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From; *Mr G. H. SCHOREL-HLAVKA*, 107 Graham Road, Rosanna East, Victoria 3084, Australia

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WITHOUT PREJUDICE

Joint Standing Committee on Electoral Matters 30-5-2002
Sonia Palmieri, Inquiry Secretary
Cc; Committee members; Senators: Ray, Murray, Bartlett, Ferris and Mason.
Phone: (02) 6277 2374 - Fax (02) 6277 4710

AND TO WHOM IT MAY CONCERN:

Sir/Madam;

Thank you for your letter dated 27 May 2002. It doesn't disclose the closing date for submissions, I noticed.

This letter will be send electronically and a hard copy will be send (with enclosed CD) by postal services. All material forwarded on the CD must be held and is intended to be part of this submission.

I enclose hereby material on CD, which also has a copy of this letter on it.

The Folder is titled; **INSPECTOR-RIKATI® and the BANANA REPUBLIC AUSTRALIA**.

This folder is also published in; **INSPECTOR-RIKATI® and the Secret of the Empire**, **Personalized crime/comedy novel on CD edition**. (Albeit with more material.)

I have absolutely no objection to the JSCEM publishing the material provided in/with this submission!

From the transcript at pages 8 and 9 of proceedings before Finkelstein J on 2 November 2001 Federal Court of Australia!;

> MR SCHOREL-HLAVKA; "**I'm not necessarily, at the moment, disputing the election. I'm disputing the writs**."
>
> HIS HONOUR; I understand.
>
> MR SCHOREL-HLAVKA: So that's different, sir. At least nobody say I'm crying sour grapes for not winning whatever an election ---
>
> HIS HONOUR; Because you haven't lost yet.
>
> MR SCHOREL-HLAVKA; That's right. I haven't lost yet. I'm doing before it.

It must therefore be clear that I was contesting the validity of the writs, not the election(s) itself!

As such, Marshall J on 7 November 2001 arguing otherwise clearly ignored the true issues before the Court.

The matters set out below complimented by the material further provided on the CD must be considered as a whole of submission.

Sue v Hill [1999] HCA 30 (23 June 1999) :

> These provisions are now reflected in Div 1 of the present legislation, particularly in sub-ss (1) and (2) of s 354, but with additional provision in respect of the Federal Court and Territory Supreme Courts. Further, s 192 of the 1902 Act still persists as s 353(1) of the Act. This states:
>
> > "The validity of any election or return may be disputed by petition addressed to the Court of Disputed Returns *and not otherwise*." (emphasis added)
>
> The phrase "***and not otherwise***" implements the policy stated by Sir William Lyne in 1902, to remove the dealing with election petitions from the control of the Committees of Elections, and Qualifications to which such matters were then referred, and to direct the petitions for trial in the Court of Disputed Returns.

From onset, it must therefore be clear that the AGS for the Commonwealth and AEC misled the Court as to the true meaning of "**and not otherwise**", and that frankly, the 7 November 2001 decision of Marshall J was sheer nonsense. It clearly had no bearing upon the 2001 legislated amendment by the Federal Parliament, to provide for the Federal Court of Australia to deal with matters.

As stated below:

> While I acknowledge that this and other changes sought, would likely result to a stronger voting pattern towards **INDEPENDENTS**, it must be kept in mind that the JSCEM isn't there to exclusively make benefits for political parties and apply the "close union shop" mentality (Howard so much seeks to stop ion ordinary work conditions) but it is there to seek to address electoral issues that needs to be addressed as to pursue in the intentions of the framers of the ***Commonwealth Constitution Bill 1898*** to have elections to be fair and proper to all candidates!
> **Regardless of what a member of the committee of the JSCEM has as political views and political affiliation, the criteria is that it operates under the provisions of the constitution and as such must pursue to conduct matters and to resolve matters according to the true intentions of the framers of this constitution, even if this means to make recommendations to the Parliament which might be harm full to political parties or those in Government of the day!**
> **I am well aware that particular comments in this submission will not be liked by members of certain political association but that isn't my concern. I am not trying to win a popularity contest, I am seeking to get the true intentions of the framers to be applied.** I call a spade a spade!

In recent times, there has been a significant issue about the asylum seekers and the manner the government has dealt with them. The relevance to elections is, that I suspect that if any asylum seeker having been detained might be able to show before the Court that the government isn't a legitimate government elected by the constitutional provisions of the ***Commonwealth Constitution*** and other relevant laws, then not only would this affect the validity of the purported government but leave it open to have huge damages bills of asylum seekers.

It also would mean that any treaty or law passed by this **PURPORTED** Parliament might be null and void and of no effect. Nothing in this submission must be perceived, that I concede there was a valid election, or elections. I maintain that at no time was there any valid election held on 10

November 2001! As such, there is currently not a single Member of Parliament validly elected! Not even the Senators whom were of a previous election.

I for one suffered the consequences of having laws made by the State government to back date for 10 years unconstitutional court orders. I had been unconstitutionally and illegally sentenced to 21 days imprisonment, despite that I contested the validity of Family Court orders and claimed that the Cross Vesting Act was invalid.

Several times, the High Court of Australia RUBBERSTAMPED the Family Court orders, rather then to consider matters upon their legal merits, only for a few years later in the 1997 ***Wakim*** case to acknowledge that indeed the Cross Vesting Act was unconstitutional. Then legislation was passed to **PURPORTEDLY** validate unconstitutional Federal Court orders. Obviously, no state government can possibly validate any **unconstitutional** Federal Court order, but in the mean time, the Family Court has utilised this, to justify the imprisonment, despite it being totally unconstitutional! It is this kind of conduct, that proves that those in the seat of justice, and in Parliament, are more interested in their own political game, then to consider what they are in for, meaning, to represent the people.

No one can make undone my unconstitutional and illegal imprisonment, but at least it could have been acknowledged that it was a miscarriage of justice. However, parliamentarians and judges seem to be hell bend to cover it up by all kinds of improper conduct, to pretend the State Government has the power to override Commonwealth Constitutional provisions. Regretfully, the High Court of Australia was part of it all, to allow this to occur, rather then to step in as a guardian of the ***Commonwealth Constitution***. The fact that the order for the 21 days imprisonment was signed 1 day before the hearing, neither seem to deter the High Court of Australia to rubberstamp the unconstitutional court orders, even so legal principles dictate, that where an order was signed prior to a hearing, then the subsequent hearing is null and void, and so any orders subsequently made.

Having the experiences how fraudulently the Courts conduct themselves, and how Parliament acts against the interest of citizens, I was careful in the case before the Federal Court of Australia, as to try to, so to say, play it by the book, and to ensure that I would place on affidavit what occurred, including the serving of documents etc.

As I was given the understanding, that the Federal Court of Australia would railroad my case, no matter what, I decided to pursue all legal avenues, and then write a book about it all!
So, regardless if nothing will be done, and the JSCEM may also ignore to deal appropriately with matters, I will be publishing a book about it all.
Having experienced the illegal conduct used so far, and too well aware how the courts are manipulated, I intend to have the book produced and distributed from overseas sources.

Unlike people who may resort to violence to seek to settle their grievances, I rather do it by exposing to the world what really is going on.

The inquiry by the JSCEM is very limited to election matters only, and as such doesn't deal with issued such as Centrelink obtaining peoples bank records, and not keeping any proper security upon the material obtained from the banks, and so without people of whose records they have obtained being made aware about this. Australia's government department as such, in my view, are using illegal and improper conduct, and Australians slowly are subjected, as one of my clients stated just before his dead: **Communist Secret police tactics**.

Electoral laws are not just for the fun of it, but are there, to ensure that the basic fabric of a democratic society can be maintained.

Legal trickery ought never be part to thwart citizens to seek in the court legal remedy, to ensure constitutional valid elections. The moment this is accepted, then there are no democratic elections, and so the result is no democratic elected government.

To illegally exclude people to be candidates, as some of it is set out below, means that the AEC is manipulating its powers to deny citizens their legal entitlements, to stand as a candidate for elections.

What we have seen, is that electoral changes have been made previously by the Parliament, with a total disregard of checking how in real terms the AEC operates and applies electoral laws. A clear example is, the cutting down of the (then) "**shall not be less than 11 days**" for nominations, where the AEC closed it doors for 7 days, and so only 4 days were left in the 1993 by-election! Yet, the AEC got the Parliament to reduce these 11 days, to 10 days, which could mean that the real effect could be 3 days left in some cases.

As set out below, the very guardian of the electoral legislations and constitutional provisions, shows to be the worst offender, and then using the Court to prevent the truth to be made known and preventing by this valid elections to occur.
My view is, that the incompetence exposed in my material warrants that those heading certain Department are sacked (including the AEC), and there are ample of people out of work who would like to take their job, and do a better job for it.

The material indicates that the Prime Minister of the day does his own thing, about calling an election, regardless if this is within the constitutional and other legal provisions. The Governor-General follows this as a sheep follows a shepherd. Likewise, so the Governors. The AEC does its own thing, an the Department of Finance and Administration likewise. The Australian Government solicitors seems to be incompetent to appropriately litigate the issues concerned, and the judges in the Federal Court of Australia have themselves to lack of any decent understanding and comprehension about what is legally proper in the case. And then I am as a litigant in person, seeking to have matters addressed, while all those incompetent people combining their efforts to avoid it, rather then to accept that their incompetence conduct undermines and indeed jeopardize the right of Australians to have fair and proper elections.
This submission might, so to say, be hard hitting, but then again, there is too much at stake!
Many Australians have died to protect the nation hood of Australia, only to be destroyed by incompetence of those aforementioned.

It might be argued that I lost the case (Albeit it still is on appeal, but likely never be heard, as to be railroaded again), but Australia has lost its democracy of FAIR AND PROPER ELECTIONS, so much pursued by the framers of the ***Commonwealth Constitution Bill 1898***.

Because I planned to write a book about it, I realised that I had to pursue all legal avenues regardless that I expected most of those involved to simply ignore it all, or to do a cover-up. Indeed, their conduct only underlined that there was more to it then a mere 'mistake' made.

The JSCEM has the task to seek to address issues and consider what is the best way to resolve matters. I for one make it clear, that there ought to be a **ROYAL COMMISSION** as if anything deserves a **ROYAL COMMISSION** then it is any conduct by politicians, judges and other staff of the government who took action to undermine and/or prevent the democratic system of elections to function appropriately. **This isn't about seeking to protect once leader of fellow colleague, it is one where the interest of safeguarding the democratic principles are far more important then personal political motives.**

The interest of any political party, or that of an individual Member of Parliament, never ought to be placed above that of the provisions of the ***Commonwealth Constitution*** and those of the general public. Members of Parliament are to serve the general public, and not due to self-interest or party loyalties ignore what democratic system is all about.

I expect that the JSCEM will publish this entire submission (including all documents on the CD) as to show to the public it is not trying to hide anything, and indeed will prove to the general public it will address all relevant issues, and seek to ensure that appropriate action is taken, being it by way of certain recommendations to the Parliament or otherwise, to have as much as possible matters appropriately resolved and to seek to avoid any further improper conduct of the matters complained about.

Please note that some of the issues I seek to address are, albeit not stated in any order of importance;

1. The writs for the House of Representatives of all States/Territories were unconstitutional and invalid (NULL AND VOID). This, as the writs were issued prior to the actual publication of the Proclamation of the Prorogue of the Parliament, and the Dissolution of the House of Representatives in each State/Territory
2. The writs for the Senate were all unconstitutional and invalid as they failed to observe the time limits as set out by each particular State Senators Act, such as for closing of nominations and holding a poll.
3. The writs for the Territories Senate elections were invalid, this as they failed to observe the minimum clear days required before closing of nominations and holding a poll.
4. The writs for the House of Representatives were invalid as they failed to provide for the minimum clear days required for closing of nominations and holding the polls.
5. The conduct of the Australian Electoral Commission was to misled the public, the Commonwealth, and the Government, as to the true application of relevant laws, including publishing false and misleading details, both on its website and in the booklet "Electoral Pocket Book" (such as page 27 referring to the incorrect legislative provisions not being relevant to the Senator elections at all)
6. The conduct of the Australian Electoral Commission was not to keep a proper record of refusals to accept nominations of nominated candidates.
7. The misleading conduct by the Australian Electoral Commission to pervert the course of justice, as to present before the Courts that a person isn't a candidate unless accepted a nominated candidate, for purpose of Section 383(1), where clearly the provisions of the ***Commonwealth Electoral Act 1918*** defines a candidate being also a person who "canvas" for signatures for nominations irrespective if such person obtained the minimum required signatures to be an accepted nominated candidate.
8. The conduct of the Australian Electoral Commission and the Australian Government Solicitors to conspire to pervert the course of justice, such as on 7 November 2001 before Marshall J of the Federal Court of Australia, such as;
   (a) To misled the Court as to the usage of the wording "**shall not be less than**", by this distorting the true usage of these wording and the true effect of its usage.
   (b) To misled the Court as to whom the AGS actually were representing, or deemed to represent, in view that they had accepted service for and on behalf of ALL respondents on 2 November 2001, as was directed by Finkelstein J of the Federal Court of Australia on 2-11-2001.
   (c) To misled the Court as to the true application of the AUTHORITIES (case law) I had placed before the Court. As such deliberately misleading the Court.
   (d) To conceal from the Court that they had withheld from the 1st named respondents, being the Governor-General and all Governors, that they had accepted service for and on behalf of them.

(e) Failing to seek to have the 7 November 2001 orders set aside, when notified by me in writing of how the Australian Government Solicitors and the Australian Electoral Commission had knowingly and deliberately misled the Court on 7 November 2001 and had perverted the course of justice.

(f) The conduct of the Australian Electoral Commission and the Australian Government Solicitors to pursue such conduct, complaint about, for the sole purpose to pursue to proceed with an unconstitutional and illegal elections!

9. The failure by the Australian Electoral Commission to separately mark each elector for voting in each election, rather then to make the one mark for two different elections.

10. The failure by the Australian Electoral Commission to ensure that candidates canvassing for signatures for nominations are appropriately identified by way of photo ID, and also are bound not to disclose any details obtained of people or use it for other purposes other then for the purpose of seeking nomination.

11. The failure of the Australian Electoral Commission to return the defective writs to the Governor-General and/or Governors, to have replacements writs issues which complied with the legal provisions of the commonwealth constitution and any other relevant legislation at the time in force and applicable to the holding of any House of Representatives election and/or Senate election.

12. The conduct of the solicitors acting for the Australian Electoral Commission not to ensure appropriate action was taken to deal with the matters complained of by myself, rather then to rely upon me to take the matter to Court. As ultimately, the Court must the last resort and the Australian Electoral Commission must be deemed to be obligated to rectify any unconstitutional/unlawful matter without the need of litigation in the Courts.

13. The purported 10 November 2001 election(s) were held outside the legal powers of the Australian Electoral Commission, and as such NULL AND VOID. Section 7 of the ***Commonwealth Electoral Act 1918*** only permits the Australian Electoral Commission to act within the scope of that Act. As such, it isn't for the Australian Electoral Commission to short cut minimum clear days at will, such as reducing the minimum 10 clear days (for House of Representatives nominations) to 9 days merely to suit itself, irrespective if there are defective writs stating otherwise then what is legislated. The very purpose of the existence of the Australian Electoral Commission is to ensure that any election is held in accordance to the relevant legislation then in force.

14. That as an aggrieved candidate I found that there is considerable disarray within the legal system, as to deal with applications. Indeed, suspecting that this might occur, I took the precaution to first contact the HIGH COURT OF AUSTRALIA. When advised that because of **Section 383** of the ***Commonwealth Electoral Act 1918*** the matter now was to be placed before the Federal Court of Australia, I did so. However, only to find that there was a total disorganisation within the Federal court of Australia. For example, while the Registrar of the Federal Court of Australia made clear that there must be a Form 4 filed, to commence proceedings, no such Form 4 existed in regard of disputing election matters. As an alternative, the Registrar then indicated that I had to use the Form 4 normally used for disputing electoral matters for unions etc. and I simply had to make my own amendments to the form albeit had to leave the wording "inquiry" etc.

    This I did. It seems that began to cause problems in the litigation as for the Court it seemed that I sought an "INQUIRY" into electoral matters, where as the transcript of 2 November 2001 before Finkelstein J of the Federal Court of Australia proves I didn't contest the "election", rather the validity of the "writs" as no election then had been held!

    It is clear, that a person seeking to obtain redress of a grievance in the courts, then is having to cope with total incompetent court practices, where the aggrieved person then is send from one Court to another. One case is for example the Ned Kelly candidate for the Senate in NSW, where the High Court directed the matter to be heard before the

Federal Court of Australia. The Federal Court of Australia subsequently held it had no legal jurisdiction. This is a sheer incompetence by the Courts to appropriately deal with matters, and this is caused much also by the conduct of the Australian Electoral Commission and the Australian Government Solicitors, where they seem to take the position to rather deliberately have a case **RAILROADED,** then the Court to hear the matters upon its merits. As such, the Australian Electoral Commission is using taxpayer's monies to use and abuse the Courts, to protect itself from unconstitutional and illegal conduct being addressed in the Courts, by making false and misleading claims. As such, in the end, the very protector of electoral laws becomes the dictator!

15. As set out in the previous point, the Australian Electoral Commission is deliberately causing cases to be RAILROADED in the courts. As result, people are facing litigation cost, where they ought to have none, as they ought to have succeeded upon the merits of their case. The end result is that people now are scared to litigate to pursue redress in the Courts as the might of the Australian electoral commission to have its illegal conduct finances by the taxpayers with the risk of huge legal cost deters people to pursue JUSTICE.

I UNDERSTAND, THAT BECAUSE OF THAT SOME AGGRIEVED PERSONS ARE SEEKING ALTERNATIVE WAYS, SUCH AS TO HAVE ANOTHER PERSON WHO IS WITHOUT ANY FINANCIAL MEANS INSTITUTING PROCEEDINGS FOR THEM, AS TO AVOID HAVING ORDERS FOR COST.

This obviously must be held an unacceptable situation, and drastic action need to be taken to avoid this illegal inroad in electoral matters where the Australian Electoral Commission isn't acting in the interest of the public, to secure legitimate electoral provisions but actually is conspiring to pervert the proper application of electoral laws.

16. That when the Registrar of the High Court of Australia advised me, that the appropriate Court was the Federal Court of Australia, in view of the recent legislative changes. But I still had doubt that the Federal Court of Australia could deal with all maters, for this I sought before the Federal Court of Australia a **CASE STATED**, so that the HIGH COURT OF AUSTRALIA could make decision in the CASE STATED, and the Federal Court of Australia then could use those decisions to compete the matter before it. It may be noticed, that **Marshall J never even bothered to deal with the CASE STATED**, albeit such must be addressed normally at commencement of proceedings.

17. That there is a lot of rot going on about "***and not otherwise***" in Section 353, despite that the HIGH COURT OF AUSTRALIA in ***Sue v Hill*** made clear that the wording referred to not placing electoral matters before the Parliament to consider. Yet, as now is noticed Marshall J (advised by the AGS and the Australian electoral commission) prostituted this that now the Federal Court of Australia no longer can hear any matters either. This is sheer incompetence of a judge to understand what the High Court of Australia decided prior to the Parliament having inserted the wording "FEDERAL COURT OF AUSTRALIA" in **Section 383**. In any case, even if by some strange notion it had also applied to the Federal Court of Australia (this I dispute) then the fact that the Parliament in 2001 amended the legislation to provide for FEDERAL COURT OF AUSTRALIA then in any event the Federal Court of Australia was the appropriate Court for legal jurisdiction.

18. What has been shown that UNLESS the Parliament make specific legislation to make it clear beyond doubt of any incompetent judge and for the AGS and the AEC that when it refers to "Federal Court of Australia" then it means this, I fear that there will be a continuation of this rot. Meaning, that the public is denied any electoral grievance to be addressed.

19. That it is my view, that all Members of Parliament have a legal and moral obligation to address any issue of any unlawful conduct in election when made aware to them, and as such where I forwarded E-mails on 20 October 2001 to the then care taking Prime Minister Mr John Howard, Senator Bob Brown, Senator N Stott Despoja, Leader of the

opposition Kim Beasley and others, such as Jenny Macklin (I told her also personally during the campaign as well as placed it in writing to her) then they had a obligation to ensure the matters were appropriately addressed. Not to leave me to struggle between idiots of judges (stated quite frankly), where I have Marshall J stating "**Don't steal my show.**" And, "**This is my show**", during the legal proceedings and Finkelstein stating; "They can have you arrested", referring to if I were to serve documents upon the respondents. (See the relevant transcripts for this also).

20. That when an elector (I was also a candidate), notifies Members of Parliament, then surely that Member of Parliament must ensure that elections are conducted fair and proper?

21. That for exercise purpose, I prepared also a case for the Court of Disputed Returns, however didn't file it. Simply, the Court of Disputed Returns has no legal jurisdiction to hear my case disputing the validity of all writs! As such, it is clear, that despite the comments of Marshall J, the Court of Disputed Returns never had any legal position to deal with the case. The only manner I could file a case before the Court of Disputed Returns was to only contest the seat of JAGAJAGA, not all seats.

22. In Victoria, a woman was found to have 49 acceptable signatures for nominations, instead of the 50, and despite having another 48 hours by the legal provisions of the Victorian State Senators Act, the AEC refused this woman to obtain another signature, and refused as such her nomination.

