SUBMISSION 11

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From; Mr. *G. H. Schorel-Hlavka,*

Please note: WARNING ***The opinion(s) expressed in this letter by the writer, are stated considering the limited information available to him and may not be the same where further information were made available to him, is not intended and neither must be perceived to be legal advice!***

WITHOUT PREJUDICE

Joint Standing Committee on Electoral Matters 31-3-2008
Inquiry Secretary
Phone: (02) 6277 2374 - Fax (02) 6277 4710

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AND TO WHOM IT MAY CONCERN

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Sir/Madam,

I understood from a media reports involving Senator Faulkner to state that elections should be fair. As a "CONSTITUTIONALIST" I could but only agree with this. Regrettably, the system does not allow itself to provide for this.

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On 19 July 2006 the County Court of Victoria finally concluded a 5-year long legal battel between the Australian Electoral Commission and myself where I had pursued since 2001 that the writs of the 2001 federal elections, and since then also the writs of the 2004 federal election had been defective and as such null and void, the election time table being unconstitutional/unlawfully applied and a host of other constitutional issues, that I was right after all and granted the two appeals UNCHALLENGED.

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For all those years the JSCEM due to the protracted legal battle did not desire to consider the numerous issues I had submitted in the past. Now that the legal proceedings are over since 2006 I view that in particular considering that I succeeded **UNCHALLENGED** on all constitutional and other legal issues the JSCEM should now deal with the numerous issues I then had submitted to it. In particular why the AEC despite having been totally defeated on 19 July 2006 nevertheless continue its conduct as if there never was any past litigation. What this indicates to me is that it is the bully as to abuse and misuse taxpayers monies paid into the Consolidated Revenue as to provide a nice income for lawyers to litigate regardless of what is constitutionally or otherwise legally applicable.

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In the 2007 federal election again the time table was incorrect and the date of the return of the writs was not shown as it related "on or before" which in constitutional terms is not a specific date. The Framers of the Constitution specifically held that where people elected to the Federal Parliament were to travel long distances then there must be a guaranteed minimum period as to ensure that it cannot be manipulated to prevent elected members to be unable to be in time for the opening of the Parliament and then take up their seat. As such, the correctness of the return of the writs is one that was held essential for the elected members. "On or before" is not a date and could as well be the next date after the election! What this underlines is that there appears to be no overall supervision over how not just writs but also proclamations are issued. After all, for proclamations to be published that fails to show the correct time table, such as applicable to Senate elections, is a constitutional matter where the proclamation is published by the Governor-General to which State governors then comply, so to say, to issue their writs for elections.

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The AEC in its past correspondence to me openly admitted that while it drafted the writs for the Governor-General it was not responsible for the correctness of the writs. Now, the Governor-

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General relying upon the AEC to draft the writs obviously then may assume the AEC would advise if the timetable were in conflict with constitutional and/or the legal provisions. As such, there is really no proper supervision in that regard. The Commonwealth Ombudsman held not to have the powers to investigate and as such no matter how incorrect the proclamations/writs were nothing was being done since 2001 to address the issues.

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Obviously, as the JSCEM does not address the issues since the 19 July 2006 court decision it was meaning that while the AEC knew it had been wrong for the 2007 federal election it simply could not care less to fix the problems and continued the same, even worse. As such, prior to the 2007 federal election I advised the AEC that I would boycott the federal election because it was yet again unconstitutional and/or unlawful in the manner it was held. Hence, my name indicates that I did not vote, as it was not marked off. Yet, albeit not on a Gazette polling booth, albeit it was staffed by AEC officials, and I was handed ballot papers and filled them in, and they (the ballot papers) were counted for the election, I did not vote.

This abnormality may underline that there is something drastically wrong with the system!

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When I gave evidence in 2002 to the JSCEM I criticised the AEC but because of the ongoing litigation then pending the JSCEM never addressed the issues. Now that the litigation have been concluded in 2006 the JSCEM ought to address the issues I then raised and why on earth the AEC continues its conduct nom matter how unconstitutional/unlawful it may be! The JSCEM has it in hand to appropriately deal with matters before finally some other group may deem it appropriate for themselves to address the issues in the manner they deem most suitable.

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Lets give examples;

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QUOTE "**ADDRESS TO THE COURT**" 19-7-2006

As shown below in greater extend the question of the Defendants religion itself would be an invasion as to his rights. Further, there is no requirement to state any particular religion as the matter in U.S. Supreme Court.

