

## A VALUABLE MESSAGE FROM US TO ALL AUSTRALIANS

The decline of a civilization happens when it's people do not fight for its values, whether they be social cultural or political. Instead there is attempt to remove historical statues, control languages and our thoughts and Christian values , freedom of free speech and open debate, poor government policy sale of Australia's intellectual property and key resources .

We as Australians must acknowledge this as have many of Western countries and fight at its source , we must continue to build a smarter future generation to understand a democratic and free society to uphold our constitution and Bill of Rights set out by our forefathers .

All societies make mistakes and its not Racist to fight for your rights that makes you Australian, We have benefited in the past from Immigration, the majority of those people helped to build a great Australia today we must be more aware of the pitfalls that can result of an open immigration policy, lets not sell out our precious jewel cheaply because of Ideologies of some of those who are in positions of political power, remember our Aussie ancestors fought and died to establish us today.

Australia's Commonwealth Constitution is the rule of law - the law of the land. The following Govts are guilty of breaching our Constitution, as well as breaking Federal laws. NSW's Premier Bob Carr and his Govt. in tandem with the Greens unconstitutionally legislated to licence a trial injecting centre to operate at Kings Cross. Lord Mayor Clover Moore and her Council were, and still remain guilty of breaching Section 236 of the Customs Act and Section 5 of the 1914 Federal Crimes Act - "AIDS and ABETS"

A concerned Sydney constituent Mr. Tzavellas corresponded with the Premiers of every State alerting them of his worries RE the unconstitutional licencing of injection rooms for the use by addicts of illegal purchases of hard drugs. This failure to uphold Federal laws by the NSW State Govts. and the consecutives govts. from the Howard era to the present day Govt. led by Scott Morrison.

The only Premier to follow up Mr. Tzavellas' concern was Queensland's Peter Beattie and his chief of staff Rob Whiddon.

John Howard's chief of staff Arthur Sinodinos sent the Govt's response via Rob Whiddon. It contained political spin and failed to address Mr. Tzavellas' concerns. The Howard Govt, the Minister for Justice and Customs, The Australian Federal Police and the NSW Police commissioners Peter Ryan, Ken Moroney and Andrew Scipioni failed to uphold our constitution and enforces Federal laws. Why not? These addicts are buying hard drugs such as heroin and

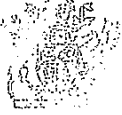
cocaine so they can inject it in a Govt. sanctioned injection room. Has anyone paused to consider how the addicts find the money to purchase their drugs.

Attached: correspondence to Mr. Tzavellas. Correspondence dated 23 August, 2000 by Peter Bennet, President of the customs officers association of Australia to the Minister for Justice and Customs Amanda Vanstone who in private life was a lawyer. A response by principal adviser Andrew Kirk on the request that he respond to Peter Bennett on her behalf. Correspondence by past Federal secretary - customs officers association of Australia to the Federal and NSW Police Commissioners to M. Palmer and Peter Ryan. the responses to Mr. Spanswick.

Correspondence to Prime Minister Howard, dated July 12th 2000. Attached a brief on the legality of heroin by Athol Moffitt CMGQC - retired President NSW Court of Appeal. Justice Moffitt served 24 years as a Supreme Court judge and was Australia's first Royal Commissioner into organised crime.

The following articles include a copy of Section 109 of our Commonwealth Constitution showing that the NSW, Australian Capital Territory (ACT) under the Chief Minister Ms Carnell and now the Andrew's Govts. have unconstitutionally legislated the licence of a drug injecting room was invalid. Also attached is some of the offences against the Customs Act.

The following article was delivered to the NSW Parliament Foyer in May 2010 addressed to the elected members of the State Liberal and National Coalition, The Reverend Fred Niles, Christian Democrats and The Shooters Fishers Party as well as The Independent Member for Dubbo, Dawn Fardell. Attached to this article is the Hansard Vote on October 21, 2010 on the misuse and trafficking amendment for the licencing of the Kings Cross Injecting Centre. We must congratulate The National Party for breaking away from their Liberal Party members and voted 100% against the aforementioned bill. Attached - Political foresight regarded as one of the world's greatest speeches.



Queensland  
Government

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Office of the Premier

3 JAN 2001

Mr P Tzavellas  
14 Phillips Avenue  
CANTERBURY NSW 2193

Dear Mr Tzavellas

I refer to your letter of 28 March 2000 to the Premier regarding Australia's customs service and drug smuggling issues and to my reply of 9 May 2000. I also refer to your telephone request of 15 May 2000 that the Premier write to the Prime Minister and Minister for Justice and Customs supporting your call for a public forums to be arranged for these issues to be aired.

Subsequent to your call a letter was sent to the Prime Minister's chief of staff, Arthur Sinodinos, enclosing a copy of your letter and requesting that consideration be given to your request. I now enclose a copy of the response received from Mr Sinodinos on 15 December 2000 for your information.

Yours sincerely

**Rob Whiddon**  
Chief of Staff

Executive Building  
100 George Street Brisbane  
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Queensland 4002 Australia  
Telephone +61 7 3224 4500  
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THE DEPARTMENT OF  
THE PRIME MINISTER AND CABINET

CANBERRA, A.C.T. 2600

TELEPHONE: (02) 6271 5111  
FACSIMILE: (02) 6271 5414

29 June 2000

Mr Phillip Tzavellas  
14 Phillips Avenue  
CANTERBURY NSW 2193

Dear Mr Tzavellas

Thank you for your correspondence of 21 June 2000 to the Prime Minister.

Mr Howard regrets that it is not possible for him to give each letter his personal attention. However, he is kept regularly informed of the views of people who, like yourself, take the time to write to him.

The Prime Minister has asked that letters addressing matters, which are the particular responsibility of another Minister, be referred to that Minister for closer attention. Your comments regarding an Independent Judicial Enquiry into the structure of the Customs Department have been noted and referred to the Minister for Justice and Customs, Senator the Hon Amanda Vanstone who has portfolio responsibility for this matter.

Again, thank you for taking the time to write. Mr Howard appreciates the effort you have made to share your views with him.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Karen Sherston'.

