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The Price of Freedom is Eternal Vigilance

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## Adelaide Conservative Speakers Club Seminar 1st-2nd July 2023

## 'WE THE PEOPLE' AND THE STATE OF 'OUR' CONSTITUTION

Nearly 8 hours of Videos and/or Podcasts available here: <https://rumble.com/c/c-1324923>

Speakers Prof Augusto Zimmerman – *The Rule of Law*, Solicitor Robert Balzola – *Government Integrity in SA*, and Dr M. Oliver Heydorn – *The Role of the Public Authority in Economic Life*, each gave timely and well thought through papers on Constitutional considerations in this era of attempted imposition of world government. The open and public Q&A which followed each paper given, was equally informative and educational, described as an epiphany – a situation to be understood from a new and deeper perspective.

Prof Zimmermann addresses emergency powers, Covid-19 restrictions and mandatory vaccination from a Rule-of-Law perspective. He explains the real meaning of the Rule of Law and scrutinizes the abject lack of governmental accountability at both federal and state levels, coupled with the gross violation of fundamental legal rights over the last three years or so.

In light of the failure of elected Mayors, Deputy Mayors and Councillors throughout SA to report their pecuniary interests - failing to return declaring gifts to campaigns, the SA Legislature retrospectively passed laws to prevent dozens of council bi-elections. Solicitor - Robert Balzola explores the path forward to restore local-governmental-order towards 'The Rule of Law'.

Dr M. Oliver Heydorn is the Director of the Clifford Hugh Douglas Institute promoting Social Credit theory. A regular presenter at the Basic Income Conference North America he now discusses the nature and due limits of state and/or government intervention in the economy as per the vision of Douglas Social Credit theory.

## THE CITIZEN By Arnis Luks

Prof Walter Murdoch wrote several important civic books, in particular *The Australian Citizen*, which will soon be available in our online PDF Library for further research, along with several other works from his pen.

An active and educated citizenry is a primary factor for freedom and good government. By having a reliable source of quality educational material available and readily studied, the citizenry can hold the correct relationship with public servants in legitimate positions of authority to serve the public interest. Actively exercising our civic responsibility and duty can also provide a ready remedy towards world tyranny.

As a concoction of the UN and WEF, the Global Parliament of Mayors are attempting to illegitimately exercise political power emanating from those entities. Climate, environmentalism, cancel-culture and rainbow-genderism are each emanating from the UN to deconstruct our nation-state. Local government Mayors and CEOs are convinced they are the *avante-garde* of world government. In reality they are performing-marionettes exercising illegitimate authority, an area of concern for any active citizenry exercising personal responsibility and civic duty.

Legitimate authority for local government; that which is in the nature of things, is in regard to rubbish collection, road maintenance, libraries, parks and gardens operating within their own jurisdiction, and other areas of common interest being managed locally. Other than these quite limited areas, local government has no mandate nor authority to act. Climate, environmentalism, cancel-culture and rainbow-genderism are areas of illegitimate interest for the local government authority; now acting as the illegitimate innovator of UN/WEF policy.

Attending summits financed by the UN, Mayors and CEOs are encouraged to transform the nature of democracy without being at all representational of their local communities. They wallow in their own vanity. Public service is an entirely different perspective than illegitimate authority. Hairy fairies, climate, environmentalism, gender ideology, and cancel culture initiatives are not the domain of local government. Those local government officers and activist councillors who insist this is part of their *locus standi* - justification for existence are confused or misled and actively campaigning against our 'limiting Constitution'. Is this treason you may ask?

## Is This Treason?

Reading ED Butler's *The Real Communist Menace* on the 'Canadian Royal Commission's Report on Espionage and other Communist Activities in Canada' was a blueprint regarding subversion in Australia and the free world. It hasn't gone away but rather runs roughshod over most political entities and institutions.

[https://alor.org/Storage/Library/PDF/Butler\\_ED-The\\_Real\\_Communist\\_Menace.pdf](https://alor.org/Storage/Library/PDF/Butler_ED-The_Real_Communist_Menace.pdf)

We need our own Joseph McCarthy in Australia to expose this massive infiltration by subversives.

