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|   |   |                          |              |
|---|---|--------------------------|--------------|
|  <b>*** MAY JUSTICE ALWAYS PREVAIL ***</b>  |   |                          |              |
| <small>ABN 37144320620</small>  |   |                          |              |
| <b>From: Mr G. H. Schorel-Hlavka O.W.B. 107 Graham Road, Viewbank 3084 Victoria, Australia</b>  |   |                          |              |
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**Financial System Inquiry**  
[fsi@fsi.gov.au](mailto:fsi@fsi.gov.au)

2-8-2014

**Ref: 20140802-G. H. Schorel-Hlavka O.W.B. to Financial System Inquiry-Supplement 2**

**NOT RESTRICTED FOR PUBLICATION**

**Submission** Stability - Addressing too-big-to-fail

Sir,

I provide this **supplement 2** as I view it is relevant to matters I referred to previously.

It is obviously of concern to citizens who are taxpayers that any bank may act irresponsible and corrupt and then "too-big-too-fail" and then innocent victims (taxpayers/citizens) are having to pay for the loss of monies by the banks.

Below I have quoted as judgment that would prohibit the matter to be discussed as to the names persons to be or not to be involved in any corrupt conduct and so I will not do so, however, I view it is appropriate for the Senate Financial system Inquiry to consider this matter. After all, if any bank were to be involved in corruption to the extent that a court holds it is against the interest of the Commonwealth to debate any such conduct then I view it must relate to a major issue. After all one would not expect such a kind of court order merely if so to say it is about 5 cent.

Obviously wed are living in a world where we can expect any fabricated document to surface purporting to represent or reflect facts which may not be so. Also, the court could have issued an order but by so to say airbrushing an order can be altered to a totally different meaning then that which was intended for.

As such I have no way of knowing if this purported order is in fact a real or a fabricated order. And if there is a publication limit as to debate the issue then how on earth can anyone know or discover the true meaning of an order if any copy might not be made available.

**WATSON v LEE (1979) 144 CLR 374;( JUDGE3 STEPHEN J.)**

**QUOTE**

**As Scott L.J. said in Blackpool Corporation v. Locker (1948) 1 KB 349, at p 361 , speaking there of sub-delegated legislation, "there is one quite general question . . . of supreme importance to the continuance of the rule of law under the British constitution, namely, the right of the public affected to know what that law is". The maxim that ignorance of the law is no excuse forms the "working hypothesis on which the rule of law rests in British democracy" but to operate it requires that "the whole of our law, written or unwritten, is accessible to the public - in the sense, of course, that at any rate its legal advisers have access to it at any moment, as of right".**

**END QUOTE**

Again;

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 Free download of documents at blog [Http://www.scribd.com/InspectorRikati](http://www.scribd.com/InspectorRikati)

QUOTE

**it requires that "the whole of our law, written or unwritten, is accessible to the public - in the sense, of course,**

END QUOTE

5

It should be considered to be the same with any court order that purports to apply to citizens. After all if the court order itself is not disclosed how on earth can then anyone know about it, check out the precise terms of the orders and to be able to comply with it.

10

As such I am unknown if this is a real or a fabricated version of an order and leave it to the Senate financial system Inquiry to check out its validity.

As a CONSTITUTIONALIST I do have a problem with this matter also as such.

15

**HANSARD 17-3-1898 Constitution Convention Debates** (Official Record of the Debates of the National Australasian Convention)

QUOTE Mr. DEAKIN.-

20

**What a charter of liberty is embraced within this Bill-of [political liberty](#) and [religious liberty-the liberty and the means to achieve all to which men in these days can reasonably aspire. \[A charter of liberty is enshrined in this Constitution\]\(#\), which is also a charter of peace-of peace, order, and good government for the whole of the peoples whom it will embrace and unite.](#)**

END QUOTE

And

25

**HANSARD 17-3-1898 Constitution Convention Debates**

QUOTE

30

**Mr. SYMON (South Australia).- *We who are assembled in this Convention are about to commit to the people of Australia a new charter of union and liberty; we are about to commit this new Magna Charta for their acceptance and confirmation, and I can conceive of nothing of greater magnitude in the whole history of the peoples of the world than this question upon which we are about to invite the peoples of Australia to vote.* The Great Charter was wrung by the barons of England from a reluctant king. [This new charter is to be given by the people of Australia to themselves.](#)**

END QUOTE

35

As such, the question is also can a court override the legal principles embedded in the constitution? In my view it has no such power to do so to limit or restrict or purport to do so my political rights to present to this Senate financial System Inquiry the purported orders. After all this inquiry would be undermined if it couldn't consider relevant matters.

40

The inquiry consider if the issue of the Reserve Bank is too big to fail it must include the conduct of this bank and its staff and any alleged or known corruption. As otherwise this inquiry can be railroaded by any court to which I vie\w no court has such a power.

This as the court would violate the separation of powers where while the court can issue orders against the Commonwealth as to refrain from any conduct not permitted within the constitution it cannot prevent the Inquiry to be side lined and/or undermined merely because it may desire to do so.

45

The inquiry is a political inquiry and is therefore beyond the powers of the courts.

**Hansard 2-2-1898 Constitution Convention Debates**

QUOTE Mr. DEAKIN (Victoria).-

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**The record of these debates may fairly be expected to be widely read, and the observations to which I allude might otherwise lead to a certain amount of misconception.**

END QUOTE

55

**HANSARD 25-2-1898 Constitution Convention Debates** (Official Record of the Debates of the National Australasian Convention)

QUOTE Mr. SYMON.-

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When we have done this it follows that as there is an element of policy, the existence of which no one can deny, it will be even more necessary than in the case of the Federal High Court-which is not to deal with matters of policy, or matters tainted with policy, to use the expression of another speaker-that the tribunal which we are creating should be above the breath of political intrigue. To secure this, I think, some provision should be inserted similar to the provisions which we have inserted in regard to the Judges of the High Court. Whatever may have been the case as the Bill left us after the Adelaide session, it seems to be imperative now, to give effect to what has already been done, that we should introduce into the Constitution provisions binding the Federal Parliament to create an Inter-State Commission, and placing the Inter-State Commission, when created, on a level which will raise it above the possibility of the suspicion that its judgments or actions have been in any way influenced by political considerations.

END QUOTE

Any court invested with federal Jurisdiction and exercising federal jurisdiction likewise cannot interfere with the political inquiry of the Senate.

Hansard 17-3-1898 Constitution Convention Debates

QUOTE Mr. BARTON.-

Providing, as this Constitution does, for a free people to elect a free Parliament-giving that people through their Parliament the power of the purse-laying at their mercy from day to day the existence of any Ministry which dares by corruption, or drifts through ignorance into, the commission of any act which is unfavorable to the people having this security, it must in its very essence be a free Constitution. Whatever any one may say to the contrary that is secured in the very way in which the freedom of the British Constitution is secured. It is secured by vesting in the people, through their representatives, the power of the purse, and I venture [start page 2477] to say there is no other way of securing absolute freedom to a people than that, unless you make a different kind of Executive than that which we contemplate, and then overload your Constitution with legislative provisions to protect the citizen from interference. Under this Constitution he is saved from every kind of interference. Under this Constitution he has his voice not only in the, daily government of the country, but in the daily determination of the question of whom is the Government to consist. There is the guarantee of freedom in this Constitution. There is the guarantee which none of us have sought to remove, but every one has sought to strengthen. How we or our work can be accused of not providing for the popular liberty is something which I hope the critics will now venture to explain, and I think I have made their work difficult for them. Having provided in that way for a free Constitution, we have provided for an Executive which is charged with the duty of maintaining the provisions of that Constitution; and, therefore, it can only act as the agents of the people. We have provided for a Judiciary, which will determine questions arising under this Constitution, and with all other questions which should be dealt with by a Federal Judiciary and it will also be a High Court of Appeal for all courts in the states that choose to resort to it. In doing these things, have we not provided, first, that our Constitution shall be free: next, that its government shall be by the will of the people, which is the just result of their freedom: thirdly, that the Constitution shall not, nor shall any of its provisions, be twisted or perverted, inasmuch as a court appointed by their own Executive, but acting independently, is to decide what is a perversion of its provisions? We can have every faith in the constitution of that tribunal. It is appointed as the arbiter of the Constitution. It is appointed not to be above the Constitution, for no citizen is above it, but under it; but it is appointed for the purpose of saying that those who are the instruments of the Constitution-the Government and the Parliament of the day-shall not become the masters of those whom, as to the Constitution, they are bound to serve. What I mean is this: That if you, after making a Constitution of this kind, enable any Government or any Parliament to twist or infringe its provisions, then by slow degrees you may have that Constitution-if not altered in terms-so whittled away in operation that the guarantees of freedom which it gives your people will not be maintained; and so, in the highest sense, the court you are creating here, which is to be the final interpreter of that Constitution, will be such a tribunal as will preserve the popular liberty in all these regards, and will prevent, under any pretext of constitutional action, the Commonwealth from dominating the states, or the states from usurping the sphere of the Commonwealth. Having provided for all these things, I think this Convention has done well.

END QUOTE

Hansard 1-2-1898 Constitution Convention Debates (Official Record of the Debates of the National Australasian Convention),

QUOTE Mr. OCONNER (New South Wales).-

**Because, as has been said before, it is [start page 357] necessary not only that the administration of justice should be pure and above suspicion, but that it should be beyond the possibility of suspicion;**

END QUOTE

5 **Hansard 8-3-1898 Constitution Convention Debates**

QUOTE

Sir JOHN DOWNER.-Now it is coming out. **The Constitution is made for the people and the states on terms that are just to both.**

END QUOTE

10

Fancy citizens to be denied any political rights to debate matters of public concern! The courts in my view cannot prohibit freedom of speech in particular where this involved unconstitutional conduct.

15

As I raised in the past the unconstitutional transfer of a reported about \$8 billion dollars by Mr Joe Hockey, shortly after being commissioned as treasurer, despite to my knowledge there was no appropriation bill to withdraw such funds from consolidated Revenue funds nor was at the time any parliament in sitting (as the election had been held but the writs had not been returned nor elected persons sworn in to the seats elected for) then I view this transfer was unconstitutional and without constitutional authority. This in particular as it was a so to say once of payment and therefore couldn't be deemed to be included in the annual Services of the commonwealth of Australia. Hence its begs the question, in my view, was this a pay off by Mr Joe Hickey perhaps in rewards of any fraudulent conduct that has been and/or still was going on or as a payment for services rendered by the reserve Bank, perhaps as to provide financial contribution to the Liberal party, etc? Surely, if monies were so to say thrown around by the reserve bank to pay bribes etc for elections then this is relevant to this inquiry?

20

As my computer was yet again violated, I have so far been unable to relocate the Microsoft doc format of my 130928 correspondence to Mr Tony Abbott regarding bail m in but I provide hereby the web address from which it can be downloaded in pdf format.

30

<http://www.scribd.com/doc/171454707/130928-Mr-G-H-Schorel-Hlavka-O-W-B-to-Mr-Tony-Abbott-Re-Bail-In>

35

Also, as Mr Joe Hockey allegedly did transfer \$8 billion to the reserve bank I provide a copy of another correspondence to this matter below;

**20140525-G. H .Schorel-Hlavka O.W.B. to Mr Tony Abbott PM- Re financial issues-etc**

QUOTE 25-5-2014 correspondence

**WITHOUT PREJUDICE**

40

**Mr Tony Abbott MP**  
[Tony.Abbott.MP@aph.gov.au](mailto:Tony.Abbott.MP@aph.gov.au)

25-5-2014

Cc: **Mr Clive Palmer**

Palmer United Party [Admin@PalmerUnited.com](mailto:Admin@PalmerUnited.com)

45

**Ref: 20140525-G. H .Schorel-Hlavka O.W.B. to Mr Tony Abbott PM- Re financial issues-etc**

Tony,

as a **CONSTITUTIONALIST** I hold it very important that we understand each other properly and so will set out matters below.

50

Much is being argued that we should pay more for Members of the government so we will get better people, but reality is that as we have mainly to major political parties who vying for being

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in government and dictating how financial matters are conducted then it really is not how much we pay rather that the system doesn't allow for real competent people to be in charge.

5 As I indicated previously, if the debt level of the budget was the real issue then why have the 47 co-payment to see a doctor not used to reduce the debt? Why indeed use the fuel levy increase for infrastructure instead of to reduce the debt?

10 As you once made clear not to believe what you were saying only what you put in writing. Well, since then we indeed discovered you are a liar, no less than what Julia Gillard was and I view in right the High Court of Australia should deal with you for deceiving electors, and declare your election to be invalid and so that of others. How can we trust you now about anything you state when you are a liar?

The issue is not how you may view matters but rather how electors view your conduct and elaborate deception.

15 Why on earth would Joe Hockey have transferred a reported \$8 billion to the reserve bank of Australia where the budget is so badly in shape?

20 What people need first of all is to get rid of the liars in government and have people in place who are going to be honest and can be trusted on what they are saying.

