Joint Standing Committee on Electoral Matters
Submission No. 72
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Secretary

SUBMISSION NO. 72

Submission of R.S.Gunter to the
Joint Standing Committee on Electoral Matters of the
Parliament of the Commonwealth of Australia
in respect of
irregularities relating to the initial stages of the election process
for the 2004 Federal General Election, the effect of which is
to invalidate, legally, the entire election,

Synopsis: In this presentation a rationale is detailed to show that, as a consequence of the abject failure of the Court authorities of the Commonwealth to bring to a proper conclusion, legally, a challenge which was initiated by Election Petition against the 2001 Federal General Election, certain matters which were of vital importance, constitutionally, to the legal validity of that Federal General Election were never determined. The consequence of that 'failure of legal process' was that the constitutional illegalities continued, and as a result the 2004 Federal General Election is also now brought into question. Documentation necessary to substantiate these contentions is provided.

Background to the presentation of this Submission

This presentation has been prompted by the abject failure of my most concerted endeavours, sustained over many years, to get any satisfaction at all from, 'the authorities' of this nation at all levels of the hierarchy, be that Commonwealth or State, and both 'legal' and 'political', **to have properly redressed by 'due legal process', as traditionally known in this country,** some major miscarriages of legal process which occurred in proceedings initiated against myself under the *Family Law Act* 1975 and brought in the Magistrates Court of Queensland at Ipswich on **28 February 1990,** which proceedings were then followed up in the Family Court of Australia in Brisbane in 1992.

Although my initial approach was to use the orthodox approach of 'appeal' of these latter proceedings to a higher court in the judicial hierarchy, this 'failed', as I see all too clearly now, as a consequence of what can now but be seen as being 'general incompetence', partly on the part of the lawyers I had retained to conduct my case and partly on the part of the judges who heard the matters.

Being none too impressed with that outcome, I then opted for a 'political' type approach whereby I made a 'not insubstantial' claim against the Commonwealth - through my then representative in the House of Representatives, one Mr L.Scott the Member for Oxley, and who at that time was also the Chairman of the Public Accounts Committee - for monetary compensation for the enormous damage which had been done me personally as a direct consequence of the miscarriage of those proceedings. This also, sad to have to say, had no impact either insofar as producing a 'useful result' from my perspective was concerned.

With the failure of both of those approaches I then opted to seek relief from the imposts made against me in the Family Court proceedings by recourse to the *prerogative writs* brought in the High Court of Australia pursuant to *HCR* O.55. Here again these efforts also were to be very effectively thwarted utterly right from the outset by the invocation by the Court authorities of the 'vexatious litigation' provisions of *HCR* O.58 r.4(3). The upshot of that endeavour was that it was indicated to me, in mid 1996, by the Registry personnel that;

. I could not use the approach I had opted for to challenge legislation - which I had come to realise by that time was the 'ultimate cause' of my problems - but rather to do that I must start a new proceedings by the orthodox writ of summons - that was how the *Mabo Case* started - and

. insofar as the Family Court proceedings were concerned I could bring 'out of time', an application for Leave to Appeal the judgments initially given.

Although I did both in the latter part of 1996, again neither produced a 'useful' outcome from my perspective, in that;

. **my application for Leave to Appeal effectively was 'dismissed out of hand'** after a hearing 'on the documents' without my appearance in Court by judgment handed down on 23 December 1996 - the same day, incidentally, that judgment was delivered on the *Wik Case*. A copy of that judgment, together with the index to the Appeal Book which gave a listing of the material upon which the judgment was based, in provided as **'Attachment 1'** hereto, all copies being in reduced form,

. **my writ of summons, although filed as B 112 of 1996, immediately also drew the 'vexatious litigation treatment'** which had 'dogged' my earlier approaches. Although I sought to challenge that direction by the orthodox approach of 'appeal' to the Full High Court, that approach was also very effectively stymied by the Registry, who flatly refused to even accept my appeal documentation, on the basis that a direction under *HCR* O.58 r.4(3) cannot be appealed.

