





## Table of Contents

PREAMBLE.....	3
ARTICLE I - TERRITORY AND JURISDICTION.....	3
Section 1. Territory/Boundaries .....	3
Section 2. Jurisdiction .....	4
ARTICLE II – SOVEREIGNS.....	4
Section 1. Requirements.....	4
Section 2. Adoption into Sovereignty .....	4
Section 3. Rights of Members.....	5
Section 4. Loss of Sovereign applicant.....	5
Section 5. Reinstatement.....	5
Section 6. Appeal .....	5
Section 7. Sovereign Member Roll.....	5
Section 8. Enrolment Ordinance.....	6
ARTICLE III - ORGANIZATION OF THE GUMBAYNGGIRR SOVEREIGN PARLIAMENT/GOVERNMENT.....	6
ARTICLE IV - THE GUMBAYNGGIRR SOVEREIGN PARLIAMENT/GOVERNMENT .....	6
Section 1. The Gumbaynggirr Sovereign Counsel .....	6
Section 2. Women and Mens Parliament Counsels.....	6
Section 3. Area Counsel Members.....	6
Section 4. At-large Counsel Member.....	6
Section 5. Terms of Office.....	7
Section 6. Duties of the Officers.....	7
Section 7. Meetings of the Gumbaynggirr Sovereign Parliament/Government .....	7
Section 8. Quorum .....	7
Section 9. Voting .....	7
Section 10. Code of Ethics.....	7
ARTICLE V - POWERS OF THE GUMBAYNGGIRR SOVEREIGN PARLIAMENT/GOVERNMENT.....	8
ARTICLE VI - THE GUMBAYNGGIRR SOVEREIGN COURT SYSTEM .....	9
Section 1. Establishment.....	9
Section 2. Jurisdiction .....	9
Section 3. Appointment of Judges.....	9
Section 4. Qualifications of Judges.....	9
Section 6. Removal of Judges or Justice of the peace (J.P.).....	10
Section 7. Court Rules.....	10
ARTICLE VII – ELECTIONS.....	11



Section 1. General Elections .....	11
Section 2. Special Elections.....	11
Section 3. The First Election.....	11
Section 4. Election Board .....	11
Section 5. Nominations.....	11
Section 6. Qualifications for Gumbaynggirr Sovereign Parliament/Government .....	12
Section 7. Eligible Voters. ....	12
Section 8. Ballots.....	12
Section 9. Absentee Ballots. ....	12
Section 10. Election Results.....	12
Section 11. Tie Votes.....	12
Section 12. Challenges .....	12
Section 13. Affirmation of Office .....	13
Section 14. Election Ordinance.....	13
ARTICLE VIII - REMOVAL, RECALL AND VACANCY .....	13
Section 1. Removal.....	13
Section 2. Recall .....	14
Section 3. Vacancies.....	14
ARTICLE X – LAND .....	14
ARTICLE XI - INITIATIVE AND REFERENDUM .....	14
Section 1. Initiative. ....	14
Section 2. Referendum .....	15
Section 3. Procedures. ....	15
ARTICLE XII - ORDINANCES AND RESOLUTIONS.....	15
Section 1. Resolutions.....	15
ARTICLE XIII - SOVEREIGN IMMUNITY.....	15
ARTICLE XIV - BILL OF RIGHTS .....	16
ARTICLE XV - GENERAL MEETINGS.....	33
ARTICLE XVI – AMENDMENTS.....	34
ARTICLE XVII - SAVINGS CLAUSE .....	34
ARTICLE XVIII - CREATION OF THE GUMBAYNGGIRR CONSTITUTION .....	34
CERTIFICATE OF RESULTS OF ELECTION.....	36



## PREAMBLE

In the beginning, Yuladalla came, as he created the dreaming tracks for the Gumbaynggirr Nation, and the Gumbaynggirr people, Yulladalla laid out the rivers and languages for the Gumbaynggirr Nation and People. All these things that Yuladalla made, we belong to, lores, sacred sites, languages, skies, boundaries, ceremonies, rivers, land, waters, seas and culture (Yuladalla dreaming). All these things in the Gumbaynggirr Nation, we are guardians of and belong to the land, we **are one with.**

We the Gumbaynggirr National Sovereigns of the Gumbaynggirr Nation exercise Manguun (Bora Lore) which is the supreme lore of the land. We are National Sovereigns of Terra Australis who are recognised by the UN Act of rights for Indigenous self-determination, Amnesty Australia, United Nations Declaration on Indigenous Peoples Rights, Australian Human Rights Commission, Civil and Political Rights, Monarchs of England, King George Letters Patent and Queen Victoria's Pacific Islanders Act 1872-1875, as being the Original Sovereigns to the continental Geographic's of Terra Australis with Manguun Tribal Natural law/lore, that is now illegally occupied by Australia to which their Constitution and Magna Carter is rule of law for their subjects and citizens.

- **Promote** the common good and well-being of the Gumbaynggirr Nation;
- **Protect** and preserve our culture, song lines and traditions including our language, arts and crafts, and archaeological sites and Manguun;
- **Protect** our land, National Sovereignty, water, atmosphere, natural gas, minerals, precious gems and resources;
- **Protect and Promote** our natural flora and fauna;
- **Protect and Promote** the health and welfare of our people;
- **Encourage and promote** educational opportunities for members of the Gumbaynggirr Nation;
- **Adopt** economic development;
- **Protect** the Man, Woman and 2Spirited rights and National Sovereignty of our members;
- **Acquire** additional lands for the benefit of the Gumbaynggirr Nation;
- **Promote** self-government and ensure the political integrity of the Gumbaynggirr Nation;
- **Preserve, secure and exercise** all the inherent National Sovereign Rights and powers of a member of the Original Nation in good faith and good will.

## ARTICLE I - TERRITORY AND JURISDICTION

### Section 1. Territory/Boundaries

The territory/boundaries of the Gumbaynggirr Bora Lore/Law of the land and jurisdiction is located inside the Geographic's of Terra Australis in which the original habitants of this Land called



Baluuny(ba) Wajaar Jagun meaning Great Grandmother home land and, does include, to the fullest extent possible consistent with Gumbaynggirr Natural Bora Lore/Law, Manguun of land and International Law, all Lands, Water, Property, Airspace, Surface Rights, Subsurface Rights, Roads and Infrastructure and other Natural Resources within the Gumbaynggirr Nation of Terra Australis, or which are located within the boundaries and jurisdiction of the Gumbaynggirr Nation, which may be established for the Gumbaynggirr Nation, notwithstanding the issuance of any right-of-way.

## Section 2. Jurisdiction.

Except as prohibited by both allodial and international law, the Gumbaynggirr Natural Bora Lore/law, Manguun, has jurisdiction over all Gumbaynggirr National Sovereigns, residents and all persons/citizens/dual citizens in the Gumbaynggirr Nation, all subjects, minerals, resources, development, all roads and infrastructure, construction, ecosystems, property and all activities occurring within its boundaries as defined by this Article. As well as any Man, Woman and 2Spirited who breaks the inherent Lore's/laws Manguun of the Gumbaynggirr Nation. Nothing in this Article shall be construed to limit the ability of the nation to exercise its jurisdiction, based upon its inherent blood sovereignty to- the Gumbaynggirr Nation and Terra Australis.

**Please Note:** In all of the Gumbaynggirr Nation of Terra Australis, Associates of Australian Government, Aboriginal Land Counsels, All Shire Councils, Regional Councils, foreign - Police, Prosecutors, Judges, Justice of the Peace (J.P), Magistrates, Commonwealth Public Officials (CPO) any foreign Government, Agencies and Infrastructure, Aliens and Immigrants, Courts in the Gumbaynggirr Nation are subject to the Gumbaynggirr Jurisdiction of Terra Australis and Gumbaynggirr Bora lore.

## ARTICLE II – SOVEREIGNS

### Section 1. Requirements.

The Sovereign Man, Woman and 2Spirited of the Gumbaynggirr Nation shall consist of:

(a) All persons who meet all of the following requirements:

(1) Born to a Sovereign Man, Woman and 2Spirited (2) applies for membership in the Nation, in accordance with the applicable enrolment ordinance.

### Section 2. Adoption into Sovereignty.

The Gumbaynggirr National Sovereign Parliament/Government has sole and exclusive discretionary authority to issue Gumbaynggirr National Sovereignty to other persons as Nationals of the Nation, adopted by families of the Gumbaynggirr Sovereign Nation provided that at least six or seven Sovereigns out of the 12 of the Gumbaynggirr Sovereign councilors vote in favor of the adoption and provided that all persons adopted under this section shall meet all minimum requirements:

(a) Resident of the territory/boundaries of the Nation for at least three (3) continuous years for probation, then after five (5) years become full status of a Gumbaynggirr National.

(b) Applies for Sovereignty in the Nation, in accordance with the applicable enrolment ordinance.



### Section 3. Rights of Sovereigns

All persons accepted as Nationals under Section 1, above, or adopted into National Sovereignty under Section 2 above, shall have the same rights as Gumbaynggirr National Sovereigns in accordance with this constitution. Provided that the Gumbaynggirr National Sovereign Parliament/Government may give preference to residents of the territory/boundaries of the Gumbaynggirr Sovereign Nation for available land, housing, benefits and services.

### Section 4. Loss of Sovereign applicant

- (a) All relinquishments of National applicant in the nation shall be done in writing from the applicant in accordance with the procedures established by the enrolment ordinance. The Gumbaynggirr National Sovereign Government/Parliament shall remove the man or women from the Sovereign roll if they voluntarily relinquish his or her National Sovereignty in the nation in accordance with such procedures.
- (b) For any High end offences against any Man, Woman and 2Spirited, sovereign or non-sovereign within the Gumbaynggirr Jurisdiction.