### QUOTE

### AUSTRALIAN PEOPLE DEBT

#### **FW: AUSTRALIAN PEOPLE DEBT.docx**

25 Admin ----- Forwarded Message From: Colin Uebergang <uebergang@bigpond.net.au> Date: Sat, 24 May 2014 14:00:26 +1000 Subject: AUSTRALIAN PEOPLE DEBT.docx Please have a look at this home-spun report (attache To PALMER UNITED PARTY POLITICIAN STRADITIONAL CHURCH MILITANTS and 1 More...  
30 May 24 at 5:21 PM

----- Forwarded Message

35 **From:** Colin Uebergang <uebergang@bigpond.net.au>  
**Date:** Sat, 24 May 2014 14:00:26 +1000

**Subject:** AUSTRALIAN PEOPLE DEBT.docx

40

**Please have a look at this home-spun report (attached), and if it stirs you mental metabolism, please send it to 23 million people today.**

-

It is to some extent reassuring to me, that in this morning's WEEKEND AUSTRALIA, the once obnoxious Don Argus, the former CEO of the NAB, FORMER Chairman of BHP and Brambles and now Chairman of the Bank of America Merrill Lynch, stated;

*“Australia’s economic growth would suffer if Australia’s total debt, now 220 per cent of GDP, climbed much further. This rigid focus on commonwealth government debt ignores State and significant corporate and household debt, which combined makes Australia one of the most indebted countries.”*

*Colin Uebergang*

15 END QUOTE

QUOTE

20

**THE**

**IGNORAMUS**

**AUSTRALIAN PEOPLE**

**SLAVE WITHIN AN OCEAN OF**

**USURY INTEREST**

**DEBT**

25 **WHICH COST THE KHAZARS**

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**\*NOTHING**  
**BUT THE IMBECILIC**  
**BORROWER**  
**EVERYTHING**

5

**\*Only blue Sky**

**THE FOLLOWING IS A SELF-GENERATED ANALYSIS OF**  
**THE GOVERNANCE & FINANCE OF A NATION IN THE**  
**HANDS OF CRIMINALS.**

10

Because of the present deplorable financial and social state the Australia people now find themselves, and because they have been connived, coerced and cheated into this impecunious plight by fraudulent Fabien politicians and criminal bankers over the last hundred years, I ask for no apology from they or the apathetic people who have voted and dealt with these criminals, for the blasphemous but appropriately fitting language that I will be describing their evilness in this signed report—a document produced in the public interest.

15

The extraordinary vitriolic and perhaps vulgar manner in which I will refer to these vultures of vulgarity in my present vicarious and venerable age, I still feel and remain capable, righteous and virtuous to condemn and castigate a further group of professional huggermuggers who have assisted in destroying the modus operandi of good and gracious governance of Australia. These frequentative vagrants manifest in the abodes of the judiciary, legal bureaucracy and accounting fraternity. They have also succumbed to corporatized evil and greed intention and struggle among themselves for the high financial rewards shamefully given by the bankers to deprive property and rights from the liquidity vulnerable within the community—sanctioned by predatorily and pathological liars in politics, who are also largely numbered from these dubious professions.

20

25

30

They who are spoken of in this Report are the lowest snout-feeders in the parliamentary piggery, all of whom have the unworthy professional profanity of the intellectual ignoramus, and should be securely incarcerated for life in view of their crimes of governmental treachery against humanity.

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In conclusion; I consider the paramount perpetration against the people of Australia has been by the politician, bankers and the professional lawyers and accountants and for that matter, the clergy collaborators. It is these monsters

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of morality who have intentionally deprived the children of the nation from a curriculum which includes an understanding of Fractional Reserve Banking and how their parents and grandparents were deceitfully subjected to its evilness by a very select group of predominately \*Khazars politicians and bankers in 1913.

Have a look at the following—I believe you will be astonished!

Colin Uebergang 24<sup>th</sup> May 2014

**AUSTRALIAN PEOPLE BANKING & DEBT STASTIC REPORT**  
**ON A POPULATION OF 23,489,991 – AS OF MAY 2014**

**WORLD OFFICIAL BANK CASH INTEREST RATE:**

| Australia | Japan | Eurozone | US    | UK     | Canada | NZ | China | Russia |
|-----------|-------|----------|-------|--------|--------|----|-------|--------|
| 2.5%      | 0.1%  | 0.25%    | 0.25% | 0.5%   | 1%     | 3% | 6%    | 7.5%   |
| 11%       |       |          |       | Brazil |        |    |       |        |

**DEBT LEVEL OF THE AUSTRALIAN PEOPLE**

**Total Australian Debt**===== **\$4,963,679,830,044**  
**Government Debt**===== **\$ 624,531,743,662** Interest @**3.14%** = \$  
**19,640,690,420**  
**Private Debt** ===== **\$4,339,148,086,382** Interest @**7.83%** = \$  
**433,914,808,638**

[It should be remembered that since **bank deregulation in 1983**, many borrowers suffered highly increased bank interest rates well above the present 7.83% average rate depending on their risk status. In the 1990s borrowers with expanding new business were subjected to interest rates of 17% and even 20+% when or after experiencing drought or budgetary over-runs and delayed income from commercial ventures. This would demonstratively increase the present average national debt figure given above.]

**Per Capita Debt** (this debt is also upon every baby born this month)===== **\$**  
**211,310**  
**Per Capita Interest Per Annum** (upon every baby born this month)===== **\$**  
**18,865**

The numerical nummular atrocity as shown above—is clearly the evil result and desire of the Central Khazars fraternity of **FRACTIONAL RESERVE USURY BANKING**—Do you know what **FRUB** really means, and how it was conceived, and by who—this will be divulged in the following pages. As a preliminary interlude of explanation, **FRUB** appropriately means; **FRAUDULENT RUTHLESS UNRELISTIC BORROWING**

Or the;  
**FABULIOUS RESULTS of USURY BANKING**  
 Or more commonly known as the enslaving financial system of the;  
**FUCKING ROBBING USURPING BANKSTERS.**

Yes FRUB is a Khazars manipulating money creating system introduced and deceitfully imposed by these monsters to financially control the multitude with their instrument of debt enslavement.

FRUB was introduced in 1913 by a small group of predominantly Khazars bankers who influenced a similarly small group of Congressmen in the USA to pass a Bill which allowed them to establish their own privately owned usury Central Reserve Bank with the legal power to issue

the required finances for the US Government. After President Woodrow Wilson signed the Bill, he regretfully announced;

5 *"I am a most unhappy man. I have unwittingly ruined my country. A great industrial nation is controlled by its system of credit. Our system of credit is concentrated. The growth of the nation, therefore, and all our activities are in the hands of a few men. We have come to be one of the worst ruled, one of the most completely controlled and dominated governments in the civilized world, no longer a government by free opinion, no longer a government by conviction and the vote of the majority, but a government by the opinion and duress of a small group of dominant men."* - President Woodrow Wilson January 1914

10

**Usury;** Is a pyramidal system of financial fraud! There are other explanatory words that describe this evil activity, however, the dictionary meaning of the word USURY is given as; {*an exorbitant amount or rate of interest*}

15 USUFRUCT; The learned people of the dictionary usufruct being; {*the right of enjoying all the advantages to be derived from the use of something which belongs to another.*}

20 There are many associated words of expressing USURY such as USUFUCTORY; USURER; USURIOUS; and USURPATION; again they all have a similar mean of seizing and holding a place, or of power, or the like of another without right—and it is obvious an evil activity which can only lead to manipulative greed and conflict. All of these word-expressions were fostered in the mentality of the early Hebrew money handlers and prevalent in those who manifest administrative positions in the evil FRUB system of modern debt imposed banking.

25 In early biblical times, USURY was held to be a sin, and it referred to any lending of money or gold for interest. This strict trust behaviour has, through time and greed-inclination, been quenched to mean only the lending of money for **excessive** interest.

30 Usury is simply a contrived system of controlling the activities of the masses—and DEBT is the tool used to achieve this end result.

35 *"He who takes up usury for a loan of money acts unjustly, for he sells what does not exist. It is wrong in itself to take a price (usury) for the use of money lent. And as in the case of other offences against justice, one is bound to make restitution of his unjustly acquired money."*  
Statement of St. Thomas Aquinas.

40 *"The most hated sort of money-making and with the greatest reason, is usury, which makes a gain out of money itself, and not from the natural use of it – for money was intended merely for exchange, not for increase at interest. And this term interest, which implies the birth of money from money, is applied to the breeding of money, because the off-spring resembles the parent. Whereof of all modes of money-making, this is the most unnatural."*  
Statement of Aristotle on Usury, 350 BC.

45 **USURY SUMATION:** Now after a hundred years of FRUB, which has 50% of the global population impoverished in an ocean of **usury debt of trillions of their currencies**, and with the spineless, imbecilic, criminal, politicians and their apathetic voting-supporters seeking to be diabolically subservient to the usufructuary Khazars in their Central Banking elitism of the world, one can only hope the other 50% of the planets more wide-awake people in the BRIC nations (Brazil, Russia, India, China) rise up and eliminate these contemptible evils from the possession of power and egotistical financial mongering in their quest to ultimately control humanity through their One World Ashkenazim Order.

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**Credit Creation;** These words have a high degree of synonymy. **Credit** comes from trustworthiness, credibility, repute, reputation or from a source of commendation or honour. It therefore synchronises honourably with the word **Creation**, which has a meaning of giving rise to or create or produce something with one's own diligence and imagination. The result of both must be honestly earned through effort and initiative. Therefore, I believe it insults these wonderful words to be used in any relationship with FRUB banking, which in my view, is the most sinfully evil and slave engendering torture that could be imposed upon a knowledge and truth deprived humanity.

I believe I share with the age old intelligent sentiments of some very famous people who in past centuries expressed many warnings of fraudulent banker behaviour to humanity—who sadly have remained nonchalantly apathetic and now, with their huggermuggering governments, are in the grip of global **financial monsters** who will coheres, manipulate and even assassinate statesmen if they attempt to stray from an agenda stipulated within Australia's signed **United Nations Agreements**—of which there at least **1,700** such agreements. Like the **FRUB**, all Central Banks and the **UN** are also controlled by the same evil **Khazars financial monsters**. **You judge from the following!**

*“The Bank hath benefit of interest on all monies, which it creates out of nothing.”* The boastful statement of the co-founder (and the Financiers' 'Front Man') of the (privately Khazars owned) Bank of England, William Patterson, upon its foundation in 1694.

*“I am afraid that the ordinary citizen will not like to be told that banks can and do create and destroy money. The amount of money in existence varies only with the action of the banks in increasing or decreasing deposits and bank purchases. We know how this is affected. Every loan, overdraft or bank purchase creates a deposit, and every repayment of a loan, overdraft or bank sale destroys a deposit. And they who control the credit of a nation direct the policy of governments, and hold in the hollow of their hands the destiny of the people.”* Statement of the Rt. Hon Reginald McKenna, former Chancellor of the Exchequer, and Chairman of the Midland Bank, addressing a meeting of the shareholders of the bank on January 25, 1924 (recorded in his book, “post-War Banking”):

*“I sincerely believe that banking institutions are more dangerous than standing armies. Already they have raised up a moneyed aristocracy that has set the government at defiance. The issuing power should be taken from the banks and restored to the people, to whom it properly belongs.”* Thomas Jefferson:

*“If the American people ever allow private banks to control the issue of their currency, the banks and the corporations which grow up around them will deprive the people of all property, until their children wake up homeless on the continent their fathers conquered.”* Thomas Jefferson:

*“The government should create, issue, and circulate all the currency and credit needed to satisfy the spending power of the government and the buying power of the consumers. The privilege of creating and issuing money is not only the supreme prerogative of the government, but it is the government's greatest creative opportunity. The financing of all public enterprise, and the conduct of the treasury will become matters of practical administration. Money will cease to be master, and will become servant of humanity.”* The writings of Abraham Lincoln, shortly before he was assassinated.

**CONCLUSION ON AUSTRALIAS FRUB DEBT:**

p10 2-8-2014

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The Australian people are entitled to have good honest government, and they are waking up to the fact they are not receiving this political respect. This phenomenon is beginning to take root all over the world. The vast majority of a billion or more people in India have just expressed this sentiment in a resounding political change. The United States people—although the largest and most highly Khazars Centrally controlled people on the planet—are flexing their numerical-muscle and no doubt are loading millions of Winchesters with bullets as they awaken to their plight of FRUB financial enslavement. Such is the state of political and financial discontent all over the so called free world.

I do not blame the Australian people in their recent astonishing indicated pole-swing support for one party or the other. Most people do not have the time to study international economics as they are battling to keep a roof over their heads. They just know that something is wrong. They just know that global humanity should not live in perpetual and compounding debt. If the majority knew 200 of the leading nations of the planet were buried under **\$130 trillion of FRUB debt** and that this debt was increasing exponentially by the decade, apart from a large increase in suicides, hopefully the remainder would seek to rectify the pernicious profanity of the politicians and then hang and display their worthless stinking skeletons on the fences with the bullet riddled mongrel dingoes of the nation.

As has been shown with regard to this recent 2014 Budget where the newly elected Liberal National Government have lied and cheated on their budget promises, it is my view the people are not so much concerned, although they are, at the potential financial constraints and impediments, as they are the fact the politicians are not facing up to some other even greater internationally unexposed agenda—an agenda of which without access to knowledge, is a concealed conundrum to the average essentially struggling to make ends meet family.