Not to be 'put off' by that response, after having tried a variety of other approaches during 1997 to try to have my writ actioned 'in the normal manner' - which ~~also failed utterly to produce~~ a 'useful result' from my perspective - I noted at the end of the year a provision on the face of the writ itself which indicated that if it had not been served within 12 calender months from time of filing it could be 'renewed'. I therefore promptly renewed it in precisely the same form as it had been initially filed. Yet again, however, that 'renewed' writ also drew the same response as had my initial endeavour, whereupon I again sought to appeal it, but that approach too was 'fended off' by the Registry as had been my initial response.

While this writ could also be 'renewed' the time period was reduced to 6 months. There being no option that I could see but to renew it, this I duly did. Although it again also immediately drew the 'vexatious litigation treatment', but also with my having 'got the message' at last that I could not appeal such a direction - but nevertheless being 'very firmly' of the view that the invocation of such a provision was highly improper in the circumstances and so I flatly refused to abide it - a 'stand-off' developed whereby I renew my writ every six months and the Registry responds with the imposition on me of the 'vexatious litigation' requirements. That situation prevails to this day, the last renewal having been made in November 2004. A copy of that writ as initially submitted, the response it drew and the most recent 'renewal' of it as presented for filing - and to which, curiously, **this time there has been no response whatsoever** - are appended hereto as **'Attachment 2'**, all copies again being in reduced form.

In the meantime, and as a consequence of the State authorities having become 'thoroughly fed up' with the way I had been 'holding at bay'- by invocation of 'Judicial Review' proceedings in the State Supreme Court - action to enforce the payment of fines imposed on me, also by the Ipswich Magistrates Court, in a series of three actions brought against me by the State authorities in the 'criminal' jurisdiction of that Court for violation of provisions of the State Traffic Acts over the period 1995-1997, **the State Crown Solicitor took some very contentious action - INVOLVING CONTEMPT BY HIM OF SUPREME COURT ORDERS MADE ON MY JUDICIAL REVIEW APPLICATIONS, THE UPSHOT OF WHICH WAS MY JAILING, eventually for the full sentences of over 100 days** - which, though it 'broke the stalemate' then prevailing, was to precipitate a series of legal actions which ultimately led to an appeal to the High Court of Australia whereby it was hoped that a determination could be made on a vital matter that had been centrally issue in my writ of summons, **~~but had~~ not been able to be determined as a result of the invocation of the 'vexatious litigation' provisions, as referred to above.**

As events were to turn, however, that critical question was effectively avoided by that Court. Since it seemed to me, upon reflection on what had occurred, that that stance was based on the 'unstated' view of the High Court that it did not have jurisdiction on the matter - since the 'fundamental law' under the *Commonwealth Constitution* is a State matter to be dealt with by the State Courts and not by it - I promptly moved to have the previous judgments re-opened with a view to having these matters determined by it. Suffice to say here that, as that endeavour also failed utterly to produce any resolution of the matter at all, it became very clear to me that if that was EVER to be achieved, then some 'very drastic' action was going to have to be taken which involved a 'legal action' brought in respect of 'suspect activities' in the 'political' arena.

It was against this background that my Election Petition was brought in respect of the 2001 Federal General Election, the motivation to bring it being provided largely by abject failure of the updated claims made against the Commonwealth for compensation, which I commenced in 1994, to draw any response at all from the Public Accounts Committee.

The Constitutional irregularities under the current 'order of things'

Although there seems to be a view held very widely across the community, and at all 'levels' of the social hierarchy that the 'conventional' way in which the 'Affairs of State' of the nation are conducted at both the Commonwealth and State levels of the administration are 'proper and correct in every way' **constitutionally,** when a 'very close look' is taken at the wording of the relevant provisions of both the Commonwealth and State *Constitution Acts* relating to the **Executive Government,** and this wording is interpreted in accordance with the *Plain Meaning Rule* - wherein every word and the entire assemblage is given its 'everyday meaning' as understood by the community at large - then some very sharp discrepancies immediately become apparent.

In this context the observation once made by a former Chief Justice of the High Court of Australia, the now late Sir Garfield Barwick, becomes of particular importance, viz (to the effect) that;

> 'When 'push comes to shove' in respect of whether 'convention' or 'statute' rules regarding any 'governmental' practice, **statute prevails'.**

That being the case, then serious questions must not only be asked - but also answered in a very comprehensive way by the protagonists for the current 'order of things' - as to what the 'justification' is for present practice relating to the 'Executive Government' at both the Commonwealth and State levels of the administration - whereby that function seems to be discharged by a 'coterie' of 'Ministers of the Crown' known as 'Cabinet', headed by a 'Prime Minister' (Premier), all of whom get to be in this position by virtue of being elected members of either the House of Representatives or the Senate (or their counterparts at State Level) - notwithstanding that the wording of the respective *Constitution Acts* require that this function be discharged by an Executive Council presided over by the Governor-General (Governor).

