

INQUIRY INTO ILLEGAL TOBACCO TRADE

Name: Name suppressed

Date Received: 30 May 2025

Partially
Confidential

1. Introduction

I am making this submission as an individual deeply concerned with the root causes of the illegal tobacco trade in New South Wales. My background includes extensive research in Democracy, constitutional law, Magna Carta 1215, and the role of Natural Law in lawful governance.

This submission addresses the underlying legal, constitutional, and democratic violations that have directly contributed to the rise of black-market tobacco activity — particularly through unjust taxation, coercive statutes, and prohibitionist policy.

2. Summary of Position

I do not support criminal syndicates, nor do I condone the unlawful sale of harmful goods. However, I assert that the **primary cause of the illegal tobacco market is the State itself**, by:

- Imposing taxation without the consent of the governed
 - Violating constitutional limits under Magna Carta 1215, Article 12
 - Criminalising natural, peaceful acts like growing tobacco for personal use
 - Creating artificial scarcity and driving trade underground
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3. Key Argument: Tax Without Consent Breeds Crime

Magna Carta 1215, Article 12 states:

“No scutage nor aid shall be imposed... unless by common counsel of the realm.”

This provision affirms that **taxation must be consented to by the people**, not imposed by Parliament or executive decree. Today's tobacco excise system is a **direct breach** of this constitutional safeguard.

The result:

- Prices become unaffordable
- Personal choice is criminalised
- Distribution is forced into the hands of criminal networks

This is not the fault of the people — it is a failure of lawful governance.

4. Prohibition and Overregulation Cause the Crisis

History is clear: Prohibition creates black markets. We saw it with alcohol. We see it now with overregulated natural goods. Organised crime steps in only **after the State imposes excessive restrictions** that suppress lawful trade.

Further, under **English Law**, it is perfectly lawful to **grow tobacco for personal use**. Australia operates under that legal heritage. Why, then, is it a crime here?

Growing your own tobacco for non-commercial use harms no one — it is a peaceful act. Statutes that criminalise such conduct violate **Democracy, Natural Law** and **our lawful constitutional inheritance**.

5. Impact on Regional Communities and Small Business

As noted in your own media release (22 May 2025), regional businesses are facing:

“Violence, intimidation and financial insecurity...”

This is not caused by lawful behaviour, but by a system that:

- Creates scarcity through tax and red tape
- Forces law-abiding citizens out of business
- Allows only corporations aligned with the State to profit

This is economic exclusion by statute — not justice.

6. Legislative and Enforcement Breakdown

You are right to question enforcement capacity. But the deeper issue is this:

Are these laws even lawful?

No amount of resources will fix a framework built on unjust principles. This is not an enforcement failure — it's a governance failure.

7. Recommendations

1. **Legalise personal tobacco cultivation** for private, non-commercial use
 2. **Review and repeal all statutory prohibitions** that criminalise peaceful, voluntary acts
 3. **Cease excise enforcement against private individuals** exercising ancient, lawful rights
 4. **Redirect enforcement to actual organised crime**, not everyday citizens
 5. **Hold Parliament accountable** for taxation without consent
 6. **Restore the supremacy of Common Law and Natural Law** over statute
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8. Request to Give Evidence

Due to the constitutional and lawful importance of this matter, I request the opportunity to **appear as a witness** to the Committee, either in person or in writing.

9. Confidentiality

I request that this submission be published in full, but that **my name be withheld** from public display.

This is not simply a matter of smuggling or tax evasion — it is about the **right of peaceful people to be free from coercion**. The time has come to expose and reverse the true source of this unlawful trade: **Parliament itself**.

Sincerely,

Constitutional Researcher | Advocate for Lawful Democracy

Author of multiple formal submissions to NSW and Federal Parliament

Specialising in Magna Carta 1215, Democracy, Natural Law, and the Sovereignty of the People

Constitutional Clarification:

The *Commonwealth of Australia Constitution Act 1900 (UK)* is a statute of the British Parliament and holds lawful validity only insofar as it does not conflict with **Magna Carta 1215, Natural Law**, and the Sovereign Right of the People to rule through **Trial by Jury**. Any portion of the Act that contradicts these foundational authorities is, by operation of law, void and of no lawful effect. The People do not stand under Parliament — Parliament stands under the Constitution.