### Section 5. Reinstatement.

Any person who relinquishes his or her National status in the nation, pursuant to Section 4(a), above, or who has been dis-enrolled from the Nation pursuant to Section 4(b), above, shall be reinstated as a National of the nation by the Gumbaynggirr National Sovereign Parliament/Government if the person meets all of the following requirements:

- (a) At least five (5) years have passed since the date of their relinquishment or disenrollment;
  - (1) This five (5) year waiting period for reinstatement shall not apply to men or women who were under the age of eighteen (18) at the time of their relinquishment or disenrollment.
  - (2) This five (5) year waiting period for reinstatement shall not apply to men or women whose relinquishment or disenrollment occurred prior to the adoption of this constitution.
- (b) Provides adequate proof to the Gumbaynggirr National Sovereign Parliament/Government that he or she has given up his or her National status.
- (c) Applies for reinstatement as a National of the nation, in accordance with the applicable enrolment ordinance.

### Section 6. Appeal.

Any man or women whose application for enrolment or reinstatement is rejected or who has been dis-enrolled or banished from the local boundary or nation, shall have the right to appeal to the Gumbaynggirr Sovereign Court in accordance with the applicable enrolment ordinance, provided that the Gumbaynggirr Sovereign Court shall not have jurisdiction over adoptions of men or women as Gumbaynggirr Nationals under Section 2 above, unless there is a claim that the provisions of the Constitution have been violated.

### Section 7. Sovereign Member Roll

The Gumbaynggirr Sovereign Government shall maintain a record of all current and former Nationals and National Sovereigns through census and data collection.



## Section 8. Enrolment Ordinance.

The Gumbaynggirr National Sovereign Parliament shall enact an enrolment ordinance consistent with this constitution.

## ARTICLE III - ORGANIZATION OF THE GUMBAYNGGIRR NATIONAL SOVEREIGN PARLIAMENT/GOVERNMENT

The Gumbaynggirr National Sovereign Nation, shall include a Gumbaynggirr Sovereign Parliament, Gumbaynggirr National Bora Court and a Elders Sovereign Tribal Counsel. The Gumbaynggirr Sovereign Parliament/Government shall operate in accordance with Articles IV and V. The Gumbaynggirr Sovereign Court System shall operate in accordance with Article VI. The National Sovereign Administration shall be subordinate to the Gumbaynggirr Sovereign Government and shall operate in accordance with Article VII.

## ARTICLE IV - THE GUMBAYNGGIRR NATIONAL SOVEREIGN PARLIAMENT/GOVERNMENT

### Section 1. The Gumbaynggirr National Sovereign Parliament/Government

The Governing Body of the Gumbaynggirr Nation shall be known as the Gumbaynggirr Sovereign Parliament/Government which shall consist of members as listed in this Article. All Gumbaynggirr Sovereign Counsel Members shall be enrolled National Sovereigns of the Nation who are selected by the eligible voters of the Nation in accordance with this Constitution and the election ordinance.

### Section 2. Women and Mens Parliament Counsels.

The Gumbaynggirr National Sovereign Parliament/Government shall include a counsel of women, and a counsel of men, both sitting in Gumbaynggirr Parliament. The positions of Parliament Councils should reside in the Gumbaynggirr Nations boundaries/territories, including shared borders, and who must be at least twenty-five (25) years of age.

### Section 3. Area Counsel Members.

The Gumbaynggirr National Sovereign Parliament/Government shall also include Area Counsel Members: persons who reside in the Northern and Western area and persons who reside in the Eastern and Southern area. Regardless of any other law, treaty or agreement which may define the Nationals territories or boundaries for the purpose of electing Area Counsel Members. The Gumbaynggirr National Sovereign Parliament/Government shall, in its sole authority, define the northern and southern area boundaries by ordinance. The Gumbaynggirr National Sovereign Parliament/Government may include in the defined areas any land that is within the territory of the Nation or shared borders of the territory of the Nation. The Area Counsel Members must reside in their respective areas as defined by the Gumbaynggirr National Sovereign Parliament/Government, pursuant to this Section. The Area Counsel Members are to be elected by all eligible voters as defined by Article VIII, Section 7. The Area Counsel Sovereign Members must be at least sixteen (16) years of age.

### Section 4. At-large Counsel Member

The Gumbaynggirr National Sovereign Parliament/Government shall also include at-large Counsel Member/s who must reside within the territory/boundary of the Nation and who must be at least eighteen (18) years of age.



## Section 5. Terms of Office

The terms of office for all Gumbaynggirr National Sovereign Parliament/Government Members including the men's and women's councils, shall be four (4) years except as provided for in Article VIII, Section 3. There shall be no limitations on serving consecutive terms on the Gumbaynggirr National Sovereign Council. All Gumbaynggirr National Sovereign Council Members must continue to meet the residency requirements set forth above for their respective Gumbaynggirr National Sovereign Council seats during their term in office. In that period of office, an emergency election may be called by Parliament/Government, or by we the Gumbaynggirr National Sovereigns.

## Section 6. Duties of the Officers

The duties of the Officers of the Parliament/Government shall be established by ordinance enacted by the Gumbaynggirr National Sovereign Parliament/Government

## Section 7. Meetings of the Gumbaynggirr Sovereign Parliament/Government.

(a) The Gumbaynggirr National Sovereign Parliament/Government shall hold a regular meeting once a month.

(b) The Parliament men and women councils or any three other members of the Gumbaynggirr National Sovereign Parliament/Government, may call special crisis meetings. Adequate notice of all special meetings shall be given to all members of the Gumbaynggirr National Sovereign Parliament/Government.

(c) At each regular or special meeting of the Gumbaynggirr National Sovereign Parliament/Government, a person shall be appointed to take minutes of the meeting, and a copy of the minutes shall be preserved by the Gumbaynggirr National Sovereign Parliament/Government Administration.

## Section 8. Quorum.

Four (4) or more members of the Gumbaynggirr National Sovereign Government/Parliament shall constitute a quorum for any regular or special Gumbaynggirr National Sovereign Parliament/Government meeting. A quorum is required at all meetings in order to conduct official business of the Gumbaynggirr National Sovereign Parliament/Government.

Proxy voting shall be prohibited. If there is not a quorum present when the chair is taken at the time appointed for a meeting of the Parliament, there shall be an Adjournment bell rung for 5 minutes, and if there is still not a quorum present the Gumbaynggirr Elders Senate Council shall adjourn to the next sitting day.

## Section 9. Voting.

The Gumbaynggirr National Sovereign Parliament/Government shall make decisions by a majority vote of those present except as otherwise provided in this constitution or in an ordinance which requires more than a majority vote. All Gumbaynggirr Sovereign Members, including the Men's and Women's councils, shall have the power to vote.

## Section 10. Code of Ethics.

The Gumbaynggirr National Sovereign Parliament/Government shall have the power to adopt a Code of Ethics governing the conduct of Tribal Sovereign officials. The Code of Ethics may include disciplinary procedures so long as the official in question is informed of the charges and given an opportunity to respond to those charges including the opportunity to present witnesses and other evidence in his or her defense.





## ARTICLE V - POWERS OF THE GUMBAYNGGIRR SOVEREIGN PARLIAMENT/GOVERNMENT

The Gumbaynggirr National Sovereign Parliament/Government shall have all powers vested in the Nation through its inherent National Sovereignty rights. It shall execute these powers in accordance with established customs of the Nation and subject to the express limitations contained in this Constitution or other applicable lores/laws. These powers include but are not limited to the following:

(a) To represent the Nation and act in all matters that concern the welfare of the Gumbaynggirr Nation, and to make decisions not inconsistent with or contrary to this Constitution;

(b) To negotiate and enter into contracts with time limit reviewed every 3-6months if it benefits we, the National Sovereign people of the Nation, with the international, federal, state, local bodies and original National Sovereign Governments, and with Man, Woman and 2Spirited, associations, corporations, enterprises or organizations;

(c) To reclaim or accept any land or property for the Nation;

(d) To enact lores/laws regulating the use, disposition and inheritance of all property within the territory/boundaries of the Gumbaynggirr National Sovereign Nation;

(e) To prevent or veto the sale, disposition, lease or encumbrance of National Sovereign lands, interests in land, Gumbaynggirr Nations Sovereign funds or other Gumbaynggirr Nation Sovereign assets;

(f) To employ lawful council in accordance with applicable lores/laws;

(g) To enact lores/laws regulating the domestic relations of persons within the jurisdiction of the Gumbaynggirr National Sovereign Nation;

(h) To enact a lore and order code governing the conduct of persons within the jurisdiction of the Nation and National Sovereigns/Nationals in accordance with applicable lores/laws that Govern;

(i) To provide for the removal or exclusion of any non-sovereign of the Nation whose presence may be injurious to members of the Gumbaynggirr Nation, and to prescribe conditions upon which non-members may remain within the territory/boundaries of the nation;

(j) To levy and collect taxes, duties, fees and assessments;

(k) To appropriate and regulate the use of Gumbaynggirr Nation Sovereign funds and Trust in accordance with an annual budget approved by the Gumbaynggirr National Sovereign Parliament/Government;

(l) To regulate all business activities within the jurisdiction of the Gumbaynggirr Nation, and to manage all Sovereign nation economic affairs and enterprises;



- (m) To regulate all matters and take all actions necessary to preserve and safeguard the health, safety, welfare and political integrity of the Gumbaynggirr National Parliament/Government and we the National Sovereigns of the Gumbaynggirr Nation;
- (n) To appoint committees, commissions, boards, National officers/employees, and to set their compensation, payments, tenure and duties;
- (o) To enact lore/laws, ordinances and resolutions necessary to the exercise of its legislative powers;
- (p) Take all actions necessary and proper actions for the exercise of the foregoing powers and duties, including those powers and duties not enumerated above, and for all other powers and duties now or hereafter delegated to the Gumbaynggirr National Sovereign Parliament/ Government or vested in the National Sovereigns, by Gumbaynggirr Natural Bora lore, spiritual, cultural and blood connection to the Gumbaynggirr Nation, lands, waters and animals.

