

Victorians - Local Government, Local Council "Rating" Review
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Sir/Madam,

A major problem with so called council rates (delegated land taxation powers) is that in violation of our federal constitution, the governing constitution, all kinds of businesses are registering as NOT-FOR-PROFIT (NON PROFIT) organisations while making huge profits. Yet are then somehow excluded from paying the so called council rates (delegated land taxation powers). We then have some religious organisation having land holdings free of taxation while it is held merely as a revenue raising property to be sold in time when the value has increased.

The appropriate conduct would be to ensure that any property owner, regardless of being a not-for-profit (non profit) entity nevertheless pays monies in the same manner as any other person and it be for this not-for-profit (non profit) entity to simply apply for any tax deduction to be applied as like any other ordinary person would have to do. As such, any claims of operating for the good of society must be proven by their expenditure.

This would mean that no longer anyone can register as some not-for-profit (non profit) organisation and then really siphon of all the profits with minimal or next to nothing provide for charity purposes as from time to time is being reported.

WELSH v. UNITED STATES, 398 U.S. 333 (1970), 398 U.S. 333, **WELSH v. UNITED STATES, CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE NINTH CIRCUIT, No. 76., Argued January 20, 1970, Decided June 15, 1970**

1. The language of 6 (j) cannot be construed (as it was in *United States v. Seeger*, supra, and as it is in the prevailing opinion) to exempt from military service all individuals who in good faith oppose all war, it being clear from both the legislative history and textual analysis of that provision that Congress used the words "by reason of religious training and belief" to limit religion to its theistic sense and to confine it to formal, organized worship or shared beliefs by a recognizable and cohesive group. Pp. 348-354.
2. The question of the constitutionality of 6 (j) cannot be avoided by a construction of that provision that is contrary to its intended meaning. Pp. 354-356.
3. Section 6 (j) contravenes the Establishment Clause of the First Amendment by exempting those whose conscientious objection claims are founded on a theistic belief while not exempting those whose claims are based on a secular belief. To comport with that clause an exemption must be "neutral" and include those whose belief emanates from a purely moral, ethical, or philosophical source. Pp. 356-361.
4. In view of the broad discretion conferred by the Act's severability clause and the longstanding policy of exempting religious conscientious objectors, the Court, rather than

1 nullifying the exemption entirely, should extend its coverage to those like petitioner who
2 have been unconstitutionally excluded from its coverage. Pp. 361-367.

3
4 Hence, I should not be obligated whatsoever to prove any kind of religious doctrine as any
5 atheist (as a property owner) should be entitled to have the same taxation application as any so
6 called religious or other entity claiming to be a charity.

7
8 As I understand it billions of dollars are not paid in charges merely because of entities claiming
9 to be not-for-profit (non profit) this even so their structure is designed to make huge profits.

10
11 Where councils are to provide for all property owners then the current discrimination based upon
12 alleged charity status, regardless some provide next to nothing to any charity, if any at all, needs
13 to be drastically corrected, this so all property owners share the burden.

14
15 The current system provides that those who claim a charity status can benefit at cost of other
16 property owners the benefits of what council might provide in their area and so jacking up the
17 value of the property regardless they do not contribute a single cent towards improvements.

18
19 Again, any charity status should be that the relevant entity does provide to the relevant taxation
20 authority what it collected in revenue and what taxation it paid and what it actually paid out in
21 regard of charity, which latter it can then be allowed to deduct from its declared income.

22
23 As such for council purposes the property is regarded for charges equally as any other property
24 and any taxation deductions such entity claims would be based upon ACTUAL spending for
25 charity purposes and not that millions if not billions are sent overseas to their corporate head
26 offices.

