

# ***YOUR WILL BE DONE***

*(A simple, non-technical, beginner's book of the true legal functions of the Queen, Governor-General, State Governors, Parliament, Parliamentarians, and the People.)*



*by*

***ARTHUR A. CHRESBY***

Research Analyst in Constitutional Law, and formerly Federal Member for Griffith in the House of Representatives.

**Photograph by courtesy of  
Parliament House Construction Authority /**

*YOUR WILL  
BE DONE*

*By*

*ARTHUR A. CHRESBY*

Research Analyst in Constitutional Law, and formerly Federal Member for Griffith in the House of Representatives.

© **Arthur** A. Chresby, 1979

This book is copyright. Apart from fair dealing for the purpose of private study, research, criticism or review, as permitted under the Copyright Act, no part may be reproduced by any process without written permission from The Australian Constitutional Education Campaign Fund Committee, to whom inquiries should be produced.

First Edition - July, 1979

Second Edition - January, 1980

Third Edition - July, 1984

Fourth Edition - July, 1986

Fifth Edition - June, 1987

Sixth Edition - October, 1987

Seventh Edition - March, 1988

Eighth Edition - July, 1988

Ninth Edition - December, 1988

**National Library of Australia**

**Card number and ISBN 0 9595299 0 X**

Published privately by The Australian  
Constitutional Education Campaign Committee,  
**P.O. Box 7043,**  
Toowoomba Mall Centre, Q. 4352

THIS BOOK IS REPRINTED IN MEMORY OF THE AUTHOR  
**ARTHUR A. CHRESBY**  
IN APPRECIATION FOR HIS 53 YEARS OF RESEARCH AND STUDY  
INTO CONSTITUTIONAL LAW

# CONTENTS

<b>INTRODUCTION</b>	Page	VI
<b>CHAPTER ONE</b>		
What is the correct relationship of an elector to a Member of Parliament	Page	1
<b>CHAPTER TWO</b>		
What is the legal function and duty of a Parliamentarian?	Page	5
<b>CHAPTER THREE</b>		
What is the legal function and duty of a Minister for the Crown?	Page	8
<b>CHAPTER FOUR</b>		
What is Parliament, and its function?	Page	11
<b>CHAPTER FIVE</b>		
What is the true legal role of the Queen and Her Vice Regal Representatives?	Page	15
<b>CHAPTER SIX</b>		
What is a political party?	Page	17
<b>CHAPTER SEVEN</b>		
Is there a practical democratic alternative to the party system?	Page	19
<b>CHAPTER EIGHT</b>		
A few thoughts on extra Constitutional safeguards for the electors.	Page	24
<b>APPENDIX I</b>	Page	27
<b>APPENDIX II</b>	Page	28
<b>SAMPLE PETITION TO FEDERAL MEMBER</b>	Page	29

# INTRODUCTION

In the great controversy on the alleged need for constitutional reform and the replacement of the monarchy with an Australian republic, there seems to be an increasing airing of the views of those apparently bent on destroying the faith of the people in their established parliamentary institutions; that the real truths, safeguards and functions of our Commonwealth and State Constitutions are being lost to the knowledge of the nation.

This work is an attempt to put forward those truths, a sort of primer of Constitutional Law; to bring to public notice the true legal functions and duties of the institution of the monarchy, the offices of Governor General and State Governors, Ministers of the Crown, Federal and State Parliamentarians; to reveal the correct legal relationship between the electors and parliamentarians; to show what can be done under both Commonwealth and State Constitutions to bring Ministers and politicians to a full sudden stop ". . . *for reprimand or dismissal, without having to wait for a general election . . .* "

It may be contended that the people have been denied the abovementioned knowledge; that our schools, colleges and universities have failed to inform, as have the news media at large.

The history of parliament and politics in Australia shows that no political party, few, if any, politicians, and almost none of the constitutional and political text-book writers has published this information, for it is knowledge that, once grasped by the people, means the end of - party political control over the voice and votes of politicians, and the elimination of party political dictatorship over the machinery of parliament.

Those who would **seriously attempt** to dispute the contents of this book are advised that the law courts are open to them to do so. Any other form of denial would have no legal validity.

Because this is being written for the information of Mr., Mrs. and Miss Everyman, the writer has tried to keep the contents as simple as possible, to avoid legal jargon, and to give quotations only where it is deemed essential to clarify a legal point.

It is stressed that the sole purpose of this work is to show the Australian People what their true Constitutional powers are, **and how they can lawfully use those powers to obtain the results they want their elected parliamentarians to produce**, e.g.,

*"I want my dollar to buy more tomorrow than it does today"*

Readers are invited to keep the following legally unarguable fact in mind: -

*In the final analysis it is the Constitutions and Laws of the Commonwealth and the States, and the High Court interpretations of such, that determines what we can or cannot do in our daily lives. It is, therefore, to those Constitutions, Laws, and Court interpretations that we must continuously look for guidance and succour in our living, work and play, **and not to the dissembling party politicians.***

The writer hopes that the following pages will open up the way to such constitutional and legal guidance and succour.

This Introduction cannot be completed without acknowledging the debt which this writer owes to Bart Marney of the blue ribbon provincial daily newspaper, "The Toowoomba Chronicle" (Queensland), without whose many objective criticisms and encouragement this book might never have been written.

**Arthur A. Chresby**



## CHAPTER ONE

### WHAT IS THE CORRECT RELATIONSHIP OF AN ELECTOR TO A MEMBER OF PARLIAMENT?

Both by Constitutional and Statute law an elector has no legal right, whatever, to abuse, intimidate or demand anything of his Member of Parliament, State or Federal, or of his State Senators.

Any such abuse, intimidation or demand, would enable a Parliamentarian to take court action against an elector for attempting to use unlawful pressure to force the Member or Senator to act contrary to their judicially defined function and duty.

As an elector you have a right, and a legal duty, at election time to vote for the candidate of your choice. Indeed, so long as you obtain a ballot paper in a lawful manner and place it in the ballot box you cannot be compelled to vote for the candidates on that ballot paper and may, if you wish, cast your vote against all names on that paper by neatly crossing them out. As voting is legally secret there is, at present, no legal way of stopping you from doing so.

Although such an action is classed as "*casting an informal vote*", you have legally signified that none of the candidates on that ballot paper meet with your satisfaction and have, therefore, lawfully cast your vote against all of them. If a majority of the electors were to vote "*informal*" it would force a fresh election and bring forth fresh candidates, thus indicating that the electors were casting their votes with care.

Political parties, of course, would cry that the electors were wasting their votes; that electors were disenfranchising themselves. But this is only party propaganda, because no party got any value out of your informal vote, and that is all that concerns parties: they need your vote to grab for power.

Once the election is over that is the end of ballot paper voting until the next election. However, under both Federal and State Constitutions and Statute laws **you have certain implied legal duties and obligations.**

The whole system of Parliament, and the **SOLE** reason for its existence, is to make laws for the people, **with the clear implication that those laws will reflect the WILL of the people on the subject matter of those laws.**

By those legal implications you have a lawful duty and obligation to keep your Members and Senators fully informed about what your **WILL** is upon any issue or matter that comes before them in their Houses of Parliament, or that should come before them.

It is only when you fulfil that lawful duty and obligation that your Member and Senators can properly fulfil their judicially defined function and duty in their houses of Parliament. If you do not fulfil your lawful duty and obligation, if you do not keep your Members and

Senators fully informed of your will on any issue, then you cannot blame them for what they do. You have only your own laziness or indifference to blame.