23. My concern is that there is a BIAS with the JSCEM, as basically it would be that the members of the committee would have to vote themselves out of Parliament. At least that would be the implication if it were to uphold my complaint about the writs being unlawful and unconstitutional! As such, the JSCEM might have to place my submission before an INTERNATIONAL COURT as to have it to decide the merits of my complaints. I doubt this will occur and so doubt that my submission will be dealt with 100% fair dinkum. There is a rule that no judge can sit in his own case, the same if applied to the members of the committee means that not a member of parliament could deal with the matter in a proper way. After all, if I am correct that all elections were NULL AND VOID then there truly doesn't exist any House of Representative or any SENATE as none of the members were lawfully elected! I realise that likely, only the JSCEM deals with matters, but at least I express my concerns already.

24. During the 1996 JSCEM hearings, Mr Grey made clear that there was really no need for any deposit at all for candidates. The AEC then proposed to have a $1,000.00 deposit.

    As my material points out. The framers of the ***Commonwealth Constitution Bill 1898*** are recorded in the Hansard to have expressed that elections must be FAIR for all persons wanting to stand as candidates, and not be limited. Indeed, Barton made known that his election for the convention did cost him less then any election being about 100 pounds. It was also indicated, that no British subject ought to be excluded from being a candidate for an election. Indeed, it was pointed out that it were the British who had given their effort to build the Parliaments of Australia States. As such, the exclusion of Heather Hill is contrary to the wishes of the framers of the ***Commonwealth Constitution Bill 1898***, as expressed by them, and without any amendment by way of referendum, approved by the general public! What we have however, is that conditions are further prostituted by having a "defacto" condition of a deposit, as a qualification. Meaning, that people who have difficulties to raise a "deposit" might not be able to stand as a candidate. Yet, their contribution towards being a Member of Parliament could be far better then many who might enter for other reasons. The deposit has also been misused by the AEC, such as in the case of the candidate for the Senate Mr Ned Kelly in NSW, who prior to 12 noon attended to a Electoral officer and asked them to fax the list of signatures for nominations. This, the electoral officer however refused to accept the "deposit". When Ned Kelly finally had arrange to have the money deposited

through another person, it seems that person arrived at about 21.10 PM and so held to be too late! It is clear that the refusal of the Electoral officer to accept the cash deposit at the time of faxing through the list of signatures wrongfully denied Ned Kelly to be an accepted nominated candidate. More over, as the days of nominations were reduced from ten days to a mere 9 days, in law Mr Ned Kelly still had 1 more day to lodge the deposit, after the alleged 12 noon deadline, and so the deposit was presented within the legislated time. What we have therefore is that many people were wrongfully denied to be "accepted" nominated candidates for elections, not because they really failed, but because of the arbitrary decision by the AEC to ignore the legal provisions.

The AEC made known since, that they kept **NO RECORDS** of "candidates" who had not been accepted as "accepted nominated candidates". This clearly breaches the legal provisions of the ***Commonwealth Electoral Act 1918***, in that there must be a written response of any refusal. Simply, the AEC operates as it likes disregarding the real application of law, at least that are my findings!

25. The closure of nominations, when checking legislated provisions versus relevant authorities, then it is clear that where the legislated provisions provide for "**shall not be less than**" ten days, then that must be counted from midnight to midnight. As such, the closure of nominations actually occurs on the 11th day! Not to do so, would fly in the face of countless authorities of all over the world, where the Courts time and time again made rulings that "**shall not be less**" must be the minimum period and not any part of that less. We now have however, that for some years the AEC has manipulated the election period, to suit it self, and so has short cut the 10 days to 9 days and then add the part day of closure of nominations as the 10th day. This is a fraudulent conduct, that had further implications. For example, before the JSCEM in 1996 it argued that the number of supportive signatures ought to be increased from 6 to 50, and then the number of days for closure of nominations ought to be reduced from 11 to 10 days. I view, that this conduct was highly improper, and self-serving, and caused untold harm to the electoral process, and indeed to the safety and interest of the public.

For example, the argument of needing to cut down the 11 days to 10 days for checking the signatures etc must fails. I found, that I arrived with 88 signatures, and of them, some 43 were held of ineligible voters, and so rejected. This was 2 days prior to the alleged closure of nominations. I then went out, and got some more. Meaning that the AEC generally check all signatures prior to the closure of nominations. As such, the cut back of 1 day really had little effect as to benefit the AEC for checking signatures, and as the AEC has the electronic equipment to check signatures within 1 hour of such large amount, then clearly there was no need to cut the time of nominations by 1 day! I view, it was a falsehood by the AEC, to misled the JSCEM then in 1996, about the need of a reduction of time.

Worse, those INDEPENDENT candidates that now were forced to have not 6, but 50 signatures, found themselves having 1 day less in time! On top of that, the AEC caused it to be cut back a further 1 day, to 9 days! This is a horrific result, which has even further disastrous consequences.

For example, when I went to pursue nomination in the seat of **JAGAJAGA,** the Electoral Officer Mr King advised me that no forms were available, as the election had just been called, and I had to come back in a few days. Meaning that technically I was robbed of the number of clear days of nominations, as I attended for the forms needed to collect signatures, but none were available. I view that when the proclamation was signed by the Governor-General the AEC obviously already was aware of the pending PURPORTED election and as such ought to have ensured that all electoral offices would have the correct forms and documents for candidates. When I came a few days later, I collected the document, and found that there was no registration, that I went to collect signatures and other private details. I decided to make my own photo ID.

Some people indicated not wanting to disclose their private details, that I understood. After all, who was to say I was a genuine candidate, and not merely collecting details for the commission of crimes? What stopped me to collect details, and then mark the sheets, for people I wanted to rape or to whom I intended to commit other hideous crimes? What indeed stop me to pass on the information to criminals or advertising companies etc?

Clearly, the AEC by pursuing successfully for an increase of signatures to 50, disregarded totally that the safety of the public was placed at risk!

I view, that the increase to 50 signatures is an utter nonsense, and not needed, as what it rather seeks to suggest is, that people ought not stands as INDEPENDENT candidates but join a UNION. Meaning, join a political party, that only one signature is required.

Basically, the JSCEM (by its recommendation accepted by the Parliament) has made the Parliament a "**CLOSED UNION SHOP**"

This is further evidence by the "payment per vote". As set out below.

I view that elections are for a democratic system, and not to please the AEC. As such, the argument by the AEC to reduce days of nominations from 11 to 10 days, was a gross injustice, and deceptively obtained.

Further, as was shown in the Missouri Court Rules, that once a period comes down to 10 days, then public holidays and weekends are not counted. As such, on that legal principle the number of actual days ought to have increased. The AEC however has raped the community by reducing the number of "minimum" days further, by closing its offices on Saturdays and Sundays and public holidays. A clear example is, the by-election that was called on 22 December 1993! The effective number of days to close the rolls were 4 days, and the same number of days were for closure of nominations, this, even so the closure of nominations were then 11 days! Meaning, that a person who had travel plans for Christmas, and left, then found to have a mere four actual office days to get to an electoral office, and enrol, and then get signatures, and be a nominated candidate. Surely, this was totally undermining the intention of the Parliament when using the wording "**shall not be less**" where this context of wording has been used since the ***1832 Factory Act***. What the JSCEM has to consider is, if electoral laws are made for the sake of the AEC, or for the rights and best interest of the general public to obtain a democratic elected Parliament?

Also, should days of closure of the AEC offices be counted as enrolments/nomination or polling clear days?

Also, the AEC seemed to ignore, that the many of the State Senator election Act still retained the "**SHALL NOT BE LESS THEN 11 DAYS**", the AEC by this reduced this also in a fraudulent manner, to a mere 9 days. Any writs issued, in breach of legislated provisions, clearly are NULL AND VOID, and so also, any PURPORTED election held as result of such defective writ. Meaning, that Senators purportedly elected, are neither elected either! As there is no **ESTOPPEL** against the ***Commonwealth Constitution***, then the issue of having to file a case before the Court of Disputed Returns within 40 days of the return of the writs, neither does apply! Indeed, a writ that omits a return day, would effectively prevents the Court of Disputed Returns to ever hear a case against it (The writ)!

26. The payment per vote, I view, ought be abolished. In the PURPORTED 10 November 2001 election, I found, that the liberal candidate for **JAGAJAGA** was getting a large number of votes, and so payment per vote. Yet, at all election campaign meetings of the public, I attended, the liberal candidate was nowhere to be seen. Always citing some health issue being prevented to attend. The same as to responding to news papers request for interviews. Yet, he was getting in a huge payment per vote. People who voted for the Liberal Party, as such, voted for him! The Liberal Party being aware it will attract a certain number of votes, therefore can mount an election campaign through television advertisements, etc, for the election, and pay the bill later from the

payment per vote! The same applies to other political parties, and so also the Democrat's having the barking of dogs used, to show their intelligence in communication to the public. Yet, I and most other INDEPENDENT candidates, do not have that luxury to advertise on basis of expected income payment per vote. Indeed, this kind of payment is unconstitutional, in that the framers of the ***Commonwealth Constitution Bill 1898*** very much debated that candidates have their own cost of campaigning. As much as that the sale of Telstra must be deemed unconstitutional, as the framers also held that there ought to be one united postal and telephone services for the whole of Australia! State were caused to handover, against a certain payment, their postal and telephone services, and surely would never have done so, was it that it had been contemplated for the Federal Parliament then to sell of those utilities etc. As the High Court of Australia made clear, that the intentions of the framers of the ***Commonwealth Constitution Bill 1898*** dictates how one must consider the ***Commonwealth Constitution***, then clearly any sell off of Telstra must be deemed unconstitutional.

27. Getting back to the payment per vote. It is clear, that the framers never considered that the public would pay for the candidates electioneering, and so it ought to be deemed unconstitutional, and abolished. Because the JSCEM is formed of members of political parties, I have no doubt whatsoever, this committee will most likely reject my argument out of hand, irrespective of the merit of them. However, that will not cause the issue to go away.

28. An alternative of abolishment of "**payment per vote**" would be to introduce "**credits per vote**". As the leader of the Opposition in Victoria made clear that the "payment per vote" is to make election democratic, then lets really attend to this and address it as such.

    Currently, as was shown in the JAGAJAGA seat, a candidate can simply stay home, with or without legitimate excuse, and standing for a major party rake in tens of thousands of dollars on "payment per vote", irrespective of actually having incurred such cost. Then, the real battlers, general the INDEPENDENTS, will not get elected, and unlikely obtain any compensation towards cost incurred. As such, the INDEPENDENT is denied any FAIR ELECTION!

    It really ought to be that there be "credit per vote" rather then "payment per vote". This means that any candidate can be entitled to "credits" per vote" regardless of how few votes he/she obtains. However, this would make electioneering more a level playing field if combined with other improvements, such as free postal service, set out below.

    Basically, instead of a candidate receiving "payment per vote", and being able to spend it on any nonsense, the moneys provided by taxpayers must go toward legitimate election material. Pensioners and others are bound to full fill certain conditions to be eligible for payments, likewise so, this ought to apply to payments towards candidates. Meaning, that any claim for cost of election material, can only be allowed provide the particular election material, (being it hand outs, mail out, television adds etc, are fulfilling the conditions that they are informative to the public, and of certain minimum standards. As such, a TV add such as that of the Democrats, where they had the sound of barking dogs, such add would not be eligible for any "credit", as it ought not be held "educational" or "informative" to a reasonable standard. Basically, the standard of a level 8 of High School ought to be set, as to any election material, that is sought to have "credit" payments. It will basically be up the each Electoral officer, of the relevant seat, to consider the material for which "credit' is sought. For example, the Democrats submit their barking dogs add, and the Electoral officer takes the position that it fails the standards, and refuses to provide any "credit" towards the cost of the add. The Democrats then have the option to pay the full cost out of their own pocket, or to pursue an appeal/review, say, before a person, being superior then the person who refused to accept the add for credits.

On review, the add can be held acceptable, and then 50% of the cost is allowed to be credited, or the add is rejected, and that is the end of the line.
If an add is accepted, but then the public complaints about the add being misleading /deceptive etc, then any "credit" entitlement is to be reviewed, and if the complaint is upheld, the add looses any "credit entitlements", as if it never had been approved.
As such, the onus is upon the candidate, to ensure that the add is fair and proper, or risk to be denied any credit input.
If a candidate is say previously entitled to say (use Victoria's example) $1.20 per vote, then this would now translate to $1.20 "**credit per vote**" irrespective of how few votes a candidates attract. As such, if a candidates attract, say, 1,000 votes, then the credit entitlements would be 1,000 x $1.20 = $1,200.00. Being it, that to be able to obtain those credits in total, the candidate must fulfil the various requirements, including the above the minimum benchmark of being informative and educational.
Therefore, candidate Gary happens to get exactly 1000 votes, and he has a credit entitlement of $1,200.00. He then goes along to the AEC, and present his bills in regard of expenses incurred. The AEC then check what cost related to, what and which are entitled to "credit". Meaning, that not all electoral cost can be claimed as cost for compensation for "credit'. Also, pending the rulings at the time governing entitlements, it might be that a television add that was accepted for "credit' might have 50% of the total advertising cost for that add being "credited"! As such, the candidate would have to fork out at least 50% of the add of his/her own pocket (being it as an INDEPENDENT or PARTY CANDIDATE)
So, Gary went along, and find that while he was entitled to $1,200.00 "credit", his total advertising cost incurred, against the scale of allowable credits, might be a mere total of $900.00. Meaning, that the taxpayers are saving $300.00.
Televisions adds might reach many people, but also many don't see the add, and so the "credits" entitled to the cost ought to reflect this. If a candidate has cost on handbills, then the "credit" could be allowed, for say 80% as they generally are received by 80% of the people entitled and intended to it. Meaning, that Gary had his $300.00 bill incurred for handbills "credited" by a massive $240.00 (0.8 x $300.00).
What this means is, that candidates are put on notice, that if they want to seek taxpayers to feed toward their electoral expenses, then they must ensure that it is to the benefit of taxpayers, and not merely some warmongering add, that is senseless, other then some political fight. A clear example is the "Guilty party", which was used in Victoria. The same with the recent Federal election about Kim Beasley, where his yes, no position about implementing laws were deceptive, and not at all reflecting the true issues concerning why Kim Beasley changed his position. Dishonest advertising must never be at the taxpayer's expense! As such, such kind of ads must be deemed failing the criteria of being informative, as they lack to set out the true facts. It means, that the onus would be on the candidate, to show that an add attacking any opponent also in brief gives a proper clarification for this attack.
It also means, that the spending of public moneys are controlled, and there is, so to say, "value for money" for the taxpayers.
Nothing stops a candidate to have adds, that might not be accepted by the AEC to the standards then applicable, but the candidate simply will have to face, that the taxpayers aren't going to pay toward that unacceptable add.
No candidate ought to take it for granted that the public will fund any kind of "crap" advertisings". Simply, the public sets its benchmark, and candidates can take it or leave it.
If a political party decides to do an add for all candidate of its party, then any credit claimed must be divided by the number of candidates it has standing. For example, a political party had 150 candidates and happens to spend $30.000.00 on an approved "credit" add and entitled to 50% credit. Then it would be entitled to claim $30,000.00:

.5 per 150 candidates is $100.00 per candidate. Meaning, that John, who is a candidate for the party, and was entitled to $3,000 credit inputs, but already claimed that in full, finds that the party looses the $100.00 credit entitlement against him. This means, that John either considers before he commences to spend monies on advertising, he works out what the party has installed, as cover cost per candidate to spend, and then he spend accordingly the balance, or he simply face it to pay the $100.00 back to the party, for the cost it incurred on his behalf.

As such, it isn't that the party can simply claim disappropriate amounts from different candidates. It's entitlements must be upon the number of candidates standing, for this party and on that basis it only can make a claim.

Party affiliated candidates therefore have a choice, to joint in the party's advertising game, or to do without. Meaning, that if they are taking the option to be endorsed by the party with the single signature of the party, then they accept the distribution of "credits". However, if they decide to collect signatures, as like any INDEPENDENT (being it 50 or more or less, as might be relevant at the time), then the party looses any entitlement to claim any credit input on behalf of that candidate. Say, 10 candidates of that party decide to collect their own signatures, as they do not want to be faced with loosing credit entitlements by the advertising of the party. Meaning, that the party claiming credit input of the $30.000.- bill now has entitlement to claim the credit of $15,000.00 (being 50%) against the 140 remaining candidates. It means, that the burden per candidate increases, and if any candidate has no credits left, then the relevant candidate will have to fork out the money themselves.

Those 10 candidates who didn't want to cop the credit claim of the party, still can stand as candidates for that party, but having to do their own canvassing for signatures, and perhaps also preparing their own different set of advertising material they rather rely upon, then simply dictate their own credit spending.

Such a system, if implemented, might see that perhaps 70% of spending per candidate up to the limit of credit inputs, will be paid for by the public! Meaning, that not a single candidate can claim "credits", unless him/herself actually having incurred cost towards the same. It also means, that a candidate who can't bother to campaign, and simply stays home, will not receive a single cent on credits, unless he is belonging to a party, and they are entitled to claim on his/her behalf, towards the cost of advertising etc.

With the current system, Gary could join a major political party, stays at home, and if he gets plenty of party votes, make some $50,000.00 or more, while the INDEPENDENT who goes out of his way electioneering, and spend his/her money, might not get a cent! Surely, this is an unacceptable system, that must be revised. The "payment per vote" obviously was for the benefits of political parties, rather then geared toward the real interest of the public (taxpayers).

It seems rather odd, that on the one hand the government wants to tighten conditions for disabled people, and increase the cost of medication, to save a few millions, yet, on the other hand, squanders tens of millions of dollars on election material, such as the barking dog add of the Democrats! (By now you might get the gist what I think of that add!)

Credit inputs as such will never be to pay 100% for any cost incurred, but rather is a pro-rate compensation per candidate, per entitlement! As such, any party politics is between the candidate and any political party, but will not affect the level of maximum or minim entitlement to credit input.

There are obviously always exception to the rule, and I couldn't do without giving an example! (No, I am not classified as disabled, and neither pursue their cause. I am merely trying to be fair to all).

We have Peter, who is on a disabled pension. He had the bad luck of loosing his legs in an accident, but his brain works, if not the same then better then most other people. He

wants to join the Parliament, as to drive home his lot, and in the process seek a better perception towards the need of others in his predicament.

Because of his obvious disability, his travelling to and from public meetings etc. will be severely hampered. For this, the AEC is to set up a scheme that Peter can claim back 50% of all travelling cost incurred, for the purpose of attending public meetings. Well, that is for public transport, or taxis. As such, if Peter is entitled to claim already 5% concession of say, a $20.00 taxi fare then he pays the difference to the driver, and gets a receipt, and later can claim 50% of that amount actually paid, against "special credit input". Meaning, that the "special credit input" will not affect his advertising credit entitlements, but will be against a "special credit per vote", that will be allowed. Again, Peter will face, that his maximum has a limit, governing the number of votes he can obtain. If Peter travels with another person entitled to the "special credit", then they can share the claim.

As elsewhere indicated, all candidates must have an ID that has three letters and three number, as such, a taxi driver can take down the numbers of the ID and insert them on the voucher. That way, the AEC will be aware that the cost claimed for "special credit input" will be by those listed with their ID number, and no one else.

All other claims for cost etc, must bear the ID number. Meaning, that the party will have to claim for all ID numbers it seeks "credit input for". While it might seem horrific for a party having to list 140 names or so, in reality, a party does it once and then copies the claim form for all other claims. As such, only once is the need to fill in the form. Alternatively, the party advised the AEC beforehand which ID numbers it claims against, and then the AEC lock in those ID numbers, and all claims automatically are claimed against, each time a claim come through. If then a claim against a particular candidate is rejected, due to the maximum already having been claimed, then the AEC advised the party about this, and then the party sort it out with the relevant candidates that had accepted the publications for them also, to pay the party any shortcomings.

As such, the AEC has no interest in any dealings between a candidate and his/her party.

While this is merely an initial set up of a system, and obviously would need to be streamlined, the basic is, that rather then mere "payment per vote", which may or may not be unconstitutional, the direction is to make candidates (with or without their or any party affiliation) accountable, to present responsible advertising for political campaigns. The AEC isn't there to be a watchdog as to political slanging match, and so must consider each items as to governing standards of being informative and educational etc. Not if the particular Electoral officer might agree or disagree with the content of the add versus his/her political or non political views.

Obviously any credit or special credit couldn't be claimed until after the result of an election has been held, so that it is known how much credit or special credit each candidate is entitled upon.

29. **The mailing**, if anything, is a source of injustice, in that "candidates", who are determined to be "sitting candidates", are getting unfair advantages over other candidates. At least, where it comes to mailing. For example, Jenny Macklin has free postal services, where as I would have to fork out huge amounts of cost for the same.

I view, that all political advertising, forwarded by Australian Post or other mail services, ought to be on one occasion at cost of the taxpayers, by special marked envelops which has the wording, "**This envelop contains election material**". Meaning, that being it Jenny Macklin, John Howard, or any other aspirant CANDIDATE, being it as INDEPENDENT, or a party affiliated candidate, must use envelopes for any mail item, where it is send free of charge by the sender. Meaning, that there will be a distinction between political mail, and Government mail, not that a Government misuses Government mail for political purposes etc. Also, each candidate (regardless

being sitting member or not, and regardless being an INDEPENDENT or not, to be entitled to have one free of postage envelope per elector.

