

# The Voice of the Australian Constitution

by Larry Hannigan © 2009 - 2010

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## **Text of THE VOICE OF THE AUSTRALIAN CONSTITUTION**

I am the Constitution of the Commonwealth of Australia - I am the most important document in this land. Without me, all other Contracts and Agreements are worthless bits of paper ... Even your money and the deeds to your home are worthless without my protection. Yes, the very fabric of Your free Australian society is vitally dependent upon me. Perhaps you have never heard of me, or if you have, the chances are you know little about me. Why? Because there are those living among you who are deadly afraid of me. They have kept me out of your schools and universities for decades ... and they fully intend to have me quietly hidden away from you. Why – because I am the Rule of Law, the Moral Law, and not the rule of men.

Listen to my Story -

Altho' I was born in July 1900 ... my original ancestor was carved in stone on Mount Sinai three-and-a-half thousand years ago... those Ten Commandments have remained unchanged throughout the centuries and not one word will ever be changed. Jesus brought those 10 rules together perfectly in 2 simple commandments in the New Testament: - If you love the Lord your God, and love your neighbour as yourself, then you break no laws.

That is the true meaning of those words; you are not under the law unless you break the law. If you do not break the rules of the road, you are not subject to them; break them, and you are subject to them and will pay the legal penalty. Those Ten Commandments are not oppressive, they are the foundation for maximum freedom and rights for individuals in any nation, at any time in history.

Eight centuries ago another great ancestor of mine was born - Magna Carta, one of the most magnificent documents ever written by man. The people of England, the barons, and the church leaders, had had enough of King John behaving like a dictator, so they made him sign the Magna Carta in 1215. It guarantees so many freedoms, rights, AND responsibilities that you take for granted today, but you have been kept from knowing about.

That Magna Carta is Common Law and is part of me today. It declares - "No Free-man shall be taken, indeed imprisoned, either dispossessed, or outlawed, or exiled, or in any manner destroyed... except by means of the legal judgment of his own equals - indeed - the law of the land." (Common Law). "His own Equals" (plural) - is a Jury of 12 people - A single Judge is NOT an equal - and can never be - because no individual is unbiased.

After King John was put in his rightful place, the Habeas Corpus Act was established in 1640 and secured in 1679. It states clearly that no one can be jailed without a proper Jury Trial. A suspected criminal may be reasonably detained until a Jury Trial occurs, but a jail sentence cannot be legally ordered because on July 5, 1641, Habeas Corpus also abolished the Star Chamber, where a single Judge made orders.

It was also known as the Star Chamber of Satan - and was despised by Parliaments, and the Church. It was outlawed for 400 years because of it's anti-Christian procedures. But - In 1975 it was re-established in Australia, disguised as - the Family Court. More on that shortly. The Bill of Rights was written into law in 1688, with additional protections. It is part of me today - it is - Common Law.

In 1899, I was adopted by the Australian people in a referendum and I became your most important Deed in 1900. I became well known in your homes and you knew that my Rules apply to everyone – no exceptions. I was taught in your schools and universities up to 1975. I am drawn from very best of the tried and tested wisdom of the centuries for the



Rule of Law for any nation, - NOT the Rule of Greedy Men who have no allegiance to anyone but themselves.

I am written in simple English in numbered Sections, dealing with various areas of your life and your culture. Read me. I am straight forward and easy to understand. You can download me into your own computer and print copies for your computerless friends to read and get to know.

Since 1900, there have been amazing changes in technology, but whether you drive a horse and buggy, or the latest super car, - human nature does not change. Those wise men who hammered out my words over the centuries knew this - and they allowed for it.

Yes, I CAN be changed, but only by a majority of you, my people, in a majority of States - in a Referendum. And this includes the so-called laws of Local Councils (they call them Ordinances) yet they continue to illegally create new laws and by-laws without your knowledge or consent.

That includes ANY laws that tamper with your food, your water supply, or even daylight saving. In September 1988, they tried to sneak a new law through which would give Local Councils the power to make laws as they pleased. This was rejected by you my people in that Referendum

Any Council laws that conflict with Common Law are illegal.

No one, not even a policeman, may legally enter your property without your consent or a proper Judiciary Order. If anyone says they are authorised by a town Council, that is a lie – no Council, no Government Department nor any private organisation, can authorise one person to make a rule over another. Those counterfeit police men and women - have NO legal authority over you, no matter who they say they work for. So if they do enter your property, threaten you in any way, or try to take anything which is legally yours, have a video camera ready and record it – they hate it.

Remind them that an order by a single magistrate is NOT a Judiciary Order - it is illegal because it is a violation of Common Law and comes under Slavery in the Criminal Code Act 1995 Sect 268.10 Any Council laws that conflict with Common Law are illegal.

Proper rules are not oppressive – they are there to protect freedoms. Before we play golf, we all agree to abide by the rules – “The ball shall be played where it lays” – is to be obeyed by everyone. But that rule could be changed, providing we all agree before we play. And so it is with me.

There have been minor changes that were approved by you, the majority of people in a majority of States. But they were minor issues that gave Governments NO increase in power.... Since 1900, they attempted to get more power over you 46 times, but through National Referendum, you rejected 40 of them.

Did you know that in 1932, the Tasmanian Government tried to abolish itself and hand over control to Canberra. The wise Governor General said, “You can't do that, you must ask the people first.” You, my people, said “No!”... and a new government was elected.

Did you know that in 1975, your Prime Minister Gough Whitlam attempted to defraud Section 83 regarding the Nation's money supply. The wise Governor General said, “You can't do that, you must ask the people first.” You, my people, said “No!” The Prime Minister was sacked, and you my people, endorsed the Governor General's action – you elected a new Government with a landslide majority.

The wisdom and dignity is within the Office of the Governor General who acts on behalf of your non biased Umpire, the Sovereign of the Commonwealth, who cannot be bribed. Now



you know why wannabe republicans seek to abolish our Queen. And don't be deceived by Judges and solicitors who will try to tell you that I am not valid today – that is a deliberate lie – and the High Court says so -

In 1996, the High Court of Australia, the highest court in the land ... Sect. 71 ... in what is called the Kable Principle, declared that the Commonwealth remains one and indivisible - just as I do, - with only one Judicial Power - not different rules in each State.

Did you know that on Sept 5, 2006, in that monumental Case of - Forge versus Australian Securities and Investments - all seven High Court Judges stated unanimously that your Constitution reigns supreme. That's me – and that all other laws and rules are subject to me - so - If any laws conflict with me, they are invalid and illegal. Section 109 - “When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.”

So you see my people, that I was hammered out over centuries by wise men who foresaw that evil individuals, organisations, Local Councils, even Governments, would try to get around me to fulfill their power lusts, and to line their own pockets. So, those wise men built safeguards into me... the most important being your absolute right to Trial by a proper Jury – not by a single judge – a Jury is your right in ANY Court - including the evil Family Court.

No judge, no magistrate, nor any individual has any right to dissolve a marriage or make any orders, without the free consent of both spouses – face to face. Sections 79 and 80 are very clear – They state in essence that - in ANY court ..... The trial on indictment of ANY offence against ANY law of the Commonwealth SHALL BE BY JURY.

Today, your rights to a Jury in civil matters are ignored, but if a Criminal Offence is identified, you have the right to file a private charge via the Melbourne Magistrates Court, and after the Crown Authorities have declined to present, then the legal right to apply for a Grand Jury in the Supreme Court of Victoria now can apply. You have little chance of a Jury for civil matters, so it is better to settle out of court and save the so called legal fees.

Marriage is a Commonwealth issue - Section 51 - and the Bible Laws, especially in Mark Mark Chapter 10 (all of it) are the guidelines, In fact, if any Section of me is to be interpreted, then the Bible Laws prevail, as stated in my Preamble.

To ensure safety, we all drive on the left hand side of the road – Likewise, in our society, we all abide by Christian principles. When you are asked to swear on the Bible, not on any other document, it means that you, and the Judge, and everyone in the courtroom accepts, that the Bible laws are supreme, even above me, because my rules are derived from the laws in the Bible ....

For example .... There were 12 disciples, and 12 has been the number of jury persons selected by Christian societies to be, in effect, “judges”.plural, with a small “J”. That is the word in my Section 79 which has - court with a lower case C, - and a judges – plural - with a lower case J, . This is most important . Small C court is simply a hearing and no judgments nor orders - can be made there without your consent. Small J judges (plural) is a Jury. A Judge is not a Justice, without a Jury decision.

If you face a Judge who went to Law School later than 1975, you may need to inform him that there have been NO referendum to tamper with Sections 79, or 80, or 109.

If he disregards your legal right to Trial by Jury, or attempts to dismiss your case, you must challenge the jurisdiction of that court and demand a proper Jury of twelve.

Any order by a single Judge, Magistrate, Registrar or anyone, without your consent, is



invalid, and also carries severe penalties against them - as listed in the Crimes Act, Section 43 "...for obstructing the course of Justice."

Judges and solicitors are deadly afraid of Juries, and will stop at nothing to keep them out of the courts - even threats of ridiculous fees - and if that doesn't frighten you, they've used force and harassment – (off the record of course). What used to be the Police SERVICE – has become - the Armed Police FORCE – However - you ARE bound to obey orders by a proper Policeman – and if his actions are proven to be incorrect, in a legal Court, then the Rule of Law will prevail. There are many good Police Officers, who have taken the Oath of Allegiance, it's at the end of the Constitution on this CD, and they do act morally and responsibly - but, they fear the sack and loss of their Super if they don't conform and obey orders, legal or otherwise. Nevertheless, one of the results of the Nuremburg trials, now adopted world wide, states that even if you are obeying orders when committing a crime, you are personally guilty of that crime.

The Judiciary will try to confuse you in legalese language, some will rant and rave at you .. some may ignore you and even attempt to order you to leave the court - but - take no notice - stand up to them, - and know your Constitutional Rights - Remind them that the court does NOT belong to a single judge, - it is your court...the Peoples' court...and has been since 1215. When you go to Court, do NOT go alone – take a group of friends to witness the proceedings – it is a public court – they have every right to be there. Sections 79, 80 and 109 are most important – learn them off by heart.

Two thousand years ago, the wisest teacher in history challenged the evil JUDGES AND LAWYERS face to face in Luke chapter 11, verses 46 & 52 in your New Testament. - Look it up - But, their descendants are with us today, in every nation. They have not changed their nature nor their plans - only their appearance.

Listen to me, my people. I am the Rule of Law, but those who Jesus rebuked on several occasions, seek the Rule of Men. That means ultimately – Republican Dictatorship - Now, you say that USA is a Republic, yes it is, but what has prevented it becoming a Dictatorship is – they have the Second Amendment in their Constitution – the inalienable Right to Bear Arms. No Dictator can successfully take over a nation while the people are armed. Did you know that in Switzerland and some American Counties, you can be fined if you do NOT to have a gun and ammunition in good working order in your home ? Switzerland has little crime and NO home invasions.

In Australia, there are people promoting the idea of Australia to become a Republic, but few, if any, have a clue what kind of Republic they want. But, they do have one thing in common, their Number 1 objective is to eliminate me, your Constitution. Why ?? because that is exactly what has been done by every Dictator in history -

- Step 1 - dis-arm the population –
- Step 2 - plunge the nation into impossible financial debt
- Step 3 – a Republic
- Step 4 – a dictatorship – worse than any that has ever occurred in history

In 1990, Kim Beasley was asked a question in Parliament from Senator Button. Beasley replied – The United Nations has given the Federal Government a mandate of ownership for housing, farms, property and business to Government control, ONCE THE REPUBLIC HAS BEEN PROCLAIMED. - So there you have it, the real purpose behind the push for a Republic, which will become the worst dictatorship in history.

Why ? Because of today's money power.

Over history, money has been in many forms – gold and silver, cattle, coconuts, and even rum in the early days here. Money is a far superior system to barter and there is nothing



wrong with lending to invest in a productive profit sharing venture. But to charge interest on created money is the root cause of all economic problems. How ludicrous it would be if a Railway organisation employed a printer to print their tickets, and the printer says, "Because I created these tickets, I own them, and I will lend them to you, at face value, plus interest" You say "how ridiculous", but that is exactly the way it is today with the money system. Have you ever heard of a train not running because they didn't print enough tickets ? Of course not - But that's just as stupid as saying you can't build roads, or schools or whatever we need because we lack the money. We have the materials, the man and machine power and the skills to make it happen – so how can you say – there's not enough money, when in reality, money is nothing more than a sophisticated ticket system.

Today, the money or ticket system is - 95% computer blips, and only 5% notes and coins. It is created and controlled exclusively by the banks.

It is the SYSTEM which causes your problems - the mathematics – If the interest rate is 5% on \$100 loan of new money, then 100 plus nothing – does not equal 105, which is the amount the banks demand you pay back.

The extra 5 is not created, so the nation as a whole, can never get out of debt to the banks. It must keep borrowing more to continue - Mayer Amschel Rothschild was from a family of goldsmith-money lenders. and said – Give me control of a nation's money supply, and I care not, who makes it's Laws.

So how did the Rothschilds and others become so wealthy ? Around 1690, the English King William needed money for a war with France, so he borrowed 1 point 2 million pounds, a staggering amount, from the goldsmith money lenders. Their reward ? - He granted them a Charter for the Bank of England in 1694, which made it legal for them to charge him 8 percent interest. This was the beginning of the modern - privately owned - banking system. It has taken them a only few hundred years to become the ONLY source of money - and your slave masters.

Did you know that - The Reserve Bank is NOT a Government operation, it became independent in 1960. It creates money out of nothing, but that is not the problem as you will see. The problem is the Reserve Bank is just like the printer for the railway tickets, it pretends it owns that new money, and lends it to your Government, with interest on top, and takes a mortgage over your taxes. Now you know where a large chunk of your taxes go. Ask yourself, or anyone who should know – politician – financial adviser – bank manager – hairdresser or cab driver (they know everything) - Ask them -

If every nation is in debt – who is the Creditor??? .... You'll be dismayed at the answers.

Did you know that under my Section 51 – 4, 12 and 13 - your Prime Minister AND your Parliament have the duty - and the legal power - to solve the so called \$\$ crisis in only a few weeks with no interest and no debt. Governments, and governments alone, not the Banks, have the legitimate power to issue the nation's money (or credit) to represent the real wealth of the Nation.

The Nullabour railway was built under the rules of Section 51 – no interest – no debt ! You may ask – if it's as simple as that, why isn't it being done now, by either side of politics ? Why ? - because many rich people, and the Judiciary, benefit from the existing system – they don't want it changed.

Did you know - that COSTS ORDERS in today's courts are the greatest fraud ever perpetrated upon you, my unsuspecting people? It 's a huge extortion racket.

In 1640, Habeas Corpus Act (which is also contained within me) ordained that, "...unless and until a jury trial is held, and an "event" of a judicial nature occurs, no costs are payable



by either side in proceedings, regardless of any direction from any Parliament". In other words – only a Jury can award costs - and - ANY ruling made by a single Judge without your consent, or a Jury, is illegal and invalid .... Period.

On Aug 20, 2001, the penalty was fixed at 25 years jail for both the solicitor and the judge who commit the crime of Costs Orders. It comes under slavery, in the Criminal Code Act. Sect 268.10.

Did you also know, my people, that variable interest loans are illegal ?

For a loan contract or any agreement under Common Law there are eight essential elements, There must be -

- (1) an offer;
- (2) acceptance;
- (3) sufficient consideration;
- (4) capacity to contract;
- (5) intention to enter legal relations;
- (6) legality of purpose;
- (7) genuine consent; and
- (8) certainty of terms. "Variable", in the Oxford English Dictionary, means "uncertain". The fraud committed by the banks is contract fraud under Common Law. - the uncertain terms of variable interest.

Did you know, my people, that Banks never lend depositors money, all Bank loans are New Money created out of nothing. It used to be – at the stroke of a pen – but today it is nothing more than electronic blips in their computer system. Traitorous politicians have given the banks the power to create the nation's money, which they lend to you and then demand interest on it. That interest can never be repaid because it does not exist. The only way you can pay that interest is to get money off someone else, who also got it from someone else, but it can ultimately be traced back to a bank loan – which is the only source of money today.

Judges and Lawyers deny your right to Trial by Jury and that is how they prevent the evidence of fraud. They protect the banks who dispossess 10's of 1,000's of families of their homes and property every year - and they are directly responsible for many suicides. It is modern day slavery.

Slavery has long been a sad part of man's history, yet in 1807, it was abolished through the dedicated efforts of one man, William Wilberforce.

He had no Internet, no Cd's, no phones, none of the powerful means of communication you have today. He won the victory in the Courts - and in the Parliament, using the very same laws and rights you still have, and he won the battle against formidable and powerful enemies. How did he do it ?

As a genuine Christian, he had little interest in sanctimonious gatherings in pews of indifference behind closed doors. Like a true evangelist, he took the message out to the people – and he knew that a jury of 12 who genuinely pray – “so help me God “ – is the most powerful weapon against tyranny, fraud and corruption that you have. This is practical Christianity - in action. Slavery has been around a long time – it was abolished by the power of God, not by a flash of lightening miracle, but through informed Jurors ... but Did you know that Juries also have the power to overrule and abolish bad laws – yes, and that includes most of the rules found in an insidious document used by the lawyers and judges today. It's called the - Uniform Civil Procedure Rules -

It is an illegal Act, passed by traitorous politicians without a Referendum and ignored by



apathetic Churchmen. Most of it would be thrown out immediately if exposed to an informed Jury. It was dreamed up by solicitors and judges for their own financial gain – they ignore me completely - and most of their 600 or so rules, are in direct conflict with both my Section 109, and Section 15-A of the Acts Interpretation Act. - and yet, they are continually changing their rules, -

That evil document is based on the lie that a single Judge can make orders without your consent or without a Jury, just like big bad John ... King John. In Section 109. "When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid." Remember Sections 79 and 80 regarding single judges and Juries ?