## ARTICLE VI - THE GUMBAYNGGIRR NATIONAL BORA COURT SYSTEM

### Section 1. Establishment.

The judicial power of the Gumbaynggirr Nation shall be vested in the Gumbaynggirr Bora Court (B/C) System which is to be operated from the Gumbaynggirr places of lore, which is to act as a Multi-functional house for the men and women of The Gumbaynggirr Nation. The Gumbaynggirr National B/C System shall include a B/C in each town or nearest town in the Gumbaynggirr Nation, and such other lower courts of special jurisdiction, including forums for sovereign dispute resolution, as the Gumbaynggirr Sovereign Counsel may establish by ordinance. There shall also be a Court of Appeals which shall be the court of last resort for all cases filed within the Gumbaynggirr B/C System.

### Section 2. Jurisdiction.

The judicial power of the courts shall extend to all cases and controversies within the jurisdiction of the Nation, in lore or equity, arising under this Constitution, the lores/laws or customs of the Nation, or which are vested in the Gumbaynggirr B/C by Gumbaynggirr National Bora Lore/Law Manguun in a Court of Record or by virtue of the Nations inherent Sovereignty. Any case or controversy arising within the jurisdiction of the Nation shall be filed in the National B/C or other appropriate forum established by the Gumbaynggirr National Sovereign Parliament/ Government B/C before it is filed in any other court. Gumbaynggirr National Sovereign children/bloodline and adopted children of Sovereign Families. The Gumbaynggirr Government administers the International Bora Courts refer to the Gumbaynggirr Bora Court system.

### Section 3. Appointment of Judges.

The Gumbaynggirr National Sovereign Parliament/Government shall appoint three (3) Senior Lore Men/Women (M/W) or two (2) Justice of the Peace which equals one (1) Judge, to serve for a term of one (1) year. There shall be one (1) Judge/Senior Lore M/W and up to 13 peers in their community for hearings and trials for the Gumbaynggirr National Bora Court's and either one (1) or three (3) Lore M/W for the Court of Appeals. No Lore M/W shall preside over a matter in the Court of Appeals if he or she presided over the same matter in the Gumbaynggirr National Bora Courts.

### Section 4. Qualifications of Judges.

The qualifications for Judges/Lore Men and Women shall be established by ordinance, provided, that no additional requirements may be added during the tenure of a Judge/Lore Men and Women already in office, unless the additions or changes exempt the present Judges/Lore Men and Women during their term.

**Section 5. Compensation.** Judges shall receive for their services reasonable compensation that shall not be diminished during their term of office.



## Section 6. Removal of Judges or Justice of the peace (J.P)

A Judge/Lore Man/Woman or Justice of the Peace (J.P) shall be removed by the Gumbaynggirr National Sovereign Parliament/Government or we the Gumbaynggirr Sovereigns for:

- (a) Final conviction of a felony by any Gumbaynggirr Sovereign National while serving as a Judge/Lore Man or Woman or Justice of the Peace (J.P).
- (b) The Gumbaynggirr National Sovereign Parliament/Government, we the Gumbaynggirr Sovereigns of the Nation, may suspend a Judge/Lore Man or Woman or Justice of the peace (J.P), charged with a felony pending the outcome of the trial and any appeals, and an interim Judge/Lore Man or Woman or Justice of the peace (J.P) may be appointed for the period of the suspension.
- (c) A Judge/Lore Man or Woman or Justice of the Peace (J.P) may be disciplined or removed by the Gumbaynggirr National Sovereign Parliament/Government and we the Gumbaynggirr National Sovereigns of the Nation, by a vote established by the Bora Courts.
- (d) Converting National Sovereign property or monies for personal use;
- (e) Final conviction of three (3) misdemeanors by any National Sovereign, while serving as Judge/Lore Man or Woman or Justice of the peace (J.P);
- (f) Unnecessary and repeated delays in hearing matters filed in the Bora Courts; or
- (g) Violation of the Judicial Code of Ethics.

A Judge/Lore Man or Woman or Justice of the peace (J.P) shall be given full and fair opportunity to reply to any and all charges for which he or she may be disciplined or removed. A Judge/Lore Man or Woman or Justice of the peace (J.P) who is disciplined or removed may appeal directly to the National Bora Court of Appeals.

## Section 7. Court Rules.

The duties and procedures of the Gumbaynggirr Tribal Sovereign Court System, and all other court matters not addressed in this article of the constitution, shall be established by the Gumbaynggirr Sovereign Parliament/Government by ordinance. The ordinance may also include a Judicial Code of Ethics governing the conduct of the Gumbaynggirr Tribal Court System.

## ARTICLE VII – THE GUMBAYNGGIRR NATIONAL SOVEREIGN ADMINISTRATION

The Gumbaynggirr Sovereign Administration shall consist of the appointed sovereign members of the Gumbaynggirr National Sovereign Parliament/Government, and other persons as deemed necessary by the Gumbaynggirr National Sovereign Parliament/Government. The Gumbaynggirr Sovereign Administration shall oversee the administration of the Nation's business and shall supervise the day to day operations of the Nation. The Gumbaynggirr Sovereign Administration shall be subordinate to the Gumbaynggirr National Sovereign Parliament/Government and We the Gumbaynggirr Sovereigns.



## ARTICLE VII – ELECTIONS

### Section 1. General Elections.

General elections to vote for Gumbaynggirr Sovereign Parliament/Government Members shall be held in odd numbered years on the 21<sup>st</sup> of June each year. Election of Gumbaynggirr Sovereign Parliament/Government Members shall be staggered so that no more than four Counsel seats shall be up for election at any one time.

### Section 2. Special Elections.

Special elections shall be held when called for by the Gumbaynggirr Sovereign Parliament/Government, by this constitution, or by the voters, as provided for in this constitution or appropriate ordinances.

### Section 3. The First Election.

The first election of Gumbaynggirr Sovereign Parliament/Government Members under this constitution shall be held on \_\_\_\_\_20\_. The incumbent council of elders, men, women, of the Gumbaynggirr Sovereign Parliament/Government as of the date of the creation of this constitution shall remain in office until the general election to be held in \_\_\_\_\_20\_. The incumbent Gumbaynggirr Sovereign Parliament/Government shall select an incumbent Area Counsel Members from the Northern, and Western area and an incumbent Area Counsel Members from the Southern and Eastern area who shall both remain in office until the general election to be held in \_\_\_\_\_20\_. The remaining seats on the Gumbaynggirr Sovereign Parliament/Government, shall be declared vacant for purposes of the first election. These vacant seats shall include seats from the northern area, seats from the southern area, and open seat at-large. The candidates receiving the highest number of votes for each vacant Counsel seat in the first election in 20\_\_ shall be declared the winners and shall serve four year terms until the general election to be held in May 20\_\_. The first election shall be held in accordance with all other applicable provisions of this constitution and applicable ordinances.

### Section 4. Election Board.

The Gumbaynggirr Sovereign Parliament/Government shall appoint an Election Board to conduct all elections including all special elections. The Election Board shall consist of Gumbaynggirr Sovereign family members from the Northern and Western area, Gumbaynggirr Sovereign families members from the Southern and Eastern area, Gumbaynggirr Sovereign families members age 55 or older, Gumbaynggirr Sovereign family members between the ages of 35 and 54, and Gumbaynggirr Sovereign families members between the ages of 18 and 34, Provided, That all members of the Election Board shall be at least 18 years of age, and Provided, further that an Election Board members shall not be eligible to run for a seat on the Gumbaynggirr Sovereign Parliament/Government. All Election Board Members shall serve for a specific term of office as established by the election ordinance. The Election Board may appoint clerks, poll workers and others to assist the Election Board with conducting the election.

### Section 5. Nominations.

For all elections of Gumbaynggirr Sovereign Parliament/Government Members and the Election Board shall conduct a nomination meeting of eligible voters to nominate Gumbaynggirr Sovereign members as candidates for Gumbaynggirr Sovereign Parliament/Government seats. The Election



Board may schedule the nomination meeting before the day scheduled for the election, or on the day of the election, Provided, That the Election Board shall mail to all eligible Gumbaynggirr Sovereign voters advance notice of both the date of the nomination meeting and the date of the election at least thirty (30) days prior to the nomination meeting. At the nomination meeting, all eligible voters, as defined in Section 7 of this Article, may submit nominations for any vacant seat. A person may not be nominated as a candidate for more than one seat.

#### Section 6. Qualifications for Gumbaynggirr Sovereign Parliament/Government

Persons nominated to run for Gumbaynggirr Sovereign Parliament/Government seats must be enrolled Gumbaynggirr Sovereign members who meet the age requirements set forth in Article IV on or before the date of the election, and they must meet the residency requirements set forth in Article IV for at least one year prior to the date of the election. No person may run for a Gumbaynggirr Sovereign Parliament/Government seat who has served twelve (12) or more consecutive months in any federal, state or Tribal Sovereign jail or prison.

