



Senate Standing Committee on Economics,
PO Box 6100,
Parliament House,
Canberra ACT 2600,
Australia.

Date: 18th October 2013

RE: Senate inquiry into the performance of the Australian Securities and Investments Commission

Dear Panel Members,

To introduce myself, my name is Dennis John Fahey, a *Commonwealth Public Official* as identified at Section 147 of the Criminal Code Act (C'wth) 1995, now living near Charters Towers, Queensland. Until recently, my family were the world's largest producers of certified organic Wagyu cattle. However, as a consequence of a fraudulent chain of events, I'm now dependant on a Centrelink Newstart allowance, as our \$ 500 million agribusiness enterprise has been misappropriated through a series of unconscionable events.

I have commenced my submission by précisising a cut & pasted extract from ASIC's own submissions (No 45) to this inquiry, which is dated August 2013:

- *"The Senate Economics References Committee Inquiry into the performance of the Australian Securities and Investments Commission (ASIC) has terms of reference that cover a wide range of ASIC's functions, powers, activities and resources".*

My opening question to this inquiry then; is the panel intending to use this scope as previously outlined, to remove the deeply rooted nepotism which belies this once statutory authority, or will it just provide another tokenistic appraisal of this complicit enterprise? As the business entity at the focal point of this investigation played a pivotal part in assisting the previous mentioned fraud, as it does in many other similar instances.

Being a citizen of the *Commonwealth of Australia*, I have every right to state the earlier remark. In addition, I personally corresponded with ASIC on the 02nd September 2012. My then communication began with a copy of Exhibit A;

- A letter from the NAB, dated 11 May 2010, where their Senior Legal Counsel announced:
 - (1) That *"no undertaking was given by the bank to compensate you for the withdrawal of your internet access to your overdraft"*, during the 2009 drought.
 - (2) We were also advised that we had, *"not suffered any loss for which the bank is liable to provide compensation"*; despite the fact that the two (2) ringleaders who had 'Debit Locked' our business working-account personally inspected our home property and



Commonwealth Public Official: NB – Dennis John Fahey, a person of the original jurisdiction of the *Constitution the Commonwealth of Australian Act (UK) 1900*, under s117 & s128, is authorized to act for the Crown, Her Majesty ELIZABETH THE SECOND (of Great Britain and Northern Ireland), and lawful Sovereign of Australia, in respect of all offences complained of or becoming known to him in his capacity as a *Commonwealth Public Official* by the authority of the *Crimes Act (C'wth) 1914* and *Criminal Code Act (C'wth) 1995*. As first and true inventor pursuant to the English *Statute of Monopolies 1623* accordingly affirms by identification that as a subject of Her Majesty ELIZABETH THE SECOND, he enjoys the above cited rights and all protected rights as found within the Preamble of the *Commonwealth of Australia Constitution Act (UK) 1900*, within the body of that Act, within the *Imperial Acts Application Act 1922* and within the International Covenant on Civil and Political Rights as reproduced in Schedule 2 to the *Human Rights and Equal opportunity Commission Act 1986*. Further, Dennis John Fahey is claiming his right to act as a Commonwealth Public Authority under the 1623 English *Statute of Monopolies*; and the *Crimes Act (C'wth) 1914* and a Commonwealth entity under the *Criminal Code Act (C'wth) 1995 s147(1)(2)* and is entitled to the full protection of the Judicial Power of the *Commonwealth* in respect of his property.

(family honour truth)



noted that their actions had caused the deaths through starvation of hundreds of our cattle.

(3) The Senior Legal Counsel then went on to say that in view of our business defaulting on our 'alleged' borrowings during this 3-month period, the bank has, "*no alternative to issue notices and enforce the security*". In addition, I provided evidence of a further

- Breach of contractual agreement committed by the National Australia Bank (NAB), by way of their *unlawful* securitization of both our Promissory Note and the *Contract*, to separate US Hedge Fund Investors; thus rendering void the Mortgage Loan, as it no longer was secured by Real Property. This apparently was viewed as a 'legal' procedure in the eyes of ASIC. Despite proof of these unauthorized transactions being confirmed by way of independent CUSIP audits undertaken in the USA. And the results evidenced the fact that the NAB was not the *lawful* Holder in Due Course at the date and time of foreclosure.
- Yet, it was somewhat coincidental that the very same day I received the foreclosure notice from the NAB in the mail, a letter also arrived from ASIC which was dated the same date as that of the NAB's letter, advising that our company, which incidentally was only a trading name, had been placed under the management of Ferrier Hodgson. A coincidence which now reeks of collusion.
- I provided evidence (to ASIC) that the 'SUPREME COURT JUDGEMENT and ORDER' which dismissed our Claims and delivered possession of our estate (land, livestock and equipment) to the NAB, were not signed by the 'JUDGE' in question, but displayed an electronic signature of an unidentified 'PERSON'.