Having the envelopes with the addresses will avoid them being misused by scrupulous candidates for private purposes not connected with any election. Also, the usage of the envelops must be restricted to be within a certain period, say from the day of the issue of the writs until the closure of the relevant poll. By this, any unused envelope becomes worthless, and the Australian Post be directed, to present to the AEC any envelope that is lodge for postal service after the polling date, this to detect any offender wanting to misuse the free postal service for other purposes.

The system therefore could be implemented that the AEC, on request of the particular candidate, will provide pre-addressed envelope of each elector in the seat of that candidate. The AEC could have a system operating, with a printer for a set up for printing such multitude number of envelops, and have them at the same time individually addressed. For example, Peter, Jenny, Peter and John all are candidates for the same seat, and so the relevant electoral officer has a printer printing out envelops for each of them, with the appropriate addresses already shown on each envelope. Meaning that all the candidates have to do is to insert their relevant pamphlet or other material they wish to send to the elector. It would take away the hassle of many candidates, to try to type all addresses, and incur huge postal cost, where the sitting member has none.

If a political party wants to do it on behalf of their candidate, then that is pending the arrangements existing. At no time ought a sitting member be allowed to use and misuse his/her office in using mail facilities to have an unfair advantage over other candidates.

All advertising material ought to have the ID number of the candidate, unless it is party published election material, where it will be on record by the AEC as to for which candidates it applies. In addition, any material send by mail in this matter, must have a true copy lodges with the relevant electoral officer, or where it governs a party, with the electoral office that they deal with.

It is imperative, that the classification of election material versus government material has a distinction, and also, that political offices aren't used and abused to have unfair advantages over other candidates.

30. Another sore point is the discriminatory conduct between how people can vote for candidates. The above the line voting, or below the line, is clearly discriminatory, and well beyond what the framers of the ***Commonwealth Constitution Bill 1898*** intended, when they referred to that elections must be fair to all candidates, and even the poor ought to be able to have a fair opportunity to be a candidate. As such, INDEPENDENT candidates ought to be entitled to have a square above the line, so electors can also place a simple mark against their name, and not having to go through 46 or more names and in the process make errors.

The system could be simple to be adapted. Each INDEPENDENT candidate is listed above the line, as is applicable in the list below the line, or alternatively, a mark for an INDEPENDENT listed candidate automatically qualifies as if it was a mark above the line, if the CANDIDATE has filed with the AEC a voting preference. With other words, when the AEC makes the declaration of the candidates, then each candidate, that is not affiliated with any political party, can then provide the AEC officer with the sequence of how he/she wishes to have votes distributed, in the event he/she doesn't have enough votes to remain in the contest.

As such, an elector, can make a mark for the INDEPENDENT, and does no more, and then the AEC distribute the votes according to the preference filed, or the elector marks all squares, and the vote is distributed according to the numbers. To avoid confusion, any candidate that might file a preference, it would be better to list also above the line. However, if this was to be too difficult, then the INDEPENDENT name below the line

is marked, to indicate there is a preference list of voting distributation on file, and only one square needs to be marked.

While I acknowledge that this and other changes sought, would likely result to a stronger voting pattern towards INDEPENDENTS, it must be kept in mind that the JSCEM isn't there to exclusively make benefits for political parties and apply the "close union shop" mentality (Howard so much seeks to stop ion ordinary work conditions) but it is there to seek to address electoral issues that needs to be addressed as to pursue in the intentions of the framers of the ***Commonwealth Constitution Bill 1898*** to have elections to be fair and proper to all candidates!

Regardless of what a member of the committee of the JSCEM has as political views and political affiliation, the criteria is that it operates under the provisions of the constitution and as such must pursue to conduct matters and to resolve matters according to the true intentions of the framers of this constitution, even if this means to make recommendations to the Parliament which might be harm full to political parties or those in Government of the day!

I am well aware that particular comments in this submission will not be liked by members of certain political association but that isn't my concern. I am not trying to win a popularity contest, I am seeking to get the true intentions of the framers to be applied. I call a spade a spade!

31. I have for long argued, that since 1919 we are a REPUBLIC. And, indeed, King George is on record to welcome the representative of Australia, as being the representative of our "new independent colony Australia.". Australia being a party to the 1919 treaty, had to be an independent nation. As such, the ***Commonwealth Constitution*** became DEAD when Billy Hughes the then Prime Minister had the Parliament ratify the treaty in 1919. Having stated this, even if it was argued that the ***Commonwealth Constitution*** still prevailed, then Section 63 of the ***Commonwealth Constitution*** clearly was limited until the first election being held in 1901. The framers made clear, that the purpose of Section 63 was **until** the first election were held, the Governor-General could appoint a person to office without being elected. As such, I claim the 10 November 2001 election was unconstitutional and invalid (NULL AND VOID), and so any powers allegedly used by the Governor-General to appoint any person as a Minister within the provisions of Section 63 must fail, as this Section was only operative until the first election held in 1901. I am aware, that previously the High Court of Australia used Section 63 to justify the special appointment by the Governor-General, for special minister. Then again, the High Court of Australia proved to be wrong in the past. I contested the validity of the Cross Vesting Act years before the ***Wakim*** decision, but rather then getting some competent decision, came across the argument, that was rubbing stamping another courts decision, rather then the unbiased decision upon principle of laws.

    Also, the High Court of Australia can "overrule' any previous decision that it made previously in error! It has done so in the past, even decisions made more then 70 years earlier! That the High Court of Australia does tend it to have it wrong, is perhaps also demonstrated where it argued in a case of 4 candidates of South Australia, that the framers of the constitution then contemplated that the minimum age of electors would be 21 years of age, and not less. Clearly, none of the judges seemed to have bothered to read what the framers actually had stated, as had any judge of the High Court of Australia just bothered to spend more time reading the Hansard, rather then perhaps driving taxis, then it would have been aware that the framers discussed "baby suffrage", being electors merely 16 years old etc, as then allegedly intended in WA.

    As such, the real intentions of the framers often is being prostituted by those seeking to interpret it for their own political gains, in a different manner, or ignored all together.

    I view, that the essence of the framers were, that candidates, no matter how poor or how rich, must all be provided with an equal opportunity to stand as a candidate. Meaning that payment per vote is undermining this.

32. I refused to vote in the 10 November 2001 purported election, for various reasons. One being, that I do not vote to hand out monies to some political party! I refuse to have my vote being used for other purposes, but for the voting for a candidate standing for Parliament. I view, that it is contrary to the ***Commonwealth Constitution*** to have my vote used/manipulated for payment per vote! If the framers of the ***Commonwealth Constitution*** intended to have a payment per vote, then it would have provided for this on the ***Commonwealth Constitution,*** as it did with payment for politicians. As such, without any referendum, I view, that any payment per vote is unconstitutional. While in Victoria they recently voted to introduce payment per vote, it constitution system is different, and I campaigned against this in past elections. Indeed, in the 1996 and 1999 State elections, I canvassed for "rules for parliamentarians" and had the "WORK CONTRACT" and after the 1999 state election, the elected independents used this kind of system renamed "CHARTER" to support the Bracks Government into office! As the constitution of Victoria is no more but an Act of the Parliament, the Parliament can manipulate the constitutional provisions, as Jeff Kennett proved to do, to rob people of their rights of appeal etc. However, in the federal area, I view, unless there is a referendum, any payment per vote, and indeed "deposit" for a candidate", and the "50 signatures", might very well be held unconstitutional, as they all tend to discriminate between candidates, and so against the intentions of the framers. While it might be argued that the "deposit" is equal for all candidates", the fact is that the condition of having at least 4% of votes makes it discriminatory. Clearly, this causes that the deposit is reclaimable by a few, and not all. As such, it isn't something for contribution towards electoral cost, but merely some gimmick, with no potential legitimate electoral purpose. The payment per vote likewise is discriminatory.

33. The AEC, on page 27 of the "Electoral pocket book", refers to State electoral laws, which have absolutely nothing to do with Federal elections. Yet, the State Senate electoral Acts, which ought to have been there, were omitted. It seems, that the incompetence of the AEC was that they relied upon the electoral laws applicable to State elections as to minim days applicable, rather then to the State Senate Electoral Acts that actually were applicable. As such, the AEC was misleading the public, the Government and the Commonwealth referring to the incorrect legal provisions.

34. Another issue is, the fact that it is well established, that any Act that is passed by the Parliament, must be Gazetted before becoming legally applicable. Jeff Kennett, as Premier of Victoria, found this out, when the Supreme Court of Victoria threw out the charges again the protesters of the Albert Park racing, because the Act had not been gazetted. Where it comes to a Proclamation of the Prorogue of the Parliament, and the Dissolution of the House of Representatives, the same applies. The ***Act Interpretation Act 1901*** requires, that the proclamation is published in the Gazette, before it becomes effective. As such, not the printing, but the actual availability (publication) of the Gazette is what publication is about. As such, irrespective that the Governor-General signed on 5 October 2001 the Proclamation, to Prorogue the Parliament on 8 October 2001 at 11.59, where this wasn't published in Tasmania until 22 October 2001, then clearly it couldn't have been applicable until then. On 3 October 2001, the Reserve Bank of Australia published its changes in a Special Gazette S416, only for it to be published finally on 22 October 2001, in Tasmania. Case law, (authorities) as referred to in other material provided with this submission) clearly proves, that the High Court of Australia held, that until the information is actually available, it is not legally applicable. As such, if the Proclamation isn't applicable until 22 October 2001, in Tasmania, then how on earth could the writ for the House of Representatives be applicable on 8 October 2001, and so 1 day before the Special Gazette S421 was published in Canberra?

    It is clear, that there is a top-level **disorganisation** in the printing of Gazette's. Somehow, the Government Printers are not concerned to the legal implications of

printing any Gazette too late, or not having them published on the date, they are showing on its face to be the publication date. Indeed, while Sydney is not that far away from Canberra, the first publication of the Proclamation was in Sydney **not on 8 October 2001** but on 18 October 2001. A massive 10 days later, then only because Special Gazette S421 was attached to Gazette Notices GN41. Why on earth S421 hadn't been published with Gazette Notice N40, on 10 October, is another question, albeit that still would have been too late. At first, when making my inquiries, I was advised by the manager of Canberra bookshop that Special Gazette S421 (containing the Proclamation of the Prorogue of the Parliament, and the dissolution of the House of Representatives) was not published until 9 October 2001, and her computer records proved this. Later, she was somehow replaced by a manager, who then claimed that it was normal for Gazette's to arrive late at night on Fridays, and then they would place the Gazette in the window, so people could purchase it after the weekend!

Well, this nonsense holds no ground. As 8 October 2001 was a Monday, and so any Friday alleged kind of publication wasn't applicable. Clearly, the new manager seeks to make fraudulent claims, perhaps more interested in keeping his job then to ensure the truth be known.

I requested for copies of records of the transport of the job to the outside printers, who had printed for the Government Printers, and also for copies of records of delivery of Gazette's to bookshops. This, so far has been denied. If the manager was correct in his allegations, then obviously, he would have had no problem to provide them. The truth is, that Gazette's are issued with a date they arrive in the store, and the date on the labels show in Canberra to be 9 October 2001, not 8 October. Meaning, that by the provisions of **Section 32** of the ***Commonwealth Constitution*** the writs were issued in breach of the legal provisions of this constitution. The writs only can be issued AFTER the House of Representatives has been dissolved. Where the publication of the Proclamation occurred firstly on 9 October 2001, then the writs issued on 8 October 2001 hold no legal basis, and are unconstitutional. As such, all writs for the House of Representatives issued on 8 October 2001 were defective, and of no effect. This, even if one were to argue that publication in Canberra is sufficient to be deemed publication, irrespective if publication in all other states were later, as late as 22 October 2001. I do not accept, that a mere publication in Canberra is deemed to be sufficient. For example, Gazette Notices GN41 publish details of the Australian Industrial Relations Commission, that states that a 28 days of publications are required. As such, if this publication is delayed by 1 days, or perhaps by 21 days or more, then it defeated the very intentions of Parliament, to have the minimum 28 day applied. Clearly where it is stated 28 days then this isn't 27 days or less (albeit the AEC likes this kind or reasoning, as they did in Court). As such, if the publication is 1 day late in Victoria, then effectively the publication is null and void and no longer applicable. Likewise various laws that are commencing on the day of publication, such as those in Gazette Notices 41 dated 17 October 2001, to commence on the day of the publication 17 October 2001 but then the Gazette isn't actual published until 18 October 2001 in Victoria (22 October 2001 in Tasmania) then those laws clearly are not published appropriately and can't be enforced.

It hardly could be held that publication in Canberra ought to be sufficient. This, as the government of the day could then utelise this as to publish laws, such as those relevant to a particular state, and withhold the publication until the time of objections are passed and then publish leaving citizens and the State Government without legal recourse!

Considering also that at the time of framing the constitution Fiji and new Zealand were part of it all, it hardly could be held that a publication in Canberra (as now being the seat of Federal government) would have been sufficient to any Proclamation affecting Fiji and new Zealand had they also been member states of the Commonwealth of Australia. The framers of the constitution couldn't have foreseen the technological

advances of computers and Internet facilities and as such it ought to be held that considering the conditions existing in 1898, it is fair to hold that publication ought to have been deemed required in all States and Territories before it(the proclamation) could be effected.

It then remains the question, could it be held that with the latest publication having been on 23 October 2001, if then the Prorogue of the Parliament couldn't have taken effect until the last publication was effected. Meaning that not the first date of publication on 9 October 2001 was relevant but rather that it was relevant only when all States and Territories had been provided with access to the publication.

It would be sheer nonsense to argue that a Federal law would be applicable in part of the commonwealth but not another part, pending the date of each publication. It seems to be more open to reason that no until all States and Territories had a publication the relevant couldn't be deemed applicable. This, as one hardly could expect a traveller going by plane from Victoria to, say, NSW having to consider at what point of the flight he/she be liable to different Federal laws. Indeed, it would defeat the very purpose of Federation.

Why on earth a Department head cant even manage such simple task of having Gazette's published at all locations simultaneously, I wonder! Today technological advances are well capable to enable this. A special Gazette such as S421 existing of merely one page, could have been send by E-mail, and printed out by the relevant Government Bookshop (Info shop), and offered for sale.

It seems to have gone on for years and all the lawyers in the Federal parliament and all other lawyers in the country who deal with the Gazette's never seemed to have picked up, what I did when faced for the first time about a publication of a Proclamation. Surely, this might underline who ignorant so many lawyers are to be aware of legal matters.

Indeed, many cases before the Courts might be affected where the government might pursue certain legislation and the day of coming into operation where it now is clear that many legal notices were invalid and so laws.

A clear example is where a person seeking to pursue a case before the Court of disputed Returns, is legally obligated to have the writ published in the Government Notices Gazette. This is also for the purpose that those interested may join or oppose the writ. What is now occurring is that the publication of the Government notices Gazette is published too late! As result, people are denied their time to respond.

The applicant filing the writs and having paid for the publication is by this defrauded by having to pay for services that were not rendered as required and denied the opportunity of having perhaps other joining his case, where others due to the reduced time period were robbed of the opportunity to file their case.

If a person were wanting to file a case to join in but does so a day late, then the case be refused, even so if the truth of late publication had been known then the person had still the legal entitlement to file, alternatively the publication became invalid.

I view that a ROYAL COMMISSION ought to deal with how many legal notices and other laws are affected by this late publication and how many cases were as result wrongly dealt with before the Courts. After all, the Courts made decision based on laws and legal notices presumed to be legally valid where by hindsight those laws might be found null and void!

It might not be the task of the JSCEM to pursue the number of cases wrongfully decided or the number of Acts and legal notices that were invalidated but it certainly can consider the true extend of the rot that has gone on by such sheer ignorance to properly publicise Gazette and in this case proves to have horrendous consequences.

Just for having discovered this, I view, I have earned a honourable law degree!

Clearly, because there is some gross mismanagement within the Department to publish Gazette's within time and on the day the Gazette bears on the face the date of

publication, likely hundreds if not thousands of laws and notices published over the years all became invalid and so NULL AND VOID, yet not a single lawyer, including QC's ever detected this!

A person, who resides in Tasmania, and on 21 October 2001 made a claim to the Australian Industrial Relations Commission, hardly could be held accountable for a new rule/regulation/law that was not published, until the next day. Regretfully, most lawyers will be unaware of this sheer disaster of having Gazette's published too late.

Indeed, I doubt the AUSTRALIAN GOVERNMENT SOLICITORS would have advised any Court about this in any proceedings it then was involved in, despite having been made aware of this by me. Simply, I view, **the AGS are unethical mob of lawyers**, at least those, I had to deal with in the election litigation, who didn't have a problem to deceive the Federal Court of Australia about what is legally proper, and deliberately perverse the course of justice, by making false and misleading claims to the court, as to avoid the matter to be heard upon their merits. Worse, **it acted in collusion with the AEC** to withhold/conceal from the court the true extend of the usage of the wording "**SHALL NOT BE LESS THAN**". The AEC clearly ought to have been well aware that this is used in State Senator elections Act's, and so was applicable to the litigation. And, the AGS ought to have been well aware, that numerous constitutions around the world use this terminology, and so also laws. Their fraudulent conduct to then have railroad the case, by claiming the Federal Court of Australia has no legal jurisdiction, because of the wording "***and not otherwise***", contradicting the decision of the High Court of Australia, also underlines that either the AGS were totally incompetent, or simply set out to use and misuse taxpayers monies, to prevent the case to be heard upon its merits. Their achievement has resulted, that my request to have an election on 15 December 2001 by the issue of new writs, was denied. Meaning, that no valid election were held, and with the last possible valid election for the House of Representatives being 12 January 2002, it is now beyond the Constitution to ever have another election, unless the AEC accepts to pursue an appeal OUT OF TIME admitting it perverted the course of justice! Meaning that "technically" **AUSTRALIA IS A BANANA REPUBLIC**.

The AEC and the AGS may have held they outsmarted me, by having the case railroaded, but they really destroyed the DEMOCRATIC FABRIC of AUSTRALIA!

Any election, for a Senate election must be held prior to 1 July 2002, and giving current legislative provisions, this can't occur, as the time for the election process is more then the number of days left before the 1st of July 2002. Meaning, that by the 1st of July there will neither be a single Senator left that lawfully was elected, as each writ for the Senate, both for the purported 10 November 2001 election, and prior to it, were all defective, and so null and void.

I did contact the Government about this, indeed even the Governor-General prior to the purported election having been held, and it was being ignored.

There seems to me little doubt that this was done for a variety of reasons. Such as, the "**children overboard**" claims, that John Howard hardly wanted fresh writs to be issued, to resolve the problem with the defective writs, as it would have result to a delay in election, and then the matter of false claims about the "**children overboard**" saga would have been exposed. As such, no doubt, Howard had a reason not wanting to have new writs issued. The Governor-General didn't want to make known to the public that he had ignored the constitutional requirements, and had issued all writs in breach of the constitutional and other legislated provisions, and so wanted to save his face, so to say. It seem, when the Governor-General was plagued by the scandals of sexual abuse, John Howard might have rewarded the Governor-General, in return for not having issued new writs, by going on the defence for the Governor-General making known, what he knew of his years attending law school that sexual abuse isn't that etc. So, what a PURPORTED prime minister recalls of his early law school days, seems to

be more relevant to protect the Governor-General, then the true application of law. The Governor-General not as bishop, but as Governor-General, then began to use the official website of the office of the Governor-General, to make all kinds of claims about sexual abuse matters, and already as Governor-General on Australian Story, had blamed the then under aged child, as being the real perpetrator. What we have is, that there appeared to me to be some understanding between the Governor-General and John Howard, that being, so to say; I scratch your back, you scratch my back! So, the Governor-General would **not** replace the defective writs with constitutional valid once, and in return, John Howard would support the Governor-General. It is a dirty business that for political grandstanding the provisions of the Constitution were ignored.

I acted appropriately, in that when I discovered that despite my E-mails of 20 October 2001 about the defective writs, it being ignored, even by the AEC and no fresh writs were sought to be issued, I took the next step, and placed it before the Courts. If my case had no merits then all the AEC had to do, was to allow it to be heard upon its merits. However, having perverted the course of justice, and conspired with the AGS to pervert the course of justice, in itself ought to indicate, that they acted not for the interest to protect dermatic rights to have fair and proper elections, but one to abuse and misuse the courts, to prevent the exposure of their wrongdoings, regardless how harmful this was to the public and the democracy of Australia.

Only, the underestimated the force and determination I will use to pursue the matter, even if it takes years! The Family Court of Australia learned, that it unconstitutional and illegal imprisoning of me made me even more determined to expose the rot what is going on, rather then to scare me off.

35. Prior to the purported election, I spoke personally to Jenny Macklin, my opponent in the purported election, about the question of validity of all writs issued, and as such, she was made well aware of it all. She didn't bother to deal with this as one could expect of a Member of Parliament!

36. I contacted Natasha Stott Despoja also, about the question of validity of all writs, and all I get is, that someone of her party leadership would deal with the matter. A reminder had the same response. Obviously, none was coming. All Attorney Generals were advised by me also.

