

Australian High Court Rules the Constitution BANS Mandatory Vaccination

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Written by Marian Calcroft (video: Darren Dixon)



In Part One of a 6-part series of interviews with Darren Dixon for the 'GLOSSA channel' Aussies learn that their High Court has already ruled that under law, they can refuse ALL government 'mandatory' vaccinations.

Transcript (by Marian Calcroft) below:

Rob: Hello everyone, and welcome back to the Glossa Channel. I am here today to speak to Darren Dixon here in Melbourne, Australia regarding something called a Constitutional Guarantee. Welcome to the program Darren. How are you doing today?

Darren: Good, thanks Rob! Finally great to meet you.



Rob: Yes, we've spoken on the telephone long-distance from time to time, but it's good to be here in person. Can you explain to us what this Constitutional Guarantee is? You've told me in our private conversations a bit about it, but I believe the listeners and viewers would be greatly interested by this topic.

Darren: Well – in this current time of what's going on, in Australia, and all around the world, in regards to medical services, um a lot of people are feeling that they are, er, being forced to accept certain medical services, we'll call them medical services, and they relate to any medical service that can be provided, whether it be general or preventative it's irrelevant, it covers all medical services. And, what it is, in the Commonwealth Constitution, it's a very unique guarantee that we have, er, compared to every other country in the world. And what it actually says is that the Parliament have power to make laws for the good, for the peace, order and good government in respect to medical and dental services but so as to NOT impose any form of Civil Conscription.

Now what does that mean exactly?

Well, it's in regards to medical and dental services, that's the subject matter, but there's another part which says "NOT to impose any form of **CIVIL** Conscription".

What's Civil Conscription? Well, we know what military conscription is. That's when you're forced to provide military services to the government. Well, this is to NOT impose any form of Civil Conscription, so a **Civilian** Conscription, and NOT to impose any form of it.

So, basically, I'll go back to how this was created. And how that was created, is in 1946 Australia had a Referendum, and the people in 1946 voted for this to be inserted into The Constitution. And it provides a medical protection, that I know a lot of people are looking for

and are a bit bewildered at a lot of the, a lot of the State news that's coming out at the moment in regards to being... having certain medical procedures forced upon them.

Now the High Court has actually spoken on this, and they've interpreted this "NO form of Civil Conscription", over 60 years in much settled Case Law. There's been 38 High Court Judges involved, and they've actually interpreted that part of Civil Conscription to which I was speaking about. And what they've actually interpreted it to be is the fact that, in regards to medical procedures, there is a thing called the doctor-patient relationship. And the doctor-patient relationship cannot be penetrated. It's voluntary, it's by your consent, and then no third party can get involved in this particular relationship, it's just you and the doctor. Not even the Government can get involved in the doctor-patient relationship.

So having said that, what actually the High Court have defined and interpreted, is that the Government cannot provide any legal or practical compulsion for you to accept any medical procedure. It's totally voluntary, and it's by your consent, and if the consent is forced, or the consent is withdrawn during the medical procedure, it's actually assault.

So, this guarantee that we have, is something that can be relied upon in respect of any encroachment of any Government compulsion, so as to force a medical procedure upon you. And once again, Rob, this isn't me saying this, this is the High Court. And this is backed up by the People of Australia in the 1946 Referendum. It's not me, I'm just the vessel delivering the message.

It's a long-forgotten part of our Constitutional History, er, and ever since then there's been multiple cases that have called for an interpretation of that particular provision of the Act, and I think the People of Australia need to know that they can rely on Section 51.23a, that no form of any medical procedure can be forced upon you, without your consent and without your WILL. And there's actually a case, which is the Medical Practitioner's Case, where it says the Commonwealth, the High Court said this, that the Commonwealth cannot write any laws so as to impose immunisation or vaccination upon the People of Australia. So that's been settled Case Law, and we've actually got some letters from the current Prime Minister, Scott Morrison, which backs this up.

So, now there's concerns about some State Laws for example in Western Australia there's a State Health Act, where they say they can do the opposite of that. That they can actually impose some sort of a medical procedure upon you, without your consent. This is in breach of the Constitutional Guarantee. It needs to be challenged in Courts. There needs to be a challenge in regards to the invalidity of that State Act, which is governed by Section 109 of The Constitution, when a Law of the State is inconsistent with a Law of the Commonwealth, the latter shall prevail and the former shall be inconsistent to the point of the invalidity.

