

National Human Rights Consultation Submission

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Submission Text:

Human Rights

1. People are born and remain free and equal in rights; social distinctions may be based only upon general usefulness.
2. All political associations shall preserve the natural and inalienable rights of all people; these rights are liberty, property, security, and resistance to oppression.
3. The source of all sovereignty resides in the people; no group, no individual may exercise authority not emanating expressly there from.
4. Liberty consists of the power to do whatever is not injurious to others; thus the enjoyment of the natural rights of every person has for its limits only those that assure other members of society the enjoyment of those same rights; such limits may be determined only by common law.
5. The law has the right to forbid only actions which are injurious to society. Whatever is not forbidden by common law may not be prevented by law, and no one may be constrained to do what the law does not prescribe.
6. Law is the expression of the general will; all citizens have the inalienable right to concur personally, or through their representatives, in its formation; it must be the same for all, whether it protects or punishes. All citizens, being equal before it, are equally admissible to all public offices, positions, and employment, according to their capacity, and without other distinction than that of virtues and talents.
7. No man may be accused, arrested, or detained except in the cases determined by law, and according to the forms prescribed thereby. Whoever solicits, expedites, or executes arbitrary orders, or has them executed, must be punished; but every citizen summoned or apprehended in pursuance of the law must obey immediately; he renders himself culpable by resistance.
8. The law is to establish only penalties that are absolutely and obviously necessary; and no one may be punished except by virtue of a law established and promulgated prior to the offence and legally applied.
9. Since every man is presumed innocent until declared guilty, if arrest be deemed indispensable, all unnecessary severity for securing the person of the accused must be severely repressed by law.
10. No one is to be disquieted because of his opinions, even religious, provided their manifestation does not disturb the public order established by law.
11. Free communication of ideas and opinions is one of the most precious of the rights of man. Consequently, every citizen may speak, write, and print freely, subject to responsibility for the abuse of such liberty in the cases determined by law.
12. The guarantee of the rights of man and citizen necessitates a public force; such a force, therefore, is instituted for the advantage of all and not for the particular benefit of those to whom it is entrusted.
13. For the maintenance of the public force and for the expenses of administration, a common single tax is indispensable; it must be assessed equally on all citizens and businesses in proportion to their means.

14. Citizens have the right to ascertain, by themselves or through their representatives, the necessity of the public tax, to consent to it freely, to supervise its use, and to determine its quota, assessment, payment, and duration.

15. All citizens have the right to require of every public agent an accounting of his administration.

16. Every society in which the guarantee of rights is not assured or the separation of powers not determined has no constitution at all.

17. No person shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

18. Since history has shown that taking away the people's arms and making it an offense for people to keep them is the way tyrants eliminate resistance to suppression of political opponents; the people's natural and inalienable right to keep and bear Arms as they deem necessary, shall not be infringed.

19. The right of the people to be secure in their persons, houses, vehicles, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

20. In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district where in the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

21. Everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal.

22. In Suits at common law, where the value in controversy shall exceed fifty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise re-examined in any Court of the Commonwealth of Australia, than according to the rules of the common law.

23. Excessive bail shall not be required, nor excessive fines imposed.

24. Judges and magistrates shall be independent of all interests which might otherwise seek to influence the outcome of proceedings. In particular, they have to be independent of the executive government. This is because so much of their work involves dealing with disputes between the executive government and citizens, and maintenance of the rule of law requires courts to uphold the rights of individual citizens against the executive government.

25. When a citizen comes into dispute with the government, and those disputes come before courts for resolution, the courts shall act impartially, according to law.

26. Judges shall not be regarded as, nor regard themselves as servants of the public, for they are not public servants. Public servants are part of the executive government. For one duty of a public servant is to implement the current policy of the Minister to whose Department the public servant belongs.

27. The powers not granted to the Commonwealth Parliament or the State Parliaments, are reserved exclusively to the people.

28. That all Grants and Promises of Fines and Forfeitures of particular persons before Conviction are illegal and void.

29. All owners of estates in fee simple shall continue to have the natural, inalienable, and Sovereign right over, upon and in respect to, their lands and every act of ownership which can enter into their imaginations.

30. All laws that either reduce or take away the income of an owner of an estate in fee simple shall be illegal and void.

31. All people have the right to self-determination.

32. If a group of citizens are being oppressed, then they have the natural and inalienable right to declare their independence from those oppressing them and form their own self-governing state, which shall be respected and recognized.