How do you correctly inform your Members and Senators of your WILL? It is so simple that only laziness and indifference ON YOUR PART stops it from working. Yes, it is so very simple, and here is an example:- Suppose, for instance, you believe that income tax should be halved and sales tax completely eliminated. You write, in this case, AN INDIVIDUAL letter to your Federal Member, and each one of your State Senators, such as this:

*Dear Sir,*

*I know that it is my duty to keep you informed of MY WILL on anything that comes before Parliament, or that should come before Parliament.*

*IT IS MY WILL that you take immediate action to have income tax halved and sales tax removed completely.*

*Yours faithfully, (signed)*

(Insert your full name, address and date, as legal evidence that you are a constituent.)

Should your Member or Senators try to side-step (and some of them are extremely adept at doing this) or tell you, what their party is or is not doing, you simply write back and say:

*Dear Sir,*

*I repeat that, in accordance with my lawful obligation to keep you informed of MY WILL, I again inform you that it is MY WILL that you take immediate action to have income tax halved and sales tax removed completely.*

*Yours faithfully,*

Don't enter into written argument with a politician, for many politicians are past masters in the art of avoiding that which they don't want to face up to, and become experts in manipulating words to their benefit.

Although the majority of politicians would never publicly admit it, what worries them most - irrespective of majority or party - is the percentage trend in electorate thinking **that is shown by the number of simple straight letters clearly expressing THE WILL of the elector signing the letter.**

To illustrate the above point further. Opinion polls claim to reveal THE TREND of public thinking BY ASKING SIMPLE QUESTIONS of a given number of people selected at random, and, more often than not, the trend shown is reasonably accurate. BUT NOTE THAT THE TREND IS WORKED OUT ON THE BASIS OF **THE OPINIONS** of people, and people can change their opinions as often as they change their clothes.

The principle of **percentage trends in electorate thinking** as shown by the above simple straight "*MY WILL*" letter is an entirely different thing, and certainly leads to greater accuracy, for politicians know from experience that if one of their electors sits down to write such a simple "*IT IS MY WILL*" letter, then that elector is not expressing a **mere opinion**, but knows what he wants and says so in a no-nonsense way. It is doubly impressed upon the

politician's mind if, after trying to sidetrack the elector, he still gets back a straight "IT IS *MY WILL!*"

Experience of the various techniques used in opinion polls, and the evaluation of same, reveals that one such "IT IS *MY WILL*" letter indicates the mathematical probability that a MINIMUM of four (4) other electors are of the same conviction but have not written.

Even the least intelligent politician, **where his Seat is concerned**, can multiply four (4) by the number of such "*MY WILL*" letters he receives, and if he gets two or three thousand such letters he will know that he is going to come up with a mathematical stomach-twisting figure showing that he is not in tune with his electorate.

Self-preservation, even with a party-ridden politician, is always of the highest motivating priority to that politician, and, as the long experience of the former Queensland Parliamentarian, Senator Ian Wood, has proved, time and again, a political party thinks many times when trying to remove a determined straight Parliamentarian who has electorate thinking behind him. (Senator Wood **fulfilled his judicially defined function and duty and refused, consistently, to bend to party pressures.**)

On a subject like the drastic reduction of income tax, and removal of sales tax, it is obviously something on which most people will have strong convictions, not mere opinions. Thus, it requires only a few ordinary people to get together in their various electorates and, after writing their own "*MY WILL*" letters get out amongst friends, relatives, acquaintances and others in their own electorate inviting them all to write such "*MY WILL*" letters to their Federal Member and State Senators. Such determined ordinary people also have relatives and friends in other electorates and can invite them to do likewise.

Thus, in no time, the work of, say 3, 4, 5 or 6 people can spread like wildfire through the electorate, especially when most people are incensed over one thing. To get two or three thousand individually signed "*MY WILL*" letters is not a hard task for such ordinary determined people.

It must never be forgotten that ordinary people have the legal privilege, if they wish to exercise it, of quietly approaching relatives, friends, acquaintances and others inviting them to write such "*MY WILL*" letters to their Member and Senators. ' It requires no committees, no resolutions, no street marching, no formation of groups, bodies or associations with all sorts of names and titles. No constitutions, no minutes, no wasting of hours in fruitless arguing and discussions, no presidents, secretaries or treasurers.

All that is required is that an individual with a determination to act lawfully to right or alter something he doesn't like, and with the initiative to do so, is to write his "*MY WILL*" letter, show others and encourage them to do likewise. There are a multitude of issues upon which people have strong convictions and the simple "*MY WILL*" letter is their lawful simple way of telling their M.P.

Don't argue that it will not work, or that people are stupid. If you feel strongly enough about something, don't just moan and talk about it, write your "*MY WILL*" letters. IT IS YOUR PERSONAL RESPONSIBILITY to do so, not someone else, nor those never

identified "*THEY OUGHT TO DO SOMETHING ABOUT IT*": **You have to be your own "they"**. It is stressed again: it is your legal privilege, and your lawful duty, to encourage others, peacefully and quietly, in the manner outlined in this Chapter. A Parliamentarian, armed with the written proof of the "*WILL*" of his electors, upon any issue, can completely ignore party pressures and set about faithfully fulfilling his judicially defined legal function and legal duty. He is freed to be a Parliamentarian and not, as at present in most cases, a mere party yes-man. **THE "*MY WILL*" LETTER IS A LEGAL DEMONSTRATION OF THE PRINCIPLES OF DEMOCRACY IN ACTION.**

When your Members of Parliament, State and Federal, do something that pleases you **WRITE AND TELL THEM SO**, as Members get plenty of abusive letters and extremely few courteous ones. If a Member or Senator knows that he is the centre of watchfulness from his area **at all times** he is left with no alternative than to carry out his judicially defined function and duty, no matter the protests and pressures of his party.

Thus, Politicians, secure in the knowledge of written electorate support, possessed of the written "*MY WILL*"; *is* freed from control of the party manipulations, for the party has lost control over his voice and vote on all issues on which the electorate has expressed its **WILL**. **Wise politicians would do well to continuously seek the written "WILL" of all their electors on every issue and proposed legislation.** After all they do have offices and a secretary in their electorate, whilst Federal Members also have Research Officers, so they have no excuse for not organising to seek the electors "*WILL*" before casting their votes in their House of Parliament.

To sum up this Chapter: -

It is your legal duty and obligation, and yours alone, to keep your Members and Senators fully informed, at all times, of your "*WILL*". That is your true lawful relationship with your Members and your Senators.

## CHAPTER TWO

### WHAT IS THE LEGAL FUNCTION AND DUTY OF A PARLIAMENTARIAN?

While there are many British and Australian judicial interpretations on **precisely what IS the true legal function and duty of a Member of parliament** it will be sufficient, here, to give two such. Heavy print in these two quotations has been added by this writer to stress the points involved.