Karen Sherston  
Ministerial Officer



OFFICE OF THE PRIME MINISTER

CANBERRA

Mr Rob Whiddon  
Chief of Staff  
Office of the Premier  
100 George Street  
BRISBANE QLD 4000

- 8 DEC 2000

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Dear Mr Whiddon

Thank you for your letter of 16 May 2000 regarding correspondence the Premier received from Mr Phillip Tzavellas of Canterbury, NSW about the Australian Customs Service (Customs). I apologise for the delay in responding to your letter.

I have been assured that Mr Tzavellas' claim of a "giant cover up" within Customs, and the silencing of Customs officers, is wholly without foundation.

Mr Phillip Tzavellas mentions his colleague, Mr Spanswick, a former Secretary of the Customs Officers Association. I am advised that Mr Spanswick has not been employed by Customs for more than ten years and, as a consequence, he would not be familiar with contemporary management of Customs. During that time, the proportion of Customs staff who work on Border related tasks has increased from 40 per cent to over 60 per cent.

The Government's *Tough on Drugs* strategy provides a clear message to address the drug problem in Australia. The strategy recognises that a balance is needed between law enforcement based supply reduction strategies, and other demand reduction and harm minimisation measures.

The Government has substantially increased its effort and funding in the fight against drugs under the *Tough on Drugs* strategy. An amount of \$515 million has been allocated under this strategy over four years, specifically aimed at combating the drug problem.

The Minister for Justice and Customs, Senator the Hon. Amanda Vanstone, is responsible for the supply reduction side of the *Tough on Drugs* strategy. Under the strategy, the Government is providing Customs with more than \$151 million over a period of four years. The funding covers: interception measures in the Torres Strait, additional intelligence analysts and increased cargo surveillance functions, eight new Customs vessels and enhanced technology.

These measures support the risk management techniques Customs uses to target and interdict illicit drug trafficking. A further \$43 million has been provided to the Australian Federal Police (AFP) for new initiatives including the provision of mobile strike teams to target and investigate major drug syndicates.

Recent drug interdiction successes, which were reported in the media, provide evidence that the significant funding provided to Customs and AFP through the Government's *Tough on Drugs* strategy is paying dividends. These successes include: the two largest ever seizures of heroin – 219 kilograms in October 1999, and 390 kilograms in September 1998; the seizure of approximately 67.4 kilograms of ecstasy tablets (approximately 218,000 tablets); 9 kilograms of ecstasy powder and major seizures of cocaine including 9.1 kilograms in January 2000, 500 kilograms in February and the seizure of 115 kilograms of black cocaine in the same month. Australia is sending a clear message to drug traffickers – the chances of getting caught are increasing all the time.

Mr Tzavellas claims that Mike Jeffries from Radio 2GB has been attempting to arrange a debate with the Minister for Justice and Customs for some six months. However, Senator Vanstone's office has no record of any specific request by 2GB for such a debate and I have been advised that Senator Vanstone has in fact recently been on the program to discuss drug policy.

Mr Tzavellas also has some issues with the New South Wales Government's 1999 Drug Summit and I suggest that he should be advised to address these issues to the New South Wales Premier, the Hon. Bob Carr MP.

You can assure Mr Tzavellas that Customs is fully engaged in the fight against drugs. The improved resources now available to law enforcement agencies through the Government's *Tough on Drugs* strategy, have already yielded record-breaking results.

Yours sincerely



ARTHUR SINODINOS  
Chief of Staff

# **CUSTOMS OFFICERS ASSOCIATION OF AUSTRALIA FEDERAL OFFICE**

**P.O.Box 146  
Kippax ACT 2615  
(02) 6254 1850 ph  
(02) 6254 3755 fax  
coa\_aust@dynamite.com.au**

23 August, 2000

Senator Amanda VANSTONE  
Minister for Justice and Customs  
Parliament House  
Canberra ACT 2600

Dear Minister

## **Australian Customs Service – requirement to execute Customs law.**

As you know, the NSW Government has passed law allowing for persons in possession of heroin to use that heroin in a licensed and government sanctioned place variously called “the shooting gallery” or “safe injecting room”.

2. The merits of this law and whether it is likely to provide a safe place for existing users to use heroin or whether it will promote heroin use by persons currently not using the drug at present is not the subject of this communication. That subject will be addressed in future activities of the Association.
3. However the Association is concerned about a number of important issues arising from the introduction of this legislation.
4. Firstly, ‘Heroin’ is a prohibited import under the Customs Prohibited Import Regulations (Item 104 of Schedule 4). In effect, no heroin is manufactured in Australia. With a few rare exceptions in past years, all heroin detected anywhere in Australia has a chemical signature clearly indicating that it was manufactured overseas. Therefore, in effect, all heroin detected in Australia may reasonably be suspected of being imported and is therefore forfeited to the Commonwealth under the Customs Act, s229 (b) and consequently must be seized in favour of the Commonwealth under particular laws in Part XII, Division I and the Crimes Act.

5. The NSW Government law is in conflict with the Federal Customs Act (eg s233, s233B and probably s33 and s232) in that the NSW law ostensibly legitimises possession of federally prohibited goods which are forfeited and whose possession is federally restricted. The NSW law is constitutionally invalid and cannot stand against the federal law.

6. However if a generic or individual permit has been lawfully issued by the Federal Minister for Health or his delegate which has been accepted and implemented by your Customs Service which permits the importation and use of heroin in the "shooting galleries" then there may be a question about the nature of the conflict between the federal and state legislation. Certainly there would be Constitutional issues concerning state's rights as they may then apply to a specific state. Also the administrative issues of any such arrangement would seem to be beyond the capabilities of the Customs Service as it now structured, managed and resourced.

