

TO THE HONOURABLE THE SPEAKER AND MEMBERS OF
THE HOUSE OF REPRESENTATIVES
NSW Citizens' Petition

DEFINITIONS:

GNSW	Government of New South Wales
NSW	State of New South Wales
LHPA	NSW Department Primary Industries, Livestock Health & Pest Authority
AC	The Australian Constitution
Excise	Tax calculated by estimated numbers of livestock (<i>carrying capacity</i>)

We, the undersigned, alert the House to contraventions of AC by GNSW.

Citizens are qualified for the Excise by LHPA:

- 1 according to hectares exceeding LHPA thresholds,
- 2 location of hectarage,
- 3 uses to which land is *not* put.

Citizens are compelled, without recourse, to pay the Excise under threat of being sold up without notice.

This Excise is unconstitutional because:

- 1 calculated by stock numbers, it's an Excise contrary to S86 & S90 (AC). Excises are the *exclusive* domain of *the Executive Government (Commonwealth)* thereby prohibiting GNSW from imposing Excises,
- 2 S92 (AC) says; *trade* between States, *shall be absolutely free*. Only GNSW imposes Excise making trade with NSW *not* free.
- 3 it's discriminatory - imposed on NSW qualifiers only. By ignoring the LHPA Excise, Commonwealth is guilty of discrimination, contravening S99 (AC).

We therefore ask the House to call on the Commonwealth Government to:

- 1 investigate GNSW legislation,
- 2 consider Excise definition,
- 3 ascertain Excise contravention of AC, including S92 (preventing free trade between States) and S99 (discrimination),
- 4 issue a statement on the constitutionality of Excise,
- 5 if Excise is determined unconstitutional, request GNSW to repeal Excise funding legislation,
- 6 assist with legal recourse for Excise payers to recover amounts extracted unconstitutionally by LHPA.