



Speech by

BILL FELDMAN

MEMBER FOR CABOOLTURE

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REPUBLIC

Mr FELDMAN(Caboolture—ONP) (Leader of the One Nation Party) (12.09 p.m.): I raise in the Parliament a matter of national importance. Honourable members will be aware—and after looking around the Chamber today I know that they are aware—that the Federal Government proposes to conduct a referendum on 6 November 1999 relating to the transformation of the Government of the Commonwealth into a republic. As I looked around this morning, I saw a relatively small number of members wearing a "Yes" badge. I acknowledge the majority support of this Parliament for the "No" case.

I have to inform the Parliament that the brochure issued by the Federal Government to the people of Australia summarising the case for and against forming a republic is a fraud. If not, it is a deliberate misrepresentation of the facts and known to be so by those people. Federal Parliament should be aware of an appeal by the Government of the principality of Camside against the Government of the Commonwealth of Australia, which is to be tendered to the United Nations Security Council and then the International Court of Justice. Although I will leave the principality of Camside to fight its own international battle, I point out that the appeal raises some matters of concern for me constitutionally. The appeal states that the Government of the Commonwealth of Australia has abdicated Government because the Parliament of the Commonwealth purported to enact the Australia Act 1986 and thereby takes the citizens of Australia outside the protection of the Sovereign, in contravention of Magna Carta and the Bill of Rights.

I remind all honourable members that in 1839 in *ex parte Nichols*, the Supreme Court of New South Wales—which at that time included Queensland—held that by virtue of section 24 of the Australia Courts Act 1828, Magna Carta, the Habeas Corpus Act, the Bill of Rights and the Act of Settlement comprise part of the constitutional birthright of the people of Australia. The Queensland Parliament also later recognised them as inherited enactments in the Imperial Acts Application Act.

The Constitution of the Commonwealth requires the Federal Government to give full faith and credit to those laws. That means that in 1986 the Hawke Federal Government breached its trust to the people of Australia by stripping them of constitutional rights as citizens of the States. The Federal Government has no power to govern and no power to conduct a referendum. The appeal goes on to draw attention to the status of the coronation oath sworn by the monarch as an express constitutional compact by the monarch to uphold the constitutional heritage of the people of Australia and the related constitutional enactments, all part of the Constitution of Queensland. This binds the members of Parliament, Ministers of the State, justices, and other officers of the Crown to observe and perform the coronation oath in their discharge of public office.

The path of constitutional power is supported by the proper appointed decrees, namely—

Lord Bracton wrote that the King is the representative of Jesus Christ.

Lord Coke wrote that the King derives his royal authority from Jesus Christ.

Lord Fortescue wrote that the royal Government of the King must be by divine grace.

The Coronation Oaths Act 1688 requires the King to swear an oath to maintain in his royal Government the laws of God, the true profession of the gospel and the law and justice in mercy.

Sir William Blackstone wrote that the coronation oath is an express fundamental contract between the King and all his subjects.

Therefore, the justice of God is represented by the King in his royal Government, the mercy of God is represented by the House of Peers or Lords comprising the most noble and most spiritual members of society, and the law of God is represented by the House of Commons or Senate comprising the elected representatives who discover the Word of God as the public consensus.

The brochure suggests that the role of the monarch is limited to appointing the Governor-General, who in turn must govern strictly in accordance with the advice of the Prime Minister. The appeal refers to constitutional cases that render that statement false, a fraudulent misrepresentation of constitutional law. Any legislative enactment, ministerial act or judicial order repugnant to the coronation oath is unconstitutional and null and void. The brochure conceals these matters of law and is deceitful. The referendum brochure issued by the Howard Government in October 1999 fails to disclose the real issue that each elector is being asked to decide upon, that is, whether they want a head of state who is bound by the Constitution to preserve their constitutional heritage and rights or whether they want a head of state who may very well have his or her own political agenda.

If the people of Australia are deprived of the protection of a constitutional monarchy, they may well be stripped of their lands and their livelihood without due process of law. They may be deprived of their right to keep and bear arms in their own defence, be subjected to crippling taxes and be enslaved to bankers. Those who are already victims of such abuses may be stripped of any means of redress.

Crisis in Australia Pty Ltd has put out a position paper that was, I believe, constructed by constitutional lawyers outlining at great length the legal implications of this matter. I intend to table all papers at the end of this speech. Under the existing Constitution of the Commonwealth any proposed law that is repugnant to the laws of God and the true profession of the gospel or the laws and enactments comprising the constitutional birthright of the people of Australia cannot pass into law. Our ancestors fought and died on the field of battle to preserve and defend our constitutional birthrights, and we should now honour that sacrifice and preserve our Christian heritage at all costs. As Crisis in Australia put it in the final piece of their position paper—

"It is our view that the government of the day does not have the constitutional right to call this referendum.

Crisis in Australia has no vested interest in either the Yes or No Vote."

However, it states—

"If one had to make a call, a No vote would be more acceptable given it would retain the status quo. This would then allow informed and educational distribution of information that would give every Australian the opportunity to understand the ramifications of any decision prior to the electors being asked to vote on it. This is something we contend should be at the heart of any democratic decision."

I concur that this information as supplied gives more impetus to the "No" case and should be available to the people to enable them to make a more informed choice.

It is the Christian basis of our heritage that makes us the tolerant nation we are. Losing the constitutional basis in law for that would be intolerable. I urge all thinking Australians, and especially Queenslanders, to think very carefully about their decision in this referendum, should it go ahead. I remind all honourable members that it is their heritage, too, and that they, too, should be considering how they vote.

Sir William Blackstone wrote that the natural law applies to all nations at all times and any purported law to the contrary is void. The judges in Calvin's case upheld that any purported law of Parliament that was repugnant to the natural law would also be void. The Supreme Court of New South Wales in *ex parte the Reverend George King* held that the natural law is the voice of God through natural reason and the law within Australia. The Australian Courts Act 1828 incorporated that birthright into the law of Australia, and by the Australian Constitution Act 1842 that birthright became entrenched in the law of Australia forever. I remind all honourable members to vote the right way come 6 November. I urge all thinking Australians to consider these matters when they go to the polls on 6 November.
