**NOTICE TO THE HIGH COURT FROM THE PEOPLE OF THE COMMONWEALTH OF AUSTRALIA**

We the People of the Commonwealth of Australia demand David Weisinger section 40 application pursuant to the of Judiciary Act 1903 (Cth) that has been filed before the High Court in the matter of Cotterill v Romanes case number S ECI 2020 03946 be heard immediately. This case is of great national importance and significance, it affects the lives and livelihoods of 25 plus million Australians and future generations. We demand the current cases before the Court be adjourned as they are nothing more than self-interest serving cases, tax cases, an immigration case and a person falling off a horse but to name a few.

The Judiciary Act 1903 (Cth)

David’s section 40 application is pursuant to section 40(4)(b)

**40. Removal by order of the High Court**

(1) Any cause or part of a cause arising under the Constitution or involving its interpretation that is at any time pending in a federal court other than the High Court or in a court of a State or Territory may, at any stage of the proceedings before final judgment, be removed into the High Court under an order of the High Court, which may, upon application of a party for sufficient cause shown, be made on such terms as the Court thinks fit, and shall be made as of course upon application by or on behalf of the Attorney General of the Commonwealth, the Attorney General of a State, the Attorney General of the Australian Capital Territory or the Attorney General of the Northern Territory.

**(2) Where:**

(a) a cause is at any time pending in a federal court other than the High Court or in a court of a Territory; or

(b) there is at any time pending in a court of a State a cause involving the exercise of federal jurisdiction by that court; the High Court may, upon application of a party or upon application by or on behalf of the Attorney General of the Commonwealth, at any stage of the proceedings before final judgment, order that the cause or a part of the cause be removed into the High Court on such terms as the Court thinks fit.

(3) Subject to the Constitution, jurisdiction to hear and determine a cause or part of a cause removed into the High Court by an order under subsection (2), to the extent that that jurisdiction is not otherwise conferred on the High Court, is conferred on the High Court by this section.

**(4) The High Court shall not make an order under subsection (2) unless:**

(a) all parties consent to the making of the order; or

**(b) the Court is satisfied that it is appropriate to make the order having regard to all the circumstances, including the interests of the parties and the public interest.**

(5) Where an order for removal is made under subsection (1) or (2), the proceedings in the cause and such documents, if any, relating to the cause as are filed of record in the court in which the cause was pending, or, if part only of a cause is removed, a certified copy of those proceedings and documents, shall be transmitted by the Registrar or other proper officer of that court to the Registry of the High Court.

Felton v Mulligan – the High Court removed the matter upon application of the AG, a private matter by a woman in relation to her diseased husband’s estate. The case of Cole v Whitfield, an interstate dispute about the length of lobster tails, again upon application of an AG the Court saw fit to remove it with a section 40. How are these matters in the public interest? Could it be that the HC removed them simply because the AG requested for the Court to remove the matters?

Under sect 40 of the Judiciary Act removal by order of the High Court subsection 4(b) the Court can remove the matter if it is satisfied if it in in the public interest. Our right to protest is of great national significance and is derived from the very structure of our system of government in particular sections 7, 24, 128 protected under the Constitution. Therefore, any application in relation to the implied freedom is always of national significance because it goes to the core of our very system of government. It is of necessity that any matter relating to the implied freedom of communication is always a test of whether our governments truly represent the views of the people and therefore satisfies the public interest criterion listed under section 40(4)(b) of the Judiciary Act.

*AUSTRALIAN CAPITAL TELEVISION PTY. LIMITED AND OTHERS and THE STATE OF NEW SOUTH WALES v. THE COMMONWEALTH OF AUSTRALIA and ANOTHER(1992) 177 CLR 106*

MASON CJ, BRENNAN, DEANE, DAWSON, TOOHEY, GAUDRON AND McHUGH JJ Mason CJ stated at paragraph 38:

**38.** Indispensable to that accountability and that responsibility is freedom of communication, at least in relation to public affairs and political discussion. Only by exercising that freedom can the citizen communicate his or her views on the wide range of matters that may call for, or are relevant to, political action or decision. Only by exercising that freedom can the citizen criticize government decisions and actions, seek to bring about change, call for action where none has been taken and, in this way, influence the elected representatives. By these means the elected representatives are equipped to discharge their role so that they may take account of and respond to the will of the people. Communication in the exercise of the freedom is by no means a one-way traffic, for the elected representatives have a responsibility not only to ascertain the views of the electorate but also to explain and account for their decisions and actions in government and to inform the people so that they may make informed judgments on relevant matters. **Absent such a freedom of communication, representative government would fail to achieve its purpose, namely, government by the people through their elected representatives; government would cease to be responsive to the needs and wishes of the people and, in that sense, would cease to be truly representative.**

If the High Court rejects David’s application pursuant to sect 40 it would be a rejection of all Australians right to protest. Given the grave nature of the situation facing the Australian people the Court is compelled to act with urgency and decide and accept his section 40 application. A failure of the Court where there can be no reasonable or logical reason for rejection of the section 40 removal by the Court, can only leave one inescapable conclusion. Either the Court only accepts applications by Attorneys General and not the people or it itself has disdain for the system of government we have and the bi product of it being the implied freedom of political communication.

