

# Are Councils Legal

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## Introduction

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The power to tax is the power to destroy. The one who has the power to tax will eventually own all property—and this method is being used now. The criminally brilliant strategy of gradual but never ending increases in property tax (“rates”), ‘justified’ by regular ‘re-valuations’, will eventually ‘price’ everyone out of their properties!! A LARGE NUMBER OF US are now aware of this and we are going to put a stop to it! It is estimated that already approx 500,000 in Victoria alone have refused to pay this illegal tax. While “governments” may have gained their “legitimacy” with the excuse of various “constitutions” and /or by majority ‘vote’ of the populace, (so-called “democracy”) local governments (councils) have:

NO LEGITIMACY—NO CONSTITUTION—NO HEAD OF POWER

The following are based not on assumptions but “officially” admitted FACTS.

## Fact 1

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The Constitution is Australia’s basic law.

Quote: The Federal Attorney General’s Department Constitutional Policy Unit, 9th January 2002; “the current Chief Justice of the High Court, the Hon. Murray Gleeson, AC, noted the status of the Constitution as Australia’s basic law (published as) The Rule of Law and the Constitution. ABC books, 2000, on page 6

“In Australia, unlike the United Kingdom, we have a basic law, the Constitution, which defines and limits the power of the Parliament to alter the Law “

And on Friday 21st June, 2002 in the NSW Parliament Theatre, during the ‘Australian Conference on Bill of Rights’, the acting Attorney-General, (the First Law Officer in Australia), Darryl Williams, AM, QC, MP has said this, about : “Constitutional and Common Law Protections”:

“12. The Australian Constitution specifically protects certain rights and freedoms. These include - trial by jury-freedom of religious associations-prohibition on discrimination on the basis of State residence-freedom of interstate commerce; and just terms for acquisition of property.

And

“WE HAVE THE COMMON LAW”.

We have our own unique written Constitution which provides both express and implied protection of rights.

## Fact 2

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The Australian Constitution DOES NOT recognise ‘local government’

## Fact 3

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Attempts by the “government” to alter the constitution to recognize ‘local government’ have failed TWICE. The last Referendum was held on the 3rd of September 1988. 67% of the population REJECTED the proposal for recognition of a third tier of “government”, namely, local “councils”.

## Fact 4

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The result of any Referendum is LAW. Despite that clear unmistakable affirmation of the Constitution by the people of Australia IN ALL STATES, the “government” (Hawke) introduced the ‘Local Government Act 1989’ (1993 in some states)

## Fact 5

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All the bureaucrats, in every “council”, are relying on this ULTRA VIRES, NULL and VOID Act to justify their UNLAWFUL actions.

## Fact 6

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Even if local “councils” were legal, (which they are clearly not!), they have no ‘right’ to levy any kind of TAX on anyone! Quote from a letter by Gary Friend (Queensland) to a local newspaper March 5th, 2001: “ John W. Howard, Peter H. Costello & Commissioner of Taxation Micheal J. Carmody all stated before the introduction of the infamous “Goods and Services Tax”, quote: local government COUNCIL RATES will attract NO GST because council rates are a TAX and we CAN’T TAX A TAX. Also the High Court of Australia decided that ‘STATE GOVERNMENTS COULDN’T RAISE ANY TAX’, when the “State Excise on Fuel, Tobacco & Alcohol’ was removed.

## Fact 7

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A large percentage of properties are held in “FEE SIMPLE”. By LAW these properties CANNOT be “levied” or “charged” under ANY description! ( That was the very purpose of the creation of the FEE SIMPLE tenure! See High Court rulings on the subject)

## Fact 8

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Since all law is contract do not accept any offer to contract unless you want to. A “rates” Notice is not a bill requiring payment. It is a legal offer to contract that you can consent to or reject. Anybody can issue a legal offer to contract with you. Its legal basis for issue rests solely upon whether the recipient wants to pay it or not and/ or ignores it. You could send a legal notice to your neighbour for having to look at their horrible garden every day and request payment. If they want to pay you they will consent or if they ignore your notice then after 28 days you can enforce the notice in court as their time to reject it has passed and they are “deemed” to have “consented”. Some people avoid this trap by returning to sender unopened correspondence from sources they wish not to recognize or to have dealings with. Others open it and send a legal notice back asking for further details or declining it etc. Some of the Legal maxims that the legal profession use:-

- "He who does not repel a wrong when he can, occasions it."
- "He who fails to assert his rights has none."
- "He who does not deny, admits."

## Fact 9

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The Constitution of Australia requires that State Government attends to it’s infrastructure. It gets the resources to do this from the Federal Government as it is unable to tax by law. As “councils” are not government they are relegated in operation into a state of being, not unlike that of, a sub contractor to the State Government in providing services for which they receive state monies. As they are not government, and need to be somehow legally recognized in law, they are set up as businesses e.g. CITY OF NOWHERE ( abn 345 345 345). As a business they can operate within business guidelines. They CHARGE you for services that the Constitution has already legally

required the State Governments to provide you without taxes. When you use those services you are required to pay for them as they are **NOT** government services. Just as you have a right to choose to pay for a private hospital rather than use the free public hospital you can also “choose” to use a private business to provide your local infrastructure. You consent and choose the private business to undertake your local requirements by accepting and paying the demand on the rates notice or by ignoring it. **(Remember, "He who does not deny, admits.")** Just by phoning your local “council” and speaking to someone about this or that you have accepted their “authority”. You have consented to do business with them. Remember querying the bill from your solicitor about paying for a phone call to ask him/her whether they got your fax etc? **Recognition of authority is “deemed” to be consent.**

If you have a local matter then take it to the State Government Local Government Minister’s office and if that reaps no help approach your local State Member to get it done. That is what the Constitution requires you to do as a loyal Australian if you don’t want to contract to another private business to do it for you.

## **Fact 10**

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Should a local council business (“your council”) become insolvent you have consented to individually meet the financial shortfall. You have consented to this by not informing this local council business that this is not the case. If the local corner shop goes broke do you consent to pay all of it’s bills also?

## **Fact 11**

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The “council” has no power over your property unless you consent! The concentration of power comes from a vacuum. The Constitutional power you have that you decide to ignore does not go away. It accumulates to whomever wishes to have it via the issuance of ignored/ uncontested/ lost claims. Remember all the Council Notices in your local rag that you don’t read? How many times have you had someone speak on your behalf about what they say you decided? They can only do so with your consent in law therefore what they say and do with that consent compels you to their will even though it is against your conscience to do so. Many times they use bluff to compel you. The remedy at hand is to ask them in a notice to provide their origin of power to direct you in anything. Not even the ruling king or queen may enter your property without your permission but if you consent to have the decision of entry judged by someone else like a judge they can decide to let someone enter your property against your will because you have already given the permission and authority to someone else to make that decision. Of course all you had to say from the start was “I do not consent to anyone entering my property” and place signs out to that effect.

## **Fact 12**

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If you do nothing with this information you have “consented” to give your right to act on your behalf on these matters to others. It is also your right to do this. All power in Australia rests in the hands of individual Australians and when used this power can rewrite the Constitution and direct the highest court of the land to your bidding!!!!

THE POWER TO CHANGE THIS COUNTRY IS IN YOUR HANDS

GOD BLESS AUSTRALIA