The first is from a British case (for those of legal mind see A.C. 1910, at p. 110) where Lord Shaw of Dumfermline stated, amongst other things: -

*"Parliament is summoned by the Sovereign to advise His Majesty **freely**. By the nature of the case it is implied that **coercion, restraint, or money payment, which is the price of voting at the bidding of others, destroys or imperils that function of freedom of advice which is fundamental in the very constitution of Parliament.** "*

The second is from a High Court case ('Horne v Barber' (1920) 27 C.L.R. p. 500):

*"When a man becomes a Member of Parliament, he undertakes high public duties. These duties are inseparable from the position: he cannot retain the honour and divest himself of the duties. One of the duties is that of watching on behalf of the general community the conduct of the Executive, of criticising, and, if necessary, of calling it to account in the constitutional way by censure from his place in Parliament **-censure which, if sufficiently supported, means removal from office. That is the whole essence of responsible government, which is the keystone of our political system, and is the main constitutional safeguard the community possesses. The effective discharge of that duty is necessarily left to the Member's conscience and the judgement of his electors, but the law will not sanction or support the creation of any position of a Member of Parliament where his own personal interest may lead him to act prejudicially to the public interest by weakening (to say the least) his sense of obligation of due watchfulness, criticism, and censure of the administration.** "*

(The above judicial decision on the duty and function of a Member of Parliament surely gives rise to the following legal question in debating and voting on strict party lines in his House of the Parliament is not a Member of the dominant party in serious breach of the law, and in contempt of the Court, for how can a Member obey strict party rules and the High Court decisions atone and the same time?)

More simply put, these and other interpretations mean: -

(a) THE SOLE LEGAL FUNCTION of a Member of Parliament IS TO FREELY ADVISE the Queen in the government of the Country, according to the clearly expressed will of the people, on any matter or thing, i.e., his sole legal function is to legislate.

(b) In legislating, his SOLE LEGAL DUTY is that, like a judge entering his court, he shall enter his House of the Parliament, each official Sitting day, and **with judge-like dignity and decorum**, he shall honestly, impartially, and searchingly examine all matters that properly may be placed before him and, with unbiased judgement, vote according to his conscience and his sense of legal responsibility.

(c) No Member of Parliament has **any legal function or duty outside** of his House of Parliament, unless that House officially details him otherwise.

(d) It is no legal part of his function or duty to interview Ministers of the Crown or departmental officers for and on behalf of his electors or others.

(e) Such interviewing is purely a social and moral obligation that flows from his public status; obligations which can be, and are, performed by other non-parliamentary public figures without monetary rewards, either by salary or allowances.

(f) There is no constitutional-legal authority for paying Members, out of Crown revenue, for the performance of purely social responsibilities, whether that payment be a parliamentary salary and allowances, or just allowances- State and Federal Parliamentary Allowance Acts notwithstanding.

Of necessity, the following crucial questions must arise out of the aforesaid judicial interpretations; -

(a) Who, or what, is it that deliberately prevents back-bench Members of Parliament from faithfully carrying out their sole legal function and duty, as judicially defined?

(b) If it is claimed that legal authority exists then, precisely, what Section of the Constitutions grant constitutional power to pay Members' of Parliament salaries, out of Crown revenue, for not faithfully carrying out their judicially defined legal function and legal duty?

(c) Where is the precise Constitutional power to pay allowances, out of Crown revenue, to back-bench Members of Parliament for the performance of judicially defined PURELY SOCIAL OBLIGATIONS of interviewing Ministers of the Crown, and departmental Officers, for and on behalf of constituents? (For the legally minded, it is suggested that the going would be extremely rough, if not impossible, to claim the *"implied and incidental powers"* of the Constitutions as the authority for such payments.)

Seventy-seven years of party-political control over our seven Australian Parliaments reveal **that it is only on very rare occasions that Parliamentary party leaders agree to allow their back-bench Members to have a free, or "conscience", vote**. On all other occasions party leaders and party controllers, DEMAND ABSOLUTE LOYALTY to the party, and INSIST on voting BEING ON PARTY LINES. This raises the further crucial question of whether, under State Criminal Codes and the Commonwealth Crimes Act, Parliamentary party leaders, and controllers, are not severally and individually guilty of deliberately breaching those codes and statutes, i.e., of being guilty of conspiring to prevent back-bench Members of Parliament from fulfilling their judicially defined legal function and duty in their Houses of Parliament?

It also raises the basic question, touched on page 4, of whether or not back-bench Members of Parliament themselves violated their legal duty to the People by freely allowing themselves to be coerced by their leaders and party **into not correctly fulfilling** their judicially defined legal function and duty and, of a consequence, thereby rendering their Parliamentary Seat vacant by an act of overt or covert conspiracy.

## CHAPTER THREE

### WHAT IS THE LEGAL FUNCTION AND DUTY OF A MINISTER OF THE CROWN?

Over the years you have been encouraged to believe, quite incorrectly, that: -  
Ministers of the Crown are the government.

**Legally they are not.**

The party with the greatest support in Parliament has the right to become the government and to appoint its own Ministers to govern the State or Commonwealth.

**Legally this is not so.**

Ministers of the Crown are responsible to Parliament and, through Parliament, to the People.

**Legally this is not so.**

The Ministers of the Crown, or government, have been elected with a mandate from the People; a mandate to carry out the entire policy and platform of the party (platforms which the majority of electors have never seen, let alone studied).

**Legally this is quite false.**

Not one of the above beliefs could withstand constitutional challenge in the Courts. They are wholly and solely political party propaganda without one scintilla of Constitutional and legal truth. They are party political practices developed to suit political parties and have no legal connection with the Commonwealth and State Constitutions. They are falsely called "*conventions of the constitution*".

Ministers of the Crown ARE NOT and LEGALLY NEVER CAN BE the government, for, as will be shown in later Chapters, the TRUE LEGAL GOVERNMENT is *non-elective*, residing in perpetuity in the institution of the Monarchy and is exercised, for the Monarchy, by the Governor-General in the Commonwealth, and State Governors in the States. That is precisely, and legally, what the words "*Governor-General*" and "*Governor*" mean:

### ONE WHO LEGALLY GOVERNS

Ministers of the Crown are not legally nor constitutionally responsible to the Houses of the Parliament nor to the people. They are solely responsible to the Queen through the offices of Governor-General and or State Governors, as the case may be.

Consequently, Ministers of the Crown can have no mandate of any kind from the people, neither can the political party which claims, quite legally wrongly, to appoint them. Any such claims are pure party propaganda with no legal basis whatever.



Irrespective of whether they be Federal or State Ministers of the Crown they have precisely ONE LEGAL FUNCTION and one LEGAL DUTY: -

- (a) Their legal function is to administer departments of State on behalf of the Queen and in accordance with parliamentary legislation relating to their specific department.
- (b) For this legal function they are paid salaries out of Crown revenue and, like other departmental officers, **they are paid servants of the Crown**, excepting that other paid public servants are generally secure in their appointment until retirement whilst Ministers are wholly dependent upon the Monarchy (through its Representatives) and can be dismissed at will by that Monarchy.
- (c) The legal DUTY of the Ministers of the Crown is that, by virtue of being Ministers, they become AUTOMATICALLY honorary advisors, to the Queen through Her Representatives.
- (d) As honorary advisors they AUTOMATICALLY are Members of the Executive Council (State or Federal) which is set up by the Constitutions to give advice to the Queen, or legal government of the Commonwealth or the State.

As already stressed above, Ministers of the Crown are the paid legal servants of the permanent government, and their legal responsibility is directly, and can only be, to that legal government and to no one else.