NOW do you understand why they are so afraid of me and Juries ??

Your slavery today, is NOT with whips and chains,- it is much more subtle - It has crept up on you, especially over the last 50 years. You say – slavery ? What slavery -? Then why are you going to pay over one million dollars for your \$300,000 home.. ? Who gets the extra 700,000 ?

Why do you pay up to half your income in taxes. ? If you don't pay, they'll fine you or jail you. .... and you say you're not a slave !!

Please don't say that all your taxes are used to run the country – a major chunk of your tax tribute is to pay the interest on Government debts to the bank.

Did you know that in 1920 , taxation was only two and a half percent ?

You are slaves today to - public debt, inflation, bankruptcies which can result in suicides, and foreclosures on your homes and small business.

How would you like to buy your \$300,000 home under a proper money system ? The \$300,000 is made up of raw materials and human effort - nothing else. Under a proper system, your home loan is really - credit granted to you, for your future work and production - that is - your ability to repay. Regardless of who prints the money tickets or electronic blips in a computer, be it Government, or even a bank operating legally, your new home represents an increase in the national wealth, namely, one house.

But there is one extra human effort to include – that is the bookkeeping for that new money. Suppose you make 300 payments - So someone has to do 300 bits of work – allow them \$50 per payment – that's a total of  $300 \times \$50 = \$15,000$  - so the total cost of your home should be not one dollar more than 315,000. and that is the amount to be created - and you agree to repay it at \$1050 per month for 300 months = 25 years.

Listen carefully - under that proper system, there would be zero inflation. - but under the current interest system you must repay over \$1 million. – That my people, is the source of all inflation – and that - is your slavery.

You can this defeat modern slavery by firstly - reclaiming the Courts – they belong to you, my people - Read my Chapter 3 for "the administration of Justice". Don't be deceived by Judges and solicitors who will try and tell you that I am not valid today – the High Court says they are lying –

When you play your part to make sure this publication is widely distributed, – there will be vicious reaction when you start taking Banks and solicitors to court in thousands of actions for their fraud – that is - variable interest, and costs orders. You can go back 6 years. Now, they will argue that if every trial is going to be by Jury, then the courts would be jammed.

Not so – Did you know that when a Jury trial is actually granted these days, over 90% of cases are settled out of court before the Jury trial.





It is solicitors who encourage the ongoing court actions – they grow fat off their incestuous system. Now you know why they desperately protect each other against any one exposing their crimes and fraud.

It's been well known that for many years, there has been much abuse of the law, by Judges and Solicitors in the Federal Magistrates Court -and it was starting to be exposed. No wonder they were anxious to abolish that court on the 5th of April 2009. Their story was that it was un-economic – yeah – right !

Nevertheless, you can expect a lot of lies and attacks against this CD from the media. They will lie, they will distort the the facts, and they will rubbish any reform as - "Printing Press Money – wild inflation – or whatever – Of course notes and coins are made on printing presses, they don't grow on trees.

Whatever they try to do, even threats of massive financial crisis – don't panic - it's not a problem – because Under Section 51, your Government CAN, in only a few weeks, restore your money system to represent the real wealth – your farms, your minerals, your homes, your transport systems and much else.

Generally, politicians are not held in the highest esteem - but they too, have mortgages – and children trying to buy a home, or get a job.

When they get to understand the solution and forget the Party politics, they have access to honest experts who know how to fix the money system legally, morally and efficiently.. – Governments do not have to go cap in hand to banks for finance to build roads, hospitals or whatever. - In Section 51 – 4, 12 +13 - they already have the power to create real money with no interest - for Government projects – A new road costing 10 million \$\$ is an increase in the real wealth of the nation, so Governments have the right and duty to create that \$10m - and distribute it, debt free, to pay those who worked to build that road, - exactly as the Nullabor railway was built.

Imagine, what just that step forward would do to reduce your rates and State taxes and stop the ridiculous and traitorous action of selling off our State and national assets which belong to you.

Remember - Money is NOT a commodity - it is NOT wealth, - it is a *representation* of the real wealth - which is owned by you, my people – not the Banks. NOW you know why they are so afraid of Juries ... and why they are the real force behind the push for a Republic.

So what can you do ?

When the Israelites were in slavery, Moses did more than - pray about it - he confronted Pharaoh head on – and with persistence and Divine help, the Israelite slavery was ended. Note – God's miracles came AFTER Moses took action.

When Fred Hollows was presented with a blind person, he did more than just just say – let's pray about it – he used his God given gift, and operated to restore that person's sight.

William Wilberforce did more than just give lectures, on the evils of slavery in England – he, and honourable Churchmen, confronted the slave masters - in the Courts – with Juries. - Proper courts with Juries are the best defence of your freedoms and rights.

Not long ago, attempts were made to destroy your Australian Flag, but the Flag cried out to you. All across this great nation, more than a million people heard, and still listen to ... The Voice Of The Australian Flag ... Via radio ... TV ... the Internet ... cassette and CD.

Many heard for the first time what the design of their Flag is really all about and what it stands for. Your Flag, drenched with the blood of those who gave their lives for you and the freedom you have today. Many listeners wept at the thought of this wonderful part of our



heritage being destroyed. It would be like abolishing ANZAC!!!

My people, you listened, you rallied. You would not let your Flag be torn down or discarded, and today it is more loved and held in greater esteem and awareness than ever before. The Voice of the Australian Flag CD was copied and distributed in the tens of thousands by caring people and they squashed much the anti-flag movement.

William Wilberforce defeated the slave masters in 1807 – they can be defeated today - but they will not be defeated by academic lectures in meetings, and certainly not by revolution and violence. They will be defeated in the Courts, with informed Juries. At this very moment as you listen to me, hundreds of people are making 10 copies each of this CD to give out freely.

Give a copy of this CD personally to your local Member of Parliament as well as the Pastor and Elders in whatever you call your Church. They probably have a mortgage too. Do not post it – they probably won't even see it – find a way to put it personally into their hands. And letterbox this CD in your Street and theirs – Politicians will act - only when they think they have voters supporting them.

Remind your Pastor and Church Elders, as William Wilberforce did , that they should not be hiding in their sanctimonious closet, desperately searching for any scripture to justify their non involvement. Some of them probably live off interest too. They become so heavenly bound that they become no earthly good.

The commandment - “ love thy neighbour ” surely includes the responsibility of helping an oppressed neighbour - that's you – AND IN THE PUBLIC COURTS (if need be) ! ..... especially in the Family Court where the legal vultures feast on the carcasses of troubled marriages. Marriage vows are treated as a joke and the last thing they want is marriage reconciliation – why ? - no solicitors fees.

But - if Church Elders did their job properly, there would be no need for Christians to go to Court. ( Read -1st Corinthians Chapter 6), They may help prevent just one of the seven suicides each week which can be directly related to the Family Court actions.

When you go to Court, do NOT go alone – take a group of friends to witness the proceedings – it is a public court – they have every right to be there.

Preachers should know ME, and preach about me regularly – why ? because I am your day to day practical application of Bible laws on how we should live. All pastors, regardless of denomination, are Ministers, licensed by the Government. They are bound by law and Almighty God to expose corruption in Government, and to reveal to their congregations, any and every breach of me, your Constitution.

All Church leaders, regardless of denomination, are registered tax exempt Ministers, licensed by the Government. They are bound by law and Almighty God to expose corruption in Government, and to reveal to their congregations, any and every breach of your Constitution. So ask your church leaders, whatever their Title, why they have failed to inform the congregation of how, when and especially why, Julia Gillard, John Howard, Kim Beasley and a host of others, including Judges, have been charged with treason and are awaiting indictment by Grand Jury. You will probably be told – “arr... we don't get involved in politics” - or some excuse. So remind them that this has nothing to do with politics. Church leaders ARE responsible to reveal any criminal offence since they are a Minister who has taken the Oath of Allegiance. They ARE responsible for the knowledge in Hosea Chapter 4. and by concealing a Criminal Offence, they are committing a Criminal Offence.

So ask your Pastor to do a sermon on the Constitution, and ask how the Churches intend to have the illegal Uniform Civil Procedure Laws abolished. The High Court declared they



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are illegal in 1996. Where does your Church leader stand on this most important issue of moral law ?

I was given as a FREE gift to you, my children, by a wise and patient ancestry. Now it is your turn. Make copies of this publication as your gift to everyone you can – in your area – in shopping centres – everywhere – because somewhere today, there is another William Wilberforce just waiting for you to give him a copy of this publication.

Through me, your wise early fathers extended practical Christianity to everyone, rich and poor. Without me you will surely become slaves to some kind of Republican Dictatorship under the International Bankers. It will be worse than communist China or Russia was. – no private property, no rights - no juries.

Both the Bankers and the Judiciary, want to become a Republic more than anyone else. The Judiciary wallow in their power - They fear and hate The Rule of Law – and they protect the Banks who grow rich - off you !!

I have been set in place to protect you, against them – and anyone who attempts illegal power over you, no matter where you live.

I was born from God's Holy Word, a wisdom that none can dispute.

I am 135 wisely written instructions for the protection of your freedoms and rights.

Know me well and teach your children.

Cast me aside and they will never forgive you.

I can guide you, advise you, and protect you - if you will let me.

But there is one thing I cannot do for you... I cannot multiply myself.

For that, I need you.

**Lest you forget.**



## What Keeps the Banking System Going?

Suppose you are a fairly successful private businessman, and you want to expand, so you take a loan or overdraft of \$10,000 from your local bank. Things go well for a while, and you have paid back \$5,000, or half the loan. But things go wrong, and you have to tell the bank that you can no longer keep up the payments on the outstanding principal and interest.

The \$5,000 you cannot, will not, or have not repaid, remains in circulation as interest free money, for other debtors to use, to pay the interest and principal on their loans. It is this money from defaulted loans that enables the system to keep going.

Of course, the banks say they don't want that to happen, but in reality, they can now foreclose on your real assets, for something they gave only bookkeeping credit on. Whenever the debts increase beyond a certain point, orders go out to banks to refuse further credit, and then they foreclose on certain outstanding loans.

So who gets foreclosed and why ?

Governments are never foreclosed. If it is necessary to eliminate a government that becomes hostile to those controlling the banking system, it is accomplished through war and revolution. Large corporate bodies are generally left alone, as they are necessary in the coming World Government, rather than individual countries.

Foreclosures are nearly always directed against those who are the smallest, and least organised to resist, such as the small businessman, the home owner, and especially the family farmers. These can be handled with the least trouble. In order to keep Israeli, the Communist nations and international usury banking going, small businesses must be foreclosed. Western Governments give away billions of dollars in foreign aid, while thousands of farmers and small businesses are cruelly foreclosed every month.

So when we pay our taxes this is what it is all about. Those persons who now rule and control the world, foreclose heavily on the small home owner, business people, and especially the farmers, who want to make their own decisions and take their own consequences. They do not usually research history and the economic situation, but they feel justified in borrowing what they need from the banks. But in times of good farm prosperity, it is bankers who encourage these loans. Those who run the banking system, know that farmers and small business people are the most independent people in the nation.

They are encouraged to get into debt, so foreclosure can be enforced to kill their independence.

When you plant one grain of corn, it will yield an increase of several hundred grains – this God's gift of increase. Animals also produce increase, but money, in any form, cannot increase, yet people believe it does, and today, many people live off interest.

Money is a great system, far superior to barter. Creating money to equate the real wealth of a nation or giving credit to an individual, is not the problem. It is the charging of INTEREST that is the root cause of all our economic problems. We are told that all nations are in debt. Ask yourself, or any politician - if all nations are in debt, who is the creditor ?

*Thou shalt not lend upon usury (interest) to thy brother, interest on the money, or on anything that is lent with interest.*

Deut – 23.19

*He that putteth not out his money to usury, nor taketh reward against the innocent,*



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*he that doeth these things shall never be moved.*

Psalm 15:5



## BIBLE MARRIAGE LAWS

1. And he arose from thence, and cometh into the coasts of Judaea by the farther side of Jordan: and the people resort unto him again; and, as he was wont, he taught them again.
2. And the Pharisees came to him, and asked him, Is it lawful for a man to put away his wife? tempting him.
3. And he answered and said unto them, What did Moses command you?
4. And they said, Moses suffered to write a bill of divorcement, and to put her away.
5. And Jesus answered and said unto them, For the hardness of your heart he wrote you this precept.
6. But from the beginning of the creation God made them male and female.
7. For this cause shall a man leave his father and mother, and cleave to his wife;
8. And they twain shall be one flesh: so then they are no more twain, but one flesh.
9. What therefore God hath joined together, let not man put asunder.
10. And in the house his disciples asked him again of the same matter.
11. And he saith unto them, Whosoever shall put away his wife, and marry another, committeth adultery against her.
12. And if a woman shall put away her husband, and be married to another, she committeth adultery.



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## BILL OF RIGHTS 1688

The Bill of Rights (a short title conferred by the Short Titles Act 1896, section 1 and the first schedule) is an act of the Parliament of England, whose title is An Act Declaring the Rights and Liberties of the Subject and Settling the Succession of the Crown. It is often called the English Bill of Rights

The Bill of Rights was passed by Parliament in December 1689 and was a re-statement in statutory form of the Declaration of Rights, presented by the Convention Parliament to William and Mary in February 1689, inviting them to become joint sovereigns of England. It enumerates certain rights to which citizens and permanent residents of a constitutional monarchy were thought to be entitled in the late 17th century, asserting subjects' right to petition the monarch, as well as to bear arms in defense. It also sets out-or, in the view of its drafters, restates-certain constitutional requirements of the Crown to seek the consent of the people, as represented in parliament.

Along with the 1701 Act of Settlement the Bill of Rights remains, today, one of the main constitutional laws governing the succession to not only the throne of the United Kingdom, but, following British colonialism, the resultant doctrine of reception, and independence, also to those of the other Commonwealth realms, whether by willing deference to the act as a British statute or as a patriated part of the particular realm's constitution.[1] Since the implementation of the Statute of Westminster in each of the Commonwealth realms (on successive dates from 1931 onwards) the Bill of Rights cannot be altered in any realm except by that realm's own parliament, and then, by convention, and as it touches on the succession to the shared throne, only with the consent of all the other realms.[2]

The Bill of Rights is further accompanied by the Magna Carta, Habeas Corpus Act 1679 and Parliament Acts 1911 and 1949 as some of the basic documents of the uncodified British constitution. A separate but similar document, the Claim of Right Act, applies in Scotland. Further, a bill of rights has been listed, in Republic of Ireland's Statute Law Revision (Pre-Union), as an English act of parliament to be retained as part of the country's law [citation needed]. [3] The English Bill of Rights 1689 inspired in large part the United States Bill of Rights. [4] [5]



# COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT

An Act to constitute the Commonwealth of Australia.

[9th July 1900]

Whereas the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the Constitution hereby established:

And whereas it is expedient to provide for the admission into the Commonwealth of other Australasian Colonies and possessions of the Queen:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:-

## Section 1 [Short title]

This Act may be cited as the Commonwealth of Australia Constitution Act.

## Section 2 [Provisions about the Queen apply to her successors also]

The provisions of this Act referring to the Queen shall extend to Her Majesty's heirs and successors in the sovereignty of the United Kingdom.

## Section 3 [Proclamation establishing the Commonwealth]

It shall be lawful for the Queen, with the advice of the Privy Council, to declare by proclamation that, on and after a day therein appointed, not being later than one year after the passing of this Act, the people of New South Wales, Victoria, South Australia, Queensland and Tasmania, and also, if Her Majesty is satisfied that the people of Western Australia have agreed thereto, of Western Australia, shall be united in a Federal Commonwealth under the name of the Commonwealth of Australia. But the Queen may, at any time after the proclamation, appoint a Governor-General for the Commonwealth.

## Section 4 [Commencement of Constitution Act]

The Commonwealth shall be established, and the Constitution of the Commonwealth shall take effect, on and after the day so appointed. But the Parliaments of the several colonies may at any time after the passing of this Act make any such laws, to come into operation on the day so appointed, as they might have made if the Constitution had taken effect at the passing of this Act.

## Section 5 [Operation of the constitution and federal laws]

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 in the Commonwealth.

## Section 6 [Definitions]

"The Commonwealth" shall mean the Commonwealth of Australia as established under this Act





"The States" shall mean such of the colonies of New South Wales, New Zealand, Queensland, Tasmania, Victoria, Western Australia, and South Australia, including the northern territory of South Australia, as for the time being are parts of the Commonwealth, and such colonies or territories as may be admitted into or established by the Commonwealth as States; and each of such parts of the Commonwealth shall be called "a State".

"Original States" shall mean such States as are parts of the Commonwealth at its establishment.

Section 7 [Repeal of the Federal Council of Australasia Act ]

The Federal Council of Australasia Act, 1885, is hereby repealed, but so as not to affect any laws passed by the Federal Council of Australasia and in force at the establishment of the Commonwealth.

Any such law may be repealed as to any State by the Parliament of the Commonwealth, or as to any colony not being a State by the Parliament thereof.

