

Shane Mortimer

Namadji-Ngambri Allodial Elder

National Council of Churches
Canberra – 21 June 2019

Welcome to Country

Good afternoon everyone. My name is Mingku I prefer to be called Mingku, as Mingku means grasstree and there are way too may Shane's in this world.

An auntie once said to me, "you will know when you are an Elder, everything hurts..and what doesn't hurt..doesn't work".

The invitation to address this 2019 National Council of Churches is a most welcome compliment and my privilege and pleasure, a privilege born of provenance and as an Elder of the Ngambri People that I bid you Welcome to the Namadji Nation's Ngambri Country on behalf of my ancestor and elders past, present and emerging.

In the ancient Namadji words of my ancestors..

"Bullan, marinya, Wynu kaugo Namadji dhawarra Ngambri mittang. Nalu binginal yuku namanar yarrabanni dhawarra."

(To everyone here, a warm welcome to Namadji Nation's Ngambri Country. An ancient and oceanic sense of right and wrong permeates this land.)

Ochre Ceremony - to unite us all as one.

The privilege of addressing you here today is resultant of my recorded nine-generation matrilineal connection to this Ngambri Country. In 1826, Nadja Ngambri begat Juninmingku, the first known Namadji/Anglo born on the limestone plains. Juninmingu begat Sarah, Sarah begat Florence, Florence begat Adelaide, Adelaide begat Lesley, Lesley begat Lisa, Lisa begat Kelly and Kelly begat Sammarah. A nine generation consecutive line of women, recorded by the colonial government until this day.

The importance if this matriarchal line is that I can prove my birth mothers of times past, by not necessarily my fathers. As such, my connection to Ngambri Country in irrefutable and my mitochondrial DNA is pure black. So I speak with the authority of my Mothers since the beginning of time.

Accuracy in language and Allodial Title are intertwining matters that you may consider as a possibility throughout this 2019 Council. Allodial Title is the title at International Law of all First People. Allodial entitlement is to everything below the ground to the core of the Earth and everything above the Earth to the stars.

PO Box 65 Civic Square ACT 2608

E-mail ngambri@y7mail.com - Phone +61 2 4822 6688 – Mobile 0432 377 369

Shane Mortimer

Namadji-Ngambri Allodial Elder

There are words and terms that have been deliberately and slyly slipped into our everyday dialogue, calculated to confuse, divide and deceive. Terms like;

Indigenous

Native Title

Sovereignty

Aboriginal

The 36.1% minority ethnic-Anglo colonials that govern this land are expert in this practice. That's right, according to their own Bureau of Statistics 2016 Census, ethnic-Anglos are a 36.1% minority in Australia. Yet governments across Australia are in excess of 90% ethnic-Anglo domination. So too are heads of Government Departments, Unions, Military, Churches, Cultural Institutions, Policing, etc. As such, 63.9% (almost two thirds) of Australia's population are disenfranchised.

Now let's look at the term indigenous. Please raise you hand if you were born in Australia?

Fantastic, that makes you indigenous to Australia. It does not confer Allodial entitlement, but it does give you every right and reason to be proud of all things of provenance to Australia, including First People.

Native title is not a term recognised at International law the term that should be used is Allodial. Allodial is derived from the ancient German word "Alud" meaning "No Lord" in other words, no one to lord it over your land. It was Latinised by the Swedes in 1273 to Allodium. Today we refer to the title of all First People as Allodial Title.

Sovereignty! Now please indulge me while I read you a unsolicited Professor of Laws independent opinion concerning Sovereignty? It was sent to me by a disgruntled Facebook user..

Jane Glover
January 3 at 7:31 PM

Shane Mortimer, i have received a reply from my learned friend (see below).

Please understand my own need to be skeptical of anything, until i have confirmation from sources i trust, one way or t'other. Fake news abounds these days, so it pays to be skeptical.

In this instance, i have been made aware of the validity of what you are saying.

I have read the Melb Uni paper below, provided by my advisor with his own comments.

Have you read it? If so, how do you feel about the possible 'solutions' put forward by the author (towards the end) enabling Allodial Native Title to work alongside current Property Law?

PO Box 65 Civic Square ACT 2608

E-mail ngambri@y7mail.com - Phone +61 2 4822 6688 - Mobile 0432 377 369

Shane Mortimer

Namadji-Ngambri Allodial Elder

I am interested in your thoughts on that.

Here is the response from my learned friend.

~~~~~

"It is a question of law, mainly an unanswered question brought about by the Mabo decision. Upon arrival in Australia, the Crown acquired what is referred to as "radical title". If Australia were truly terra nullius, radical title did not imply full beneficial ownership. In *Mabo v Queensland (No.2)* (1992) 175 CLR 1 483 the High Court concluded that the Crown's radical title only conferred sovereignty, and sovereignty did not extinguish native title by default. Therefore, while sovereignty remained with the Crown, the beneficial ownership or title remained with the original inhabitants.

The main issue I see is that the lower courts can't disregard the associated findings in *Walker v NSW* (1994) 126 ALR 321, that the High Court's single source of authority, and the extent of the parameters of its jurisprudence are derived solely from the Crown itself, therefore it had no authority or jurisdiction to hear challenges to the legitimacy of the Crown's jurisdiction. Therefore it is the Crown that has a form of pseudolaw themselves, albeit a matter that's beyond the reach of review in domestic Australian courts.

Its a disinterested truth, the name of the paper puts it well, and contains the main argument. In the second link you can see Justice Richard Refshauge in Shane's case at a loss on how to deal with it."