In short, as I have now come to realise, all of the many 'difficulties' I have encountered over the last 15 years or so now, as noted above, in having legal process discharged in what I understand to be the 'correct' way, **traditionally,** seem to have their origins **in the abject failure of those 'at the very top of the administrative tree'** - and who clearly reckon they 'run the show' by virtue of that 'social position' - **to conduct their own affairs in accordance with these 'fundamental' requirements legally.** ie. **since they don't abide those vital CONSTITUTIONAL requirements** - either for want of 'wit' to recognise that what they are doing is plainly in error, or for want of 'integrity' to take the necessary action to correct the current situation, notwithstanding that they know they are not acting correctly in the discharge of their official duties - **they seemingly fail to see why any other such provisions should apply to them either,** an as a consequence **a 'whole raft' of statutes of major consequence socially are either bypassed or ignored,** the direct consequence of which is that we now have the utter chaos we do in respect of the basis upon which the 'Affairs of State' are conducted these days and of which sustained 'abuse of process' I have become a very unwilling victim.

While the view in such circles seems to be that they are 'above' being made subject to remedial action whereby this very sad state of affairs may be corrected by the **formal processes of the law** - the view seemingly being that the 'only' way they can be 'displaced' is 'through the ballot box' - **the reality is very much otherwise** - as they would surely realise, had they the 'wit' and 'integrity' to comprehend what the true legal situation is in respect of a very vital matter which goes to the very heart of process whereby they gain their position as 'Members of the Legislature' in the first place, and regardless of which House thereof to which they were ostensibly 'elected'.

That matter of course relates to **legality, constitutionally,** of the means to which they had recourse to make their 'nomination deposit' and thereby validate their candidacy for election in the first place. As all such members are no doubt aware, **if their nominations are not accompanied by such a 'nomination deposit', made in a manner and form which satisfies the 'monetary value' requirements prescribed by s.170 of the *Electoral Act* 1918,** then their nominations are invalid and **they are not capable of being so elected,** even if every other requirement for the nomination process has been met 'in full' and the election process itself which follows has been carried out 'impeccably correctly' at every stage.

That 'considerable doubt' must be regarded as existing in respect the legal validity of 'just about all' such nominations for election to the Legislature CAN but be concluded from the manner in which 'just about everyone' speaks on a topic which comes upon in one way or another in respect of 'just about everything' with which they have to deal once in 'office', ie. the 'money' necessary to fund the various activities covered by the legislation they 'enact'. Of particular note in this context is the comment that 'just about everybody' makes concerning such matter ie. the spending of **'taxpayer's money',** surely a 'hot topic' in public debate at the time of writing of this submission.

The inference to be drawn from such comments is that **ALL of that 'money' itself is 'lawfully current' in strict constitutional terms,** and therefore that that is the 'legally correct' way to refer to such 'funds'. The reality again, however, is 'very much otherwise'- as those who have closely studied such matters know all too well - in that such 'money' can be broadly classified as being the **'Queen's proper money' - ie 'legal tender'** money which complies in every respect with constitutional requirements and so may be properly accepted when tendered for the discharge of obligations by monetary means, in accordance with the legal interpretation of those words, **but of which, curiously, there is virtually NONE IN CIRCULATION IN THIS COUNTRY CURRENTLY** - or **'private banker's funny money'** which satisfies none of those requirements, but which seems to be generally 'accepted' and is used practically exclusively as the basis for commerce anyway.

It necessarily follows, therefore - from the fact that this 'discrepancy' having major social consequences is **NEVER** mentioned by those 'parliamentarians' - that this indicates that those omitting to mention this vital fact either have no comprehension at all of just what is involved here - ie. they 'lack the wit' to be able to grasp the nature of the problem - or if they do, and so realise what is occurring, then, worse still, they clearly 'lack the integrity' to bring this matter forward for public debate, to the end that the whole very sad situation might be corrected by proper and lawful means, constitutionally. Clearly either way the whole situation CAN but be regarded as being 'highly unacceptable' generally, and therefore that drastic action must now be taken to rectify it, in the real common interest of the community at large.