- a) Would you please advise whether the Minister of Health or his delegate have issued a generic or individual or other form of permit permitting persons to import and/or use heroin in a manner consistent with the relevant NSW "shooting gallery" legislation. If a permit has been issued would you please provide me with a copy of that permit(s). If you are unaware of any such permit(s), would you please advise me accordingly.
- b) If such permission has not been granted, have you as the Minister responsible for Customs or your delegate, authorised in any way, the importation of heroin for the purpose of possession and/or use consistent with the NSW "shooting gallery" legislation. If you have issued such a permit(s) would you please provide me with a copy of same.
- c) If neither the Minister for Health or you or your respective delegates have issued permits or otherwise allowed the possession or use of imported heroin for the purposes of the NSW "Shooting gallery" legislation would you please advise me of any other federally issued permit that has been issued for that purpose.
- d) If no lawful federal permission has been issued to import heroin for the purpose of possession and/or use in the NSW "shooting galleries" what instruction if any has been issued by you, your office, the Customs Service or any other agency to Customs Officers, individually or collectively about the action they must take or not take in relation to those heroin imports. Please provide me with a copy of any such directions or instructions should they exist. If no instruction or direction has been issued, please inform me of that fact.
- e) If no legitimate federal permission has been issued to import heroin for the purpose of possession and/or use in the NSW "shooting galleries" what instruction if any has been issued by you, your office, the Customs Service or the Australian Federal Police to officers of other agencies, individually or collectively about the action they must take or not take in relation to those heroin imports. Please provide me with a copy of any such directions or instructions should they exist. If no instruction or direction has been issued, please inform me of that fact.

- f) If no instruction or direction has been issued to Customs Officers, collectively or individually then would you please advise me whether or not it is your intention to instruct or direct Customs Officers either directly or through the Customs Service in relation to the matter of imported heroin, reasonably suspected of being in possession or used by persons in NSW for the purposes of the "Shooting Gallery" legislation. If it is your intention for instructions or directions to be issued officers in this matter would you please provide a copy of that instruction when it is produced
- g) If no instruction or direction has been issued to Customs Officers, collectively or individually then would you please advise me whether or not it is your intention to instruct or direct Australian Federal Police either directly or through the Federal Police Commissioner in relation to the matter of imported heroin, reasonably suspected of being in possession or used by persons in NSW for the purposes of the "Shooting Gallery" legislation. If it is your intention for instructions or directions to be issued officers in this matter would you please provide a copy of that instruction when it is produced
- h) Regardless of the preceding questions (a to g) would you please advise what action if any you intend to take in relation to the NSW "shooting gallery" legislation. In particular what action, if any do you intend to take in relation to the unambiguous conflict between the prohibitions to possess and/or use heroin reasonably suspected of being imported, under the Federal Customs Act and the use and possession provisions provided by NSW "Shooting Gallery" legislation.
- i) If it is the intention of the Government to stop Customs Officers and/or Australian Federal Police Officers from carrying out legitimate duties relating to protecting the community under the Customs Act would you please advise how the Government reconciles that conduct with the obligations under that Act.
- j) If the Government does not intend taking action under the Customs Act to stop breaches against that Act will you please advise when, as the responsible Minister you will be seeking to change the Customs Act to reflect this Government intent.

7. At present I believe Customs Officers generally have insufficient information to know how to carry out their duties in relation to the matter of the NSW "Shooting Galleries". Officers are at risk because of the uncertainty created by the NSW "Shooting Galleries" situation concerning the relevant legislation and officer duties. I believe the Customs Service has failed badly in its duty of care to Officers generally in relation to this matter. Your responses to these questions would be appreciated as soon as possible.

Yours sincerely

P.P.Bennett  
Federal President.





Office of the Minister for Justice and Customs

Ministerial Number 203680

- 8 NOV 2000

Mr P Bennett  
Federal President  
Customs Officers Association of Australia  
PO Box 146  
KIPPAX ACT 2615

Dear Mr Bennett

Thank you for your letter of 23 August 2000 to the Minister for Justice and Customs, Senator the Hon. Amanda Vanstone, concerning the establishment of injecting rooms in New South Wales. The Minister has requested that I respond to you on her behalf.

I note your concerns about the establishment of injecting rooms. As you would be aware, the Federal Government has expressed strong and consistent reservations about the proposed establishment of injecting rooms in Australia. Despite its opposition to injecting rooms, the Federal Government maintains that the health and other aspects of injecting rooms are essentially matters for State and Territory Governments. The Prime Minister has written to each state and territory government expressing the Federal Government's reservations about the proposed trials.

The Minister for Justice and Customs has not issued any permit to allow the lawful importation or possession of heroin or any other illicit drug for use in injecting rooms. The Australian Customs Service and the Australian Federal Police have not been directed to alter their operations in relation to the interdiction of illicit drugs at the border and within the community. Furthermore, it is not the Federal Government's intention to prevent the Australian Customs Service or the Australian Federal Police from carrying out their legitimate duties in relation to illicit drugs.

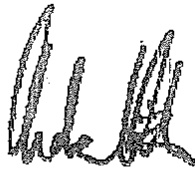
Under the Constitution, states and territories have primary responsibility for laws designed to prohibit or control drug use. The states and territories are also responsible for general law enforcement activities. Given that both the

Commonwealth and the states and territories have responsibility in relation to drug control in Australia, and the broad community interest in the effectiveness of such controls, governments at all levels are developing a coordinated approach to tackling drug problems.

Under the *Tough on Drugs* Strategy, the Government is providing more than \$516 million for a balanced range of measures aimed at law enforcement, education, treatment and research. This Strategy reflects the Government's concern at the increasing harm caused by illicit drugs. It recognises that to address this issue effectively, not only must supply be reduced but so must the demand for drugs and the harm they cause.

I can assure you that since the formation of the Justice and Customs Ministry there has been greatly enhanced cooperation and communication between relevant agencies engaged in investigating, intercepting and prosecuting drug-related matters. Record drug seizures, particularly as a result of joint operations between federal and state/territory law enforcement agencies, is testimony to this success. If Customs staff have any questions about the way they should discharge their duties, it is their responsibility to raise those concerns with their managers.

Yours sincerely



ANDREW KIRK

Principal Adviser

6-10-2000

46 Crieff Street  
Ashbury NSW 2193  
Ph: 02 – 9797 9426

Commissioner M. Palmer  
Australian Federal Police  
Fax : 02 – 9286 4064

Re: Concerns requiring your urgent attention.