~~~~~

A copy of "Disinterested Truth: Legitimation of the Doctrine of Tenure post Mabo" [2005] MelbLawRw 1; (2005) 29(1) Melbourne is available to you here.

Some of you may be aware that I created an international legal precedent when I asserted my Allodial Title over the ACT in their Supreme Court case number SC136 of 2016 *Mortimer v Auswide* when Acting Chief Justice Refshauge awarded me a interlocutory injunction to stop transfer of land title in the ACT based on my assertion of Allodial Title. You will see in Refshauge ACJ's summing up that he cites (Lilienthal & Ahamad, 2016) paper "Constructive Adverse Possession of Allodial Title: Mere Colour of Title?". This academic paper on Allodial Title is now case law and can be cited in any court internationally.

Abstract. The objective of this research is to analyse critically the British colonial understanding of allodial title. Its significance is its substantive grounding in prior Yale, Harvard, and other highly authoritative research, however with entirely new syntheses. Noy stated the rule that any custom should not be construed so as to allow a person to do

PO Box 65 Civic Square ACT 2608

E-mail ngambri@y7mail.com - Phone +61 2 4822 6688 – Mobile 0432 377 369

Shane Mortimer

Namadji-Ngambri Allodial Elder

a wrongful act. Thus, importing a legal maxim such as the bases for English land title into a foreign country by force, as a wrongful act, could well have been a nullity. The research question is whether a colonial regime could ever lawfully seize the lands of prior undocumented owners, capriciously and without natural justice and procedural fairness, based on imported legal maxims. Argument tries to show that colonisers' claims never exceeded the status of defective applications by way of colour of allodial title. The research will show that the entire English colonial system of land law was grounded in a system of foreign customary doctrines. Further, introducing a foreign custom to a new land would always fail for lack of the kind of prescription set out by Noy. Torrens title was an attempt to cure defects in customary title that had subsisted only in England since ancient Anglo-Saxon times. The real prospect of mal-administration of the register would make the objects of Torrens title difficult to achieve. In Australia, the crown had tried to introduce English custom in Australia as local law, but they did it by committing serious wrongs. This would nullify introduction of their legal maxims into Australia. Their claims to acquisition of allodial title to Australian lands would thus be sufficiently defective to reduce their holdings to mere colour of title. Their mala fides in their attempts at land acquisition would defeat any claim to convert their colour of title into a successful claim for adverse possession.

This paper along with two other I commissioned, AUSTRALIAN ABORIGINAL HUMAN RIGHTS AND APPREHENDED BIAS: SKIRTING MAGNA CARTA PROTECTIONS? and THE AUSTRALIAN 'SONGLINES': SOME GLOSSES FOR RECOGNITION comprise the Continental Common Law or Australia. They prove that First People of this continent lived in communities and as per the international legal maxim "Ubi societas ibi jus" (where there is community there is law). That our common law is transmitted via the Song Lines to every square centimetre of this continent via encoded music, dance and art, stories and songs.

(Ab)original means (not) original. Just like the word (ab)normal means (not)normal. It is not a word that applies to First People on this continent. We are Original People..

It makes you wonder, knowing that the old testament "Ten Commandments" parallels our continental common.

And when you sit in a yarning circle for four days with uncorrupted, unradicalised full blood Elders relating their "Dreaming" and one man tells you to recall the old testament statement "God created Heaven and Earth" and he tells you that this was a very poor translation. It should have read, "The Creator created Heaven on Earth".

PO Box 65 Civic Square ACT 2608

E-mail ngambri@y7mail.com - Phone +61 2 4822 6688 - Mobile 0432 377 369

Shane Mortimer

Namadji-Ngambri Allodial Elder

Do you think people would take better of our land if they knew this "Dreaming" story?

Today I bring to our attention the fact that we have exhausted all legal avenues in this country with respect to our Allodial Entitlement. That this adversity has spurned opportunity to take our case to the International Court of Justice, as it is an issue of human rights. As such, we have commenced our journey in the form of a class action and we want the support of all churches, all faiths nationally to support this action financially and through telling your communities to walk with us.

Churches in Australia are the largest land title holders in the country and the title they have is derived from the Crown. The Crown's sovereign Radical Title is burdened by the Allodial Title of First People. The Crown's Sovereign title in Australia is void ab initio (void from the beginning). The Crown has deliberately and knowingly handed the Churches and all Australian's, defective title. The Crown must be brought to account for this deceptive and misleading conduct.

Walk with Us – Our case is Your case!

PO Box 65 Civic Square ACT 2608

E-mail ngambri@y7mail.com - Phone +61 2 4822 6688 – Mobile 0432 377 369