**Colin Uebergang 24<sup>th</sup> May 2014**

END QUOTE

The above quoted email and its attachment obviously place inn question how we are managed by politicians who claim we are not paying them enough. And not to overlook the hordes of public servants that are all working in treasury. We have to ask if those treasury officials are all incompetent and/or is it that the politicians are incompetent and refused to accept informed advice because they are more interested in their own political mantra to stuff up financial matters then in the interest of the general public?

Enough is enough and it is well overdue that we get a proper managing government as this nonsense must stop.

More and more do I get the understanding from others that they would like to execute every politicians so as to get permanently get rid of them and get real people in government who are connected to ordinary citizens.

While Christopher Pyne Minister of Education seems to argue that those attending to university should be paying back their study cost (plus interest) then the obvious question is why didn't Julia Gillard, yourself and numerous others in the Parliament not do the same? Or is it that you have the freebies and couldn't care less about others?

**Hansard 25-3-1897 Constitution Convention Debates (Official Record of the Debates of the National Australasian Convention)**

QUOTE

p11 2-8-2014

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**Mr. WISE:** I can see no other course. It has taken 100 years for the United States to pass a Civil Service Act, and now it is not of very much value. **If we get a party system**, and follow it out in the appointment of civil servants, we will be initiating a system of corruption which would gain strength every day.

END QUOTE

5

**HANSARD 10-3-1898 Constitution Convention Debates (Official Record of the Debates of the National Australasian Convention)**

QUOTE

10 **Mr. WISE.**-My friend has anticipated me. That helplessness drives the American to the referendum because of the utter ineffectiveness of the political machinery. Again I will quote-and it is the only quotation I shall make-a passage from the work of Mr. Cree, which I recommend to the perusal of all interested in the subject. Although his book is written in the strongest terms in advocacy of the referendum, every argument he uses shows that his advocacy rests on a confessed mistrust of Parliament, which cannot, in any degree, be applied to a country where the people are proud of their Parliaments. Mr. Cree, after speaking of the corruption and tyranny of the party machinery, and the inability of the individual voter to make his will felt in consequence of the tyranny, proceeds:-

15 **Party government means supremacy of party leaders. In those leaders is practically vested the power to subjugate all the official agencies of the State to their will, so that such will becomes that of the State, and government by the people is only a fiction instead of a fact. The leaders of parties frame all political issues, declare all party policies, name all candidates for office, and the electors but choose between the rival organizations. But that is no more than a power to say to which oligarchy of managers or "bosses" they will confide the control of the State.**

20 Under such a system the party, leaders do not need to consider public opinion, further than its approval or consent may be necessary to secure the adoption of their avowed purposes, and the election of themselves to power. But great and important as is this power of ratification or rejection of party programmes and party leaders, on the part of the voters, it leaves them without any real positive political initiative, and limits them to a sort of negative action. A choice at the elections between corporate parties is all that they possess, and this not only does not involve, but actually excludes, all expression of opinion on the part of the voters unless the contending parties represent clearly-defined conflicting policies on specific questions, or really stand for permanent diverse views and tendencies. The contention of the parties for the favour of the electors assumes the fact of the existence of one or the other of these supposed cases. On no other assumption can the existence of party be for a single moment justified.

25 But so far as representing a clearly-defined line of action on specific measures of policy is concerned, we cannot recall a single case in the history of the United States where any great national party has done it.

30 I have dwelt at what may perhaps be considered excessive length on the example [start page 2192] of the United States; because it seems to me that a great deal of undeserved credit is being given to this proposal by the imaginary support it is supposed to have received from the example of the United States. I might multiply quotations and fill the pages of *Hansard*, but I will only say that no one can read an American writer who advocates the referendum without seeing that his advocacy has one purpose, and one purpose only, namely, the substitution of the power of direct legislation for the incompetency and corruption of Parliaments.

40 END QUOTE

And let us not forget the Francis Abbott issue.

45 While I understand that you argue your family should be left out of matters of politics, it seems a bit related to argue this where being it as sex symbols or otherwise you had her and others involved in the election?

It was your choice to involve them and so be it.

They had the freebies of being involved with the election and so do not now claim they should not be referred to.

50 As I understand it Mr Taylor is not just a friend of you but also a donator to the liberal party and then also owner of Whitehouse Institute and even the chairman.

He as a lawyer should be well aware about the legal principle:

JUSTICE MUST NOT ONLY BE DONE BUT BE SEEN TO BE DONE!

and

THE ISSUE IS NOT JUST OIF A JUDGE CONSIDER THAT HE IS OR IS NOT BIAS BUT IF A FAIR MINDED PERSON PERCEIVED THE JUDGE TO BE OR NOT TO BE BIAS.

- 5 Where then it is reported that Whitehouse Institute contacted Frances on 4 occasions and then on the first meeting immediately granted her a Chairman scholarship and I understand Mr Taylor recommended this then to me, it seems as a bribe so that in the event you were to become prime Minister he may get a better hearing by you, which may advance then his business with Whitehouse Institute.'
- 10 I won der if the ATO considered this scholarship as an income?  
And as reportedly no one else was asked for the chairman scholarship I wonder why Francis?  
Surely it cannot be argued that you were so poor that you needed Francis to be able to get as scholarship.  
Indeed it seems to me to fly in the face of Christopher Pyne's argument that students can pay back later the debts incurred with their studies as why then could Francis not do the same. Indeed why could her father not pay her cost?  
And I understand she now is getting a freebee to go for her Masters degree.  
My wife made knows that there is an old saying that if a person is not good enough then they become teachers or teacher aids.
- 20 In fact I read a recent report that teachers generally have less than average then their fellow students at the time they study. Am I to take it that Frances therefore is so bad that she is helped along in whatever way because in that way her father can be influenced?  
Were you really that short sighted not to realised the possible implications by Francis accepting this chairman Scholarship where so many others may not be able to afford the study fees and may be deemed more badly in need for it.  
Were there other benefits provided to you and/or your family members that may still be hidden from public scrutiny?

**QUOTE**

30 **FW: Abbott's scholarship**

Admin ----- Forwarded Message From: "Paul Ferris, SumOfUs.org" <us@sumofus.org> Reply-To: "Paul Ferris, SumOfUs.org" <us@sumofus.org> Date: Sat, 24 May 2014 03:03:10 +0000  
To: Brian McDermott <admin@freest  
To PALMER UNITED PARTYTRADITIONAL CHURCH MILITANTSC.Q. FREE STATE  
35 MEMBERS and 1 More...  
Today at 1:13 PM

----- Forwarded Message

40

**From:** "Paul Ferris, SumOfUs.org" <us@sumofus.org>  
**Reply-To:** "Paul Ferris, SumOfUs.org" <us@sumofus.org>  
**Date:** Sat, 24 May 2014 03:03:10 +0000  
**To:** Brian McDermott <admin@freestatevoice.com.au>  
45 **Subject:** Abbott's scholarship

**Frances Abbott received a \$60,000 scholarship thanks to one of Tony Abbott's political donors.**

p13 2-8-2014

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Other students weren't even told there were scholarships available.

**Tell the Whitehouse Institute to give scholarships to students in need, not political allies.**

<<http://act.sumofus.org/go/4535?t=1&akid=5423.1911062.ifN8da>>

5

Brian,

**Tony Abbott's daughter was given a \$60,000 scholarship by one of his political donors.**

10 Frances Abbott was awarded a "Chairman's Scholarship" to pay for her degree at the Whitehouse Institute of Design. The chairman who recommended her? Les Taylor, who **has donated over \$20,000 to the Liberal party.**

15 This means **Frances Abbott paid just \$7,500 for a \$68,000 degree.** Meanwhile, Tony Abbott's budget means that **university fees will go up by 100%, ensuring that young people graduate with crippling levels of debt.** The Whitehouse Institute should ensure all scholarships are awarded fairly.

20 **Tell the Whitehouse Institute of Design to pledge the same amount for people who can't afford to attend the school.** <<http://act.sumofus.org/go/4535?t=2&akid=5423.1911062.ifN8da>>

25 Frances Abbott was awarded the "Chairman's Scholarship", which has only been awarded once before. Mr Abbott asserted the scholarship was awarded on merit. Yet **leaked internal documents show she was courted by the Institute, contacting her four times before finally making a meeting time** and that Mrs. Taylor was tasked with arranging this meeting.

30 There was no exhaustive application process. Instead, **she had one meeting with the managing director -- and was offered the scholarship on the spot.** The scholarship was not even advertised on the website or advertised to other prospective students.

The Chairman has refused to respond to questions about whether any other candidates were put forward, what the criteria were, and whether the scholarship is open to public application.

35 **Tony Abbott has defended his draconian cuts to universities,** and the devastating effects they will have on young people in Australia. He claims students don't need help. And yet **his daughter was given a free ride through university thanks to one of his donors.** It's unacceptable.

40 **Tell the Whitehouse Institute of Design to pledge the same amount to scholarships for those in need.** <<http://act.sumofus.org/go/4535?t=3&akid=5423.1911062.ifN8da>>

40

Thanks for all that you do,  
Paul, Hanna and the rest of the team at SumOfUs

45

\*\*\*\*\*

For more information:

50 Tony Abbott's daughter was courted for scholarship  
<<http://act.sumofus.org/go/4536?t=4&akid=5423.1911062.ifN8da>> , The Guardian, May 22 2014  
Leaked Documents Cast Doubt On Abbott's \$60k Scholarship Claims  
<<http://act.sumofus.org/go/4537?t=5&akid=5423.1911062.ifN8da>> , New Matilda, May 21 2014

55

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10

----- End of Forwarded Message

END QUOTE

QUOTE

15

<http://www.theage.com.au/national/mystery-over-scholarship-for-abbotts-daughter-20140523-38ufs.html>

## Mystery over scholarship for Abbott's daughter

20

National  
Date

May 24, 2014

### PM defends daughter's scholarship

25

Prime Minister Tony Abbott fields repeated questions about the scholarship his daughter, Frances, received from Whitehouse Institute of Design. *ABC*

PT1M43S <http://www.theage.com.au/action/externalEmbeddedPlayer?id=d-38u9z620349> May 24, 2014 - 7:35AM

- [Video feedback](#)
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30

Disappointed university students reacting to cuts in higher education have an unlikely target in Prime Minister Tony Abbott's daughter Frances as details of her scholarship at a private college remain cloaked in mystery.

The 22-year-old was awarded an unadvertised and very rare \$60,636 scholarship to the Whitehouse Institute of Design, chaired by Liberal Party donor and Abbott friend, Les Taylor, in 2011.

35

The substantial award meant the PM's middle daughter was required to pay just \$7546 towards her three-year bachelor's degree in design from which she graduated with distinction in February.



Prime Minister Tony Abbott with daughter Frances and Leanne Whitehouse.

5 Four days after the revelations emerged, the Surry Hills college is yet to shed light on the secretive scholarship system. Despite the award being known as the Chairman's Scholarship, Mr Taylor, chairman of Whitehouse's board of governors, said he did not know how scholars were selected. "I'm a semi-retired lawyer, I wouldn't know what criteria you go through to make an assessment of somebody," he said on Friday.

10 Fairfax Media repeatedly contacted Whitehouse chief executive and spokesman Ian Tudor, who is in Jakarta, for comment. Mr Tudor did not respond to detailed questions but released a statement on Wednesday confirming "that Whitehouse has given scholarships for at least 10 years" and that Ms Abbott's scholarship was the Chairman's Scholarship, which is awarded occasionally.

"Frances was the second recipient. I understand that the selection of Frances was done at arm's length from the chairman by the owner, founder and managing director of the institute, Leanne Whitehouse," Mr Tudor said.

Mr Taylor denied that the undergraduate scholarship had any political ties. "Of course, it's not linked to a favour to Tony Abbott," he said. "I don't owe Tony Abbott any favours."

15 The former Commonwealth Bank general counsel this week conceded that he "probably" commended Ms Abbott. "I probably did say to someone at Whitehouse, 'Frances is a nice girl or something, good family, works hard, I reckon she'd do well!'"

20 Mr Abbott has denied having any influence over the college and its awards and on Friday at a news conference in Campbelltown he dismissed questions over the scholarship as "a bit of dirt digging". He did not publicly disclose the scholarship as it was merit based, rather than a gift, and he has repeatedly underlined his daughter's academic ability.

However, documents obtained by news website New Matilda show that Ms Abbott was pursued for the award. She was contacted four times by the college before finally meeting founder Leanne Whitehouse on February 18, 2011, when she was offered the Chairman's Scholarship.

25 New information obtained by the news site indicates that Ms Abbott is to begin a master's degree in design at the college this year, a new course that was formally accredited in January, just weeks after the PM was reportedly publicly chided about the costs of accreditation at a function on the college's Surry Hills campus. New Matilda claims to have information that suggests Ms Abbott's fees for the master's degree have been waived.

30 A spokeswoman for Mr Abbott said he had no private conversations with TEQSA, the tertiary education government agency, and made no inquiries or representations on behalf of the college to secure accreditation. TEQSA has confirmed that Whitehouse went through two levels of assessment to gain accreditation for its new master's course. Materials lodged as part of the college's application to the agency feature a case study of Frances Abbott.

