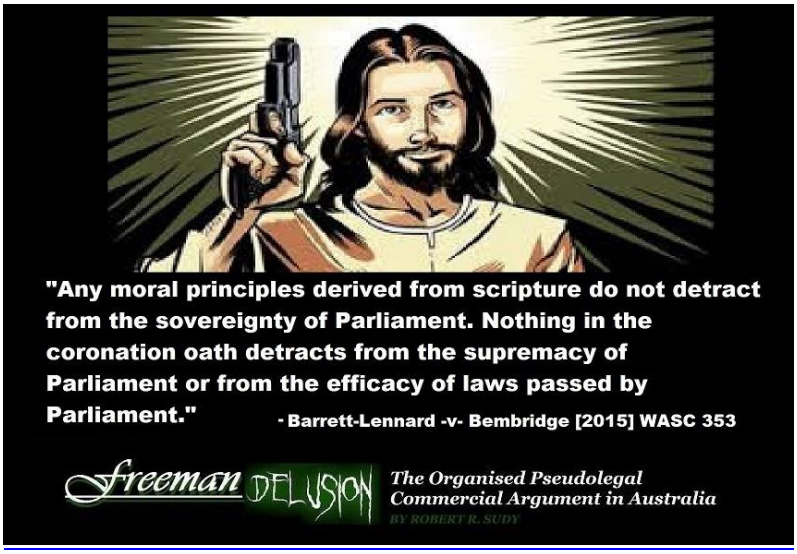
The Laws of God are Superior?



Some OPCA adherents believe that Biblical law holds a superior status over the secular laws of the State. Any such notions ended with the Glorious Revolution in 1688, when the principle of ***parliamentary supremacy*** was recognised.

BarrettLennard -v- Bembridge [2015] WASC 353:

> *"These grounds of appeal were developed in the appellant's written submissions of 16 September 2015. In oral submissions, the appellant stated that the only thing he wanted to add to his written submissions was that 'because I am a Christian, I need it clarified as to whether Bible law and God's law and the coronation oath overrule the parliamentary law of Western Australia'.*
>
> *The position in that respect is crystal clear. None of the Bible, God's law or the coronation oath overrules the laws made by the Parliament of Western Australia. In England, that has been so since 1688. In what became the State of Western Australia, it has been so since the advent of the Parliament of Western Australia.*
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> *In British Railways Board v Pickin, Lord Reid said as follows:*
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> *"In earlier times many learned lawyers seemed to have believed that an Act of Parliament could be disregarded in so far as it was contrary to the law of God or the law of nature or natural justice, but since the supremacy of Parliament was finally demonstrated by the Revolution of 1688 any such idea has become obsolete."*
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> *This passage has been cited with approval in various courts in Australia. Any moral principles derived from scripture do not detract from the sovereignty of Parliament. Nothing in the coronation oath detracts from the supremacy of Parliament or from the efficacy of laws passed by Parliament. These grounds are entirely without merit; they have no reasonable prospects of success. I would refuse leave to appeal in respect of these grounds."*

https://freemandelusion.com/wp-content/uploads/2019/06/barrett-lennard-v-bembridge-2015-wasc-353.pdf

Extract from ***Gargan v Director of Public Prosecutions and anor [2004] NSWSC 10***:

> *"The appeal to scripture, that is to a moral principle higher than parliamentary sovereignty, is "out of line with the mainstream of current constitutional theory as applied in our courts" (BLF v Minister for Industrial Relations (1986) 7 NSWLR 372 at 384 per Kirby P).*
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> *The same principle was applied by Lord Reid in British Railway Board v Pickin (1974) AC 765 in which he said: "In earlier times many learned lawyers seem to have believed that an Act of Parliament could be disregarded insofar as it was contrary to the law of God or the law of nature or natural justice, but since the supremacy of parliament was finally demonstrated by the Revolution of 1688 any such idea has become obsolete" (at 782)*
>
> *To a like effect is the decision of the Privy Council in Liyanage v The Queen (1967) AC 259 in which it was held that an Act of the Parliament of Ceylon could not be challenged on the basis that it was contrary to the fundamental principles of justice. This argument fails."*
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> *The appeal to the Coronation Oath, 1689 as a basis for invalidating the legislation is based on the assertion that at her coronation the Queen took such oath and swore to uphold the gospels. This oath of 1689 is then sought to be linked by the plaintiff to s 116 of the Commonwealth Constitution. Any linkage is obscure to say the least, since that section prohibits the making of any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion and it proscribes any religious test as a qualification for any office under the Commonwealth.*
>
> *Whilst this oath binds Her Majesty, it does not affect the law of New South Wales. Furthermore the oath involves Her Majesty undertaking the moral obligation to govern the people of Australia according to the laws and customs, not of England or the United Kingdom, but according to those of Australia. This argument also fails."*

https://freemandelusion.com/wp-content/uploads/2019/05/gargan-v-director-of-public-prosecutions-and-anor-2004-nswsc-10.pdf

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