(1) Therefore, the afore mentioned 'documents' are void of *lawful* authority, as the unnamed 'PERSON' is not a judicial officer pursuant to *Section 77(iii) of the Commonwealth of Australia Constitution Act (UK) 1900 (The Constitution)*.

- The seal displayed on these two (2) documents failed to comply with Part 9, Division 1, and Section 190 of the Supreme Court Act (Qld) 1995. These forgeries further displayed amateurism, as they advertised the full details of the legal firm which represent the NAB in the footer section of the first page of each. And finally, no JUDGEMENT is recorded in regard to our Case, in the Supreme Court of Queensland Library.
- In addition, I also provided evidence that the 'ENFORCEMENT WARRANT – POSSESSION OF LAND ORDER' which was posted to me by Ferrier Hodgson, was in fact a Photostat copy. Being counterfeit, it too displayed the same seal as previously mentioned, yet this time the said seals were in fact printed, or watermarked in the face of the document, prior to the typing of the said 'ORDER'. This document too illustrates the full details of the legal firm which represent the NAB in the footer area of the first page.





- However, this document was further rendered void, as the signature it displayed was that of an unidentified Registrar. A Registrar as you will appreciate is not an Officer of the Court, but an administrator within the Executive division of the Attorney-General's Department.

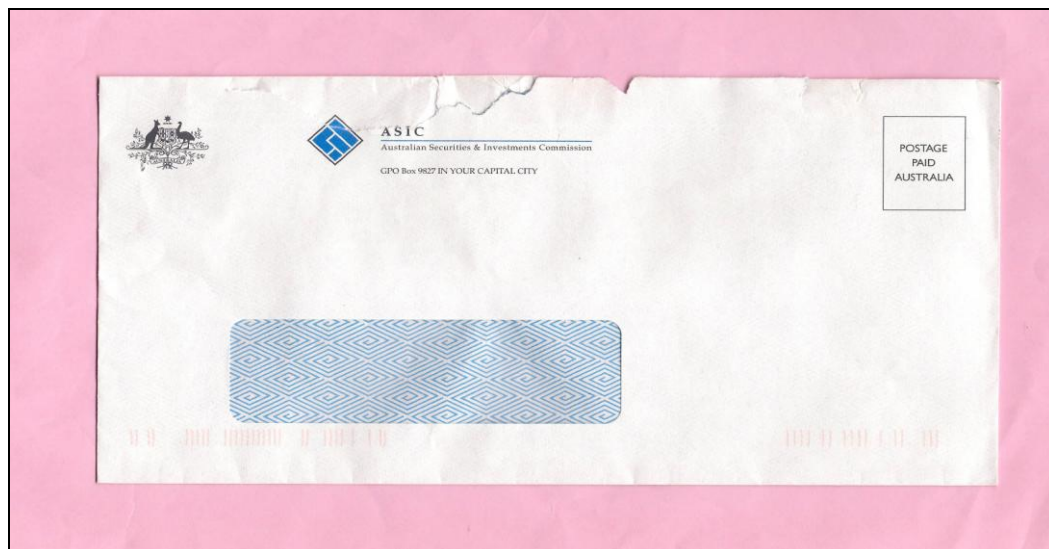
(1) I cite the High Court of Australia Case: R v Davison [1954] HCA 46; (1954) 90 CLR 353 (10 September 1954) which proves my point. Re the Web link:

http://www.austlii.edu.au/au/cases/cth/high_ct/90clr353.html

- And as before, there was no confirmation of the 'JUDGMENT' recorded in the Supreme Court of Queensland Library.

Therefore, not only do we have the extremely serious crimes of financial fraud, perjury and Fraud on the Court; but also complicity to deceive (my family), which was performed conjointly between the Lawyers, Judges, Bureaucrats, Police and ASIC, as a facilitation action of concealment for the earlier deception and embezzlement, initiated by the NAB.

As a consequence of ASIC's response to my letter being nothing short of utter contempt, I exhibit same for this panel's consideration. In doing so, I advise that I was no overly perturbed by the lack of letterhead, nor even a signature being presented on their reply; as the maned 'PERSON' will suffice in further action.





sanguis honoro verum



Further, I have read an account where ASIC has been described “as the Banks parent”. This is a very apt description, especially when one considers that the Chairman of ASIC is not other than a Mr. Greg Medcraft, as mentioned above.