#### Section 7. Eligible Voters.

All Gumbaynggirr Sovereign who are eighteen (18) years or older and who reside within the territory of the Nation or within the shared borders of the territory of the Nation shall be eligible to vote.

#### Section 8. Ballots.

All voting at regular and special elections shall be done by secret written ballot.

#### Section 9. Absentee Ballots.

Absentee voting shall not be permitted.

#### Section 10. Election Results.

The Election Board shall certify the results of an election within three (3) weeks after the election day. The candidate receiving the highest number of votes for each available seat shall be declared the winner.

#### Section 11. Tie Votes.

Tie votes between two or more candidates shall be decided in a special runoff election. All eligible voters shall be entitled to vote in any runoff election. If a runoff election ends in another tie, the outcome shall be a shared seat for that office. The Election Board shall certify the results of any runoff election within three (3) days after the runoff election day.

#### Section 12. Challenges.

Any Gumbaynggirr Sovereign member may challenge the results of any election by presenting his or her challenge to the Gumbaynggirr Sovereign Court within five (5) days after the election results are certified. The Gumbaynggirr Sovereign Courts shall decide all election challenges within ten (10) days from the date the challenge is filed. Any appeals shall be filed with the Court of Appeals within five (5) days of the issuance of the Gumbaynggirr Sovereign Court decision, and the Court of Appeals shall decide the appeal within ten (10) days. If the Gumbaynggirr Sovereign Courts or Court of Appeals invalidates the election results, a new election shall be held within sixty (60) days.



### Section 13. Affirmation of Office

The obligations of office and allegiance to the Gumbaynggirr Sovereign Constitution, Nation and we the Gumbaynggirr sovereigns, must be taken for each newly elected Gumbaynggirr Sovereign Parliament/Government Member shall be administered by the Election Board within thirty (30) days after the Election Board declares the winner of a seat, unless a challenge is filed and in that case within thirty (30) days after a final decision by the Gumbaynggirr Sovereign Court or Court of Appeals. If a challenge is filed but it does not relate to all of the elected seats, the oath of office shall be administered to the newly elected Gumbaynggirr Sovereign Counsel Members whose seats have not been challenged within thirty (30) days after the Election Board declares the winners. Each incumbent Gumbaynggirr Sovereign Counsel Member shall remain in office until the oath of office is administered to the newly elected Gumbaynggirr Sovereign Counsel Member for his or her seat. Upon expiration of the incumbent's term of office, he or she shall transfer all Tribal Sovereign records within his or her control to the newly elected Gumbaynggirr Sovereign Counsel Member.

### Section 14. Election Ordinance.

The Gumbaynggirr Sovereign Counsel shall enact an election ordinance consistent with the Gumbaynggirr Sovereign constitution which covers all necessary procedures for all elections.

## ARTICLE VIII - REMOVAL, RECALL AND VACANCY

### Section 1. Removal.

(a) The Gumbaynggirr Sovereign Parliament/Government shall remove a Counsel Member for:

- (1) Final conviction of a felony by any Tribal Sovereign, federal or state court while serving on the Gumbaynggirr Sovereign Counsel.
- (2) The Gumbaynggirr Sovereign Parliament/Government may suspend a Counsel Member charged with a felony pending the outcome of the trial and any appeals.
- (3) The Gumbaynggirr Sovereign Parliament/Government may discipline or remove a Counsel Member, by a vote of at least five (5) members of the Gumbaynggirr Sovereign Counsel, for:

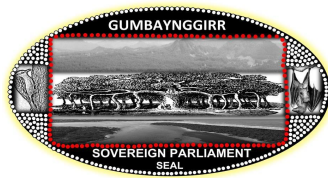
(b) Converting Gumbaynggirr Sovereign property or monies for personal use;

(c) Failing to attend four (4) regular or special meetings consecutively without good cause;

(d) Final conviction of three misdemeanors Parliament/Government; or

(e) Violation of the Code of Ethics.

(f) In all proceedings under Section 1(a) or 1(b) above, the Gumbaynggirr Sovereign Counsel Member in question shall be afforded full due process rights including a written statement of the charges, the right to respond to those charges and the right to present witnesses and other evidence in his or her defense. The decision of the Gumbaynggirr Sovereign Parliament/Government shall be final and shall be appealable to the Gumbaynggirr Sovereign Court only if a claim is made that the Gumbaynggirr Sovereign constitution has been violated or due process rights not afforded. A sovereign Member removed from office must wait at least five (5) years from the official date of removal to run for office again.



## Section 2. Recall.

(a) Any adult Gumbaynggirr Sovereign member may initiate recall proceedings against any Gumbaynggirr Sovereign Counsel Member by filing a written request with the Election Board, Provided, that a recall proceeding may not be initiated against any Gumbaynggirr Sovereigns whose term expires within six (6) months.

(b) After receipt of the written request, the Election Board shall issue official petition forms to the Tribal Sovereign member who initiated the recall. The Tribal Sovereign member shall have sixty (60) days to collect the signatures from thirty per cent (30%) of the eligible voters of the Nation.

(c) Man, Woman and 2Spirited petitions shall be circulated for each Gumbaynggirr Sovereigns who is subject to recall. A maximum of three (3) Gumbaynggirr Sovereign Counsel Members may be recalled at a time.

(d) The Election Board shall verify the signatures on a recall petition within ten (10) days of receipt of the petition. If the Tribal Sovereign member seeking recall has collected the required number of signatures in the allotted time then the Election Board shall hold a recall meeting within sixty (60) days of the receipt of the petition. Notice of the recall meeting shall be mailed to eligible Tribal Sovereign voters at least thirty (30) days prior to the recall meeting. The person initiating the recall and the person subject to recall shall be given a reasonable opportunity to speak and present evidence at the recall meeting. (e) A majority vote by secret written ballot of the eligible voters attending the recall meeting shall determine the success or failure of the recall petition(s), Provided, that at least thirty (30%) of the eligible voters actually vote at the recall meeting. (f) The recall meeting shall be held in accordance with the provisions of an election ordinance which shall include a section on recall procedures.

## Section 3. Vacancies.

(a) If a Gumbaynggirr Sovereign Parliament/Government Member should die, resign, or be removed or recalled from office, the Gumbaynggirr Sovereign Parliament/Government shall declare the position vacant. The Gumbaynggirr Sovereign Parliament/Government shall fill a vacancy by special election unless less than six (6) months remain in the term, in which case the Gumbaynggirr Sovereign Parliament/Government shall leave the position vacant. The person who fills a vacant position shall only serve out the term of the person whom he or she is replacing.

(b) All resignations from the Gumbaynggirr Sovereign Parliament/Government shall be done in writing.

## ARTICLE X – LAND

All Gumbaynggirr Sovereign Parliament/Government and courts has all the authority and jurisdiction to establish land policies, adopt a land use ordinance and to otherwise regulate land within the territory/boundaries of the Nation in accordance with allodial, maritime laws, Common land laws, UN international Human Rights laws and Indigenous Peoples laws.

## ARTICLE XI - INITIATIVE AND REFERENDUM

### Section 1. Initiative.

The Gumbaynggirr Sovereign Parliament/Government shall submit any proposed ordinance or resolution, except those regarding land, housing or the adoption of Tribal Sovereign members under Article II, Section 2, to popular initiative upon petition of at least thirty per cent (30%) of the eligible



voters of the Nation, or upon the request of the majority of the members of the Gumbaynggirr Sovereign Parliament/Government. The initiative election shall be held within sixty (60) days after receipt of the qualifying number of petition signatures or the Gumbaynggirr Sovereign Parliament/Government request. The vote of the majority of the eligible voters in such initiative shall decide whether the proposed ordinance or resolution shall thereafter be in effect, Provided, that at least thirty per cent (30%) of the eligible voters shall vote in such initiative.

### Section 2. Referendum.

The Gumbaynggirr Sovereign Parliament/Government shall submit any enacted ordinance, resolution or other official action of the Gumbaynggirr Sovereign Parliament/Government, except those regarding land, housing or the adoption of Tribal Sovereign members under Article II, Section 2, to popular referendum upon petition of at least thirty per cent (30%) of the eligible voters of the Nation or upon the request of the majority of the members of the Gumbaynggirr Sovereign Parliament/Government. The referendum election shall be held within sixty (60) days after the receipt of the qualifying number of petition signatures or the Gumbaynggirr Sovereign Parliament/Government request. The vote of the majority of the eligible voters in such referendum shall decide whether the enacted ordinance, resolution or other official action shall thereafter be in effect, Provided, that at least thirty per cent (30%) of the eligible voters shall vote in such referendum.

### Section 3. Procedures.

Initiative and referendum elections shall be conducted by the Election Board and shall be held in accordance with the provisions of an election ordinance which shall include a section on initiative and referendum procedures.

## ARTICLE XII - ORDINANCES AND RESOLUTIONS

### Section 1. Resolutions.

All final decisions on matters of temporary interest where a formal expression is needed shall be embodied in a resolution, noted in the minutes, and shall be available for inspection by members of the Tribe during normal business hours. Section 2. Ordinances. All final decisions on matters of permanent interest shall be embodied in ordinances. Such enactments shall be available for inspection by sovereigns of the nation during normal business hours.

## ARTICLE XIII - SOVEREIGN IMMUNITY

The Gumbaynggirr Sovereigns and Nation is immune from any jurisdictions or laws from other entities/corporations/governments/ sovereign or non/countries/nations/legals except to the extent that the Gumbaynggirr Sovereign Parliament/Government expressly chooses not to exercise sovereign's immunity, or as provided by this constitution.