So, what that basically means is, is when a State Law is inconsistent, or in... and not in harmony with the Commonwealth Law, that Law is INVALID. It doesn't have to be decided, it's invalid from the beginning. Although people would like a Court to proclaim it, that is the

fact. It cannot be inconsistent with the Commonwealth Law, and that's another thing you can rely on. But these things are soon to be played out in the High Court. I'm aware of multiple people taking multiple challenges to the High Court, in respect of the Constitutional Guarantee found at Section 51.23a and these are in respect of, um, some protesting rights that have been happening in Victoria, and forced medical services in respect of wearing masks and, and other alike subject matter. So, there's some interesting times that are coming towards us, that ah, we should see some interesting decisions happening from the Courts themselves.

Rob: So you would suggest that if there are any State Laws that are in conflict with, or contradictory to The Constitution, then The Constitution prevails over any State Laws?

Darren: 100 percent. And,um, there's a Clause in the Constitution, Clause 5, which says that the Constitution is binding on all the Courts, Judges and People of every State and every part of the Commonwealth regardless of what the State Laws say. So not only is there The Constitutional Guarantee, it has a binding effect as well.

There's also something that was brought to my attention recently, is ah, in Queensland, they are just about to bring out a CoVID App, that ah, they're imposing. The Government are imposing businesses to enforce that people cannot enter your premises without logging in with the CoVID app through their Smartphone. Now that right there is an encroachment of Political Liberties. Number one, it's forcing me to carry a mobile phone, which is not Law. Secondly, it's asking the business to impose it on the customer, so it's an over extension of the Government's Laws realistically.

Also the Privacy Act, Section 94h of the Privacy Act says, that you cannot force someone to download the CoVID safe App, the Commonwealth one. Nor can you reject them or deny them any service. So this is once again a Law of the State that's inconsistent with The Privacy Act which says that you cannot deny people service because they don't have the App, and you cannot force people to download the App itself.

So this, is what we see a lot, that people are unaware of these guarantees that we have that stop this over-enforcement of the State Governments. One just needs to look to The Commonwealth Law for remedy, and usually you'll find something either in The Privacy Act, The Constitution.... and there's also another Act called the Australian Consumer Law Act which is the Competition and Consumer Act and that provides many protections within that Act, for Australian consumers, and any discrimination in regards to the providing of services.

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Comments (30)



Anthony ADAMS

July 4, 2021 at 1:34 am | #

We have a new political party in Australia that seems to confirm the essence of this article. It also suggests that, Federal Law supersedes States Law,
<https://rumble.com/vjd4p7-australiaone-party-riccardo-bosi-masks-lockdowns-mandatory-vaccines.html>

Reply



Isaac

July 5, 2021 at 2:06 am | #

How does privacy act s94h apply to other log in apps ie service nsw, that are not specifically the “covidsafe app”?

Reply



Susie

July 7, 2021 at 4:15 am | #

Isaac...if you go to the relevant part Privacy Act 1988 – SECT 94H while it does mention the CovidSafe it does also say ‘COVID app data’ which would cover, I believe. Anyway I have the relevant sheets with me highlighted in bright green should I need them!!

Reply



Thor

July 7, 2021 at 4:33 am | #

It doesn't. All of Section 94 relates ONLY to the CovidSafe App, therefore 94H is irrelevant as to any argument that is NOT relating to the CovidSafe App. You have to read S 94 in it's entirety to understand the implications of it. CovidSafe is 'an' app, meaning a singular app – not 'any' app.

QR Codes etc have nothing to do with the CovidSafe App. There is plenty of information going around in videos and documents showing that QR codes are unlawful because their use breaches so many other acts and laws like the Australian Privacy and Data Collection Act and Surveillance Devices Act, and Telecommunications Act, as well as the Australian Privacy Principles, which by extension through the Privact Act, most, if not all, businesses would have to comply with.

Reply



Neo

July 7, 2021 at 4:50 am | #

It's just an Act. Their corporate codes have no relevance to a sovereign being except by way of contract.

Reply



Michael

July 7, 2021 at 5:17 am | #

The purpose of the Service NSW is still to collect private information, including your location. You cannot be forced to divulge such information under the Privacy Act, and a business that is open to the public cannot discriminate against you for refusing to divulge your private information, or for not wearing a mask.

Reply



Sonja

July 7, 2021 at 6:34 am | #

Well, i got verbally abused two hours ago and told to fuck off, for not wearing a mask to order take away. I explained i had an exemption. "I don't give a fuck, get out!" I was so shocked and told him that he was discriminating, he said "I don't care, fuck off out of my store" I am so shaken.