Approaches whereby these might be corrected and the official response to such efforts on my part

This then bring us to how this might be done, my endeavours since 2001 to this general end, and the responses from 'officialdom' generally - but the 'Courts of the Commonwealth' in particular - which my endeavours have drawn.

Clearly, some manner of formal legal process through the Courts must be resorted to and this must be followed through on correctly, legally, at every stage. While it would seem that a range of processes are available for this purpose, 'conventional' thinking in 'informed legal circles' seems to be that the 'only' way in which this can be properly done is by a challenge brought in the High Court of Australia, sitting as the Commonwealth Court of Disputed Returns. As became very clear, however, from the proceedings in the matter *Muldowney -v- Australian Electoral Commission* (1993) 178 CLR 34, which were brought in that Court in respect of the 1993 Federal General Election, **such an approach has 'limitations', in that inthat case it was held that the Court of Disputed Returns does not have the jurisdiction to declare an entire election invalid as Muldowney sought to have done - although the point was made that it had not been**

determined whether the High Court of Australia had.

Although Muldowney subsequently sought 'by other means' to have that judgment per Brennan J. set aside - in that instance by invocation of the *prerogative writs of certiorari and mandamus* pursuant to *HCR* 0.55 - that application was eventually refused, essentially on the same basis that his initial application before the Court of Disputed Returns was refused, ie. that as his name was not on the Electoral Roll in the Electoral Division in which he brought his challenge, **he did not have the necessary 'legal standing' to bring his challenge and accordingly it could not be upheld, even if it was otherwise 'legally sound' in every respect..** Copies of the Law Reports of both of those actions are appended hereto as **'Attachment 3'.**

Although the basis upon which I brought my challenge to the 2001 Federal General Election was clearly legally sound and my name was on the roll at the time - and so on that basis undeniably had the requisite legal standing to bring the action - essentially my petition was refused on the basis of the point made in *Muldowney ie.* that **I sought effectively to challenge the whole election and therefore that was beyond the jurisdiction of the Court.** As Muldowney did, I too then sought to have the judgment at first instance on my petition set aside by *certiorari* and further action on that judgment precluded by *prohibition* on the basis set out in my documentation.

It was at this stage that the whole process 'hung up' again, in that, as has occurred in all previous applications I have made to the Court, the 'vexatious litigation' provisions of the *High Court Rules* were invoked and on the basis of these my documentation was not even accepted for filing. In this instance, however, a particularly insidious approach was adopted, in that the 'second stage' of the 'vexatious litigation' provisions ie. *HCR 0.66 r.6.* were invoked against myself but on the basis of the presence of another person who had also raised these 'currency' matters previously and had become a party to the proceedings on my Election petition.

Suffice to say here that although that stance by the High Court Registry precipitated a 'hot response' from myself and resulted in correspondence which ensued for many months after that follow-up application was made, in the end, yet again my endeavours were to be of no avail whatsoever. Copies of cardinal items of documentation from that action - starting with my Election Petition as filed and concluding with 'the last word on the matter' from the Registry - are appended hereto as **'Attachment 4'.**

Concurrent with the very effective 'thwarting' by the Registry, by the aforesaid means, of my very concerted endeavours to have the much wider issues having major social consequence raised by me Petition brought forward for determination by the High Court of Australia 'in the normal manner', a 'second front' was then opened against me by the Commonwealth authorities whereby they then moved for payment of the 'costs' order made against me at the conclusion of initial proceedings on my Petition.

