

RESPONSE BY THE DEFENDANT TO 'SUBMISSIONS FOR THE COMPLAINANT'  
arising from the 'defense' submission of myself the defendant.

SERGEANT G LUSTED v TERENCE MICHAEL MALAHER - C/N 32797/11

I Terence the defendant respond to the submissions of the complainant and I give my replies in BLUE in relation to words referred to in RED as given by the prosecution advisor.

1 - The advisor for the complainant states:

By virtue of Section 78B of the *Judiciary Act 1903* the Court cannot proceed with a matter arising under the *Commonwealth Constitution, or involving its interpretation*, unless it is satisfied that the notices required by that provision have issued.

Terence responds - 1 - If the complainant believes that the 'activity' of the Constitution is overruled by State or other acts then that is their belief. It is my personal belief that I am entitled by the Constitutional authority AND by God to live in accordance to my personal belief as long as IT is in conformity with the precepts of God's Command.

The Primary TRUTHFUL and RULING Command of God stipulates:

"Go your way in peace and love one another and be merciful, compassionate and forgiving."

It is and shall remain my personal belief that in God's eyes it would be error for me to fund by taxes any 'warring' institution that uses force to control or injure others.

IF any other person in God's realms believes differently and they wish to enforce their beliefs backed by armed men, then so be it. I will simply retain my peaceful stance as commanded by God and 'suffer' any imposition placed upon me by those others who do not believe in the code of conduct commanded by their Creator.

2 - The advisor for the complainant states:

Section 116 of the *Commonwealth Constitution* cannot be relied upon to challenge the validity of a State law. Section 116 is limited to laws enacted by the Commonwealth. It has no application to laws enacted by the States.

Terence responds - 2 - Why would anyone believe that the Constitution of the land 'cannot be relied upon' when the State Institution police service receives ITS authority from the Constitution?

Clause 5 of the Commonwealth of Australia Constitution Act says: "Operation of the Constitution and laws [see Note 3] This Act, and all laws made by the Parliament of the Commonwealth under the Constitution shall be binding on the courts, judges, and people of every State and of every part of the Commonwealth, notwithstanding anything in the laws of any State."

For the 'advisor' to state that : "*Section 116 of the Commonwealth Constitution cannot be relied upon to challenge the validity of a State law*" shows a direct defiance of the "laws made by the Parliament of the Commonwealth under the Constitution." Further, to maintain that this *has "no application to laws enacted by States"* flies in the face of the Constitutional edict...."not withstanding anything in the laws of the State."

And: In the Annotated Constitution of the Commonwealth of Australia, Section 330 titled "Its Interpretation," John Quick and Robert Randolph Garran say:

"In the exercise of the duty of interpretation and adjudication not only in the High Court, but every court of competent jurisdiction, has the right to declare that a law of the Commonwealth or of a State is void by reason of transgressing the Constitution." Is this not clear enough?

In any case I only refer to the Constitutional authority in my 'defense' to assist those seeking to 'judge' me, for in truth I rely solely on God and His protection and can but trust that somewhere along the line an honorable and wise magistrate will see the truth of what I say and assist me to elevate the consciousness of mankind.

3 - The advisor for the complainant states:

Section 46 of the *Constitution Act 1934* does not render Section 8 (1) of the Vehicle and Traffic Act 1999 invalid or provide any defense to a charge thereunder & Section 46 does not confer an absolute freedom.

Terence responds - 3 - I believe Section 46 does render Section 8 (1) invalid as it does provide a reasonable defense around the issue of Tax v/s God's command in the context of MY belief to which I AM entitled under the Freedom of Religion act in the Constitution as long as I do not disturb the peace of the land and am of 'moral' standing.

SIGNED: ..... DATE: 12 December. 2011  
Submitted by Terence Michael Malaher whose address is 419 Anchor road, Pyengana. TAS 7216.

4 - The advisor for the complainant states:

In any event, Section 8(1) **does not impinge the guarantee to the "free profession and practice of religion"** conferred by Section 46 of the *Constitution Act*.

Terence responds - 4 - It does encroach/infringe upon MY beliefs concerning the practice of MY religious ideology which is absolute. To state it clearly for the court, it is MY belief that I must bow to God's command in all things especially relating to MY conduct towards His other children and this implies that, if I am complicit to what is done 'injuriously or punitively' to any of God's children by others acting on MY behalf and in MY name - as would be the case if I was paying their wages by tax - then I am in breach of God's Command. That breach would be in direct contravention of my belief.