Section 8 [Application of the Colonial Boundaries Act ]

After the passing of this Act the Colonial Boundaries Act, 1895, shall not apply to any colony which becomes a State of the Commonwealth; but the Commonwealth shall be taken to be a self-governing colony for the purposes of that Act.

Section 9 [The Constitution]

The Constitution of the Commonwealth shall be as follows:-

**THE CONSTITUTION**

This Constitution is divided as follows:-

Chapter I - The Parliament:

Part I - General:

Part II - The Senate:

Part III - The House of Representatives:

Part IV - Both Houses of the Parliament:

Part V - Powers of the Parliament:

Chapter II - The Executive Government:

Chapter III - The Judicature:

Chapter IV - Finance and Trade:

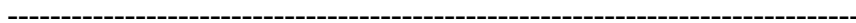
Chapter V - The States:

Chapter VI - New States:

Chapter VII - Miscellaneous:

Chapter VIII - Alteration of the Constitution.

The Schedule.





## Chapter I The Parliament

### Part I General

#### Section 1 [Federal Parliament]

The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the Queen, a Senate, and a House of Representatives, and which is herein-after called "The Parliament," or "The Parliament of the Commonwealth."

#### Section 2 [Governor-General]

A Governor-General appointed by the Queen shall be Her Majesty's representative in the Commonwealth, and shall have and may exercise in the Commonwealth during the Queen's pleasure, but subject to this Constitution, such powers and functions of the Queen as Her Majesty may be pleased to assign to him.

#### Section 3 [Governor-General's salary]

There shall be payable to the Queen out of the Consolidated Revenue fund of the Commonwealth, for the salary of the Governor-General, an annual sum which, until the Parliament otherwise provides, shall be ten thousand pounds.

The salary of the Governor-General shall not be altered during his continuance in office.

#### Section 4 [Governor-General's provisions apply also to Administrators]

The provisions of this Constitution relating to the Governor-General extend and apply to the Governor-General for the time being, or such person as the Queen may appoint to administer the Government of the Commonwealth; but no such person shall be entitled to receive any salary from the Commonwealth in respect of any other office during his administration of the Government of the Commonwealth.

#### Section 5 [Sessions of Parliament: summoning, prorogation, & dissolution]

The Governor-General may appoint such times for holding the sessions of the Parliament as he thinks fit, and may also from time to time, by Proclamation or otherwise, prorogue the Parliament, and may in like manner dissolve the House of Representatives.

After any general election the Parliament shall be summoned to meet not later than thirty days after the day appointed for the return of the writs.

The Parliament shall be summoned to meet not later than six months after the establishment of the Commonwealth.

#### Section 6 [A session of Parliament at least once a year]

There shall be a session of the Parliament once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one session and its first sitting in the next session.

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### Part II The Senate

#### Section 7 [The Senate, its composition & term]

The Senate shall be composed of senators for each State, directly chosen by the people of the State, voting, until the Parliament otherwise provides, as one electorate.



But until the Parliament of the Commonwealth otherwise provides, the Parliament of the State of Queensland, if that State be an Original State, may make laws dividing the State into divisions and determining the number of senators to be chosen for each division, and in the absence of such provision the State shall be one electorate.

Until the Parliament otherwise provides there shall be six senators for each Original State. The Parliament may make laws increasing or diminishing the number of senators for each State, but so that equal representation of the several Original States shall be maintained and that no Original State shall have less than six senators.

The senators shall be chosen for a term of six years, and the names of the senators chosen for each State shall be certified by the Governor to the Governor-General.

#### Section 8 [Qualifications for Senate electors]

The qualification of electors of senators shall be in each State that which is prescribed by this Constitution, or by the Parliament, as the qualification for electors of members of the House of Representatives; but in the choosing of senators each elector shall vote only once.

#### Section 9 [Choosing senators: method, times & places]

The Parliament of the Commonwealth may make laws prescribing the method of choosing senators, but so that the method shall be uniform for all the States. Subject to any such law, the Parliament of each State may make laws prescribing the method of choosing the senators for that State.

The Parliament of a State may make laws for determining the times and places of elections of senators for the State.

#### Section 10 [State election laws to apply initially]

Until the Parliament otherwise provides, but subject to this constitution, the laws in force in each State, for the time being, relating to elections for the more numerous House of the Parliament of the State shall, as nearly as practicable, apply to elections of senators for the State.

#### Section 11 [Failure to choose senators does not affect meetings of Senate]

The Senate may proceed to despatch of business, notwithstanding the failure of any State to provide for its representation in the Senate.

#### Section 12 [Writs for Senate elections]

The Governor of any State may cause writs to be issued for elections of senators for the State. In case of the dissolution of the Senate the writs shall be issued within ten days from the proclamation of such dissolution.

#### Section 13 [Rotation of senators]

##### Modifications (made 1907)

As soon as may be after the Senate first meets, and after each first meeting of the Senate following a dissolution thereof, the Senate shall divide the senators chosen for each State into two classes, as nearly equal in number as practicable; and the places of the senators of the first class shall become vacant at the expiration of the third year three years, and the places of those of the second class at the expiration of six years, from the beginning of their term of service, and afterwards the places of senators shall be vacant at the expiration of the sixth year six years from the beginning of their term of service.

The election to fill vacant places shall be made in the year at the expiration of which within



one year before the places are to become vacant.

For the purpose of this section the term of service of a senator shall be taken to begin on the first day of January July following the day of his election, except in the cases of the first election and of the election next after any dissolution of the Senate, when it shall be taken to begin on the first day of January July preceding the day of his election.

Section 14 [Special provision for Senate rotation when changing size of Senate]

Whenever the number of senators for a State is increased or diminished, the Parliament of the Commonwealth may make such provision for the vacating of the places of senators for the State as it deems necessary to maintain regularity in the rotation.

Section 15 [Procedure for filling casual vacancies]

Substituted in 1977 for a previous version of section 15.

If the place of a senator becomes vacant before the expiration of his term of service, the Houses of Parliament of the State for which he was chosen, sitting and voting together, or, if there is only one House of that Parliament, that House, shall choose a person to hold the place until the expiration of the term. But if the Parliament of the State is not in session when the vacancy is notified, the Governor of the State, with the advice of the Executive Council thereof, may appoint a person to hold the place until the expiration of fourteen days from the beginning of the next session of the Parliament of the State or the expiration of the term, whichever first happens.

Where a vacancy has at any time occurred in the place of a senator chosen by the people of a State and, at the time when he was so chosen, he was publicly recognised by a particular political party as being an endorsed candidate, a person chosen or appointed under this section in consequence of that vacancy, or in consequence of that vacancy and a subsequent vacancy or vacancies, shall, unless there is no member of that party available to be chosen or appointed, be a member of that party.

Where-

(a) in accordance with the last preceding paragraph, a member of a particular political party is chosen or appointed to hold the place of a senator whose place had become vacant; and

(b) before taking his seat he ceases to be a member of that party (otherwise than by reason of the party having ceased to exist),

he shall be deemed not to have been so chosen or appointed and the vacancy shall be again notified in accordance with section twenty-one of this Constitution.

The name of a senator chosen or appointed under this section shall be certified by the Governor of the State to the Governor-General.

If the place of a senator chosen by the people of a State at the election of senators last held before the commencement of the Constitution Alteration (Senate Casual Vacancies) 1977 became vacant before that commencement and, at that commencement, no person chosen by the House or Houses of Parliament of the State, or appointed by the Governor of the State, in consequence of that vacancy, or in consequence of that vacancy and a subsequent vacancy or vacancies, held office, this section applies as if the place of the senator chosen by the people of the State had become vacant after that commencement.

A senator holding office at the commencement of the Constitution Alteration (Senate Casual Vacancies) 1977, being a senator appointed by the Governor of a State in consequence of a vacancy that had at any time occurred in the place of a senator chosen



by the people of the State, shall be deemed to have been appointed to hold the place until the expiration of fourteen days after the beginning of the next session of the Parliament of the State that commenced or commences after he was appointed and further action under this section shall be taken as if the vacancy in the place of the senator chosen by the people of the State had occurred after that commencement.

Subject to the next succeeding paragraph, a senator holding office at the commencement of the Constitutional Alteration (Casual Senate Vacancies) 1977 who was chosen by the House or Houses of Parliament of a State in consequence of a vacancy that had at any time occurred in the place of a senator chosen by the people of the State shall be deemed to have been chosen to hold office until the expiration of the term of service of the senator elected by the people of the State.

If, at or before the commencement of the Constitution Alteration (Senate Casual Vacancies) 1977, a law to alter the Constitution entitled "Constitutional Alteration (Simultaneous Elections) 1977" came into operation, a senator holding office at the commencement of that law who was chosen by the House or Houses of Parliament of a State in consequence of a vacancy that had at any time occurred in the place of a senator chosen by the people of the State shall be deemed to have been chosen to hold office:

(a) if the senator elected by the people of the State had a term of service expiring on the thirtieth day of June, One thousand nine hundred and seventy-eight - until the expiration or dissolution of the first House of Representatives to expire or be dissolved after that law came into operation; or

(b) if the senator elected by the people of the State had a term of service expiring on the thirtieth day of June, One thousand nine hundred and eighty-one - until the expiration or dissolution of the first House of Representatives to expire or be dissolved after that law came into operation; or if there is an earlier dissolution of the Senate, until that dissolution.

#### Section 16 [Qualifications of a senator]

The qualifications of a senator shall be the same as those of a member of the House of Representatives.

#### Section 17 [President of Senate: choosing, removal, resignation]

The Senate shall, before proceeding to the despatch of any other business, choose a senator to be to President of the Senate; and as often as the office of President becomes vacant the Senate shall again choose a senator to be the President.

The President shall cease to hold his office if he ceases to be a senator. He may be removed from office by a vote of the Senate, or he may resign his office or his seat by writing addressed to the Governor-General.

#### Section 18 [Provision for Acting President]

Before or during any absence of the President, the Senate may choose a senator to perform his duties in his absence.

#### Section 19 [Resignation of a senator]

A senator may by writing addressed to the President, or to the Governor-General if there is no President or if the President is absent from the Commonwealth, resign his place, which thereupon shall become vacant.

#### Section 20 [Loss of office if senator does not attend Senate]

The place of a senator shall become vacant if for two consecutive months of any session of the Parliament he, without the permission of the Senate, fails to attend the Senate.



Section 21 [Procedure when vacancy in Senate happens]

Whenever a vacancy happens in the Senate, the President, or if there is no President or if the President is absent from the Commonwealth the Governor-General, shall notify the same to the Governor of the State in the representation of which the vacancy has happened.

Section 22 [Quorum]

Until the Parliament otherwise provides, the presence of at least one-third of the whole number of the senators shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

Section 23 [Voting in the Senate]

Questions arising in the Senate shall be determined by a majority of votes, and each senator shall have one vote. The President shall in all cases be entitled to a vote; and when the votes are equal the question shall pass in the negative.

Part III The House of Representatives

Section 24 [The House of Representatives and its composition]

The House of Representatives shall be composed of members directly chosen by the people of the Commonwealth, and the number of such members shall be, as nearly as practicable, twice the number of senators.

The number of members chosen in the several States shall be in proportion to the respective members of their people, and shall, until the Parliament otherwise provides, be determined, whenever necessary, in the following manner:-

(i) A quota shall be ascertained by dividing the number of the people of the Commonwealth, as shown by the latest statistics of the Commonwealth, by twice the number of senators:

(ii) The number of members to be chosen in each State shall be determined by dividing the number of people of the State, as shown by the latest statistics of the Commonwealth, by the quota; and if on such division there is a remainder greater than one-half of the quota, one more member shall be chosen in the State.

But notwithstanding anything in this section, five members at least shall be chosen in each Original State.

Section 25 [States which disqualify from voting "all persons of any race" penalised by reduced representation in House]

For the purposes of the last section, if by the law of any State all persons of any race are disqualified from voting at elections for the more numerous House of the Parliament of the State, then, in reckoning the number of the people of the State or of the Commonwealth, persons of the race resident in that State shall not be counted.

Section 26 [Composition of House for first election]

Notwithstanding anything in section twenty-four, the number of members to be chosen in each State at the first election shall be as follows:-

- New South Wales.....twenty-three;
- Victoria.....twenty;
- Queensland.....eight;



South Australia.....six;

Tasmania.....five;

Provided that if Western Australia is an Original State, the numbers shall be as follows:-

New South Wales.....twenty-six;

Victoria.....twenty-three;

Queensland.....nine;

South Australia.....seven;

Western Australia.....five;

Tasmania.....five.

Section 27 [Parliament may change size of House of Representatives]

Subject to this Constitution, the Parliament may make laws for increasing or diminishing the number of the members of the House of Representatives.

Section 28 [Duration of House of Representatives]

Every House of Representatives shall continue for three years from the first meeting of the House, and no longer, but may be soon dissolved by the Governor-General.

Section 29 [Electoral divisions]

Until the Parliament of the Commonwealth otherwise provides, the Parliament of any State may make laws for determining the divisions in each State for which members of the House of Representatives may be chosen, and the number of members to be chosen for each division. A division shall not be formed out of parts of different States.

In the absence of other provision each State shall be one electorate.

Section 30 [Qualification for House of Representatives electors]

Until the Parliament otherwise provides, the qualification of electors of members of the House of Representatives shall be in each State that which is prescribed by the law of the State as the qualification of electors of the more numerous House of Parliament of the State; but in the choosing of members each elector shall vote only once.

Section 31 [State electoral laws apply initially]

Until the Parliament otherwise provides, but subject to this Constitution, the laws in force in each State for the time being relating to elections for the more numerous House of the Parliament of the State shall, as nearly as practicable, apply to elections in the State of members of the House of Representatives.

Section 32 [Writs for general elections]

The Governor-General in Council may cause writs to be issued for general elections of members of the House of Representatives.

After the first general election, the writs shall be issued within ten days from the expiry of a House of Representatives or from the proclamation of a dissolution thereof.

Section 33 [Writs for by-elections to fill vacancies]

Whenever a vacancy happens in the House of Representatives, the Speaker shall issue his writ for the election of a new member, or if there is no Speaker or if he is absent from the Commonwealth, the Governor-General in Council may issue the writ.



### Section 34 [Qualifications of a member of the House of Representatives]

Until the Parliament otherwise provides, the qualifications of a member of the House of Representatives shall be as follows:-

(i) He must be of the full age of twenty-one years, and must be an elector entitled to vote at the election of members of the House of Representatives, or a person qualified to become such elector, and must have been for three years at the least a resident within the limits of the Commonwealth as existing at the time when he was chosen:

(ii) He must be a subject of the Queen, either natural-born or for at least five years naturalized under a law of the United Kingdom, or of a Colony which has become or becomes a State, or of the Commonwealth, or of a State.

### Section 35 [The Speaker: choosing, removal, resignation]

The House of Representatives shall, before proceeding to the despatch of any other business, choose a member to be the Speaker of the House, and as often as the office of Speaker becomes vacant the House shall again choose a member to be the Speaker.

The Speaker shall cease to hold his office if he ceases to be a member. He may be removed from office by a vote of the House, or he may resign his office or his seat by writing addressed to the Governor-General.

### Section 36 [Provision for Acting Speaker]

Before or during any absence of the Speaker, the House of Representatives may choose a member to perform his duties in his absence.

### Section 37 [Resignation of a member]

A member may by writing addressed to the Speaker, or to the Governor-General if there is no Speaker or if the Speaker is absent from the Commonwealth, resign his place, which there-upon shall become vacant.

### Section 38 [Loss of office if member does not attend House]

The place of a member shall become vacant if for two consecutive months of any session of the Parliament he, without the permission of the House, fails to attend the House.

### Section 39 [Quorum]

Until the Parliament otherwise provides, the presence of at least one-third of the whole number of the members of the House of Representatives shall be necessary to constitute a meeting of the House for the exercise of it's powers.

### Section 40 [Voting in the House of Representatives]

Questions arising in the House of Representatives shall be determined by a majority of votes other than that of the Speaker. The Speaker shall not vote unless the numbers are equal, and then he shall have a casting vote.

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## Part IV Both Houses of the Parliament

### Section 41 [Eligibility to vote at federal elections]

No adult person who has or acquires a right to vote at elections for the more numerous House of the Parliament of a State shall, while the right continues, be prevented by any law of the Commonwealth from voting at elections for either House of the Parliament of the Commonwealth.





### Section 42 [Senators & members: oath or affirmation of allegiance]

Every senator and every member of the House of Representatives shall before taking his seat make and subscribe before the Governor-General, or some person authorised by him, an oath or affirmation of allegiance in the form set forth in the schedule to this Constitution.

### Section 43 [Members of one House ineligible for the other House]

A member of either House of Parliament shall be incapable of being chosen or of sitting as a member of the other House.

### Section 44 [Disqualifications for senators and MHRs]

Any person who-

(i) Is under any acknowledgement of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power: or

(ii) Is attainted of treason, or has been convicted and is under sentence, or subject to be sentenced, for any offence punishable under the law of the Commonwealth or of a State by imprisonment for one year or longer: or

(iii) Is an undischarged bankrupt or insolvent: or

(iv) Holds any office of profit under the Crown, or any pension payable during the pleasure of the Crown out of any of the revenues of the Commonwealth: or

(v) Has any direct or indirect pecuniary interest in any agreement with the Public Service of the Commonwealth otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons:

shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives.

But sub-section iv. does not apply to the office of any of the Queen's Ministers of State for the Commonwealth, or of any of the Queen's Ministers for a State, or to the receipt of pay, half pay, or a pension, by any person as an officer or member of the Queen's navy or army, or to the receipt of pay as an officer or member of the naval or military forces of the Commonwealth by any person whose services are not wholly employed by the Commonwealth.