27
28 ***** Stop this unconstitutional not-for-profit exceptions. I have often written about it that it is
29 unconstitutional.**

30
31 Hansard 8-2-1898 Constitution Convention Debates

32 QUOTE

33 **Under a Constitution like this, the withholding of a power from the
34 Commonwealth is a prohibition against the exercise of such a power.**

35 END QUOTE

36
37 Hansard 2-3-1898 Constitution Convention Debates

38 QUOTE

39 **The particular danger is this: That we do not want to give to
40 the Commonwealth powers which ought to be left to the states. The point is that
41 we are not going to make the Commonwealth a kind of social and religious power
42 over us.**

43 END QUOTE

44
45 HANSARD 1-3-1898 Constitution Convention Debates

46 QUOTE

47 **The court may say-"It is a good law, but as it technically infringes on
48 the Constitution we will have to wipe it out."**

49 END QUOTE

50 And

51 HANSARD 1-3-1898 Constitution Convention Debates

52 QUOTE

53 **The position with regard to this Constitution is that it has no legislative
54 power, except that which is actually given to it in express terms or which is
55 necessary or incidental to a power given.**

56 END QUOTE

[REDACTED]

Hansard 16-2-1898 Constitution Convention Debates

QUOTE

start page 1020] I think that we ought to be satisfied on these points, and satisfied that if we leave the clause as it now stands there will, at any rate, be some proviso inserted which will safeguard the states in the carrying out of any of their state laws over which the states are to be supreme even under federation.

END QUOTE

Hansard 16-2-1898 Constitution Convention Debates (Official Record of the Debates of the National Australasian Convention)

QUOTE [redacted] Victoria).-

In the next sub-section it is provided that all taxation shall be uniform throughout the Commonwealth. An income tax or a property tax raised under any federal law must be uniform "throughout the Commonwealth." That is, in every part of the Commonwealth.

END QUOTE

Hansard 19-4-1897 Constitution Convention Debates (Official Record of the Debates of the National Australasian Convention)

QUOTE

[redacted] I think the reading of the sub-section is clear.

The reductions may be on a sliding scale, but they must always be uniform.

END QUOTE

And

Hansard 19-4-1897 Constitution Convention Debates (Official Record of the Debates of the National Australasian Convention)

QUOTE

[redacted] No. In imposing uniform duties of Customs it should not be necessary for the Federal Parliament to make them commence at a certain amount at once. We have pretty heavy duties in Victoria, and if the uniform tariff largely reduces them at once it may do serious injury to the colony. The Federal Parliament will have power to fix the uniform tariff, and if any reductions made are on a sliding scale great injury will be avoided.

END QUOTE

Hansard 17-3-1898 Constitution Convention Debates

QUOTE

But it is a fair corollary to the provision for dealing with the revenue for the first five years after the imposition of uniform duties of customs, and further reflection has led me to the conclusion that, on the whole, it will be a useful and beneficial provision.

END QUOTE

It is absurd that some religious entity can collect billions of dollars without any taxation accountability how it was spend. Likewise major corporations earning billions can avoid paying a single cent tax and in fact are paid refunds for not paying taxes. A not-got-profit organization should be taxable like any other organization and like any other person must account for any deductions.

When you got large organizations collecting billions and claiming a not-for-profit tax exemption without any proper accountability then this violates the very legal principles of the constitution that taxation shall be uniform and on a sliding scale.

If I were to sell books I would be slugged taxation whereas some not-for-profit organization were to sell my books it would not have to pay any taxation. That I view is unconstitutional.

[Large redacted block at the bottom of the page]

1 Take also where I understand there is this organization dealing with Italian seniors to build
2 retirement kind of houses and I understand is headed by [REDACTED]

3
4 * [REDACTED]

5
6 **** No her uncle who was a Supreme Court judge. Anyhow it seems to me from reports that
7 never mind the millions provided not a single residence was build. Being a not-for-profit
8 organization those in charge can as I understand it enrich themselves. We had once a local
9 councilor who spend merely a fraction of what he collected for charity but I understand he used
10 the rest up for himself, etc. that should be stopped. As [REDACTED] made clear:

11
12 Hansard 2-3-1898 Constitution Convention Debates

13 QUOTE

14 [REDACTED] **I suppose that money could not be paid to any church under this Constitution?**