Dear Commissioner Palmer,

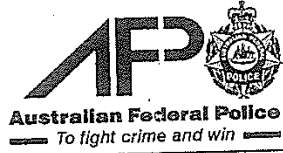
I am writing to you concerning the imminent opening of the 'Medically Supervised ('heroin') Injecting Room' in Sydney, and an injunction being sought by interested parties.

Having been involved in the briefing preparation concerning the matter of an injunction against the 'MSIR', I am of the view that these will develop into legal proceedings against a number of individuals. As a consequence, it is my concern and view that rank and file officers who are, or may be, associated with certain duties and more importantly, lack of duties, concerning the 'MSIR' activities should not be inappropriately referred to or used in any sworn informations put to the courts.

Due to the nature of the NSW legislative arrangements, including such regulations, it is clear that having regard to S. 109 of The Australian Constitution, certain parts of the NSW legislation relating to 'MSIR's' are invalid on any view, when read against The Federal Customs Act.

Therefore, as the 'senior' officer in your service, it is both appropriate and necessary that you give valid and proper direction to the relevant rank and file officers in the circumstances. Such action on your part would at least alleviate part of my concern about 'MSIR' activities, at least as they relate to appropriate naming of officers in sworn informations.

Yours Sincerely  
Mr R.G. Spanswick  
(Past Federal Secretary – Customs Officers Association of Australia)



**Australian Federal Police**  
— To fight crime and win —

Locked Bag A3000  
SYDNEY SOUTH NSW 1232

Telephone: 02 9286 4000  
Facsimile: 02 9286 4718

Our Ref: 680761  
Your Ref:

13 October 2000

Mr R G Spanswick  
46 Crieff Street  
Ashbury NSW 2193

Dear Mr Spanswick

I refer to your facsimile of 6 October 2000 regarding Medically Supervised Injecting Rooms, and possible offences under the Customs Act 1901.

This matter has been referred to our head office in Canberra for their consideration. A reply will be forwarded to you once they have completed their evaluation of the issues that you have raised.

Thank you for bringing this matter to our attention.

Sincerely,

N Scudder  
Team Member  
Eastern Operations Monitoring Centre  
SYDNEY OFFICE



ABN 43 408 613 180

## NSW POLICE SERVICE

### ORGANISATIONAL POLICY AND DEVELOPMENT

Level 15 Police Headquarters  
Avery Building  
14-24 College Street  
Darlinghurst NSW 2010

Tel: 9339 5687 / 55687  
Fax: 9339 5905 / 55905

Rel: NSWP/D/2000/107198

Mr R G Spanswick  
46 Crieff Street  
Ashbury NSW 2193

Dear Mr Spanswick

I am writing on behalf of the Commissioner of Police, Mr Peter Ryan, regarding your comments on the Medically Supervised Injecting Room.

Thank you for writing to inform the Service of your deliberations on the legal and constitutional implications of establishing such a facility. Your comments will be considered in ongoing developments of the Medically Supervised Injecting Room.

Yours faithfully,

Cheryl McCoy  
A/Director Operational Programs Branch  
16 November 2000

**Phillip Tzavellas  
14 Phillips Avenue  
Canterbury NSW 2193  
Ph: (02) 9787 2098**

**The Prime Minister  
The Hon. John Howard P.M.  
Canberra ACT 2600**

**Wednesday July 12th 2000**

**Re: Support for our constitution.**

**Dear Mr Howard,**

**Thank-you for your response to my correspondence dated 29<sup>th</sup> June 2000.**

**I believe it's time immediate steps were taken to address the ineptness of The Australian Customs department, and more so the Minister for Justice and Customs, Senator A. Vanstone and her bureaucrats.**

**Prime Minister, you fought hard and spent millions of dollars of taxpayer's dollars in a referendum that retained our constitution.**

**Premiers Mr. Bob Carr (in NSW) and Mr. Steve Bracks (in VIC) and Ms. Kate Carnell (in the A.C.T.) and their caucus, legislated to allow heroin shooting rooms. These and related activities are illegal under the Customs Act 1901 as amended because of Section 109 of our constitution. Bearing in mind our country's recent referendum and overwhelming support for the constitution, it would be remiss of you and your government if you failed to address these breaches, which go, but are not limited, to;**

- 1. The illegal and unconstitutional actions by the New South Wales, Victoria, and Australian Capital Territory governments, their administrations, Ministers and Police Commissioners, concerning heroin use rooms and related activities. These governments**

have legislated against the Commonwealth in respect to what they call heroin shooting gallery trials, which are in fact illegal heroin drug use rooms. These, and related activities, are illegal under The Customs Act 1901 as amended and go, but are not limited, to;

- The assembling of persons for the unlawful purpose of preventing the seizure of a prohibited import (heroin); Sec. 231 Through Sec. 237 where appropriate.
  - Police making agreements not to seize goods liable to forfeiture (heroin) Sec. 232(a) Through Sec. 237 where appropriate.
  - People moving and altering goods subject to Customs control without authority; Sec 33 Through Sec. 236 where appropriate.
  - People unlawfully conveying or having in their possession prohibited imports (heroin) Sec. 233(1)(d) AND / OR Sec. 233B(1)( c ), ( caa ),( ca ). Through Sec. 236 where appropriate.
2. The legislation they have passed has been presented to the relevant Governors and although that legislation is invalid under Section 109 of The Australian Constitution, has been given Royal assent.
  3. The illegal inaction by the Federal government's relevant ministers, The Federal Attorney General and Minister for Customs and Justice in relation to the offence matters.
  4. The illegal inaction by the Australian Federal Police Commissioner in the same matter.

