

# QUO WARRANTO (Quo Warranto)

## Inquiry upon Senators for Constitutional Fidelity Re: *Export Control Amendment (Ending Live Sheep Exports by Sea) Bill 2024*

To: Senate Clerk, and all Senators,

This notice concerns the fidelity of the houses of the federal parliament under the nomenclature, 'Parliament of Australia', in passing legislation, and upon the law-making power otherwise reserved to the Parliament of the Commonwealth, a Parliament established pursuant to the foundation law of 1900 and establishing the body politic, Commonwealth of Australia, under the Crown;

*Preamble - WHEREAS the people ....., have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom ....., and under the Constitution hereby established.*

(From the Commonwealth of Australia Constitution Act 1900 (UK) ("The Constitution) underline added for emphasis)

The high-contracting parties, being the people of the Commonwealth, undoubtedly, are the source of the charter's powers;

*"2.) As a Constitution — Though an Act of Parliament, this Constitution is an Act of a very special character. It is a constitutional charter for a great and practically self-governing people; framed by them, accepted by them, amendable by them, and interpretable by them".*

(Annotated Constitution – Quick & Garren p.793)

This federation of the former several Colonies of Australia, at 1900, was the creation of an indissoluble structure, as an eternal contract between the people of the several colonies;

*"The instrument was not intended to provide merely for the exigencies of a few years but was to endure through a long lapse of ages, the events of which were locked up in the inscrutable purposes of Providence".*

(Annotated Constitution – Quick & Garren p.793)

Of immediate interest, in restricting primary industry and trade, is the passage of the above-referenced bill from the lower house, that the senate is to review for approval for the governor-general in giving the King's Assent to become law;

*"S.2 - A Governor-General appointed by the Queen shall be Her Majesty's representative in the Commonwealth", .....* (the Constitution)

The office of the Queen, representative of the Crown is strictly that of the King/Queen of the United Kingdom in every reference to the Queen in the Constitution;

*"The provisions of this Act referring to the Queen shall extend to Her Majesty's heirs and successors in the sovereignty of the United Kingdom".*

(From the Constitution, as underlined for emphasis)

The primary house-keeping issue before us, is with regards to the law-making powers of the houses in conforming to the Commonwealth jurisdiction, established 1900, and fidelity to the Crown;

*"S.1 - The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the Queen, a Senate, and a House of Representatives, and which is*

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hereinafter called "The Parliament," or "The Parliament of the Commonwealth." (From the Constitution, underlined for emphasis)

To this fidelity the use of the current name, 'Parliament of Australia', is of utmost concern as no reference or recognition to a parliament is found in the Constitution, other than that of the 'The Parliament of the Commonwealth' (The Parliament), constitutionally protected by s.128; and as the High Court of Australia made its opposition to the use of this novel structure known in the Australian Law Journal, Vol. 48 of 1974, p.2;

*"in proceedings in the High Court, the Commonwealth could not appear as plaintiff or defendant on the record as "Australia" but only as the "Commonwealth of Australia". The High Court, itself a creature of the Constitution, would naturally insist upon the Commonwealth be given its formal name and style under the Constitution."*

(underlined for emphasis)

Unless it can be otherwise demonstrated that the current houses of the 'Parliament of Australia' is a jurisdiction (juris dictio) of law-making authority for the Commonwealth, constitutionally referenced, it may be taken that such houses are pretending power in contempt of the Constitution of the Commonwealth, to a Parliament and Crown;

*"Cl.5 - This Act, and all laws made by the Parliament of the Commonwealth under the Constitution, shall be binding on the courts, judges, and people of every State and of every part of the Commonwealth, ....."*

(underlined for emphasis)

The orthodox rule for a Federal body proving an authority when sharing power with the original States, is upon the parliament whose powers are limited by a special grant;

*"1. Every power alleged to be vested in the National government, or any organ thereof, must be affirmatively shown to have been granted. There is no presumption in favour of the existence of a power; on the contrary; the burden of proof lies on those who assert its existence, to point out something in the Constitution which, either expressly or by necessary implication, confers it"*

(Annotated Constitution – Quick & Garren p.795)

This body politic, Commonwealth under the Crown, is the right of every one of the Australian people, and those addressed for fidelity in this document, shall cease and desist to the pretence of power and the above-referenced Bill shall be of no effect in the broader context expressed herein.

***"And all laws"***

*No difficulty is suggested by the words, "and all laws made by the Parliament of the Commonwealth under the Constitution". "The words "under the Constitution" are words of limitation and qualification.*

*A law in excess of the authority conferred by the Constitution is no law; it is wholly void and inoperative; it confers no rights, it imposes no duties; it affords no protection.*

*To be valid and binding they must be within the domain of jurisdiction mapped out and delimited in express terms, all by necessary implication, in the Constitution itself. What is not so granted to the Parliament of the Commonwealth is denied to it.*

Annotated Constitution – Quick & Garren Note 33 Page 346 ***"And all laws"***

(underlined for emphasis)

The Constitution unavoidably deals in plain English language expressed so the people within the Commonwealth can understand the parameters of their law. The Prima Facie evidence as expressed above, raises serious concerns that the purported enactment and assent of the *Export Control Amendment (Ending Live Sheep Exports by Sea) Bill 2024* may not have fully complied with the mandatory requirements at Law.

The People of the Commonwealth await your answer in fulfillment of this executed Quo Warranto.

God Save The King

This 10<sup>th</sup> day of July 2024

Former Senator(s)

Rodney-Norman:Culleton

Leonard-William:Harris

Robert-John:Day