** skip to the question number shown. You do not need to answer the questions in-between.

Returning your form(s)

Check that you have answered all the questions you need to answer and that you have signed and dated the form.

If you return required documents (and your claim form):

- by post – we will photocopy your documents and return the originals to you by registered post.
- in person – we will photocopy your documents and return the originals to you.

For information about closing dates, refer to **Closing dates for ABSTUDY claims** on page 4 of the **Notes Booklet**. This advises when you need to lodge your claim to ensure you are paid from the earliest date possible.

If the claim is for a student, return this form to a **Centrelink Customer Service Centre** within 13 weeks of the closing date to ensure that you are paid from the earliest date possible. You should provide any additional documents **within 14 days** of returning your form.

If the claim is for an Australian Apprentice, return this form, all additional documents and any other forms you are required to complete to a **Centrelink Customer Service Centre** **within 14 days** to ensure you are paid from the earliest date possible. If you cannot return all the forms or documents **within 14 days**, contact Centrelink for extra time.

Centrelink office use only

Customer Reference Number—Applicant	<input type="text"/> - <input type="text"/> - <input type="text"/> - <input type="text"/>	Date received by community agent, institution, etc.	Date accepted by Centrelink	Date stamps
Customer Reference Number—Student	<input type="text"/> - <input type="text"/> - <input type="text"/> - <input type="text"/>	<input type="text"/> / <input type="text"/> / <input type="text"/>	<input type="text"/> / <input type="text"/> / <input type="text"/>	
		Date received in processing office	Logon ID	
		<input type="text"/> / <input type="text"/> / <input type="text"/>	<input type="text"/>	

PART A**Personal details****PART A – Questions 1 to 22 should be completed by the ABSTUDY customer.**

Please tick if you are:

A student ☐A full-time Australian Apprentice ☐

Note: You can apply for the correct type of ABSTUDY on a shortened claim form if you are a pensioner student, a part-time student or only claiming the Incidentals Allowance, applying for a student 15 or younger who is in your care or applying for assistance only to attend a selection test or interview (for tertiary study). For information about which form you should use, refer to *Other ABSTUDY claims* in the *Notes Booklet*.

1 Are you of Aboriginal or Torres Strait Islander origin, that is:

- you are of Aboriginal or Torres Strait Islander descent, and
- you identify as an Aboriginal or Torres Strait Islander, and
- you are accepted as such by the community in which you live or have lived?

If you are of both Aboriginal and Torres Strait Islander origin, please tick both 'Yes' boxes.

No ☐

You are not eligible for ABSTUDY.
Call Centrelink on 13 2317.

Yes – Aboriginal ☐Yes – Torres Strait Islander ☐**2 Are you an Australian citizen?**No ☐

You are not eligible for ABSTUDY. Call Centrelink on 13 2317.

Yes ☐ Country of birth? Date of citizenship (if not born in Australia)? 

You will need to provide **proof of identity** and documents which show proof of birth in Australia or proof of arrival in Australia if you were born outside Australia. For more information, please refer to the *Notes Booklet*.

3 Your name

Title

Mr ☐Mrs ☐Miss ☐Ms ☐Other Family name First given name Second given name **4 Have you ever used or been known by any other name (e.g. name at birth, maiden name, previous married name, Aboriginal or tribal name, alias, adoptive name, foster name)?**No ☐Yes ☐Other name Type of name
(e.g. name at birth) **5 Your sex**Male ☐Female ☐**6 Your date of birth**

Note: If you are a student and 15 or younger during the year of study and are living at home, your parent(s)/guardian(s)/carer should complete a *Claim for ABSTUDY Schooling A (Form a)* form (SY018).



You must provide **original documents** to show proof of age.



CLK0SY019 1101

7 Your permanent address
If you live away from home to study, write the address where you live when not studying.

Number and street

Suburb, town or community

State Postcode

8 Your postal address (if different to above)
This is where your mail will be sent. Mail will go to your home address if no other address is given.