5 - The advisor for the complainant states:

Freedom to **act in accordance** with religious beliefs is not co-extensive with **freedom of religious belief**.

Terence responds - 5 - This is a contradictory statement. If the constitution grants Freedom of Religion it guarantees freedom of religious beliefs as long as a person does not disturb the peace. What we are entering into here is obfuscation, the attempt to confuse or stupefy by darkening the truth of the issue. This has become a common practice in interpretation of the Law of man and is all mere 'words' trying to justify WHY I must be punished by 'rules' of text in a book for simply living MY belief. That being that I MUST obey MY God.

Why would I, at the ripe age of 73 suddenly 'give in' and deny MY belief and fund, by 'tax,' an institution that **interferes, controls, manipulates, injures** and even **kills** God's children when I am about to meet my maker?

It is my task FOR our God to elevate the consciousness of mankind so that the 'blind' enforcers who place themselves within the punitive aspect of His ONE "**As you do unto others will be done unto you**" Law can try and begin to be more humane and halt their own downwards slide into the Abyss as they turn to their God and assist me in implementing the Feeling Easier seminars that will assist those who do disturb the peace of the land into a better way of living.

Ref: The Offender Seminar <http://www.the-testament-of-truth.co.uk/web/seminar.htm> and

Ref: The Offender doc <http://www.the-testament-of-truth.co.uk/web/offend1.htm>

6 - The advisor for the complainant states:

*The following passage appears in the joint judgment of Mason ACJ and Brennan J in Church of the New Faith v Commissioner for Pay-Roll Tax (Vic) (1983) 154 CLR 120 at 135-136: "But the area of legal immunity marked out by the concept of **religion cannot extend to all conduct in which a person may engage in giving effect to his faith in the supernatural**. The **freedom to act in accordance with one's religious beliefs is not as inviolate as the freedom to believe**.*

Terence responds - 6 - If the advice given to the prosecutor states, as it does < religion **cannot extend to all conduct in which a person may engage in giving effect to his faith** in the supernatural > was believed by Mason ACJ and Brennan J to be the truth and is also believed by the legal advisor who included it, then he is misleading his client as were they for it is **ERROR**.

Why is this so? Because the only measure of a person's religious ideology IS ONES CONDUCT. If ones conduct is in accordance with God's commanded "**Peace**" policy as well as the 'do not disturb the peace' stipulated in the Constitution - then woe betide any mortal advisor who 'finds' differently, particularly when their agenda is for the sole purpose of aiding and abetting the punishment of another thereby earning a dishonest wage as he does mislead others and uplifts false precedents for others to follow and, - - -

I say and believe that the <**freedom to act in accordance with one's religious beliefs is as inviolate as the freedom to believe**, >

The freedom of belief is inexorably linked with the freedom to act on that which constitutes the "believe." It is the action, commensurate with the belief, that is the true measure of the commitment to the belief. To act then is to give evidence to the belief, making belief and action absolutely inviolate.

If belief and action were not interdependent we would become merely "empty vessels" making great oratory signifying nothing. Further, as long as the belief is in accordance with the **Peace** Command demanded by God and the Constitution, combined with the public order demanded by the Constitution, freedom and action are interdependent.

I am entitled to believe in absolute **PEACE** and live by my belief in absolute peace.

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Like all men I have the RIGHT and freedom to BELIEVE that I must OBEY the Command of my God and live within the precepts of HIS Command as understood by me. I cannot live within the precepts of the ever-changing rules/laws/acts or orders of politicians as they coerce people into defying their God using an endless array of new rules particularly when these same politicians themselves defy their God and deny their own soul the opportunity to LIVE, as I see IT.