Further more, the heroin shooting rooms provide no answer to our nation's drug problem. Blocking primary supply of narcotics can, and the only

**way this real answer can be achieved is by establishing an independent judicial inquiry into the failure of the customs department and allow former and present customs officers (the experts) to give their views on how to rectify these failings of Customs.**

**Of course, this would be a stark about face. Bearing in mind that the President of The Customs Officers' Association had to take action in the High Court against the Customs Chief Executive Officers to stop the misuse of The Public Service Act and The Customs Administration Act against him in an attempt to keep him silent.**

**Prime Minister, I would like to believe our democratic laws and our constitution pertain equally to politicians, as they do to the rest of us.**

**Thanking You,**

*Phil Tzavellas*

**Yours Sincerely  
Phillip Tzavellas**

**Is the Major Sydney Media in Tandem with the Liberal- National Coalition Guilty of Covering up the NSW Labor Government's Breaches of Federal Law and the Constitution** 1

The NSW Government passed Law allowing for persons in possession of Drugs such as Heroin that can be used in a licenced and Government sanctioned place variously called "The Shooting Gallery" or safe Injecting Room. The Misnomer that it was for Heroin, statistics later released Prove that the addicts were also using cocaine , ice, oxycodone. The merits of this Law or whether in fact it is likely to provide a safe place for existing users, or whether it will promote a wider use of these hard drugs and the moral issue is not the subject of this communication. It is clear that the NSW Government is guilty of breaching Section 109 of the Australian Constitution states- "When a Law of the State is inconsistent with the Law of the commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency , be invalid".

The NSW Government and opposition in tandem with the Greens are guilty of committing Federal indictable offences against the Australian Customs Act [ Item 104 of schedule 4 ] States Heroin is a prohibited Import, in effect no Heroin is manufactured in Australia , and in 99% of cases Heroin imported bears a chemical signature and must be seized in favour of the commonwealth under particular Laws [ part X11 Division 1] and the crimes act.

The NSW Government Law is in conflict with the Federal Customs Act , in that the NSW Law ostensibly Legitimizes Possession of federally prohibited goods which are forfeited and whose possession is federally restricted. The NSW Law is constitutionally invalid and cannot stand against the federal Law. Section 236 of the customs act and crimes act 1914 section 5 reads as follows:-

Any person who aids or abets, counsels or procures, or by an act or omission is in any way directly or indirectly knowingly concerned in, or party to, the commission of any offence against the -- Law of the commonwealth, whether passed before or after the commencement of this Act , shall be deemed to have committed that offence and shall be punishable accordingly.

Section 231 Assembly for unlawful purposes.

Any person to the number of 2 or more assembled for the purpose of  
c] Preventing the seizure of any prohibited Imports.

Section 233

[1-d ] A person shall not, Unlawfully convey or have in their possession any prohibited Imports.

**Is the Major Sydney Media in Tandem with the Liberal- National Coalition Guilty of Covering up the NSW Labor Government's Breaches of Federal Law and the Constitution**

1

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Section 233

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There are many Concerned Australians who want the answer why the previous Howard Government minister for Justice and Customs Senator Amanda Vanstone deleted Section 232 of the customs act , which states:-

Under Collusive Seizures Who ever being an officer of customs or police makes any agreement not to seize goods liable to forfeiture shall be guilty of an Indictable offence and shall be liable to imprisonment with or without hard labour for any term not exceeding 5 years. The federal parliament deleted this act, within 4 weeks of the opening of the Injection room.

**Australia's senior supreme court Judge Justice Moffitt , wrote the following brief on Heroin. There can be Neither a trial nor programme without Legal Heroin. There is none in Australia and none can be imported or manufactured without commonwealth Licence . A state law to the contrary would be constitutionally invalid\_ it is against commonwealth policy to provide legal heroin , even for medical purposes. There are overwhelming reasons why control of heroin should remain under the control of a central Government". Heroin is classified by WHO as an specially dangerous drug and is included in schedule 1 and 4 , Therefore even if providing maintenance doses were for medical purposes under a maintenance programme would be in breach of the convention "having a trial\_" of something which cannot be done.**

Facts

There are more than a thousand distribution points nationally for taxpayer funded syringes to be given out free to addicts , allowing them to inject themselves with illegal Imported substances such as Heroin cocaine ice etc.

However on the other hand people with illness like sugar diabetes have to pay for their Syringes for life saving insulin injection, also the increasingly high costs of many vital support drugs needed for our pensioners have been deleted from the governments PBS scheme .

Our sources reveal that to-date at least 50% of people going to the Kings Cross Injection rooms are in-fact first time users, introduced by other addicts who encourage them to have supervised shoot up of these poisons of choice, supplied by pushers wanting to make a quick dollar.

In most cases the cost for these addicts can be as much as \$1000 + per week, this leads to a large increase in petty crimes in order to fund these habits. The majority of Australians did not approve of the Injection Rooms and were unaware of its current operational costs around \$8 Million per/year of taxpayers funds , and its poor result with very few addicts cured to-date.

The Massive Political cover up

Why has the Federal Government and their opposition parties failed to expose the breach of the Australian Constitution and the Federal indictable offences committed by the NSW Labor Government.

One could be forgiven for believing that the NSW State Government is guilty of fostering an illegal drug culture ably supported by the Liberal National Coalition

and the Greens and by the illegal legislation in Licencing the Kings Cross Injection Rooms [ Known as the shooting gallery] .

We also Question , of those we have named who you may consider are guilty of mass treason against the young addict visitors to the injection rooms so they may inject these drugs.

Why have the Australian Federal Police/ NSW Customs and the State Police FAILED TO ENFORCE Federal Law.

It appears that the only winners are the drug cartels who profit from these illegal import substances such as Heroin, Cocaine and Ice.

The following evidence supports our allegations , and we wonder if our Law Enforcement agencies have become Political Pawns

Now that you've followed the evidence , we have no doubt that the majority of talk Back Radio hosts appeared to have ignored the illegality of the State Governments sanctioned Injection Rooms , and it appears ably supported by political Journalists from Television Channels 2/7/9/10 and SBS in Tandem with the political Journalists from the S M H the Sun Herald and the Murdoch News Limited , the Daily Telegraph and Australian newspapers

*1] Why did the then Howard lead government, aided by the silence of the federal opposition both fail to uphold the Australian Constitution and enforce federal law.?*

*2] Both the NSW Parliament and Opposition as well as the major Sydney Media have and continue to treat the people of NSW with utter contempt by covering up these serious breaches of federal indictable criminal offences.!*

*3] Who was responsible for preventing the Australian custom officers, the Australian federal police and NSW police from enforcing federal law ?*

*4] Is it possible that the Drug Cartels and Suppliers to addicts who are using the Kings Cross Injection rooms , may be receiving protection in exchange for financial donations ending up in the political party slush funds. ?*