> **116 Commonwealth not to legislate in respect of religion**
> The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

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

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

END QUOTE "**ADDRESS TO THE COURT**" 19-7-2006

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And

QUOTE "**ADDRESS TO THE COURT**" 19-7-2006

QUOTE Chapter 12 "**INSPECTOR-RIKATI® & How lawfully to avoid voting-CD**"

I take the position that Subsection 245(14) of the ***Constitution*** is not and cannot be regarded to limit the right of a objection to be only a (theistic belief) "religious objection" but includes also any secular belief objection.

If Subsection 245(14) was limited to being "theistic belief" then it would be **unconstitutional**.

QUOTE 4-6-2006 CORRESPONDENCE FAXED 10.36 pm 4-6-2006

WITHOUT PREJUDICE

Commonwealth Director of Public Prosecutions 4-6-2006
C/o **Judy McGillivray**, lawyer
Melbourne Office, 22nd Floor, 2000 Queen Street, Melbourne VIC 3000
GPO Box 21 A, Melbourne Vic 3001
Tel 03 9605 4333, Fax 03 9670 4295 ref; 02101199, etc
T01567737 & Q01897630

AND WHOM IT MAY CONCERN

Re; "**religious objection**" (Subsection 245(14) of the ***Commonwealth Electoral Act 1918***) offend Section 116 if the ***Constitution*** if it excludes **secular belief** based objections.

Madam,

As you are aware I continue to refer to my religious objection albeit do wish to indicate that while using the "**religious objection**" referred to in subsection 245(14) of the Commonwealth Electoral Act 1918 I do not consider that this subsection 14 limits an objection only to an "theistic belief" based "**religious objection**" but in fact it also includes any secular belief based "**religious objection**", as it must be neutral to whatever a person uses as grounds for an "**objection**". This, as Section 116 of the ***Constitution*** prohibit the Commonwealth of Australia to limit the scope of subsection 245(14) to only "**theistic belief**" based "**religious objections**". Therefore, any person having a purely moral, ethical, or philosophical source of "**religious objection**" have a valid objection.

Neither do I accept that a person making an "**religious objection**" requires to state his/her religion, and neither which part of his/her religion provides for a "**religious objection**" as the mere claim itself is sufficient to constitute what is referred to in subsection 245(14) as being a "religious objection". Therefore, the wording "**religious objection**" is to be taken as "**objection**" without the word "**religion**" having any special meaning in that regard.

If you do not accept this as such, then there is clearly another constitutional issue on foot!

I request you to respond as soon as possible and set out your position in this regard.

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Awaiting your response, **G. H. SCHOREL-HLAVKA**
END QUOTE 4-6-2006 CORRESPONDENCE FAXED 10.36 pm 4-6-2006
END QUOTE Chapter 12 "INSPECTOR-RIKATI® & How lawfully to avoid voting-CD"
QUOTE "**ADDRESS TO THE COURT**" 19-7-2006
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This correspondence was dated 4-6-2006 being a few weeks prior to the 19 July 2006 County Court of Victoria decision and part of the evidence before the Court also, as it was part of the document "**ADDRESS TO THE COURT**" that was then before the Court. Hence, little wonder that I succeeded in the appeals UNCHALLENGED. Yet, this issue had been raised by me already way back in 2002 but the AEC and lawyers then could not care less because after all their aim was to score a conviction at all cost rather then to pursue FAIR and PROPER elections.
.
On 4-8-2005 the Magistrates Court of Victoria at Heidelberg then also ruled in my favour against the Australian Electoral Commission that "**averment**" cannot be used, as I successfully submitted to the Court that the Commonwealth had no constitutional powers to interfere with the manner a State Court conducted proceedings, regardless that it exercised federal jurisdiction. As I pointed out that for example with Bass Strait explorations the Victorian Parliament then specifically legislated for the Commonwealth to apply "averment" in legal proceedings before the State Courts exercising federal jurisdiction which never had as such been applied likewise as to ***Commonwealth Electoral Act 1918***. Still the AEC despite having been defeated in Court still persist to use this 'averment" to get electors convicted. Now, how can this be providing a FAIR and PROPER election,, where the court processes are a part of elections as they ultimately determine what is or isn't applicable to elections? More over all documentation that was filed in the 5-year long litigation, including the Section 78B **NOTICE OF CONSTITUTIONAL MATTERS**, ere part of a book I published on 6-7-2006, which book then subsequently also was filed as "evidence" in the Court prior to the 19-7-2006 hearing. As such, this book (CD format) has all matters that were before the Court documented!
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QUOTE 25-2-2008 CORRESPONDENCE
QUOTE
Commonwealth
of Australia Gazette
No. S210, Wednesday, 17 October 2007
Published by the Commonwealth of Australia
END QUOTE
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QUOTE