Ms Abbott is working as a teacher's aide at Whitehouse's Melbourne campus where she intends to continue her studies, the PM's office confirmed. "As the course has not commenced, she is yet to enrol," the spokeswoman said.

Former Whitehouse faculty member Monique Rappell said she tried to get a scholarship for a very good student who had run out of funding and "I couldn't get it even though she was the top student in her degree course".

5 A classmate of Ms Abbott said she and other students were not aware of an academic award covering the course cost.

10 Read more: <http://www.smh.com.au/national/mystery-over-scholarship-for-abbotts-daughter-20140523-38ufs.html#ixzz32bWRxyBQ>

END QUOTE

15 To me rather strange that a Chairman and owner providing a recommendation nevertheless doesn't know how the system operates and if Mrs Taylor is his relative then I view a FAIR MINDED PERSON may question why on earth he claims this while making allegedly a recommendation for Francis. It appears to me Francis was targeted by Whitehouse Institute as why 4 attempt when none I understand were made to others. It seems to me you may have been an utter fool not to realise you were so to say sucked in, hook, line and sinker!

20 I understand you had no issue to attend to Sophie Mirabella's wedding but charged taxpayers for this. Yet, I understand you were already ripping of tax (Consolidated Revenue Funds) as there is in the constitution no provision for payment of a shadow ministry. As such where then you claimed nevertheless a "salary" as a shadow minister then I view you were in breach of s44 of the constitution, and so many others then and now.

25 There are at times people who hold I wasted my time to write to you and others as you will ignore it, such as General Cosgrove did with my 22 July 2002 correspondence that any invasion into another country without the Governor-General authorising this by way of publishing a DECLARATION OF WAR would be unconstitutional. This, as while cabinet may decide to go to war it has no validity that is constitutionally!

30 .

**HANSARD 10-3-1898 Constitution Convention Debates (Official Record of the Debates of the National Australasian Convention)**

QUOTE **Mr. BARTON** (New South Wales).-

35 **Then, again, there is the prerogative right to declare war and peace, an adjunct of which it is that the Queen herself, or her representative, where Her Majesty is not present, holds that prerogative. No one would ever dream of saying that the Queen would declare war or peace without the advice of a responsible Minister.**

END QUOTE

40 **HANSARD 6-3-1891 Constitution Convention Debates (Official Record of the Debates of the National Australasian Convention)**

QUOTE

**Mr. DEAKIN:** We can make an exception in favour of imperial interests. **We have no desire to interfere with the imperial prerogative in matters of war and peace!**

45 END QUOTE

50 As such, it is immaterial if cabinet and/or the minister of defence decided to go to war because without the Governor-General having published in the Gazette a signed DECLARATION OF WAR I view anyone acting in violation of this committed treason, mass murder, crimes against humanity, war crimes, etc, considering the destruction and death caused upon innocent people. I wonder if this is why you got Peter Cosgrove commissioned as Governor-General to shut him up?

**QUOTE**

<http://www.abc.net.au/news/2013-03-19/cosgrove-admits-mistakes-in-iraq-war/4581120>

## 5 **Cosgrove admits mistakes made in Iraq war**

By national defence correspondent [Michael Brissenden](#), and staff  
Updated Tue 19 Mar 2013, 2:33pm AEDT

10 General Cosgrove tells Michael Brissenden he has "mixed feelings about the whole episode".  
**Related Story:** [Under my skin: memories of a war 10 years on](#)  
**Map:** [Iraq](#)

The man who led Australian forces during the Iraq war says that, 10 years later, he is not sure if the conflict made the world a safer place.

15 More than 100,000 civilians are reported to have died in the decade since US and allied forces rolled into Iraq to unseat dictator Saddam Hussein.

The war rapidly descended into a bitter struggle pitting coalition and Iraqi forces against insurgent groups as Sunni and Shiite groups jockeyed to fill the power vacuum left by the fall of Saddam.

This morning the UK-based Iraq Body Count (IBC) published a study which concluded that at least 112,000 civilians had been killed, and the overall death toll could rise as high as 174,000.

20 General Peter Cosgrove was chief of the Australian Defence Force in 2003 when then-prime minister John Howard committed Australian troops in support of the US invasion.

**There's been a lot of bloodshed along the way and that's always horribly regrettable, but all war is a mistake, all war.**

General Peter Cosgrove

25 A decade later he says he has mixed feelings about the whole episode and he concedes big mistakes were made in the early part of the post-Saddam period.

"We know so much more about the whole Iraq war and the aftermath, that looking back you'd have mixed feelings about the whole episode," he said.

30 "I suppose you'd cling to a few things - a horrible dictator eventually was removed and the people of Iraq have a new chance, even though they've had enormous suffering.

"There's been a lot of bloodshed along the way and that's always horribly regrettable, but all war is a mistake, all war."

**Ten years after the invasion of Iraq, do you think the world is a safer place? Have your say.**

35 Then-US president George W Bush said the war was necessary to remove Saddam and prevent him giving weapons of mass destruction to terrorist groups post-9/11, but General Cosgrove says he is uncertain about whether the Iraq war has made the world a safer place.

"I think we all understood after 9/11 that there'd been a profound change in what might be called the pervasive security aspirations of democratic countries, and Iraq was, if you like, a step along the way," he said.

"Some may say a side-step, others may say an integral part of a new world.

"In any event there was never going to be a sort of a line drawn under global terrorism as a result of Iraq."

40 But General Cosgrove does not believe a "lie" about WMDs was used in order to supply a pretext for going to war.

"A lie presupposes [that] people deliberately contrived to invent a reason for war, and that's certainly not the Australian experience," he said.

p18 2-8-2014

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"The Australian approach to this is that on probabilities, Saddam, who had used WMDs against the Iranians and then against Kurdish people in Iraq, and had manufactured WMD and weaponised them with chemical agents etc, the probability [was] that he retained some, that these were now arguably available for global terrorists.

5 "That was, on probabilities, the reason why Australia joined the coalition, and we're still not persuaded that there was a lie involved in that."

And he says the coalition and the occupation forces led by Paul Bremer, George W Bush's presidential envoy to Iraq, did not adequately plan for the post-Saddam era.

In particular, he criticised the decision to dismantle the apparatus of Saddam's ruling Ba'ath party.

"Look, 20/20 hindsight shows that there were big mistakes made in the early part of the post-Saddam period," he said.

10 "And yes, one might say the breaking up of the Ba'ath party, the breaking up of the Iraqi army, these did not, these were not in hindsight good decisions."

END QUOTE

15 As the Framers of the Constitution made clear that only when there is an actual attack upon the Commonwealth of Australia there is no need for a DECLARATION OF WAR because such an attack in itself is a DECLARATION OF WAR.

**HANSARD 8-2-1898 Constitution Convention Debates (Official Record of the Debates of the National Australasian Convention)**

20 QUOTE

Clause 112-**The Commonwealth shall protect every state against invasion, and, on the application of the Executive Government of a state, against domestic violence.**

**Mr. GORDON** (South Australia).-I beg to move-

That the word "invasion" (line 2) be struck out, and the word "attack" substituted.

25 Why should the protection of the Commonwealth be confined only to invasion? We are not likely ever to be invaded, but we are exceedingly likely to be attacked.

**Mr. BARTON**.-Any attack is an invasion in the sense in which the word is used in this clause.

**Mr. GORDON**.-The gunning by a cruiser standing off a city is not an invasion, but it is an attack.

**Mr. BARTON**.-It is an attack which is part of an invasion; if the attack succeeds invasion follows.

30 **Mr. GORDON**.-I think "attack" is very much better. Of course, if the word "invasion" covers the ground, well and good; but while "attack" covers "invasion," does "invasion" cover "attack"? Originally, the amendment I intended to move used both the words "attack" and "invasion."

**Mr. REID**.-You can repel an invasion 100 miles from the coast.

**Mr. GORDON**.-But how does the honorable member know that an invasion is intended?

35 [start page 692]

**Mr. REID**.-If there was a war between two countries, and a cruiser from the one country was approaching the other, you would know that it was not on a visit of brotherly love.

**Mr. GORDON**.-They may not intend to invade the chances are that they do not intend to invade, but to attack.

40 **Mr. BARTON**.-Do you think that the Commonwealth, if a hostile fleet appeared for the purpose of attacking, and not invading, would keep the batteries silent and the Australian fleet at anchor?

**Mr. GORDON**.-Something may turn upon this. By this clause the Commonwealth is only bound to protect every state against invasion. If the Commonwealth neglected its duty, and South Australia was

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invaded, South Australia would have a claim against the Commonwealth. But, it appears to me, that it should have an equal claim against the Commonwealth if it was simply attacked, and not invaded. However, if the leader of the Convention thinks that "invasion" covers "attack," I am willing to leave the matter to the Drafting Committee, but I have some doubt on the point.

5 **Mr. BARTON** (New South Wales).-I am perfectly satisfied that when the guns are booming there will be no discussion about the meaning of the two words.

**Mr. GORDON**.-Ought the construction of this Act to be left until the guns are booming? I thought the object was to prevent the guns booming at all.

10 **Mr. HOLDER** (South Australia).-I think there is something in the point raised by my honorable friend (Mr. Gordon). We have previously used separately the terms "naval" and "military." Now, an attack would be naval, while an invasion would be military.

**The CHAIRMAN**.-Does the honorable member (Mr. Gordon) press his amendment?

**Mr. GORDON**.-No. If the leader of the Convention relies on his booming guns I am content.

The amendment was withdrawn.

15 QUOTE

**Hansard 25-3-1897 Constitution Convention Debates (Official Record of the Debates of the National Australasian Convention)**

20 QUOTE

**Mr. WISE:** I can see no other course. It has taken 100 years for the United States to pass a Civil Service Act, and now it is not of very much value. **If we get a party system**, and follow it out in the appointment of civil servants, we will be initiating a system of corruption which would gain strength every day.

25 END QUOTE

As I understand it jobs for the boys (girls) is working where Sophie Mirabella allegedly was appointed to the board of building submarines. In my view no former Member of Parliament should be allowed in any public servant position nor be employed in private capacity with a business that has a business interest with the Commonwealth of Australia neither be a lobbyist for a period of at least 7 years from the date of leaving the seat in Parliament. This also to avoid a Member of Parliament to misuse/abuse his/her position in the Parliament as to set up a private position or prepare a position in management with the Commonwealth of Australia. The Commonwealth of Australia should advertise each and every position an appoint a person on merits and avoid placing "mates" in well paid positions above that of perhaps better qualified person of the general community.

30

35

We do not need some Minister who besides the public service also employed political allies in their own office turning the office in a political office rather than being a department fo0r the "general community". Hence, any cosy arrangements by politicians to pay its staff huge amounts of monies if the Minister is not re-elected should be stopped.

40

So more to state but as you seem to med to be already unable to focus on reality rather than fiction I better leave it for now, until I write another correspondence.

45

I look forwards to your detailed reply!

Awaiting your response,

G. H. Schorel-Hlavka O.W.B. (Friends call me Gerrit)

# MAY JUSTICE ALWAYS PREVAIL®

*(Our name is our motto!)*

5

END QUOTE 25-5-2014 correspondence

If the Reserve Bank a private entity or is it a Commonwealth entity. After all if it is a private entity then it should not be receiving any monies from the Commonwealth of Australia.

10

Hansard 8-3-1898 Constitution Convention Debates

QUOTE Mr. DEAKIN.-

The arguments of the Hon. Mr. Carruthers appear to have fallen on deaf ears, but, [start page 2042] as he pointed out, if there be embedded in the Constitution a direct enactment that no proposed laws for taxation including more than the one subject of taxation, and no proposed Appropriation Bill going outside the ordinary services of the year, can **be legally dealt with, both the Speaker of the House of Representatives and the President of the Senate would not only be authorized, but would be imperatively required, in the discharge of their duty, to rule such a measure out of order at any stage of its existence.**

15

20

END QUOTE

And

Hansard 8-3-1898 Constitution Convention Debates

QUOTE

25

Sir JOHN DOWNER.-Now it is coming out. **The Constitution is made for the people and the states on terms that are just to both.**

Mr. DEAKIN.-It is made for the lawyers under this clause.

Sir JOHN DOWNER.-I do not think so. **If you say "Trust the Parliament," no Constitution is required at all;** it can simply be provided that a certain number of gentlemen shall be elected, and meet together, and, without limitation, do what they like. Victoria would not agree to that. But there is a desire to draw the very life-blood of the Constitution, so far as the states are concerned, by this insidious amendment, **which would give the Houses authority from time to time to put different constructions on this most important part of the Constitution.** I hope we will do as we have done in many instances before, in matters that have been much debated-adhere to the decision we have already arrived at.

30

35

END QUOTE

And

Hansard 8-3-1898 Constitution Convention Debates

QUOTE Mr. HOLDER.-

40

**Surely there would be at least one representative out of the whole Senate and one member of the House of Representatives, who would have individuality enough, and strength enough, to get up and challenge the order of any particular measure which might be disorderly under this clause of the Constitution.**

Mr. ISAACS.-They would not all sit on the same side of the House.

Mr. HOLDER.-I should think not. They would not all be Ministerialists, or all members of the Opposition, or all members of any particular party; and I cannot believe that any Bill which contained anything objectionable at all could pass through both Houses of the Federal Legislature **without finding some one member of either of the two Houses who would rise to a point of order**, and have such a Bill laid aside of necessity as being out of order under this provision.