Needless to say this also precipitated a 'very hot' response from myself, whereby I vehemently objected to the stance adopted. Of what subsequently happened, suffice to say here that the sequel was yet further proceedings in the Federal Court of Australia in Brisbane and when this also 'failed utterly' to produce a 'useful' outcome from my perspective, I made a further 'very comprehensive' application to the High Court of Australia pursuant to *HCR* 0.55 *for quo warranto, certiorari, prohibition and mandamus* to have the whole topic dealt with in what I saw as being the 'appropriate' manner. Again this was met with the now 'standard response' whereby it was regarded as being 'vexatious litigation', and as a result the matter did not proceed further. Copies of the cardinal items of documentation pertinent to these matters is appended hereto as **'Attachment 5'.**

Th next step in the process was taken at the time the 2004 Federal General Election was called in August 2004. Immediately I heard the news reports that there was to be a election I made contact with the party to the proceedings on

my 2001 Petition to see what he thought of the situation and what could be done about it. As I then found out, he too was 'not at all impressed' with what had occurred and had already taken some action of his own. After a spot of discussion about what action I could take, an approach was settled upon of my bringing an application to have my previous applications referred to above - which had 'lain dormant' in the meantime - brought on for hearing immediately, whereupon a set of documentation was framed accordingly.

Although made in the form of a Chambers Summons with brief supporting affidavit, when this was presented for filing on 30 August 2004 - ie. in the 'gap' following the calling of the election but before the House of Representatives had been dissolved and the Senate prorogued - the immediate response from the Brisbane Office of the Registry - after having faxed it to the Principal Registry in Canberra for 'review' - was that the format was 'not correct' although they did not say where it was 'in error. Upon reflection on what could possibly be wrong, it occurred to me that the other option was to make it in the form of a Notice of Motion. A revised set of documentation was framed and re-presented to the Brisbane Office for filing later that day, whereupon I was advised that it would be forwarded to Canberra by internal mail that evening.

Of what subsequently happened, suffice to say here that the outcome was 'not at all satisfactory' from my perspective. The upshot was that I then took the matter up by 'phone with the Governor-General's Office with a view to seeing what could be done from that quarter to try to 'bring some order to the chaos', since my application had been brought as a *qui tam* action. Here again, however, although the response I drew did not provide any immediate relief, it did give me a basis upon which I could pursue the topic with a view to ultimately obtaining same. Although I did follow through on that approach, the response which I ultimately drew, while it did 'clarify' for me one matter which had been centrally in issue in my proceedings, it was not sufficient to 'call a halt' to the election proceedings, as, in my view, the situation surely required if anything like 'justice according to the law' was to be achieved in anything like a truly credible manner in the circumstances. Copies of documentation pertinent to these matters are appended hereto as **'Attachment 6'.**

With all endeavours to try to have these matters properly adjudicated before the 2004 Federal General Election was held, having effectively failed by that point, there was no option but to wait till the process had been carried through to completion and mount a completely new challenge against it by Petition 'after the event' as I had done in respect of the 2001 Election. With a view to being ready to move immediately the time came, during the run up period to the election I framed the Petition itself and all necessary supporting documentation in the light of information which I became aware of progressively as the process proceeded. The result was that by 10 November 2004, when I was advised - in the course of a 'phone call I made to the lawyer at the A.E.C's Head Office in Canberra - that the writ for the Senate Election for Queensland had been returned, I had my Petition executed in the prescribed manner and presented it for filing at the Brisbane Office of the High Court Registry the following day.

As with my previous endeavours, however, 'difficulties' immediately arose - albeit in a slightly different form this time from what had previously occurred - which, as events were to turn over the following weeks, were to be harbingers of 'the shape of things to come'. The immediate response of the Deputy Registrar from the Canberra Office having carriage of these matters - who happened to be at the Brisbane Office at the time of my initial presentation on 11 November 2004 - after reviewing my petition was that she

'... would not accept it till the Court had been advised by the Speaker of the House that the writ (for the House of Representatives) had been returned.

In the face of that response - which established for me the vital point that the format was generally 'correct' - there was therefore no option but to wait till the requisite conditions had been met. Accordingly, after observing the TV News Reports of the opening of Parliament on 16 November 2005 at which the Chief Justice presided over the swearing ceremony of the new members, I attended at

the Brisbane Office of the Registry that afternoon with my Petition to again present it for filing. On this occasion the response was that they could not file it as there was no Registrar present to again review it before such filing. When I asked when one would be available, and was advised that one would be available the following morning, the matter was left that I would attend again at the Registry at that time with a view to having it filed.