Eric's analysis of the Canadian Royal Commission's Report examines the *modus operandi* leading on to treason. Individuals slowly, slowly, move across their loyalties to another nation or another way of life foreign to their host nation. Reading regularly to ensure of being ever-mindful of this continued subversive presence, the booklet '*An Introductory Course on the Real Communist Conspiracy*', Eric again assists in recognising this *modus operandi*.

The 'Common Man of the Land' movement is a timely topic of interest. While their arguments appear valid and reasonable, the end objective is to erode confidence in the 1,000+ year development of our 'limiting Constitution' as the supreme law of the land under which we shall be governed. It is to our limiting Constitution that we must turn and uphold if we are to regain our ancient rights and freedoms. Not tear it down, nor disregard it.

Similar to Magna Carta as the legal instrument compelled on the recalcitrant King John, so we must also insist against all who would be recalcitrant, that our limiting Constitution must be upheld.

Recognising that an activist lead High Court was instrumental in eroding the Federal relationship (demarcation of powers) between the States and the Commonwealth, so it is in the political realm that these activist-judge-made-decisions must be overturned and rolled back.

In 1983, with the Franklin Dam High Court decision, came a significant turning point against limiting Constitutionalism within Australia. Federalism was severely undone by those 4 activist High Court judges. They did not remain impartial, but rather took the supreme law of the land (our constitution) into their own hands and changed it.

In reading the '*Annotated Constitution of the Australian Commonwealth*' by Quick and Garran, you realise that a profound effort of legal consideration was achieved by our forebears. They considered The Constitution of the United States of America, the British North America Act 1867 of Canada, and other works such as 'The English Constitution' by Walter Bagehot 1873, along with many USA Congressional and UK, Canadian and Australian Parliamentary -debates over 'divisions of powers' and 'limiting Constitutionalism'. This level of thinking and significant research by

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our forebears considered the evolution of limiting constitutionalism that has occurred, particularly in the English-speaking world, across more than 1,000+ years.

England, even though the mother of parliaments and home to the Westminster system of parliamentary democracy, does not possess a written constitution as does USA, Canada and Australia.

Constitutionally enshrined 'Divisions of Power' are a legally written attempt to limit the inherent drive of political power towards tyranny – legislative, executive and judiciary – lower-house, upper-house and monarch – local, state, and commonwealth governments – all divisions of power away from tyranny. We witnessed this centralising drive within our own Commonwealth and State Parliaments with the recently formed National Cabinet, and in England this past century, the perceived dominance of the lower house over the upper house and monarch as has legislatively occurred. Each is an attempt to undo this 'balancing, or divisions of political powers'. None can be trusted with too much power.

This Lord Acton Quote states the case correctly:

***"Power tends to corrupt and absolute power corrupts absolutely. Great men are almost always bad men, even when they exercise influence and not authority; still more when you superadd the tendency of the certainty of corruption by authority".***

The English Bill of Rights 1688 emasculated the monarch of that day, William and Mary, and placed absolute power in the realm of the two Houses of Parliament. The UK 'Parliament Act 1911' emasculated the powers of the House of Lords regarding the House of Commons. Under the '1945 Salisbury Convention', the House of Lords no longer tries to block bills that were identified during the governing party's manifesto (election campaign), and rarely blocks any bill in its entirety. In general, the unelected House of Lords defers to the Commons' democratic mandate, but does make proposals for MPs to think again. The Salisbury Convention becomes incoherent when a minority government is formed, having not achieved an electoral majority of votes, nor a majority in the House of Commons after their election campaign. The centralising power and dominance of the UK House of Commons is regularly tested against the House of Lords even as recent as 2019. These research papers are well worth the read. <https://researchbriefings.files.parliament.uk/documents/LLN-2019-0155/LLN-2019-0155.pdf>

and here:

[https://www.ucl.ac.uk/constitution-unit/explainers/what-does-house-lords-do this](https://www.ucl.ac.uk/constitution-unit/explainers/what-does-house-lords-do-this)

and here:

<https://www.legislation.gov.uk/ukpga/Geo5/1-2/13/data.pdf>

Had Whitlam in 1975 Australia been successful to continue to govern without supply, he also would have succeeded in demoting the Senate to be only a house of review (of lesser powers than the House of Representatives).