37. While the AGS accepted service on 2 November 2001 for and on behalf of all Governors and the Governor-General, when it came to the hearing on 7 November 2001, they concealed this from the Court, and argued that there was no appearance for them. It wasn't until January 2002, that the Solicitor-General of Tasmania made me aware of that they never had been advised by the AGS that they had accepted service for them. So, the AGS deliberately perverted the course of justice, by concealing from the Court, that not only had they accepted service for all first defendants, but they had concealed from all first defendants having done so! When I sought to clarify at the hearing my position, Marshall J simply cut me off. Then again, I had expected this kind of dishonourable conduct, and so had already filed an affidavit that did set out that I had served upon the AGS all relevant documents for **all** respondents, as directed by Finkelstein J on 2 November 2001. Marshall J as such knew about the service, or reasonably ought to have known about it, but deliberately seemed to ignore this. Prior to the hearing, 2 barristers made clear to me, off the records, that I would have no hope in hell to succeed in my case, as the Court would use every tactic to railroad my case. Not that I didn't have a case, but the judge would likely not go against the Howard government, and so railroad the case. That, in reality, was what was happening! Marshall J's argument that my application was some "backdoor" application, to contest the election, was utterly stupid, as the transcript of 2 November 2001 before Finkelstein proves, that I made clear, that I wasn't contesting the election, as no election had been held, but that I was contesting the validity of the writs!

38. The conduct of the AEC has been to, being it by incompetence of plain stupidity, to use State laws regarding state elections, rather then to use State laws, regarding Senate elections for Federal elections. As such, it failed to be aware that the "**shall not less than**" in State Senator election laws remained applicable, regardless the federal laws being reduced from 11 days to 10 days. The legal provisions of the ***Commonwealth Electoral Act 1918*** seems to be geared upon the AEC dealing with people offending against the legal provisions, provided they are a voter or candidate, but, there seems to be little to no recourse to act against the dictatorship of the AEC, to manipulate and abuse its position outside the law. So, the AEC can abuse and misuse the law at its content. It has continued to publish false and misleading material on its websites, and maintains the false publications, as to how minimum days are applicable.

39. That originally, I was unaware about the true manner of Federal elections, and certainly about the structure of writs etc. However, once the AEC and the AGS conspired to pervert the course of justice on 7 November 2001, then I began to explore more material, and discovered a lot more, such as the late publication of Gazette's. As such, their resistance to admit to the invalid writs, caused directly for me to explore matter further. As result, I discovered that past elections by the AEC were basically all floored, by invalid elections. It seems, that the very watchdog appointed to ensure that elections are conducted "**according to law**", is the very offender to it all.

While the AEC argued before Marshall J that it could Act upon the writs, irrespective if they are defective in law, this clearly is sheer nonsense. Any writ that is defective, is NULL AND VOID. Further, where the AEC misled the Governors, and the Governor-General to issue invalid writs, then it can hardly benefits from its own fraudulent conduct. In Law of Contract, it is a well-known legal principle, that a person who causes to obtain a fraudulent contract cannot then seek to rely upon such fraudulent obtained contract to his/her benefits. The same applies to writs. The writs are all issued with the wording "**according to law**". As such, each and every writs issue, was deemed to apply in accordance to legislated provisions, applicable to the relevant writ. As such, where it is found that the false and misleading publication of details by the AEC causes invalid writs to be published, then clearly, the AEC has no comeback about the writs it caused itself to be issued defective. Not the writs, but the legal provisions, are what govern the proper conduct of elections. To accept otherwise, would mean that any Governor, or Governor-General, could nilly willy issue writs in disregard of applicable laws, and then get away with it. Further, Section 7 of the ***Commonwealth Electoral Act 1918*** specifically limits the powers of the AEC to be within legislative provisions. As such, if the writs are in conflict to the legislated provisions then the AEC has no power to act upon the writs but must return them to the issuer. Also, it shows that where writs are issued, the AEC can give such instructions as are appropriate. So, even if the invalid writs were issued, and acted upon, then the AEC has the obligation to comply with the legal provisions of the ***Commonwealth Electoral Act 1918***, and at most could have directed any election to be held in accordance with the legal provisions applicable to the particular election, irrespective of what the writs actually stated. But, as it is held that the writs were unconstitutional/invalid any purported election then is null and void. This, as a writ needs to be issued before the AEC can invoke its powers to hold any election. As such, at best the AEC ought to have caused all writs to be returned and being replaced with writs that were "**according to law**".

40. I should highlight that there ought to be a better definition in the ***Commonwealth Electoral Act 1918*** as to what is the meaning of the word "election" as it is used in one way to describe the election process and in another manner to describe the election (poll) actually being held. Likewise a better definition of the word "candidate' and other terms used but left in mystery. Electors ought not have to face needing a Court to make an interpretation what the meaning of words are. The ***Commonwealth Electoral Act 1918*** ought to be in **PLAIN ENGLISH** language. It is clear that where even a

judge as Marshall J fails to be competent to be aware of High court of Australia relevant decision, such as the ***Sue v Hill*** case, is unable to understand the meaning of the relevant part of the Act then the ***Commonwealth Electoral Act 1918*** needs to be drastically overhauled to make it even as simply for a judge to understand it!

41. Any law that is dubious, vague and aloof simply ought to be held unconstitutional as after all laws must be deemed to be made for the people and as such ordinary Australians ought to be able to understand the law without having to incur huge cost in litigation to get still a judge who also can't understand the terms used in the legislation. For this, not lawyers who "think" they understand the law, but non-lawyers, like myself, who find the pitfalls in legislation, rather ought to have a work over of laws and have them transcribed in plain ENGLISH!

    At times, I accompany people when they attend to their lawyers and then I act as an interpreter. That is, I explain to the client what his/her lawyer actually is saying and so visa versa. I discovered that often client and lawyer agree, only for me to then highlight they are both referring to something different! So, the lawyer thinks that the client agreed but the client understanding something totally different agreed what that client perceived to be the issue. This often afterwards results that clients complains about lawyers and the lawyer wonders what on earth is going on. The same is applicable in the Courts, where people lacking the understanding of legal terminology agree with something being said, for them afterwards to claim they never understood what they had agreed to, when it is explained to them what they did.

    As such, I view that there is insufficient consideration as to have laws in PLAIN ENGLISH LANGUAGE and the ***Commonwealth Electoral Act 1918*** is one Act that ought to be transcribed in PLAIN ENGLISH LANGUAGE. Perhaps then judges like Marshall J also can understand that when parliament inserts the wording federal Court of Australia in section 383 then this has a purpose. Then again, stupidity can't be resolved with any form of language!

42. The ***Commonwealth Constitution*** clearly requires the Governor-General to act also considering State laws and other laws. As such, if the Governor-General was misled as to the application of the election process dates, then that doesn't validate the writs invalidly issued, but merely shows, at least the Governor-General was misled. Then again, the Governor-General has lawyers, and clearly, they ought for themselves have checked the legal implication, and not to fall for some political hungry prime minister, and go along with whatever he might submit.

43. It seems to me clear, that John Howard attending on 5 October 2001 to the Governor-General, and having then the Governor-General signing for the Prorogue of the Parliament, and the dissolution of the House of Representatives,, then the Governor-General **could have the Proclamation published by Special Gazette that day**. In addition, provided the AEC had applied the correct number of days, as shown in the relevant legislation, the election could have been held on 10 November 2001. However, for reasons best known to John Howard, and the Governor-General, they decided to delay this until 8 October 2001, and in the process made various blunders. It seems, the Governor-General never bothered to check if the proclamations were published on 8 October 2001 either!

44. Upon the assumed position that the publication of the Gazette was after 12 noon on 8 October 2001, being it, say later that day, or some weeks later, it must be clear that the Proclamation then has a problem. The Proclamation clearly requires the Prorogue of the Parliament to occur prior to the Dissolution of the House of Representatives, this as to dissolve the House of Representatives, while the Parliament is sitting, isn't particularly correct. It is for this, that the Governor-General in his Proclamation has a 1-minute difference in time. So, effectively the Prorogue of the Parliament has been completed, and there after the dissolution of the House of Representatives can occur. Now, with the late publication, after 12 noon, the problem is, that with the publication of the

Proclamation in effect the dissolution of the House of Representatives can't occur at the same time of the Prorogue of the Parliament. Yet, a later publication, after the time has passed for the Prorogue of the Parliament, at most could be that both became effective immediately, at the same time. Meaning, that the publication on 22 October 2001 in Tasmania, on that day both became allegedly applicable instantly. Well, it seems that while "technically" the Prorogue of the Parliament then took effect (on 22 October 2001), the dissolution of the House of Parliament never could. This, as no precise time was known of the Prorogue of the Parliament, on 22 October 2001, nor the time the Gazette was actually published, and so one can hardly then add 1 minute to an unknown time. Further, as the House of Representatives was supposed to be dissolved at 12 noon, on 8 October 2001, but in Tasmania the Prorogue of the Parliament didn't get effective until 22 October 2001, then the dissolution of the House of Representative never could have taken place. Hence, the writ in that regard for any House of Representative election in Tasmania was doomed!

45. Even if a Proclamation were to have been held to be published on 8 October 2001, it still would have to be done PRIOR TO the time stated for the dissolution of the House of Representatives. As to do it later, would mean, that the Proclamation falls in the problems set out above. As such, any argument by the replacement manager, albeit false claims, that the publication was late at night, clearly still would not overcome the problem of having the publication too late. Even the new manager admitted that at least as midday the Gazette hadn't even been printed! As such, it is clear that no matter what further argument the manager may seek to present, the Publication never took place prior to the times that were relevant to the proclamation.

While the JSCEM might make a recommendation that the publication of the proclamation is deemed to be done at a certain time, this wouldn't rectify the real problems, and might very well be no more but to undermine the right of citizens. Manipulating legalities isn't the way to resolve matters. And, any fair assessment will show, that had the Proclamation signed on 5 October 2001 been published that day, then all problems could have been avoided in regard of late publication versus issue of the writs (Still would not resolve the defective writs of days issue). It was in the hands of John Howard to recommend for publication of the Proclamation the same day, and the writs being issued the following day. Or, to have the Proclamation published on 8 October, and the writs issued for an election on 17 November 2001. The Hansard indicates, that the forthcoming election was debated in the Parliament, and as such was not something, so to say, falling suddenly in the lap of John Howard, that he had been totally unaware about. Simply, John Howard was basically playing a political game, as to when he was going to call an election, and in the process ignored the rules of the game, being that one must act in accordance to constitutional and other legal provisions. It would be very unwise indeed for the JSCEM or the Parliament to seek to ratify this kind of conduct of a Prime Minister, who obviously manipulated the system. It appears to me, that John Howard with Peter Reith and Ruddoc were conspiring the whole Tampa and asylum seekers incident, and then pull of the election issue, to benefit of the suffering of those asylum seekers, to the extend, to waste hundreds of millions of dollars on the "Pacific solution". And with Kim Beasley obviously being to weak to stand upon for Human Rights, it seemed to be a ball game, to have the election, was it not for myself not to accept such rorting of the system and legal provisions.

The JSCEM might simply ignore my material, and seek to cover up the lot, after all, what can I expect, in view of what already has occurred so far? But, I would not hesitate to publish the entire submission through overseas sources, and then it will for the public to determine if my criticism, no matter how severe, was justified in the circumstances, and indeed was appropriate, and if the JSCEM and others failed to appropriately deal with matters.

Since the Tampa incident, I argued there was a better and far cheaper way to resolve the asylum seekers crisis. And I view, that this kind of **HITLER nazi type of propaganda,** used by Howard and his fellow politicians, to make out of asylum seekers to throw their children overboard, as some political point scoring, was to grossly mislead the public. Indeed, to deny the very accused their rights of communication to the media, must show, that **this was a rotten dirty election campaign** that never ought to be allowed to occur ever again. Indeed, the JSCEM ought to address this kind of hatred propaganda, and pursue legislation that outlaws this kind of conduct.

Having an advisor to the Government such as Admiral Barrie claiming that after 4 months he still had not been aware of what the Captain of the ship all along had claimed, being that the was no evidence of "children overboard", indicates, that even the person in the highest office of the defence forces is incompetent, to even consult his staff within a reason able time! The consequences of this kind of conduct must not be underestimated at all. For example, if the same had occurred involving not asylum seekers but the Indonesian army and a conflict of war had occurred, then there is little to gain by Peter Reith claiming that as Minister of Defence he couldn't hear what he was advised by mobile. Or, the Admiral being unable to speak to his Captain within a short period. Or, the Prime Minister, being notably personally involved in asylum seekers being send back, still was unaware of the truth about the photo's governing the "**children overboard**" claims.

It must be clear, that for political gain, the Prime Minister of the day, and then later care taking Prime Minister of the day, used and abused his office, and in the process made claims against asylum seekers, and preventing them to have any contact with the media, to give their version of events. John Howard, claiming so much about what he knows about law school, then ought to know, that laws are there to protect people, and to be followed, and not to be manipulated for political gain.

It is the worst and most scandalous election I ever have witnessed, where the suffering of those seeking a safe heaven, is used to pursue political opportunities. Again, if the same had not applied to asylum seekers, but to some conflict of war with Indonesia, then we would have been faced with an incompetent Prime Minister, who wouldn't know the difference between reasonable conduct, and absurd conduct, and a Minister of Defence, who can't bother to check back, even if his story of not hearing what was stated on the mobile was correct. Surely, the last purported election has shown, that there are laws required, that will curtail the power of those in a care taking government, so that we do not end up in war, because of some political opportunist carte taking Prime Minister.

Again, as much as the leader of the opposition in Victoria claims that the payment per vote is to secure a democratic election then the players (candidates) must conduct them self honourable. Elections must be held to show people the true benefits of choice between one type of government and another for the benefit of all, not some Hitler nazi kind of propaganda that appeared to be close to causing civil war in Australia, indeed had already problems as if there was a civil war, where people of a certain religious faith were being abused, regardless their innocence and being Australian born, merely because of the type of clothing they were wearing.

John Howard might argue he didn't incite this, but my view is that he manipulated the entire Tampa incident for stirring hatred as to get the same Hitler Nazi kind of propaganda going as was in WWII. Indeed, he and Rudduc were making clear they didn't want people in Australia who were pirates, throwing children overboard, attack the crew etc. Hardly the **HONOURABLE** kind of conduct that existed when the framers of the ***Commonwealth Constitution Bill 1898*** were electioneering.

Any Member of Parliament whop approves of such conduct, even by hindsight is no better then Howard and his conspiracy team and are humbugs and must be held guilty of conduct unbecoming to be a Member of Parliament.

The Commonwealth constitution clearly provides that the governor-General is in charge of the armed forces, as such, a political opportunist care taking prime minister never ought to be allowed to be able to manipulate the armed forces. Nor must a care taking Minister of Defence be allows to abuse his offices.

Indeed, if we must rely upon a Minister of Defence having to communicate during a care taking period by mobile phone and not being aware what is going on for weeks, even so the public seemed to know better and the minister obviously lacked the ability to read the newspapers, then there must be special laws provided that will set out the powers of a care taking prime minister and his bunch of political mates.

It seems remarkable that Peter Reith son and friend seemed not to have any problems using the phone card for calls, yet when it is in the interest of the nation and safety of asylum seekers we have a care taking minister of Defence who seem to lack the competence to use anything else but a mobile phone that appears to fail to operate (allegedly). Meaning that for election periods we must ensure that we have a defence system that never again will place a care-taking minister of Defence in a position not being able to have appropriate communication with those in charge of the armed forces. Perhaps, we ought to teach a care taking Minister of Defence how to use a normal telephone? If I sound sarcastic, the facts obviously justify this where we have such sheer nonsense of a care taking Minister of Defence, who has no problem to claim pay for a scandalous performance! It proves that Australia was better of with having politicians serving in the parliament without the huge income and perks, as at least the HONOUR to serve the country seemed to be the primary issue by politicians.

My view is, that to deny people, such as the asylum seekers their freedom of speech, and contact with lawyers and newspapers, might be tantamount to nazi conduct during the years of WWII. I view it was a gross abuse and misuse of power totally undesired. What has been shown is, that a care taking prime minister used and misused his powers for political purposes for electoral gains. This type of conduct must be restrained, and never again be allowed.

I make it very clear, that I do not wish every asylum seeker to flood Australia either, I simply view, that asylum seekers ought not become a political football, for political opportunist, who then abuse and misuse their powers, and in the process undermine the security of Australia.

I understand, that the High Court of Australia has already placed on record, that International treaties are part of Australian law. As such, if a Government of the Day doesn't like a certain treaty, then it might perhaps seek to cancel it, but while it is in existence, I view, the government, and so in particular a care taking government, must be held obligated to comply with all international provisions.

Also, it must be considered that the Governor-General in the election period seemingly was ignoring this abuse and misuse of powers. What then is the Governor-General about? Should not the Governor-General be the person in charge during an election period, as to ensure stability in the nation?

Any candidate, including a care taking prime minister, **must be held to be guilty of conduct unbecoming of being a Member of Parliament**, when conducting in a manner, of having shown to continue allegations of "children overboard", where clearly there was doubt. John Howard was on national television reminded about the false claims, and so he was made well aware of the doubt, then as care taking prime minister, he had a duty, to immediately check this, and not argue that he wasn't told about it. It is not for the public to accept, that if his staff was advised, but he claims he didn't know then, and that was it. How a care taking prime minister conducts his affairs in his office, is up to him/herself, but the care taking prime minister must be held accountable for it all. If a care taking prime minister can't even organise his/her own office, how then could on expect any better of organising a country?

The issues governing the conduct of any care taking minister, is relevant to election issues, as their care taking position was as result of the writs being issued! As such, the conduct of any care taking minister must be governed by rules that are part of the election process, as they are candidates like any other candidate!

We have found, that John Howard hijacked the election, by his smear mongering conduct against people, who already had suffered extensively. Personally, I hope that asylum seekers will sue him and others involved, for the harm caused.

What we had, was a manipulation and denial of the freedom of the press, to report about electoral matters, where John Howard denied the media access to the asylum seekers, to expose the truth.

As such, it was a political set up, to steal the election by stealth, at all cost, regardless what harm would come to Australia, and its democratic process.

People were fed lies and innuendo's of asylum seekers hijacking the Tampa, using violence, throwing children overboard, etc, without the media being allowed to check the truth of the allegations.

Because this occurred during an election period, and so is an election issue, there must be implemented a strict code of conduct, and enshrined in law, for care taking governments, as clearly without appropriate legislative provisions we can't rely upon decent conduct, as John Howard proved.

There must also be a provision, that a care taking government can't utilise the armed forces, without approval of the Governor-General, who after all, is the head of the armed forces.

We have now found, that during the election period, John Howard and Peter Reith were using and abusing the armed forces, for political gain, and clearly caused a division among the defence personnel, for no more but political opportunist election issues to be created.

We had the care taking government gagging the defence forces from telling the truth, as to prevent the electorate to discover the true facts and circumstances.

This was the lowest form of electioneering, which I view is akin to Hitler's Nazi propaganda, where peoples feeling were hyped up, to resent certain class of people!

If this is the kind of leadership we are having to pay for, then I think, we did better with those who were the framers of the ***Commonwealth Constitution Bill 1898,*** as they did serve without pay in Parliament, for Honour to their country!

If this is the kind of elections we are facing in the future, then having more INDEPENDENTS, might rather be refreshing, and might very well avoid this kind of scare mongering and political abuse of powers.

The disabled, and the sick, now are facing having to suffer financially, and otherwise, to have to pay for the cost incurred by this care taking government during the election period. The saying that there would be no budget problems as result of the Pacific solution, etc, clearly were other lies during the election period.

This kind of conduct, of incurring hundreds of millions dollars of cost, during the period of being a care taking government, never ought to be allowed. It was for political purposes to win an election, at all cost! Even to undermine constitutional provisions.

If this were to be accepted, then who knows, next time the care taking government simply becomes the dictatorship, and there be no election held.

Again, for the same, we could have ended up in a war, and this, because we appeared to have an incompetent care taking government, that went loose in such absurd manner, that it has no regard to the legal rights of anyone.

Just consider, if next time a care taking prime minister is going similarly wild, and for electoral purposes declares war with another country? It might seem far sought, but having experienced this appalling conduct of the last care taking government, I would not trust ever any care taking government in the future.

If one were to consider what the financial cost is to Australia, directly and indirectly, due to the various conduct of the care taking government during election period, then clearly we can't avoid, but to ensure, to have appropriate legislation in place, to stop/prevent the mad man or a care taking minister in his raving about.

It was clear to me, that if John Howard was willing to place in jeopardy the future of Australia with his antics, then he would unlikely hesitate to manipulate the Courts, and have my case defeated at every extend, to prevent a delay in the election to be held.

As such, his conduct as care taking government, appears to be relevant, as to why the AGS perverted the course of justice, when also acting for and on behalf of the Commonwealth, on 7 November 2001.

Clearly, there need to be special legislation, that ensures, that where there is a doubt about the validity of writs of a forthcoming election, then such application, when made to the courts, must be dealt with upon the merits of the application, and not be allowed to be railroaded, by some power mongering care taking government, to prevent any unconstitutional election to be stopped.

The very purpose of having electoral laws is to ensure that the will of the parliament governs elections regardless what a Government of the day, or a care taking Government of the day pursues. As such, it is essential that the will of the people, as expressed by the parliament triumphs above that of the conduct of any scrupulous government or care taking government of the day! To allow Howard to get away with it this time will set a precedent for any other government or care taking government to do the same in future! We might as well then throw out of the window all election provisions and have elections to whatever the particular dictator desires.

It must be held absurd that a person seeking to avoid, as he sees it, unconstitutional elections, then would be faced first to have the elections to occur and then the unconstitutional elected government can provide backdated legislation to make perhaps right or purportedly appear to make right what was unconstitutional! I have learned this with the 21 days imprisonment where the parliaments and the courts rather unconstitutionally perverted the course of justice as to purportedly make constitutional valid what was unconstitutional! Lets avoid the same to occur as currently we have clear the outlawed STAR CHAMBER system in the Courts, despite being outlawed since 1632!