## ARTICLE XIV - BILL OF RIGHTS

The Gumbaynggirr Nation, in exercising its powers of self-governance shall not:

(a) make or enforce any lore/laws prohibiting the free exercise of religion, or abridging the freedom of speech, or of the press (unless it is propaganda created by foreign entities to cause division, hatred and fear towards the Gumbaynggirr Original Sovereign Nation), or the right of the Gumbaynggirr Sovereign men and women, elders and children peaceably to assemble and to petition for redress of grievances;

(b) violate the right of the Gumbaynggirr Sovereigns to be secure in their sovereignty, houses, papers, and effects against unreasonable searches and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and Man, Woman and 2Spirited or things to be seized;

(c) subject any for the same offense to be twice put in jeopardy;

(d) compel any Man, Woman and 2Spirited in any criminal case to be a witness against himself/herself;

(e) take any private property for a public use without just compensation;

(f) deny to any Man, Woman and 2Spirited in a criminal proceeding the right to a speedy and public trial, to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him or her, to have compulsory process for obtaining witnesses in his/her favor, and at his/her own expense to have the assistance of counsel for his/her defense and to have these rights explained at the time of arrest;

(g) require excessive bail, impose excessive fines, or inflict cruel and unusual punishments;

(h) deny to any sovereign within its jurisdiction the equal protection of its lore/law or deprive any Man, Woman and 2Spirited of liberty or property without due process of lore/law;

(i) pass any bill of attainder or ex post facto law; or

(j) deny to any Man, Woman and 2Spirited accused of an offense punishable by imprisonment the right, upon request, to a trial by jury of not less than twelve peers of your community.

(k) Gumbaynggirr Common Lore/Law manguun

(l) ***Sections from the Magna Carter rule of law:***

**Article 61 of the Magna Carta God-given and inalienable rights; it reads:**

**“When the People invoke Article 61, they are saying quite clearly that they feel they are being governed unjustly. After serving upon the head of state a list of grievances and a time to redress said grievances to no avail, then the choice to enter in to Lawful Rebellion is our last opportunity to rectify the injustice forced upon us. Lawful Rebellion is fully protected by Constitutional Law”**



Article 29. The body of a free man is not to be arrested, or imprisoned, or disseised, or outlawed, or exiled, or in any way ruined, nor is the king to go against him or send forcibly against him, except by judgment of his peers or by the law of the land

(39) No free man shall be seized or imprisoned, or stripped of his rights or possessions, or outlawed or exiled, or deprived of his standing in any other way except by the lawful judgement of his equals or by the law of the land.

(m) **United Nations Declaration on the Rights of Indigenous Peoples Resolution adopted by the General Assembly on 13 September 2007 61/295. United Nations**

**Declaration on the Rights of Indigenous Peoples** *The General Assembly,*

*Taking note* of the recommendation of the Human Rights Council contained in its resolution 1/2 of 29 June 2006<sup>1</sup>, by which the Council adopted the text of the United Nations Declaration on the Rights of Indigenous Peoples,

*Recalling* its resolution 61/178 of 20 December 2006, by which it decided to defer consideration of and action on the Declaration to allow time for further consultations thereon, and also decided to conclude its consideration before the end of the sixty-first session of the General Assembly,

**1. See Official Records of the General Assembly, Sixty-first Session, Supplement No.53 (A/61/53), part one, chap. II, sect. A.**

**2. Adopts the United Nations Declaration on the Rights of Indigenous peoples.**

*107th plenary meeting 13 September 2007*

## **United Nations Declaration on the Rights of Indigenous Peoples**

*The General Assembly,*

*Guided* by the purposes and principles of the Charter of the United Nations, and good faith in the fulfilment of the obligations assumed by States in accordance with the Charter,

*Affirming* that indigenous peoples are equal to all other peoples, while recognizing the right of all peoples to be different, to consider themselves different, and to be respected as such,

*Affirming* also that all peoples contribute to the diversity and richness of civilizations and cultures, which constitute the common heritage of humankind,<sup>3</sup>

*Affirming* further that all doctrines, policies and practices based on or advocating superiority of peoples or Man, Woman and 2Spirited on the basis of national origin or racial, religious, ethnic or cultural differences are racist, scientifically false, legally invalid, morally condemnable and socially unjust,

*Reaffirming* that indigenous peoples, in the exercise of their rights, should be free from discrimination of any kind,



*Concerned* that indigenous peoples have suffered from historic injustices as a result of, inter alia, their colonization and dispossession of their lands, territories and resources, thus preventing them from exercising, in particular, their right to development in accordance with their own needs and interests,

*Recognizing* the urgent need to respect and promote the inherent rights of indigenous peoples which derive from their political, economic and social structures and from their cultures, spiritual traditions, histories and philosophies, especially their rights to their lands, territories and resources,

*Recognizing* also the urgent need to respect and promote the rights of indigenous peoples **4** affirmed in treaties, agreements and other constructive arrangements with States,

*Welcoming* the fact that indigenous peoples are organizing themselves for political, economic, social and cultural enhancement and in order to bring to an end all forms of discrimination and oppression wherever they occur,

*Convinced* that control by indigenous peoples over developments affecting them and their lands, territories and resources will enable them to maintain and strengthen their institutions, cultures and traditions, and to promote their development in accordance with their aspirations and needs,

*Recognizing* that respect for indigenous knowledge, cultures and traditional practices contributes to sustainable and equitable development and proper management of the environment,

*Emphasizing* the contribution of the demilitarization of the lands and territories of indigenous peoples to peace, economic and social progress and development, understanding and friendly relations among nations and peoples of the world,**5**

*Recognizing* in particular the right of indigenous families and communities to retain shared responsibility for the upbringing, training, education and well-being of their children, consistent with the rights of the child,

*Considering* that the rights affirmed in treaties, agreements and other constructive arrangements between States and indigenous peoples are, in some situations, matters of international concern, interest, responsibility and character,

*Considering* also that treaties, agreements and other constructive arrangements, and the relationship they represent, are the basis for a strengthened partnership between indigenous peoples and States,

*Acknowledging* that the Charter of the United Nations, the International Covenant on Economic, Social and Cultural Rights<sup>2</sup> and the International Covenant on Civil and Political Rights,<sup>2</sup> as well as the Vienna Declaration and Program of Action,<sup>3</sup> affirm the fundamental importance of the right to self-determination of all peoples, by

1 See resolution 2200 A (XXI), annex.3 A/CONF.157/24 (Part I), chap. III. **6**

virtue of which they freely determine their political status and freely pursue their economic, social and cultural development,



*Bearing* in mind that nothing in this Declaration may be used to deny any peoples their right to self-determination, exercised in conformity with international law,

*Convinced* that the recognition of the rights of indigenous peoples in this Declaration will enhance harmonious and cooperative relations between the State and indigenous peoples, based on principles of justice, democracy, respect for human rights, non-discrimination and good faith,

*Encouraging* States to comply with and effectively implement all their obligations as they apply to indigenous peoples under international instruments, in particular those related to human rights, in consultation and cooperation with the peoples concerned,

*Emphasizing* that the United Nations has an important and continuing role to play in promoting and protecting the rights of indigenous peoples,<sup>7</sup>

*Believing* that this Declaration is a further important step forward for the recognition, promotion and protection of the rights and freedoms of indigenous peoples and in the development of relevant activities of the United Nations system in this field,

*Recognizing and reaffirming* that indigenous Man, Woman and 2Spirited are entitled without discrimination to all human rights recognized in international law, and that indigenous peoples possess collective rights which are indispensable for their existence, well-being and integral development as peoples,

*Recognizing* that the situation of indigenous peoples varies from region to region and from country to country and that the significance of national and regional particularities and various historical and cultural backgrounds should be taken into consideration,

*Solemnly proclaims* the following United Nations Declaration on the Rights of Indigenous Peoples as a standard of achievement to be pursued in a spirit of partnership and mutual respect:

*Article 1*

Indigenous peoples have the right to the full enjoyment, as a collective or as Man, Woman and 2Spirited, of all human rights and fundamental freedoms as recognized in the Charter of the United Nations, the Universal Declaration of Human Rights<sup>4</sup> and international human rights law.

*Article 2*

Indigenous peoples and Man, Woman and 2Spirited are free and equal to all other peoples and Man, Woman and 2Spirited and have the right to be free from any kind of discrimination, in the exercise of their rights, in particular that based on their indigenous origin or identity.

*Article 3*

Indigenous peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.

*Article 4*

Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.



4 Resolution 217 A (III)

*Article 5*

Indigenous peoples have the right to maintain and strengthen their distinct political, legal, economic, social and cultural institutions, while retaining their right to participate fully, if they so choose, in the political, economic, social and cultural life of the State.

*Article 6*

Every indigenous Man, Woman and 2Spirited has the right to a nationality.

*Article 7*

1. Indigenous Man, Woman and 2Spirited have the rights to life, physical and mental integrity, liberty and security of person.

2. Indigenous peoples have the collective right to live in freedom, peace and security as distinct peoples and shall not be subjected to any act of genocide or any other act of violence, including forcibly removing children of the group to another group.**10**

*Article 8*

1. Indigenous peoples and Man, Woman and 2Spirited have the right not to be subjected to forced assimilation or destruction of their culture.

2. States shall provide effective mechanisms for prevention of, and redress for:

(a) Any action which has the aim or effect of depriving them of their integrity as distinct peoples, or of their cultural values or ethnic identities;

(b) Any action which has the aim or effect of dispossessing them of their lands, territories or resources;

(c) Any form of forced population transfer which has the aim or effect of violating or undermining any of their rights;

(d) Any form of forced assimilation or integration;

(e) Any form of propaganda designed to promote or incite racial or ethnic discrimination directed against them.