### Section 45 [Loss of seat if disqualification occurs while in office]

If a senator or member of the House of Representatives-

(i) Becomes subject to any of the disabilities mentioned in the last preceding section: or

(ii) Takes the benefit, whether by assignment, composition, or otherwise, of any law relating to bankrupt or insolvent debtors: or

(iii) Directly or indirectly takes or agrees to take any fee or honorarium for services rendered to the Commonwealth, or for services rendered in the Parliament to any person or State:

his place shall thereupon become vacant.

### Section 46 [Penalty for sitting when disqualified]

Until the Parliament otherwise provides, any person declared by this Constitution to be incapable of sitting as a senator or as a member of the House of Representatives shall, for every day on which he so sits, be liable to pay the sum of one hundred pounds to any



person who sues for it in any court of competent jurisdiction.

Section 47 [Disputed elections, qualifications etc]

Until the Parliament otherwise provides, any question respecting the qualification of a senator or member of the House of Representatives, or respecting a vacancy in either House of the Parliament, and any question of a disputed election to either House, shall be determined by the House in which the question arises.

Section 48 [Allowance for senators and members of the House of Representatives]

Until the Parliament otherwise provides, each senator and each member of the House of Representatives shall receive an allowance of four hundred pounds a year, to be reckoned from the day on which he takes his seat.

Section 49 [Powers and privileges of each House]

The powers, privileges, and immunities of the Senate and of the House of Representatives, and of the members and the committees of each House, shall be such as are declared by the Parliament, and until declared shall be those of the Commons House of Parliament of the United Kingdom, and of its members and committees, at the establishment of the Commonwealth.

Section 50 [Rules and orders of each House]

Each House of the Parliament may make rules and orders with respect to-

(i) The mode in which its powers, privileges, and immunities may be exercised and upheld:

(ii) The order and conduct of its business and proceedings either separately or jointly with the other House.

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Part V Powers of the Parliament

Section 51 [Concurrent legislative powers of the Federal Parliament]

Modifications: 1946 & 1967.

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:-

- (i) Trade and commerce with other countries, and among the States:
- (ii) Taxation; but so as not to discriminate between States or parts of States:
- (iii) Bounties on the production or export of goods, but so that such bounties shall be uniform throughout the Commonwealth:
- (iv) Borrowing money on the public credit of the Commonwealth:
- (v) Postal, telegraphic, telephonic, and other like services:
- (vi) The naval and military defence of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth.
- (vii) Lighthouses, lightships, beacons and buoys:
- (viii) Astronomical and metereological observations:
- (ix) Quarantine:
- (x) Fisheries in Australian waters beyond territorial limits:



- (xi) Census and statistics:
- (xii) Currency, coinage, and legal tender:
- (xiii) Banking, other than State banking; also State banking extending beyond the limits of the State concerned, the incorporation of banks, and the issue of paper money:
- (xiv) Insurance, other than State insurance; also State insurance extending beyond the limits of the State concerned:
- (xv) Weights and measures:
- (xvi) Bills of exchanging and promissory notes:
- (xvii) Bankruptcy and insolvency:
- (xviii) Copyrights, patents of inventions and designs, and trade marks:
- (xix) Naturalization and aliens:
- (xx) Foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth:
- (xxi) Marriage:
- (xxii) Divorce and matrimonial causes; and in relation thereto, parental rights, and the custody and guardianship of infants:
- (xxiii) Invalid and old-age pensions:
  - (xxiiiA) The provision of maternity allowances, widows' pensions, child endowment, unemployment, pharmaceutical, sickness and hospital benefits, medical and dental services (but not so as to authorize any form of civil conscription), benefits to students and family allowances:
- (xxiv) The service and execution throughout the Commonwealth of the civil and criminal process and the judgements of the courts of the States:
- (xxv) The recognition throughout the Commonwealth of the laws, the public Acts and records, and the judicial proceedings of the States:
- (xxvi) The people of any race, other than the Aboriginal race in any State, for whom it is deemed necessary to make special laws:
- (xxvii) Immigration and emigration:
- (xxviii) The influx of criminals:
- (xxix) External Affairs:
- (xxx) The relations of the Commonwealth with the islands of the Pacific:
- (xxxi) The acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has power to make laws:
- (xxxii) The control of railways with respect to transport for the naval and military purposes of the Commonwealth:
- (xxxiii) The acquisition, with the consent of a State, of any railways of the State on terms arranged between the Commonwealth and the State:
- (xxxiv) Railway construction and extension in any State with the consent of that State:
- (xxxv) Conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State:



(xxxvi) Matters in respect of which this Constitution makes provision until the Parliament otherwise provides:

(xxxvii) Matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliaments the matter is referred, or which afterwards adopt the law:

(xxxviii) The exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States directly concerned, of any power which can at the establishment of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australasia:

(xxxix) Matters incidental to the execution of any power vested by this Constitution in the Parliament or in either House thereof, or in the Government of the Commonwealth, or in the Federal Judicature, or in any department or officer of the Commonwealth.

#### Section 52 [Powers exclusive to the Federal Parliament]

The Parliament shall, subject to this Constitution, have exclusive power to make laws for the peace, order, and good government of the Commonwealth with respect to-

(i) The seat of government of the Commonwealth, and all places acquired by the Commonwealth for public purposes:

(ii) Matters relating to any department of the public service the control of which is by this Constitution transferred to the Executive Government or the Commonwealth:

(iii) Other matters declared by this Constitution to be within the exclusive power of the Parliament.

#### Section 53 [Powers of the Houses in respect of legislation]

Proposed laws appropriating revenue or moneys, or imposing taxation, shall not originate in the Senate. But a proposed law shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licences, or fees for services under the proposed law.

The Senate may not amend proposed laws imposing taxation, or proposed laws appropriating revenue or moneys for the ordinary annual services of the Government.

The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.

The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting, by message, the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make any of such omissions or amendments, with or without modifications.

Except as provided in this section, the Senate shall have equal power with the House of Representatives in respect of all proposed laws.

#### Section 54 [Bills for Ordinary Annual Services (a special class of Appropriation Bill)]

The proposed law which appropriates revenue or moneys for the ordinary annual services of the Government shall deal only with such appropriation.

#### Section 55 [Restrictions on federal taxation laws]

Laws imposing taxation shall deal only with the imposition of taxation, and any provision therein dealing with any other matter shall be of no effect.



Laws imposing taxation except laws imposing duties of customs or of excise, shall deal with one subject of taxation only; but laws imposing duties of customs shall deal with duties of customs only, and laws imposing duties of excise shall deal with duties of excise only.

#### Section 56 [No appropriations without Governor-General's recommendation]

A vote, resolution, or proposed law for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by message of the Governor-General to the House in which the proposal originated.

#### Section 57 [Deadlock procedure for ordinary Bills; see also section 128]

If the House of representatives passes any proposed law, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, and if after an interval of three months the House of Representatives, in the same or the next session, again passes the proposed law with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may dissolve the Senate and the House of Representatives simultaneously. But such dissolution shall not take place within six months before the date of the expiry of the House of Representatives by effluxion of time.

If after such dissolution the House of Representatives again passes the proposed law, with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may convene a joint sitting of the members of the Senate and of the House of Representatives.

The members present at the joint sitting may deliberate and shall vote together upon the proposed law as last proposed by the House of Representatives, and upon amendments, if any, which have been made therein by one House and not agreed to by the other, and any such amendments which are affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives shall be taken to have been carried, and if the proposed law, with the amendments, if any, so carried is affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives, it shall be taken to have been duly passed by Houses of the Parliament, and shall be presented to the Governor-General for the Queen's assent.

#### Section 58 [Royal Assent procedure for Bills]

When a proposed law passed by both Houses of the Parliament is presented to the Governor-General for the Queen's assent, he shall declare, according to his discretion, but subject to this Constitution, that he assents in the Queen's name, or that he withholds assent, or that he reserves the law for the Queen's pleasure.

The Governor-General may return to the house in which it originated any proposed law so presented to him, and may transmit therewith any amendments which he may recommend, and the Houses may deal with the recommendation.

#### Section 59 [Royal disallowance power]

The Queen may disallow any law within one year from the Governor-General's assent, and such disallowance on being made known by the Governor-General by speech or message to each of the Houses of the Parliament, or by Proclamation, shall annul the law from the day when the disallowance is so made known.



## Section 60 [Procedure for proposed laws reserved for Queen's assent]

A proposed law reserved for the Queen's pleasure shall not have any force unless and until within two years from the day on which it was presented to the Governor-General for the Queen's assent the Governor-General makes known, by speech or message to each of the Houses of the Parliament, or by Proclamation, that it has received the Queen's assent.

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## Chapter II The Executive Government

### Section 61 [Executive Power]

The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen's representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth.

### Section 62 [Federal Executive Council]

There shall be a Federal Executive Council to advise the Governor-General in the government of the Commonwealth, and the members of the Council shall be chosen and summoned by the Governor-General and sworn as Executive Councillors, and shall hold office during his pleasure.

### Section 63 [Definition of "Governor-General in Council"]

The provisions of this Constitution referring to the Governor-General in Council shall be construed as referring to the Governor-General acting with the advice of the Federal Executive Council.

### Section 64 [Ministers of State for the Commonwealth: appointment & removal]

The Governor-General may appoint officers to administer such departments of State of the Commonwealth as the Governor-General in Council may establish.

Such officers shall hold office during the pleasure of the Governor-General. They shall be members of the Federal Executive Council, and shall be the Queen's Ministers of State for the Commonwealth.

After the first general election no Minister of State shall hold office for a longer period than three months unless he is or becomes a senator or a member of the House of Representatives.

### Section 65 [Ministers of State for the Commonwealth: number and portfolios]

Until the Parliament otherwise provides, the Ministers of the State shall not exceed seven in number, and shall hold such offices as the Parliament prescribes, or, in the absence of provision, as the Governor-General directs.

### Section 66 [Ministers of State for the Commonwealth: salaries]

There shall be payable to the Queen, out of the Consolidated Revenue Fund of the Commonwealth, for the salaries of the Ministers of State, an annual sum which, until the Parliament otherwise provides, shall not exceed twelve thousand pounds a year.

### Section 67 [Other federal civil servants: appointment & removal]

Until the Parliament otherwise provides, the appointment and removal of all other officers of the Executive Government of the Commonwealth shall be vested in the Governor-General in Council, unless the appointment is delegated by the Governor-General in Council or by a law of the Commonwealth to some other authority.



### Section 68 [Command of federal naval & military forces]

The command in chief of the naval and military forces of the Commonwealth is vested in the Governor-General as the Queen's representative.

### Section 69 [Transfer of certain State departments]

On a date or dates to be proclaimed by the Governor-General after the establishment of the Commonwealth the following departments of the public service in each State shall become transferred to the Commonwealth:-

Posts, telegraphs, and telephones:

Naval and military defence:

Lighthouses, lightships, beacons, and buoys:

Quarantine.

But the departments of customs and of excise in each State shall become transferred to the Commonwealth on its establishment.

### Section 70 [Certain powers of State Governors to vest in Governor-General]

In respect of matters which, under this Constitution, pass to the Executive Government of the Commonwealth, all powers and functions which at the establishment of the Commonwealth are vested in the Governor of a Colony, or in the Governor of a Colony with the advice of his Executive Council, or in any authority of a Colony, shall vest in the Governor-General, or in the Governor-General in Council, or in the authority exercising similar powers under the Commonwealth, as the case requires.

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## Chapter III The Judicature

### Section 71 [The federal judicial power, and federal courts]

The judicial power of the Commonwealth shall be vested in a Federal Supreme Court, to be called the High Court of Australia, and in such other federal courts as the Parliament creates, and in such other courts as it invests with federal jurisdiction. The High Court shall consist of a Chief Justice, and so many other Justices, not less than two, as the Parliament prescribes.

### Section 72 [Federal judges: appointment, tenure, remuneration, & retirement]

Modifications: 1977

The Justices of the High Court and of the other courts created by the Parliament-

(i) Shall be appointed by the Governor-General in Council:

(ii) Shall not be removed except by the Governor-General in Council, on an address from both Houses of the Parliament in the same session, praying for such removal on the ground of proved misbehaviour or incapacity:

(iii) Shall receive such remuneration as the Parliament may fix; but the remuneration shall not be diminished during their continuance in office.

The appointment of a Justice of the High Court shall be for a term expiring upon his attaining the age of seventy years, and a person shall not be appointed as a Justice of the High Court if he has attained that age.

The appointment of a Justice of a court created by the Parliament shall be for a term expiring upon his attaining the age that is, at the time of his appointment, the maximum



age for Justices of that court and a person shall not be appointed as a Justice of such a court if he has attained the age that is for the time being the maximum age for Justices of that court.

Subject to this section, the maximum age for Justices of any court created by the Parliament is seventy years.

The Parliament may make a law fixing an age that is less than seventy years as the maximum age for Justices of a court created by the Parliament and may at any time repeal or amend such a law, but any such repeal or amendment does not affect the term of office of a Justice under an appointment made before the repeal or amendment.

A Justice of the High Court or of a court created by the Parliament may resign his office by writing under his hand delivered to the Governor-General.

Nothing in the provisions added to this section by the Constitution Alteration (Retirement of Judges) 1977 affects the continuance of a person in office as a Justice of a court under an appointment made before the commencement of those provisions.

A reference in this section to the appointment of a Justice of the High Court or of a court created by the Parliament shall be read as including a reference to the appointment of a person who holds office as a Justice of the High Court or of a court created by the Parliament to another office of Justice of the same court having a different status or designation.

#### Section 73 [High Court: appellate jurisdiction]

The High Court shall have jurisdiction, with such exceptions and subject to such regulations as the Parliament prescribes, to hear and determine appeals from all judgements, decrees, orders, and sentences-

- (i) Of any Justice or Justices exercising the original jurisdiction of the High Court:
  - (ii) Of any other federal court, or court exercising federal jurisdiction; or of the Supreme Court of any State, or of any other court of any State from which at the establishment of the Commonwealth an appeal lies to the Queen in Council:
  - (iii) Of the Inter-State Commission, but as to questions of law only:
- and the judgement of the High Court in all such cases shall be final and conclusive.

But no exception or regulation prescribed by the Parliament shall prevent the High Court from hearing and determining any appeal from the Supreme Court of a State in any matter in which at the establishment of the Commonwealth an appeal lies from such Supreme Court to the Queen in Council.

Until the Parliament otherwise provides, the conditions of and restrictions on appeals to the Queen in Council from the Supreme Courts of the several States shall be applicable to appeals from them to the High Court.

#### Section 74 [Appeals to the Queen in Council (ie the Privy Council)]

No appeal shall be permitted to the Queen in Council from a decision of the High Court upon any question, howsoever arising, as to the limits inter se of the Constitutional powers of the Commonwealth and those of any State or States, or as to the limits inter se of the Constitutional powers of any two or more States, unless the High Court shall certify that the Question is one which ought to be determined by Her Majesty in Council.

The High Court may so certify if satisfied that for any special reason the certificate should be granted, and thereupon an appeal shall lie to Her Majesty in Council on the question





without further leave.

Except as provided in this section, this Constitution shall not impair any right which the Queen may be pleased to exercise by virtue of Her Royal prerogative to grant special leave of appeal from the High Court to Her Majesty in Council. The Parliament may make laws limiting the matters in which leave may be asked, but proposed laws containing any such limitations shall be reserved by the Governor-General for Her Majesty's pleasure.

#### Section 75 [High Court: original jurisdiction]

In all matters-

- (i) Arising under any treaty:
- (ii) Affecting consuls or other representatives of other countries:
- (iii) In which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party:
- (iv) Between States, or between residents of different States, or between a State and a resident of another State:
- (v) In which a writ of Mandamus or prohibition or an injunction is sought against an officer of the Commonwealth:

the High Court shall have original jurisdiction.

#### Section 76 [High Court: original jurisdiction at discretion of Parliament]

The Parliament may make laws conferring original jurisdiction on the High Court in any matter-

- (i) Arising under this Constitution, or involving its interpretation:
- (ii) Arising under any laws made by the Parliament:
- (iii) Of Admiralty and maritime jurisdiction:
- (iv) Relating to the same subject-matter claimed under the laws of different States.

#### Section 77 [Power to define jurisdiction of other federal courts]

With respect to any of the matters mentioned in the last two sections the Parliament may make laws-

- (i) Defining the jurisdiction of any federal court other than the High Court:
- (ii) Defining the extent to which the jurisdiction of any federal court shall be exclusive of that which belongs to or is invested in the courts of the States:
- (iii) Investing any court of a State with federal jurisdiction.

#### Section 78 [Conferral of rights to sue State or federal authorities]

The Parliament may make laws conferring rights to proceed against the Commonwealth or a State in respect of matters within the limits of the judicial power.

#### Section 79 [Number of judges]

The federal jurisdiction of any court may be exercised by such number of judges as the Parliament prescribes.

#### Section 80 [Trial by jury]

The trial on indictment of any offence against any law of the Commonwealth shall be by jury, and every such trial shall be held in the State where the offence was committed, and if



the offence was not committed within any State the trial shall be held at such place or places as the Parliament prescribes.

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## Chapter IV Finance And Trade

### Section 81 [Federal Consolidated Revenue Fund]

All revenues or moneys raised or received by the Executive Government of the Commonwealth shall form one Consolidated Revenue Fund, to be appropriated for the purposes of the Commonwealth in the manner and subject to the charges and liabilities imposed by this Constitution.