Reply



Mark

July 7, 2021 at 11:50 am | #

Easy don't support stores like that , if they seem covid brain washed move on

Reply



Lana

July 7, 2021 at 2:33 pm | #

Name and shame

Reply



Rita

July 5, 2021 at 12:47 pm | #

They can't force the vaccine but can you lose you're job if you don't get vaccinated. If a work place makes it mandatory do we have any rights under the constitution to say no to the vaccine and still keep our job?

Reply



Mark Tapley

July 5, 2021 at 2:29 pm | #

The elite are using the two steps forward one step back and their controlled media and legal baloney to condition and corral the herd. Only when enough people have enough of and the employees strike and the people reclaim their rights from the Zionist operatives will it stop. Only when people get tired of being treated like cattle going through the chute and tell the government and the employers to stick the injections in their ass will it stop. Their needs to be a boycott against all employers that are demanding injections and immediate campaigns to throw out all puppet actor politicians that support this outrageous attack on your natural rights and even the freedom over your own body.

When the British started to tighten the screws against the American colonists with their Writs of Assistance and then their move to commandeer the munitions depots, they quickly found out what free people can do. the British suffered 269 men and officers killed at Lexington, Concord in just a few minuets. Washington knew that as long as he could keep an army in the field they would prevail, even against what at that time was the most formidable power in the world.

Today the Zionist syndicate is much worse than the British government of colonial days. These elite parasites still depend on deception, fear and apathy to control the people. Let the American colonists be an example and rise up against the sociopathic eugenicists who think it is their mandate to control the world and remake it into their own Neo feudal technocratic hunger game society.

Reply



Joanna

July 6, 2021 at 10:51 am | #

Absolutely well said

Reply



Kev

July 7, 2021 at 9:52 am | #

Well said mate

Reply



Gordana

July 8, 2021 at 1:48 pm | #

I agree Mark, lets see how much the frog gets burned 🦎 Well said

Reply



Delia

July 6, 2021 at 6:20 pm | #

I lost my job since the flu vaccine became mandatory in health care in Australia since May 2020. I refused to have flu vaccine because I am allergy to it.

Reply



Nala

July 7, 2021 at 1:43 pm | #

What's FAIRWORK's position on this Unfair Dismissal?

Reply



peterbro

July 8, 2021 at 11:44 am | #

Ask the employer to prove that their insurance policy covers adverse reactions to mandated vaccines which has now become a workplace covered incident.

Insurance companies are too smart to give such cover.

Reply



Mgh

July 8, 2021 at 11:25 am | #

You are right employers don't care about the law as most of us have not the money to get them court especially after they fire us

Reply



Tim

July 6, 2021 at 5:35 am | #

Does this same constitutional guarantee also protect us from mandatory mask wearing?
Is mask wearing considered a medical procedure?

Reply



Wendy Schulze

July 6, 2021 at 11:42 am | #

The short answer is YOU DO NOT LEGALLY HAVE TO WEAR A MASK, LOCKDOWN, CLOSE YOUR BUSINESS. You are protected under Australian Law. Here it is...

The basics of the law of what is happening right now.

1. Check the law on contradicting Laws between state and federal.

When the state law is in contradiction with Federal Law it becomes invalid and federal law stands as the law. This is in our constitution at 109. Here is a government website that explains it.

<https://www.alrc.gov.au/publication/classification-content-regulation-and-convergent-media-alrc-report-118/15-enacting-the-new-scheme/inconsistency-of-commonwealth-and-state-laws/>

The Biosecurity Act of 2015

2. Here is the link that allows you to look at the federal law. THE BIOSECURITY ACT OF 2015 — this is the law to look at regarding what is happening now.

<https://www.legislation.gov.au/Details/C2017C00303>

Please check sections 60 and 61 that explain a Human Biosecurity Control Order who can get them how they are applied etc.

In short...

It is against our Australian law to ask a person to wear a mask, lock down, close a business etc. if they don't have an INDIVIDUAL BIO SECURITY CONTROL ORDER

QR code CHECK IN

Here is the law regarding forcing people to check in with a QR code.

Check out 94A

<https://www.legislation.gov.au/Details/C2020A00044>

I have only shared GOVERNMENT WEBSITES here so this is not a “conspiracy theory.”