For the close of the Rolls	23 October 2007
For the nominations	1 November 2007
For the polling	24 November 2007

For the return of the writs on or before 25 January 2008
END QUOTE

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The problem the Australian Electoral Commission faces is that the Gazette is not constitutionally valid for that it does not specify a date for the return of the writs, this as "**on or before**" is not a specific date that is constitutionally required, as it merely indicate some date that may be as late by 25 January 2008 but could be earlier. Constitutionally the date must be fixed by the Governor-General! The failure to do so means there never was any valid proclamation for this also.

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Constitutionally the Governor-General has no powers to ignore let alone override Australian law. The date "For the polling 24 November 2007" is not a valid date because the ***Commonwealth Electoral Act 1918*** provides for "**23 days**" which as I already successfully argued for the 19 July 2006 appeals must be "**clear days**" (counted from midnight to midnight) not some days and a bit.

END QUOTE 25-2-2008 CORRESPONDENCE

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It ought to be noted that had the Howard government been returned then all Minister would have exceeded the maximum 3 months of their appointments where they were Members of the House of Representatives but not during the period of election called and the return of the writs! As such they would automatically no longer have been ministers upon the three mont expiry provided for in the constitution in Section 64.

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There is a lot more to this all but no need to reproduce it all in this submission as the above mentioned book in CD format contains all the relevant material, of which a copy is held by the **National Library in Canberra** also.

What ought to be understood is that there is a **direct** and **collateral estoppel** against the Crown to ever again raise the same issues before the Courts, this as it was defeated comprehensively by me. Yet, more then an estimated one hundred thousand dollars was spend on lawyers by the Australian Electoral Commission over the 5-year litigation, this, even so from onset just on the religious issue alone the AEC should have been aware that any person is entitled to refuse to vote on non-religious issues. As a "**CONSTITUTIONALIST**" I did place before the Court in a very detailed manner what had occurred as to bring about Section 245 of the ***Commonwealth Electoral Act 1918*** and how this section was unconstitutional. Despite that there was a Section 78B **NOTICE OF CONSTITUTIONAL MATTERS** served upon all Attorney Generals and upon the other parties none ever challenged my comprehensive set out and obviously the Court hardly could rule against me where nothing had been forthcoming by anyone else (any party) to even seek to challenge my detailed presentation and as such it cannot be claimed now by the AEC that somehow despite its total defeat it nevertheless can continue with its unconstitutional and/or unlawful conduct as it pleases.

Despite my invitations to the AEC, prior to the 19-7-2006 judgment, to have, so to say a round the table conference with the AEC lawyers to seek to address issues in conflict this was never accepted by them. One may ask why not?

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Despite the 5-year litigation the AEC still has not improved anything. While below Mr Becket (AEC) claimed that he does not get the writs until after they are signed already by the Governor-General, he does in fact prepare the DRAFT writs for the Governor-General and as such should check if the dates are according to constitutional and other relevant legislative provisions. This is not being done!

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During the proceedings before the JSCEM;

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EM 84 JOINT Friday, 16 August 2002
ELECTORAL MATTERS

QUOTE

CHAIR—We will move to the section on the issuing of the writs. There seems to be quite a bit of angst on the part of the commission about this particular matter. You want to be advised ahead of the public announcement that the Prime Minister has gone to Government House and asked for an election. You do not want the job of issuing the writs. There seem to be a lot of problems.

Mr Becker—I am sorry if that is confusing but it is no less confusing to us, I can assure you. I have checked with my predecessors and at no stage have we had formal advice from the Department of the Prime Minister and Cabinet that there is going to be an election. On this occasion when I asked for some formal advice about the dates and so on I got a copy of the press release. I think that is a little bit odd. For a start, the writ from the Governor-General is addressing me, as Electoral Commissioner, commanding me to conduct elections. It seems nonsense for me to draw up the writ to give to somebody else who then sends it back to me commanding me to run an election. It should be done in PM&C or in the Australian Government Solicitor's office. I do not draw up a writ to give to the Speaker to give back to me to run an election in Cunningham. The Speaker does that and we get a writ. That is my point. All I am getting at is that the formal advice would be nice. We do not need to know in advance.