### Section 82 [Deduction of Administrative Expenses]

The costs, charges, and expenses incident to the collection, management, and receipt of the Consolidated Revenue Fund shall form the first charge thereon; and the revenue of the Commonwealth shall in the first instance be applied to the payment of the expenditure of the Commonwealth.

### Section 83 [Money may be taken from Treasury only with parliamentary approval]

No money shall be drawn from the Treasury of the Commonwealth except under appropriation made by law.

But until the expiration of one month after the first meeting of the Parliament the Governor-General in Council may draw from the Treasury and expend such moneys as may be necessary for the maintenance of any department transferred to the Commonwealth and for the holding of the first elections for the Parliament.

### Section 84 [Rights of officers of State departments transferred to Commonwealth]

When any department of the public service of a State becomes transferred to the Commonwealth, all officers of the department shall become subject to the control of the Executive Government of the Commonwealth.

Any such officer who is not retained in the service of the Commonwealth shall, unless he is appointed to some other office of equal emolument in the public service of the State, be entitled to receive from the State any pension, gratuity, or other compensation, payable under the law of the State on the abolition of his office.

Any such officer who is retained in the service of the Commonwealth shall preserve all his existing and accruing rights, and shall be entitled to retire from office at the time, and on the pension or retiring allowance, which would be permitted by the law of the State if his service with the Commonwealth were a continuation of his service with the State. Such pension or retiring allowance shall be paid to him by the Commonwealth; but the State shall pay to the Commonwealth a part thereof, to be calculated on the proportion which his term of service with the State bears to his whole term of service, and for the purpose of the calculation his salary shall be taken to be that paid to him by the State at the time of the transfer.

Any officer who is, at the establishment of the Commonwealth, in the public service of a State, and who is, by consent of the Governor of the State with the advice of the Executive Council thereof, transferred to the public service of the Commonwealth, shall have the same rights as if he had been an officer of a department transferred to the Commonwealth and were retained in the service of the Commonwealth.

### Section 85 [State departments transferred to Commonwealth: transfer of property]



When any department of the public service of a State is transferred to the Commonwealth-

(i) All property of the State of any kind, used exclusively in connection with the department, shall become vested in the Commonwealth; but, in the case of the departments controlling customs and excise and bounties, for such time only as the Governor-General in Council may declare to be necessary:

(ii) The Commonwealth may acquire any property of the State, of any kind used, but not exclusively used in connection with the department; the value thereof shall, if no agreement can be made, be ascertained in, as nearly as may be, the manner in which the value of land, or of an interest in land, taken by the State for public purposes is ascertained under the law of the State in force at the establishment of the Commonwealth:

(iii) The Commonwealth shall compensate the State for the value of any property passing to the Commonwealth under this section; if no agreement can be made as to the mode of compensation, it shall be determined under laws to be made by the Parliament:

(iv) The Commonwealth shall, at the date of the transfer, assume the current obligations of the State in respect of the department transferred.

Section 86 [Federal control of customs, excise, & bounties]

On the establishment of the Commonwealth, the collection and control of duties of customs and of excise, and the control of the payment of bounties, shall pass to the Executive Government of the Commonwealth.

Section 87 [Sharing of federal revenue]

During a period of ten years after the establishment of the Commonwealth and thereafter until the Parliament otherwise provides, of the net revenue of the Commonwealth from duties of customs and of excise not more than one-fourth shall be applied annually by the Commonwealth towards its expenditure.

The balance shall, in accordance with this Constitution, be paid to the several States, or applied towards the payment of interest on debts of the several States taken over by the Commonwealth.

Section 88 [Uniform duties of customs (ie tariffs): time limit for establishment]

Uniform duties of customs shall be imposed within two years after the establishment of the Commonwealth.

Section 89 [Payments to States before uniform duties of customs]

Until the imposition of uniform duties of custom-

(i) The Commonwealth shall credit to each State the revenues collected therein by the Commonwealth.

(ii) The Commonwealth shall debit to each State-

(a) The expenditure therein of the Commonwealth incurred solely for the maintenance or continuance, as at the time of transfer, of any department transferred from the State to the Commonwealth;

(b) The proportion of the State, according to the number of its people, in the other expenditure of the Commonwealth.

(iii) The Commonwealth shall pay to each State month by month the balance (if any) in favour of the State.

Section 90 [Federal power over customs, excise, and bounties to be exclusive]



On the imposition of uniform duties of customs the power of the Parliament to impose duties of customs and of excise, and to grant bounties on the production or export of goods, shall become exclusive.

On the imposition of uniform duties of customs all laws of the several States imposing duties of customs or of excise, or offering bounties on the production or export of goods, shall cease to have effect, but any grant of or agreement for any such bounty lawfully made by or under the authority of the Government of any State shall be taken to be good if made before the thirtieth day of June, One thousand eight hundred and ninety eight, and not otherwise.

#### Section 91 [Exceptions to federal control of bounties]

Nothing in this Constitution prohibits a State from granting any aid to or bounty on mining for gold, silver, or other metals, nor from granting, with the consent of both Houses of the Parliament of the Commonwealth expressed by resolution, any aid to or bounty on the production or export of goods.

#### Section 92 [Trade & commerce among the States to be free]

On the imposition of uniform duties of customs, trade, commerce, and intercourse among the States, whether by means of internal carriage or ocean navigation, shall be absolutely free.

But notwithstanding anything in this Constitution, goods imported before the imposition of uniform duties of customs into any State, or into any Colony which, whilst the goods remain therein, becomes a State, shall, on thence passing into another State within two years after the imposition of such duties, be liable to any duty chargeable on the importation of such goods into the Commonwealth, less any duty paid in respect of the goods on their importation.

#### Section 93 [Payments to States for five years after uniform duties of customs]

During the first five years after the imposition of uniform duties of customs, and thereafter until the Parliament otherwise provides-

(i) The duties of customs chargeable on goods imported into a State and afterwards passing into another State for consumption, and the duties of excise paid on goods produced or manufactured in a State and afterwards passing into another State for consumption, shall be taken to have been collected not in the former but in the latter State:

(ii) Subject to the last subsection, the Commonwealth shall credit revenue, debit expenditure, and pay balances to the several States as prescribed for the period preceding the imposition of uniform duties of customs.

#### Section 94 [Distribution of surplus federal revenue]

After five years from the imposition of uniform duties of customs, the Parliament may provide, on such basis as it deems fair, for the monthly payment to the several States of all surplus revenue of the Commonwealth.

#### Section 95 [Custom duties: special transitional arrangements for Western Australia]

Notwithstanding anything in this Constitution, the Parliament of the State of Western Australia, if that State be an Original State, may, during the first five years after the imposition of uniform duties of customs, impose duties of customs on goods passing into that State and not originally imported from beyond the limits of the Commonwealth; and such duties shall be collected by the Commonwealth.



But any duty so imposed on any goods shall not exceed during the first of such years the duty chargeable on the goods under the law of Western Australia in force at the imposition of uniform duties, and shall not exceed during the second, third, fourth, and fifth of such years respectively, four-fifths, two-fifths, and one-fifth of such latter duty, and all duties imposed under this section shall cease at the expiration of the fifth year after the imposition of uniform duties.

If at any time during the five years the duty on any goods under this section is higher than the duty imposed by the Commonwealth on the importation of the like goods, then such higher duty shall be collected on the goods when imported into Western Australia from beyond the limits of the Commonwealth.

#### Section 96 [Financial assistance grants to States]

During a period of ten years after the establishment of the Commonwealth and thereafter until the Parliament otherwise provides, the Parliament may grant financial assistance to any State on such terms and conditions as the Parliament thinks fit.

#### Section 97 [Federal auditing]

Until the Parliament otherwise provides, the laws in force in any Colony which has become or becomes a State with respect to the receipt of revenue and the expenditure of money on account of the Government of the Colony, and the review and audit of such receipt and expenditure, shall apply to the receipt of revenue and the expenditure of money on account of the Commonwealth in the State in the same manner as if the Commonwealth, or the Government or an officer of the Commonwealth were mentioned whenever the Colony, or the Government or an officer of the Colony, is mentioned.

#### Section 98 [Navigation, shipping, and State railways]

The power of the Parliament to make laws with respect to trade and commerce extends to navigation and shipping, and to railways the property of any State.

#### Section 99 [Favoured treatment of certain States by Commonwealth prohibited]

The Commonwealth shall not, by any law or regulation of trade, commerce, or revenue, give preference to one State or any part thereof over another State or any part thereof.

#### Section 100 [Federal laws must not abridge State water rights]

The Commonwealth shall not, by any law or regulation of trade or commerce, abridge the right of a State or of the residents therein to the reasonable use of the waters of rivers for conservation or irrigation.

#### Section 101 [Inter-State Commission]

There shall be an Inter-State Commission, with such powers of adjudication and administration as the Parliament deems necessary for the execution and maintenance, within the Commonwealth, of the provisions of this Constitution relating to trade and commerce, and of all laws made thereunder.

#### Section 102 [Federal Parliament may forbid discrimination concerning railways]

The Parliament may by any law with respect to trade or commerce forbid, as to railways, any preference or discrimination by any State, or by any authority constituted under a State, if such preference or discrimination is undue and unreasonable, or unjust to any State; due regard being had to the financial responsibilities incurred by any State in connection with the construction and maintenance of its railways. But no preference or discrimination shall, within the meaning of this section, be taken to be undue and unreasonable, or unjust to any State, unless so adjudged by the Inter-State Commission.



### Section 103 [Inter-State Commissioners: appointment, tenure, removal, & remuneration]

The members of the Inter-State Commission-

(i) Shall be appointed by the Governor-General in Council:

(ii) Shall hold office for seven years, but may be removed within that time by the Governor-General in Council, on an address from both Houses of the Parliament in the same session praying for such removal on the ground of proved misbehaviour or incapacity:

(iii) Shall receive such remuneration as the Parliament may fix; but such remuneration shall not be diminished during their continuance in office.

### Section 104 [Certain railway rates exempted]

Nothing in this Constitution shall render unlawful any rate for the carriage of goods upon a railway, the property of a State, if the rate is deemed by the Inter-State Commission to be necessary for the development of the territory of the State, and if the rate applies equally to goods within the State and to goods passing into the State from other States.

### Section 105 [Taking over of State debts by the Commonwealth]

Modifications: 1910

The Parliament may take over from the States their public debts as existing at the establishment of the Commonwealth, or a proportion thereof according to the respective numbers of their people as shown by the latest statistics of the Commonwealth, and may convert, renew, or consolidate such debts, or any part thereof; and the States shall indemnify the Commonwealth in respect of the debts taken over, and thereafter the interest payable in respect of the debts shall be deducted and retained from the portions of the surplus revenue of the Commonwealth payable to the several States, or if such surplus is insufficient, or if there is no surplus, then the deficiency or the whole amount shall be paid by the several States.

### Section 105A [Agreements with respect to State debts]

Inserted 1929.

(1) The Commonwealth may make agreements with the States with respect to the public debts of the States, including-

(a) the taking over of such debts by the Commonwealth;

(b) the management of such debts;

(c) the payment of interest and the provision and management of sinking funds in respect of such debts;

(d) the consolidation, renewal, conversion, and redemption of such debts;

(e) the indemnification of the Commonwealth by the States in respect of debts taken over by the Commonwealth; and

(f) the borrowing of money by the States or by the Commonwealth, or by the Commonwealth for the States.

(2) The Parliament may make laws for validating any such agreement made before the commencement of this section.

(3) The Parliament may make laws for the carrying out by the parties of any such agreement.



(4) Any such agreement may be varied or rescinded by the parties therein.

(5) Every such agreement and any such variation thereof shall be binding upon the Commonwealth and the States parties thereto notwithstanding anything contained in this Constitution or the Constitution of the several States or in any law of the Parliament of the Commonwealth or of any State.

(6) The powers conferred by this section shall not be construed as being limited in any way by the provisions of section one hundred and five of this Constitution.

Chapter V The States

Section 106 [Continuity of State Constitutions]

The Constitution of each State of the Commonwealth shall, subject to this Constitution, continue as at the establishment of the Commonwealth, or as at the admission of establishment of the State, as the case may be, until altered in accordance with the Constitution of the State.

Section 107 [Continuity of State legislative powers]

Every power of the Parliament of a Colony which has become or becomes a State, shall, unless it is by this Constitution exclusively vested in the Parliament of the Commonwealth or withdrawn from the Parliament of the State, continue as at the establishment of the Commonwealth, or as at the admission or establishment of the State, as the case may be.

Section 108 [Continuity of State laws: transition arrangements]

Every law in force in a Colony which has become or becomes a State, and relating to any matter within the powers of the Parliament of the Commonwealth shall, subject to this Constitution, continue in force in the State; and, until provision is made in that behalf by the Parliament of the Commonwealth, the Parliament of the State shall have such powers of alteration and of repeal in respect of any such law as the Parliament of the Colony had until the Colony became a State.

Section 109 [Priority of Commonwealth laws over State laws]

When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

Section 110 [Provisions relating to State Governors apply also to other State chief administrators]

The provisions of this Constitution relating to the Governor of a State extend and apply to the Governor for the time being of the State, or other chief executive officer or administrator of the government of the State.

Section 111 [Surrender of State territory to Commonwealth]

The Parliament of a State may surrender any part of the State to the Commonwealth; and upon such surrender, and the acceptance thereof by the Commonwealth, such part of the State shall become subject to the exclusive jurisdiction of the Commonwealth.

Section 112 [State may levy charges for inspection laws]

After uniform duties of customs have been imposed, a State may levy on imports, or on goods passing into or out of the State such charges as may be necessary for executing the inspection laws of the State; but the net produce of all charges so levied shall be for the use of the Commonwealth; and any such inspection laws may be annulled by the Parliament of the Commonwealth.



### Section 113 [Intoxicating liquors: which laws apply]

All fermented, distilled, or other intoxicating liquids passing into any State or remaining therein for use, consumption, sale, or storage, shall be subject to the laws of the State as if such liquids had been produced in the State.

### Section 114 [State militias, and taxing Commonwealth or State property]

A State shall not, without the consent of the Parliament of the Commonwealth, raise or maintain any naval or military force, or impose any tax on property of any kind belonging to the Commonwealth, nor shall the Commonwealth impose any tax on property of any kind belonging to a State.

### Section 115 [States not to coin money]

A State shall not coin money, nor make anything but gold and silver coin a legal tender in payment of debts.

### Section 116 [Freedom of religion]

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

### Section 117 [No discrimination based on residence in particular States]

A subject of the Queen, resident in any State, shall not be subject to any other State to any disability or discrimination which would not be equally applicable to him if he were a subject of the Queen resident in such other State.

### Section 118 [Mutual recognition by the States of each others' laws etc]

Full faith and credit shall be given, throughout the Commonwealth to the laws, the public Acts and records, and the judicial proceedings of every State.

### Section 119 [Protection of States against invasion & internal violence]

The Commonwealth shall protect every State against the invasion and, on the application of the Executive Government of the State, against domestic violence.

### Section 120 [Custody of federal prisoners in State prisons]

Every State shall make provisions for the detention in its prisons of persons accused or convicted of offences against the laws of the Commonwealth, and for the punishment of persons convicted of such offences, and the Parliament of the Commonwealth may make laws to give effects to this provision.

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## Chapter VI New States

### Section 121 [Admission and establishment of new States]

The Parliament may admit to the Commonwealth or establish new States, and may upon such admission or establishment make or impose such terms and conditions, including the extent of representation in either House of the Parliament, as it thinks fit.

### Section 122 [Government of federal territories]

The Parliament may make laws for the government of any territory surrendered by any State to and accepted by the Commonwealth, or of any territory placed by the Queen under the authority of and accepted by the Commonwealth, or otherwise acquired by the





Commonwealth, and may allow the representation of such territory in either House of the Parliament to the extent and on the terms which it thinks fit.

Section 123 [Alteration of State boundaries]

The Parliament of the Commonwealth may, with the consent of the Parliament of a State, and the approval of the majority of the electors of the State voting upon the question, increase, diminish, or otherwise alter the limits of the State, upon such terms and conditions as may be agreed on, and may, with the like consent, make provision respecting the effect and operation of any increase or diminution or alteration of territory in relation to any State affected.

Section 124 [Formation of new States]

A new State may be formed by separation of territory from a State, but only with the consent of the Parliament thereof, and a new State may be formed by the union of two or more States or parts of States, but only with the consent of the Parliaments of the States affected.

Chapter VII Miscellaneous

Section 125 [Federal seat of government]

The seat of Government of the Commonwealth shall be determined by the Parliament, and shall be within territory which shall have been granted to or acquired by the Commonwealth, and shall be vested in and belong to the Commonwealth, and shall be in the State of New South Wales, and be distant not less than one hundred miles from Sydney.

Such territory shall contain an area of not less than one hundred square miles, and such portion thereof as shall consist of Crown lands shall be granted to the Commonwealth without any payment therefor.

The Parliament shall sit at Melbourne until it meet at the seat of Government.

Section 126 [Deputies of Governor-General]

The Queen may authorize the Governor-General to appoint any person, or any persons jointly or severally, to be his deputy or deputies within any part of the Commonwealth, and in that capacity to exercise during the pleasure of the Governor-General such powers and functions of the Governor-General as he thinks fit to assign to such deputy or deputies, subject to any limitations expressed or directions given by the Queen; but the appointment of such deputy or deputies shall not affect the exercise by the Governor-General himself of any power or function.