The Constitution of the United States of America places the President in a position of dominance over the Congress, in contrast to the Australian Constitutional 'reserved powers' of the Crown. The President appoints the Executive, which is filled with 'vested interests' generally not answerable to the Congress. The Australian Constitutional 'Executive' is made up of members of Parliament and therefore forms 'responsible government' answerable to the Parliament provided there is sufficient political-will amongst our representatives to exercise this answerability-to-parliament option.

The Constitution of the United States of America is a merchant driven Constitution. Little wonder it is from this merchant-driven perspective that Australia is being undone through Transnational Trade Agreements. The CPTPP Comprehensive and Progressive Agreement for Trans-Pacific Partnership is the secretly negotiated trade agreement that can and does afford national governments to be brought before the World Bank Group Court, whose judges are appointed by the World Bank Group – how fortunate. Transnational Trade Agreements now appear to be superior to National Governments and their Limiting Constitutions. All our Governments exceeded their legitimate authority to thwart our 'limiting Constitution'.

### **Critical Constitutional Change**

Critical Constitutional changes occurred in 1983 that changed the nature of those balancing or divisions of powers within our Federated Constitution. The targeted appointments of those 4 High Court judges trained under the legal professor Julius Stone are noted. Law re-interpretation occurring in the courts is a foreign concept to the 'Common Law-precedents' of our culture. Activist judges have bypassed our parliaments as the initiator of law and placed our Nation State before these World Bank Group courts. Our High Court Judges also exceeded their legitimate authority to thwart our 'limiting Constitution'.

### **What Can One Person Do?**

History has many examples of one person, yes even just that one person bringing about significant change. In the scientific realm it is usually one person chipping away that uncovers an inkling of truth as to what has always been. This breakthrough, once exploited, can bring into being beneficial results for all. I believe this life is about the individual pursuing their fullest potential - to know God and enjoy Him forever. Several individuals, as recorded below, across two nations significantly altered the basis of Constitutional law and precedent. So it is that a few determined individuals can also pull this centralising tyranny back into line under a limiting Constitutional agreement.

Touring through mainland Australia we came across many individuals making significant inroads in educating a 'dumbed down' public fed only propaganda from the MSMedia. Community radio, roadside billboards, surveys and polling at local events, referenda initiatives, and feedback mechanisms to current-representatives and the larger community were all part of the welcome and encouraging initiative processes. An active citizenry is a factor towards a healthy society.

Further reading is available here:

<https://icsid.worldbank.org/>

<https://theconversation.com/world-bank-ruling-against-pakistan-shows-global-economic-governance-is-broken-120414>

<https://fpif.org/the-case-that-blew-the-lid-off-the-world-banks-secret-courts/>

### **Foundations of the Australian Legal System:**

#### **History, Theory and Practice:**

by Augusto Zimmermann and Gabriël Moens:

...11.45 By the early 1940s the case-method advanced by Langdell and Holmes had been more fully developed. It had become the primary legal method adopted in all the American law schools. In Australia, the same approach was advocated by Julius Stone, the influential law professor at the University of Sydney from 1942 to 1972, and then at the University of New South Wales from 1973 to 1985. Professor Stone introduced in Australia the idea of pervasive indeterminacy of the law.<sup>34</sup> This method regards authoritative legal materials as being dependent on 'categories of illusory reference' whereby the materials resorted to provide pro-determined solutions to the problems of choice to be resolved by the courts. Claiming that our legal system is full of indeterminate terms, unresolvable contradictions and alternative starting points, Stone then concluded that judges face an inescapable necessity to apply personal choices whenever using the material available in order to apply the law. Because judges, in his opinion, always make personal choices whenever the legal materials are selected, the final outcome of any case never to be controlled by objective standards but entirely dependent on a judge's own sense of what 'the law' ought to be.