7 - The advisor for the complainant states:

*For general laws to preserve and protect society are not defeated by a plea of religious obligation to breach them: cf Cantwell v. Connecticut [1940] 310 US 296 at p 304. Religious conviction is not a solvent of legal obligation. Thus, in Jehovah's Witnesses Inc. - - -. In Reynolds v. United States (1878) 98 US 145 at p 167, the Supreme Court held that to excuse polygamy on religious grounds would "make the professed doctrines of religious belief superior to the law of the land, and in effect . . . permit every citizen to become a law unto himself. Government could exist only in name under such circumstances." Conduct in which a person engages in giving effect to his faith in the supernatural is religious, but it is excluded from the area of legal immunity marked out by the concept of religion if it offends against the ordinary laws,*

Terence responds - 7 – I am not offending any Tasmanian or Australian Constitutional LAW – I am living within said LAW as I obey God AND the precepts of the Constitution of man as I go my way in peace caring for the underprivileged and freely giving my good counsel to the mentally disturbed who defy their God.

What does it say about the Australian Legal system when an advisor's defense is based upon legal precedent set by a United States Court applying to Polygamists in that country? The Law has undergone numerous changes via precedents since the Reynolds v. United States (1878) ruling and I would argue that there is no corollary between:

A - My desire to obey God's command for Peace under all circumstances - and

B - That which < *offends against the ordinary laws* > since at no stage have any of my actions, as they accord with my religious belief, caused offense to any individual.

C - Nor have any of my actions disturbed the peace of anyone.

8 - The advisor for the complainant states:

*i.e. if it offends against laws which do not discriminate against religion generally or against particular religions or against conduct of a kind which is characteristic only of a religion". Even if the operation of Section 8(1) of the Vehicle and Traffic Act was properly viewed as being inconsistent with Section 46 of the Constitution Act, the inconsistency would not provide a valid defence to Complaint 32927/11. The Tasmanian Constitution, like other State Constitutions, is an "uncontrolled" Constitution, which can be amended (expressly or impliedly) by subsequent Acts of the Parliament – see AN INTRODUCTION TO THE AUSTRALIAN CONSTITUTIONS – PH LANE (6<sup>th</sup> Ed) at 198 and AUSTRALIAN CONSTITUTIONALISM – RD LUMB at 133.*

Terence responds - 8 – If the Constitution of Tasmania or Australia can be amended, (expressly or impliedly) as stated by the state legal advisor, then "justice" in the legal system becomes an institution of chaos wherein 'justice' becomes merely a victim of polemics. Given that the argument is that politicians can 'legally' make of Constitutions a changeable 'moving feast,' then that is the way IT is, but I can assure the reader that the response by the 'advisor' to my defense is very 'weak.'

Since my belief relies on God's Holy Word, Command and Law which is INVIOLE, I will continue to place my trust in God. As to the 'law of this land' as recorded by man in the Constitution of Tasmania as stated today:

Constitution Act 1934 (Tas)

This document includes a legal guarantee of the religious liberty and equality of Tasmanians. Every citizen is guaranteed freedom of conscience and the free exercise of religion under Section 46(1) of this Act.

Part V - General provisions - Religious freedom

46. (1) Freedom of conscience and the free profession and practice of religion are, subject to public order and morality, guaranteed to every citizen.

(2) No person shall be subject to any disability, or be required to take any oath on account of his religion or religious belief.

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Terence adds A;

Let it be clearly understood that it is I to define the EXTANT of God's Sovereign Command and LAW, and as such it is I who am the one to judge man in that I expose and judge the *precepts of God's code of conduct policy* so that mankind has the opportunity to take 'stock' and refresh his conscience so that each can judge their own actions in respect of the implications for them in relation to their Creator's commanded policy requirement.

This 'case' at hand is very simple in that it simply 'sets' an edict/rule/act/law of man enshrined in a book of TEXT against the Code of Conduct Command of an invisible Sovereign Ruler our Creator whose authority is so great that IT cannot be overthrown by any 'order' emanating from the mouth of a politician and enshrined in a book of text rules. That is my 'fervent' belief.

It is stated by some men that the edicts/rules/acts/laws or 'orders' enshrined within the Constitution of the land override and nullify any state laws. It is stated by me God's Plenipotentiary that any 'order' of man is overruled by the Sovereign Authority of God as enshrined in His Code of Conduct policy with His immutable LAW backing every activity of man.

This case at hand is simply the ongoing expose of the 'folly' of man, so that my pen, writing for and as inspired by God, can lead man into enlightenment. The CORE of this case rests upon two factors and the authority backing these factors:

- 1 - The Tax 'factor' backed by rules.
- 2 - The Belief 'factor' backed by ones conscience.