Accordingly the following morning, circa 10.00 am I again presented my Petition for filing - together with my application for waiver of fees applicable to Health Card holders as I am but with the required $ 500.00 deposit in Australian notes for 'security for costs'. After being 'reviewed' yet again by a Registrar and having 'passed muster', the filing process was begun at the counter by the counter clerk who attended me, whereby an entry was made manually in the Register recording that the Petition had been filed, the original and each of the service and my file copy were then given the number B66 of 2004, my $500.00 cash payment for 'security for costs' was accepted and a receipt written out. At the conclusion of these steps, when I asked very specifically if this Office could seal each of the copies with the Court seal as had been done by the Canberra Office with my previous petition in 2001, I was advised that

'although this is a practice insisted upon by lawyers in Queensland, **it is not generally necessary and is not done in other States; the fact that it has a number on it is sufficient to indicate that it has been filed.**'

When I pursued this matter further and asked whether it would be OK to serve these copies on the respondents even though they were not 'sealed' and to start the process for publication in both the State and Commonwealth *Gazettes* as required by *HCR O.68* and was advised that it was, I promptly went ahead and did that later that day. Having done so I then completed my affidavit of service and took in into the Brisbane Office of the Registry where I had it executed. When it came to having it filed, however, 'strange things started to happen' in that, unlike when I took the corresponding step in respect of my 2001 Petition when they were immediately stamped 'filed', on this occasion the Registry staff would not so stamp them. When I insisted that they at least be stamped as having been 'received', this was done, **if very reluctantly.**

Although I thought no more about it at the time, when I came to complete the next stage, events were to take a turn which really alarmed me and gave me very serious cause to wonder just what was going on in respect of my petition. In particular, the first firm indication I had that 'something was awry' came when I collected my mail from the Mt Crosby Post Office on 24 November 2004 when I noticed there was some correspondence for me from the High Court in Canberra. Although my immediate response when I collected it was to open it and see what was in it, after second thoughts I concluded from its size that it would most likely contain documentation like all previous correspondence sent on this basis to me had - ie. that the matter was to be dealt with under *HCR* O.58 r.4(3) the 'vexatious litigation' provisions, and that if I wanted to pursue the matter further then I had to fill in the form provided seeking leave to so do. After much heartburn I concluded the only thing I could properly do was to return it to the High Court of Australia unopened, so after marking the envelope

'Improperly directed to addressee - Return to sender'

I put it back in the mail box outside the Post Office for return to Canberra.

Further like things occurred later that day when I fronted at the Registry to have executed and then filed my 'second stage' affidavit of service - to confirm that I had served the respondents and that I had also published the full text of my Petition in both the Commonwealth and State *Gazettes*. The first thing the counter clerk did when executing my affidavit was to strike out the number B66 of 2004. When I asked in a very agitated manner why that was bring done I was advised that they had 'been instructed from Canberra to take that action'.

Upon being told this I promptly withdrew my file copy of my affidavit and exhibits from her to prevent its execution and then demanded an explanation from the Deputy High Court Registrar based in Brisbane why this action was being

taken. I was then mentioned to a side counter adjacent, where a gent soon appeared who indicated he was the 'Registry Director' and enquired of me what the problem was. I outlined briefly what had occurred whereupon he then went back inside the Registry, presumably to check out with the relevant staff members their view of things. Both he and the D/Registrar duly re-appeared whereupon she advised me directly that a letter was being sent to me directly by mail from Canberra which would explain what the basis for this action was.

When I indicated that such an approach was highly unacceptable insofar as I was concerned, I was then advised that they had been further instructed from Canberra not to accept any further documentation from me. That was 'the last straw' so far as I was concerned, whereupon I immediately indicated that I would not accept back, when proffered to me, the affidavit I had just presented for filing and then demanded that it and the exhibits to it be forwarded to Canberra anyway. I then walked away from the counter and exited the building by the lift.

Having been 'primed' by that 'exchange', I was left with no option but to conclude that there were indeed some 'highly improper things' now being done 'by those who should know better' in respect of my Petition and that further 'difficulties' could be expected in the 'processing' of my Petition. That this was a correct view of the situation I was soon to have confirmed when I received a few days later from the Australian Government Solicitor on behalf of the Electoral Officer for Queensland a letter which indicated that they had been in touch with the High Court Registry in Canberra in respect of the 'legal standing' of the Petition I had served on that Respondent and had established 'for sure' what I had suspected ie. that my Petition was being dealt by the High Court of Australia as 'vexatious litigation' and accordingly there was nothing more they could do re same.