Any contest against the validity of a writ must be heard upon its merits prior to the relevant election having been held and it must be part of law that no care taking government can oppose the hearing upon the merits of such challenge. After all, if indeed it is found that, as I claimed, a writ or writs are unconstitutional and/or defective otherwise then not only the cost of an unconstitutional exercise is avoided but also the mere issue of valid writs can avoid a lot of problems. Likewise, it avoid the candidates spending further monies towards an election which is unconstitutional and serve the public being put another election having to vote for the same on 2 occasions.

It must be kept in mind that people like JOHN HOWARD and the AGS lawyers are all OFFICERS OF THE COURT and as such, their obligation rest first with ensuring that matters are conducted by them in a HONOURABLE MANNER. If then the conduct of false allegations against asylum seekers, the conspiracy to pervert the course of justice as to railroad the case before Marshall J and other matters are conduct unbecoming to a OFFICER OF THE COURT then irrespective if John Howard and others were not acting as lawyers, they ought to be stripped from being a member of the Bar. After all, John Howard was making the propaganda was to what he learned at law school and as such, when it suits him tries to use his law degree, even if it is to misled the public.

If therefore the conduct in the litigation and other matters during the election process shows that the conduct were not of that what one could expect from an OFFICER OF THE COURT, then all and any person ought to be stripped of their Membership of the Bar, to be a warning to others not to manipulate their position as a member of the Bar!

Likewise so, in regard of any lawyer, holding a position as Minister or otherwise and causing a disgrace and/or abuse of office.
Further, the powers of a care taking government therefore must be severely curtailed, and any war action only be undertaking, with the consent of both Houses of Parliament in a special sitting.
It ought to be considered that John Howard, well prior to the election, had years to address the asylum seekers issue, but did next to nothing. As such, it ought never be accepted, that then as a care taking government, he can rampage on, without any controls purportedly to safeguard the nation of would be terrorist, the USA now seems to be willing to accept!
Even if we had allowed all the asylum seekers to enter Australia, during the election period, then the financial and other harm would have been or might have been, would have been no where near the harm now caused. Even blind Freddy could see the difference, and the extend of the harm inflicted.
Every Australian going abroad, now faces the risk to get the same or simular treatment Howard dished out to the asylum seekers. This kind of political manipulation, during election time must not be tolerated.
It ought to be kept in mind, that if the asylum seekers issue really had been so important, then John Howard could have left the calling of the election to a later date. However, the mere fact that he called the election earlier then required, means that he indicated, that the asylum seekers really were not an issue, but merely a ploy and a tool for the purpose of his election campaign.
It must never be forgotten, the drowning of so many asylum seekers in the process! Those lives can never be reinstated. Nor the political inhumane conduct of not allowing the man to grieve on the side of his wife, about the loss of the children that had drowned. It was the lowest and most barbaric and inhumane kind of conduct towards another human being. Whereas a prisoner, guilty of murder, still is allowed to attend to a funeral, we deny the same kind of rights to an asylum seeker.
If this really is the standard of election conduct, then I fear for what might be during future elections! I view, that any Member of Parliament, that even remotely approve of such political manipulation for electoral purposes, is a humbug, and unfit to represent the electorate.
As we have seen, we have a man (asylum seeker) convicted for several years, and then likely be deported, for causing a riot in one of the detention centres, and his original crime was to go on a hunger strike for which he was then placed in an isolation cell, upon which he reacted!
The electorate was denied the truth about this also during the election, because the media was barred. Is this the free election we are to expect in future? Where people are falsely imprisoned, and accused, and for going on hunger strike are being punished with isolation? Then, when they basically apply self defence, for having wrongfully placed in isolation, they are convicted of causing a riot. I wonder, if the videotape was ever produced in court, or, if for political purposes, this was concealed from the court also. If the conviction was related to the election, then appropriate steps ought to be taken, to ensure, that we do not have a man sentenced to years of imprisonment, by having the course of justice perverted, as to cause a guilty finding, having concealed the relevant evidence, such as the video tape from the proceedings, **but his conviction be set aside**!
This kind of **STAR CHAMBER** conviction, as it appears to me to have been, must never be allowed to be or become part of Australian electoral process, or indeed part of Australian legal system.
This kind of barbaric conduct must be stopped, and the JSCEM must provide such recommendations, as are appropriate, for future elections, that the Parliament will curtail the antics of any would be dictator, before it goes further out of hand!

Likewise, the gambling of Australian currency ought not be allowed by a care taking government, as again, it are generally the sick and the poor who are suffering the consequences. As we have now seen, the treasurer who incur about 5 billion dollars (so to say) gambling debt (losses), and then will be rewarded at retirement with a huge payout, despite the financial havoc that has been created, and the financial and other harm caused to ordinary Australians. Yet, under falsehood made statements during the election.

This is also, why my **CHARTER FOR GOVERNMENT** (work contract) ought to be implemented. If it had, then Peter Costello would have his seat declared vacant for having misled the public about the true state of financial affairs. He would also be faced having to pay for the by-election. Likewise so with John Howard and others.

Further, ministers such as Peter Reith who appears to have grossly misused their office ought to be held accountable to suffer financial penalties, to be set by a tribunal (Court), so that leaving the office will not let them get away with the harm they caused. They then might face to suffer huge financial penalties so as to thwart any other Politician to do the same.

Meaning, that if a Court determines that the conduct of a minister was deemed to be improper, then it can apply fines and have any fine deducted of any payments the minister was to get upon leaving the Parliament.

It appears to me that peter Reith was so much arguing about workers rorting the system etc. yet he appears to me to be the worst of its kind!

Also, any major decision made in the last 2 months prior to any election called must be scrutinised and made public. This, as it is becoming clear that Peter Reith appeared to rots the system to use his powers in the last few days as to give improper advantage to a company he commenced employment with the day after he resigned as Minister. Likewise, Michael Woolridge having made this huge payment and then commence employment with that company. Even if it was not intended to be dishonest it stinks to gross dishonesty!

While minister can't be prevented of making decisions, prior to an election being called, to make the requirement, to table such decisions made in the 2 months prior to any election having been called, would mean that those decision then can be scrutinise by the electorate in an appropriate manner. After all, general they are generally well aware before an election is called when their leader is going to do so and as such can prepare their matters to seek to secure personal benefits upon having left the portfolio, as Reith and Woolridge appeared to me to have manipulated.

Obviously, there must be a ban, for any person who was in Parliament, and had access to certain privileged information, then to take employment in that area. We have seen by the conduct of Peter Reith, that it is questionable what he was really about. And, I gained the impression, he was rather a crook, who abused his ministerial position, as to get a deal to the company, he was going to work for, after he retired from Parliament! Even if Peter Reith were to be Mother Teresa, so to say, (No hands please, as to who would believe this!), the fact is, that to me he appeared to be corrupt as hell. John Howard then having him visiting, in the employ of a company, rather placed his own position at question! After all, the "children overboard" scandal involving himself and Peter Reith, leaves me to view, that likely the two of them concocted plenty, and are scrupulous and ignorant to the rights and wellbeing of Australians, and may continue the same.

It must be clear, that what appears to me a conspiracy by Howard and his co conspirators, to perverse the course of justice, etc, in regard of asylum seekers and other matters, means that when it comes to publication of laws, legal notices, and Proclamations there must be in place laws, that will simply place in concrete, what is legally required, and so without a shred of doubt to the meaning of those legal provisions.

If the Gazette was too late published, about the laws governing the asylum seekers, then technically, all action by the care taking government against the asylum seekers, might have been unlawful! Then, Australia could face a hefty bill on compensation!

Australia can't afford a repeat of past conduct, and have the nation placed at risk of further abuses. If Howard and his fellow politicians are willing to abuse and misuse the law, and /or legal power, then another John Howard , by what ever name, might appear, and do the same or worse. As such, I seek, that it be placed in concrete, so to say, that any writ, in regard of elections for the House of Representatives, cannot be issued the day of the actual publication of the dissolution of the House of Representatives but only can be done within 11 days from the conclusion of the day of which the Proclamation was actually published in each State/Territories, and the publication be deemed to be applicable upon the last day of the final publication in any State/Territory

Also, that any calculations of clear days for nominations commences at the conclusion of the day on which the relevant writ was issued.

Further, that the closure of the nominations can be no earlier then after the conclusion of the minim number of days so provided for, being 10 days or what ever is permitted in law.

Further, that any period of days to calculate the poll must not commence until the conclusion of the day, on which the closure of nominations were held.

Further, that declarations of candidates, be made at 6 PM on the day of the closure of the nominations. Meaning, that the "**shall not be less than 10 days**" is restored to "**shall not be less than 11 days**"! After all, there ought to be uniformity with the State Senators laws, and the State not forced to reduce their time charters because of the AEC grills.

As stated in this submission, the AEC effectively reduced the time for enrolment and nomination of candidates to a mere 4 days in the December 1993 by-election, and clearly such conduct must be prevented to ever occur again. As such, the minimum days that are applicable must be calculated upon the days the electoral offices are actually open to the public for the entire day!

We have seen, with the manipulation by John Howard, we can't trust him or any other in such position, as such, to prevent future problems of a Prime Minister to ever call an election, and then prevent his opponents of a fair election, by having the electoral offices closed, it must be made clear, that days are only counted, if the public has for the entire day access to the relevant electoral office.

We have now seen that the AEC has flaunted legal provisions as to close for up to 7 days during a nomination period their offices, meaning, that candidates who needed a few days to enrol, basically are left without any reasonable time to pursue signatures, for being an accepted nominated candidate. Also, what stops a Prime Minister to call and election and arrange for the electoral office to be merely open for 1 hour, so his party members can file as candidates and then close the offices for the rest of the period? The fact that the AEC proved to have closed its offices previously for up to 7 days during the then "**SHALL NOT BE LESS THAN 11 DAYS**" proves that the then Labour Government also manipulated the election processes. For this, it is badly needed that legislation governs this and stop this rot. In particularly where INDEPENDENTS are forced to obtain 50 valid signatures for nominations, to curtail then the days to a mere 4 days (and not to overlook any time loss before the forms are available, as occurred in JAGAJAGA), it means, that had the same been applied in the PURPORTED 10 November election, then it would mean that I was not able to collect the forms in the first 3 days and so never could have stood as a candidate. So, the AEC effectively by closing its offices during this minimum guaranteed period and by not making immediately available the forms for a candidate to collect signatures for nominations can prevent electors to stand for election! What are all the legal provisions

for if such kind of manipulation can occur by the very organization set up to protect the democratic election system.

And then, Howard argues about unfair elections of Zimbabwe? Isn't it the pot calling the kettle black?

46. It must be clear, that a candidate for the Senators election in Victoria having been told by 12 noon on Thursday 18 October 2001, that she can't be allowed to get another signature, because of the close of nominations, where as in Victoria the Senators election laws provide for 11 days, and as such the woman actually, IN LAW (if that means something) had until 12 noon Saturday 20 October 2001, then the denial by the AEC to collect another signature was I view ILLEGAL CONDUCT!

47. Because the election period was to be "**shall not be less than**" 10 days, then the addition of the day of closure of nominations, in effect must mean that the declaration of candidates is on the following day (in current legislative provisions). For Victoria, in regard of Senate elections, taken on the presumption that the AEC offices remain open on all days (including weekends and public holidays), then a Senate election closure of nomination was to be on 12 noon Saturday 20 October 2001, and a declaration could have been held on Sunday 21 October 2001. In regard of House of Representatives, the closure of the poll would have been Friday 19 October 2001, and the declaration of accepted candidates on Sunday 20 October 2001 in Victoria and other States/Territories. Obviously, this affects also the holding of any poll, as the poll requires to be a certain number of days **after** the closure of nominations, being that the poll in regard of Senate elections couldn't be held until Saturday 17 November 2001. Likewise so, for House of Representative elections.

    It also ought to be kept in mind, that while it was for me less than a day to collect 100 signatures, residing in a large city, those who reside in outer area's really would have extreme hardship to collect 50 signatures. They might need to travel about for days and only to find that the offices of the electoral officer is kept close to either get the forms or to hand them in. Also to consider that the lack of transport might be another issue to them. As such, the increase to 50 signatures is a severe handicap to any candidate that resides in remote area's and the closure of days of the electoral offices during the "**SHALL NOT BE LESS THAN**" period, and combined also with the failure to have on the first place the correct forms available, all would **prevent** any FAIR election to occur!

48. I am well aware, that for political purposes the JSCEM might want to argue that "**shall not be less than**" includes the day of closure of nominations, even so this means, that actually it is less then the 10 days set out in law, but that would be political driven, and would fly in the face of established legal principles. Then again, I am proud **NOT** to be a lawyer, (albeit I do act at times as an Attorney for people in Court proceedings – being POA or EPOA) as I pursue **JUSTICE** as a hobby and not get paid to be some lying mongrel of a lawyer to perverse the course of justice at all cost for a client. Not that I hold that all lawyers are as such, but regrettably to often it comes out that members of the legal profession are using unethical conduct. This includes judges as I exposed and proved in the past. My view is that regardless of the consequences the JSCEM must make decision based upon existing legal principles of law and in accordance to legal provisions. The High Court of Australia did so in the ***Wakim*** case (1997) with the ***Cross Vesting Act*** and I view it is correct to ensure that not political motivated people make decision for their own sake but rather do what is appropriate in law for those they are to represent. As such, I expect that the JSCEM will conclude that the conduct of the AEC to perverse the course of justice and to conceal relevant evidence from the court is unacceptable and that it will pursue a **ROYAL COMMISSION** in to this conduct and other related conduct as well as the involvement of the legal profession before the Courts.

49. Since commencing the campaign against the invalid elections, we had plants ripped out of our front garden, we were robbed while at home (we were unaware of this then occurring), we have numerous hoax calls, and also warnings of death threats if I do not stop exposing it all. My wife lives in fear as result of it, but, on the other hand we do not like to be intimidates and pursue the path of JUSTICE. If just, the AEC and the AGS had acted appropriately before the Court on 7 November 2001, and allowed the case to be heard upon its merits. Likely, we could have it all resolved, and had new writs issued, and avoid this disaster. I am not ignorant to the fact of any later to be held election, had I succeeded on 7 November 2001, might have resulted to having a different government, as I am well aware, that the Democrat's barking dog advertisements had to be rescheduled, and soon we all might have learned how to bark. Perhaps, it might have made more sense, then the sheer nonsense of the lips of peter Reith not being able to hear what is being said over the mobile or Howard arguing he didn't know what his staff was advised about! Then again, it might have made more sense, than the current communication with the AEC and the AGS! But in realistic terms, I am aware, that political parties having spent millions in advertising then would have to incur further cost or do without further advertising. (Most people would like the latter.) Also, not being able to recoup the already incurred cost, if the "payment per vote" could not then apply. As such, the "closed UNION SHOP" MENTALITY in the Federal Parliament, and the huge spending on elections, more and more indicate, that some of the problems with hoax calls, etc, are because of people supporting a political party, are wanting to prevent their leader to be found unelected!

50. I also found, that by not spending huge of moneys on advertising, some papers simply ignore me being a candidate. At times, I was not even mentioned being a candidate (Same in State elections). Clearly, as result, electors are misled as to the true make up of candidates, and incorrectly advised about the true states of candidates. While newspapers might have the right not to publish any material, I view, it is another matter when a news paper publish a list of candidates, while actual some of them aren't then even accepted nominated candidates. And where I was the very first accepted nominated candidate (State election), and was not on the list. As such, legislative provisions ought to exist, which requires any media to only publish correct list of candidates, as applicable at the time of publication! This would leave it up to the particular media outlet, to either publish no list at all, or to publish the correct version of the list of candidates, but not misled the electors with an incorrect list. I also found, that in one State election, the newspaper published my say about the election, **AFTER** the election had been held! As such, there was a manipulation of candidates, who have their material published, where they spend huge amount of moneys in advertising, and where I refused to place advertising material, my "equal say" was delayed for publication until after the election. Further, it is very clear, that during election period newspapers will cover most of the leaders of political parties, and ignore the INDEPENDENTS, there is clearly no such thing of equal reporting. This clearly undermines a **FAIR AND PROPER** election as so much pursued by the framers of the ***Commonwealth Constitution Bill 1898***.

While I refer to State elections, this is done to indicate the processes experienced there also, being well aware that the JSCEM has no position to do anything about any issue complained about, in regard of State election.

In 1999, I received some news coverage in a small paper about my "WORK CONTRACT" (CHARTER FOR GOVERNMENT), yet when the same principles were used by the 3 independents, but then titled "CHARTER", it became considerable news. I am not the least concerned that someone else might have used the fruits of my labour, as after all, my issue was to get some organization in the House. What is of a concern to me is, that the same basically is in the Federal arena, where the "payment per vote (yes, here he comes again) is causing even more problems, as it allows my opponents to

advertise extensively, knowing that after the election millions of dollars of the treasury coffers will go to pay for it, whereas I haven't got that luxury. I rather have, that there is an abolishment of "payment per vote", **to make elections FAIR AND PROPER**.

51. For the purported Federal election of 10 November 2001, I refused to make a return as expenditure, upon the basis that the writs for the election were defective, and so null and void, and as such, I am not required by law to make any declaration. Also, as the AEC pursued before the Federal Court of Australia that Mr Ned Kelly wasn't a "candidate", then I wonder, when does political spending come into account? It is that Mr Ned Kelly could have spend hundreds of thousands of dollars on advertising, and doesn't need to declare it, because the AEC found he wasn't a "**candidate**", and so the Federal Court of Australia threw out his case, on that basis? So, If Mr Ned Kelly doesn't need to make any declaration of electoral spending, then why should I have to do it in the same position before being an accepted "candidate"? If Mr Ned Kelly had been accepted to be a "candidate" then somehow he would have been required to disclose, what he didn't need to disclose now, rather strange! What seems to be is that the AEC to manipulate the legal provisions and to railroad a case will go through great lengths and using so called, OFFICERS OF THE COURT, being lawyers of the AGS to perverse the course of justice to achieve their ultimate goal to prevent an aggrieved person to obtain justice. Well, if the JSCEM were to approve of this kind of treasonous conduct to prevent a person to be a candidate as entitled to within legal provisions then I will continue to defy the terminology of "candidate". It is clear within the Commonwealth Electoral Act 1918 that a "candidate' includes a person who canvas for signatures for nominations. On that basis, the AEC misled the Court and Mr Ned Kelly wasn't the bush ranger robbing the rich but rather the AEC became the bushranger to rob the Australian public of their right to have people as candidates and to have those who are aggrieved using the Courts to seek redress.

52. What the 50 required signatures has caused, is that prior to being an accepted nominated candidate, I have to canvas for signatures, and incur cost to print electoral material which somehow may or may not be deemed "electoral expenses", seemingly pending if I make the grade, so to say, to get sufficient number of signatures. It means, that an INDEPENDENT is faced to engage in some kind of mini election just to seek to obtain endorsements of litigable electors and then faces another election to pursue the final race. This, in my view, is contrary to what the framers of the ***Commonwealth Constitution Bill 1898*** contemplated. It is clear, by reading the Hansards, that in their debate the framers held, that any eligible elector ought to be able to stand as a candidate for Parliament. As such, any condition of deposit, 50 signatures etc all are contrary to the framers intention and must be deemed unconstitutional. It is absurd that any INDEPENDENT candidate is faced with a mini election and has to incur cost just to be allowed to be a nominated candidate, where others who stand for a party do not have to do so!

    I take the view that if I spend any monies on election material to do some mini election to obtain sufficient signatures for nominations and if I fail to get sufficient signatures then I am not deemed to be a "candidate' and neither required to make a return of electoral expenses, then I do not accept, any legitimately in having to declare then the expenses if I were to be accepted as a "candidate" by the AEC. Either my conduct was that of a "candidate' irrespective if I am a "declared candidate", or I wasn't! If just the AEC had kept to the legal provisions, and accepted that a candidate is any person who is involved in an election from the time of seeking endorsement of nominations, then the confusion could have been avoided. Considering the other matters raised in this submission the endorsement of any candidate ought to be revered to a maximum of 6 signatures. If parliament is hell bend to make qualifications more difficult, then it simply can pursue a Referendum, but it must never misuse and abuse legal power to seek to circumvent the intentions of the framers of the ***Commonwealth Constitution***

Bill 1898. The Hansard proves that the framers were well aware that the Constitution had to be alive and as such there had to be a system that would allow for the constitution to be amended from time to time, however, it also recognised the manipulation of political parties and other Governments and for this held that the system of REFERENDUM was the saves way to ensure that any change to the Constitution would be FAIR AND PROPER. As such, any member of parliament, who bothered to read the **Constitutional Convention Debates** of **1891**, **1897** and **1898**, would be aware, that the wisdom of the framers was to seek to prevent the very manipulation of the RIGHTS AND PRIVILEGES, as set out in the ***COMMONWEALTH CONSTITUTION*** as now displayed to occur to make conditions that rob ordinary Australians any reasonable opportunity to have a FAIR AND PROPER election.

Again, the JSCEM owns its primary duty to the intentions of those framers, and the ***Commonwealth Constitution*** itself, before any party politics comes into play!

(Guess, my reasoning might make me a better Prime Minister?)

