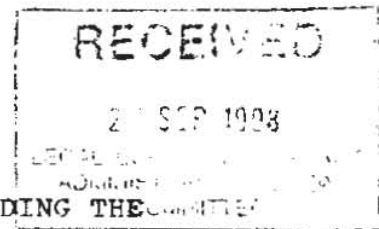


Submission No 34
Spec 34.



SUBMISSION - 11 SEPTEMBER 1998 - REGARDING THE

REVIEW OF THE CONSTITUTION OF QUEENSLAND

1. There is no need to rewrite the Constitution of Queensland because (a) it is already understandable to anyone who can read if they spend a little while thinking about it, and (b) there are so many infinitely more crucial issues to be dealt with in this State.

2. This nation is in a crisis situation - haven't members noticed? Or are you so isolated by your huge salaries and your luxurious, taxpayer provided staff, offices, free travel passes and government vehicles that you do not care?

3. If members had to exist as I do, after paying rent, on just \$73 a week FOR EVERYTHING - food, transport, clothing, phone and mail, power and medical bills etc., you would understand what a crisis situation is. There is almost NO paid work for 56 year old males.

4. If the government has no intention of improving my standard of living by increasing my benefit to a liveable allowance or in providing work for a wage that meets more than just my most basic needs, what reason is there for people like me to continue to exist? Or is that the whole purpose of reducing the people of this State to such poverty?

5. Furthermore, although the present committee has courageously and lawfully rejected many of the unlawful amendments of the original EARC group, there are still some radical changes that attempt to legitimise previous unlawful changes.

6. I refer specifically to unConstitutional alterations to the office of the Governor. Section 53 in the Constitution Act 1867 prohibits changes to sections 1,2,11,14 and 53 except by a referendum of the people of Queensland. As you are aware, a referendum was NEVER held with regard to the Australia Act of 1986. Section 53(1) states unconditionally that any such Act assented to is, nonetheless, null and void.

7. BUT, you may say, under s.51(xxxviii), the Parliaments of all the States concurred and exercised a power available to the Parliament of the United Kingdom at the establishment of the Constitution of the Commonwealth in order to create the Australia Act 1986.

8. BUT, ALL of the Premiers of the said States, in accordance with the proscribed requirements of the Constitution of their respective States, had sworn or affirmed allegiance to Her Majesty Queen Elizabeth II, Queen of Australia. Consequently, for those Premiers to attempt to alter the powers and operation of the Office of the Governor, as the Australia Act 1986 attempts to do, is a gross and blatantly unlawful act of disloyalty to Her Majesty.

9. The Criminal Code Act 1899 of Queensland describes such an act as an offence known as SEDITION. This offence is defined in section 44(b) as exciting disaffection against the Sovereign or the Constitution of Queensland as by law established, in this case, the Constitution Act 1867.

10. The Australia Act 1986 attempts to excite disaffection against BOTH the Sovereign AND the Constitution of Queensland by radically altering the office of the Governor to such an extent that the said office of the Governor is nothing but an empty, irrelevant, impotent symbol of what once was.

11. Furthermore, the Australia Act 1986 breaches section 44(c) of the Criminal Code Act 1899 of Queensland by attempting to procure the alteration of the office of the Governor otherwise than by lawful means i.e. without holding a referendum as required by s.53 of the Constitution of Queensland.

12. Sections 46 and 52(1)(a) and (b) of the Criminal Code 1899 of Queensland are then invoked as a consequence of an offence against s.44. By proposing to consolidate the Constitution of Queensland and in effect, ratifying an unlawful Act by implementing its unlawful provisions in the aforesaid consolidation, the Legal Constitutional and Administrative Review Committee members have become accessories after the fact (s.541(1) of the Criminal Code. You have made yourselves liable to prosecution for the offence of SEDITION, for which the penalty is up to 3 years imprisonment.

13. Further, the Committee members intend to interfere with the free exercise by the Governor of the duties or authority of the Governor's office, as defined in s.54(1)(a) of the Criminal Code Act 1899 of Queensland. This misdemeanour may incur a penalty of 3 years imprisonment.

14. The Committee members may also have breached section 494 of the Criminal Code - making documents without authority - which is a crime punishable by imprisonment for 7 years. Even more serious, the crime of forgery and uttering may apply - s.488 and s.488,1(b), for which the penalty is life imprisonment.