On the other hand, the permanent legal government or Monarchy IS WHOLLY AND SOLELY LEGALLY RESPONSIBLE DIRECTLY TO THE PEOPLE, AND TO NO ONE ELSE. But this vital knowledge has, for party political purposes, been carefully kept from the Australian People. This is why the People do not realise, and have no real knowledge of, the full significance of what the institution of the Monarchy legally means in their daily lives. This will be explained in further Chapters.

A Prime Minister, or Premier, or Minister, who claims to speak as the government, without first stating that he "*is authorised by Her Majesty's Government*"- Commonwealth or State as the case may be is whether he realises it or not, making a legally false claim.

Under Commonwealth and State Constitutions ALL MINISTERS of the Crown STAND EQUAL TO EACH OTHER IN LAW,, none is subordinate to the other, all are equal before Her Majesty. Thus, in cold hard legal law, no Prime Minister or State Premier has any legal power of control over the other ministers, unless a specific Act of Parliament gives him that control for specific purposes AND ONLY for that purpose. The correct legal role of a Minister of the Crown is that he can only speak as a Minister of State in relation to his department. He speaks as the paid public head administrator of his department and in no other capacity.

Under the non-legal practices of party politics, Ministers are in consistent breach of their true legal role when they claim to speak for "*the government*" or as "*my government*".

## CHAPTER FOUR

### WHAT IS PARLIAMENT, AND ITS FUNCTION?

Most of us use our words loosely, sometimes particularly so. Thus, we drift into a habit of using words and phrases without stopping to think what they really mean and convey.

Take the word "Parliament". . . We all say that "Parliament is meeting" or "sitting", or that "So and so is going to Parliament". At first sight it may seem a mere splitting of hairs to state that, except when both Houses of the parliament (Queensland has but one House) and the Queen, or Governor-General or State Governor, is present together, it is a physical and legal impossibility for a Parliament to meet.

This is because, in Constitutional law, Parliament both legally and physically consists of the Queen - or Her Representative, i.e., the Governor-General in the Commonwealth and State Governor in a State - and both Houses of the Parliament, in Queensland ONE House of Parliament.

Thus, Parliament, as such, does NOT debate anything. **Parliament is solely and simply a law-making machine, and nothing else.** The pivot of that machine is the institution of the Monarchy, or in Australia in the Monarch's absence the Governor-General in the Commonwealth and State Governors in the States. This will be explained further in the next Chapter.

It is common practice, when commenting on party political control over the operation of the parliamentary mechanism, to refer to the 'Westminster System'. Indeed, in the inter-party confrontations and power struggles, the phrase 'the Westminster System' is hurled, with explosive expletives, that the other side is destroying that 'democratic System'

Critical analysis reveals that that phrase has no legal relationship whatever to strict Constitutional law, the law that actually binds each and every one of us in our daily lives. (Here the Reader is asked to refer back to the third last paragraph of the 'Introduction' to this Book.)

It is extremely doubtful if the users of the phrase 'the Westminster System', themselves, have any clear understanding of its true meaning. Simply put it means the practices and usages of the various British political parties in controlling, and using, the legal machinery of the British Parliament in the interests, and for the sole purposes, of party-political ideologies and power struggles.

The phrase, 'the Westminster System' has nothing to do with the legal law of the Constitutions of the Commonwealth and six States of Australia. It is only sacrosanct to Australian politicians, and parties, where it can be publicly used to suit their propaganda purposes. Its use is completely hypocritical and must be exposed for the absolute legal falsehood that it is.

To operate Parliament **we have four (4) distinct and separate areas of legal responsibility** (in Queensland **only three** because it has only one House of Parliament): -

- (1) The electors, who have a duty and obligation as set out in Chapter 1. (2) The so-called, and mistakenly called, Lower House, i.e., the House of Representatives in the Commonwealth, the Legislative Assembly in New South Wales, Victoria, Queensland, South Australia, Western Australia and the House of Assembly in Tasmania.
- (3) The mistakenly called Upper House, i.e., the Senate, and the Legislative Council in each State, excepting Queensland.
- (4) The Queen, or Her Representative, as above mentioned.

What is the function and duty of each of these four areas of Constitutional and legal responsibility? -

- (a) As pointed out in Chapter 1, the electors have a specified legal duty and a lawful obligation. The legal duty is to vote at election time.

The lawful obligation is to keep your State and Federal Members and your State Senators **fully informed, at all times, about what is your WILL.**

It has always been a fundamental principle of British and Australian law that, within the limits of statute and - where applicable - common law, YOU, and YOU ALONE, are solely responsible for the preservation of what you believe to be your lawful inherent freedoms and privileges; that if you are too lazy and indifferent to exercise the lawful avenues open to you to protect and retain those freedoms and privileges - provided always that you demonstrate your responsibilities with respect to those freedoms and privileges- **then you have nobody but yourself to blame for your laziness and indifference.**

#### (b) **THE SO-CALLED "LOWER HOUSE"**

IF the Members of the, so-called, Lower House strictly carry out their judicially defined function and duty, then that House is a place where the WILL of the people is given effect to in the form of "A Bill *For An Act*" to do so and so, and in the formulation of that Bill the Members of that House are constantly before the "*bar of public conviction*", not mere opinion.

#### (c) **THE HOUSES OF SECOND THOUGHTS**

IF the Members of the, so called, Upper House strictly carry out their judicially defined function and duty, then that House performed its legal responsibility of also being a House of second thoughts; of being a counter-check to ensure that the clearly expressed written WILL of the electors is correctly translated into legislation.

In strict constitutional law both Houses act, or would act, if it were not for party interference, as a constant check upon each other as a safeguard against the misuse of the laid down Constitutional powers of each House. (Of course, this rarely happens because of the constant party-political control exerted over the voice and votes of the Members of each

House. Where it does happen, it does so only because no party is in control of both Houses and, as practical experience demonstrates, in the final analysis opposing parties are primarily concerned in trying to destroy each other.)

#### **(d) THE QUEEN**

If the Australian People only knew it, the Queen is the final legal protector of the whole of the people, without regard to party, race, colour or creed; a final check against the peculiarities of the operation of party politics in the control over the machinery of Parliament, and of the voices and votes of politicians.

No Bill for an Act can become law without the Royal Assent being given; an assent that can be withdrawn within twelve months of its being given. This final Royal check enables the people, if they only knew it, to determine whether or not they wanted the Act and to ask the Queen to withdraw the Royal Assent if they did not, or to request that the legislation be amended, according to their WILL.

Even after 12 months, for there is no actual constitutional time limit, the electors have the legal power to ask Her Majesty to re-submit any Act of Parliament for amendment or repeal according to their WILL. It is also the legal privilege of the people to ask the Queen to have any legislation, that the People WILL, brought down and passed in both Houses of the Parliament.

#### **PUT SIMPLY:**

Whatever it is physically possible to do, and the people want, then the Queen has the final legal power to see that they get it, no matter how politicians may protest.

The sole and only legal limit to the power and authority of the Queen **is the unknowable extent of what Her people, at any time of their choosing, may directly request of Her.**

This would also explain the reason for the campaign to replace the monarchy with an Australian republic. Forgetting their judicially defined function and duty, many politicians, as well as political parties and others, like to believe that their party shall have the final determination of political power and what the people shall have.

#### **TO SUM UP THIS CHAPTER:**

- Parliament is only a machine to make laws in accordance with the written WILL of the people on the subject matter of the law.
- The Houses of Parliament are both complementary to, as well as being a check on, each other in their legal functioning.
- The Queen is the final check and will, at all times, give assent to the clearly expressed written WILL of the people, irrespective of parties and politicians.