Section 127 [Aborigines not to be counted in reckoning population]

Repealed 1967 by the Constitution Alteration (Aboriginals) 1967.

In reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives shall not be counted.

Chapter VIII Alteration Of The Constitution

Section 128 [Power and procedure for altering the Constitution]

Modifications: 1977

This Constitution shall not be altered except in the following manner:-



The proposed law for the alteration thereof must be passed by an absolute majority of each House of the Parliament, and not less than two more more than six months after its passage through both Houses the proposed law shall be submitted in each State and Territory to the electors qualified to vote for the election of members of the House of Representatives.

But if either House passes any such proposed law by an absolute majority, and the other House rejects or fails to pass it, or passes it with any amendments to which the first-mentioned House will not agree, and if after an interval of three months the first-mentioned House in the same or the next session again passes the proposed law by an absolute majority with or without any amendment which has been made or agreed to but the other House, and such other House rejects or fails to pass it or passes it with any amendment to which the first-mentioned House will not agree, the Governor-General may submit the proposed law as last proposed by the first-mentioned House, and either with or without any amendments subsequently agreed to by both Houses, to the electors in each State and Territory qualified to vote for the election of the House of Representatives.

When a proposed law is submitted to the electors the vote shall be taken in such manner as the Parliament prescribes. But until the qualification of electors of members of the House of Representatives becomes uniform throughout the Commonwealth, only one-half the electors voting for and against the proposed law shall be counted in any State in which adult suffrage prevails.

And if in a majority of the States a majority of the electors voting approve the proposed law, and if a majority of all the electors voting also approve the proposed law, it shall be presented to the Governor-General for the Queen's assent.

No alteration diminishing the proportionate representation of any State in either House of the Parliament, or the minimum number of representatives of a State in the House of Representative, in increasing, diminishing, or otherwise altering the limits of the State, or in any manner affecting the provisions of the Constitution in relation thereto, shall become law unless the majority of the electors voting in that State approve the proposed law.

In this section "Territory" means any territory referred to in section one hundred and twenty-two of this Constitution in respect of which there is in force a law allowing its representation in the House of Representatives.

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### Schedule

#### OATH.

I, A.B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law. SO HELP ME GOD!

#### AFFIRMATION.

I, A.B., do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law.

(NOTE - The name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being is to be substituted from time to time.)

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### Original Provisions



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## Section 15 [Procedure for filling casual vacancies]

Replaced in 1977 by the present section 15 (under the Constitution Alteration (Senate Casual Vacancies) 1977).

If the place of a senator becomes vacant before the expiration of his term of service, the Houses of Parliament of the State for which he was chosen shall, sitting and voting together, choose a person to hold the place until the expiration of the term, or until the election of a successor as herein-after provided, whichever first happens. But if the Houses of Parliament of the State are not in session at the time when the vacancy is notified, the Governor of the State, with the advice of the Executive Council thereof, may appoint a person to hold the place until the expiration of fourteen days after the beginning of the next session of the Parliament of the State, or until the election of a successor, whichever first happens.

At the next general election of members of the House of Representatives, or at the next election of senators for the State, whichever first happens, a successor shall, if the term has not then expired, be chosen to hold the place from the date of his election until the expiration of the term.

The name of any senator so chosen or appointed shall be certified by the Governor of the State to the Governor-General.



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# AUSTRALIAN CONSTITUTION

## Sections to Consider

### **Section 79**

[Number of judges]

The federal jurisdiction of any court may be exercised by such number of judges as the Parliament prescribes.

### **Section 80**

[Trial by jury]

The trial on indictment of any offence against any law of the Commonwealth shall be by jury, and every such trial shall be held in the State where the offence was committed, and if the offence was not committed within any State the trial shall be held at such place or places as the Parliament prescribes.

### **Section 109**

[Priority of Commonwealth laws over State laws]

When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.



## Local Councils - Referendum 1988

Question 3 from the referendum was: A Proposed Law; 'To alter the Constitution to recognise local government.' Do you approve of this alteration?

The SPECIFIC (federal Referendum) proposal was:

(3) Constitution Alteration (Local Government) 1988.... 119A, "Each state shall provide for the ESTABLISHMENT AND CONTINUANCE of a system of local government, with local government bodies elected in accordance with the laws of the state, and empowered to administer, and MAKE BY-LAWS FOR, their respective areas IN ACCORDANCE with the laws of the state" (emphasis added).

The 1988 referendum was not carried. It obtained a majority in no State and an overall minority of 3,084,678 votes.

Thus - Local Councils cannot make ANY laws or by-laws without a Referendum.

No other conclusion can be derived from this result other than that Local government was not lawfully recognised by the people of Australia, who are the Government of Australia through their agents the Parliaments.



## CHRISTIANS IN COURT

### 1 Corinthians Chapter 6

1. How can any one of you with a case against another dare to bring it to the unjust for judgment instead of to the holy ones?
2. Do you not know that the holy ones will judge the world? If the world is to be judged by you, are you unqualified for the lowest law courts?
3. Do you not know that we will judge angels? Then why not everyday matters?
4. If, therefore, you have courts for everyday matters, do you seat as judges people of no standing in the church?
5. I say this to shame you. Can it be that there is not one among you wise enough to be able to settle a case between brothers?
6. But rather brother goes to court against brother, and that before unbelievers?
7. Now indeed (then) it is, in any case, a failure on your part that you have lawsuits against one another. Why not rather put up with injustice? Why not rather let yourselves be cheated?
8. Instead, you inflict injustice and cheat, and this to brothers.
9. Do you not know that the unjust will not inherit the kingdom of God? Do not be deceived; neither fornicators nor idolaters nor adulterers nor boy prostitutes nor sodomites
10. nor thieves nor the greedy nor drunkards nor slanderers nor robbers will inherit the kingdom of God.
11. That is what some of you used to be; but now you have had yourselves washed, you were sanctified, you were justified in the name of the Lord Jesus Christ and in the Spirit of our God.
12. "Everything is lawful for me," but not everything is beneficial. "Everything is lawful for me," but I will not let myself be dominated by anything.
13. "Food for the stomach and the stomach for food," but God will do away with both the one and the other. The body, however, is not for immorality, but for the Lord, and the Lord is for the body;
14. God raised the Lord and will also raise us by his power.
15. Do you not know that your bodies are members of Christ? Shall I then take Christ's members and make them the members of a prostitute? Of course not!
16. (Or) do you not know that anyone who joins himself to a prostitute becomes one



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17. body with her? For "the two," it says, "will become one flesh."

18. But whoever is joined to the Lord becomes one spirit with him.

19. Avoid immorality. Every other sin a person commits is outside the body, but the immoral person sins against his own body.

20. Do you not know that your body is a temple of the holy Spirit within you, whom you have from God, and that you are not your own?

21. For you have been purchased at a price. Therefore, glorify God in your body.



# **CRIMINAL CODE ACT 1995**

Sect 268.10

## **OFFENCES AGAINST HUMANITY AND RELATED OFFENCES**

### SECTION 268.10 Crime against humanity - enslavement

(1) A person (the perpetrator) commits an offence if:

(a) the perpetrator exercises any or all of the powers attaching to the right of ownership over one or more persons (including the exercise of a power in the course of trafficking in persons, in particular women and children); and

(b) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

Penalty: Imprisonment for 25 years.

(2) In subsection (1): exercises any or all of the powers attaching to the right of ownership over a person includes purchases, sells, lends or barter a person or imposes on a person a similar deprivation of liberty and also includes exercise a power arising from a debt incurred or contract made by a person.





## FAMILY COURT JURIES

A "Court" is a "place where Justice is administered". "Justice" is "the protection of rights and the punishment of wrongs". The Right to Trial by Jury belongs to everyone. It is inalienable, ie: it can neither be taken away nor given away. In any action in any Court, there must be the clear and unequivocal consent by both parties to be without a Jury - otherwise, the Court has no Jurisdiction to proceed summarily (which means "without a Jury"). Should a Court try to proceed without such consent, the Jurisdiction of the Court must be Challenged - whereupon only a Special Jury will decide whether Australians have the Right to Trial by Jury.

The Family Court, as it is presently constituted, is not a "Court" because the Right to Trial by Jury is being unlawfully denied. The Family Court is a "Den of Inequity" that exacerbates wrong and injury..... "in the place of Justice wickedness is there".

It is the Democratic Right of every Australian to be able to access Trial by Jury for redress and remedy. If both parties to an action do not want to have a Jury Trial, then both must sign a Memorandum of Consent to that fact, and a Judge can hear, try and determine the case.

Also presently, the Family Court (by way of Judges) administers Statute Law which are merely Acts of Parliament and often the product of vested interest groups within the Parliament or the result of pressure being exerted by militant or mischievous groups upon the Parliament. Under the Australian Constitution, there are 3 Arms of Government, ie: the Executive; the Parliament; and the Judicature. Australian Judges are part of the Executive Arm of Government because they are appointed by the Crown of the United Kingdom, ie: Her Majesty Queen Elizabeth the Second. [This is a matter for resolution at another time].

"Judicature" means "the administration of Justice", and the 19th century framers of the Australian Constitution knew what they were doing by using that word. They knew that the Judiciary, or "body of Judges", is of the Executive Arm of Government and the presence of Judges in a Court is to ensure that the Judgments of Juries are carried out by employing the facilities under and at the disposal of the Executive, such as the Sheriff, the Departments of Police, Correction, etc..

Section 118 of the Australian Constitution guarantees that all Australians should enjoy all the Rights and Privileges as set out in the "Charters of Liberty", ie: Magna Carta 1215; Petition of Right 1627; Habeas Corpus 1640; Bill of Rights 1688; etc., which became entrenched Constitutional Enactments in Australia in 1828, because of the likes of men such as William Charles Wentworth and others who transformed Australia from a Penal Colony under a military Governor into a country where Englishmen could be as free as if they were in England.

Fathers committing suicide as a result of Family Court Injustice is a senseless tragedy. Kids in Distress as a result of Family Court Injustice is an offence against the nation ... all for the lack of knowledge ..... knowledge as to what is the Rule of Law.

It is the paramount duty and responsibility of a Jury to not only determine what are the facts but what is the law, to judge the justice of the law, to decide if the law is appropriately being applied, to judge the moral intentions of the parties, and to vote for a judgment entirely according to their conscience. This was known to our forefathers - but we have not been taught this Truth. Now, because of the arrival of the Internet, we can discover what has been withheld from us.

One party to a Family Court action may well decide that the existing Statutes are to their



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advantage - while the other party must believe that the Statutes are unfair. The Statutes are Acts of Parliament given Royal assent by the Executive. Judges are of the Executive to "well and truly serve" the Executive. However, "Law and Justice are not synonymous because a Law can be unjust" is a Legal Maxim.

Therefore, to restore Justice to our Courts, the Right to Trial by Jury is mandatory.



## HABEAS CORPUS ACT 1640

[http://en.wikipedia.org/wiki/Habeas\\_Corp](http://en.wikipedia.org/wiki/Habeas_Corp)

The `Habeas Corpus Act 1640` is an Act of the Parliament of England (16 Cha I. c. 10) with the long title `An Act for the Regulating the Privie Councill and for taking away the Court commonly called the Star Chamber.` The Act was passed by the Long Parliament shortly after the impeachment and execution of Thomas Wentworth, 1st Earl of Strafford in 1641 and before the English Civil War. It abolished the Star Chamber.

## HABEAS CORPUS ACT 1679

<http://www.constitution.org/eng/habcorpa.htm>

is an Act of the Parliament of England (31 Cha. 2 c. 2)[1] passed during the reign of King Charles II to define and strengthen the ancient prerogative writ of habeas corpus, whereby persons unlawfully detained can be ordered to be prosecuted before a court of law.

The Act is often wrongly described as the origin of the writ of habeas corpus, which had existed for at least three centuries before. The Act of 1679 followed an earlier act of 1640, which established that the command of the King or the Privy Council was no answer to a petition of habeas corpus. Further Habeas Corpus Acts were passed by the British Parliament in 1803, 1804, 1816 and 1862, but it is the Act of 1679 which is remembered as one of the most important statutes in English constitutional history. Though amended, it remains on the statute book to this day.

The Act came about because the Earl of Shaftesbury encouraged his friends in the Commons to introduce the Bill where it passed and was then sent up the Lords. Shaftesbury was the leading Exclusionist—those who wanted to exclude Charles II's brother James, Duke of York from the succession—and the Bill was a part of that struggle as they believed James would rule arbitrarily. The Lords decided to add many wrecking amendments to the Bill in an attempt to kill it; the Commons had no choice to pass the Bill with the Lords' amendments because they learned that the King would soon end the current parliamentary session.

The Bill went back and forth between the two Houses, and then the Lords voted on whether to set up a conference on the Bill. If this motion was defeated the Bill would stay in the Commons and therefore have no chance of being passed. Each side—those voting for and against—appointed a teller who stood on each side of the door through which those Lords who had voted "aye" re-entered the House (the "nays" remained seated). One teller would count them aloud whilst the other teller listened and kept watch in order to know if the other teller was telling the truth. Shaftesbury's faction had voted for the motion, so they went out and re-entered the House. Gilbert Burnet, one of Shaftesbury's friends, recorded what then happened:

"Lord Grey and Lord Norris were named to be the tellers: Lord Norris, being a man subject to vapours, was not at all times attentive to what he was doing: so, a very fat lord coming in, Lord Grey counted him as ten, as a jest at first: but seeing Lord Norris had not observed it, he went on with this misreckoning of ten: so it was reported that they that were for the Bill were in the majority, though indeed it went for the other side: and by this means the Bill passed." [2]

The clerk recorded in the minutes of the Lords that the "ayes" had fifty-seven and the "nays" had fifty-five, a total of 112, but the same minutes also state that only 107 Lords had attended that sitting.[3]



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The King arrived shortly thereafter and gave Royal Assent before proroguing Parliament. The Act is now stored in the Parliamentary Archives.



# Should I Hire an Attorney?

That is a question that each must answer for themselves. However, before making that decision, you might wish to consider the following questions and answers:

1. To what or whom is an attorney's first duty? We consult the latest Corpus Juris Secundum (C.J.S.) legal encyclopedia, volume 7, section 4 for the answer below:

## § 4 ATTORNEY & CLIENT

7 C. J. S.

→ His first duty is to the courts and the public, not to the client,<sup>55</sup> and wherever the duties to his client conflict with those he owes as an officer of the court in the administration of justice, the former must yield to the latter.<sup>56</sup>

The office of attorney is indispensable to the administration of justice and is intimate and

peculiar in its relation to, and vital to the well-being of, the court.<sup>57</sup> An attorney has a duty to aid the court in seeing that actions and proceedings in which he is engaged as counsel are conducted in a dignified and orderly manner, free from passion and personal animosities, and that all causes brought to an issue are tried and decided on their merits only;<sup>58</sup> to aid the court

2. What is the legal relationship between an attorney and his/her client?

## §§ 2-3 ATTORNEY & CLIENT

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and the term is synonymous with "attorney."<sup>14</sup> Therefore, anyone advertising himself as a lawyer holds himself out to be an attorney, an attorney at law, or counselor at law.<sup>15</sup>

If one appears before any court in the interest of another and moves the court to action with respect to any matter before it of a legal nature, such person appears as an "advocate", as that term is generally understood.<sup>16</sup> The phrase "as an advocate in a representative capacity," as used in the statute regulating the practice of law, implies a representation distinct from officer or other regular administrative corporate employee representation.<sup>17</sup>

In England and her colonies a "barrister" is a person entitled to practice as an advocate or counsel in the superior courts.<sup>18</sup> A "solicitor" is a person whose business it is to be employed in the care and management of suits depending in courts of chancery.<sup>19</sup> In the great majority of the states of the Union, where law and equity are both administered by the same court, it has naturally come about that the two offices of attorney at law and solicitor in chancery have practically been consolidated, although in the federal equity practice the term "solicitor" is in

general use; but in some states the office of solicitor in chancery is a distinct and separate office from that of attorney at law.<sup>20</sup>

→ A client is one who applies to a lawyer or counselor for advice and direction in a question of law, or commits his cause to his management in prosecuting a claim or defending against a suit in a court of justice;<sup>21</sup> one who retains the attorney, is responsible to him for his fees, and to whom the attorney is responsible for the management of the suit;<sup>22</sup> one who communicates facts to an attorney expecting professional advice.<sup>23</sup> Clients are also called "wards of the court" in regard to their relationship with their attorneys.<sup>24</sup>

ward of court

### § 3. Nature of Right to Practice

While it has been broadly stated that the right to practice law is not a natural or constitutional right, but is in the nature of a privilege or franchise, the practice of law is not a matter of grace but of right for one who is qualified by his learning and moral character.

#### Library References

Attorney and Client ⇨14.

The right to practice law is not a natural or constitutional right.<sup>25</sup> Nor is the right to practice

3. What is a ward of the court?

→ **Wards of court.** Infants and persons of unsound mind placed by the court under the care of a guardian. *Davis' Committee v. Loney*, 290 Ky. 644, 162 S.W.2d 189, 190. Their rights must be guarded jealously. *Montgomery v. Erie R. Co.*, C.C.A.N.J., 97 F.2d 289, 292. See *Guardianship*.



4. Do you need to challenge jurisdiction? Better read the following, particularly "...because if pleaded by an attorney...."