53. During the election period, I noticed, that in various polling boots in the **JAGAJAGA** electoral office, pamphlets were left behind, time and time again. Finally, I complained to Mr King, the Electoral officer, who then made clear it would be removed. Why was it, that I needed to make a complaint, rather then that the staff standing opposite of the polling boots, at their desk, about 3 metres away, and having a direct view onto the empty polling boots, didn't bother to ensure that each time a voter left any political pamphlets were removed also?

54. When the electoral officer, Mr King, declared the candidate at JAGAJAGA, I was asked by a candidate a question. Mr King then appropriately mentioned to me that any discussion about political matters were to be held outside the electoral office. As it was the declaration of the candidates, it was clear it wasn't that there was any voting going on, nevertheless, I considered that Mr King was correct, as the electoral office must not only be held free of political campaigns, but also be seen to be free of political campaigns.

    Well, since then, a few days later, I made a complaint to Mr King, that I noticed then outside the Electoral Office, but still on the property of the electoral office (as the window is slightly set back from the street), there were Labour and Liberal supporters canvassing for people to take their pamphlets, when entering the electoral office. I noticed, some people (already having entered the electoral office property) rejecting to take the pamphlet, but then being talked into taking them anyway. The minimum distance between a political party supporter and the nearest polling boot in the office was about 3 metres! Mr King made known, that this was permissible under the Act, as he has the final say, and refused to take any action. As such, it seems, that he couldn't be seen to be impartial, by allowing political propaganda by political parties to occur within 3 metres of a polling booth, and on the very property of the Electoral Office. After all, part of the property between the set back of the windows and the actual footpath, in my view, remains to be part of the Electoral Office! I viewed that therefore the election was flawed in JAGAJAGA also for that.

    I may add, that Mr King did state, I could place my complaint in writing. This I did, but discovered that nothing was changed, when I checked over the following days!

55. It is my view, that while it might be undesirable to have a score of candidates for one seat, nevertheless, it must not be denied, unless there is a referendum that allows people to vote for certain conditions to be inserted in the ***Commonwealth Constitution***. It is always a danger to allow any Government of the day to manipulate legal provisions, and to make conditions to seek to oust opposition. There is little doubt by me, that John Howard sought to avoid a reoccurrence of the Pauline Hanson, and so likes to tie up elections, seeking to make it extremely difficult for INDEPENDENTS to be in Parliament. But, to make the Parliament a "close union shop", to prevent basically a

person (INDEPENDENTS) to be in Parliament, unless being a member of a political party, hardly is acceptable. The framers of the constitution, clearly wanted FAIR AND PROPER elections, and that is the concept that ought to be maintained, regardless if some political party may dislike, having to deal with independents or minority parties. The very electoral process is for the public to vote into Parliament, those it wants to have as representatives, and if a Government sees some Members in Parliament as an eyesore, so to say, then it can only blame itself for having failed to obtain the seat of those it dislikes. However, using improper tactics to curtail any elector to stand as a candidate, would undermine clearly the intentions of the framers. Worse, as set out in this submission, the public safety is placed at risk, where now thousands of people are giving out their signatures and other private details to assist candidates, but at risk having it all used in criminal offences. Clearly, immediate action needs to be taken, to stop this and to reduce the number of signatures to 6 maximum.

56. There ought to be little doubt, that many a candidate might be lured by the fringe benefit. The framers of the ***Commonwealth Constitution*** then made clear, that those Honourable men who served their country, did so free of charge. They did it for the honour, often at great expenses to themselves, loss if income etc. it was for this that the framers recognised that with a Federal Parliament (considering then the travel mode existing in 1898!), it would be appropriate to give parliamentarians an financial compensation, for their time spend in Parliament, including some of the absurd cost incurred to travel. However, this has turned into some, free for all financial horde, where the honour of Ministers, and their credibility, might be shown such as by Peter Reith, who seemed to be unable to understand a phone call, and obviously had no time as a Minister for Defence to check back with his commander! The same with John Howard, seemingly unaware that the "**children overboard**" saga was FAKE! If this is the quality of Members of Parliaments to lead a nation, and to be in charge of Defence Forces, then perhaps the perks, and other additional payments are not attracting the best, but rather the rot. Perhaps, people who are unable in private life to make it as a lawyer, or otherwise, resort to join a political party, and then get elected, so they can perhaps also rort the system. As such, the problem of perhaps getting too many candidates hardly will be resolved with increasing signatures required for candidates, or to increase a deposit, as the unsavoury and the incompetent simply will use a party to get to where they want to be, lured by the monies being paid, the fringe benefits, and other perks. As such, I view, that a reduction in perks, and pay, would likely attract the calibre of men who for "Honour", rather then for financial gains, want to be elected. I am not seeking to imply that all and any politician is a crook, merely, that the spade of lies and deceit by politicians, such as of late the budget deficit, and previously the "children overboard" scandal, where the government even denied those asylum seekers to talk to the media, it becomes clear, that the kind of politicians we are getting, are those we can do well without. We have now found, that for political motives, the interest of the public is being jeopardized. Surely, we must pursue a better quality of politician, those who understand what real life is about. Those, who are willing to see a representation in the Parliament as an Honour, and are willing to serve for a minimal compensation?

Our politicians are more and more as if they represent the scam of the earth, rather then decent law abiding citizens. Just think about the travel rots etc. We have to hear ongoing about politician's rorting the system, as if their income isn't enough. It means, that the good and hardworking honest politician basically is perceived as being dishonest, also because of those who taint the image of politicians. What we need, is an election revolution, as I forecasted in my "**WORK CONTRACT**". Being, that a candidate makes a pledge, and when elected to the Parliament, and found to breach the pledge, then the seat is declared vacant. As set out in my WORK CONTRACT.

It is illusive to pursue the view, that all politicians are honest. It is more a problem to find who really is honest. Well, we need to curtail this, and the way to do it, is that candidates are obligated to state in writing all and any pledge they make, and if they fail to honour a pledge, then the public can hold them accountable. It would likely mean, that many a politician would not make it back in Parliament or be thrown out, and a more honest breed of politicians will make it.

57. Concession ought to exist in regard of deposits (if any deposit were to be applicable at all). That where a person is a health cardholder, then this person ought to be entitled to a concession. After all, there is not any shred of evidence, that the "deposit" has any monetary value in regard of elections. After all, those who gain more then 4% of the votes, are getting it back. So, there is no argument, that a concession of "deposit" means a larger burden upon others. It does mean however, that people who are on concession, get a better chance to stand for Parliament. The recent Budget argument, to slug invalid pensioners as to have them reclassified, if anything might show how out of touch the Government is. If anything, many a disabled would likely want to be in Parliament, to serve this country, and indeed, their own suffering may make them a better type of politician, then many of the current once. Considering, that after the introduction of the GST, John Howard made known, that he didn't even know how much GST his family had in household bills, shows, if anything, that he never knew what grass root Australians were experiencing. As such, I pursue, that future elections are being prepared with consideration of disabled to be able to enter Parliament, as such besides the concession in "deposit" for health card holders, also other avenues are explored, to make the Parliament to be user friendly for disable politicians. It must be considered, that if we get rid of any scam in Parliament (those who are rorting and abusing the system), and have decent ordinary Australians taking their place, we might even get a proper representation in the Parliament. Also, those now having little opportunity to obtain employment in the private sector, due to companies not wanting to incur expenses more then needed in regard of employment of disabled, could go of any pension, and instead get an income being a Parliamentarian. Those politicians who brag about being able to get a better pay in the private sector, could be invited to leave, and make room. That would also assist reducing the burden on the government in a financial way.

58. Recently, the leader of the opposition of the State of Victoria, argued, that the payment per vote was justifiable, because it would ensure a more democratic election. Obviously, he understands little about the meaning of what is a DEMOCRATIC election. Surely, paying for major parties to engage in a advertising campaign, being it called "The Guilty party" or being it the Democrats "barking dogs", or the Liberals yes-no of Kim Beasley hardly is beneficially to the general public, where it is to distort the truth, or simply are plainly ignorance to the real facts. As such, if there are any monies to be paid to political parties campaigns, then the advertisements must be to certain standards, that are intelligible, and not some nonsense. The taxpayers ought to have a right, to insist that any monies spend towards electoral expenses, is at least for educational purposes, and not some crap, as we too often now experience. On the one hand, people in ill health are forced to pay more for medication, while on the other hand, the Government is squandering millions if not billions of dollars otherwise. So, the taxpayer is ending up paying for deceptive and other nonsense of political adds, we can do well without.

59. I discovered, that my opponent Jenny Macklin, had easy access to the rolls of electors. Well, after complaining, and again complaining, I got finally a printed roll. By then obviously too late, if I wanted, to send out electoral material! It appeared to me, that the electorate officer Mr King, really was meaning what he said. When he indicated, that he didn't have to like me, merely because I was a candidate. Well, he neither seemed to be impartial, where not until it was too late, I got the roll!

Again, it shows that strict legislation is required, to take away from the electoral officer the ability to deny equal treatment to candidates. Seems, he might not have liked my complaints, then again, as they were made in a polite manner and placed in writing, I view, I was within my legal right to make them. Any retaliation, as it appeared to me, to then deny me the roll, until it was too late to use it, ought not be tolerated.

60. I propose, that for any election, any person seeking to be a candidate, must present to the Electoral officer 2 photo's, of which one is used for the making of a photo ID. No person to be allowed to canvas for signatures, or other details, from the public, unless having displayed, in clear view of others, his/her ID. The Electoral Officer must keep a record, of the "candidate" being a candidate. This, so that if any member of the public complains, there is an appropriate record, as to whom the person may have been. In view of the limited number of candidates, an ID code might also be applied existing of 3 letters and 3 numbers. The first letter being the letter of the Seat contesting. This, would make any tracing very quickly to be done. The essence is, to protect the general public against any misuse or abuse. Not, that a person who may have signed a candidate nomination form and subsequently might find to be robbed, and may suspect the person who was nominated, has the police without recourse to try to trace the candidate or **bogus** candidate.

61. I propose, that there are legal processes set in place, that will avoid any aggrieved person (elector/candidate or otherwise), to be send from one to another court. Electoral laws being revised, to make clear, which, beyond any doubt, is the appropriate court, and what are the appropriate forms required. This, as the evidence has shown, that the Federal Court of Australia proved to be incompetent to do so for itself, and as such, cannot be trusted to one day get to organising itself. While it might be unusual for the Parliament to dictate the format of a form used in the Courts, nevertheless, as much as the Parliament enacts laws, it also ought to be held able to set out the appropriate form.

62. I propose, that the legislation is amended, to allow all for any person, and not just a voter and/or candidate to pursue legal redress. As has been shown, the AEC successfully manipulated the court, as to the usage of the word "candidate", and by this pursue and ensure denial of justice. By removing the definitions, and allowing "any person who is a Australian citizen", it would include any person who might be wrongfully excluded to register as a candidate, having been denied registration as an elector, where it is later found that the person might have been entitled to register as an elector and so also as a candidate.

63. I propose, that there is a drastically overhaul of the AEC, and they be held accountable for their unscrupulous and illegal conduct. The fact, that they obstructed the release of material as much as possible, indicates, that rather then to ensure immediate cooperation with me, they sought to hide behind FOI laws etc, seeking to prevent me to have the relevant material for the legal proceedings. Likewise so, the Department of Finance and Administration, who continues to hide behind FOI laws, to delay release of details. The fact, that I instituted legal proceedings, and as such well entitled to obtain all relevant material, may underline, that the rule of law is being ignored, and their conduct to prevent publication, where none existed, indicates, that there are some unsavoury characters dealing with very important matter, jeopardizing the rights of Australians. Clearly, their conduct seeking to prevent full disclose, when asked, and attempt to cover up the truth, must be of great concern to any law abiding citizen. Indeed to every Member of Parliament. My concern is, not if some management might not want to have exposed their conduct. My concern is, to have matters exposed, and have it appropriately addressed. Perhaps, the sacking of those who were involved, might be a start to clean it up. While in the past (1986) it was made clear that the Gazette was running at a profit, for some unknown reason to me, the Department has left the rights of Australians in the hands of managers of bookstores, when, if at all, Gazette's will be published. As such, the financial profitable result of a bookshop, will

govern really what is best for Australians, and when, if at all, any Act of Parliament will come into effect. I view, that no Government can afford such nonsense of being governed by the grills of bookshop managers. The Courts have held, that where there is an emergency, that a publication cannot wait, then a Special Gazette is to be issued. Clearly, the courts therefore held, that the Special Gazette would be immediately published, prior to the normal Government Notices Gazette. However, what we now found, is that the Special Gazette is published well after the Government Notices Gazette, and as such defeat the purpose of having issued a Special Gazette. **Australia now faced a litany of invalid legal notices and laws as result and also invalid election results!** Perhaps, if there had been a prime minister spending less time plotting against asylum seekers, and more time to run this country, we might have been better of! I feel, that my criticism is justified, in view that John Howard went on national television, to argue what he learned about sexual abuse at law school, when then surely he had learned also that before he does anything with legal documents, he first check the content being within the legal provisions. If John Howard had spend just some time checking what he pursued for an election time table, he might perhaps have noticed that the time table was incorrect, and would result to defective writs. As such, John Howard seemed to be more interested in wanting to win an election (and so spending his time dealing with asylum seekers and to deny them to land etc), even if it would be a void election, then to act within legal requirements.

64. The framers also made it clear, that the ***Commonwealth Constitution Bill 1898*** was not one that was as other constitutions. As such, where as in the past a King or Queen could Prorogue the Parliament, and dismiss the House of Representatives, and order the issue of writs, this clearly isn't applicable in the same manner, where the framers provided for certain conditions such as Section 32 of the ***Commonwealth Constitution***. As such, the issue of the writs never must be done on the same day as the Prorogue of the Parliament, and the Dissolution of the House of Representatives, this, as in the event the House is dissolved at night, say 8 PM. This, as then the writs would become effective prior to the House having been dissolved, making in effect the later passed legislation null and void. Clearly, the issue of the writ must be within 10 days. As such, the numbering of the days commences at midnight after the day of the dissolution of the House of Representatives. Meaning, that even if the House had been dissolved on 8 October 2001 and it was held the Gazette was published in ALL States and Territories on 8 October 2001, then the writs still couldn't be issued until Tuesday the 9th day of October, as the time counting commences from midnight of the 8th to 9 October 2001. One cannot hold, that the 1st day of counting of the writs might be just a few hours. The legal principle is clear, that counting starts at midnight. It could never be at midnight of 7 October to 8 October, in view that the House of Representatives would not have been dissolved until 12 noon. Clearly, there has been a considerable failure by all concerned, to appropriately canvas legalities, and to ensure, that a proper timetable was set out. While I recognise, that the Parliament might seek to enact legislative alterations, and perhaps backdated, nevertheless, it can't alter the fact, that so far the writs were incorrectly issued. Indeed, where as in Court notes it is argued, that John Kerr the then Governor-General had dismissed the Withlam Government by his secretary reading the Proclamation from the steps of Parliament. The truth is that the ***Act Interpretation Act 1901*** requires it to be published in the Gazette to become legally valid. As such, the reading of the Proclamation on the steps had no legal meaning and was invalid! Meaning, that any action to appoint Malcolm Frazer as a care taking Prime Minister that day, prior to the actual publication of the Proclamation having been published in ALL States and Territories, was unconstitutional and invalid. If then Malcolm Frazer that day advised the governor-General to issue writs for an election, then that too was unconstitutional. Likewise so, the election held! What this appears to indicate, is that despite so many lawyers being elected to Parliament, and so many lawyers being

advisors, none seem to understand or comprehend what the legal implications really are. **Not being a lawyer perhaps makes it clear to me that one doesn't just go along with the brainwashing of law school, but that one use ones own mind to assess**. And, not having had any formal education in the English language, and neither English being my native language, it seems, I tend to be more alert to legalities, then many a lawyer in Parliament, or those being advisors to the Government. It is clear, that to avoid problems in the future, there must a be set out in the ***Commonwealth Electoral Act 1918,*** that stipulates what and how days are counted. Obviously, the AEC is totally incompetent to do so!

65. Cost of litigation is another problem. I was faced with an order for cost, when Marshall J railroaded my case. This even so, his incompetence to appropriately deal with the case was clear. He seemed to be more concerned about his television appearance, and so his wording "**Don't steal my show**", and "**This is my show**", might underline this. A sheer nonsense of any judge, to state this in litigation. However, why should I pay cost for a case that was so railroaded? I did submit to the AGS, that they ought to appeal, **out of time**, for having deceived the Court. As expected, this rot of "liars for hire" wouldn't do so. I have no intention to pay cost, and appealed, but that too is seemingly side tracked (railroaded).

    With electoral matters, an applicant seeking legal redress in the Courts, never ought to be faced then having to pay cost. After all, if the applicant is proven to be right, he hardly will get any cost, unless having legal representation. As such, the **FAIR AND PROPER TRAIL** doesn't exist, where the AEC can use taxpayer's money to hire a bunch of lairs, to stand before the court, and basically "screw" the nation out of a proper valid election! It doesn't deserve the democracy, if on the one hand politicians are arguing that "payment per vote" is for the democracy of the nation, but to have electoral enforced appropriately isn't! Surely, no person ought to be facing financial ruin, because of the shifty conduct of the AEC and the AGS. (Bet you they won't invite me to dinner after this! Just joking.) I urge, that therefore there is appropriate legislation, that any application to challenge the validity of a writ, or the conduct of the Australian Electoral Commission (and those acting for it), there be no orders for cost.

    It must be kept in mind, that Marshall J railroaded my case, and ignored my affidavit, stating the service upon the AGS. Yet, he then made orders for cost, without knowing, and so acknowledging, all the details of the merit of the case. Surely, this shows, that this was an unethical conduct for a judge, to make orders, without bothering to even know if the case had merits.

66. Another issue is, that lawyers acting for the government, must be checked for their competence. After all, here we have a Barrister Mr Hanks, who perhaps got his law degree for free, with the purchase of a tub of margarine, rather then from a law school. After all, his argument about the application of time of "**shall not be less than**" was a sheer nonsense, and totally seeking to distort the judgement, I referred to. Likewise, not even being aware that in regard of State Senate laws there was a term "**shall not be less than**", while seeking to argue for the AEC, might show the sheer incompetence of the lawyer. At least, when representing the AEC, he could have bothered to check the election provisions of Senators Acts of the States, and then he would have learned, that the States do have their own laws. Here we have a lawyer being totally incompetent to provide a proper legal argument, as to the real issues before the Court, yet charging a lot of money for it. After all, to his bubbling about laws etc, I merely responded that whatever might have been applicable, no longer could be considered as such, in view that the Parliament had altered Section 383 of the ***Commonwealth Electoral Act 1918,*** and inserted the wording "**Federal Court of Australia**". As such, this would override any previous authority! Yet, Mr Hanks, as counsel, and the judge, didn't seem to be able to understand such very simply legal principle! Clearly, there are lawyers doing the legal work for the AEC and the Commonwealth, who have a problem with common

sense, and in the process give a lot of garbage, and harming the democratic rights of those aggrieved. Surely, from all the lawyers in Australia, they could manage to get some fair-dinkum lawyers, who have a reasonable understanding about legal principles, and who have some competence in electoral matters? I became aware, that there was even a judge, Justice Guess Family Court of Australia, who on 25 February 2002 declared to the barrister during legal proceedings, **that he could read and had done so for 60 years**. Perhaps, I ought to have asked Marshall J, if he could read. Seems, a judge ought to declare his reading ability? Whatever, I view, that the AEC ought not rely upon lawyers, who lack even the ability to check the relevant legalities of laws. Indeed, Mr Hanks made clear, that his "**researches**" were unable to find anything. Well, not being a lawyer, I took a few second to get into the Internet website of the High Court of Australia, then typed for search "**shall not be less than**", and I got a long list of usage all over the world. For a person who never had a law study, I didn't do too bad, if the "researches" of counsel Mr Hank couldn't perform such simple task.

In my personal library of lawbooks, I have also the edition of the Australian "LEGAL WORDS AND PHRASES" 1900-1993 issued by BUTTERWORTHS. Well, that is just the one book out of all, and that happened to be F-O. It doesn't include any references to, "**shall not be less than**", and perhaps, that is why counsels researches couldn't find it. It seems, that albeit the term is extensively used, and explained in authorities, Butterwords never bothered to use it. As result, the researches of counsel Mr Hank's may have been unable to use their computers to search the High Court Website site for the term, were unable to find the term, and unable to check State Senators legislation that was listed on the high Court website. Also, they obviously never bothered to check the legal provisions relevant to the case under the various State laws, in legislative documents. Perhaps, I ought to start educating lawyers, how to do a simple task of doing a search?

I recall the same nonsense in 2000, being before the Full Court and the judges were arguing about State laws seeking to argue I was wrong. Turns out that they never even had a copy of the Act in the Court room or any extract other then what I had quoted in my material and they weren't even aware of that either. So, not being a lawyer, I found having the relevant legislative provisions, and a Court with 3 judges failed to have a copy of the legislation, they tried to argue against me.

This is the kind of incompetence, I often came across, dealing with lawyers, and judges and Registrars.

Regretfully, it isn't a joke, but sheer stupidity for a counsel to not bother himself to personally check details. Also, for the AEC not having made their lawyers aware of the relevant legal provisions. I was advised, that the lawyers of AEC (and the Commonwealth) made their submissions, upon advise of the AEC. Strange to me, as I viewed that lawyers would advise their clients as to what they perceive are the legal implications in law. So, I was formally notified that the lawyers acted on advise of the AEC! Why then does the AEC hire lawyers, if the lawyers can't themselves work out the litigation according to legal provisions? So, on the one hand the AEC argues it acts in accordance to legal advice and the AGS argues it acts on advise of the AEC. That is the pass the buck system.