45

END QUOTE

And

50

Hansard 8-3-1898 Constitution Convention Debates

QUOTE

Mr. CARRUTHERS (New South Wales).-It is worth while considering the stages that a proposed law has to go through, and the opportunity afforded to a member of either House or a member of the Executive to call attention to any infraction or infringement of the Constitution. It does not require a majority of the members of the House of Representatives to insist that the Constitution shall be obeyed in the matter of procedure; **it only requires one solitary member to rise to a point of order**, and the Speaker has to give a legal interpretation of the rules of procedure. **It only requires one member of the Senate to call the attention of the President to the fact that a Bill is introduced contrary to the Constitution for that proposed law to be ruled out of order. It does not require a majority of the states to insist that the Constitution shall be obeyed, because a majority of the states cannot by resolution infringe the Constitution.** Neither House could pass the standing order which would give the majority power to dissent from the Speaker's or President's ruling. The standing orders only confer certain explicit power. They give no power to either House to pass an order which would enable its members to amend the Constitution.

END QUOTE

And

Hansard 2-3-1898 Constitution Convention Debates

QUOTE

**Mr. REID.-I suppose that money could not be paid to any church under this Constitution?**

**Mr. BARTON.-No; you have only two powers of spending money, and a church could not receive the funds of the Commonwealth under either of them.**

[start page 1773]

END QUOTE

Hansard 4-3-1898 Constitution convention Debates (Official Record of the Debates of the National Australasian Convention)

QUOTE

Clause 83.-No money shall be drawn from the Treasury of the Commonwealth, except under appropriation made by law.

**Mr. BARTON** (New South Wales).-I beg to move-

That at the end of clause 83, there be added the words "but until the first appropriation the Governor-General in Council may draw from the Treasury, and expend, such moneys as may be necessary for the maintenance of any department transferred to the Commonwealth under this Constitution."

**This is an amendment of substance, which I will explain in a few words. Clause 83 means that no money can be spent unless Parliament passes an Appropriation Act.** But before Parliament is in existence certain departments will have been transferred to the Commonwealth. These departments will have to be administered by the Commonwealth, and that will necessitate expenditure for the maintenance and continuance of the departments.

**Mr. ISAACS.**-How about the expenses of electing the first Parliament?

**Mr. BARTON.**-That might have to wait. **One is so chary about giving power to spend money that is not appropriated by law that I and my colleagues on the committee have endeavoured to keep the power down as low as possible, so as to confine it to expenditure absolutely necessary for the administration of departments.**

END QUOTE

Hansard 11-3-1898 Constitution convention Debates (Official Record of the Debates of the National Australasian Convention)

QUOTE **Sir JOSEPH ABBOTT.**-

Can it be suggested, however high the Federal High Court may be in regard to attainments, that under any circumstances the Judges of that court would have the experience, the training, and the knowledge of the men composing the Court of the Privy Council? **Would it be possible to separate the members of the Federal High Court from local influences? Unintentionally, men are influenced by their surrounding conditions. It does not follow because a man is to-day in public life as Attorney-General, and to-**

**morrow is sitting on the bench wearing the ermine, that he can dissociate himself or separate himself from local surroundings and be unbiased or uninfluenced by those considerations.** Take a case of importance arising here. I admit that our Judges have great learning and extensive knowledge, and I admit the great power and the great strength of our Supreme Courts throughout the various colonies, but I say that they can have no experience equal to the men who occupy positions on the bench of the Privy Council. We are told, however, that the members of the Privy Council do not understand our law, that they do not know our conditions, and that they are unacquainted with local influences. Well, I have always considered that a very trifling matter in fact, I have thought it was a very desirable thing that they did not understand our local conditions, because our laws are not to be interpreted in regard to local conditions, but according to the intent contained within every word in them, apart from local conditions. **I have heard men express their astonishment that the Judges of our own Supreme Court have not taken into consideration the Hansard debates when they were giving judgment. I feel quite sure that when an appeal goes to the Privy Council all these considerations are completely wiped out.** The members [start page 2290] of the Board of the Privy Council do not consider our local conditions, but interpret our Acts in the words in which they are printed. I have already referred to the two chief objections to appeals to the Privy Council; first, the expense, and, secondly, the delay. I have endeavoured to show that the expense is not so enormous as it is represented to be. If honorable members will look at the return in relation to appeals to the Privy Council from decisions of the Supreme Court in Queensland every layman, at all events, will be struck by the fact that the expenses of one appeal were only £29 in Queensland, and £219 in the Privy Council-that means the taxed costs of the appeal. It has nothing to do with the local costs; it means the preparation of the transcript and the final cost in London. The difference between the cost of appeals to the proposed High Court and the cost of appeals to the Privy Council is well but rather under stated, by Sir Lambert Dobson, in a document which is quoted at page 969 of the report of the debates of this Convention at Adelaide; and I think that we are very much indebted to Sir Edward Braddon for quoting that information in the speech which he delivered on that occasion. In many cases counsel's fees at the present time are higher here than I have ever known them before, and I say this with a knowledge extending over 30 years of practical experience.

**Mr. BARTON.**-Counsel's fees are a great deal lower with us than they were a few years ago.

END QUOTE

30 So let we put you to the test regarding the following!

QUOTE

inet - Terry Brennan

To Terry Brennan

35

Nov 4 at 12:43 PM

Subject: \$8 Billion to the reserve bank of Australia, while people of Australia are in poverty.

40 The so-called "conservative" federal "government" in this last week gave the Reserve Bank of Australia 8 Billion Dollars, saying it was necessary to "protect the nation from global economic shocks." HELLO?

45 Here we have an Australian Central Bank, masquerading as being owned/controlled by the Federal Government, but in fact is privately owned and completely independent (read the Australian Banking Act) and in fact, whilst they are quick to point out when asked who owns it, that the Australian government injected a million dollars to get it started!

50 So the "stupid goyim" are indoctrinated and brainwashed to believe that the RBA is owned and controlled by the Federal Government, when in fact it is nothing of the kind, it is owned and controlled by the Federal Reserve "Bank" of America, which in turn is owned and controlled by the Rothschilds, Rockefellers, Goldman Sachs, and other Jewish international banksters.

55 Now this week we have idiot "treasurer" Joe Hockey, saying that the Federal government

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has to put \$8 Billion back into the RBA to “protect the nation from global economic shocks!”

5 Here we have the Federal government, who was given the funds by the RBA in the first place, who created it out of nothing - thin air - with the flick of a few computer keys, (which we are not supposed to know, or even discuss) handing it back to the RBA to “protect the nation.” What does the RBA do with it? They cancel it out of existence of course, ready for the next loan out to the “stupid goy” government – all at interest of course, which they also create out of thin air!

10 When I went to primary school, this kind of behaviour was know as insanity, but today of course, we are more educated. Now it’s called “economics!” YEAH RIGHT!

15 They all should be jailed!

“The business by which banks create money out of nothing is so simple, that the mind is repelled.” Prof. John Kenneth Gailbraith.

20 Admin

----- Forwarded Message

25 **Subject:** FW: \$8 Billion to the reserve bank of Australia, while people of Australia are in poverty.

**Subject: \$8 Billion to the reserve bank of Australia, while people of Australia are in poverty.**

**END QUOTE**

30 As the Government is only recently appointed, and as such where there are no writs returned than none of the Members of Parliament-elect for the House of Representatives are sitting Members of Parliament, then none can vote or approve any appropriation bills for the reported “**this last week gave the Reserve Bank of Australia 8 Billion Dollars**” transfer of monies. As such, unless such monies were authorised by Appropriation Bills prior to the 2013 Federal election it seems to me that any conduct by Treasurer Joe Hockey, Prime Minister Tony Abbott and others in the Cabinet may constitute “**conspiracy to defraud the Consolidated Revenue Funds**” (**THIS MEANS THE TAXPAYERS**).

40 **WHAT WE NEED TO LOOK AT IS IF IT CAN BE DEEMED REASONABLE, WHERE JULIA GILLARD REQUIRED SOME 18 MONTHS TO HAVE AN ASSESSMENT IF PENSIONS NEEDED A INCREASE IN PAYMENTS, WHEREAS PENSIONERS WHO RETIRED ACTUALLY ARE RECEIVING NO MORE BUT THEIR OWN MONIES BACK PAID DURING THEIR WORKING LIVES IN SPECIAL TAXATION, AND SO WHAT ASSESSMENT, IF ANY AT ALL, DID THE GOVERNMENT ENGAGE IN TO INVESTIGATE IF IN THE FIRST PLACE IT HAD CONSTITUTIONAL POWERS TO TRANSFER ABOUT 8 BILLION DOLLARS TO A PRIVATE COMPANY, NOT BEING A GOVERNMENT ENTITY OF THE COMMONWEALTH OF AUSTRALIA, AND IF THERE WAS SUCH CONSTITUTIONAL POWERS, NOT THAT I CONCEDE SUCH EXISTED, THEN IF THERE WERE APPROPRIATE APPROPRIATION BILLS IN**

45 **BLACE TO ALLOW FOR THIS TRANSFER?**

50

It seems to me that this more is a **CONSPIRACY** by those involved to defraud the taxpayers. In my view a **ROYAL COMMISSION** should be held into this matter.

**FANCY GIVING AWAY \$8 BULLION UPON THE SAY SO OF PEOPLE WITHOUT ANY ACCOUNTABILITY TO THE PEOPLE'S PARLIAMENT.**

**R v Kidman** [1915] HCA 58; (1915) 20 CLR 425 (16 September 1915)

QUOTE

The first question is as to the competence of the Australian Parliament to make the provisions of the *Crimes Act 1915* (No. 6 of 1915) retrospective. By sec. 2 it is enacted (by way of amendment of the *Crimes Act 1914*) that any person who conspires with any other person "to defraud the Commonwealth" shall be guilty of an indictable offence; the penalty attached being imprisonment for three years or less. By sec. 3 it is enacted "This Act shall be deemed to have been in force from the date of the commencement of the *Crimes Act 1914*" (29th October 1914). There is, therefore, no doubt as to the intention of the Parliament to make a conspiracy to defraud the Commonwealth between 29th October 1914 and 7th May 1915 (the date of the commencement of the *Crimes Act 1915*) an indictable offence. There is no doubt that the Act of 1915 was meant to be retrospective; and therefore the numerous cases which lay down the principle of construction against retrospective or retroactive operation are inapplicable. If the Act were an Act of the British Parliament with its plenary powers, the principle of construction must yield to the clearly expressed intention of the Legislature. But the question as to the power of the Federal Parliament—a Parliament which has no power to legislate except as to specified subjects—to legislate retrospectively, remains. For the purpose of the question I may assume—without in any way deciding the point—that, apart from the Act No. 6, a conspiracy to defraud the Commonwealth does not constitute a criminal offence within the State law or otherwise.

END QUOTE

QUOTE **Sorell v Smith** (1925) Lord Dunedin in the House of Lords

In an action against a set person in combination, a conspiracy to injure, followed by actual injury, will give good cause for action, and motive or instant where the act itself is not illegal is of the essence of the conspiracy.

END QUOTE

Any **FAIR MINDED PERSON** would hold that this 8 Billion dollars give away is not something that was reasonably committed to after informed debate and discussions within the Cabinet upon consideration of relevant Appropriation Bills for this, and hence we seem to have Tony Abbott to run a Government like that was reportedly done by Kevin Rudd.

**Hansard 1-3-1898 Constitution Convention Debates**

QUOTE **Sir JOHN DOWNER**.-

I think we might, on the attempt to found this great Commonwealth, just advance one step, not beyond the substance of the legislation, but beyond the form of the legislation, of the different colonies, and say that there shall be embedded in the Constitution the righteous principle that the Ministers of the Crown and their officials shall be liable for any arbitrary act or wrong they may do, in the same way as any private person would be.

END QUOTE

**Hansard 31-1-1898 Constitution Convention Debates** (Official Record of the Debates of the National Australasian Convention)

QUOTE **Mr. SOLOMON**.-

We shall not only look to the Federal Judiciary for the protection of our interests, but also for the just interpretation of the Constitution;

END QUOTE

Obviously considering the ab out \$8 billion dollars being constitutionally valid or not to have been paid to the RBA there are numerous legal issues to be considered which I have set out also in the following quoted correspondence **20140705-G. H. Schorel-Hlavka O.W.B. to Mr Tony Abbott PM-Appropriation & Taxation Bills-etc**

This, as if the RBA is not a government entity then the transfer cannot be deemed for "public purposes". Neither can it be deemed that any so called "BAIL OUT" or "BANK GUARNTEE" that was provided by the Federal government to banks to have been within its legislative powers and neither therefore could the Federal government provide for such guarantee.