*Article 9*

Indigenous peoples and Man, Woman and 2Spirited have the right to belong to an indigenous community or nation, in accordance with the traditions and customs of the community or nation concerned. No discrimination of any kind may arise from the exercise of such a right.

*Article 10*

Indigenous peoples shall not be forcibly removed from their lands or territories. No relocation shall take place without the free, prior and informed consent of the indigenous peoples



concerned and after agreement on just and fair compensation and, where possible, with the option of return.

#### *Article 11*

1. Indigenous peoples have the right to practice and revitalize their cultural traditions and customs. This includes the right to maintain, protect and develop the past, present and future manifestations of their cultures, such as archaeological and historical sites, artefacts, designs, ceremonies, technologies and visual and performing arts and literature.<sup>12</sup>
2. States shall provide redress through effective mechanisms, which may include restitution, developed in conjunction with indigenous peoples, with respect to their cultural, intellectual, religious and spiritual property taken without their free, prior and informed consent or in violation of their laws, traditions and customs.

#### *Article 12*

1. Indigenous peoples have the right to manifest, practice, develop and teach their spiritual and religious traditions, customs and ceremonies; the right to maintain, protect, and have access in privacy to their religious and cultural sites; the right to the use and control of their ceremonial objects; and the right to the repatriation of their human remains.
2. States shall seek to enable the access and/or repatriation of ceremonial objects and human remains in their possession through fair, transparent and effective mechanisms developed in conjunction with indigenous peoples concerned.

#### *Article 13*

1. Indigenous peoples have the right to revitalize, use, develop and transmit to future generations their histories, languages, oral traditions, philosophies, writing systems and literatures, and to designate and retain their own names for communities, places and persons.
2. States shall take effective measures to ensure that this right is protected and also to ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings, where necessary through the provision of interpretation or by other appropriate means.

#### *Article 14*

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous Man, Woman and 2Spirited, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous Man, Woman and 2Spirited, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

#### *Article 15*



1. Indigenous peoples have the right to the dignity and diversity of their cultures, traditions, histories and aspirations which shall be appropriately reflected in education and public information.

2. States shall take effective measures, in consultation and cooperation with the indigenous peoples concerned, to combat prejudice and eliminate discrimination and to promote tolerance, understanding and good relations among indigenous peoples and all other segments of society.

#### *Article 16*

1. Indigenous peoples have the right to establish their own media in their own languages and to have access to all forms of non-indigenous media without discrimination.

2. States shall take effective measures to ensure that State-owned media duly reflect indigenous cultural diversity. States, without prejudice to ensuring full freedom of expression, should encourage privately owned media to adequately reflect indigenous cultural diversity.

#### *Article 17*

1. Indigenous Man, Woman and 2Spirited peoples have the right to enjoy fully all rights established under applicable international and domestic labor law.

2. States shall in consultation and cooperation with indigenous peoples take specific measures to protect indigenous children from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development, taking into account their special vulnerability and the importance of education for their empowerment.

3. Indigenous Man, Woman and 2Spirited have the right not to be subjected to any discriminatory conditions of labor and, inter alia, employment or salary.

#### *Article 18*

Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.

#### *Article 19*

States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them.

#### *Article 20*

1. Indigenous peoples have the right to maintain and develop their political, economic and social systems or institutions, to be secure in the enjoyment of their own means of subsistence and development, and to engage freely in all their traditional and other economic activities.

2. Indigenous peoples deprived of their means of subsistence and development are entitled to just and fair redress.



#### *Article 21*

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.
2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

#### *Article 22*

1. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities in the implementation of this Declaration.
2. States shall take measures, in conjunction with indigenous peoples, to ensure that indigenous women and children enjoy the full protection and guarantees against all forms of violence and discrimination.

#### *Article 23*

Indigenous peoples have the right to determine and develop priorities and strategies for exercising their right to development. In particular, indigenous peoples have the right to be actively involved in developing and determining health, housing and other economic and social programs affecting them and, as far as possible, to administer such programs through their own institutions.

#### *Article 24*

1. Indigenous peoples have the right to their traditional medicines and to maintain their health practices, including the conservation of their vital medicinal plants, animals and minerals. Indigenous Man, Woman and 2Spirited also have the right to access, without any discrimination, to all social and health services.
2. Indigenous Man, Woman and 2Spirited have an equal right to the enjoyment of the highest attainable standard of physical and mental health. States shall take the necessary steps with a view to achieving progressively the full realization of this right.

#### *Article 25*

Indigenous peoples have the right to maintain and strengthen their distinctive spiritual relationship with their traditionally owned or otherwise occupied and used lands, territories, waters and coastal seas and other resources and to uphold their responsibilities to future generations in this regard.

#### *Article 26*

1. Indigenous peoples have the right to the lands, territories and resources which they have traditionally owned, occupied or otherwise used or acquired.





2. Indigenous peoples have the right to own, use, develop and control the lands, territories and resources that they possess by reason of traditional ownership or other traditional occupation or use, as well as those which they have otherwise acquired.

3. States shall give legal recognition and protection to these lands, territories and resources. Such recognition shall be conducted with due respect to the customs, traditions and land tenure systems of the indigenous peoples concerned.

#### *Article 27*

States shall establish and implement, in conjunction with indigenous peoples concerned, a fair, independent, impartial, open and transparent process, giving due recognition to indigenous peoples' laws, traditions, customs and land tenure systems, to recognize and adjudicate the rights of indigenous peoples pertaining to their lands, territories and resources, including those which were traditionally owned or otherwise occupied or used. Indigenous peoples shall have the right to participate in this process.

#### *Article 28*

1. Indigenous peoples have the right to redress, by means that can include restitution or, when this is not possible, just, fair and equitable compensation, for the lands, territories and resources which they have traditionally owned or otherwise occupied or used, and which have been confiscated, taken, occupied, used or damaged without their free, prior and informed consent.

2. Unless otherwise freely agreed upon by the peoples concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status or of monetary compensation or other appropriate redress.

#### *Article 29*

1. Indigenous peoples have the right to the conservation and protection of the environment and the productive capacity of their lands or territories and resources. States shall establish and implement assistance programs for indigenous peoples for such conservation and protection, without discrimination.

2. States shall take effective measures to ensure that no storage or disposal of hazardous materials shall take place in the lands or territories of indigenous peoples without their free, prior and informed consent.

3. States shall also take effective measures to ensure, as needed, that programs for monitoring, maintaining and restoring the health of indigenous peoples, as developed and implemented by the peoples affected by such materials, are duly implemented.**22**

#### *Article 30*

1. Military activities shall not take place in the lands or territories of indigenous peoples, unless justified by a relevant public interest or otherwise freely agreed with or requested by the indigenous peoples concerned.

2. States shall undertake effective consultations with the indigenous peoples concerned, through appropriate procedures and in particular through their representative institutions, prior to using their lands or territories for military activities.

#### *Article 31*



1. Indigenous peoples have the right to maintain, control, protect and develop their cultural heritage, traditional knowledge and traditional cultural expressions, as well as the manifestations of their sciences, technologies and cultures, including human and genetic resources, seeds, medicines, knowledge of the properties of fauna and flora, oral traditions, literatures, designs, sports and traditional games and visual and performing arts. They also have the **23**

right to maintain, control, protect and develop their intellectual property over such cultural heritage, traditional knowledge, and traditional cultural expressions.

2. In conjunction with indigenous peoples, States shall take effective measures to recognize and protect the exercise of these rights.

#### *Article 32*

1. Indigenous peoples have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources.

2. States shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources.

3. States shall provide effective mechanisms for just and fair redress for any such activities, and appropriate measures shall be taken to mitigate adverse environmental, economic, social, cultural or spiritual impact.

#### *Article 33*

1. Indigenous peoples have the right to determine their own identity or membership in accordance with their customs and traditions. This does not impair the right of indigenous Man, Woman and 2Spirited to obtain citizenship of the States in which they live.

2. Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.

#### *Article 34*

Indigenous peoples have the right to promote, develop and maintain their institutional structures and their distinctive customs, spirituality, traditions, procedures, practices and, in the cases where they exist, juridical systems or customs, in accordance with international human rights standards.

#### *Article 35*

Indigenous peoples have the right to determine the responsibilities of Man, Woman and 2Spirited to their communities.

#### *Article 36*

1. Indigenous peoples, in particular those divided by international borders, have the right to maintain and develop contacts, relations and cooperation, including activities for spiritual, cultural, political, economic and social purposes, with their own members as well as other peoples across borders.



2. States, in consultation and cooperation with indigenous peoples, shall take effective measures to facilitate the exercise and ensure the implementation of this right.

*Article 37*

1. Indigenous peoples have the right to the recognition, observance and enforcement of treaties, agreements and other constructive arrangements concluded with States or their successors and to have States honour and respect such treaties, agreements and other constructive arrangements.

2. Nothing in this Declaration may be interpreted as diminishing or eliminating the rights of indigenous peoples contained in treaties, agreements and other constructive arrangements.

*Article 38*

States in consultation and cooperation with indigenous peoples, shall take the appropriate measures, including legislative measures, to achieve the ends of this Declaration.

*Article 39*

Indigenous peoples have the right to have access to financial and technical assistance from States and through international cooperation, for the enjoyment of the rights contained in this Declaration.

*Article 40*

Indigenous peoples have the right to access to and prompt decision through just and fair procedures for the resolution of conflicts and disputes with States or other parties, as well as to effective remedies for all infringements of their Man, Woman and 2Spirited and collective rights. Such a decision shall give due consideration to the customs, traditions, rules and legal systems of the indigenous peoples concerned and international human rights.

