

VICTORIA CONSTITUTION 1975. IS IT LEGAL?

"DEMOCRACY IS THE NAME WE GIVE THE PEOPLE,
WHEN EVER WE NEED THEM". ARMAN DE CAILLAVET,
3 I ST MAY 1913

A group of self styled "Democratic Activists" are about to embark on a co-ordinated legal campaign in an attempt to deliver proper democratic fundamentals to the Victorian people.

They claim to have overwhelming evidence that Victoria has been in a "constitutional void" and that the current Victorian Parliament is "unlawful" and "unconstitutional" as one member, states the Victorian Parliament enacted a Constitution in 1975 which was unlawfully enacted. The provision claimed to allow for the enactment of the Victorian Constitution Act 1975 to occur was section 60 of the Victorian Constitution Act 1855 which states - that the Legislature of Victoria as constituted by this Act, shall have full Power and Authority from Time to Time, by any Act or Acts, to repeal, alter, or vary all or any of the provisions of this Act, yet when you look at the schedule of Victorian Constitution Bill 1975 it claims to have repealed the whole Act.

The Parliament only had the power to repeal the Provisions of the Victorian Constitution Act 1855 and not the "whole Act". Another Provision required by section 60 of the Victorian Constitution Act 1855 is that in order for the lawful passing of any repeal it requires that every Bill which shall be so passed shall be reserved for the Signification of Her Majesty's Pleasure thereon.

The Victorian Year Book 1984 states in relation to Sir Henry Winneke (the Victorian Governor from June 1 - 1974 until March 1 1982) on two occasions he reserved bills for the Queens assent; the Constitution Act 1975 and the Constitution (Governor's Pension Act 1978.

HER MAJESTY'S ASSENT WAS NEVER GRANTED!!!

Our research of Hansard, of the Westminster Parliament which is the only authority that could lawfully repeal The Victorian Constitution Act 1855, shows no mention, at all, of any such repeal.

Indeed, further correspondence from an Archivist at the House of Lords Records Office is even more damning, it states that according to the Chronological Table of Statutes, the Victorian Constitution Act 1855 is still wholly in force. There is not even any mention of a partial repeal.

The process of the reservation of Bills for Her Majesty's signification in Section 60 of the Victorian Constitution Act 1855 was not affected by federation in 1901 and was further entrenched by section 1a of The Australian States Constitution Act 1907 which states - "There shall be reserved for the signification of His Majesty's pleasure thereon" every Bill passed by the Legislature of any State forming part of the Commonwealth of Australia which -- (a) alters the

constitution of the Legislature of the State or of either House thereof.

The Victorian Constitution Act 1975 did not receive the signification of His (Her) Majesty's pleasure - as was required by Section 1a of the Australian States Constitution Act 1907 and is therefore absolutely void and inoperative as we can prove as follows.

The Victorian Constitution Act 1975 was subject to section 2 of the Colonial Laws Validity Act 1865 which states;

"Any colonial law which is or shall be in any way repugnant to the Provisions of any Act of Parliament extending to the Colony to which such law may relate, or repugnant to any Order or Regulation made under authority of such Act of Parliament or having in the Colony the force effect of such Act shall be read subject to such Act, Order or Regulation, and shall to the effect of such repugnance, but not otherwise, be and remain absolutely void and inoperative".

The Victorian Constitution Act 1975 is repugnant to the provisions of section 60 of the Victorian Constitution Act 1855 and Section 1a of The Australian States Constitution Act 1907 it was not read subject to such Acts and is therefore absolutely void and inoperative.

Then of course, when we look to The Australian Constitution Act 1901 this whole charade falls apart as section 106 of this Act states - "the Constitution of each state of the Commonwealth shall, subject to this Constitution, continue as at the establishment of the Commonwealth, or as at the admission or establishment of the State, as the case may be; until altered in accordance with the Constitution of the State"

The Victorian Constitution Act 1975 is subject to this Constitution does not "continue as at the establishment of the Commonwealth" and was not "altered in accordance with the Constitution of the State".

The Victorian Constitution Act 1855, The Australian States Constitution Act 1907, The Colonial Laws Validity Act 1865 and The Australian Constitution Act 1901 all applied to Victoria in 1975 and were all laws of PARAMOUNT FORCE and could in no way be legally contravened beyond their provisions. Another point to take into account is if hypothetically, Victoria did become a new legal entity in 1975 would it not be required to seek admission into the Commonwealth via the "New States" provisions, namely sections 121 and 124 of the Australian Constitution Act 1901?

No new states have ever been admitted into the Commonwealth.