20140705-G. H. Schorel-Hlavka O.W.B. to Mr Tony Abbott PM-Appropriation & Taxation Bills-etc

QUOTE 20140705 CORRESPONDENCE

**WITHOUT PREJUDICE**

5 **Mr Tony Abbott PM**  
[Tony.Abbott.MP@aph.gov.au](mailto:Tony.Abbott.MP@aph.gov.au)

5-7-2014

Cc: Mr Chernov Governor of Victoria-etc [enquiries@govhouse.vic.gov.au](mailto:enquiries@govhouse.vic.gov.au)  
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**Ref: 20140705-G. H. Schorel-Hlavka O.W.B. to Mr Tony Abbott PM-Appropriation & Taxation Bills-etc**

Sir,

35 I understand that despite my past correspondences you are somehow delusional as to pursue Appropriation and Taxation bills to be passed by the Senate and if not then you will nevertheless persist. And it seem the PUP Senator elect who had a go at you, both for placing your daughters in harms way during the election and your attitude seems to be right on the ball.

40 My recent writings ab out how the government is having access to the courts computers (as Justice Phillips made clear) and about the misuse of government issued telephone, mobiles and transport for private /business purposes seems to at least have alerted Mr C live Palmer that he is better off to use his own computer,, mobile, etc.

45 While ASIO appears to try to make a silly issue about it, we only have to consider the recent reporting by SBS how former prime minister Menzies set up ASIO and used against his political opponents to underline that Mr Clive Palmer is not a fool at all.

50 <http://www.heraldsun.com.au/news/clive-palmer-claims-he-is-under-constant-surveillance-by-spy-agency-asio/story-fni0fiyv-1226977073734?nk=23c420ecc2b615c6ece0d7db69bd9302>

QUOTE

But ASIO has dismissed the bizarre claims, saying it needs a reason to spy and is partisan.

“In addition, ASIO does not have the resources, the need, or the inclination to undertake the large-scale mass gathering of telecommunications data often alluded to in the public sphere,” he said.

END QUOTE

5

How can it be bizarre when the FACTS that were reported was, as I exposed in previous correspondences, that ASIO was not just spying on political opponents of the Liberal Party but also were interfering with the employment or prevention thereof regarding people who were opposed to the Liberal Party’s conduct. And also I understand that the International court of Justice also appeared to acknowledge that the Commonwealth of Australia had been spying on East Timor. And that also spying eventuated against Indonesia, even the presidents wife.

10

I will refrain from quoting relevant reports but safe to say that I view Mr Clive Palmer seems to have gotten the message do not trust those in government.

<http://www.heraldsun.com.au/news/clive-palmer-claims-he-is-under-constant-surveillance-by-spy-agency-asio/story-fni0fiyv-1226977073734?nk=23c420ecc2b615c6ece0d7db69bd9302>

15

QUOTE

### Clive Palmer claims he is under constant surveillance by spy agency ASIO

- by: *Jessica Marszalek*
- From: *Herald Sun*
- July 03, 2014 11:01PM

20

**CLIVE Palmer has installed his own computers in his Parliament House office to guard against the prying eyes of ASIO spies, declaring “all the phones and all the computers are tapped”.**

25

But the super secret spy agency has hit back, saying it neither has “the resources, the need, or the inclination” to launch a mass operation into Mr Palmer and his MP colleagues.

The colourful businessman-turned MP has refused to use the parliamentary computer system, instead paying for his own machines in his personal office he says cannot be monitored.

30

He has also refused taxpayer-funded mobile phones and opted to use his own, to guarantee

“the integrity” of phone calls.

“Yes I think people in my position are normally spied upon because we’re making national

35

policy which affects a lot of vested interests,” he told the *Herald Sun*.

But ASIO has dismissed the bizarre claims, saying it needs a reason to spy and is partisan.

“In addition, ASIO does not have the resources, the need, or the inclination to undertake the large-scale mass gathering of telecommunications data often alluded to in the public sphere,” he said.

40

END QUOTE

In my view you seem to pursue some deranged view that somehow you can get your way no matter what, but rest assure that as a **CONSTITUTIONALIST** I pursue matters to be conducted as is constitutionally appropriate and not despite of it.

45

.In my view at the time of the unconstitutional armed murderous invasion into Iraq neither Mr John Howard, yourself or other Members of the House of Representatives were constitutionally a Minister.

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10 As I indicated in the past also in my view you were an accessory to crimes against humanity,  
 mass murder, war crimes, etc, and so other than various colleagues of you. And as I spelled this  
 out on 19 July 2006 in the County Court of Victoria and the Commonwealth of Australia didn't  
 even oppose any of my submissions then when I comprehensively defeated the Commonwealth  
 and the State of Victoria made known to abide the courts decision (as it had also been served  
 with a **NOTICE OF CONSTITUTIONAL MATTERS**) then it must be obvious clear that all  
 15 and any issues I litigated before the court and were not opposed by any of the Attorney-Generals  
 then were deemed to have been ruled in my favour when the court upheld both my appeals.

And the details of what was placed before the court were published in

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20 I will now quote from previous correspondence to Victorian Premier Denis Napthine which also  
 relates to Appropriation Bills.

**QUOTE** 20140604-G. H .Schorel-Hlavka O.W.B. to Premier D Napthine-Re Geoff Shaw MP-etc-

25 In my view, a minister who uses his position for financial gain not associated with his  
 ordinary function ought to be held legally accountable for misuse and abuse of his office.  
 This not only relates to what was alleged against Mr Joe Hockey but also others of  
 whatever political party they belong.

30 It must not be overlooked that it was reported that Mr Joe Hockey as soon as he was  
 commissioned to be treasurer, but several months before the writs were returned and  
 Parliament sat, he reportedly transferred \$8 billion dollars to the Reserve Bank of  
 Australia.

**Hansard 8-3-1898 Constitution Convention Debates (Official Record of the Debates of the National  
 Australasian Convention)**

35 **QUOTE Mr. DEAKIN.-**

. The arguments of the Hon. Mr. Carruthers appear to have fallen on deaf ears, but, [start page 2042]  
 as he pointed out, if there be embedded in the Constitution a direct enactment that no proposed laws  
 for taxation including more than the one subject of taxation, and no proposed Appropriation Bill **going**  
 40 **outside the ordinary services of the year**, can be legally dealt with, both the Speaker of the House of  
 Representatives and the President of the Senate would not only be authorized, but would be  
 imperatively required, in the discharge of their duty, to rule such a measure out of order at any stage of  
 its existence.

**END QUOTE**

45 Clearly, the 2013 federal election had just been held and yet soon after being  
 commissioned as treasurer Mr Joe Hockey allegedly transferred such huge sum of moneys  
 to the Reserve Bank of Australia. Obviously the question arises to me on what  
 constitutional valid basis could he do so?

It couldn't be deemed to be part of ordinary annual services covered by Appropriation Bills that were passed prior to the 2013-2014 financial year in the relevant budget Appropriation Bills

5 It therefore in my view it is appropriate to question the justification of such large amount of monies in the circumstances then prevailing. Considering that he was only as I understand it a mere few days/weeks in the job then this to me stinks as some prior deal made with whomever.

10 And considering Mr Joe Hockey as treasurer holding reportedly "confidential" meetings with those who paid for a membership then I view it is questionable if this transfer of substantial monies not known to be authorised by Appropriation Bill was a done deal with whomever Mr Joe Hockey had meetings with?

<http://stream.wsj.com/story/latest-headlines/SS-2-63399/SS-2-361915/>

QUOTE

15 Oct 23, 2013

- **Australia Gives Central Bank Billions, Citing Global Risks**

**Government Is Concerned About Potential Global Economic Shocks**

20

Australia's new conservative government gave the central bank a multibillion-dollar cash injection, saying it was necessary to protect the nation from potential global economic shocks.

END QUOTE

25

**HANSARD 8-2-1898 Constitution Convention Debates**

QUOTE

30

**Mr. HIGGINS.**-I did not say that it took place under this clause, and the honorable member is quite right in saying that it took place under the next clause; **but I am trying to point out that laws would be valid if they had one motive, while they would be invalid if they had another motive.**

END QUOTE

35

No one in his right mind would hold that the reported about \$8 billion is not a significant amount of monies that demands clarification. And again, as the ALP was just tossed out of office but the Ministers were still care taking Ministers for about another week but were in no position to make any deals, then again it must be questioned by what authority the monies could be paid to the Reserve Bank of Australia.

40

If we can have a Minister so to say willy nilly transfer or cause to transfer such large amount of monies without accountability to the people, represented by the Members of Parliament, then the danger is there that fraudulent conduct might be rife.

Surely any justification to transfer about \$8 billion would need careful consideration and that hardly can be deemed to have been applicable within days of being commissioned as treasurer.

45

Again, expenses not part of the ordinary serviced of a Department must be approved by special Appropriation Bill.

The following email quoted also stated;

QUOTE

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Here we have an Australian Central Bank, masquerading as being owned/controlled by the Federal Government, but in fact is privately owned and completely independent (read the Australian Banking Act) and in fact, whilst they are quick to point out when asked who owns it, that the Australian government injected a million dollars to get it started!

END QUOTE

QUOTE

**\$8 Billion to the reserve bank of Australia, while people of Australia are in poverty. (2)**

Jim From: kjbart149@gmail.com Date: Thu, 24 Oct 2013 03:43:56 +1100 Subject: \$8 Billion to the reserve bank of Australia, while people of Australia are in poverty. The link below proves that all this debt

25 Oct 2013

[Reply](#), [Reply All](#) or [Forward](#) | [More](#)

Admin The so-called “conservative” federal “government” in this last week gave the Reserve Bank of Australia 8 Billion Dollars, saying it was necessary to “protect the nation from global economic

To CQ FREESTATE TEAMPOLITICIANSCHURCH MILITANT and 2 More...

25 Oct 2013

The so-called “conservative” federal “government” in this last week gave the Reserve Bank of Australia 8 Billion Dollars, saying it was necessary to “protect the nation from global economic shocks.”

HELLO?

Here we have an Australian Central Bank, masquerading as being owned/controlled by the Federal Government, but in fact is privately owned and completely independent (read the Australian Banking Act) and in fact, whilst they are quick to point out when asked who owns it, that the Australian government injected a million dollars to get it started!

So the “stupid goyim” are indoctrinated and brainwashed to believe that the RBA is owned and controlled by the Federal Government, when in fact it is nothing of the kind, it is owned and controlled by the Federal Reserve “Bank” of America, which in turn is owned and controlled by the Rothschilds, Rockefellers, Goldman Sachs, and other Jewish international banksters.

Now this week we have idiot “treasurer” Joe Hockey, saying that the Federal government has to put \$8 Billion back into the RBA to “protect the nation from global economic shocks!”

Here we have the Federal government, who was given the funds by

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the RBA in the first place, who created it out of nothing - thin air - with the flick of a few computer keys, (which we are not supposed to know, or even discuss) handing it back to the RBA to “protect the nation.” What does the RBA do with it? They cancel it out of existence of course, ready for the next loan out to the “stupid goy” government – all at interest of course, which they also create out of thin air!

When I went to primary school, this kind of behaviour was know as insanity, but today of course, we are more educated. Now it’s called “economics!” YEAH RIGHT!

**They all should be jailed!**

**“The business by which banks create money out of nothing is so simple, that the mind is repelled.”** Prof. John Kenneth Gailbraith.

Admin

----- Forwarded Message

**Subject:** FW: \$8 Billion to the reserve bank of Australia, while people of Australia are in poverty.

**subject: \$8 Billion to the reserve bank of Australia, while people of Australia are in poverty.**

**From:** kjbart149@gmail.com <<mailto:kjbart149@gmail.com>>

**Date:** Thu, 24 Oct 2013 03:43:56 +1100

**Subject:** \$8 Billion to the reserve bank of Australia, while people of Australia are in poverty.

The link below proves that all this debt we have is a total illusion,..... it is just a game of Monopoly.

Australia is giving billions in foreign aid,... While telling its own people that we need to reduce your pensions and cut back on services.

**It is interesting to note that the politicians are giving them huge massive wage increases all the time and have set themselves up with super schemes, that will give them millions when they leave Parliament.**

This is what happens when you put politicians in an ivory tower,....who are **middle**

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### management for a foreign owned corporation.

So our foreign owned corporate government,...has now given monopoly money of \$8 billion to another foreign owned corporation,..called the Reserve bank of Australia, **(this is only a name of a foreign private corporation )**. That has a board of directors and shareholders overseas, it is nothing to do with Australia at all, it is not tied to the government at all,... It is time for us to wake up to all this hogwash.

Effectively what this foreign owned corporate government of Australia has done is transfer wealth from the Australian people into the pockets of a foreign multinational corporation called the reserve bank of Australia that is nothing to do with Australia at all.

On top of this We are paying \$16 billion in interest payments on a debt that is a false and illusionary Monopoly money debt,... We are paying with physically hard earned money,... This money is going to a foreign corporation from overseas.

Our foreign owned private corporate government has also raise the debt limit to \$500 billion,(they made a promise before the election to reduce this debt),... So much for promises... This is also an illusion.

The Australian people need to start working together, helping each other out, with no money in return,... This is the only way we will defeat these money junkies.

Politicians and Money Junkies/tapeworms/parasites, are all tarred with the same brush, these people make a psychopath look like a saint.

-----

## **Australia Gives Central Bank Billions, Citing Global Risks**

### **Government Is Concerned About Potential Global Economic Shocks**

THE WALL STREET JOURNAL

By James Glynn

24 October 2013

Australia's new conservative government gave the central bank a multibillion-dollar cash injection, saying it was necessary to protect the nation from potential global economic shocks.

