



MAINTAINING THE CONSTITUTION & THE BILL OF RIGHTS

In 1688, William and Mary came from Holland to take up the British Throne, which had been vacated by James 11 of England. The English people, who had suffered under the Stuarts, imposed a bill of rights on William and Mary before they would allow them to form a government and the bill documented the limits of their power.

Under this bill, Parliament denied the King and Queen the right to interfere in Parliament debate, hence Parliamentary Privilege.

It also gave Protestants the right to bear arms suitable for defence. This was a right that Catholics already had. This was a bill made by the people and imposed on the government.

When Australia was settled in 1788 we inherited the Common Law of England. The Colonial Laws Validity Act of 1865 confirmed this.

So that there was no doubt that we inherited the English Common Law, the Australian Courts Act was passed in 1828, confirming this.

These rights have been listed, but it is important to spell them out clearly:

- The right to own private land or property.
- The right to practice our normal customs.
- The right to a fair trial by our peers (equals).
- The right to freedom from cruel or unjust arrest, search, seizure, detention, fines or imprisonment without conviction, or excessive bail.
- The right to face our accuser in open court.
- Legal representation.
- The right to remain silent & not be forced to incriminate oneself.
- Innocent until proven guilty.
- Freedom of movement, assembly, association, speech, expression.
- Parliamentary privilege.
- The right to bear arms.

The 1688 Bill of Rights, which we already have, supposes that all rights are a gift of God and cannot be taken away by men or government. In other words, the people tell the government what the extent of their power is.

“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.” *“Annotated Constitution of the Commonwealth of Australia,” Quick and Garran.*