*5] Was the Sydney Media gagged in investigating this issue for fear of exposing criminal activity by those in high places.?*

**Why have the opposition parties refused or negligently, failed to meet with Governor Basheer to ask for the dismissal of this NSW Labor Government.**

In closing, it is worth remembering that according to the corrected copy of Hansard (transcript) dated 21 October 2010, for the legislative assembly's vote on the 'Drug misuse and Trafficking Amendment (Medically supervised injecting centre) Bill 2010,

The N.S.W Labor party was joined by the Independent for Dubbo, Dawn Fardell, and six opposition Liberal Members ( Craig Baumann Member for Port Stephens ,Gladys Berejiklian Member for Willoughby and Shadow Minister for Transport , Victor Dominello Member for Ryde , Brad Hazzard Member for Wakehurst and Shadow Minister for Planning and Infrastructure, Jonathon O'dea Member for Davidson, Julian Skinner Member for North Shore and Shadow Minister for Health) all supported this legislation although they had been made fully aware that this legislation would breach section 109 of the Australian Constitution and in fact, breaches Federal Law.

This Bill was successfully passed through the legislative Council (Upper House) with the aid of the Greens, who's policies appear to be based on Communist ideology which seems to have bilateral support by members of the NSW Labor Party and some of the Liberal Opposition.

The major criterion for a democratic country such as Australia must be their 'Constitution'. We believe that any person or organisation who attempts to dismantle or breach our Australian Constitution will be 'named and shamed'. As our forefathers who made this country would expect.

**Why have the opposition parties refused or negligently, failed to meet with Governor Basheer to ask for the dismissal of this NSW Labor Government.**

**Ministers , this transcript will be distributed to every voter in those NSW marginal Electorates prior to the 2011 election.**

Leave granted to proceed to the third reading of the bill forthwith.

### Third Reading

The Hon. PENNY SHARPE (Parliamentary Secretary) [12.50 a.m.]: I move:

That this bill be now read a third time.

Question put.

The House divided.

Ayes, 22

L Mr Catanzariti	L Mr Kelly	L Ms Sharpe
L Mr Cohen <i>CROSS</i>	L Mr Moselmane	L Mr Shoebridge <i>CROSS</i>
L Ms Cotsis	L Mr Obeid	L Mr Veitch
L Ms Faehrmann <i>CROSS</i>	L Ms Parker	L Ms Westwood
L Mr Foley	L Mr Primrose	
L Ms Griffin	L Mr Robertson <i>John</i>	Tellers,
L Mr Harwin	L Ms Robertson	Ms Voltz
L Dr Kaye <i>CROSS</i>	L Mr Roozendaal	Mr West

Noes, 15

Mr Ajaka	Mr Gay	Mrs Pavey
Mr Borsak	Mr Khan	
Mr Clarke	Mr Lynn	
Ms Cusack	Mr Mason-Cox	Tellers,
Ms Ficarra	Reverend Dr Moyes	Mr Colless
Mr Gallacher	Reverend Nile	Miss Gardiner

Question resolved in the affirmative.

Motion agreed to.

Bill read a third time and returned to the Legislative Assembly without amendment.

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centre. The legislation makes clear also that the Government is committed to one injecting centre only. We recognise that Kings Cross is unique; it has a long history as an illicit drug centre with high levels of drug overdose and a transient population. The centre also is functioning well. Throughout its status as a trial it has had strong leaders, as well as hardworking, well-trained and compassionate medical staff. I thank them for the job they do. The independent evaluation of the centre found also that its protocols are working well. The centre's qualified and highly professional staff assess all clients before they can register. As the legislation indicates, stringent monitoring of the centre will continue.

It is worth highlighting the widespread support for the Government's decision to end the trial, particularly among clinicians. I reflect on the words of my colleague Dr Andrew McDonald when he cited support for the centre from the Australian Medical Association and the Royal College Australasian College of Physicians. The most recent evaluation for the centre also links its presence to a significant 44 per cent decline in ambulance call-outs to suspected overdoses in Kings Cross. The centre is part of a diverse approach to finding a solution to a problem that plagues almost every society across the globe. We cannot rest on simplistic solutions or narrow-minded ideology. A number of speakers noted that drug users are not anonymous statistics—they are sons and daughters, mothers and fathers, and friends. It is our duty as members of Parliament to do all we can to help them and to reduce the impact of illicit drugs on our society. I commend the bill to the House.

**Question—That this bill be now agreed to in principle—put.**

**The House divided.**

**Ayes, 57**

Mr Amery <i>L</i>	Ms Firth <i>L</i>	Mr Morris <i>L</i>
Ms Andrew <i>L</i>	Mr Furolo <i>L</i>	Mr O'Dea <i>LIB.</i>
Mr Aquilina <i>LIB.</i>	Ms Gadiel <i>L</i>	Mr Pearce <i>L</i>
Mr Bauman <i>L</i>	Mr Gibson <i>L</i>	Mrs Perry <i>L</i>
Ms Beamer <i>L</i>	Mr Greene <i>L</i>	Mr Piper <i>L</i>
Ms Berejiklian <i>LIB.</i>	Mr Harris <i>L</i>	Mr Rees <i>L</i>
Mr Besseling <i>L</i>	Ms Hay <i>LIB.</i>	Mr Sartor <i>L</i>
Mr Borge <i>L</i>	Mr Hazzard <i>LIB.</i>	Mr Shearan <i>L</i>
Mr Brown <i>L</i>	Mr Hickey <i>L</i>	Mrs Skinner <i>LIB.</i>
Ms Burney <i>L</i>	Mrs Hopwood <i>L</i>	Mr Stewart <i>L</i>
Ms Burton <i>L</i>	Ms Homery <i>L</i>	Ms Tebbutt <i>L</i>
Mr Capra <i>LIB.</i>	Ms Keneally <i>L</i>	Mr Terenzini <i>L</i>
Mr Collier <i>L</i>	Mr Khoshaba <i>L</i>	Mr Tripodi <i>L</i>
Mr Coombs <i>L</i>	Mr Lalich <i>L</i>	Mr West <i>L</i>
Mr Corrigan <i>L</i>	Mr Lynch <i>L</i>	Mr Whan <i>L</i>
Mr Costello <i>L</i>	Dr McDonald <i>L</i>	
Mr Daley <i>L</i>	Ms McKay <i>L</i>	<i>Tellers,</i>
Ms D'Amore <i>L</i>	Mr McLeay <i>L</i>	Mr Ashton
Mr Dominello <i>LIB.</i>	Ms McMahon <i>L</i>	Mr Martin
Mrs Fardell <i>LIB.</i>	Ms Megarity <i>L</i>	