- The function of the electors, apart from voting, is constantly and clearly to inform their Parliamentarians of their WILL on any subject or issue.
- If the Houses of Parliament disregard the written WILL of the people on any matter, then the people have the legal power, and responsibility, to directly inform the Queen that THAT legislation is NOT in accordance with their written WILL, and request Her to have it annulled or amended accordingly.
- With respect to the so-called Lower House of Parliament it is the legal privilege of the people to directly ask the Queen, through Her Vice Regal Representative concerned, to dissolve that House so that they, the people, may proceed to the election of a fresh set of Parliamentarians.

## CHAPTER FIVE

### WHAT IS THE TRUE LEGAL ROLE OF THE QUEEN AND HER VICE REGAL REPRESENTATIVES?

Over the last few years, as referred to in previous Chapters, there has surfaced the clear lines of what used to be a more subtle underground campaign to mislead the Australian People in accepting the concept that a republic is far superior in every way for Australia; that the monarchy is an outdated medieval idea, having no logical place in modern thinking, **whatever that may mean**, no real relationship with this nation, and no real power or authority in our Parliamentary system.

**YET NOTHING COULD BE FURTHER FROM THE TRUTH!** As stated in Chapter 4:

Whatever it is physically possible to do, and the people want, the Queen has the final legal power to see that they get it, no matter how politicians may protest.

The sole and only legal limit to the power and authority of the Queen **is the unknowable extent of what Her people, at any time of their choosing, may directly request of Her.**

Put even more simply: the only true Constitutional and legal reason for the existence, and the only true legal purpose, of the Parliament, the institution of the Monarchy, and the offices of the Governor-General and State Governors:

**Is to give the people what the people ask for.**

**Not what others think the people ought to have.**

**If the Australian people are too lazy and indifferent to ask for what they want**, then they can blame only themselves if politicians and political parties impose their own ideologies on them.

It is legally unchallengeable that the party system, with its direct and indirect powers of manipulating politicians and people, has quite illegally striven to drive a wedge between the people and the final source of all their Constitutional and legal powers, i.e., the institution of the Monarchy, **as a prelude to transferring the unlimited power of that Monarchy into the hands of the controllers and manipulators of political parties**, including the final party political control over the Armed Forces of the nation; a control which, at present, is legally vested in the Queen to ensure that, **where directly expressed to Her**, the WILL of the people shall at all times prevail.

In Chapter 3 it was stressed that Ministers of the Crown are not, and never legally can be, the "Government" of the State or Commonwealth; that the Government was legally non-elective, and that an expansion of that statement would be given in this Chapter.

Both the written Constitution of the Commonwealth and the so-called unwritten Constitutions of the six Australian States vest the "government" exclusively in the institution of the Monarchy, to be legally exercisable- in almost every case- by the Governor-General in the Commonwealth and the State Governors in the States.

Thus, constitutionally and legally, the Government CANNOT BE ELECTED for it remains permanently embodied in the institution of the Monarchy. It can "govern" only according to the direct or indirect expressed WILL of the people, for that is its legal role as the protector of the people.

The legal WILL of the people can only be expressed in two ways: indirectly through elected Parliamentarians by "*MY WILL*" letters or directly through the Queen's Vice Regal Representatives likewise. There is no other legal way that that WILL can be expressed. Electing a candidate to Parliament does NOT express it. All that an election does is to put a person into a House of Parliament whom the electors believe will faithfully carry-out the written WILL of the people as and when so expressed.

Over the years the party system has cleverly hidden the fact that the people have the legal freedom **at all times** to express their WILL direct to the Queen, no matter what politicians and others may try to claim.

**The Queen is the permanent "government" with a perpetual "mandate" to govern according to the clearly expressed WILL of the people.** It is obvious, then, that no political party can lawfully occupy the Constitutional seat reserved in perpetuity for the Monarchy, no matter what political scientists, text-book writers, academics, politicians, political parties and other theorists may claim.

This writer codified the powers of the Monarchy back in 1941 in the following sentence, and it still stands to be challenged before the High Court, if legal minds feel competent to do so:- "*THE POWER, PEROGATIVES AND AUTHORITIES OF THE MONARCHY, THE GOVERNOR-GENERAL, AND STATE GOVERNORS, ARE THE BRAKES WHICH THE AUSTRALIAN PEOPLE CAN APPLY AT ANY HOUR (without having to wait for any general election) TO BRING MINISTERS AND POLITICIANS TO A COMPLETE AND SUDDEN STOP, SO AS TO RECEIVE FROM THEM, THE ELECTORS, EITHER FRESH INSTRUCTION, REPRIMAND, OR DISMISSAL FROM SERVICE.*"

## CHAPTER SIX

### WHAT IS A POLITICAL PARTY?

If you will but pause to think deeply and seriously you will find that a political party, despite its propaganda, constitutions, fine words and phrases, eventually becomes an organisation in the form of a pyramid with final power in the apex of that pyramid. The mass at the base being subject to manipulation by those in the apex, or by those who control the apex from outside of party organisation.

It is not an unreasonable contention that those who finally win through to the apex of the pyramid, both organisational and parliamentary, have to become manipulators of their fellows if they wish to hold their place of power at the top.

A political party, by the very nature of its pyramidal structure, is not, and cannot be, a democratic organisation, and the many years of party politics in Australia since Federation, proves that it is not democratic, despite beautifully worded constitutions, platforms, policies, and philosophies.

Here it might be wise to pause for a moment to define that much used, and much abused, word "*democracy*". Consensus has it that "*democracy*" is "*Gov<sup>e</sup>rnment of the people, by the people, for the people.*" However, whilst Lincoln's definition, with its tremendous emotive tones, sounds and reads well, experience has shown that in application this concept produces the opposite result "*Government of the many by the few in the apex.*"

It is suggested here that a far more practical definition of "*democracy*" would be that it is: the administration of the affairs of the country to produce the specific results that the people request, not what politicians promise they will give if elected to power.

In the light of the long experience of Australian party politics, it becomes indisputable that political parties are incompatible with this new definition; that the continued domination and control of the Parliamentary machine by party politics must inevitably end in the wrecking of that machine, and the transfer of power to party manipulators. The evidence for this is becoming more painfully obvious each day.

The Australian history of parties demonstrates that every new party comes into being on the claim that existing parties have become dictatorships **and that the new party is the only party capable of governing in the name of democracy.** However, once its candidates enter a House of Parliament the new party quickly develops in the same mould as those it strove to replace.

Thus, we find the breaking-up and reforming, or splintering, of party groupings as people foolishly seek to overcome the party pyramidal structure and manipulation by replacing it with the same device and mechanism clothed in fine emotive words and phrases. People do not stop seriously to examine the Constitutions of the Commonwealth and the States, and the court interpretations thereof, to find the real nature of the Constitutional and legal powers that the Australian people possess to obtain the specific results they want from their Parliaments and Parliamentarians.



In discussions with politicians and others, the existence of faults in the party system will be admitted, to be immediately followed by the claim that the people traditionally vote on party lines; that the people vote for the party system because the people want the party system. It is legally unchallengeable that the party system exists and operates **ONLY because the Australian people have been deliberately misled into believing that**, other than by a dictatorship, **there is no other way that Parliament could function effectively and efficiently**; that despite its many faults the party system is the only effective and efficient democratic way of governing the country. This is Constitutionally and legally false.