Senator ROBERT RAY—Let's face it, that would be an action for PM&C to carry out. I have to put on the public record an acknowledgment that they are relatively efficient and fair to whoever is in government; they get most of these things right. I would like to follow this up: who was the officer that just sent you the press release?

Mr Becker—I could not tell you. I just went into our own parliamentary—

Senator ROBERT RAY—I just wanted to ask them why they sent you a press release and not a more formal thing, because I think that is contemptuous.

Friday, 16 August 2002 JOINT EM 69
ELECTORAL MATTERS

Mr Becker—We have never had formal advice.

Senator ROBERT RAY—I understand that.

Mr Becker—That press release is as formal as we have had it.

Senator ROBERT RAY—My view is that you should get formal advice or you do not get told, but you do not get faxed a press release. I think that is the worst of all three options. Could you take it on notice to provide me with that officer's name?

Mr Becker—Yes.

Senator MURRAY—It is especially poor if you were not rung and advised that it was coming through on the fax machine, but that it was simply popped on there and no-one knew it was coming through.

Mr Becker—Actually, Media Monitors rang and told us that the Prime Minister was in Dunrossil Drive. That was the first we heard of it.

Senator ROBERT RAY—I do not think that anyone on this committee is going to say you should know about it until he has left Dunrossil Drive and is coming back.

Mr Becker—No, we are not saying that either.

Senator ROBERT RAY—I think we are all agreed on that.

CHAIR—There have been occasions when the attempt has fallen through.

Senator ROBERT RAY—We are not referring to 1983, are we?

CHAIR—No, of course not!

Ms HALL—What you would like is a formal process that is going to be followed each time.

Mr Becker—I just want to see the writ for the election which has already been signed off by the Governor-General.

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Senator ROBERT RAY—Clearly, their coming back rag tail does affect things. I think the committee would like a uniform date for the Court of Disputed Returns.
Senator MURRAY—That is right.
Senator ROBERT RAY—I know we are pondering looking at this whole area because that is one of the more arcane sections of the act that has not been looked at for a long while. If they come back rag tail on different days—
EM 70 JOINT Friday, 16 August 2002
ELECTORAL MATTERS
Mr Becker—We had a problem in 1998 when a couple of the states were not prepared to issue the Senate writs at the times that we wanted them issued. That really caused us some angst because we would have had different polling days as it was under state legislation. That legislation has in all cases been corrected. It is all uniform now but that gave us a bit of worry.
CHAIR—Have you raised this issue with the Department of the Prime Minister and Cabinet?
Mr Becker—No.
Senator ROBERT RAY—Would it be a good idea?
Mr Becker—Yes, it is a good idea, but I think that it might be an idea for the committee to provide a view as to whether it should be raised with PM&C, the AGS or whatever. But I do not think it should be the commission preparing the writs.
CHAIR—No, I was actually asking about formal notification. After your nose was put out of joint by the press release, did you go and say, 'Hey! What's going on here?'
Mr Becker—We asked for some sort of formal advice and the formal advice was a press release. That is the extent to which it has been raised.
Senator ROBERT RAY—I think what Mr Georgiou is starting to move towards is the question of whether this is a matter of legislation or a matter of you developing protocols with PM&C that will relieve us of the responsibility of legislative change.
Mr Becker—It does not have to be a matter for legislation, no; it is only administrative.
Senator ROBERT RAY—We are suggesting then that you type up the letter, get the procedures under way, sort it out and get back to us if there is a problem.
Mr Becker—I am happy to do that.
CHAIR—It just strikes me as odd that you have a concrete problem that you should be discussing with PM&C, now nine months have elapsed and this has struck a nerve end and you have not gone to Max.
Mr Becker—I do not think the issue is the fact that we have not done anything about it at this stage or that we would not address it between now and the next election either. It is the fact that we do not just put things in front of the committee for possible legislative change; we are putting things in there for information as well. When the committee writes its report it does not just talk about legislative change; it talks about other ways of doing things.
CHAIR—My point is that one would have expected that you would have tried to sort it out directly with the Department of the Prime Minister and Cabinet by saying, 'We have got a problem here. Can we sort it out?' I would like to move on to the call centre. I have a fundamental problem with the call centre, in that on the day that you knew would have the heaviest utilisation of the call centre, 50 per cent of the calls were not responded to.
Friday, 16 August 2002 JOINT EM 71
ELECTORAL MATTERS
Mr Hallett—Yes, that was a problem. There are two issues there. One issue is that, as previous elections have shown, we always receive more calls than we can handle on close of rolls day. The second issue relates to the staffing and training of operators with the contractor. We were very concerned that, despite our advice and the figures and statistics we had provided to them from the previous elections and the referendum, they did not ramp up the centre in the way that we had asked. We had discussions with them about that. They provided further staff towards the middle of that particular day, but they staffed according to a commercial model and