SYDNEY—Australia's new conservative government gave the central bank a multibillion-dollar cash injection, saying it was necessary to protect the nation from potential global economic shocks. The 8.8 billion Australian dollar (US\$8.5 billion) payout would strengthen the central bank's balance sheet when economies from the U.S. to Europe remain vulnerable, Treasurer Joe Hockey said.

<http://stream.wsj.com/story/latest-headlines/SS-2-63399/SS-2-361915/>

<<http://stream.wsj.com/story/latest-headlines/SS-2-63399/SS-2-361915/>>

**WE WANT OUR MONEY BACK HOCKEY! YOU'RE NOTHING BUT AN AGENT FOR THE BANKSTERS! ERRR GANGSTERS!!!!**

END QUOTE

QUOTE

On Friday, 16 May 2014 5:31 PM, Jim <jim.sovereign@optusnet.com.au> wrote:

Both the Liberal and Labor governments are experts at spending and wasting public tax revenue on themselves without any permission from their employers - the Australian people.

5 I'm unaware of the federal constitution authorising any government to spend public tax revenue on frivolous things such as campaigns for remote school attendance, rollout of low aromatic fuel (what b.s.!!), state memorial service (for who and why?), checking news reports on indigenous issues and other ridiculous excuses to waste public monies.

10 Over the last 20 years the Liberal and Labor fe'ral morons have probably blown over a billion dollars between themselves on constitutionally unauthorised, and unnecessary advertising, consultancies and other rorts that the public is mostly unaware of, but indirectly consents to by continuing to vote for the major parties.

15 Jim

## **\$2.5m consultant, ad bill for PM's dept**

**news.com.au**

20 AAP

May 16, 2014 1:36PM



25 The PM's department has spent more than \$2.5 million on advertising and consultants in four months. *Source: AAP*

**TONY Abbott's department spent more than \$2.5 million on advertising, media training and consultancies in four months.**

30

The Department of Prime Minister and Cabinet spent \$244,000 on advertising between November and February.

35 The campaigns covered remote school attendance, the rollout of low aromatic fuel, indigenous jobs, staff recruitment and a state memorial service.

Five consultancies or reviews initiated by the department have cost \$2.3 million so far, but the final bills have yet to come in.

They include a yet-to-be-determined amount for the federation white paper, \$1.2 million for the renewable energy target review and \$300,000 for the review of Indigenous Business Australia and the Indigenous Land Corporation.

5 There was also \$620,000 for the "industry investment and competitiveness agenda" and an internal budget item for the report by the Interdepartmental Committee on Intercountry Adoption, information from the department released through senate estimates shows. Media monitoring in the period from December to the end of February cost just under \$50,000, with one contract - for checking news reports on indigenous issues - costing \$5000 a month.

<http://www.news.com.au/national/breaking-news/m-consultant-ad-bill-for-pms-dept/story-e6frku9-1226920037880>

END QUOTE

15 Yet, I am not aware such consultancy fees were approved by special Appropriation Bills.

In my view, it does appear not just that Mr Joe Hockey as treasurer is for sale but that he is involved in so to say dealings, etc , that may be involve fraud/fraudulent conduct.

20 In my view the heading "Treasurer for sale: Joe Hockey offers privileged access" is a reasonable conclusion I draw also from the conduct of Mr Joe Hockley as I understand it to be.

25 It should be understood, at least as I understand the membership is about, that it relates to people paying a membership so they can have a personal meeting with Mr Joe Hockey in his capacity as a treasurer and not merely because he happens to be a Member of Parliament. In my view anyone who makes a donation should be revealed as to his/her identity, so that in the event such a donor received a government contract it might clarify some bribery. I understood that Mr John Howard as Prime minister was involved in providing financial benefits for the Ethanol producers after they had made as I understand it considerable political donations. Hence the need to have donations to politic candidates/parties to me required to be reported and any such person/business making a donation is banned for no less than 7 years of being engaged in any contract with the Commonwealth of Australia, so in the event the party does get into power it cannot use public monies to so to say filter it back to the donors perhaps 10 fold.

35 QUOTE

Treasurer Joe Hockey is offering privileged access to a select group including business people and industry lobbyists in return for tens of thousands of dollars in donations to the Liberal Party via a secretive fund-raising body whose activities are not fully disclosed to election funding authorities.

40 END QUOTE

Lobbyist clearly have a purpose to advance those they act for and I view a Minister of the Crown who accepts directly or indirectly monies may be deemed to accept bribes.

The above is only a limited set out see also my blog at [www.scribd.com/inspectorrikati](http://www.scribd.com/inspectorrikati)

45 END QUOTE 20140604-G. H .Schorel-Hlavka O.W.B. to Premier D Napthine-Re Geoff Shaw MP-etc-

In regard of the following quotation what Mr Daniel Andrews doesn't appear to understand is that in emergencies the governor as like the Governor-General has the powers to authorise the payments of ordinary expenditure of Departments albeit afterwards the parliament passes Appropriation Bills for this. As such, even if in a disaster the Parliament would fail to pass

Appropriation Bills the Governor/Governor-General can still enable pensions and other payments to continue as being ordinary annual service payments.

**QUOTE** 20140607-G. H .Schorel-Hlavka O.W.B. to Speaker Christine Fyffe-COMPLAINT-etc

<https://au.news.yahoo.com/thewest/national/a/24152892/shaw-in-firing-line-in-vic-political-row/>

**QUOTE**

Victorian Greens leader Greg Barber called on Labor to block the budget, which Mr Andrews said would deny emergency services workers their wages.

"It's absolutely and fundamentally irresponsible (to block supply)," Mr Andrews said.

**END QUOTE**

And this underlines that Appropriation Bills and complimentary Taxation Bills must be submitted to the Parliament well before the new financial year as to avoid any problems in case the Bills are not passed. If the bills are failing to pass in the first session when presented then there must be time allowed for a second session and failing again there must be time to hold a general election and for the bills to be presented to the Parliament again with or without amendments. Currently the Legislative Council is held at ransom to pass the bills no matter what because of the lack of sufficient time to have the required processes to be dealt with.

And clearly the fact that a blocking of supply has been suggested underlines how critical it is that Parliament finally address this issue appropriately, rather than to so to say hold Victorian public at ransom.

I may state however that the Framers of the Constitution contemplated that the executive may have to spend monies without any Appropriation Bills having been passed and in that case the Governor-General was to authorise the expenditure subject to the Parliament afterwards passing appropriation bills for this. I view therefore that even if the appropriation bills were to fail in the State Parliament, it would not be the end of it as the Governor would be entitled to authorise the expenditure and have at a later time Parliament passing Appropriation Bills to deal with those expenditures.

It should be understood (as the Framers of the Constitution embedded this legal principle in the constitution) that constitutionally the Governor-General is the Chief Executor of the Commonwealth of Australia and the Governor of each State is the Chief Executor of the relevant State. Neither a Governor-General nor a Governor can be employed by the relevant Government as they are in employment of the Crown.

**END QUOTE** 20140607-G. H .Schorel-Hlavka O.W.B. to Speaker Christine Fyffe-COMPLAINT-etc

**QUOTE** 20140613-G. H .Schorel-Hlavka O.W.B. to Louise Asher Re Mr Geoff Shaw-REQUEST for DETAILS and INFORMATION-etc

If the Legislative Assembly was not dealing with the Member for Frankston within Standing Orders, even so they were not suspended, then surely the Speaker ought to have informed the House what on earth she was doing so they all would know what procedures were to be followed? Or is it that really no one had a clue what on earth was appropriate and by convention they just go along and so tho say the hell with Standing orders if it doesn't suit?

But if you are dealing with a person for allegedly breaching orders then surely you must yourself ensure not to do the same as two wrongs doesn't make it right.

Because the provisions of "allowance" of a Member of Parliament is not within the powers of a House but is in fact constitutionally for the Parliament to legislate in regard of then I

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view if the usage of a motor vehicle is included in an allowance then it should never have been an issue as to abuse of privileges but a breach of law, if such breach was established and then I view only upon conviction may the relevant House, if the Standing Orders provide for this, deal with the member having been convicted in a court of competent jurisdiction.

What also should be considered what is really a "privilege", as an "allowance" cannot be a privileges but is a constitutional right to compensate a Member of Parliament towards the cost of being a Member of Parliament. if therefore the Parliament in the allowance provides for a motor vehicle then while I may understand it should not be used for commercial purposes nevertheless when one consider many members of parliament involved in business dealings and use their telephone at the parliamentary offices for this also then what is the difference between them doing so at taxpayers cost and what Mr Geoff Shaw has been accused of?

Do you really hold the view that not a single Member of Parliament may drive from his/her parliamentary offices and step by a business they own on their way home, etc, and then do not charge for the trip on account of taxpayer's. I think you would live in fairy land and be out of reality.

And where is the constitutional powers for Premier Denis Napthine to have reportedly handed out more than a million dollars to a friend under the so to say cover of being for employment purposes?

Firstly, any such special payments, as a once of and not being for the maintenance of a Department must be approved by Appropriation Bill.

As such if there was no special Appropriation Bills to sanction such a payment then it was unconstitutional.

Hansard 8-3-1898 Constitution Convention Debates

QUOTE Mr. DEAKIN.-

. The arguments of the Hon. Mr. Carruthers appear to have fallen on deaf ears, but, [start page 2042] as he pointed out, if there be embedded in the Constitution a direct enactment that no proposed laws for taxation including more than the one subject of taxation, and no proposed Appropriation Bill **going outside the ordinary services of the year**, can **be legally dealt with, both the Speaker of the House of Representatives and the President of the Senate would not only be authorized, but would be imperatively required, in the discharge of their duty, to rule such a measure out of order at any stage of its existence.**

END QUOTE

Hansard 8-3-1898 Constitution Convention Debates

QUOTE Mr. HOLDER (South Australia).-

**In an Appropriation Act we should have so many hundred thousand pounds for this, and so many hundred thousand pounds for that, and other items; but we should have no detail whatever. In no Appropriation Act passed by any Parliament is there given small details of the amounts appropriated. An Appropriation Act would often include amounts of £10,000, £15,000, £20,000, and larger sums, the details of which would be lost altogether in the mass of votes included in the Act.** Therefore, it is quite impossible for any court to tell from the mere construction of an Appropriation Act whether the items do comprise moneys required for the ordinary annual services of the Government, even if that phrase "ordinary annual services of the Government" were beyond dispute. Personally, I do not know what the phrase means, and I do not suppose it is possible for anybody definitely to say what it means.

**Mr. REID.-**With a new Government it will be a very difficult matter to know what are "ordinary annual services."

**Mr. HOLDER.-****Yes; but every item must be an annual expenditure, not one which comes on specially. Now, we all know that all sorts of special emergencies arise in every country, and that special provision has to be made for every such emergency.**

**Mr. ISAACS.-**Would £50,000 for contingencies be regarded by the court as money appropriated for the ordinary annual services of the Government?

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Mr. REID.-That would a nice question for the High Court to determine.

END QUOTE

**Hansard 8-3-1898 Constitution Convention Debates**

QUOTE

5

Mr. ISAACS.-Suppose you had in the Appropriation Bill, a grant of £500 payable to John Brown, and it was not one of the ordinary annual services of the Government: could not the court, under this sub section, set the whole law aside?

10

Mr. BARTON.-There is no doubt that I might be tempted to return the same answer to that question which a speaker on a memorable occasion returned.

Mr. ISAACS.-It is a very good reason for not having the clause in the Bill.

15

Mr. BARTON.-It is no reason for not having the clause in the Bill. If my learned friend thinks that the words as they stand are liable to confusion, if he thinks that the ordinary annual services. of the Government do not sufficiently define the ordinary annual Appropriation Bill-an Act which the Government must pass to carry on its own existence-let him suggest some better form of words. Let him make the clause clearer, and by so much as he makes it [start page 2019] clearer he loses the whole point and effect of his own argument. If the court were to decide that this grant of money to John Brown is part of the ordinary annual services of the Government, let it be so; but if it is not to decide the question we will soon find that out, and it can be rectified in six hours.

20

Mr. TRENWITH.-But in the meantime the whole Bill goes.

Mr. ISAACS.-The whole law goes.

Mr. BARTON.-In the meantime the whole Bill need not go. We know very well that the whole Bill does not go under these circumstances, and I am astonished that some of my honorable friends have not sufficient recollection of Victorian history not to tell us that.

25

Mr. ISAACS.-We have too vivid a recollection of Victorian history to allow this to pass.

30

Mr. BARTON.-Well, summing up, if the argument is that the sub-section should be made clearer, let us have suggestions for the clearing of the sub-section, and, in proportion as those suggestions are good, the necessity for my learned friend's amendment diminishes; but I submit that where a law bears on its face the evidence of an infraction of the Constitution, we should be entitled not to allow the process of that law to be regulated by mere methods of procedure, but to submit them to the determination of the court, because of the evil which appears on their faces. Then, as regards the objections taken to clause 54, I submit that under that clause the rights of the Senate and the House of Representatives are correlative rights, but that we are not here to confer rights on Chambers, except by way of making them instruments of the rights of the people-that so far as we assume to do that we do that sufficiently under clause 54, a clause relating to procedure, without invoking a judicial tribunal to interfere with mere matters of procedure; but that where the matters are not only procedure, but go beyond procedure, so as to be matters which carry on their face the evidence of distinct infractions of the Constitution, then, as we do under clause 55, we do right to submit those matters to the judicial tribunal.