Criminals are in power at the moment and breaking Australian laws with their “Mandates” and imprisoning us and worse...

This is hard to get your head around at first but the media and government are lying to you.

Reply



Isaac

July 6, 2021 at 11:19 pm | #

Love your comments wendy shultze. But im curious on how the privacy act applies to nsw servise app qr check in. In section 94x subsection 2b it seems to apply only to “covid app data” meaning from the federal covid safe app and not other means of collection.

Reply



Scott

July 7, 2021 at 10:24 pm | #

As far as I can tell there is nothing in this section which gives you any freedom from being expected to use state based QR check ins. It does only apply specifically to the COVID Safe app. Did we really think they would amend the privacy act so as to exempt us from the track and trace they intended all along? That would have to make them the dumbest criminals on the planet. It seems every building we step foot in again for the foreseeable future can legally refuse you entry. Make a scene and the cops turn up to give you a 5k fine.

Hopefully there are other provisions in the constitution that protects us from this tyranny.

Reply



Michael

July 7, 2021 at 5:22 am | #

The mask directive is from the Chief Health Officers, and you can get a Medical Exemption from your GP to not wear one, so I would say that is sufficient evidence that it's medical advice, and therefore is in breach of the doctor-patient relationship.

Reply



Neo

July 7, 2021 at 4:48 am | #

None of their b.s. so called “law” applies to you unless you agree to be ruled under it. You are a living soul, and this planet was made by the Creator. How on Gods green earth did these parasites acquire power over you authority to rule this planet?

Most souls are so deeply conditioned by The Matrix around them they forget these basic fundamental principles of reality. Show me where their so called law applies to a living soul. It doesn't. Only to persons, which are commercial entities.

Reply



peterbro

July 8, 2021 at 11:53 am | #

When people use the legal Birth Certificate (which is created by the government/corporation of the Crown) to identify themselves, then they acquiesce to be under that jurisdiction for legal fictions.

To be in the jurisdiction where the people are found requires special action.

Reply



Jim

July 7, 2021 at 10:18 am | #

You're a bloody legend Darren.

Reply



LEONARD WILLIAM

July 8, 2021 at 1:22 am | #

If a power is denied to the Parliament of the Commonwealth (commonly know as the federal parliament) it is denied to all from the governor general and the states right up to we, the people, the peak of sovereignty. In 1945 the High Court of Australia (HCA) in a decision written by the then Chief Justice of the HCA, Latham CJ, my favourite CJ of all of them, it was decided

“But the Parliament could not pass a law requiring citizens of the States to keep their premises clean or to submit to vaccination or immunization.” Very clear and precise decision. This action brought about the referendum in 1946 which resulted in the insertion of a new sub-section (xxiiiA) in section 51 of clause 9 of An Act To Constitute The Commonwealth Of Australia 1900 (UK) 63 & 64 Victoria Ch. 12. Please download this court decision from <https://www.austlii.edu.au> and you can get the constitution from the same site. Cheers, LEONARD

Reply



Carolyn Southam

July 8, 2021 at 11:44 am | #

Do we still have constitutional rights in a state of emergency? Are they ever suspended? On page 10 of Emergency Powers Public Health and COVID-19, a diagram shows the WHO directs the Department of Health, which then directs all other bodies in Australia. In an interview with Dr Reiner Fuellmich, Dr Astrid Stuckleberger stated that sections of the third edition of the International Health Regulations enable the Director-General to become a dictator.

Reply



nick lacey

July 8, 2021 at 4:30 pm | #

“We” do not and can not have constitutional rights, because we do not have a constitution – Australia does, we are not Australia. The Australian Constitution is a document which outlines and, more specifically, limits, the abilities and actions of the government and government employees and agencies – not the people.

This is very important to understand:

No document can give you rights, and no document can take them away. You are natural, living being, with a soul, and you answer to no one and nothing but your fellow man, (voluntarily, in the interests of peace and community), and your creator.

You have authority and control over what you own and what you create. Outside of that, man controlling man, is slavery.

Nowhere does it say that nature must obey words on paper. If it did, it would be invalid because there is no authority. Lies on paper are still lies. You are natural, you are not owned, and they did not create you.

Reply



• **Sam H**

July 8, 2021 at 1:54 pm | #

I don't agree that words on a piece of paper have any influence over my mind or actions. I decide what is right, no other person does this for me. I of course do not harm anyone and respect all laws that are in place to keep other people safe from my actions for example speeding laws.

[Reply](#)

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