11.46 Professor Stone's teachings about the 'pervasive indeterminacy' of the legal material were carried into the Australian judiciary by some of his more successful students, including the Former High Court justices Anthony Mason, Lionel Murphy, William Deane and Michael Kirby.<sup>35</sup> Stone taught these judges to think of themselves as the ultimate makers of the law. Based on these teachings, Lionel Murphy felt that he could describe his own method of legal adjudication as follows: 'As judges make the law they are entitled to bring it up to date. They should not change it by stealth, they should change it openly and not by small degrees. They should change it as much as they think necessary.'<sup>36</sup>

## Concluding Comments

11.47 This chapter has described the continuing importance to the common law of ‘precedent’, which is a judge-made general rule relied upon in the resolution of prospective disputes, especially those involving contract law and torts. While ‘precedent’ is a legal concept, known to the common law and civil law, the convergence of these legal systems has resulted, over time, in the dominance of the legislative branch of government and the adoption of ‘statute law’. Nevertheless, the concept of ‘precedent’ is still prominent in the common law system where inferior courts are expected to follow the rulings of superior courts that are part of the same hierarchy. While the High Court is not bound by its own precedents, the Court is nevertheless careful not to overturn rules which have served the legal system well for a long time. It is an enduring jurisprudential question as to whether it is better to allow a wrong precedent, that has been followed for a long time, to stand, or to overturn wrong precedents in the service of justice’.

11.48 In its treatment of ‘precedent’, this chapter informs its readers on the meaning of *ratio decidendi*, which concerns the discovery of the reasons for the courts’ development of general rules of law. Readers are also introduced to the concepts of *stare decisis*, which relates to the binding force of precedents, and *obiter dicta*, which are merely persuasive, but not binding, comments of the court. The chapter also traces the developments of the case-law method of teaching promoted in the United States by Dean Langdell of Harvard and Justice Holmes of the Supreme Court. The case-law method, which is to some appreciable extent in American and Australian law schools, facilitates the discovery by students and lawyers of the general rules of law and prior Judge made law.

34. See Julius Stone *The Province and Function of Law* (Maitland Publications, 1946).

35. See Michael Kirby, Julius Stone and the High Court of Australia (1997) 20 *University of New South Wales Law Journal* 239

36. Lionel Murphy, Speech (National Conference of Labor Lawyers, 29 June 1979) <<http://www.justinian.com.au/archive/vintage-lionel-murphy.html>>.

## CONSTITUTIONAL BARRIERS TO SERFDOM

By ED Butler - **extracts**

...If we are going to allow power-lusters and their dupes to persuade us that we should forget and ignore the accumulated political experience of a thousand years, there is indeed no hope for our way of life. Salvation depends upon sufficient people grasping the real issues at stake. They are fundamentally the same as those faced by the Barons and Churchmen when they confronted King John with Magna Carta at Runnymede in 1215.

...If we are to have individual rights and genuine independence in this country, rights and independence protected by a Constitution which functions and is effective, all Governments in Australia, particularly the Central Government, have got to be compelled to disgorge the great powers they now possess. Not only must the present drive towards centralisation be stopped; a vigorous policy of decentralisation is essential.

...What is required, therefore, is a **“Defend the Constitution” Campaign**, in which all sections of the community can take part. Party politicians who are genuinely in favour of individual rights free from interference by any Government, should readily take part in all moves to defend all aspects of our Constitution. Starting from this basis, electors can soon discover who are genuine opponents of totalitarianism - i.e., centralisation and government by an irresponsible bureaucracy - and those who are not.

## The Nature of Totalitarianism

The very essence of totalitarianism, irrespective of whether it is labelled Socialism or any other “ism,” is the creation of the Monopoly State - the centrally “planned economy.” A “planned economy” conceives of all political, economic, and financial power being in the hands of one central group, who decide all policy.

...**The Australian League of Rights** exists to foster a more widespread understanding of our traditional British Constitutional safeguards as a preliminary to making them effective. No Constitution can survive in the absence of an enlightened public opinion.

Such opinion must be immediately fostered.

Undoubtedly the most urgent task of all is to rally the entire community to defend the existing Federal Constitution, which stands as a barrier to the policies of the totalitarians. The identity and methods of the totalitarians attacking our Federal Constitution must be exposed. Persistent educational work is urgently required to make the community **“Constitution Conscious.”** Every policy which helps the totalitarians in their attacks upon the Constitution must be exposed and opposed. Having successfully defended the present Constitution and engendered a more widespread understanding of Constitutional safeguards, positive steps can then be taken to frame a new Bill of Rights, which will guarantee that there shall be that British and Christian society in which:

***“they shall sit every man under his own vine and under his fig tree; and none shall make them afraid.”***

**end extracts**

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Our main website of the Douglas Social Credit and Freedom Movement “Archives” :: **<https://alor.org/>**

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