<http://www.zoominfo.com/#!search/profile/person?personId=113507929&targetid=profile>



Commonwealth Public Official: NB – Dennis John Fahey, a person of the original jurisdiction of the *Constitution the Commonwealth of Australian Act (UK) 1900*, under s117 & s128, is authorized to act for the Crown, Her Majesty ELIZABETH THE SECOND (of Great Britain and Northern Ireland), and lawful Sovereign of Australia, in respect of all offences complained of or becoming known to him in his capacity as a **Commonwealth Public Official** by the authority of the *Crimes Act (C'wth) 1914 and Criminal Code Act (C'wth) 1995*. As first and true inventor pursuant to the English *Statute of Monopolies 1623* accordingly affirms by identification that as a subject of Her Majesty ELIZABETH THE SECOND, he enjoys the above cited rights and all protected rights as found within the Preamble of the *Commonwealth of Australia Constitution Act (UK) 1900*, within the body of that Act, within the *Imperial Acts Application Act 1922* and within the International Covenant on Civil and Political Rights as reproduced in Schedule 2 to the *Human Rights and Equal opportunity Commission Act 1986*. Further, Dennis John Fahey is claiming his right to act as a Commonwealth Public Authority under the 1623 English *Statute of Monopolies*; and the *Crimes Act (C'wth) 1914* and a Commonwealth entity under the *Criminal Code Act (C'wth) 1995 s147(1)(2)* and is entitled to the full protection of the Judicial Power of the *Commonwealth* in respect of his property.



The following has been cut and pasted from the previous Web link.

Greg Medcraft was appointed ASIC Chairman on 13 May 2011 for a five-year term. Greg joined as ASIC Commissioner in February 2009. Greg's regulatory responsibilities include Investment Banking, Investment Managers, Super Funds and Financial Advisers. Prior to joining ASIC, Greg was Chief Executive Officer & Executive Director at the Australian Securitization Forum (ASF). Greg spent nearly 30 years in Investment Banking at Société Générale in Australia, Asia, Europe and Americas. More recently, he was the Managing Director and Global Head of Securitization, based in New York. In 2002, Greg co-founded the American Securitization Forum and was its Chairman from 2005 until 2007 when he returned to Australia. The American Securitization Forum is an industry group representing some 350-member institutions comprising all major stakeholders in the US\$1 trillion US securitization market. In January 2008, he was appointed Chairman Emeritus of the American Forum. Greg is the Chair elect of the International Organization of Securities Commissions (IOSCO) with his term due to commence in March 2013.

It would come as no surprise to this enquiry that the securitization of AMS, MBS and RMBS is *unlawful*. Under US Law, unauthorized securitization is prohibited, primarily because it's fraudulent. And here in *Australia*, such transactions are not sanctioned by Banking Act (C'wth) 1959. As,

- The Borrower is deliberately not informed by the banks of the assignment of their assets and property to a third-party (an Investor).
- The secret conveyancing of these Titles/Lots (the securities) is never recorded with the Titles Office in the State where the security originated. This deception allows the bank (the Originator of the security) to always remain recorded as being the Mortgagee.
- This *unlawful* conveyancing requires the full cooperation of the Registrar of Titles, as each sale is a Common Law transaction. Further, each time the Registrar of Titles produces a Current or Historical Title Search of Title of a Lot, for a bank/s, he knowingly provides a false document so as to assist in the bank's financial fraud, and the betrayal the Borrower. In doing such, the Registrar breaches Sections 137.1 and 144.1 of the Criminal Code Act (C'wth) 1995.

A. More importantly though, all future so-called 'Title Search' documents provided by the Registrar of Titles are now clouded with suspicion, and rendered useless as factual supporting evidence for the alleged 'lenders' use in court proceedings.





- B. That there can be no *lawful* conveyancing of an indefeasible title to an Estate in Fee Simple where/when fraud is proven, as such have been confirmed by the High Court of Australia.
- C. And because of my responsibilities as a reputable *Commonwealth Public Official*, I will make the facts regarding this deception, publically known.
- In view of the Originator receiving off-balance sheet payment (undeclared capital) to the face-value of the document, plus outstanding fees and interest at the point of sale of each unauthorized 'security' traded, the practice is essentially an 'AUSTRALIAN GOVERNMENT' condoned tax-evasion scheme for the banks.

Just in case the panel is of the view US Law is of no concern to us here in Australia, let me remind you of the United States-Australia Free Trade Agreement (AUSFTA) entered into force on January 1, 2005. Securitization is commerce; commerce is trade, is it not. In addition, the majority of our major 'AUSTRALIAN' financial institutions are either co-registered as US corporations, or are affiliated with such. Therefore, this illegal trade in Borrower's assets has relevance to all Australians, and especially this Senate inquiry.