As 'time was up' **under** ~~HCR~~ 0.68 r.6 for the entry of appearances by all interested parties to my Petition by the time I received that letter, I went in to the Registry on the afternoon of 3 December 2004 and proffered it as an opening gambit to ascertain if there had been any other appearances entered, as I had not received any formal Notice of same. The advice I received was that an attempt had been made by the State Crown Solicitor to enter appearance on behalf of the First and Second named Respondents, but when the Registry advised that the matter was effectively 'not proceeding' documentation for those appearances was withdrawn. When I asked if there were any others, I was advised that there had been a couple but she could not recollect who they were.

Being none too impressed with that turn of events, I nevertheless opted to proceed with my endeavours so over the weekend following I modified slightly - to reflect accurately the situation as it had developed - the introduction to, and otherwise completed, the affidavit in support and the Notice of Motion I had been working on over the intervening couple of weeks with a view to presenting it for filing the following Monday morning. After having it executed locally and taken off the requisite copies for service and my files I presented it for filing at the Registry late morning of 6 December 2005. Again the response I drew did not impress me at all, being to the general effect that although my documentation would be forwarded by the Brisbane Office to Canberra...

'So far as the High Court of Australia is concerned, the acton No. B 66 of 2004 is no longer entered in my name; that No. has been assigned to someone else; There is no petition afoot under that number'.

Having become 'acutely aware' by this time that 'something of the like' could well occur when I presented my documentation for filing, I had prepared beforehand a draft of a letter which I had in mind to send to the President of the Senate to 'bring him up to speed' on the 'niceties of the nasties' which were now being perpetrated 'elsewhere around the island' in respect of my challenge to the 2004 General Election. With the details having by this time 'firmed up', appropriate modifications were made to that draft to reflect what had occurred, whereupon it was printed out copied and sent.

Although I did not get - nor expected to, as the Christmas recess was then about to 'overtake everything' - any immediate response, over the following weeks, as

the whole place 'slowly returned to life', I not only followed up on that correspondence but also extended it in other directions. Rather than go into detail here of all that has subsequently ensued, I refer you to **'Attachment 7'** appended hereto which gives the detail of all developments up to the time of my presentation of this submission to this Parliamentary Committee.

Re same shall I conclude this section by saying that while 'the whole place' seems to be of the view that the 2004 General Election was carried through 'impeccably correctly' and so may be properly 'consigned to history' - with the a consequence that 'social interest' now rightly turns to the By-Election to be held this coming weekend in the Division of Werriwa in New South Wales and that **it too will have been properly put in motion when the Speaker of the House issued the writ which started that process** - as I trust will be readily apprehended when the documentation herewith is perused and the message contained therein 'sinks in', it is by no means clear that that is indeed an accurate assessment of the true legal situation overall.

While no doubt it will come to many as 'quite a shock' to realise that there is even a 'possibility' that such a state of affairs could come to pass, that this is indeed the 'cold hard legal reality' will be for most, surely, a notion that truly is 'quite out of this world'. Be that as it may, nevertheless, **these matters must be pursued - indeed, in my situation I now DEMAND that that not only occurs but also happens in a proper, formal and 'thoroughly legal' way constitutionally FORTHWITH - and hopefully it now will..**

Against the background provided by the foregoing material - and with a view to ensuring that just that not only comes to pass but also does so 'in very short order', having due regard for the 'highly unsatisfactory' responses which I have consistently drawn for 'the authorities' collectively to all of my endeavours to date - **it seems to me appropriate that I also now state the following points very specifically;**

. You ALL have a particular duty of care to administer my complaints against 'the system' correctly as a matter of law, given not only the circumstances under which they came to be made but also the social importance of the matters in issue in this instance which have given rise to them;

. You are ALL 'Officers of the Crown in right of the Commonwealth of Australia' and as such are duty bound to serve the public faithfully in the discharge of the duties of those Offices;

. Your Offices require you ~~ALL to~~ properly administer matters which come before you, howsoever that may occur;

. **From what I can discern of what has occurred since I first made contact formally with the High Court of Australia in mid 1994 - with a view to having 'finally determined' as matters of law by that Court,** the matters which initially brought me into the legal system in Queensland in early 1990, pursuant to an action brought, and then conducted, against me, in my view quite improperly, under he *Family Law Act* 1975 - **that has just not occurred; the sequel to that 'abject failure' on the part of all Courts of this land with which I have become embroiled over the years since, as I have tried to have these matters properly determined as matters of law, is the action I have now taken and in respect of which, sadly, I continue to draw effectively the same 'totally unacceptable' responses;**