The sole role of a political party, like any other lawful organisation, is simply to recommend to the electors that "*so and so*" would be a good parliamentary representative and would faithfully carry-out the judicially defined legal function and duty of a parliamentarian. Should the electors accept the party's recommendation and elect that person then the party has no further legal vested interest in that elected person.

Once the Australian people **are given the opportunity to learn and grasp that their Commonwealth and State Constitutions, and judicial interpretations thereof, provide the people with a practical legal alternative to the party system to democratically** (as defined in this Chapter) **operate the seven Australian Parliaments** then, save those with a vested interest in the party system and its manipulation, the electors will cease to use the party system.

It is a matter of the printed evidence in the Hansards of all Australian Parliaments that the most honest debating and voting only takes place, with the rarest of exceptions, when the leaders of the parties agree that a certain Bill shall be debated on non-party lines; that their party parliamentarians **shall be allowed** to speak and vote absolutely freely according to their individual conscience. **All other debates and votes must be on strictly party lines.**

To summarise the answer to the question "*What is a political party?*": -

A political party, in fact and in experience, is a device or mechanism designed to enable manipulators, either elected or non-elected, to obtain and exercise the maximum direct control over the destiny of the people, clichés notwithstanding, in accordance with the will of the manipulators and controllers. As was stated in Chapter 5.

## CHAPTER SEVEN

### IS THERE A PRACTICAL ALTERNATIVE TO THE PARTY SYSTEM?

As was stated in Chapter 5: -

*"the only true Constitutional and legal reason for the existence, and the only true legal purpose, of the Parliament, the institution of the Monarchy, and the offices of the Governor-General and State Governors -*

***IS TO GIVE THE PEOPLE WHAT THE PEOPLE ASK FOR  
NOT WHAT OTHERS THINK THE PEOPLE OUGHT TO HAVE.***

Keeping this in mind leads to the logical next step, i.e. to look briefly, but closely, at what the Commonwealth and State Constitutions provide for the establishment and operation of a true democratic Parliament - as previously defined: -

- The Parliament MUST consist of the Queen, or Her Vice Regal representatives, acting in consort with both Houses of the Parliament.
- Including the Senate, but excepting the so-called Upper Houses of the five States, the Constitutions provide that the people shall have the power to elect parliamentary representatives to those other so-called Lower Houses.
- The elected representatives have, within limits, the right of laying down rules and procedures for operating their own House of the Parliament and, subject to the boundaries of the respective Commonwealth and State Constitutions (and the judicial interpretations thereof), to enact laws for the order and good government of the people and, where clearly expressed, the written WILL of the people.

As stated in other chapters, the Queen or Her Representatives have the sole legal right to appoint and dismiss Her Ministers of the Crown.

- If the Houses of the Parliament wish to remove a Minister, the only legal power available to them - short of a special Act of the Parliament to do so- is to petition the Queen or Her Representative to dismiss the Minister or Ministers concerned, and the Queen will do so unless the people ask Her not to do so.
- The, removal, or dismissal of a Minister or Ministers **does not legally mean the dismissal of a government, for the government** is permanently vested in the institution of the Monarchy and the Queen cannot be dismissed unless Her people, i.e., a majority of the electors, request the Queen to divest Herself of ALL AND EVERY POWER AND AUTHORITY WHICH THE MONARCHY HOLDS IN TRUST FOR THE PEOPLE, TO BE USED AS THE PEOPLE DIRECT.
- The removal of Ministers by the Queen, or Her Representatives, only means replacing them with other appointees of the Queen, **and has no more legal**

**significance than that.** It is only the unwarranted interference of party politics which has given rise to a false understanding of the legal and Constitutional facts.

- Electors, in each electorate, have the legal power to select and elect one Member to the so-called Lower Houses and, in the Federal system, State Senators.
- Upon election, these Members and Senators have the legal power to select and elect their respective Speaker and President and, additionally, to appoint as many standing, or temporary, committees of the House, or Joint House Committees, as they consider necessary within the bounds of the Constitution.
- These committees can hold legal enquiries, command the appearance of any person or persons before them; command the production of any written, printed, typed or photo-stated material or matter and, generally, commit any person, for contempt of the House to prison, for not longer than the life of that Parliament, i.e., 3 years.
- With proper dignity, and sense of conscience, a Member may speak absolutely freely and fearlessly in his House of Parliament. This right comes down to Parliamentarians from the '*British Petition of Rights*' and the '*Bill of Rights*'. Both these ancient British quasi-statutes are the basis of the judicially defined legal function and duty of a Parliamentarian, as referred to in this work.
- In a correctly functioning Parliament (which no House of Parliament presently is) every Member has the right to ask leave of the House to present a Bill for an Act on any subject matter within the legal boundaries of the Constitution. Although a Member, theoretically, has the right to present a Bill, under the operation of the party system, he is allowed to do so **only** if the party leaders can see some political mileage for that party in that Bill, to the discomfort of their opponents.
- If he chooses to use them, every Member has unlimited research facilities available to him, both within the Houses of Parliament and within universities, colleges, big and small organisations and so forth. Few of these bodies would not be happy to make their research facilities available to a Member, so it is his own fault if he does not possess a well-informed mind on the various matters coming before him in his House. of Parliament.
- In each House of Parliament, the role of House attendants is, within the rules of that House, to assist the Member in every way to fulfil that Member's judicially defined function and duty. The House attendants, in every Parliament in Australia, are an example of the finest service and a credit to themselves and the House they serve. Ministers of the Crown, in their paid capacity as administrators of departments of State are legally responsible direct to the Queen, or Her Representative, i.e., the Governor-General or appropriate State Governor. Unless incompatible with the respective Constitutions and Parliamentary legislation, all direction from the Queen must be obeyed by the Ministers who are also legally bound to correctly and properly enforce all legislation relating to their specific department.

- It is not within the Constitutional or legal power of Ministers to determine what business, or order of business, the Houses of the Parliament shall deal with. **That is solely in the hands of the Members of each House.** Unfortunately, party manipulation interferes with the Members direct legal control over their own affairs in their House, and this is a fact that Members of all parties have complained about from time to time **but do not exert their legal authority to stop it.**
- Through either Mr. Speaker or Mr. President, or both, the Queen or Her Representative may transmit message and requests that the House or Houses amend, reconsider, or introduce any Bill, except in the so-called Upper Houses no Financial Bills shall be initiated in that House.
- If the Queen or Her representative is asked by the Majority of the people to direct either or both Houses to do a lawful thing, then those Houses have no legal alternative than to carry out the clearly expressed written WILL of the people.
- As stated in Chapter 2, the Members of each House are required, within that House, to act with a dignity, decorum and solemnity not less than that of a judge in his court. Members who do not, or who refuse to, act with judge-like solemnity- and few Members do so act - are guilty of a gross violation of their judicially defined function and duty, and of their Oath or Affirmation of Office, and the Speaker or President is equally guilty if he does not, in the strongest terms - and possible lawful ways, strictly enforce that conduct of solemnity amongst the Members.
- The Speaker and the President are the sole direct legal contact between each House of Parliament and the Queen or Her Representatives. Ministers of the Crown illegally usurp the authority of the Speaker and or the President when they try to act as if THEY were the direct contact.
- •Contrary to the long-standing clichés, party political and otherwise, Ministers of the Crown are not legally responsible to Parliament or the Houses of the Parliament.
- Parliament, as previously stressed in this work, consists of the Queen, or legal government, and the Houses of Parliament acting in consort. The Queen is the supreme legal government and the Houses of the Parliament are the legislative-forming bodies. The Minister can be legally responsible only to the legal government, that is the Queen or Her appropriate Commonwealth and State Representative.
- Members have complete legal power to bring public servants before the bar of the House for any purpose whenever the House deems it is vital to do so. It is completely outside of the legal jurisdiction of a Minister to direct his departmental officers not to give information to the House when called before the bar of that House. It is only party politics which makes this illegal act of Ministers possible, despite resort to the authority of the Solicitor-General and or standing works like "*May's Parliamentary Practices*". Such authorities are wholly and solely based upon pure party-political practices and not upon legal grounds sustainable in court.