Finally on this subject, should some members of the panel believe banks have a legal right to assign (sell) Borrower's assets, as it is said they have an 'equitable interest' in the Mortgaged Titles; they don't, as the Land Title Act (Qld) 1994 only provides them with a 'charge over the Lot'.

So in conclusion, I advise this inquiry that as ASIC has continued unchallenged, skirting its responsibilities to which it is subject, I have reservation that this investigation too will be but a facade. As we have a classic example of Caesar V Caesar all over again. Let's examine the given scenario;

- Why is it that during the Q4 of 2012, ASIC only issued a warning on risks involved with investing in \$13 billion of hybrid securities portfolios issued by Australian banks and companies; and not charging the same perpetrations with criminal fraud?
- But then again financial fraud is condoned by this statutory organization, as the 'AUSTRALIAN GOVERNMENT' allowed ASIC on the 11th January 2005, via their IR 05/0-1 announcement, to grant "*a conditional exemption for securitisation special purpose companies and trustees from the requirement to obtain an Australian financial services (AFS) licence*". Because; "*it would be disproportionately burdensome to require them to hold an AFS licence, ASIC Director of Regulatory Policy, Mr Mark Adams, said*".
- ASIC is a corporatized 'AUSTRALIAN GOVERNMENT' statutory agency; ABN 86 768 265 615.





- It is alleged ASIC is our nation's corporate watchdog, yet I have found it impossible to even log on to its Website:

<http://www.asic.gov.au/asic/asic.nsf/byheadline/Home+Page>

- The 'COMMONWEALTH OF AUSTRALIA' is a business entity in its own right; ABN 122 104 616, despite same not being recorded on the following Website.

<http://abr.business.gov.au/SearchByAbn.aspx?SearchText=122+104+616+>

- However, it is fact that this corporation is our nation's largest investor in the *unlawful* RBMS market. I present extracts from the *Forward* of Issue 04.2013 of the "Australian Securitization Journal", where the then, The Hon. Wayne Swan MP Deputy Prime Minister and Treasurer of Australia wrote;

"I'm pleased to see these have continued apace. Demand for high-quality Australian residential mortgage-backed securities (RMBS) has remained strong, with a great start to 2013. The success of the programme has been clear. All up, the AOFM has invested A\$15.5 billion in prime Australian RMBS since 2008".

<http://www.securitisation.com.au/asj>

- The Senators sitting in this panel are in breach of *Section 44* of the *Commonwealth of Australia Constitution Act (UK) 1900*, as you are in fact Directors of a foreign registered corporation. The United States American Securities and Exchange Commission registration CIK #:000 080 5157 is recorded to the business name 'COMMONWEALTH OF AUSTRALIA', c/- the Australian Embassy Washington DC 20036.

<http://www.sec.gov/cgi-bin/browse-edgar?company=Commonwealth+of+Australia&match=&CIK=&filenum=&State=&Country=&SIC=&owner=exclude&Find=Find+Companies&action=getcompany>

- This Committee is therefore not representing the citizens of *Commonwealth of Australia* as contingent with *Chapter 12 Section 6, Chapter I Section 4, and Chapter II Sections 7, 9 & 14* of the *Commonwealth of Australia Constitution Act (UK) 1900*, and the *Rule of Law*; but continuing with the entrenched deception of the 'AUSTRALIAN GOVERNMENT' and the 'LAW' of the Land.
- Lastly, notice needs to taken of the escalating legal developments in the USA, in regards to this same securitization racket and fraud. Where the US regulators are fining the likes of the Bank of America (BOA), JP Morgan and Bear Stearns etc, with huge sums, and criminal prosecutions have hardly commenced. Though, as an example BOA has already paid \$45 billion and JP Morgan Chase \$14.7 billion in lawsuits, with the latter allocating a further \$9.2





billion for addition litigation and legal costs; this is the tip of the iceberg. As the 'AUSTRALIAN' racket & Racketeers is the next cab on the rank.

Although I have made this submission, I am not holding my breath of ever seeing regime changing reform eventuating from such an inquiry; because of the previous stated reasons. Therefore, I intend to take a two (2) fold approach in attempting to bring about much needed alteration.

- (i) First, will be the publishing of a book which releases the findings of my investigations into the systemic crimes of financial fraud which blights our nation, so to provide factual knowledge to the masses. As it is very evident that members from the various State Police Services are ordered to enforcing *unlawful* directives so to allow the continuance of these crimes, rather than act according to the true *Law of the Commonwealth of Australia*.
- (ii) The other, is to commence criminal prosecution in the High Court of Australia, and if necessary in the international jurisdiction, against all of the individual perpetrators who have had involvement in the crimes committed against my family.

Yours faithfully,

By: Dennis-John: Fahey©
Commonwealth Public Official
(18th October 2013)