. As a consequence I now take the whole matter up directly with your goodselves, as **'Officers of the Commonwealth' who are in a position to be able to take such action as is necessary to properly remedy, legally, the present 'most unsatisfactory situation' FROM EVERYONE'S POINT OF VIEW;**

. Having had these matters brought to your attention in this way - my aim in so doing being to have the requisite action taken to have this quite appalling situation remedied by proper and lawful means - **IF you ALL do not now act in a prompt and proper manner, as properly befits your respective 'offices', to have this situation remedied, then you too shall be in breach of your duties of your Offices by so acting.**

ACCORDINGLY I hereby serve notice on ALL MEMBERS OF THIS COMMITTEE that;

. IF, WITHIN SEVEN (7) DAYS OF THE RECEIPT OF THIS SUBMISSION it has not been 'assessed' **and formal advice given to me in writing,** to the general effect that;

I am to be called before it at its sittings in Brisbane - to be held at the end of March 2005, as I was advised when I made contact with it on 9 March 2005 - to be questioned on the matters raised herein, thereby allowing me to establish, 'very publicly', the veracity of my contentions; and also that

All officers of the Brisbane and Canberra Offices of the Registry of the High Court of Australia who have been involved in any capacity in the 'processing' of my various applications referred to above **are also to be called before it then and at subsequent sittings in Canberra to be questioned on their role in these proceedings and in the process to 'give account of themselves' as to their justification of the stance they have seen fit to take to same over the years**

- THEREBY SETTING A PROCESS IN TRAIN WHICH WILL ULTIMATELY ALLOW THE SERIES OF TORTS WHICH HAVE BEEN PERPETRATED AGAINST MYSELF, AMONG MANY OTHERS, UNCONSCIONABLY AND OVER MANY YEARS BY THE COMMONWEALTH AUTHORITIES, AMONG OTHERS, TO BE PROPERLY REMEDIED AT LAW - **IT WILL BE TAKEN THAT YOU ALL ACCEPT THAT COLLECTIVELY YOU ARE ALL ACTING INCORRECTLY IN RESPECT OF THE DISCHARGE OF YOUR OFFICIAL DUTIES;**

. IF, WITHIN A FURTHER SEVEN (7) DAYS OF THAT DATE, THE REQUISITE ACTION HAS NOT BEEN TAKEN TO COMPLY COMPLETELY, **IT WILL BE TAKEN THAT YOU ALL ACCEPT THAT YOU MUST RESIGN FROM OFFICE OR BE SUMMARILY REMOVED FROM OFFICE BY PROPER AND APPROPRIATE MEANS LEGALLY;**

As a concluding item - touching briefly on why it is that I have seen fit to take such a stance towards your goodselves as I now have - I draw your attention to the endorsement put on all of my Court documentation, in the format indicated in Form 57 of the *Rules of the Supreme Court of Queensland* - which I used in my previous actions in that Court from 1996 onwards immediately I became aware of that approach and before those *Rules* were superseded by the *UCP Rules* which **ostensibly** came into force in that Court on 1 July 1999 - and repeated below, thereby indicating that this one also, like each of them, is a *qui tam* action.

> **'The Petitioner's claims,** and action sought based thereon, **are as well for the Queen as for himself,** and are made with a view to instituting formal process to remedy long-standing defects in respect of the manner in which the State and Commonwealth's affairs generally, but the political, legal and financial aspects thereof in particular, are conducted'.

A history of the development of this approach over the centuries, firstly in England and then in the U.S.of A. is given in the item appended hereto as **'Attachment 8',** this item having been forwarded to me by the author of same in the late 1990's, following a contact I made with him after seeing an item about this approach on the *Internet*.

As is my wont, I shall await your response in due course with interest, and particularly so in this instance, given the nature of the matters in issue, the action sought hereby and what is 'at stake' for us all....

Dated this 18th day of March, 2005.

by order of:
RICHARD STEPHEN GUNTER ©

by R Gunter
authorised representative
Complainant/Petitioner