**Noes, 29**

Mr Aplin	Mr Hartcher	Mr Smith
Mr Ayres	Ms Hodgkinson	Mr Souris
Mr Baird	Mr Kerr	Mr Stokes
Mr Candell	Mr Merton	Mr J. H. Turner
Mr Constance	Mr O'Farrell	Mr R. W. Turner
Mr Debnam	Mr Page	Mr J. D. Williams
Mr Draper	Mr Piccoli	Mr R. C. Williams
Mr Fraser	Mr Provest	<i>Tellers,</i>
Ms Goward	Mr Richardson	Mr George
Mrs Hancock	Mr Roberts	Mr Maguire

**Pair**

Mr McBride	Mr Stoner
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## THE KESSING STORY

### WAS CUSTOMS OFFICER ALLAN KESSING A POLITICAL PAWN?

Allan Kessing, as a senior serving Customs officer at Sydney Airport, made a written report into his concerns dealing with lack of security. This report was handed to the relevant Senior Bureaucrats. The Howard Government sat on this damning report for two and a half years without addressing the concerns of Mr. Kessing.

Mr. Kessing was charged with leaking documents to the Australian Newspaper journalists, relating to the sad state of security at Sydney Airport. Take note that Mr. Kessing was involved in preparing the reports while working at Customs and they were given to his managers in Sydney.

On the one hand, the Howard Government had the Australian Federal Police (AFP) Commissioner Keelty, haunt Mr. Kessing, while on the other, it recruited an international security giant, Sir John Wheeler, to inspect the airports and come up with a plan to improve security. It resulted in approx. \$200 million being available for security improvements, an agenda that was at the top of Mr. Kessing's list. To this day, Mr. Kessing insists he did not leak any documents at any time to the Media.

It should be remember that Mr. Kessing's report had passed through the hands of many Senior Bureaucrats.

Justice Bennett of the District Court sentenced Mr. Kessing to nine months imprisonment, suspended, for the leaking of the said documents to the Australian journalists.

We find it strange that the Australian journalists were not subpoenaed by the Crown Prosecutors to give evidence at Mr. Kessing's trial.

Like most people accused of whistleblowing, Mr. Kessing has emerged out of this experience badly damaged. Almost all of Mr. Kessing's superannuation of \$72,000 has evaporated in court costs. In a so-called DEMOCRATIC COUNTRY SUCH AS AUSTRALIA, what is the COST OF GETTING JUSTICE?

Mr. Kessing appealed his conviction and was confident he had a strong case. The trial judge directed the jury that the offence of communicating confidential documents by a Commonwealth Officer included the mere confirmation of the accuracy of the material obtained by the newspaper. The evidence against Mr. Kessing was that there were contact details of one of the reporters found at his premises, plus call charge records from his home to the newspaper's offices.

This was said to amount to an “overwhelming interference” that Mr. Kessing leaked the reports. However, that might also be evidence that he was contacted by the newspaper to verify the accuracy of reports that had been leaked by someone else, for example, could one of the Senior Bureaucrats have leaked the reports, because the Howard Government had failed to address the reports for two and a half years. Meanwhile, in Justice Virginia Bell's final N.S.W. Judgment before leaving for the High Court, she found that the trial judge's misdirection did not amount to a substantial miscarriage of justice.

The question we ask, “Was Mr. Kessing used as a political pawn to cover up the failures of the Howard Government?” What the Australian public did not know was that Mr. Kessing, during his trial, nursed his mother who had contracted cancer, and during this period succumbed to her illness.

Prior to the 2007 Federal election, Labor's Shadow Minister, Anthony Albanese, promised to clear Mr. Kessing's name, if elected. Not surprisingly, since being elected, Mr. Kessing has heard nothing from Anthony Albanese.

The question we are being asked by many correspondents: “Is it possible that political interference played a part in the decision of the judiciary?” Could the elevation of Justice Virginia Bell to the High Court have played any part in the final outcome of Mr. Kessing's case?

Why was it that those in charge of Allan Kessing's case did not ask him for his version of events ?

Mr. Kessing's report came to fruition when, in late 2012, it was revealed that possibly up to thirty workers at Sydney Airport could be charged with indictable offences including the illegal importing of Drugs and Guns.

We believe there should be a statue of Mr. Kessing on display at Sydney Airport so that we can, as a nation, remember that this great Australian was persecuted, by both the Howard Government, their relevant Bureacrats and, to a lesser extent, the Opposition Parties, simply for protecting us from the importation of illegal dangerous goods.

Should you have concerns about any of our subjects, email us on [votpp@yahoo.com.au](mailto:votpp@yahoo.com.au)

As Abraham Lincoln said:

“You can fool some of the people all of the time,  
And all of the people some of the time,  
But you cannot fool all of the people all of the time.”

Point:

1. Allan Kessing did not go to the press.
2. Allan Kessing went to his Federal Member of Parliament Anthony Albanese.
3. Allan Kessing raised with Mr. Albanese the lack of action on his report to Govt. and raised aspects of it.
4. Anthony Albanese rang Allan Kessing to invite him to have another meeting at the Member's Office.
5. Mr. Albanese rang Allan Kessing again for a further meeting.

6. Labor Senator Ludwig used Allan Kessing's concerns in Senate estimates raising matters with the head of Customs.
7. The head of Customs in his response said, "I can't answer questions, it seems that you have better information than me."
8. Aspects of Allan Kessing's report then appeared in the media.

This blog takes an interest in issues associated with Freedom of Information (FOI) and privacy legislation in Australia. Information contained on this site is general in nature and does not constitute legal advice. Follow Peter Timmins on Twitter: @foiguru Follow the open government cause through the Australian Open Government Partnership Network. [www.opengovernment.org.au](http://www.opengovernment.org.au) and @opengovau.