I view that this case has demonstrated the sheer incompetence of the AEC and the AGS to pursue litigation in the interest of the general public rather then to present sheer nonsense.

As the AGS also was acting for the Commonwealth, it is now that the lawyers representing the Commonwealth accept their legal advise from the AEC!

No wonder it becomes all an utter mesh, and no valid election can be conducted, if lawyers obtain their legal advise from the AEC!

67. Many people have argued to me, that surely the Court could never have stopped the election, as after all the Prime Minister had ordered the election to be as such. Clearly,

there is a clear misconception that the Prime Minister of the day dictates the law, rather then that the Parliament secure electoral laws, as to avoid any would be dictator, being by the name of Prime Minister or otherwise, to dictate his/her own rules. The Prime Minister is clearly in no legal position, to ignore legislative provisions of electoral laws, and that of the ***Commonwealth Constitution***, and neither can the Governor-General override them. As such, I couldn't care less what the Prime Minister of the day wants, if it is unconstitutional, and/or illegal, then that is the end of it. An election is not some "holy shrine", that no court can stop it. While I recognise that to abort an election might be with financial consequences to political parties, however, they only have placed themselves in that position, when deliberately ignoring my advise about the defect writs. The public had a right to a lawful election, and the purpose of the Court is to prevent anything that is illegal to proceed, where an aggrieved person seeks to have it stopped. The fact that it is an election is no different then any other unlawful act.

As much as I checked the validity of the writs, I view that each and every candidate ought to have done so, not merely rely upon and take for granted what ever some government of the day might pursue.

68. It became clear to me, by the way Finkelstein talked on 2 November 2001, that unlikely the Court would stop the illegal election. As such, it was from onset clear to me, that not the application of law is what dominated the Court, but rather what its political motives might be. As I made clear to Finkelstein J, what is worse to stop an illegal election, or to have an illegal election proceeding, and then have to have another legally valid election, to rectify matters. My view is, that it was better to abort the illegal election, then to proceed with it. As I had filed my **CASE STATED,** for the High Court of Australia before the Federal Court of Australia, it was clear, that from a legal point of view, the High Court could have been requested to immediately deal with the matter the next day, as to determine the CASE STATED, so that if there was any doubt about the validity of the writs, then this could be addressed prior to nay purported election to proceed.

69. As stated before, I requested the Governor-General to re-issue writs, but according to law. Also later, I requested not to swear in any alleged elected Member of Parliament, but he still persisted with it. Proving, that the Governor-General also showed a blatant disregard to the duties of his office, and to the Australian Public, to act in accordance to the legal provisions of the ***Commonwealth Constitution***. While the AEC might advise the Governor-General about election timetables, I view, that the Governor-General ought to have taken immediate steps to stop an election of proceedings, where it becomes clear, that the writs were defective.

70. In this submission, I referred to the failure of proper publication of Gazette's, and so the invalidity of certain legal notices, and laws. While it might be argued that this is beyond the scope of the JSCEM, the issue is, that if such kind of conduct had not been allowed on the first place, then the delay of publishing the proclamation in the Gazette could also have been avoided. It seems to be simply, that everyone does their own thing, and it get from bad to worse and then one day a person like me comes across it and then expose it all. Yet, a more competent management could have avoided the rot. Sure, I found coming likewise across problems in other areas, that for some reason I can expose what went going on for years illegally. Seems, that wherever I go, I happen to come across it, and expose it.

71. In my view, elections must be seen as candidates making pledges to electors, and they must be held enforceable. After all, if I were to be a car dealer, and give some assurances to a customer to dupe the customer in buying a car, and found afterward to have lied, then generally the Courts will act for the customer. With candidates for election the same principle ought to apply. Indeed, with the "Payment for vote" there is a monetary contract in force, at least, as I see it. I still wonder, if the "payment per vote" might offend the provisions of the ***Commonwealth Constitution,*** in that in effect

the candidate enters into a financial arrangements with the Commonwealth, to get paid per vote! Why is this any different, from a teacher getting paid a salary, and ineligible to stand for election? The candidate is enticing people to vote for him/her, and so to be reward financially by the Commonwealth for it. What is the difference, if the Commonwealth would engage me as a person, to encourage electors to vote (even so, I might not at all be a candidate in any election), and then I get paid per vote to encourage people to vote, irrespective what person they vote for? Surely, the end result is, that I would get paid. Only, if I am engaged for the latter one, I would held to be ineligible to stand for election, by the legal provisions of the ***Commonwealth Constitution***. Then the same ought to apply to any candidate, that is being paid by the Commonwealth (through the AEC), as to "payment per vote".

72. There is also the issue, that the AEC unlawfully denies an elector to vote as he wishes, within legislative provisions. For example, I reside in Rosanna, but if I had already planned to be on vacation, say, Mildura. So, if I decide to wanting to do postal vote for the election of House of Representatives. I do not want to do any postal vote for the Senate election, as I decide, that I might want to visit a candidate in the Mildura area, before casting my vote. So, I happily go to the Electoral office, and tell them my story, that I want to vote only for the House of Representatives, by postal vote. The AEC makes clear, sorry man, vote for both now, or do postal voting. This obviously is totally illegal, as an election for the Senate, is a different election, then that for the House of Representatives, albeit they might be held at the same day. As such, the real issue is that the AEC give one marking for the both elections, rather then to mark an elector off per election he/she votes for. Clearly, the proper conduct would be for the AEC to allow the voting for the House of Representative, while I am in the electorate, and then when I have travelled to Mildura, have checked out the relevant candidate residing in that area, but I am entitled to vote for, then I make my vote on the day of polling, for the Senate. In law, this would be legitimate, but in reality, the AEC has become the dictator, to deny this, by simply abusing and misusing their legal position. I drove my wife to the polling booth, and she returned, making known that only one mark was made for her in regard of the two different elections, being Senate, and House of Representatives. That too caused me not to vote, as I view, if the AEC can't even conduct election, or PURPORTED election appropriately, then I want to be no part thereof. The fact is, that I attended to the polling booth, and so if the AEC doesn't record voting, but only record attendance, then when does the recording start? Meaning that a person attending to vote for the House of Representatives, is DEEMED to have voted for the Senate also, if both elections are applicable. Yet, if at the time of attendance only one election is applicable for that particular seat, then the same single mark applies. As such, the mark doesn't differentiate as to an elector having voted for one or both elections. How then court the AEC take me to court to argue I didn't vote in a particular election, where the mark represent attendance but not voting?

Obviously, I never told anyone I was there, sitting in my vehicle, outside the polling booth, but reality is, that if the AEC doesn't record the voting, but attendance, then how on earth can the AEC pursue a person for not voting? I could have attended and the person could have accidentally marked of another name for attendance. As such, the mark then doesn't represent any voting pattern, but apparently is used to fine people $20.00. They have rejected my argument, that the elections were unconstitutional, and made known I have to pay a $20.00, fine or go to Court. I selected to go to court! I doubt, they will go that far as after all, it would mean that the entire election issue is back before the Courts. The AEC having perverted the course of justice, would hardly want to do so. I for one have not voted, and will not make any return of electoral expenses, as the ***Wakim*** case (1997) makes it very clear that one doesn't have to comply with unconstitutional orders. Likewise then, unconstitutional writs must be deemed to be the same. I challenged the writs as being unconstitutional and until a

Court of law rules otherwise, I am entitled to ignore any writ that I hold unconstitutional. It would be on my neck, if a Court of law were to make a ruling against me to hold the writs valid, but until this has occurred I will defy any act that, I view, I am not required to do. The AEC has no power to enforce any fine, for not voting, if the writs were defective, and so invalid. It's powers to enforce legislative provisions as to elections, is based upon the lawful execution of the provisions of the ***Commonwealth Electoral Act 1918***. Only then the powers of Section 7 can be invoked.

I didn't just willy nilly refuse to vote, I challenged in Court the validity of the writs, and so prior to any purported election having been held. That was my ultimate obligation. And, unless the matter has been decided upon merits in law, the AEC never again can invoke any legislative powers, as I have contested the validity of the purported election and by this any future purported election is doomed to be constitutional valid if they are after the 12 January 2002 deadline, unless somehow is able to have the Court to return to the Marshall J decision and deal with my application upon the merits of the case.

If the 10 November 2001 purported was invalid, and that is and remained challenged, then until this has been appropriately disposed upon by the court, any further election also remains without constitutional validity. It means that I would contest to ever vote again, unless the case has been decided. There is a clear legal principle that if the original order of a Court is without legal jurisdiction, then any consequent order made fails to have legal justification.

I may add, that the Full Court of the Family Court ought to circumvent this argument, by declaring that the Bracks Government had backdated for 10 years, to make all unconstitutional Court order valid. As such, it held the 1994 orders of Hase J, even if unconstitutional were back dating validated. Besides the Fact that a State Government lacks legal power to validate any Court order made under Federal laws with a denial of State rights, what the 3 judges then overlooked was that the back dating of the legislation by the State of 10 years, still failed to be sufficient to cover the original order made more then 10 years earlier. As such, the original order made, remained in any case unconstitutional and so even if for some reason it was argued that the back dating validated the orders, it only could occur if the original order was also constitutional validated.

Clearly, the failure to validate the original unconstitutional court order, was that the Court still never had any legal jurisdiction on the first place and all subsequent orders were then also NULL AND VOID!

Likewise, if the purported election of 10 November 2001 is and remains contested being unconstitutional, then every subsequent election remains likewise unconstitutional. This, as **Section 28** restricts any election to be held within the 3 years following the last sitting of the House of Representatives. By this, if the 10 November 2001 election was unconstitutional, then by the provisions of the ***Commonwealth Constitution*** there exist no legal validity to ever hold a election, governing the House of Representatives, unless as I pointed out in this submission, the AEC takes the matter back to Court, to have the 7 November 2001 order of Marshall J set aside, upon the basis that it was fraudulently obtained, and by the AEC and the AGS having perverted the course of justice. Only then, the Court can either validate, or reject the writs, and if needed, order that new writs are issued, holding that the purported election was never constitutional valid.

What the AEC and the Commonwealth basically did, was to turn Australia beyond doubt into a Republic, albeit without any applicable constitutional powers to hold elections.

Knowing how lawyers operate, and how judges conduct cases, this is precisely what I expect to occur. Albeit, I gave every effort to seek to prevent it.

In the Family Court of Australia, it is well known, that whatever I might pursue, a judge basically will make orders precisely contrary to it, regardless of that the evidence

warrants the orders to be made. Knowing that this is the tactics employed, I would apply for order exactly contrary to what I wanted, and then, so to say, bet my bottom dollar, the judge would make orders, that I actually wanted. One incident was, where I was claimed not to be the biological father of 3 children. I knew, that at least 2 of the children were not mine, but held, that I needed to protect them, and so claimed they were mine, this even so one child was 9 months old with a broken arm, before I saw the mother for the first time.

Judges were triumphant ally about refusing me paternity testing, I argued for. I knew, that if I asked for paternity testing, then it would be refused. Precisely that occurred. Judges then attacked my person, etc (such as claiming I got a young woman pregnant, which obviously was proven to be sheer nonsense as the child wasn't mine), unaware that they had made utter fools of themselves, as I knew their comments were misplaced, and I had achieved to legally get a position to protect the children. While the mother maintained all along I wasn't the biological father, the dissolution of marriage nevertheless shows them being children of the marriage. These days, one doesn't need to go through that length to protect children, but then it was the only legal way.

The children since (more then 14 years later) were informed by me, that I never was their biological father! To them, I remain nevertheless their father.

What this point out, is that getting used how judges abuse and misuse their powers, I plan ahead, so that the judges often do precisely what I could expect to be the end result.

Likewise, while I sought to have the matter before Marshall J on 7 November 2001 determined on basis of legal principle, and upon the merits of the case, and prepared the CASE STATED in case the judge wanted to railroad the case. Well, that precisely occurred.

My nickname, by lawyers and judges has been "**TRAPDOOR SPIDER**", as I grab whatever detail I can, and won't let loose. Walsh J described in 1985 my tactics as "TRAPDOOR SPIDER TACTICS." But then made clear to the barrister of the opposing party, that I was conducting the cross-examinations within the legal provisions of law, and until I acted in breach, I couldn't be prevented to exercise my rights in cross-examination.

While Nicholson CJ argued on national television, that "unrepresented litigants" are making false claims and that the transcripts would prove the truth, I challenged him for this, as I made clear I can prove that judges concoct alleged evidence to hand down judgments in conflict to the evidence, and indeed their own rulings during the trail.

I proved, that Nicholson J was wrong in law, so the legislation was subsequently changed, the way Nicholson J originally wrongly argued.

Judge after judge is being disqualified, because of bias, or what might appear to have been bias. To the extend, that judges disqualify themselves from hearing a case, merely if I am involved with that case!

Simply, I was disgusted how a judge made orders in the early 1980's, and so decided I was going to get the judges back on their own grounds, the law! Since then, I discovered that numerous judges don't even know what they are talking about, and give utter nonsense of speeches from the bench. Regretfully, many a lawyer has indicated they are please that there is someone who dares to speak up, albeit they can't afford doing so, as they would jeopardize the cases of future clients.

It has become, that judges rather fear to have me involved in a case, as they know, I will respond with exposing what they do wrong. Including, exposing perjury committed by lawyers, as I prove to them with the transcripts.

Something, that is very dear to me, is the existence of the democracy, and the maintaining of democratic rights in the Courts. As such, maintaining democratic elections is the essence of having a democratic society.

I didn't seek the fight, I asked the AEC and various Members of Parliament to fix the problem with defective writs. Their ignorance left me no alternative, but to take the matter to court. The response then to railroad the case was the worst they ever could have done. Obviously, they underestimated the desire within me to pursue JUSTICE, and fair and proper elections! The more they obstruct me to obtain JUSTICE, the more I will delve to expose other things. The issue isn't that a court must rule in my favour, for me to accept that JUSTICE was done. As I made clear to Guest J, I do not come to win or loose a case, but to obtain justice! I do not accept that cheating and deception etc by the AGS (notably OFFICERS OF THE COURT) to a judge ought to be accepted, as to determine the DEMOCRATIC ISSUES governing an election.

I might add, that many would be suicider, and would be killer, contacted me over the years, having witnesses my stance against judges etc, who themselves were totally disillusioned with the legal system, and as result, I was able to assist them, to obtain justice, and prevent the dead of many. As such, my struggle for JUSTICE had benefits, to keep people alive, who otherwise in desperation terminate if not just their own life, but also that of others.

In one case, a person had for 4 years all kinds of court orders against him, despite having lawyers. He became desperate, and was advised to contact me. Within 3 month of my involvement, the wife admitted that all her allegations were false, and she withdrew it all. To me, it was a very easy case to address, and very obvious, but in the mean time various Courts, and lawyers, had made orders, portraying this man to be some deviant, rather then just to consider the truth, as I did.

Nicholson CJ of the Family Court of Australia tends to attack the credibility of men, on the basis that they lost a court case, and then belong to "mens groups" and complaint without legal grounds. I called him a coward, as he attacks those who in law have no right to response, by the provisions of Section 121 of the Family Law Act. Worse, he is rather distorting to the public the truth! Using the Family Court website for the benefit of a lawyer about an alleged kidnapping where the truth is the child was a run-away! As such, unduly harassing the father of claims that were known to be false! I never belonged to a "mens group", and won custody, yet still criticised the Family Court of Australia for its illegal and unconstitutional conduct. I even appealed an "order", in my favour, where I held, the order was an INJUSTICE! This, as I pursue JUSTICE, not to win or loose a case!

No one ought to take the position, that I unconditionally support a flood of asylum seekers to come into Australia. Simply, all I pursue, is that they are given a humane and decent treatment, access to the media to defend themselves against false and misleading allegations made for election purposes. And, not that some care taking prime minister flaunt the law, and deny freedom of the press, to prevent the electorate to learn about the true facts.

Neither then, to use the AGS to manipulate the Court, to prevent a case to be heard upon its merits!

I view, that in this case, the JSCEM ought to address at least the issues about litigation, in regard of electoral matters. People who are denied to be a candidate, in breach of legal provisions, and find that the courts are manipulated, then obviously will seek often redress in their own way. The JSCEM can largely avoid problem areas, by addressing the numerous issues raised in this submission, and while I concede, that it is unlikely the JSCEM will support ever recommendation I propose, at least, it could make an inroad to commence to make elections more democratic, then in the way the AEC has been conducted elections. If that were to occur, then my time in preparing this submission is not seen as wasted, and perhaps we might even resolve the dilemma about the unconstitutional writs.

73. With today's technology, it is remarkable that the Department of Finance and Administration takes from 8 October, until 22 October, just to have a Proclamation

published, in Tasmania. Actually, in NSW, Tasmania and other places Special Gazette S421 containing only the Proclamation of the Governor-General to Prorogue the Parliament, and to dissolve the House of Representatives, never was published in it's own right there. It was finally published as an attachment to Gazette Notices GN 41. This too must be deemed improper. This, as a citizen, who is interested to purchase a copy of the Special Gazette S421 now was forced to purchase Government Gazette Notices GN41, at a much higher cost, and at a much later date! How on earth it can be deemed any publication at all, where most of the nation had no publication at all of Special Gazette S421, and only a copy attached to GN41, at a much later date.

74. Perhaps, members of the committee are getting the gist of it, that I, as non elected Member of Parliament, am doing what the ministers fail to do in their portfolio's, and that is to weed out the rot that is going on. Perhaps, the salaries of those Ministers ought to be redirected to me? I do the work, why not the pay? (I don't expect any!)

75. The attached WORK CONTRACT (on the CD as CHARTER FOR GOVERNMENT) was faxed to Jeff Kennett, on the Saturday during the election of the State of Victoria. And, the news papers reported, that to the upset of the Nationals, Jeff Kennett suddenly announced for decentralisation during his speech in the Dallas Brooks Hall, without prior notification or consultation with the Nationals, or having it in his earlier press release, as to what his speech would be about. Point 6 of the WORK CONTRACT, was about the decentralisation policy! Clearly, it appears to me, that Jeff Kennett having received the WORK CONTRACT Statutory Declaration by facsimile, then sought to adapt some of it, but didn't get back to be elected. I urge the JSCEM, to consider, the issues raised in the document WORK CONTRACT. After all, while decentralisation might not be within the ambit of the JSCEM, matters about honesty of Politicians during elections surely is relevant, and so the fact of any dishonesty. As such, it ought to be considered, that there must be an avenue for the public, or the electors, in a certain electorate, to oust a deceptive elected Member of Parliament, in an urgent manner without needing to wait for a next election. Indeed, having to wait for 8 years in case of a Senator, is hardly reasonable. I submit, therefore that a process is in place that where, say, 10 percent of eligible voters in a certain electorate, where the member was elected, have signed a petition for the removal of that particular Member, being it for dishonesty of election promises, etc, then the matter can be placed before the High Court of Australia. (No, not the incompetent Federal Court of Australia! They still have to work on how to design relevant forms to institute legal proceedings!) The High Court of Australia can then make a ruling upon the evidence, if the relevant Member had misled the electorate, and so by fraudulent conduct obtained their votes, or the Member was guilty of misconduct otherwise, that justify the removal of the Member of Parliament of that electorate, and have his/her seat declare vacant. After all, the current deception caused by many a candidate ought to be stopped. Our children are growing up, that politicians are dishonest, and so why should they then be honest? Surely, this isn't the right kind of message we want to bring across. As such, we must in place a system, that will deal with dishonest politicians, whom have basically committed electoral fraud to be elected. This Member of Parliament, if ousted, then could be ordered by the Court to pay part of whole of cost of a by-election. After all, we must seek to avoid, and also seek to discourage, any kind of corrupt/fraudulent conduct. When electors vote for a particular party/candidate, and that party/candidate then does an about face, after the election, then the voters ought to be entitled of a recourse immediately, not some years down the road.

76. There also ought to be a Referendum, to increase the fine for sitting in Parliament. After all the 100 pounds a day, as was applicable in the time prior to Federation, has now been eroded considerably. The issue is, that one ought to make it very undesirable for any person attempting to abuse/misuse the Parliament, or to sit in Parliament well aware not being entitled to do so. It might also deter people standing for elections, who

are otherwise ineligible, if they become aware that to improperly be elected can attract stiff penalties.

77. Another issue is, that "candidates" ought not be permitted to use any photographs for display as posters for elections unless the picture of them was taken within the last 12 months of them nominating for election. It appears, that there are candidates, who are electing to use photographs that while resembling them, are not an update photograph of themselves. It seems that using a "younger" then reality photograph is the in thing, for various candidates, and in effect seeking to deceive the electorate.

78. I have also noticed, that some organizations do request candidates to "sign" certain pledges. Again, I view that any such "pledge" ought to be considered to be part of the election campaign, and a copy of such pledge ought to be provided, by the organization that collected the "pledges", to the AEC for record keeping. Meaning, that it becomes a formal document, that could be used at a later stage against a particular Member, where this Member turns out to act contrary to the "pledge" signed. I have no doubt, that any HONEST and DECENT member of the JSCEM will support such a condition to be implemented!