- If Members of Parliament really exercised the true legal authority they have to bring top public servants before the bar of the House and make them disclose the real or theoretical basis of much of the advice that these officers give their Ministers, then you would see the beginning of the end of bureaucracy and the emergence of true public service at all levels. It must be obvious to everyone that, because of internal empire-building and internal office and interdepartmental politics Ministers do not always get the impartial factual advice that they are entitled to receive and, of a consequence, many fine departmental officers have to carry a public odium that is not warranted. It is time, therefore, that senior Officers, at least, should be made to carry the full responsibility of the advice they give their Ministers and, from this writer's inside knowledge most such officers would welcome this responsibility.
- The Queen, Her Governor-General and State Governors are directly responsible, not to the Houses of Parliament nor political parties but, to the people in the respective Constitutional areas.
- Except where any Constitution, or a lawful statute within that Constitution, lays down that the Queen - or Her appropriate representative - shall act, in relation to a specified matter, only with the advice of the Executive Council (be it Federal or State) there is no legal compulsion for the Queen to do so. Nor is there any legal compulsion for the Queen or Her Representative to give the Royal Assent to any legislation, unless directed to do so by the clearly expressed written WILL of the people.
- The Federal and State Executive Councils do not legally have to be composed wholly of Ministers of the Crown. This is just a non-legal party political practice to keep party control over the machinery of government and of Parliament. The Commonwealth and State Constitutions all provide that the appropriate Executive Council shall be comprised of all Ministers of the Crown and such other persons whom the Queen, or Her Representative, may care to appoint as advisors in particular subjects or matters.
- The Constitutions of the Commonwealth and State give the Queen, and Her appropriate representatives, the sole power and authority, at any time of their choosing, to dissolve the so-called Lower House and send those Members back to the electorate. If directed by the written WILL of the people the Queen or Her Representative, MUST dissolve the Lower House.

**This is one of the two most vital powers of control over parliamentarians and parliament that the people possess. The other is the power to ask the Queen to give them the specified results they want from the parliamentary machine.**

ALWAYS REMEMBER THIS VITAL FACT: IF IT IS PHYSICALLY POSSIBLE, AND THE MAJORITY OF THE PEOPLE WANT IT, THEN THE QUEEN HAS THE FINAL POWER TO MAKE CERTAIN THAT THE PEOPLE GET WHAT THEY WANT, AND NO COURT WOULD RULE

AGAINST THE EXERCISE OF THE QUEEN'S POWER IN THAT RESPECT.

- It is obvious that it is not in the best interests of the political parties, and certain other writers, that you should have the above knowledge; for your understanding of, and use of, that knowledge means the end of party manipulations; the end of Party control over the voice and vote of Members of Parliament, and this is unarguable.
- It is stressed again that it is the lawful duty and obligation of every elector continuously to inform his Federal and State Members of Parliament, and State Senators, of what his WILL is on everything that comes before Parliament or should come before the Houses of the Parliament. In not performing your lawful duty and obligation you are giving Members and Senators a plausible excuse for not carrying out their judicially defined legal duty and legal function, thus enabling party manipulators and controllers to retain their dictatorship over the voices and votes of your Members and Senators and of the machinery of Parliament to impose their will upon you.

Shorn of all legal jargon, the Constitutions of the Commonwealth and the six Australian States provide for the operation of an almost perfect form of democratic parliament IF YOU, THE PEOPLE, choose to apply the power and authority which those Constitutions give to you. THE SOLE AND ONLY LEGAL LIMIT TO THE POWER AND AUTHORITY OF THE QUEEN IS THE UNKNOWABLE EXTENT OF WHAT HER PEOPLE, AT ANY TIME OF THEIR CHOOSING, MAY DIRECTLY REQUEST OF HER.

## CHAPTER EIGHT

### A FEW THOUGHTS ON EXTRA CONSTITUTIONAL SAFEGUARDS FOR THE PEOPLE

In the previous Chapters the Constitutional and legal powers available to the people to get what they want, and to protect themselves against the manipulators of party politics, have been outlined.

The question now arises whether additional Constitutional safeguards are required to further protect the people. In this chapter a few thoughts are advanced.

Clearly, whilst the Commonwealth and State Constitutions give the people the power to have their Lower Houses of Parliament dissolved at any time of the people's choosing, there is presently no authority: -

- (a) For the Upper Houses to be sent back to face the electors when they so WILL it.
- (b) For any Senator or Legislative Councilor to be forced to face reelection at any time the electors so WILL it.
- (c) For any electorate to have its existing Member, Federal or State, sent back to re-contest his seat if a majority of his electors so WILL it.

The inclusion of all three above powers in both Commonwealth and State Constitutions are essential to give the electors even more effective control over their parliamentarians and the machinery of Parliament and make both more sensitive to the requirements of the people.

To bring any Senator, Legislative Councillor or Member back to face a re-contesting of his seat ought only to require a simple majority of electors in each of the three constitutional areas to inform the Governor-General or State Governor - whichever is appropriate - that it is MY WILL that *"so and so be sent back to recontest his seat in his House of Parliament. "*

It may be contended that such a constitutional provision would make the Houses of Parliament unworkable because the actions of opposing groups would involve Members and Senators in continuous elections. Such a contention, however, misses the point that electors would not be interested in recalling a Member or Senator who was giving public evidence of faithfully performing his judicially defined legal function and duty. Naturally legal safeguards would have to be included in the Constitutions making it illegal, even an act of conspiracy, for any recall of a Senator or Member to be initiated, organised and or financed from outside the electorate concerned.

In this work it is not intended to go into the question of the actual machinery necessary to allow the electors to replace any Member or Senator whom they have recalled.

Rather it is the purpose to raise the point for serious study by the electors themselves as to how they may determine what basic protection changes they want in their Constitutions. Undoubtedly there would be many competent persons who could work out the machinery necessary to give full and proper legal effect to the WILL of the electors in this matter.

Another extremely vital protection element for the people is that no treaties, international conventions or agreements, and the like, should be entered into by Parliament, or by executive action, without the specific consent and authority of the people themselves. This point is raised because such things are agreed to, far too often, without the people having the faintest idea of the direct and indirect legal and other significances and consequences of such actions.

Indeed, few would be the politicians, let alone the people, who would have any conception of the far-reaching effects that many such Treaties, agreements and conventions could have upon Australia and the Australian way of life. Under the influence, if not the manipulations, of international interests, theorists and idealists, Ministers of the Crown far too often persuade the legal government and the Houses of Parliament (under party control) to agree to bind the nation and States without the full implications of the legal, political and economic impacts being first thoroughly publicly debated.