As a reminder to the Court: The Justices of the Court are all under oath to uphold and enforce the protections and guarantees the Constitution offers the Australian people and it is the only Court in the land that has not been created by an act of parliament, whether state or federal. It owes its very existence to the Constitution itself. **The Court is the mere mechanism by which the Australian people access their Constitutional protections and its defining purpose is to maintain the Constitution and enforce without fear or favour the restraints it places upon government.**

The implied rule of law gives chapter III of the Commonwealth Constitution its efficacy and includes:

1) access to the Court

2) right to natural justice, both a fair and unbiased hearing

3) equality before the law and the Court

It appears the States have reverted back to pre-federation and have demonstrated utter disdain and contempt for the Constitution, aided and abetted by the Commonwealth by exercising powers they simply do not have such as lockdowns and border closures. These have no basis in Constitutional law.

Furthermore, it appears the Commonwealth and States have both colluded to defeat the Constitution and the restraints it places upon them, united by the use of these measures which exert great economic pressure to force vaccination upon the Australian public.

The use of police force, violence and brutality against the public who dare voice their disapproval are all designed to silence these voices who are engaging in the constitutionally protected activity of protest under the implied freedom of political communication.

The two cases that have been brought before this Court, Palmer v Western Australia 2021 and Gerner v Victoria 2020 had no basis in constitutional law, and were frivolous and ill-conceived respectively, failing to allow our constitutional guarantees such as section 92 or the implied freedom of political communication contained in sections 7, 24 and 128 to ever be correctly applied to the State acts as they knew they would not withstand these protections and be found invalid.

In Palmer, by arguing under the statute against directions assumes that the act is valid, and demonstrates either a fundamental misunderstanding how Constitutional guarantees operate as a restraint upon the legislative powers of the States or Commonwealth or a deliberate attempt to undermine and trench upon constitutional protections. By not challenging the validity of the Act, the matter did not raise a constitutional question.

In Gerner, his legal representatives went even further by coming up with a farcical argument asking this Court to find an implied freedom of movement in the Constitution to deny the States any ability to regulate peoples freedom of movement. They were very careful to state this alleged freedom stood alone and separate from the implied freedom of movement contained in the implied freedom of political communication, to ensure the latter constitutional guarantee was once again never allowed to attack and strike down the Public Health and Wellbeing Act of Victoria 2008 for invalidity. The lawyers went further, this time showing a complete misapplication of section 92 itself, trying to assert the freedom of trade, commerce and intercourse also applies to intrastate trade, commerce and intercourse as well which is absolutely contrary to well settled case law by the Court, and was contrary to the text itself contained in section 92. Once again, this demonstrated either ignorance of constitutional law and settled High Court case law, or a deliberate attempt to deny the Australian people their Constitutional guarantees.

Both Clive Palmer and Julian Gerner were united by two attributes, both being very wealthy, Mr Palmer a billionaire and Mr Gerner a millionaire, the other they had was being accompanied and represented by highly trained and expensive legal counsel. It appears this is a prerequisite to gain access to this Court, the legal merits of the case being irrelevant even where in both their cases there was none. But this Court flung its doors wide open before 5 of the justices to hear their frivolous and ill-conceived matters having no proper basis in Constitutional law or settled case law of the Court.

The public’s confidence in the Court and the judicial process it applies as a result is at an all-time low. The eyes of the Australian people are now fixated upon the High Court

This Court is now asked to provide the same right of access as these millionaire and billionaires were afforded to the average Australian in relation to the same subject matter, to be heard by at least 5 of the justices it provided in their cases as a matter of National significance and urgency.

We demand the current cases before the Court be adjourned as they are nothing more than self-interest serving cases, tax cases, an immigration case and a person falling off a horse but to name a few. Our case is of great national importance and significance, it affects the lives and livelihoods of 25 plus million Australians and future generations.

Furthermore, we care not for the rules of the Court to be used as a barrier to deny access to it as they themselves in their practical operation are constitutionally invalid pursuant to the implied rule of law contained in Chapter III of the Constitution. Where rights and protections secured by the Constitution are involved, there can be no legislative acts or rules that abrogate them by denial of access.

If we the people of the Commonwealth break unconstitutional and unlawful Acts of the States we get charged, but if politicians and police breach the Constitution and High Court Case law where is the accountability?

Given the National significance of the subject matter contained within David section 40 application, in its practical operation is no longer a discretionary power on behalf of the Court it is compelled to accept the application because there can be no reason for the Court to reject it due to its urgent and significant nature.

Sect 40 enlarges the High Courts original jurisdictional powers in the same way that the enumerated powers contained within sections 75 and 76 of the Constitution. They are united by the same commonality in that they both require a person to make an application. A closer inspection of sections 75 and 76 of the original jurisdiction of High Court states “In all matters”. A matter is created by an application, upon closer inspection of section 40 it has the same requirement, where the High Court may upon application of a party remove the matter. The removal of the matter allows the Court to be the original decision maker and that is why its ambit under its original jurisdiction is enlarged and extended.

The High court cannot reject an application that is not frivolous, vexatious or ill conceived. If the matter is not deemed to be of the aforementioned nature the Court is compelled to accept it and grant access. This compulsion is derived from the implied rule of law that gives Chapter III its efficacy.

In summary, if the High Court rejects Davids section 40 application before it, it would be a rejection of the very structure of our very system of government, which the implied freedom of political communication is derived from, its national significance is therein contained and self-evident.

My Will

As Endorsed

Dated: ………………………………

Name: ………………………………….