Friday, December 21, 2012

Allan Kessing deserves more than a medal

The revelations this week about Customs won't give solace or much comfort to Allan Kessing, even of the cold kind. But they vindicate his warnings in reports written 10 years ago that were ignored by authorities and perhaps provide just a little satisfaction.

From the report of his media conference with Senator Nick Xenophon today:

Mr. Kessing said in April 2005 he approached Anthony Albanese, the then-opposition transport spokesman, and briefed one of his staffers about his concerns surrounding the reports, before meeting personally with Mr. Albanese. Information contained in Mr. Kessing's reports appeared in The Australian newspaper a few months later. Mr. Kessing claims he then was the subject of a witch hunt. His home and that of his recently deceased mother were raided in 2005, and the Australian Federal Police spent \$250,000 tapping his phones and putting him under surveillance, he said. In 2007 Mr. Kessing was convicted for breaching Section 70 of the crimes act, but denies he supplied The Australian with the report. Mr. Xenophon said in the wake of this week's revelations about alleged corruption and criminal activity at Sydney Airport, Mr. Kessing should be pardoned and his two reports publicly released. "The scandal is that this man who deserves a medal for the work he did 10 years ago was actually persecuted through the courts, had his life effectively ruined," Mr. Xenophon said.

Have the best Christmas you can, Allan.

And the same to former Customs bosses, Mr. Albanese and current and former staffers, ALP leaders who made much of the injustice to Kessing before the 2007 election propelled them into government, and Minister Jason Clare and those that drafted for him the refusal of the Kessing pardon application.

The Howard Coalition Govt. in tandem with the South Australian, Victorian and NSW Govts. breached the Commonwealth Constitution when they denied the waters of rivers including The Murray - Darling Basin for conservation or irrigation.

Section 100 of the Commonwealth Constitution, Nor abridge right to use water:  
The Commonwealth shall not, by any law or regulation or commerce, abridge the right of a State, or of the residents there in to the reasonable use of the waters of the rivers for conservation or irrigation. Commonwealth of Australia Constitution Act.

Operation of the Constitution and Laws

5. This Act, and all laws made by the Parliament of the Commonwealth under the Constitution shall be binding on the courts, judges, and people of every State and of every part of the Commonwealth, notwithstanding anything in the laws of any State, and the laws of the Commonwealth shall be in force on all British ships, the Queen's ships of war excepted whose first port of clearance and whose port of destination are to the Commonwealth.

To paraphrase this Act, if the Plaintiff can prove that the Constitution has been breached, then the courts and judges are compelled to find in favour of the Plaintiff.

34. Click onto - NSW Councils the centre of a corruption scandal  
As one Australian for all Australia we value your opinions. Email to;  
[VOTPP@yahoo.com.au](mailto:VOTPP@yahoo.com.au)

Is it worth nothing that convicted Customs Officer although innocent Allan Kessing has to carry a criminal record for life. The mainstream Australian media demand freedom of the press, and yet two people the journalist from The Australian and Labour's Federal Shadow Minister Anthony Albanese remained silent on the conviction of an innocent, Allan Kessing. The majority of Australians believe you do not get justice from our judicial system, you get decisions. Evidence of this can be found by returning to our front page. Scroll down to readers comments and click onto: 1. When is a final will and testament final?

Many of Australia's mainstream media boasted how great John Howard's Treasurer Peter Costello was. This was the Treasurer, that sold the Australian people's telecommunications Telstra, and invested the money in a future's fund off-shore. This is the same Treasurer who stockpiled a \$21 billion surplus budget which was destroyed by the incoming Kevin Rudd Labour Govt. Peter Costello had at least to chances to use taxpayer's money to build dams, harvest water and build pipelines in the areas where our farmers where they are severe victims of drought. Peter Costello and his Govt. failed to protect the future of our farmers. Shame! Shame! Shame!

## POLITICAL FORESIGHT

Back in 1944 U.S. congressman Samuel Pettingill warned that communism would help America spend itself INTO BANKRUPTCY and was striving to get Americans to become TOTALLY DEPENDANT on a Centralised Government.

In his speech Pettingill gave his fellow members of the U.S. House of Representatives the 12 points of the Socialist manifesto for the destruction of free government. See if this pattern he spoke of is familiar to the political white anting of Australia.

"The people must be made to feel their utter helplessness and their inability to solve their own problems. While in this state of mind, there is help up before them, a benign and all-wise to whom they must look for the cure of all of their ills."

The principle of local self-government must be wiped out, so that this leader of group in control can have all the political power readily at hand.

Constitutional guarantees must be swept aside. This is accomplished in part by ridiculing them as outmoded and an obstruction to progress.

Public faith in the legal profession and respect for the courts must be undermined.

The law making body must be intimidated and from time to time rebuked, so as to prevent the development of public confidence in it.

Economically, the people must be ground down by high taxes, which under one pretext or another they are called upon to pay. Thus they are brought to a common level and all income above a meagre living is taken from them. In this manner, economic independence is kept to a minimum.

Disarm the citizens so they cannot fight back.

A great public debt must be built up, so that the citizens can never escape its burden, making government the virtual receiver for the entire nation.

A general distrust of private business and industry must be kept alive so that the public may not begin to rely upon its own resources.

Government bureaus are to be set up, to control practically every phase of the citizen's life.

The education of the youth of the nation is taken under control, so that all may be inoculated at an early age, with a spirit of submission to the system.

To supplement and fortify all the foregoing, there is kept a steady stream of Government propaganda to extol all that bow and kneel to vilify those who dare to raise a voice of dissent.

Don't say it can't happen in Australia

\*The signing of "Lima Declaration" in March, 1975.

\*The introduction of the dual reciprocal taxation act for International corporations.

\*The signing of GATS (Goods Agreement in Trades and Services) in Chile.

\*The introduction of the U.S.F.T.A – USA/Australia – Free Trade Agreement which commenced January 1, 2005.

Legislation by parliament was unopposed by the Howard Liberal Government and Labor opposition

\*The Sale of Australian owned Assets, without referendum.

\*