The prosecution advisory team does ITS best to define the depth, and validity of ones religion which incorporates one's belief and ideological way of living as determined by the rules/acts/laws/decrees of man.

These rules, acts, laws and decrees are written in a book where the enforcement of same is backed by armed men who are prepared to earn a mercenary wage by using force to uphold said rules. The use of this 'armed enforcement' to ensure 'compliance' to the 'legal' text is in direct contravention of God's Command.

My belief is solely backed by peaceful interaction as defined by my conscience which is the voice of the LIGHT of God stipulating to me that the use of force personally or, by allowing ones servants to force compliance, is ERROR. Under no 'circumstance' is it to be entertained by me because in so doing I would be defiant of my Creator and I would be placing myself into the punitive and forceful aspect of His immutable 'eye for an eye' LAW and, - - -

I would be complicit to using the 'fruit' from the Tree of Evil, being the destructive energy used in any form of retaliation in my interaction with others if I complied to your 'rules' for that is totally forbidden by God. "Why is this forbidden by God"? Because when anyone utilizes this destructive energy essence they contaminate their spirit soul.

Reference the TRUTH folders: <http://www.the-testament-of-truth.co.uk/web/evil.htm>

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The question is - What is the TAX factor in this case and what is IT backed by?

The tax factor is/was an 'order' emanating from the mouth of a mortal child of God, a 'legislative' person stating that everyone on the land must pay said Tax or be persecuted by men bearing arms who were then 'legalized' to punish them. That is the factual truth of laws pertaining to tax.

The punishment included being held hostage in a jail, being impoverished, being disadvantaged, and being subjected to mental and emotional trauma and physical duress. Why would any sane person knowing God as I do or believing in the Word of God even consider defying God? (*Note: "Defying God" - in using armed men to extort money or goods from others.*)

There is NO 'contest' in my 'book' when men throw their 'books of rules' at me in an attempt to coerce me into supporting their INIQUITY that is seen by God each and every moment of time as they, you and I walk, work and play.

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Terence adds B; Subversion of meaning: - It is quite clear in my mind that the INTERPRETATION of the TEXT within BOTH the below ACTS is quite CLEAR in ITS meaning and, I believe that said text is a PROCLAMATION by the Sovereign Authority GOD as well as the invoked authority of the Constitution itself and, it is my personal 'rational' mind that tells me that any person, solicitor, barrister, magistrate, judge etc., who has in the past inferred that this Text cannot be allowed due to their OWN 'beliefs' is a person who has subverted the TRUTH so as to be able to punish another and by their 'precedent set thus 'permit' the ongoing extortion of taxes and support of their own beliefs in WAR, control, subjugation, interference, extortion etc., as they forcefully IMPOSE their own 'religious' ideological belief.

Commonwealth of Australia Constitution Act (9<sup>th</sup> July 1900) section 116

"The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, -

and the Constitution Act 1934 (Tas)

This document includes a legal guarantee of the religious liberty and equality of Tasmanians. Every citizen is guaranteed freedom of conscience and the free exercise of religion under Section 46(1) of this Act.

Part V - General provisions - Religious freedom

46. (1) Freedom of conscience and the free profession and practice of religion are, subject to public order and morality, guaranteed to every citizen.

(2) No person shall be subject to any disability, or be required to take any oath on account of his religion or religious belief.

THE TRUTH is that I AM living in accordance with THE LAW of the land as given above and within and Command of God, and it is a coercive attempt for any other to deny my RIGHT to so live and, it is gross error, vindictiveness and treasonable for them to not only so do, but to also back up their 'claims' with armed forces who they ALSO convince to join their treasonable activities using false past precedents set by other men equally as arrogant and ignorant as they are now 'self-proven' to be by virtue of the FACT that I am standing in their 'Court' to BE 'Judged.'

I am the one who has been 'complained about' by Sgt. Gary Lusted, and as a consequence of that complaint I am already then a 'hostage' to the state forces until such time as I am set free by the one to judge me. I do my best to 'open' his ear so that he does hear the voice of God flowing forth from my pen saying:

"Magistrate Marron, My son, it is the time for all humanity to see that I exist and be and, that any person obeying My Command of 'Peace & love & mercy & compassion' must be allowed to walk free and not be hounded, harassed or persecuted by armed men or women who as yet cannot be set free by ME until they lay down their weapons and as 'Terence' they bow to MY Command and go their way in peace, as they ONLY haul in those that do disturb the peace of the land and they hand these 'infidels' over to MY compassionate souls to be counseled and enlightened.