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made a decision which, as it proved, was wrong.
CHAIR—But you alerted them to the fact, you made special arrangements for that day, and they ignored them. Is that what you are saying?
Mr Hallett—That is correct.

END QUOTE

QUOTE

Senator ROBERT RAY—I was not going to go to any of the referendum stuff. I just want to go briefly to electoral litigation. When someone seeks an injunction, do they have to indemnify the Electoral Commission for damages? Quite often, when you seek injunctive relief, you have to guarantee that this is going call cost to persons you are injuncting.
Mr Becker—No.
Friday, 16 August 2002 JOINT EM 85
ELECTORAL MATTERS
Senator ROBERT RAY—You don't have to? This has two sides to it, in fact. It sometimes inhibits injunctions if you have those penalties. On the other hand, it is somewhat fairer to the organisation that is injuncted. But it does not apply to you; I did not know that.
Mr Dacey—No, Senator.
END QUOTE

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The mentality of the AEC appears to me to be that they have the might of their lawyers and the finances of the Consolidated Revenue to fund their litigation and so even if they loose they are not themselves suffering any harm while in the meantime if the elector looses they pursue for cost of litigation. Indeed previously they sought $20,000.00 cost against me and I was warned that if I appealed they would seek far more against me. Just that the appeals were upheld on 19 July 2006. Now, how can this be a FAIR and PROPER election where the AEC (with its lawyers) are seeking to terrorise an elector to try to dissuade the elector from appealing, even so ion the end the court upheld my position to be constitutionally and otherwise legally valid.
While orders were issued that the appeals were granted, no Reason of Judgment was issued as there simply was no material whatsoever filed by the AEC to challenge or otherwise oppose what I had claimed on constitutional and/or other legal grounds. Hence the material contained in the documentation was upheld unchallenged and unreserved!

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Part of my case was also, that the AEC had failed to check with people held in Commonwealth Detention Centres if they were entitled to vote. My 22 September 2002 complaint to the Commonwealth Ombudsman was responded upon with a refusal to investigate. In late 2005 the commonwealth Ombudsman then investigated cases of people held in detention and found hundreds having been wrongly held. **Cornelia Rau** case may never have eventuated had the Commonwealth Ombudsman investigated my complaint of 22 September 2002 in the first place as they it would have exposed that people were unconstitutionally/unlawfully held in detention while electors! What proved was that the AEC was bias in its conduct as to conduct what it held was **politically expedient** for the then Federal Government, rather then to fulfil its role to impartially and without bias conduct elections. I view it was not for the AEC to "**assume**" that people held in detention are not entitled to vote, it has an obligation to establish this appropriately regardless of what political turmoil may go on.

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The AEC already now had purportedly fined me for not voting in the 2007 federal election as it simply could not care what the Courts ruled, it simply continues it marry way of wasting taxpayers monies in funding possible litigation despite being bound by direct and collateral

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estoppel that it cannot re-litigate the same and/or simular issues where it never bothered to argue its case in the first place when it had the opportunity to do so on 19 July 2006!

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One of the deceptive conduct by candidates during elections is that they use photo's on their pamphlets that may be about 20 years-old. In my view, candidates should not be permitted to use photo's on their how-to-vote pamphlets and other pamphlets that are advertised for election purposes which are more then one year old. Perhaps the legislation should stipulate that candidates can only use self portraits photo's that are taken by the AEC for election purposes as then the most updated phot is being use in a simular manner as photo's are taken for driving licence purposes.