79. Another sore point is, that I became aware that many organizations, notably also the church, tend to invite only candidates of political parties, and not any INDEPENDENT, As such, there is a clear discrimination. The public is too aware, that because of the so called "close union shop" mentality in the House of Representatives, it is basically useless to have an INDEPENDENT to speak, regardless of how important and relevant the INDEPENDENT can present a case. I view, that meetings that are for the purpose of political purposes of elections, ought to provide an equal opportunity to all candidates to speak. When I was attending State elections, I found that there was no discrimination in that regard. During the purported Federal election, I noticed that meetings were going on, without having been invited! If elections are truly to be democratic, and for the purpose of holding democratic elections, then it is imperative that the intentions of the framers of the constitution is maintained, and every step is taken to pursue fair and proper elections. It could be in the format that any meeting, or media must give equal time to candidates in a certain electorates. Meaning that if the media allows one candidate 100 words then it ought to provide the same to all other candidates. It then would be an issue of advertising that any candidate could seek to address more to the public. Likewise, to any meetings held to meet the candidates, as I discovered being held by a church, where I happen to be the first arrival, and introduced myself to the organisers. What I discovered, was that I wasn't given any opportunity to speak, it seems, being an INDEPENDENT was not worthy. So, even the local church showed to discriminate. So much for their preachings!

80. On the CD, I provide copies of documents, which seek to set out in legal format, my arguments, and so, using also Statues and Authorities, and references to Hansards, etc. All that material must be taken as being part of my submission, and for this, I have tried to avoid in the above, to quote Authorities and Statue laws etc. as not to double up in material. Below, a list of documents is stated of those on the CD.

81. This document, and the items that are with it on CD, or otherwise, must not be held to represent all my submissions, however do substantiate a considerable part of it.

82. I for one understand, that there appears to be a movement to push for the Republic, not just for the Republic issue, but also now driven by the fact that the AEC has become some kind of dictatorship, using taxpayers monies to prevent legal redress in the Courts. And with a government of the day abusing electoral Acts, and so basically there are voices cast that we ought to get rid of this rot, and have a decent election process in place that is not undermined as now occurs. I am well aware, that some members of the JSCEM might not like to read my severe criticism upon their parties, etc, but just consider, that I sought to, so to say, play it by the rules, and found that the rules were being tampered with, to ensure the end result were pre-determined. Well, I have then

every right to expose it all, and intend to do so with the publication of **INSPECTOR-RIKATI® and the BANANA REPUBLIC AUSTRALIA**! The JSCEM has now the opportunity, to address many of the problems. However, in the end, I maintain that failing a constitutional valid election having been held by no later then 12 January 2002, there is no legal provision within the ***Commonwealth Constitution*** to hold any election. However, the only possible constitutional valid alternative would be, for the AEC (and/or the Commonwealth) to seek an appeal out of time against the Marshall J orders, upon the grounds that it had conspired with the AGS to pervert the course of justice, and in the process had deceived the trail judge Marshall J, with concealing relevant evidence, and with withholding other true facts of the Court as well as to have false and misleading submissions to the Court. If to the JSCEM the constitution is sacred, as it ought to be, then I have no doubt it will recommend a **ROYAL COMMISSION,** and also it will recommend that the AEC pursues this kind of appeal-out-of-time, as I already proposed months ago to the AGS. This course, would leave it open for the High Court of Australia to find that my application was wrongfully dismissed, by a miscarriage of justice and my application be granted, and new writs be issued.

It might not be the avenue the government might want to pursue, and having to face a real election at this stage, but then again, the democracy must be held more important then the political fortunes of some purported elected Members of Parliament.

83. It ought to be considered also, that as I did contest the validity of the writs, the writs remain under challenge, as having the case dismissed due to lack of legal jurisdiction, and so by Marshall J railroading the case, doesn't a bit validate the writs! Until there has been a decision handed down, upon the merits of the case, the writs remain challenged and so the validity of the election of any purported elected candidate. Basically, **I am handing out an olive branch**, so to say, for the government, to still acknowledge that the election process was unconstitutional from the start, upon the advise of the AEC, without the Governor-General having been even advised, about the election was of such improper content, that it left beyond doubt to lead others as sheep to follow what ever the AEC had claimed being proper. In my experiences of about 20 years at the Courts, assisting people, I found that often lawyers and so judges were, as I would describe, "SUCKERS", who couldn't see the obvious, and so go about with cases in an improper manner, and then a person like myself comes around showing that they were wrong all along. Including a judge signing court orders, a day before the actual court hearing was held! The abuses are rife, and obviously, I am not a very likeable person to most in the legal profession, however, those who suffered injustice for years, and then finally obtained justice, and so didn't proceed with committing suicide and/or murder, have made it worthwhile for me to pursue the cause of justice.

As each and every member of the JSCEM is a member of a political party, I am expecting the worst. Then again, I might even get a surprise, and find that there are decent members at the committee, who will not tolerate this kind of election fraud, and who will pursue matters to be rectified, and ensure that the AEC rectifies its wrongdoings, and all those involved are facing their appropriate punishment. I expect no less of any Honourable Member!

84. Since starting to contest the writs, I obtained copies of the Hansard of the **Constitutional Convention Debates** held in 1891, 1897 and 1898 and believe that there is something really missing of the election campaign. For example, when a person wants to obtain a drivers licence, then they have to go for a test etc. This, so they can show some competence for driving a car. Perhaps, there ought to be some kind of an information session, for candidates and prospective candidates? Meaning, that the AEC could hold session, say, once a month, that will teach electors (wanting to be candidate or not), about the pro and cons of political life, and the various functions and other duties involved. I became aware, that a lot to electors simply don't know or were not

aware that there are many committees etc. There simply is insufficient understanding of the average working day of a parliamentarian. The election process also ought to be explained, and so also the various ways election can be conducted, and what are ways one ought to avoid, such as distributing pamphlets without approval of the AEC, during an election period. Then again, as the AEC itself seems to have a problem, so I experienced, to know what a proper election conduct is about, it might pay to have the lot sacked, and (fresh) people hired, who have no inborn errors, and then get a decent organization operating the elections. Could I be more frank, as I am?

85. I ought to point out, that while there might be an argument that some one could "order' by telephone for a Gazette to be mailed, the Courts have already made clear, that it must be "available". Meaning, that ordering by post isn't "available" at the day of publication, and as such, not valid either. What must occur, is that when the Governor-General signs a Proclamation, then the Gazette must be printed for a particular date, and on that date, the Gazette must be available in **all** Commonwealth Government Bookshops (also referred to as Info shop). Indeed, had this been organised on 5 October 2001, then clearly on 8 October 2001 copies of the Special Gazette S421 could have been available in all Commonwealth Government Bookshops in all states/territories.

86. It is my view, that there must be a procedure list, so to say, of items that needs to be attended to. For example, each and every electoral item in the process of any election must be checked off. Meaning, that a member of the AEC has the special task to check each particular process having occurred, and so being within legislative provisions. For example, has this been applicable already, then the checker could have discovered that there was no proper publication of the Special Gazette S421, and then could have immediate taken action, to seek to rectify this problem before it went out of hand, or to notify persons concerned. From personal experiences, when having such position in a company, I was given the power to override any staff member, as to ensure that the product would go out. I was able to get orders out, that were otherwise overdue. As such, I know that having such "checker" (titled; Progress Officer) with extensive powers to take such action, as needed, to ensure the electoral process is complied with. Then such "checker' could have given orders to the government printers, to simply place the Gazette in print, where as now, valuable time was wasted, and the job was outsourced to others (printer), with a result of the Gazette being published too late. It is clear, that there is no overall management from start to finish, and that this is a major cause, why elections are defective in ongoing manner. Having a mere 4 actual days of election (excluding the days the Electoral officers were closed), yet no one seems to be aware of this, proves that the democratic process isn't guarded at all, but left up to who ever happens to deal with it, including the bookshop managers, if they are willing or not to order copies of a Special Gazette. This sheer nonsense, and ignorance, can't be maintained. Indeed, I have no doubt, that when I publish my book about the election, Australia might very well become the laughing stock of many. Be it so, I am not doing this to Australia, I merely expose it all. **The JSCEM has the task to consider matters, and to pursue having it all rectified within legal provisions.** My duty was to present matter to the JSCEM and I have extensively done so. I expect no less then full transparency by the JSCEM and also full publication of this submission, and its documents provided on CD. The general public has a right to know what was going on and how the JSCEM is dealing with matters.

87. I would like to supplement my submissions material, and seek this to be provided for, with attending to a JSCEM hearing, and give oral details, albeit I seek to do so in Melbourne. This, as I do need to assist my wife also. Alternative, a video conference could be held. I have conducted video court hearings, and so, known to the process, even cross examining a witness as such.

The writer spends for over 20 years conducting a special lifeline service, assisting people to avoid them to commit suicide and/or murder. Mainly in the Family Court area. Even, preventing someone to blow up a Family Court building. It is simple, when you have judges, registrars, and lawyers, who are using and abusing their legal position, to unduly harm people who come to the Courts to seek JUSTICE, then the loss of this democratic right can cause that people loose their patience, and then seek to resort to other ways to pursue **their form of justice**.
Judges using **DOUBLE STANDARDS**, in the Family Court is regrettable a common problem, where there is one rule applied to litigant in person, and another for lawyers. Meaning, that unrepresented people often have their cases railroaded.
At first, I had the believe that this was only in the Family Court arena, but it seems other courts are using simular practices.
Indeed, Marshall J proved to me, that the Federal Court of Australia was no better then the Family Court of Australia.

My impression was that Marshall J wasn't looking for a way to continue the hearing in regard of the election matter, but rather was looking for a way not having to hear the matter.
For example, while there was on file and affidavit setting out the service upon all respondents, Marshall J never bothered to deal with it, or appear never to have dealt with that. Neither did he allow me to appropriately respond, to the allegations of Mr Hank counsel for the AEC and the Commonwealth, that there was no appearance by the first respondents, being the Governor-General and the Governors. As such, he appeared not wanting to allow me to set out matters. Perhaps, he knew from the material, service had been affected, but didn't want to have this known. After all, the legal position of the Governors and the Governor-Generals would have been such, that there would have been a **CONFLICT OF INTEREST**, for the AGS to act for all defendants. This, as the 1st Defendants all had writs "**according to law**", and as such none of the writs issued had been "**according to law**", which was what the Commonwealth and the AEC pursued.

It therefore appears to me, that the AGS might have likely deliberately withheld from the 1st Defendants, that service was affected upon them, as to avoid this 1st Defendants to perhaps be joined with the applicant.

The Solicitor-General of Tasmania was extensively briefed by me since the Federal Court proceedings, and extensively provided with material. One may ask, why didn't the Tasmania Government complain about the fact that the AGS withhold from its Governor relevant matters such as service, since they became aware in January 2002 that litigation had occurred without them having been notified?
Why didn't they appeal in view that they had been wrongfully excluded from the proceedings?

I forwarded also a written complaint to the Chief Justice of the Federal Court of Australia. Then again, I never expected that any other judge would take a stand against Marshall J, regardless how improper he acted.

This is the reality of life, that many citizens don't trust politicians, and neither judges, and lawyers. This is also why there are groups, who plan to take over Australia, even if it requires force, because it is the conduct of the politicians the judges, lawyers, etc, who in effect causes them to pursue that path to seek their form of justice, they are becoming FREEDOM FIGHTERS in their own world. One may deplore their tactics, but in essence what is the difference of politicians, judges and lawyers etc, robbing the public of their rights, and to destroy many, versus those so-called FREEDOM FIGHTERS, to blow up buildings, go on a killing spree etc? Perhaps, the **so-called** FREEDOM FIGHTER has the excuse that they reacted upon the injustice caused to them! The courts and the politicians giving false accounts to portray those FREEDOM FIGHTERS to be devils. I have deliberately refrained from referring to any particular organization by name, as I do not want, nor want to be seen, to promote any kind of civil unrest.

As I once stated (1998) to a Judge;

> "**Your Honour, I do not come to Court to win or loose a case. I come to seek JUSTICE, what ever that might be**."

I would be a sad day, if one day, a person were to proceed and blow up a building, with killing hundreds of innocent people inside the building.

As one would be bomber made clear to me, as I recall;

> They destroyed my life, and at least if I die, and take with me, as many people as I can then the public will be aware of what was wrong. If I die, without others, it means nothing. Killing as many judges, and lawyers, as I can, would give me some revenge.

Whatever anyone might think about that person, keep in mind it is too ease to judge that person, without knowing the extend of the harm inflicted upon that person.

I have now become aware, that the same kind of problems are existing in the Federal election arena, **where people are in fear to institute proceedings** as they feel that the Court will likely railroad their case, and make orders for cost against them, by this destroy their life.

I found on 7 November 2001, that after the proceedings commenced, the AGS handed me a folder of material, and other written material, of which I had no way being able to read instantly.
Afterwards, I discovered that the legal arguments of counsel were floored, and were false and misleading.

One may ask, what possesses counsel, to leave it until the last moment, to provide the material instead of having given me a reasonably opportunity to digest it all, if his conduct were honourable?

As such, their tactic was to bulldoze my case, rather then to have a fair and proper hearing. I understand, that the same is done in other hearings.

How can the AGS represent the general public, where it prevents any proper opportunity to have the merits of the case canvassed before the Courts?

Electoral issues are going to the fabrics of the democratic system, and must not be allowed to be subject to legal manipulation by lawyers!

Hereby I quote a part of my 6-11-2001 letter faxed to the AEC:

> Further, I have no been informed of the young woman's name being **Mrs HEIDI HOLZ** who presented to the Divisional Returning Office of the seat of McEwan a list of 61 signatures for her nominations, at 11.53AM on Thursday the 18th day of October 2001, and it was held that 12 were invalid. When Mrs Heidi Holz then requested to be allowed to obtain just 1 more signature she allegedly was advised; "**THE LAW IS THE LAW**" while then being refused to obtain 1 more signature to qualify for being a nominated candidate.

It must be clear that in view that Victorian Senate election laws do provide;

> *Victoria* No. 6365 Senators Elections Act 1958 ***Limits within which dates may be fixed;***
> The date fixed for the close of the Rolls shall be seven days after the date of the writ.
> Subject to sub-section (1B), the date fixed for the nomination of the candidates

shall not be less than **eleven days** nor more than 28 days after the date of the writ.

Then, even if the publication of the proclamation had occurred on 8 October 2001 (Was on 10 October 2001 in Victoria), and all other problems were not existing, then in law, **Mrs Heidi Holz** still was entitled to have more time, as set out in the relevant legislated provisions.

See also ***Fullagar J in* Associated Dominions Assurance Society Pty Ltd v Balford (1950) 81 CLR 161**, which set out how time calculations applies.

The writ issued by the Governor, upon incorrect advice, nevertheless states "**according to law**", and as such, the Governor of Victoria, when signing the writ, clearly was in the belief, and must presume he had every intention, to ensure that the dates in the writs were those according to the legal provisions applicable. The Governor clearly relied upon being given appropriate advice!

The AEC seems to keep no record of such refusal as with **Mrs Heidi Holz**, at least, that is what I was advised. And, I understand there are countless other people, who were robbed of their right in such manner to stand as candidates!

Another issue is, that must not be overlooked, is that the decision of Marshall J, to argue that my case was a **backdoor way** to contest the election, is a dangerous precedent. What stops now any other person to make the same claim, if the AEC seeks to take court action against them? Sure, Marshall J's decision was sheer nonsense, but nevertheless, it is currently a precedent, that can be used against the AEC, by any would be protester, that their conduct in regard of elections ought not be attended to until the election is over and done with, and then the AEC can take it to the Court of Disputed Returns. Albeit, the Court of Disputed Returns clearly has no legal jurisdiction, as already determined by the High Court of Australia (as is on record) in regard of multiple elections issues covering various seats.

Just consider my position. If I go to the Court of Disputed Return, then rather then having a hearing according to law, the Court may simply dismiss my case, irrespective of its merits, upon the basis of that the number of votes I received wouldn't make it worthwhile to hear the matter. The fact, that I simply stopped electioneering obviously isn't relevant.
Why would I want to have my case heard before a Court of Disputed Returns, where I wanted to prevent to have illegal election(s) to be conducted in the first place?

The very purpose of Section 383 of the ***Commonwealth Electoral Act 1918*** is, to obtain some form of legal redress, being it an injunction or otherwise, to seek to avoid something harmful (unconstitutional election) to continue or to occur.

If writs are indeed invalid, as I maintain, then Section 383 is the correct way to proceed. Section 353 is clearly a remedy to deal where any purported poll already is in progress, or has been completed.

Indeed, the legal jurisdiction of the Court of Disputed Returns only can be invoked, if the writs are constitutional valid. For, if a writ lacks to be constitutional valid then the Court of Disputed Returns lacks any legal jurisdiction. A clear example is, that the Court of Disputed Return has the condition, that one can only file **AFTER** 40 days of the return of the writs. Meaning, that if the writ omits any return of the writs, then the Court of Disputed Return's can never deal with the matter.

That *Holmes v Angwin*, (1906) 4 (Pt 1) CLR 297 at 309. Barton J said;

"**The character of the jurisdiction which has been exercised by Parliaments as to election petitions is purely incidental to the legislative power; it has nothing to do with the ordinary determination of the rights of parties who are litigants.**"

Having the matter heard before the HIGH COURT OF AUSTRALIA sitting as HIGH COURT OF AUSTRALIA, and not as Court of disputed Returns, means that the case will be heard upon its legal merits without ***personae designatae*** legal principle.

Some of the proposed determinations I view ought to be sought before the HIGH COURT OF AUSTRALIA;

That I now seek the HIGH COURT OF AUSTRALIA to declare/determine that the High Court of Australia sitting as a Court of Disputed Returns using the powers of ***personae designatae*** wouldn't have any jurisdiction to deal with any matters of breaching of any electoral laws by the Australian Electoral Commission and/or any person acting on its behalf where such conduct were to relate to a period after a purported election has been held and had no direct influence to the purported election held.

That I now seek the HIGH COURT OF AUSTRALIA to declare/determine that the High Court of Australia sitting as a Court of Disputed Returns using the powers of ***personae designatae*** wouldn't have any jurisdiction to deal with any matters of breaching of any electoral laws by the Australian Electoral Commission and/or any person acting on its behalf where such conduct were to relate any false and/or misleading information/advice the said Electoral Commission and/or any person acting on its behalf might have given prior to any writs having been issued.

That I now seek the HIGH COURT OF AUSTRALIA to declare/determine that the High Court of Australia sitting as a Court of Disputed Returns using the powers of ***personae designatae*** wouldn't have any jurisdiction to deal matters pertaining the issue of any writ having been issued defective/void, as this is a matter of issue of any writ is to be dealt with upon the principal of laws?

This and many other issued are raised in the material on the CD in the folder **INSPECTOR-RIKATI® and the BANANA REPUBLIC AUSTRALIA**.

The document **S78B** was never filed (but is and remains applicable for legal arguments), but is used for purpose to show legal arguments. Again, to do so in this document would extend it considerably, and really no need to do so again where it already is available in a legal format on CD.

The following documents are relied upon on the CD titled; **SUBMISSIONS TO THE JSCEM**;

This letter of submission; named **020530jscem.doc**
In the folder **INSPECTOR-RIKATI® and the BANANA REPUBLIC AUSTRALIA** the following folders with their content;

Abolish Payment per vote.doc
ASSOCIATED DOMINIONS ASSURANCE SOCIETY PTY. LTD. v. BALMFORD.doc
Chapter 01.doc
INSPECTOR-RIKATI® and the BANANA REPUBLIC AUSTRALIA.doc
New Constitution needed.doc

FEDERAL COURT OF AUSTRALIA (**sub-folder**)

011031af.doc
011031ap.DOC
011102ap.DOC
011102tr.pdf
011105af.doc
011106af.doc
011107ff.doc
011107TRANSCRIPT.pdf
020129cj.doc

GOVERNOR-GENERAL (**sub-folder**)

011107qq.DOC
011108gg.DOC
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011111qq.DOC
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011206gx.DOC
011206yy.DOC
020208gg.doc
020210gg.doc
020215gg.doc
020221gg.doc

High Court of Australia (**sub-folder)**

001031af.doc
011109ap.doc
011116ou.DOC
011118ou.DOC
011225rp.DOC
011225rm.doc
AUTHORITIES-04. doc
F65-02.doc
From 65.doc
Form69-04.DOC
G-WritSub.doc
HANSARD-03.doc
ListAuth-01.doc
Petition-Form 70-01.doc
STATUES-04.doc
Subm-02.DOC
WRIT02-01.DOC
WritSub-03.doc

Purported Federal Election 2001 (**sub-folder**)

011221pp.doc
011225web.DOC
020226ds.doc
020326hc.doc
020423AG.doc
020511SG.doc

VALIDITY OF AUSTRALIAN CONSTITUTION IN QUESTION (**sub-folder**)

10par2-1.doc
10par2-2.doc
41bp1au9.gif
41bp2au9.gif
Page–10.doc
Page9-3.doc

Victorian State Election 1999 (**sub-folder**)

CHARTER FOR GOVERNMENT-1p1a.gif
CHARTER FOR GOVERNMENT-1p2b.gif

Why not voting (**sub-folder**)

011211ACT.DOC
011215aec.DOC
011217aec.DOC
020209aec.DOC
020330ad.doc
020422KM.doc

The E-mail submission will be without original signature, to avoid abuse of it. A hardcopy will be forwarded by postal services.

Awaiting your response and cooperation,

G. H. SCHOREL
(**G. H. SCHOREL-HLAVKA**)