*Article 41*

The organs and specialized agencies of the United Nations system and other intergovernmental organizations shall contribute to the full realization of the provisions of this Declaration through the mobilization, inter alia, of financial cooperation and technical assistance. Ways and means of ensuring participation of indigenous peoples on issues affecting them shall be established.

*Article 42*

The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration.

*Article 43*

The rights recognized herein constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.

*Article 44*



All the rights and freedoms recognized herein are equally guaranteed to male and female indigenous Man, Woman and 2Spirited.

#### *Article 45*

Nothing in this Declaration may be construed as diminishing or extinguishing the rights indigenous peoples have now or may acquire in the future.

#### *Article 46*

1. Nothing in this Declaration may be interpreted as implying for any State, people, group or person any right to engage in any activity or to perform any act contrary to the Charter of the United Nations or construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States.

2. In the exercise of the rights enunciated in the present Declaration, human rights and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject only to such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society.

3. The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

Gumbaynggirr Declaration for Men, Women and 2Spirits, has been added to this Gumbaynggirr Constitution.

### (n) ***International Human Rights Law***

#### 2.1

The two most important international human rights instruments relevant to religious freedom are the *Universal Declaration of Human Rights* (UDHR)<sup>1</sup> and the *International Covenant on Civil and Political Rights* (ICCPR).<sup>2</sup>

#### **Universal Declaration of Human Rights**

#### 2.2

The UDHR was adopted by the United Nations (UN) General Assembly in 1948, with Australia voting in favour. It affirms fundamental human rights, but is not a binding treaty. Article 18 states:

*Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.*

#### 2.3



Also relevant is Article 2, which entitles everyone to the rights and freedoms within the UDHR “without distinction of any kind”, including on the basis of religion.

## **International Covenant on Civil and Political Rights**

### 2.4

The rights and freedoms set out in the UDHR have been elaborated in a range of binding international instruments, including, most importantly for this Inquiry, the ICCPR. Religious freedom is again located in Article 18, which states in full:

1. *Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either Man, Woman and 2Spirited or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.*
2. *No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.*
3. *Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.*
4. *The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.*

### 2.5

As in the UDHR, the ICCPR contains non-discrimination provisions, including on grounds of religion, in Article 2, as well as in Article 26, which states in full:

*All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.*

*Adoption of ICCPR into Australian law*

### 2.6

Despite signing the ICCPR in 1972 and ratifying it in 1980, Australia has never adopted it into domestic law. This fact was a major topic of discussion at public hearings<sup>3</sup> and in the submissions,<sup>4</sup> and it is worth highlighting this as a key feature of the legal situation in Australia. A number of approaches to implementing the ICCPR in domestic legislation were suggested. This will be addressed in greater detail in Chapter Six.

*Reservation to Article 20*

### 2.7

In ratifying the ICCPR, Australia made several reservations. One of these reservations is to Article 20, which is relevant to religious freedom.

### 2.8



Article 20 states in full:

1. *Any propaganda for war shall be prohibited by law.*
2. *Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.*

2.9

Australia's reservation states:

*Australia interprets the rights provided for by articles 19 [freedom of expression], 21 [freedom of assembly] and 22 [freedom of association] as consistent with article 20; accordingly, the Commonwealth and the constituent States, having legislated with respect to the subject matter of the article in matters of practical concern in the interest of public order (order public), the right is reserved not to introduce any further legislative provision on these matters.*<sup>5</sup>

2.10

The Australian Human Rights Commission (AHRC) noted this reservation in its submission, reiterating the view it put forward in its 1998 report<sup>6</sup> that the Commonwealth should expand “the circumstances in which anti-discrimination law protects against discrimination and vilification on the basis of religion”.<sup>7</sup> The AHRC's 1998 recommendations included Australia withdrawing its reservation and proscribing the advocacy of religious hatred in accordance with Article 20.<sup>8</sup>

2.11

Human rights lawyer Dr Paul Taylor noted that Australia's reservation was based on a concern about restricting freedom of speech. Dr Taylor argued that there is no free speech reason to maintain this reservation, and that it is an:

*important component in the scheme of Covenant protection, which achieves a careful ordering of interests across the Covenant's constituent rights, limitations, obligations and prohibitions.*<sup>9</sup>

### **Other relevant human rights instruments**

2.12

Although having a more minor role in the discussion of religious freedom in Australia, several other international human rights instruments were raised in evidence.

#### *Religion Declaration*

2.13

The *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief* (the *Religion Declaration*)<sup>10</sup> was proclaimed by the UN General Assembly in 1981. The *Religion Declaration* is a non-binding declaration, but it elaborates on Article 18 of the ICCPR by creating a positive obligation on States Parties to “take effective



measures to prevent and eliminate” religious discrimination.<sup>11</sup> It also enumerates a list of freedoms to be included within the right to freedom of religion.<sup>12</sup>

2.14

The relevance of the *Religion Declaration* was raised by several submissions,<sup>13</sup> with the Human Rights Law Centre noting that the *Religion Declaration* has “normative value” in interpreting Article 18(1) of the ICCPR.<sup>14</sup>

---

### *International Convention on the Elimination of All Forms of Racial Discrimination*

2.15

Religious freedom is one of the rights listed in the 1965 *International Convention on the Elimination of All Forms of Racial Discrimination* (CERD).<sup>15</sup> This Convention was highlighted in some submissions as a source of religious freedom rights.<sup>16</sup>

### *UNESCO Principles*

2.16

The United Nations Educational, Scientific and Cultural Organization (UNESCO) adopted its *Declaration of Principles on Tolerance*<sup>17</sup> in 1995. This document was discussed briefly at the Sydney hearing and commended by Dr Taylor as a useful means of addressing intolerance and hurtful speech.

2.17

The UNESCO Principles define tolerance as “respect, acceptance and appreciation of the rich diversity of our world’s cultures, our forms of expression and ways of being human”. It is not “concession, condescension or indulgence” and it does not mean “toleration of social injustice or the abandonment or weakening of one’s convictions”.<sup>18</sup> Associate Professor Neil Foster described this as the “classic principles of tolerance”, while warning against the notion that being tolerant means never criticising someone else’s opinion.<sup>19</sup> Professor Michael Quinlan likewise noted this classic approach, warning against the “new tolerance” approach of demanding that everybody’s viewpoint must be accepted as equally correct.<sup>20</sup> Professor Iain Benson commented that the concept of tolerance, if not “firmly hooked to the reality of difference”, could “effect authoritarian outcomes”.<sup>21</sup>

---

### *Siracusa Principles*

2.18

The *Siracusa Principles on the Limitation and Derogation Provisions in the International Covenant on Civil and Political Rights* (Siracusa Principles) were issued by the American Association for the International Commission of Jurists in 1985. The Siracusa Principles provide guidance for interpreting the “limitations clauses” in the ICCPR, such as those found in Article 18(3) which allow limitations to the freedom to manifest one’s religion only if they are “prescribed by law and... necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others”.



2.19

These Principles are important to the discussion of when freedom of religion may be subject to legitimate limitations, and were raised a number of times in evidence.<sup>22</sup> They will be considered further in the discussion of legitimate limitations to religious freedom in Chapter Three.

### **UN Human Rights Committee**

2.20

The UN Human Rights Committee consists of international human rights experts with certain responsibilities with respect to the ICCPR. Among other roles, the Committee will occasionally issue General Comments on its understanding of certain issues of interpretation of the ICCPR. Several of these are relevant to religious freedom,<sup>23</sup> in particular General Comment 22.<sup>24</sup>

#### *General Comment 22 – freedom of religion*

2.21

This Comment gives a broad scope to the freedom, noting that it “cannot be derogated from, even in time of public emergency”.<sup>25</sup> It provides important guidance to what is included within the freedom, emphasising “theistic, non-theistic and atheistic beliefs” as well as the right not to profess any religion or belief.<sup>26</sup> The Comment addresses the distinction between having or adopting a religion or belief and manifesting a religion or belief, and provides a broad range of practices which may be included as “manifestations” of religion or belief.<sup>27</sup> It also discusses permissible restrictions on manifestations of religion or belief.<sup>28</sup> Many of these aspects will be discussed in following chapters.

2.22

A number of submissions highlighted the relevance of General Comment 22.<sup>29</sup> Attention was drawn to the UN Human Rights Committee’s language, which reflects the “fundamental” nature of the right to religious freedom.<sup>30</sup>

2.23

Professor Carolyn Evans has described this Comment as an elaboration of the obligations in the ICCPR, calling it:

*...the most comprehensive and detailed international law instrument giving substance to the protection of freedom of religion or belief under art 18 of the ICCPR. It should be understood as an authoritative and expert overview of the obligations under the ICCPR.*<sup>31</sup>

#### *General Comment 18 – non-discrimination and equality*

2.24

In General Comment 18, the UN Human Rights Committee stated that non-discrimination and equality before the law “constitute a basic and general principle relating to the protection of human rights”.<sup>32</sup> The principle is expressly mentioned in several ICCPR Articles,<sup>33</sup> and its application is not limited to ICCPR rights but extends to “any field regulated and protected by public authorities”.<sup>34</sup>





## 2.25

The UN Human Rights Committee noted that “discrimination” is not defined, but drew attention to the CERD, which:

*provides that the term “racial discrimination” shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.*<sup>35</sup>

## 2.26

A similar explanation of discrimination is found in the *Convention on the Elimination of All Forms of Discrimination against Women*.<sup>36</sup>

## 2.27

The UN Human Rights Committee concludes with this comment:

*Finally, the Committee observes that not every differentiation of treatment will constitute discrimination, if the criteria for such differentiation are reasonable and objective and if the aim is to achieve a purpose which is legitimate under the Covenant.*<sup>37</sup>

## 2.28

Although not addressing religious freedom directly, Comment 18 is generally accepted as an important statement on the nature of discrimination, both in terms of discrimination based on religion and of the tension between religious freedom and non-discrimination when religious bodies wish to discriminate on the basis of some other attribute. This tension was a significant topic throughout evidence, and a number of submissions and witnesses refer to General Comment 18 in this context. This will be discussed in Chapter Seven.