15 [REDACTED] **No; you have only two powers of spending money, and a church could not receive the
16 funds of the Commonwealth under either of them.**

17 [start page 1773]

18 END QUOTE

19
20 Hansard 2-3-1898 Constitution Convention Debates

21 QUOTE

22 Mr. [REDACTED].-That is the question-are those dangers non-existent?

23 [REDACTED] I do not think the fact that we may be held by law to be a Christian community is any
24 reason for us to anticipate that there will be any longer any fear of a reign of Christian persecution-any fear
25 that there will be any remnant of the old ideas which have caused so much trouble in other ages. The whole
26 of the advancement in English-speaking communities, under English laws and English institutions, has
27 shown a less and less inclination to pass laws for imposing religious tests, or exacting religious observances,
28 or to maintain any religion. We have not done that in Australia. **We have abolished state religion in all
29 these colonies;** we have wiped out every religious test, and we propose now to establish a Government and a
30 Parliament which will be at least as enlightened as the Governments and Parliaments which prevail in various
31 states; therefore, what is the practical fear against which we are fighting? That is the difficulty I have in
32 relation to this proposed clause. If I thought there was any-the least-probability or possibility, taking into
33 consideration the advancement of liberal and tolerant ideas that is constantly going on of any of these various
34 communities utterly and entirely retracing its steps, I might be with the honorable member. If we, in these
35 communities in which we live, have no right whatever to anticipate a return of methods which were practised
36 under a different state or Constitution, under a less liberal measure of progress and advancement; if, as this
37 progress goes on, **the rights of citizenship are more respected; if the divorce between Church and State
38 becomes more pronounced;** if we have no fear of a recurrence of either the ideas or the methods of former
39 days with respect to these colonies, then I do suggest that in framing a Constitution for the Commonwealth of
40 Australia, which we expect to make at least as enlightened, and which we expect to be administered with as
41 much intellectuality as any of the other Constitutions, we are not going to entertain fears in respect of the
42 Commonwealth which we will not attempt to entertain with respect to any one of the states. Now, we have
43 shown that we do not intend these words to apply to our states by striking out clause 109. **That might be a
44 provision that might be held to be too express in its terms, because there may be practices in various
45 religions which are believed in by persons who may enter into the Commonwealth belonging to other
46 races, which practices would be totally abhorrent to the ideas, not only to any Christian, but to any
47 civilized community; and inasmuch as the Commonwealth is armed with the power of legislation in
48 regard to immigration and emigration, and with regard to naturalization, and also with regard to the
49 making of special laws for any race, except the aboriginal races belonging to any state-inasmuch as we
50 have all these provisions under which it would be an advisable thing that the Commonwealth, under its
51 regulative power, should prevent any practices from taking place which are abhorrent to the ideas of
52 humanity and justice of the community; and inasmuch as it is a reasonable thing that these outrages on
53 humanity and justice (if they ever occur) should be prohibited by the Commonwealth, it would be a
54 dangerous thing, perhaps, to place in the Bill a provision which would take out [start page 1772] of their
55 hands the power of preventing any such practices.**

[REDACTED]

1 [REDACTED] Do you think that the Commonwealth has that power under the existing Bill?

2 [REDACTED] I am not sure that it has not. I am not sure that it has not power to prevent anything
3 that may seem an inhuman practice by way of religious rite.

4 [REDACTED] I want to leave such matters to the states.

5 **END QUOTE**

6 Yet, we had Peter Costello as treasurer providing thousands of dollars to the church.
7 So much more to state but let the Commonwealth deal with those issues within constitutional
8 context and we might be all better off. Just stay clear of interfering with the general communities
9 right to its civil rights to use their monies as they deem fit and proper within the provisions of
10 criminal law.

11
12 In the end municipal/shire councils would be financially better of if all property owners
13 contribute their fair share towards the cost to maintain services and leave it up to the
14 State/Federal Government(s) to carry the loss of taxation, where appropriate.

15
16 [REDACTED]

[REDACTED]

19 [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]