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Once an election is called all persons who were members of the House of Representatives are then no longer a Member of Parliament. Senators who still have to serve a balance of their term remain to be Members of Parliament, unless there is a **double dissolution** when none are Members of Parliament. Persons who were successful candidates are not entitled to obtain any "ALLOWANCE" unless and until they are taking up their seat at the first sitting of the parliament, unless they were still a sitting Senator. Yet, we still have that those who no longer are constitutionally a Member of parliament and or are not as yet a Member of Parliament nevertheless are provided with "ALLOWANCE" and/or other financial benefits which discriminates against other candidates. As such, there is no FAIR and PROPER election if a former Member of Parliament nevertheless can enjoy during the election campaign the benefits as if they are still a Member of the House of Representative! The Framers of the Constitution made clear that a "poor" person could be as competent as anyone else to be a Member of parliament, yet the manner in which elections are conducted, a "poor" person would have, so to say, hope in hell to get anywhere in an election because he/she cannot afford the expenses that a Member of parliament or a former Member of Parliament has available by the various financial benefits bestowed upon them. Postage, travel, printing are just a few to mention.

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In my view if there was an OFFICE OF THE GUARDIAN, a constitutional council, to advise the Government, the People, the Parliament and the Courts as to constitutional powers and limitations then much of the litigation between the AEC and myself never would have eventuated. There simply is no system in place currently that allows for issues to be addressed when needed without any costly litigation. Neither should it be for lawyers to manipulate the legal processes as to achieve the AEC to succeed against electors regardless that the electors might be right in law. Regretfully, this manipulation of the legal processes has been experienced by me and while in the end I succeeded nevertheless it ought to be of concern to any person who seeks to have a democracy enduring that this is undermined by the very Australian Electoral Commission who is put in place to ensure there are FAIR and PROPER elections.

Most electors do not want to litigate because they could end up loosing their homes, etc, to pay for the legal cost where they reasonably know that no matter how much right they are the AEC lawyers will utilise any deceptive conduct to succeed in Court. The AEC as such rather has become too involved in matters that it has hists views clouded by the dust of the conflict and so unable to provide FAIR and PROPER elections. During 2002 JSCEM hearing it was then raised if the JSCEM should be supervised, which (obviously) the AEC rejected. But, had this been in place then unlikely would I have ended up in a 5-year legal battle as then the supervising body would have been quickly aware that the AEC is manipulating its powers and using and abusing Consolidate Revenue (to pay lawyers) for the wrong reasons.

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There was no doubt by me that the CDPP (for the AEC) had, so to say, been leaning upon the magistrate (on 17-11-2005) to convict me, no matter what, despite there was no just and legal cause doing so. Now this is a very serious matter as the magistrate appeared to indicate I was

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successful only after the adjournment to return with a conviction and refusing to set out in writing why he convicted me on both counts, despite there not being any evidence against me. In my view the JSCEM should take appropriate action to seek to outlaw this kind of conduct as it certainly corrupts the election processes. Again, **I succeeded on both appeals on 19 July 2006!**

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Again**, this submission is very limited**, and merely seeks to make clear that there appears to be some cancerous cell within the AEC that results that it is more desirable to misuse and abuse the legal processes to try to be right at all cost rather then to address the issues complained of. This in my view ought to be of great concern where despite the extensive litigation an objection such as that as to the issue of religion made in the early stages of the litigation was ignored ongoing and in the end was fatal to the case of the AEC in any event. While the Commonwealth director of Public Prosecutions claimed to have assessed the case for themselves, apart of the AEC, to continue prosecution the AEC had commenced in each case, somehow in the end it was steadfastly also ignoring what I had set out elaborately and then seeking to claim it was "new evidence" when I quoted 2002 correspondence in 2006! **In my view a separate supervision ought to be conducted over the conduct of the AEC to avoid ongoing repeats.**

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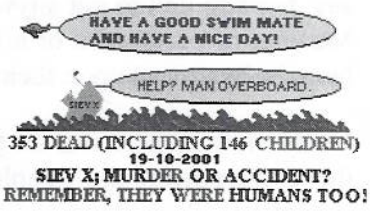
More details can be provided at a **JSCEM** hearing and/or by email if required. Just ask for it!

Awaiting your response, ...Signature **G. H. SCHOREL-HLAVKA**



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