15. I respectfully suggest that you would be wise to recommend in the circumstances that you believe that the office of the Governor shall remain as it was before the Australia Act 1986 was proposed and abandon your consolidated Constitution of Queensland accordingly. You have also unlawfully excluded the original Preamble and the Acts mentioned therein, presumably because they are relevant to the office of the Governor.

16. I note that you have changed all references to "Her Majesty" to that of Sovereign. To most Queenslanders that might seem innocuous enough. However, to those who are aware that ALP/Liberal/National/Democrat/Green party politicians always have a devious motive for everything they do, I am aware of the atheist/humanist/socialist E.V.Dacey and his treacherous and completely unlawful assertion that the English Parliament is sovereign and can make or repeal ANY statute it wishes. Needless to say, this maxim was adopted, again unlawfully, by the atheist/humanist/socialist legal profession in England and Australia.

17. Chief Justice Mason of the High Court of Australia in 1992 acknowledged that in fact, sovereignty rested with the Australian people. This coincides with Quick & Garran's statement likewise, because only the people have the power to change the Constitution via section 128. Similarly with the Constitution of Queensland, only the people may change the major elements of it by reason of section 53.

18. Thus I am highly suspicious of the Committee's use of the word "Sovereign" because it can so easily lead to confusion or be used to mean something other than "Her or His Majesty". For example, it could be used to refer to the Premier. Yet another reason for leaving the Constitution of Queensland completely untouched.

19. I also note that in your consolidated Constitution, you did not mention that the protection from impeachment derived its power from the Bill of Rights of 1688. This defence was used by the legal representatives for Premier Wayne Goss in the Supreme Court of Queensland at Brisbane in 1995 in the matter of *D.Stanbridge v W.Goss* (unreported) concerning the latter's failure to order the Public Prosecutor to uphold the sections in the Criminal Code Act 1899 of Queensland with regard to abortion. The presiding judge upheld the defence argument and its specific reliance on the Bill of Rights 1688.

20. Likewise, the other sections of the Bill of Rights are still applicable because the Bill of Rights 1688 is an entrenched statute. Queenslanders still have a lawful right to own guns and removing them was an act of extortion quite outside any Constitutional powers of both Federal and State governments.

21. Similarly, the Magna Carta is an entrenched statute and should have been included in your consolidated Constitution because the Magna Carta protects a citizen's right to trial by jury, right to own private property and right not to suffer any arbitrary actions, such as false accusations and unlawful removal of private property such as guns.

22. *By contrast, the Committee spent much effort on protecting the rights of politicians in their consolidated Constitution. It is time you returned to your TRUE role - that of public SERVANTS carrying out the will of the people. You have NO powers in law to dictate to the public what plans YOU want to implement.*

23. *In case you are not aware of the fact, the Bill of Rights and the Magna Carta are both recognised as still being in force in the Imperial Acts Application Act 1984. You may obtain a copy from GoPrint in Woolloongabba.*

24. *The Bill of Rights and the Magna Carta are also recognised in the Constitution of the Commonwealth in sections 51(xxv) and 118.*

25. If you are unwise enough to ignore my recommendations, then rest assured that I and any others who may wish to join me, and I believe there will be many, for the people of Queensland have had their fill of treacherous politicians and bureaucrats, will lay formal charges against you for sedition.

26. If the Attorney-General, the Public Prosecutor and the police refuse to carry out their lawful Constitutional duties, we shall bring a civil action against you. Make no mistake, this is not empty rhetoric.

27. We will NOT allow you or any other politicians, in blatant contradiction of the oath or affirmation of allegiance, to convert this State of Queensland into an atheist, socialist dictatorship. This was the sinister and traitorous purpose behind the alterations proposed in the Australia Act 1986.

Beyond any doubt, the truth is known to the God of Abraham, Isaac and Jacob and He will be demanding answers on Judgement Day. These 2 people in particular may care to refer to the Book of Proverbs, where 13,13; 14,12; 15,33; 16,6 and 28,4 are particularly pertinent. I respectfully remind ALL of you that God is omnipotent, omnipresent and omniscient.

It is impossible to keep ANY secrets from God.

Submission by D. Stanbridge of