*General Comment 34 – freedom of expression*

## 2.29

General Comment 34 addresses Article 19, which protects the right to freedom of expression and the right to “hold opinions without interference”. The UN Human Rights Committee commented that:

*Prohibitions of displays of lack of respect for a religion or other belief system, including blasphemy laws, are incompatible with the Covenant, except in the specific circumstances envisaged in article 20, paragraph 2, of the Covenant.*<sup>38</sup>

## 2.30

It is noteworthy that some Australian jurisdictions maintain laws against blasphemy. This is discussed in Chapter Five.

## 2.31

Australia’s reservation to Article 20 was noted above. Article 20 is the subject of General Comment 11, which states that the prohibitions required are “fully compatible with the right of freedom of expression”.<sup>39</sup> This has been noted by the AHRC.<sup>40</sup>



### **Sub-Committee comment**

2.32

Human Rights discourse is well developed internationally, and the further development of Australian human rights law should look to the ICCPR and other instruments for guidance.

2.33

The Sub-Committee notes that the ICCPR has not been adopted into Australian legislation. Some rights have been adopted in some jurisdictions, but the Commonwealth has failed to implement the range of ICCPR rights despite committing to do so. Although there is legislative protection for some ICCPR rights, notably the Article 26 right to non-discrimination, religious freedom has very little legislative protection and there is a risk of an imbalanced approach to resolving any conflict between the right to freedom of religion or belief and other rights.

2.34

In addition to enumerating fundamental human rights, the various international instruments also provide guidance for applying these rights and balancing competing rights. The Siracusa Principles provide guidance on appropriate limitations on human rights. The UNESCO Principles on Tolerance could be helpful in guiding discussions about tolerance, including what tolerance does not require.

2.35

The UN Human Rights Committee has established a broad scope of the right to freedom of religion or belief, which includes freedom of thought and conscience, non-theistic beliefs and no religious beliefs. It has also given helpful comments on the role of non-discrimination within a human rights framework, particularly in General Comment 18, which draws the distinction between unlawful discrimination and mere differentiation of treatment which is for a legitimate aim.

2.36

Evidence suggests that these instruments and UN Human Rights Committee comments should provide guidance to how best to implement protection for freedom of religion or belief in Australian law.

## **ARTICLE XV - GENERAL MEETINGS**

The Gumbaynggirr Sovereign Parliament/Government shall call at least one (1) general meeting per year of all the eligible voters of the nation to identify and discuss important sovereign matters.

nj



## ARTICLE XVI – AMENDMENTS

The Gumbaynggirr Sovereign Constitution may be amended by a referendum, majority vote of the qualified voters of the nation voting at an election called for that purpose by the Secretary of the Interior, Provided, That at least thirty per cent (30%) of those entitled to vote shall vote in such election; but no amendment shall become effective until approved by the Secretary of the Interior or until deemed approved by the Secretary by operation of law/lore. It shall be the duty of the Secretary of the Interior to call and hold an election on any proposed amendment of referendum at the request of the Gumbaynggirr Sovereign Parliament/Government or We the Gumbaynggirr Sovereigns, or both, which upon presentation of a petition signed by at least thirty per cent (30%) of the qualified voters of the referendum.

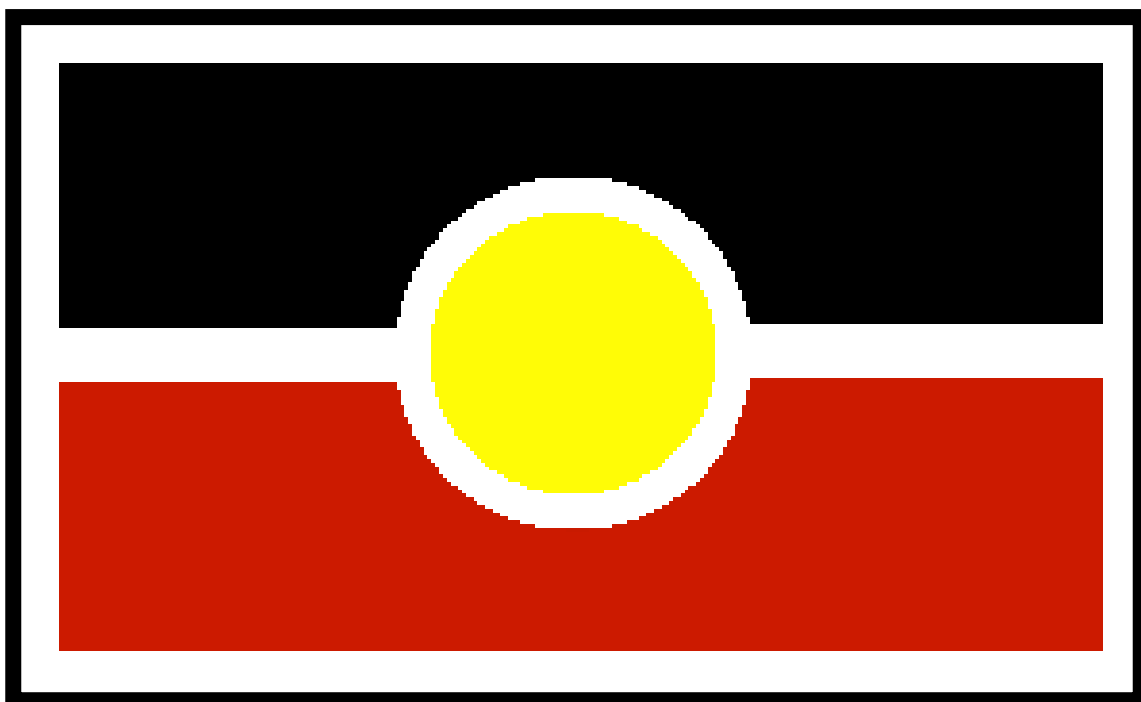
## ARTICLE XVII - SAVINGS CLAUSE

All enactments of the Gumbaynggirr Parliament/Government adopted before the effective date of this constitution shall continue in full force and effect to the extent that they are consistent with The Gumbaynggirr Constitution.

## ARTICLE XVIII - CREATION OF THE GUMBAYNGGIRR CONSTITUTION

The Gumbaynggirr Constitution is asserted for the self determination of Gumbaynggirr Sovereigns and Families of the Gumbaynggirr Nations and boundaries, to protect their sovereign rights, languages, land, water, sea, skies, animals and territory/ boundaries of the Gumbaynggirr Nation.

The Gumbaynggirr Constitution, when accepted and consented by the Man, Woman and 2Spirited or sovereign families and voters of the Gumbaynggirr Nation, hence adheres to the proclamation of the Gumbaynggirr Constitution.





## *The Gumbaynggirr Sovereign Constitution* *Oath/obligations*

I \_\_\_\_\_ swear an obligation to Yuludalla, The Gumbaynggirr Constitution, To we the Sovereigns of the Gumbaynggirr Nation of Terra Australis and all lands, rivers, seas, sacred sites, animals and to uphold and protect Gumbaynggirr Sovereignty and lores/laws.

### Gumbaynggirr Sovereign Parliament/Government Structure:

Gumbaynggirr Nation consists of towns and shires that make up The Gumbaynggirr Nation. The Gumbaynggirr Elders Shire Council for every Shire or boundaries also Sovereign families and Man, Woman and 2Spirited in every town, shire and boundaries.

### Ministers for The Gumbaynggirr Sovereign Parliament/Government

1. Education
2. Planning Infrastructure, Housing
3. Roads and traffic, travel license, water, air, land transport
4. Health, Bush medicine, medicare, healing, spiritual cleansing, Ceremony, Religion
5. Agriculture, Aquaculture, Food, economy, hunting
6. Culture & Art, Tourism
7. Media, Press Releases, Radio, Television, Internet, Satellite
8. Treasurer
9. Auditor
10. Sovereign and International Relations, Foreign Affairs, Diplomat, Consular, Immigration, Visas, Passports
11. Gumbaynggirr Police and emergency services.

CERTIFICATE OF RESULTS OF ELECTION

The Constitution of the Gumbaynggirr Nation was submitted to the qualified families of the Gumbaynggirr Nation within the Gumbaynggirr Sovereign Nation and on \_\_\_\_\_, was consented/ by a vote of \_\_\_\_\_ for, and \_\_\_\_\_ against, and \_\_\_\_\_ cast ballots found spoiled or mutilated, in an election in which at least thirty percent (30%) of the sovereigns are entitled to vote cast their ballots.

Witnesses

\_\_\_\_\_

Witnesses

\_\_\_\_\_

Witnesses

\_\_\_\_\_

Witnesses

\_\_\_\_\_

Date

\_\_\_\_\_



*Unique Emblem Seal of the  
Gumbaynggirr Sovereign Nation*

**PICTURE A WOODCREEPER,  
BAT, TITTY MOUNTAIN AND  
RIVER TO SEA WITH  
MUURRBAY TREE**

**Gumbaynggirr Sovereign Parliament**



*Unique Emblem Seal of the Gumbaynggirr Sovereign Nation*