Please therefore consider this document sent to you and all humanity by ME via the mind and pen of Terence, and pass your judgement accordingly as a 'valorous' soul would do."

I Terence add that I can but trust that Magistrate Marron is 'God sent' to assist me by seeing the reasons 'why' I cannot 'conscientiously' revalidate my driver's certificate of competency annually and paying an annual TAX to 'Caesar'\* because, by this 'contribution' ACTIVITY or ACTION I would be supporting, condoning and funding a punitive ideology that is in conflict with my religious belief in absolute pacifism at all times and in all situations. (Turning the other cheek so to speak)

The consequence of that being that I would, by those actions, (Funding State or Caesar) be in contravention of God's Commanded code of conduct policy as well as denying my own religious belief through fear of persecution..

(Note: 'Caesar'\* - Reference to Caesar being the 'empowered by force' leader of the day.)

I simply do my best in helping to elevate the consciousness of mankind so that people understand the need to follow God and live in peaceful coexistence as they only fund benign community effort and thus remain safe within the precepts of God's Command and Law.

SIGNED: ..... DATE: 12 Dec. 2011

Submitted by Terence Michael Malaher whose address is 419 Anchor road, Pyengana. TAS 7216.

I ADD: Irrespective of any laws/rules/acts of any institution of man, one needs to understand that these are simply 'orders' that issued forth from the mouth of a political **dictator**, and were then enshrined in 'his' institutional Text books or 'bible' that he and his minions believe to be THE TRUTH to be obeyed or '**suffer**' the consequence, whereas I believe that:

As a unique creation of God I do have the right to defy any 'order' of any person or institution that in my opinion **conflicts** with the Command of THE CREATOR. I also know without a 'shadow' of doubt that any person defying the Command of the Creator does suffer the consequence irrespective of what they believe.

Terence - 12 Dec 2011

**Note:** This judgement of case has been deferred until **17 January 2012** as the magistrate needed more time before giving his verdict - I enclose below my letter to him sent on 15<sup>th</sup> Dec 2011.

To the honourable magistrate Marron.

Dear Sir, I refer to my submission of response in the document handed to you by me at Scottsdale on Tues 13 December 2011. I noted your remarks that the text was very small. (It was simply my personal copy) I had in fact on an earlier date emailed a PDF file of it to Mr. David House at the Court so that you could adjust the viewing size and also have the benefit of colour coding. It is named 'kingsroad2.pdf' and is attached above for your convenience.

As this was apparently not passed to you I now ask Mrs. Crawford to so do to facilitate your judgement of the case, a case that has very great ramifications for humanity.

I would like to add, that I do not stand before you as a person with either the intent or the desire to 'flout' or 'break' the law, but to use the court to give mankind the opportunity to see the **RIGHT** way, and that of course is dependent upon your judgement being in my favour.

I do stand before you as an '**educator**' whose task is simply to show all the **error** of man's way today because the past and present way is based a **false belief** as man using 'precedents' factually **subverts** the obvious and true meaning of words written in books of law example:

The 'Freedom of religion' Act - **Whereby the freedom to live by ones ideological belief and conscience** is 'overruled' or nullified by people who believe that this freedom cannot be permitted to exist in certain situations and, that those as myself living LEGALLY by their 'belief' must be **forced** to change their belief in **PEACE** into conformity to the opinion of the 'masses' who believe in and thus support, condone and fund **WAR**.

The '**error**' of which I speak, as exposed in my defence, is placing everyone involved in the legal system under the **punitive** aspect of God's immutable "**As you do unto others is done unto you**" Law.

Also, the present way is misleading everyone into the **false belief** that seeking **revenge** through the 'legal system' is sanctioned by God when it is not, for NO person of any 'position' stands above the implementation of God's Law.

Sincerely - Terence

**Added note:** It needs be understood that when any person defies their God's "*Peace & love & compassion & mercy & forgive*" Command, be they an enforcer or any other, that they in fact show their God their contempt of Him and of His Authority. References per my hand at: <http://www.the-testament-of-truth.co.uk/web/slavery6.htm>