Number and street or PO Box

Suburb, town or community

State Postcode

9 Your contact details

Home phone number

Is this a silent number? No ☐ Yes ☐

Semester/term

Mobile phone number

Fax number

Work phone number

Alternative phone number

Email

10 Do you, or will you, receive government assistance for study, training, or an Australian Apprenticeship?

No ☐

Yes ☐ ▶ **Tick ONE box only**

a cadetship/scholarship ☐

Veterans' Children Education Scheme ☐

Youth Allowance ☐

Austudy ☐

any other assistance ☐ ▶ Give name of payment

CDEP for study, training or education ☐

Living Away from Home Allowance for an Australian Apprenticeship ☐

Assistance for Isolated Children (AIC) ☐

Please read this before answering the following questions.

Questions 11 to 14 are optional and will not affect your payment. If you do answer, the information will help us to continue to improve our Electronic Messaging Services.

You can now receive reminders and important information via Short Message Service (SMS) or email from Centrelink.

You MUST read the *Terms and Conditions* for SMS, email and Online Letters in the *Notes Booklet* before you complete the following questions.

11 Do you wish to receive reminders and important information via SMS or email from Centrelink?

This service is voluntary and you are able to withdraw from it at any time.

No ☐

Yes ☐ ▶ SMS contact number (if different to contact details)

OR

Email address (if different to contact details)

@

▶ Go to Question 14

PART A continued • Personal details

12 What is the reason for not wanting to use this service?

The information will help us to continue to improve services.

- Do not trust the Internet ☐
 Do not have a mobile phone ☐
 Do not have the technology ☐
 Other ☐ → Give reason

13 Would you like to be reminded of this service in the future?

- No ☐ → Go to Question 15
 Yes ☐ → When would you like to be reminded?
 In 6 months ☐
 In 12 months ☐

14 Do you wish to view some of your Centrelink and Family Assistance Office letters via the Online Letters facility on this Centrelink website?
 This service is voluntary and you are able to withdraw from it at any time.

- No ☐
 Yes ☐ → What is your preferred method of notification?

Centrelink will notify you when you have a letter available for viewing in the Online Letters facility.

Tick ONE box only

SMS ☐ → SMS contact number
 (if different to contact details)

Email ☐ → Email address
 (if different to contact details)

15 Are you or have you been living in state care or in an approved substitute care arrangement such as foster care?

- No ☐
 Yes ☐ →



Provide a statement from a government agency advising of your care arrangements and details of any payments you or your carers receive.

Do your carers receive a Foster Care Allowance? No ☐ Yes ☐

▶ **Note:** You will need to provide your carers' details at Questions 57 to 62.
 You, your carers or parents **DO NOT** need to complete Questions 63 to 74.

16 What is your CURRENT relationship status?

- Single with no dependent child ☐
 Single and have a dependent child ☐
 Single and care for another person's dependent child ☐
 Living in a de facto relationship ☐
 Living in a de facto relationship and have a dependent child ☐
 Living in a de facto relationship and care for another person's dependent child ☐
 Married or recognised as married under Aboriginal/Torres Strait Islander law ☐
 Separated ☐
 Divorced ☐
 Widowed ☐

▶ Date child came into your care

 / /

▶ Date of marriage, date relationship registered or start of de facto relationship

 / /

▶ Date separated/divorced/widowed

 / /

EVIDENCE THE CROWN
 RECOGNISES
 THE CONTINUED
 EXISTENCE OF
 TRIBAL LAW.

This is an optional question which you do not have to answer. However, the information provided will help us determine if you are eligible for the Youth Disability Supplement and other assistance and services.

17 Are you under 21 and have a physical, intellectual or psychological impairment that prevents you from working for up to 30 hours per week?

- No ☐
 Yes ☐ → Do you expect this impairment to last for more than 2 years?

- No ☐
 Yes ☐ →



You will need to attach evidence (i.e. medical certificate)