Even at this moment of writing there are agreements and conventions afoot of which, in Australia, few indeed have any real knowledge; agreements and conventions that can have far greater impact upon the liberty and way of life in this country than some Ministers would care to fully explain.

The people should also insist that the Commonwealth and State . Constitutions be tightened to make it absolutely impossible for Ministers of the Crown and Houses of Parliament to effect, what some would call, snide changes in the Constitutions without a referendum of the people. Those who have made long and deep researches into constitutional law are aware how these changes can be affected without the real understanding of the people and most politicians.

It cannot be denied that this country is suffering from "*government by regulation*" and many writers have drawn attention to this indisputable fact. In Commonwealth and State Parliaments the volume of legislation which is implemented by subsequent departmental regulations is quite unbelievable. Even during the last War, the noted N.S.W. constitutional authority, Dr. Frank Louatt, K.C., was moved to direct attention to the fact that for every 1000 pages of Acts of Parliaments there were over 5000 pages of regulations.

In their own interests the people should forbid the passing of any legislation which requires departmental regulations to implement it. If regulations are thought to be required then the parliamentarians, party pressures notwithstanding, must be adamant that the departmental officers seeking those regulations shall be brought before the bar of the House of Parliament and made to publicly prove that such regulation is absolutely vital in the interests of the people.

This Chapter advances **but a few thoughts**: a few of the many arising from many long years of Constitutional research, coupled with both parliamentary and



departmental personal experience. They are offered to stimulate deeper thought and study by the reader of this book.

It has been said of the great Henry Ford- of the “tin lizzy fame-- that he once stated: -

*"It matters not how many degrees you may have after your name, unless you can think, You are uneducated. "*

The writer hopes that the contents of this book will make you THINK!

AND THEN ACT.

*"BUT THEY SHALL SIT EVERY MAN UNDER HIS VINE AND UNDER HIS FIG TREE; AND NONE SHALL MAKE THEM AFRAID,.. . . "*

*- MIICAH IV, iv. –*

## APPENDIX I

(A) Magna Carta 1215.

(39) No freeman shall be captured or imprisoned or disseized or outlawed or exiled or in any way destroyed, nor will we go against him or send against him, except by the lawful judgement of his peers or by the law of the land.

(40) To no one will we sell, to no one will we deny or delay right or justice.

(B) Extract from the Statute issued by Edward I, in confirmation of the Charters, November 5, 1297. " ...; and that our justices, sheriffs and mayors, and other ministers, which, under us, have the laws of our land to guide, shall allow the said charters, pleaded before them in judgement, in all their points, that is to wit, the Great Charter as the common law."

(C) Bill Of Rights 1689.

(5) That it is the right of the subjects to Petition the King, and all Commitments and Prosecutions for such petitioning are illegal.

(D) Crimes Act 1914.

(24F) Nothing in the preceding provisions of this Part makes it unlawful for a person:

(a) to endeavour in good faith to show that the Sovereign, the Governor-General, the Governor of a State, the Administrator of a Territory, or the advisors of any of them, or the persons responsible for the government of another country, has or have been, or is or are, mistaken in any of his or their counsels, policies or actions;

(F) Postage exemptions for material sent to the Governor-General and the State Governors: Information from the stamp below must be printed or written on the top left corner of envelope to the Governor-General or State Governors. All information abbreviated as given on stamp must appear on the envelope:

EXEMPT POSTAGE

Post. Serv. Act. 1975

Part III; Div. 1. Sec. 14(5a).

**APPENDIX II**

**\* (A) SAMPLE PETITION TO THE GOVERNOR-GENERAL**

**AN HUMBLE PRAYER AND PETITION  
TO HIS EXCELLENCY**

The Right Honourable Sir Ninian Stephen, PC, AK, GCMG, GCVO, KBE, KStJ.  
Governor-General of the Commonwealth of Australia and  
Commander-in-Chief of the Defence Force, Government House,  
CANBERRA, A.C.T. 2600

MAY IT PLEASE YOUR EXCELLENCY,

I know it is my duty to keep you informed as to MY WILL on any matter that comes before the Parliament or should come before the Parliament.

The Hawke Ministry has set up the Constitutional Commission for the purpose of persuading the Australian People to accept changes to the Commonwealth Constitution as propagated by the republicans and their supporters in the community.

The republicans want centralisation of power and control of every aspect of our lives, which in turn will destroy the freedoms which have come down to us from the ancient statutes of Magna Carta 1225, Petition of Rights 1628, Bill of Rights 1688 and the Act of Settlement 1701, through the British, Commonwealth and State Parliaments to the present day.

The Queensland Council of Agriculture is sending a submission to the Advisory Committee on Trade and National Economic Management of the Constitutional Commission in which the Council will be suggesting amendments to Sections 51, 90 and 92 in particular, according to their draft submission of February 1987.

It is not a question of being against the State Councils of Agriculture, Marketing Boards etc. It is a question of the Australian People preventing the ultimate centralisation, taking from their hands the right to live their lives in the freedom which is their birthright.

It is MY WILL that no amendments or alterations be made to the Commonwealth Constitution without the consent and express will of the Australian People by Referendum. I do most humbly and respectfully Pray and Beseech Your Excellency to convey MY WILL to both Houses of the Parliament.

I am one of Her Australian Majesty's respectful servants,

**GOD SAVE THE QUEEN!**

Signature .....

PRINT NAME .....  
ADDRESS .....  
STATE ..... POSTCODE .....  
DATE ..... "  
ALTERNATIVE:

**TO A STATE GOVERNOR**

**A HUMBLE PRAYER AND PETITION TO HIS EXCELLENCY**

The Honourable Sir Walter Campbell QC  
Governor of Queensland  
Government House  
BRISBANE, 4000

MAY IT PLEASE YOUR EXCELLENCY

**'(B) SAMPLE PETITION TO FEDERAL MEMBER**

Federal Member for .....  
Address.....  
.....  
.....

Dear .....

I know it is my duty to keep you informed as to MY WILL on any matter that comes before the Parliament or should come before the Parliament.

The Hawke Ministry has set up the Constitutional Commission for the purpose of persuading the Australian People to accept changes to the Commonwealth Constitution as propagated by the republicans and their supporters in the community.

The republicans want centralisation of power and control of every aspect of our lives, which in turn will destroy the freedoms which have come down to us from the ancient statutes of Magna Carta 1225, Petition of Rights 1628, Bill of Rights 1688 and the Act of Settlement 1701, through the British, Commonwealth and State Parliaments to **the present day**.

The Queensland Council of Agriculture is sending a submission to the Advisory Committee on Trade and National Economic Management of the Constitutional Commission in which the Council will be suggesting amendments to Sections 51, 90 and 92 in particular, according to their draft submission of February 1987.

It is not a question of being against the State Councils of Agriculture, Marketing Boards etc. It is a question of the Australian People preventing the ultimate centralisation, taking from their hands the right to live their lives in the freedom which is their birthright.

It is MY WILL that no amendments or alterations be made to the Commonwealth Constitution without **the consent and express** will of the Australian People by Referendum.

Yours faithfully,

Signature .....

PRINT NAME .....  
ADDRESS, .....  
STATE ..... POSTCODE .....  
DATE .....

**ALTERNATIVES:**

**TO FEDERAL SENATOR**

Senator.....

State Address.....

Dear Senator .....

**TO A STATE MEMBER**

State Member for.....

Address.....

Dear .....

**TO**