

The Coronation Oath

[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.

In British Railways Board v Pickin, Lord Reid said as follows:

“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.”

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>

[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).

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.”

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>

This decision was upheld in the Federal Court in [Official Trustee in Bankruptcy v Gargan \(No 2\) \[2009\] FCA 398](#) where the court stated Gargan had:

“...argued that the Coronation Oath Act 1688, 1 Wm & M, c 6, required the sovereign to uphold the gospels. O’Keefe J rejected this argument on the basis that the oath administered to the present Queen was not the oath prescribed by that Act.”

<https://freemandelusion.com/wp-content/uploads/2019/05/official-trustee-in-bankruptcy-v-gargan-no-2-2009-fca-398.pdf>

In [Little v State of Victoria \[1999\] VSCA 113](#) the applicant contended that the coronation oath impresses upon the Attorneys-General a duty to ensure that none suffer injustice from abuses of judicial power, which was rejected by the court.

<https://freemandelusion.com/wp-content/uploads/2019/06/little-v-state-of-victoria-1999-vsca-113.pdf>

This decision was later upheld by the High Court in [Little v State of Victoria \[2000\] HCATrans 226](#).

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Directly from the High Court in [An application by Stanbridge \[1996\] HCATrans 175](#):

MR STANBRIDGE: Yes, but you see, your Honour, no judge can make any law which does not line up with the laws of God, because of the requirements of the Oaths Act and the Coronation Oath which requires all judges to hold allegiance to the Queen, who in her turn has sworn in the Coronation Oath to uphold the laws of God, maintain the true profession of the Gospel, and uphold the laws of the land - - -

HIS HONOUR: No judge - - -

MR STANBRIDGE: - - - which includes the Magna Carta.

HIS HONOUR: No judge is more conscious of the Oath of Allegiance to the Queen than I, who have taken twelve of them, nor of the Queen’s Coronation Oath but, if you remember, the Coronation Oath goes on to say: ...according to the laws and usages respectively in force. And that is what Her Majesty promised. That is what her judges perform. They conform to the law, according to the law as it is made in the

particular dominions. Otherwise, it would be very difficult. I was in India last week, and the God in India who is worshipped is worshipped in places that are not churches. God in a number of the Queen's dominions at that time was called something different, so that it is very difficult to draw anything from the Coronation Oath, because all the Queen promised to do was to uphold the law as it was made in the different dominions.

MR STANBRIDGE: Though it is quite clear that the Coronation Oath refers to the God of the Holy Bible, because the whole of the Coronation Ceremony is a very Christian ceremony, and the Queen is actually given a Bible with the Moderator of the General Assembly of the Church of Scotland – brings the Queen the Bible saying:

“Our Gracious Queen, to keep your Majesty ever mindful of the law and the Gospel of God as the rule for the whole life and government of Christian Princes, we present you with this book, the most valuable thing that this world affords. Here is wisdom. This is the royal law. These are the lively oracles of God.”

And then a bit later on, an orb with a cross is given to the Queen by the Archbishop, who declares:

“Receive this orb, set under the cross, and remember the whole world is subject to the power and empire of Christ, our redeemer.”

HIS HONOUR: Yes, I remember all of these things very vividly, Mr Stanbridge, and I take them very seriously myself, but we live in a secular country, bound by a Constitution which contains section 116 to which you have referred, and the duty of courts is to enforce the law; it is not to enforce religion or religious principle, unless that happens to be enshrined in the particular law.”

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