I ask anybody reading this document to not be intimidated by it, but rather, liberated by its contents. This is a great opportunity for Victorian Citizens.

The arrogance by a group of a few dozen men in 1975 in thinking they could trap millions of Victorians, for ever more, in their boy's club constitution, without consulting the very people they inflict their laws upon is an outrage and a wake up call to all of us. Our ancestor's risked and in some cases, lost their lives in defence of our democratic rights and freedoms.

We must take this opportunity to enact a "PEOPLES CONSTITUTION" which includes a PEOPLES BILL OF RIGHTS, THAT COULD ONLY BE ALTERED BY REFERENDUM containing a provision for CITIZENS INITIATED REFERENDA, that ensures that politicians remain the Representatives of, and not the masters of, our people for all time to come.

We could also look at a provision for the People to vote for our Judges, thereby guaranteeing the SEPARATION OF POWERS.

Representative Government is the great oxymoron of modern time. With the Telecommunication and Internet facilities available to us now, why can't we THE PEOPLE; vote for or against our own policies from our homes thereby ensuring, THE PARAMOUNT WILL OF THE PEOPLE AT ALL TIMES and not once every few years at election time? We could save a stack of money in the process. In the end it will be up to the people of Victoria. I hope we choose wisely.

All the time we are told by our politicians, Federal and State, Liberal, Labor, Democrat and National, about what wonderful institutions our constitutions are.

Of course, as far as they are concerned, these constitutions are wonderful as they are colonial in nature, all the power is at the top, and with England now out of the picture, they have kept these powers for themselves, and not passed them on to the people.

These constitutions give all the powers to the Members of the Parliament, especially those that prostitute themselves to big business, and is only interfered with at election time when we mostly, get to choose from four shades of the colour Grey. Isn't it amazing that when the One Nation phenomenon came along, they grabbed their heads and moaned "how could this happen"?

Take for example, The Australian Constitution Act 1901 and see, upon closer inspection if it is the wondrous document our politicians say it is.

Firstly, it is a law of The United Kingdom, A FOREIGN COUNTRY Secondly, no women were allowed to vote for or against it and thirdly, the only Australians existing at the time, the Kooris, (there was no such thing, as an Australian citizen until January 26, 1949) were not allowed to vote for or against it. White British males, some of them exercising up to six votes each, voted for the Australian Constitution Act 1901. The boys club was at work again.

People should never forget the GREAT CON that was almost put over them at the 1999 REPUBLICAN REFERENDUM.

All along the SOCIAL ENGINEERS concentrated the debate on the HEAD OF STATE issue, but I ask, do we really care who cuts the ribbons at official functions?
WOULD WE THE PEOPLE HAVE BEEN ANY BETTER OFF?

The real reason I believe, behind this referendum were the words in the preamble WE, THE PEOPLE, EMBRACE THIS CONSTITUTION THESE WORDS ARE A MANTRAP. A YES VOTE WOULD HAVE ENSNARED THE PEOPLE IN COLONIAL LAW, THE SO-CALLED REPUBLICAN VERSION' OF THE AUSTRALIAN CONSTITUTION ACT 1901, FOR EVER MORE. Thank god the people voted no.

The High Court has stated that THE PEOPLE, NOT THE GOVERNMENT, POSSESS THE ABSOLUTE SOVEREIGNTY, and furthermore, The International covenant on Civil and Political Rights, which is Australian law, states ALL PEOPLE HAVE THE RIGHT TO SELF DETERMINATION.

We have recently sent our soldiers overseas to secure these rights for the East Timorese people; Isn't it time we, the people of Australia, were given these rights?
THEY CERTAINLY, WERE NOT EXTENDED TO THE PEOPLE OF VICTORIA IN 1975!

We are in no doubt that the Victorian Constitution Act 1975 is unlawful, unconstitutional and therefore ABSOLUTELY VOID AND INOPERATIVE.

All appointments of Governors, under this Act, are ABSOLUTELY VOID AND INOPERATIVE.

All writs for elections of UNLAWFULLY APPOINTED GOVERNORS are ABSOLUTELY VOID AND INOPERATIVE. ALL PARLIAMENTS of UNLAWFULLY CONSTITUTED ELECTIONS are ABSOLUTELY VOID AND INOPERATIVE and ALL LAWS of UNLAWFULLY CONSTITUTED PARLIAMENTS are ABSOLUTELY VOID AND INOPERATIVE.

In the famous words of the high Court case in the Australian Communist Party vs the Commonwealth "THE STREAM CANNOT RISE ABOVE ITS SOURCE".