→ **In propria persona** /in prɔwˈpriːə pɜrsɔːnə/. In one's own proper person. It was formerly a rule in pleading that pleas to the jurisdiction of the court must be plead *in propria persona*, because if pleaded by attorney they admit the jurisdiction, as an attorney is an officer of the court, and he is presumed to plead after having obtained leave, which admits the jurisdiction. See Pro se.

### Conclusions of law:

- When you hire an attorney, you become a ward of the court and a second class citizen and you admit the jurisdiction of the court in the matter at hand.
- You can't hire an attorney if you want to challenge jurisdiction.
- If you want to challenge jurisdiction, the only way you can do it is as a "sui juris" and/or "in propria persona".

Should you hire an attorney? What do you think?

**FOOLS RUSH IN!!**



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## **Jesus Confronts the Lawyers**

Luke chapter 11, verses 46 & 52

46 And Jesus said, Woe unto you also, ye lawyers! for ye lade men with burdens grievous to be borne, and ye yourselves touch not the burdens with one of your fingers.

52 Woe unto you, lawyers! for ye have taken away the key of knowledge: ye entered not in yourselves, and them that were entering in ye hindered.



## MAGNA CARTA

John, by the grace of God King of England, Lord of Ireland, Duke of Normandy and Aquitaine, and Count of Anjou, to his archbishops, bishops, abbots, earls, barons, justices, foresters, sheriffs, stewards, servants, and to all his officials and loyal subjects, greeting.

Know that before God, for the health of our soul and those of our ancestors and heirs, to the honour of God, the exaltation of the holy Church, and the better ordering of our kingdom, at the advice of our reverend fathers Stephen, archbishop of Canterbury, primate of all England, and cardinal of the holy Roman Church, Henry archbishop of Dublin, William bishop of London, Peter bishop of Winchester, Jocelin bishop of Bath and Glastonbury, Hugh bishop of Lincoln, Walter Bishop of Worcester, William bishop of Coventry, Benedict bishop of Rochester, Master Pandulf subdeacon and member of the papal household, Brother Aymeric master of the Knights of the Temple in England, William Marshal, earl of Pembroke, William earl of Salisbury, William earl of Warren, William earl of Arundel, Alan de Galloway constable of Scotland, Warin Fitz Gerald, Peter Fitz Herbert, Hubert de Burgh seneschal of Poitou, Hugh de Neville, Matthew Fitz Herbert, Thomas Basset, Alan Basset, Philip Daubeny, Robert de Roppeley, John Marshal, John Fitz Hugh, and other loyal subjects:

1. First, that we have granted to God, and by this present charter have confirmed for us and our heirs in perpetuity, that the English Church shall be free, and shall have its rights undiminished, and its liberties unimpaired. That we wish this so to be observed, appears from the fact that of our own free will, before the outbreak of the present dispute between us and our barons, we granted and confirmed by charter the freedom of the Church's elections - a right reckoned to be of the greatest necessity and importance to it - and caused this to be confirmed by Pope Innocent III. This freedom we shall observe ourselves, and desire to be observed in good faith by our heirs in perpetuity. We have also granted to all free men of our realm, for us and our heirs for ever, all the liberties written out below, to have and to keep for them and their heirs, of us and our heirs:

2. If any earl, baron, or other person that holds lands directly of the Crown, for military service, shall die, and at his death his heir shall be of full age and owe a `relief', the heir shall have his inheritance on payment of the ancient scale of `relief'. That is to say, the heir or heirs of an earl shall pay for the entire earl's barony, the heir or heirs of a knight 100s. at most for the entire knight's `fee', and any man that owes less shall pay less, in accordance with the ancient usage of `fees'

3. But if the heir of such a person is under age and a ward, when he comes of age he shall have his inheritance without `relief' or fine.

4. The guardian of the land of an heir who is under age shall take from it only reasonable revenues, customary dues, and feudal services. He shall do this without destruction or damage to men or property. If we have given the guardianship of the land to a sheriff, or to any person answerable to us for the revenues, and he commits destruction or damage, we will exact compensation from him, and the land shall be entrusted to two worthy and prudent men of the same `fee', who shall be answerable to us for the revenues, or to the person to whom we have assigned them. If we have given or sold to anyone the guardianship of such land, and he causes destruction or damage, he shall lose the guardianship of it, and it shall be handed over to two worthy and prudent men of the same `fee', who shall be similarly answerable to us.

5. For so long as a guardian has guardianship of such land, he shall maintain the houses, parks, fish preserves, ponds, mills, and everything else pertaining to it, from the revenues





of the land itself. When the heir comes of age, he shall restore the whole land to him, stocked with plough teams and such implements of husbandry as the season demands and the revenues from the land can reasonably bear.

6. Heirs may be given in marriage, but not to someone of lower social standing. Before a marriage takes place, it shall be made known to the heir's next-of-kin.

7. At her husband's death, a widow may have her marriage portion and inheritance at once and without trouble. She shall pay nothing for her dower, marriage portion, or any inheritance that she and her husband held jointly on the day of his death. She may remain in her husband's house for forty days after his death, and within this period her dower shall be assigned to her.

8. No widow shall be compelled to marry, so long as she wishes to remain without a husband. But she must give security that she will not marry without royal consent, if she holds her lands of the Crown, or without the consent of whatever other lord she may hold them of.

9. Neither we nor our officials will seize any land or rent in payment of a debt, so long as the debtor has movable goods sufficient to discharge the debt. A debtor's sureties shall not be distrained upon so long as the debtor himself can discharge his debt. If, for lack of means, the debtor is unable to discharge his debt, his sureties shall be answerable for it. If they so desire, they may have the debtor's lands and rents until they have received satisfaction for the debt that they paid for him, unless the debtor can show that he has settled his obligations to them.

10. If anyone who has borrowed a sum of money from Jews dies before the debt has been repaid, his heir shall pay no interest on the debt for so long as he remains under age, irrespective of whom he holds his lands. If such a debt falls into the hands of the Crown, it will take nothing except the principal sum specified in the bond.

11. If a man dies owing money to Jews, his wife may have her dower and pay nothing towards the debt from it. If he leaves children that are under age, their needs may also be provided for on a scale appropriate to the size of his holding of lands. The debt is to be paid out of the residue, reserving the service due to his feudal lords. Debts owed to persons other than Jews are to be dealt with similarly.

12. No 'scutage' or 'aid' may be levied in our kingdom without its general consent, unless it is for the ransom of our person, to make our eldest son a knight, and (once) to marry our eldest daughter. For these purposes only a reasonable 'aid' may be levied. 'Aids' from the city of London are to be treated similarly.

13. The city of London shall enjoy all its ancient liberties and free customs, both by land and by water. We also will and grant that all other cities, boroughs, towns, and ports shall enjoy all their liberties and free customs.

14. To obtain the general consent of the realm for the assessment of an 'aid' - except in the three cases specified above - or a 'scutage', we will cause the archbishops, bishops, abbots, earls, and greater barons to be summoned individually by letter. To those who hold lands directly of us we will cause a general summons to be issued, through the sheriffs and other officials, to come together on a fixed day (of which at least forty days notice shall be given) and at a fixed place. In all letters of summons, the cause of the summons will be stated. When a summons has been issued, the business appointed for the day shall go forward in accordance with the resolution of those present, even if not all those who were summoned have appeared.

15. In future we will allow no one to levy an 'aid' from his free men, except to ransom his



person, to make his eldest son a knight, and (once) to marry his eldest daughter. For these purposes only a reasonable `aid' may be levied.

16. No man shall be forced to perform more service for a knight's `fee', or other free holding of land, than is due from it.

17. Ordinary lawsuits shall not follow the royal court around, but shall be held in a fixed place.

18. Inquests of novel disseisin, mort d'ancestor, and darrein presentment shall be taken only in their proper county court. We ourselves, or in our absence abroad our chief justice, will send two justices to each county four times a year, and these justices, with four knights of the county elected by the county itself, shall hold the assizes in the county court, on the day and in the place where the court meets.

19. If any assizes cannot be taken on the day of the county court, as many knights and freeholders shall afterwards remain behind, of those who have attended the court, as will suffice for the administration of justice, having regard to the volume of business to be done.

20. For a trivial offence, a free man shall be fined only in proportion to the degree of his offence, and for a serious offence correspondingly, but not so heavily as to deprive him of his livelihood. In the same way, a merchant shall be spared his merchandise, and a husbandman the implements of his husbandry, if they fall upon the mercy of a royal court. None of these fines shall be imposed except by the assessment on oath of reputable men of the neighbourhood.

21. Earls and barons shall not be amerced save through their peers, and only according to the measure of the offence.

22. No clerk shall be amerced for his lay tenement except according to the manner of the other persons aforesaid; and not according to the amount of his ecclesiastical benefice.

23. Neither a town nor a man shall be forced to make bridges over the rivers, with the exception of those who, from of old and of right ought to do it.

24. No sheriff, constable, coroners, or other bailiffs of ours shall hold the pleas of our crown.

25. All counties, hundreds, wapentakes, and trithings--our demesne manors being excepted--shall continue according to the old farms, without any increase at all.

26. If any one holding from us a lay fee shall die, and our sheriff or bailiff can show our letters patent containing our summons for the debt which the dead man owed to us,--our sheriff or bailiff may be allowed to attach and enroll the chattels of the dead man to the value of that debt, through view of lawful men; in such way, however, that nothing shall be removed thence until the debt is paid which was plainly owed to us. And the residue shall be left to the executors that they may carry out the will of the dead man. And if nothing is owed to us by him, all the chattels shall go to the use prescribed by the deceased, saving their reasonable portions to his wife and children.

27. If any freeman shall have died intestate his chattels shall be distributed through the hands of his near relatives and friends, by view of the church; saving to any one the debts which the dead man owed him.

28. No constable or other bailiff of ours shall take the corn or other chattels of any one except he straightway give money for them, or can be allowed a respite in that regard by the will of the seller.



29. No constable shall force any knight to pay money for castleward if he be willing to perform that ward in person, or--he for a reasonable cause not being able to perform it himself--through another proper man. And if we shall have led or sent him on a military expedition, he shall be quit of ward according to the amount of time during which, through us, he shall have been in military service.
30. No sheriff nor bailiff of ours, nor any one else, shall take the horses or carts of any freeman for transport, unless by the will of that freeman.
31. Neither we nor our bailiffs shall take another's wood for castles or for other private uses, unless by the will of him to whom the wood belongs.
32. We shall not hold the lands of those convicted of felony longer than a year and a day; and then the lands shall be restored to the lords of the fiefs.
33. Henceforth all the weirs in the Thames and Medway, and throughout all England, save on the sea-coast, shall be done away with entirely.
34. Henceforth the writ which is called Praecipe shall not be to served on any one for any holding so as to cause a free man to lose his court.
35. There shall be one measure of wine throughout our whole realm, and one measure of ale and one measure of corn--namely, the London quart;--and one width of dyed and russet and hauberk cloths--namely, two ells below the selvage. And with weights, moreover, it shall be as with measures.
36. Henceforth nothing shall be given or taken for a writ of inquest in a matter concerning life or limb; but it shall be conceded gratis, and shall not be denied.
37. If any one hold of us in fee-farm, or in socage, or in burkage, and hold land of another by military service, we shall not, by reason of that fee-farm, or socage, or burkage, have the wardship of his heir or of his land which is held in fee from another. Nor shall we have the wardship of that fee-farm, or socage, or burkage unless that fee-farm owe military service. We shall not, by reason of some petit-serjeanty which some one holds of us through the service of giving us knives or arrows or the like, have the wardship of his heir or of the land which he holds of another by military service.
38. No bailiff, on his own simple assertion, shall henceforth any one to his law, without producing faithful witnesses in evidence.
39. No freeman shall be taken, or imprisoned, or disseized, or outlawed, or exiled, or in any way harmed--nor will we go upon or send upon him--save by the lawful judgment of his peers or by the law of the land.
40. To none will we sell, to none deny or delay, right or justice.
41. All merchants may safely and securely go out of England, and come into England, and delay and pass through England, as well by land as by water, for the purpose of buying and selling, free from all evil taxes, subject to the ancient and right customs--save in time of war, and if they are of the land at war against us. And if such be found in our land at the beginning of the war, they shall be held, without harm to their bodies and goods, until it shall be known to us or our chief justice how the merchants of our land are to be treated who shall, at that time, be found in the land at war against us. And if ours shall be safe there, the others shall be safe in our land.
42. Henceforth any person, saving fealty to us, may go out of our realm and return to it, safely and securely, by land and by water, except perhaps for a brief period in time of war, for the common good of the realm. But prisoners and outlaws are excepted according to the law of the realm; also people of a land at war against us, and the merchants, with



regard to whom shall be done as we have said.

43. If any one hold from any escheat--as from the honour of Walingford, Nottingham, Boloin, Lancaster, or the other escheats which are in our hands and are baronies--and shall die, his heir shall not give another relief, nor shall he perform for us other service than he would perform for a baron if that barony were in the hand of a baron; and we shall hold it in the same way in which the baron has held it.

44. Persons dwelling without the forest shall not henceforth come before the forest justices, through common summonses, unless they are impleaded or are the sponsors of some person or persons attached for matters concerning the forest.

45. We will not make men justices, constables, sheriffs, or bailiffs unless they are such as know the law of the realm, and are minded to observe it rightly.

46. All barons who have founded abbeys for which they have charters of the king of England, or ancient right of tenure, shall have, as they ought to have, their custody when vacant.

47- A11 forests constituted as such in our time shall straightway be annulled; and the same shall be done for river banks made into places of defence by us in our time.

48. A11 evil customs concerning forests and warrens, and concerning foresters and warreners, sheriffs and their servants, river banks and their guardians, shall straightway be inquired into each county, through twelve sworn knights from that county, and shall be eradicated by them, entirely, so that they shall never be renewed, within forty days after the inquest has been made; in such manner that we shall first know about them, or our justice if we be not in England.

49. We shall straightway return all hostages and charters which were delivered to us by Englishmen as a surety for peace or faithful service.

50. We shall entirely remove from their bailwicks the relatives of Gerard de Athyes, so that they shall henceforth have no bailwick in England: Engelard de Cygnes, Andrew Peter and Gyon de Chanceles, Gyon de Cygnes, Geoffrey de Martin and his brothers, Philip Mark and his brothers, and Geoffrey his nephew, and the whole following of them.

51. And straightway after peace is restored we shall remove from the realm all the foreign soldiers, crossbowmen, servants, hirelings, who may have come with horses and arms to the harm of the realm.

52. If any one shall have been disseized by us, or removed, without a legal sentence of his peers, from his lands, castles, liberties or lawful right, we shall straightway restore them to him. And if a dispute shall arise concerning this matter it shall be settled according to the judgment of the twenty-five barons who are mentioned below as sureties for the peace. But with regard to all those things of which any one was, by king Henry our father or king Richard our brother, disseized or dispossessed without legal judgment of his peers, which we have in our hand or which others hold, and for which we ought to give a guarantee: We shall have respite until the common term for crusaders. Except with regard to those concerning which a plea was moved, or an inquest made by our order, before we took the cross. But when we return from our pilgrimage, or if, by chance, we desist from our pilgrimage, we shall straightway then show full justice regarding them.

53. We shall have the same respite, moreover, and in the same manner, in the matter of showing justice with regard to forests to be annulled and forests to remain, which Henry our father or Richard our brother constituted; and in the matter of wardships of lands which belong to the fee of another--wardships of which kind we have hitherto enjoyed by reason of the fee which some one held from us in military service;--and in the matter of abbeys



founded in the fee of another than ourselves--in which the lord of the fee may say that he has jurisdiction. And when we return, or if we desist from our pilgrimage, we shall straightway exhibit full justice to those complaining with regard to these matters.

54. No one shall be taken or imprisoned on account of the appeal of a woman concerning the death of another than her husband.

55. All fines imposed by us unjustly and contrary to the law of the land, and all amerciaments made unjustly and contrary to the law of the land, shall be altogether remitted, or it shall be done with regard to them according to the judgment of the twenty five barons mentioned below as sureties for the peace, or according to the judgment of the majority of them together with the aforesaid Stephen archbishop of Canterbury, if he can be present, and with others whom he may wish to associate with himself for this purpose. And if he can not be present, the affair shall nevertheless proceed without him; in such way that, if one or more of the said twenty five barons shall be concerned in a similar complaint, they shall be removed as to this particular decision, and, in their place, for this purpose alone, others shall be substituted who shall be chosen and sworn by the remainder of those twenty five.

56. If we have disseized or dispossessed Welshmen of their lands or liberties or other things without legal judgment of their peers, in England or in Wales,--they shall straightway be restored to them. And if a dispute shall arise concerning this, then action shall be taken upon it in the March through judgment of their peers- -concerning English holdings according to the law of England, concerning Welsh holdings according to the law of Wales, concerning holdings in the March according to the law of the March. The Welsh shall do likewise with regard to us and our subjects.

57. But with regard to all those things of which any one of the Welsh by king Henry our father or king Richard our brother, disseized or dispossessed without legal judgment of his peers, which we have in our hand or which others hold, and for which we ought to give a guarantee: we shall have respite until the common term for crusaders. Except with regard to those concerning which a plea was moved, or an inquest made by our order, before we took the cross. But when we return from our pilgrimage, or if, by chance, we desist from our pilgrimage, we shall straightway then show full justice regarding them, according to the laws of Wales and the aforesaid districts.

58. We shall straightway return the son of Llewelin and all the Welsh hostages, and the charters delivered to us as surety for the peace.

