

Commonwealth Constitution.

SECTION 92

Section 92; Trade within the Commonwealth to be free.

On the imposition of uniform duties of customs, trade, commerce, and intercourse, (*which means -: contact, communication, interaction and association*) among (*which means -: amid - within, between and amongst*) the States, whether by means of internal carriage or ocean navigation, shall be absolutely free.

But notwithstanding anything in this Constitution, goods imported before the imposition of uniform duties of customs into any State, or into any Colony which, whilst the goods remain therein, becomes a State, shall, on thence passing into another State within two years after the imposition of such duties, be liable to any duty chargeable on the importation of such goods into the Commonwealth, less any duty paid in respect of the goods on their importation.

Some words from CLRA.

When we read the Constitution, the heading gives us a very good idea on what that particular section is all about.

Prior to Federation, all of the Colonies were charging duties (money) against every person that crosses the border between any of the Colonies and sells their goods. The framers of the Constitution were very positive in their approach to this issue. They did not like the approach that the Colonies were taking and took measures to stop this practice and section 92 was their answer.

Some on Face Book and U Tube believe that section 92 prohibits the States from making laws to force the people to have a car license. Section 92 was never about the people not having to have a car license or register their car, it is about the States not charging duties against people crossing the border and selling their goods.

The Annotated Constitution make the following comments;

Page 845

Section 92; Trade Commerce and Intercourse shall be Absolutely Free.

FREEDOM OF INTER-STATE TRADE.—This section is intended to provide for the perfect freedom of trade and commerce among the States, from the moment of the imposition of uniform duties. In order to secure that object the strongest possible words have been used.

In reference to the first question, absolute freedom of trade, commerce, and intercourse may be defined as the right to introduce goods, wares, and merchandise from one State into another, the right to sell the same, and the right to travel unburdened by State restrictions, regulations, or obstructions.

Freedom of trade necessarily means the right to sell as well as the right to introduce, and the right to travel in order to sell.

Some words from CLRA.

For those people who, like I, do not believe that we should have to pay to have a car license (tax) when we are traveling in our vehicle for private reasons. For those people who believe the above we could look at section 107 under powers reserved to the States.

Commonwealth Constitution.

SECTION 107.

107 Saving of power of State Parliaments

Every power of the Parliament of a Colony which has become or becomes a State, shall, unless it is by this Constitution exclusively vested in the Parliament of the Commonwealth or withdrawn from the Parliament of the State, continue as at the establishment of the Commonwealth, or as at the admission or establishment of the State, as the case may be.

The Annotated Constitution make the following comments;

Page 935 & 936

RESIDUARY LEGISLATIVE POWERS.—The residuary authority left to the Parliament of each State, after the exclusive and concurrent grants to the Federal Parliament, embraces a large mass of constitutional, territorial, municipal, and social powers, including control over; 8 matters and 14 Departments of the State.

We have only included the relevant parts in this document.

Departments of State Governments — regulation of

Licenses—the regulation of the issue of licenses to conduct trade and industrial operations, within the State, such as liquor licenses and auctioneers' licenses:

At CLRA we would argue that the Parliaments of the States do not have the authority to make a law that forces the people to have a car license for their private use.