59. We shall act towards Alexander king of the Scots regarding the restoration of his sisters, and his hostages, and his liberties and his lawful right, as we shall act towards our other barons of England; unless it ought to be otherwise according to the charters which we hold from William, his father, the former king of the Scots. And this shall be done through judgment of his peers in our court.

60. Moreover all the subjects of our realm, clergy as well as laity, shall, as far as pertains to them, observe, with regard to their vassals, all these aforesaid customs and liberties which we have decreed shall, as far as pertains to us, be observed in our realm with regard to our own.

61. Inasmuch as, for the sake of God, and for the bettering of our realm, and for the more ready healing of the discord which has arisen between us and our barons, we have made all these aforesaid concessions,--wishing them to enjoy for ever entire and firm stability, we make and grant to them the following security: that the baron, namely, may elect at their pleasure twenty five barons from the realm, who ought, with all their strength, to observe, maintain and cause to be observed, the peace and privileges which we have



granted to them and confirmed by this our present charter. In such wise, namely, that if we, or our justice, or our bailiffs, or any one of our servants shall have transgressed against any one in any respect, or shall have broken one of the articles of peace or security, and our transgression shall have been shown to four barons of the aforesaid twenty five: those four barons shall come to us, or, if we are abroad, to our justice, showing to us our error; and they shall ask us to cause that error to be amended without delay. And if we do not amend that error, or, we being abroad, if our justice do not amend it within a term of forty days from the time when it was shown to us or, we being abroad, to our justice: the aforesaid four barons shall refer the matter to the remainder of the twenty five barons, and those twenty five barons, with the whole land in common, shall distrain and oppress us in every way in their power,--namely, by taking our castles, lands and possessions, and in every other way that they can, until amends shall have been made according to their judgment. Saving the persons of ourselves, our queen and our children. And when amends shall have been made they shall be in accord with us as they had been previously. And whoever of the land wishes to do so, shall swear that in carrying out all the aforesaid measures he will obey the mandates of the aforesaid twenty five barons, and that, with them, he will oppress us to the extent of his power. And, to any one who wishes to do so, we publicly and freely give permission to swear; and we will never prevent any one from swearing. Moreover, all those in the land who shall be unwilling, themselves and of their own accord, to swear to the twenty five barons as to distraining and oppressing us with them: such ones we shall make to wear by our mandate, as has been said. And if any one of the twenty five barons shall die, or leave the country, or in any other way be prevented from carrying out the aforesaid measures,--the remainder of the aforesaid twenty five barons shall choose another in his place, according to their judgment, who shall be sworn in the same way as the others. Moreover, in all things entrusted to those twenty five barons to be carried out, if those twenty five shall be present and chance to disagree among themselves with regard to some matter, or if some of them, having been summoned, shall be unwilling or unable to be present: that which the majority of those present shall decide or decree shall be considered binding and valid, just as if all the twenty five had consented to it. And the aforesaid twenty five shall swear that they will faithfully observe all the foregoing, and will cause them to be observed to the extent of their power. And we shall obtain nothing from any one, either through ourselves or through another, by which any of those concessions and liberties may be revoked or diminished. And if any such thing shall have been obtained, it shall be vain and invalid, and we shall never make use of it either through ourselves or through another.

62. And we have fully remitted to all, and pardoned, all the ill-will, anger and rancour which have arisen between us and our subjects, clergy and laity, from the time of the struggle. Moreover have fully remitted to all, clergy and laity, and--as far as pertains to us--have pardoned fully all the transgressions committed, on the occasion of that same struggle, from Easter of the sixteenth year of our reign until the re-establishment of peace. In witness of which, more-over, we have caused to be drawn up for them letters patent of lord Stephen, archbishop of Canterbury, lord Henry, archbishop of Dubland the aforesaid bishops and master Pandulf, regarding that surety and the aforesaid concessions.

63. Wherefore we will and firmly decree that the English church shall be free, and that the subjects of our realm shall have and hold all the aforesaid liberties, rights and concessions, duly and in peace, freely and quietly, fully and entirely, for themselves and their heirs from us and our heirs, in all matters and in all places, forever, as has been said. Moreover it has been sworn, on our part as well as on the part of the barons, that all these above mentioned provisions shall be observed with good faith and without evil intent. The witnesses being the above mentioned and many others. Given through our hand, in the plain called Runnymede between Windsor and Stanes, on the fifteenth day of June, in the seventeenth year of our reign.

Roger of Wendover: The Signing of Magna Carta at Runnymede, 1215



## CRIMES ACT 1914 - SECTION 43

### Attempting to pervert justice

(1) Any person who attempts, in any way not specially defined in this Act, to obstruct, prevent, pervert, or defeat, the course of justice in relation to the judicial power of the Commonwealth, shall be guilty of an offence.

Penalty: Imprisonment for 5 years.

(2) For the purposes of an offence against subsection (1), absolute liability applies to the physical element of circumstance of the offence, that the judicial power is of the Commonwealth.

Note: For absolute liability , see section 6.2 of the Criminal Code .

(3) For the person to be guilty of an offence against subsection (1), the person's conduct must be more than merely preparatory to the commission of the offence. The question whether conduct is more than merely preparatory to the commission of the offence is one of fact.

(4) A person may be found guilty of an offence against subsection (1) even if doing the thing attempted is impossible.



## **The Act for the Abolition of the Court of Star Chamber.**

[July 5, 1641. Statutes of the Realm, v. 110. 17 Car. I. cap. 10. See Hist. of Engl. ix. 404.]

### **An Act for the Regulating of the Privy Council and for taking away the Court commonly called the Star Chamber.**

I. Whereas by the Great Charter many times confirmed in Parliament, it is enacted that no freeman shall be taken or imprisoned, or disseized of his freehold or liberties or free customs, or be outlawed or exiled or otherwise destroyed, and that the King will not pass upon him or condemn him but by lawful judgment of his Peers or by the law of the land; and by another statute made in the fifth year of the reign of King Edward the Third[1], it is enacted that no man shall be attached by any accusation nor forejudged of life or limb, nor his lands, tenements, goods nor chattels seized into the King's hands against the form of the Great Charter and the law of the land[2]: and by another statute made in the five-and-twentieth year of the reign of the same King Edward the Third,[3] it is accorded, assented and established that none shall be taken by petition or suggestion made to the King or to his Council, unless it be by indictment or presentment of good and lawful people of the same neighbourhood where such deeds be done, in due manner or by process made by writ original at the common law, and that none be put out of his franchise or freehold unless he be duly brought in to answer and forejudged of the same by the course of the law, and if anything be done against the same, it shall be redressed and holden for none: and by another statute made in the eight-and-twentieth year of the reign of the same King Edward the Third,[4] it is amongst other things enacted that no man of what estate or condition soever he be shall be put out of his lands or tenements, nor taken nor imprisoned nor disinherited without being brought in to answer by due process of law: and by another statute made in the two-and-fortieth year of the reign of the said King Edward the Third,[5] it is enacted that no man be put to answer without presentment before Justices or matter of record, or by due process and writ original according to the old law of the land, and if anything be done to the contrary, it shall be void in law and holden for error: and by another statute made in the six-and-thirtieth year of the same King Edward the Third,[6] it is amongst other things enacted, that all pleas which shall be pleaded in any Courts before any of the King's Justices, or in his other places or before any of his other ministers, or in the Courts and places of any other Lords within the realm, shall be entered and enrolled in Latin: and whereas by the statute made in the third year of King Henry the Seventh[7], power is given to the Chancellor, the Lord Treasurer of England for the time being, and the Keeper of the King's Privy Seal, or two of them calling unto them a Bishop and a Temporal Lord of the King's most honourable Council, and the two Chief Justices of the King's Bench and Common Pleas for the time being, or other two Justices in their absence, to proceed as in that Act is expressed for the punishment of some particular offences therein mentioned: and by the statute made in the one-and-twentieth year of King Henry the Eighth,[8] the President of the Council is associated to join with the Lord Chancellor and other Judges in the said statute of the third of Henry the Seventh mentioned: but the said Judges have not kept themselves to the points limited by the said statute, but have undertaken to punish where no law doth warrant, and to make decrees for things having no such authority, and to inflict heavier punishments than by any law is warranted; and forasmuch as all matters examinable or determinable before the said Judges, or in the Court commonly called the Star Chamber, may have their proper remedy and redress, and their due punishment and correction by the common law of the land, and in the ordinary course of justice elsewhere, and forasmuch as the reasons and motives





inducing the erection and continuance of that Court do now cease, and the proceedings, censures and decrees of that Court have by experience been found to be an intolerable burden to the subjects, and the means to introduce an arbitrary power and government: and forasmuch as the Council hath of late times assumed unto itself a power to intermeddle in civil causes and matters only of private interest between party and party, and have adventured to determine of the estates and liberties of the subject contrary to the law of the land and the rights and privileges of the subject, by which great and manifold mischiefs and inconveniences have arisen and happened, and much uncertainty by means of such proceedings hath been conceived concerning men's rights and estates: for settling whereof and preventing the like in time to come, be it ordained and enacted by the authority of this present Parliament, that the said Court commonly called the Star Chamber, and all jurisdiction, power and authority belonging unto or exercised in the same Court, or by any of the Judges, Officers or Ministers thereof be, from the first day of August in the year of our Lord God one thousand six hundred forty and one, clearly and absolutely dissolved, taken away, and determined; and that from the said first day of August neither the Lord Chancellor or Keeper of the Great Seal of England, the Lord Treasurer of England, the Keeper of the King's Privy Seal, or President of the Council, nor any Bishop, Temporal Lord, Privy Councillor, or Judge, or Justice whatsoever, shall have any power or authority to hear, examine or determine any matter or thing whatsoever in the said Court commonly called the Star Chamber, or to make, pronounce or deliver any judgment, sentence, order or decree, or to do any judicial or ministerial act in the said Court: and that all and every Act and Acts of Parliament, and all and every article, clause, and sentence in them and every of them, by which any jurisdiction, power or authority is given, limited or appointed unto the said Court, commonly called the Star Chamber, or unto all or any the Judges, Officers or Ministers thereof, or for any proceedings to be had or made in the said Court, or for any matter or thing to be drawn into question, examined or determined, there shall, for so much as concerneth the said Court of Star Chamber, and the power and authority thereby given unto it be, from the said first day of August, repealed and absolutely revoked and made void.

II. And be it likewise enacted, that the like jurisdiction now used and exercised in the Court before the President and Council in the Marches of Wales; and also in the Court before the President and Council established in the northern parts; and also in the Court commonly called the Court of the Duchy of Lancaster, held before the Chancellor and Council of the Court; and also in the Court of Exchequer of the County Palatine of Chester, held before the Chamberlain and Council of that Court; the like jurisdiction being exercised there, shall, from the said first day of August one thousand six hundred forty and one, be also repealed and absolutely revoked and made void, any law, prescription, custom or usage; or the said statute made in the third year of King Henry the Seventh; or the statute made the one-and-twentieth of Henry the Eighth; or any Act or Acts of Parliament heretofore had or made to the contrary thereof in any wise notwithstanding; and that from henceforth no court, council, or place of judicature shall be erected, ordained, constituted, or appointed within this realm of England or dominion of Wales, which shall have, use or exercise the same or the like jurisdiction, as is or hath been used, practised or exercised in the said Court of Star Chamber.

III. Be it likewise declared and enacted by authority of this present Parliament, that neither His Majesty nor his Privy Council have or ought to have any jurisdiction, power or authority by English bill, petition, articles, libel, or any other arbitrary way whatsoever, to examine or draw into question, determine or dispose of the lands, tenements, hereditaments, goods or



chattels of any the subjects of this kingdom, but that the same ought to be tried and determined in the ordinary Courts of Justice and by the ordinary course of the law.

IV. And be it further provided and enacted, that if any Lord Chancellor or Keeper of the Great Seal of England, Lord Treasurer, Keeper of the King's Privy Seal, President of the Council, Bishop, Temporal Lord, Privy Councillor, Judge, or Justice whatsoever, shall offend or do anything contrary to the purport, true intent and meaning of this law; then he or they shall for such offence forfeit the sum of £500 of lawful money of England unto any party grieved, his executors or administrators, who shall really prosecute for the same, and first obtain judgment thereupon to be recorded in any Court of Record at Westminster by action of debt, bill, plaint or information, wherein no essoine,[9] protection, wager of law, aid, prayer, privilege, injunction or order of restraint shall be in any wise prayed, granted or allowed, nor any more than one imparlance; and if any person against whom any such judgment or recovery shall be had as aforesaid, shall after such judgment or recovery offend again in the same, then he or they for such offence shall forfeit the sum of £1000 of lawful money of England unto any party grieved, his executors or administrators, who shall really prosecute for the same, and first obtain judgment thereupon to be recorded in any Court of Record at Westminster by action of debt, bill, plaint or information, in which no essoine, protection, wager of law, aid, prayer, privilege, injunction or order of restraint shall be in any wise prayed, granted or allowed, nor any more than one imparlance. And if any person against whom any such judgment or recovery shall be had as aforesaid, shall after such judgment or recovery offend again in the same kind, and shall be thereof duly convicted by indictment, information or any other lawful way or means, that such person so convicted shall be from thenceforth disabled and become by virtue of this Act incapable ipso facto to hear his and their said office and offices respectively, and shall be likewise disabled to make any gift, grant, conveyance or other disposition of any his lands, tenements, hereditaments, goods or chattels, or to take any benefit of any gift, conveyance or legacy to his own use.

V. And every person so offending shall likewise forfeit and lose unto the party grieved, by anything done contrary to the true intent and meaning of this law, his treble damages which he shall sustain and be put unto by means or occasion of any such act or thing done, the same to be recovered in any of His Majesty's Courts of Record at Westminster by action of debt, bill, plaint or information, wherein no essoine, protection, wager of law, aid, prayer, privilege, injunction or order of restraint, shall be in any wise prayed, granted or allowed, nor any more than one imparlance.

VI. And be it also provided and enacted, that if any person shall hereafter be committed, restrained of his liberty or suffer imprisonment [by the order or decree of any such Court of Star Chamber or other Court aforesaid, now or at any time hereafter having or pretending to have the same or like jurisdiction, power or authority to commit or imprison as aforesaid, or by the command or warrant of the King's Majesty, his heirs or successors, in their own person or by the command or warrant of the Council Board or of any of the Lords or others of His Majesty's Privy Council],[10] that in every such case every person so committed, restrained of his liberty, or suffering imprisonment, upon demand or motion made by his counsel or other employed by him for that purpose unto the Judges of the Court of King's Bench or Common Pleas in open Court, shall, without delay upon any pretence whatsoever, for the ordinary fees usually paid for the same, have forthwith granted unto him a Writ of Habeas Corpus to be directed generally unto all and every sheriff's gaoler,



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minister, officer or other person in whose custody the party committed or restrained shall be, and the sheriff's gaoler, minister, officer or other person in whose custody the party so committed or restrained shall be, shall at the return of writ and according to the command thereof, upon due and convenient notice thereof given unto him [at the charge of the party who requireth or procureth such writ, and upon security by his own bond given to pay the charge of carrying back the prisoner if he shall be remanded by the Court to which he shall be brought, as in like cases hath been used, such charges of bringing up and carrying back the prisoner to be always ordered by the Court if any difference shall arise thereabout[11]], bring or cause to be brought the body of the said party so committed or restrained unto and before the Judges or Justices of the said Court from whence the same writ shall issue in open Court, and shall then likewise certify the true cause of such his detenor or imprisonment, and thereupon the Court, within three court days after such return made and delivered in open Court, shall proceed to examine and determine whether the cause of such commitment appearing upon the said return be just and legal or not, and shall thereupon do what to justice shall appertain, either by delivering, bailing or remanding the prisoner. And if anything shall be otherwise wilfully done or omitted to be done by any Judge, Justice, officer or other person aforementioned, contrary to the direction and true meaning hereof, that then such person so offending shall forfeit to the party grieved his treble damages, to be recovered by such means and in such manner as is formerly in this Act limited and appointed for the like penalty to be sued for and recovered.

VII. Provided always and be it enacted, that this Act and the several clauses therein contained shall he taken and expounded to extend only to the Court of Star Chamber, and to the said Courts holden before the President and Council in the Marches of Wales, and before the President and Council in the northern parts, and also to the Court commonly called the Court of the Duchy of Lancaster, holden before the Chancellor and Council of that Court, and also in the Court of Exchequer of the County Palatine of Chester, held before the Chamberlain and Council of that Court, and to all Courts of like jurisdiction to be hereafter erected, ordained, constituted or appointed as aforesaid, and to the warrants and directions of the Council Board, and to the commitments, restraints, and imprisonments of any person or persons made, commanded or awarded by the King's Majesty, his heirs or successors, in their own person or by the Lords and others of the Privy Council and every one of them.

VIII. And lastly, provided and be it enacted, that no person or persons shall be sued, impleaded, molested or troubled for any offence against this present Act, unless the party supposed to have so offended shall be sued or impleaded for the same within two years at the most after such time wherein the said offence shall be committed.



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## **UNIFORM CIVIL PROCEDURE RULES**

(an insidious document used by the Judiciary)

YOU WILL NOTE THAT THIS DOCUMENT IS BASED ON THE LIE  
THAT A SINGLE JUDGE CAN ISSUE ORDERS !!

You will also note that these rules are different in each State!

This is conflict with Section 109.

Please read the document at:

[http://www.lawlink.nsw.gov.au/lawlink/spu/ll\\_ucpr.nsf/Pages/ucpr\\_index](http://www.lawlink.nsw.gov.au/lawlink/spu/ll_ucpr.nsf/Pages/ucpr_index)