40

END QUOTE

And

**Hansard 8-3-1898 Constitution Convention Debates**

QUOTE

45

Mr. HIGGINS.-Supposing that an Appropriation Bill is brought up from the House of Representatives providing for the ordinary annual services, and providing, amongst other things, for the payment of light-house keepers, the Senate might think that this provision for the payment of the light-house keepers should not be carried unless a provision was also inserted dealing with the light-house keepers who had been dispensed with.

Mr. DOBSON.-We should put them in a separate Bill.

50

END QUOTE

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Hansard 8-3-1898 Constitution Convention Debates

QUOTE

5 **Mr. ISAACS.-I should hope that the expenditure caused by a bush fire would not be part of an annual service.**

**Mr. MCMILLAN.-**Would it not into the Appropriation Bill?

**Mr. ISAACS.-Yes; but not as an annual service.**

10 **Mr. MCMILLAN.-The annual services of the Government are those which we distinguish from special grants and from loan services. The difficulty is that we have got rid of the phraseology to which we are accustomed, and instead of the words Appropriation Bill, we are using the word law.**

**Mr. ISAACS.-**A difficulty arises in connexion with the honorable members proposal to place expenditure incurred for bush fires in the ordinary, it would not be annual, and it would not be a service.

15 END QUOTE

Therefore if the payment to Premier Denis Napthine friend was not approved by Appropriation Bill then I view it was unconstitutional. And as I understood this involved about \$1.5 million dollars then surely this is a hell lot more than what Mr Geoff Shaw is accused of.

20 **END QUOTE** 20140613-G. H. Schorel-Hlavka O.W.B. to Louise Asher Re Mr Geoff Shaw-REQUEST for DETAILS and INFORMATION-etc

Basically, as the framers of the constitution made clear, that the government may seek appropriation or other Bills and if they are not passed on the second time presented to the Senate than the Prime Minister may seek a DOUBLE DISSOLUTION, however if the Prime Minister doesn't seek this but carries on then the defeated bill no longer can be used for a DOUBLE DISSOLUTION as it is deemed not to have been important.

30 In my view what you are on about is terrorism to try to force the Senate to agree with Bills no matter what.

**I intend to address more upon this**

35

40 **Below indicates that any monies recovered from any roting/punishment, etc must be put back into Consolidated Revenue Funds, as it is public monies.**

**QUOTE** 20140615-G. H. Schorel-Hlavka O.W.B. to Bruce Atkinson MLC -Re Geoff Shaw saga-etc

45

Because the Framers of the Constitution provided for the legal principle that a Member of Parliament was to be compensated towards travel cost and out of pocket expenses and loss of income as to be able to attend to the Parliament then I view the Member of Parliament so suspended cannot in any way be entitled to any "allowanced" while the suspension

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continues. To do otherwise would effectively place the suspended Member of Parliament in a position akin to being in an Office of Profit. As such there can be no parliamentary “allowance” during the suspension of any kind, other than for any suspension that eventuated on the day of the suspension while the Member attended already to the Parliament. As such the legislative assembly erred in to hold that Mr Geoff Shaw Member of Frankston was not entitled to 11 days of “allowances” this because by attending on 11 June 2014 to the Parliament he is constitutionally entitled to being provided with an “allowance” for that day.

When a Member of Parliament doesn’t at all attend to the Parliament on a sitting day, being it due to illness or whatever (not just suspension) then I view the Member of Parliament has no entitlement to be provided with any allowance”: for that day, as the “allowance” is to provide a compensation towards cost and loss of income and this is not incurred if so to say the Member for Parliament stays at home. The exemption may be where a Member of Parliament travelled to the parliament (far from home) and is in the capital to attend to Parliament but then due to a short illness cannot attend to the parliament but then subsequently recover and then attend. As then the Member’s conduct was that for all purposes and intend he did travel to the parliament to attend and so ought to be entitled to the “allowance” applicable for this.

This also places in question:

<http://www.news.com.au/national/victoria/state-governments-grip-on-lower-house-to-be-tested-by-new-laws/story-fnii5sms-1226952414060>

**QUOTE**

**Ms Fyffe said in the Assembly on Thursday that Mr Shaw’s docked pay would go to Bowel Cancer Australia.**

**END QUOTE**

Firstly, it is not docked “pay” (not being an allowance) as if it was then it would place the Member of Parliament in a position of **Office of Profit** and the seat is then vacant.

Also, no monies could be payable to the Bowel Cancel Australia because it is not within the power of the Speaker to donate monies to any external organisation that belongs to the taxpayers and must be subject to an appropriation bill!

**Hansard 8-3-1898 Constitution Convention Debates**

**QUOTE**

**Mr. ISAACS.-I should hope that the expenditure caused by a bush fire would not be part of an annual service.**

**Mr. MCMILLAN.-**Would it not into the Appropriation Bill?

**Mr. ISAACS.-Yes; but not as an annual service.**

**Mr. MCMILLAN.-The annual services of the Government are those which we distinguish from special grants and from loan services. The difficulty is that we have got rid of the phraseology to which we are accustomed, and instead of the words Appropriation Bill, we are using the word law.**

**Mr. ISAACS.-A difficulty arises in connexion with the honorable members proposal to place expenditure incurred for bush fires in the ordinary, it would not be annual, and it would not be a service.**

**END QUOTE**

**Hansard 8-3-1898 Constitution Convention Debates**

**QUOTE**

**Mr. ISAACS.**-I should hope that the expenditure caused by a bush fire would not be part of an annual service.

**Mr. MCMILLAN.**-Would it not into the Appropriation Bill?

**Mr. ISAACS.**-Yes; but not as an annual service.

5 **Mr. MCMILLAN.**-The annual services of the Government are those which we distinguish from special grants and from loan services. The difficulty is that we have got rid of the phraseology to which we are accustomed, and instead of the words Appropriation Bill, we are using the word law.

10 **Mr. ISAACS.**-A difficulty arises in connexion with the honorable members proposal to place expenditure incurred for bush fires in the ordinary, it would not be annual, and it would not be a service.

END QUOTE

15 The Speaker/President cannot allocate public monies for purposes beyond the powers of the Parliament. "Bowel Council Australia" is not part of the Parliament and therefore falls outside the powers of the Parliament to provide a donation towards. But as one cannot rely on the media actually sticking to the facts I therefore consulted the Hansard of 12 June 2014 of the legislative Assembly;

QUOTE

20 **Business interrupted under standing orders.**

25 **The SPEAKER**—Order! Before calling for questions I would like to advise the house that following numerous inquiries received this morning I have chosen to donate the moneys from the member for Frankston's repayment, as decided by the house yesterday, to bowel cancer research. I am advised that this amount will be \$4200, so added to the contributions already made by the Leader of the Opposition, the member for Monbulk and the member for Bendigo East of \$5793, this will result in just under \$10 000 being given to bowel cancer research.

END QUOTE

30 In my view the Speaker/President must not divert any monies from Consolidated Revenue Funds that was obtained for purpose of managing either Houses of Parliament to some outside organisation. What we have in my view is that the Speaker ongoing disregarding proper conduct within her duties and obligations and run the Legislative Assembly as her personal empire, rather than as an employee of the Parliament. If a Speaker/President can make such a donation then where will it stop? Clearly monies returned from any Member of Parliament ought to be returned to the Consolidated Revenue Funds unless otherwise used for the Parliament itself.

35 It is not for a Speaker/President so to say to play Father Christmas with the monies of taxpayers and I view the Speaker acts in competently and abused her position, yet again. But where are the sanctions against the speaker for this, I wonder?

40

END QUOTE 20140615-G. H. Schorel-Hlavka O.W.B. to Bruce Atkinson MLC -Re Geoff Shaw saga-etc

**The following also can be applied to the Leader of the Opposition of the Commonwealth of Australia**

45 QUOTE 20140615-G. H. Schorel-Hlavka O.W.B. to Bruce Atkinson MLC -Re Geoff Shaw saga-etc

50 While the *Victorian Constitution Act 1975* refers to "**the Leader of Her Majesty's Opposition**" there is no "**5 Definitions**" what is the true meaning and application of this position. If for example there are members of both major parties as ministers in the government, then hardly the party with the second highest number of Members to the Legislative Assembly could be deemed to be the Opposition. In some countries there are more than 2 parties forming a government, and then obviously, if the same were to

eventuate in the Victorian Parliament one may require to have an establish formula by definition who is the “**the Leader of Her Majesty's Opposition**” . Hence it may be that the required to be the result of a vote in the Legislative Assembly where all Members of the Legislative Assembly, not being party members to the political parties forming the Government of the Day, then vote upon who shall be the “**the Leader of Her Majesty's Opposition**”. After all, 2 political parties may have the same number of Members of the Legislative Assembly and so an election would be more appropriate.

Likewise, there is no provision in the *Victorian Constitution Act 1975* for a “shadow Minister” and hence any payments made to any member of parliament for being purportedly a “shadow Minister” must be deemed to be constituting an Office of Profit. While the Legislative assembly standing orders refers to “**shadow Minister**” it is beyond the Parliament to create an alternative Government as this would violate the separation of powers between the State Executives and the State Legislators and as such those Standing orders in violation to the separation of powers are **ULTRA VIRES**.

I am also concerned about the Standing orders requiring a member of the legislative assembly to obtain the permission of the Leader of the House of the Government in certain instances, this as this would unconstitutionally make the Parliament subject to the government wimps

It appears to be that the Government controls the Parliament rather than that the Government is accountable to the Parliament.

It is not relevant if those Standing Orders may have been voted upon in the past by Members of the Legislative Assembly as where they defy the separation of powers then they are not legally enforceable. Indeed this conduct is tantamount of contempt to the constitution to prevent a government to be held accountable by the Parliament, by a Minister misusing his membership as a Member of the Legislative Assembly to be responsible for any inappropriate conduct.

The constitutional principle is that the Parliament legislate and the Government of the Day can only act within the provisions of the legislation. Where the Government of the day acts in defiance of legislative provisions then it should have no powers whatsoever to circumvent accountability in the Parliament as the Minister are “**responsible** Ministers”. The Speaker/President are not there to provide some comfort zone for the government to avoid accountability but are there to ensure that Members of the Parliament in their respective Houses of Parliament can hold ministers accountable. That is why a Speaker/President should be party neutral and I view should resign from their political party they may be member of so as to show there is no bias.

There appears to me a lot wrong with the *Victorian Constitution Act 1975* and the Legislative Assembly Standing orders and I haven't even considered the legislative council Standing Orders.

**It appears to me that Members of Parliament and their army of legal advisors simply do not understand what a constitution is to be about and what Standing Orders may or may not provide for and how they can be used.**

END QUOTE 20140615-G. H. Schorel-Hlavka O.W.B. to Bruce Atkinson MLC -Re Geoff Shaw saga-etc

**And when one considers “Debt to the Commonwealth” as to Child support payments, which should then go into Consolidated Revenue Funds if it was for public purposes as the Commonwealth of Australia cannot have a “Debt to the Commonwealth” to pursue on behalf of a custodian parent a “private” debt by the non-custodian parent, then clearly in my view the entire Child Support system to force non-custodian parents to pay is unconstitutional. How on earth can the “agent” the Child Support Agency for and on**

behalf of the “grantor” (the custodian) access taxation files of the non-custodian parent where the donor (the custodian parent) has no such rights?

*U.S. Supreme Court Olcott v. The Supervisors, 83 U.S. 16 Wall. 678 678 (1872)*

QUOTE

5 Page 83 U. S. 693

**"The legislature cannot create a public debt, or levy a tax, or authorize a municipal corporation to do so, in order to raise funds for a mere private purpose.**

END QUOTE

10 **The following is also important to understand that the Commonwealth of Australia cannot just like that hand out monies, such as it did to car manufacturers and John Howard’s brother’s business that as I understand it went broke, this as it was not for public purposes.**

QUOTE 20140615-G. H. Schorel-Hlavka O.W.B. to Bruce Atkinson MLC -Re Geoff Shaw saga-etc

15 With email I generally forward a copy to myself as evidence that I received a copy. This as at times I had lawyers claiming they never received any copy. In fact in one case I had taken precaution to forward at the same time a copy to the trail judge, and so the trail judge was fully aware that the lawyer was making fraudulent claims.

20 Hence, I view that any provision as to delivery of a resignation document must be provided with the manner in which the document is deemed to have been delivered to avoid conflicts afterwards.

**No. 204 Constitution Act 1975** No. 8750 of 1975 **Version incorporating amendments as at 1 February 2014**

proposed amendment 37 Resignation of members

25 A member may resign his seat by a letter addressed to the Speaker and on its receipt by the Speaker the seat of such member shall become vacant.

**The date and time of receipt will be governed as follows:**

30 (a) **By postal service 3 days (not including public holidays and week-end days) from the date of posting by ordinary service/certified/registered, calculated from where evidence of the date and time of posting can be provided.**

(b) **The date and time recording of when the email was sent to the Speaker/President parliamentary office**

(c) **The date and time of personal service, including courier service**

35 **Where the Speaker/President considers that the resignation is not acceptable in the circumstances, at the time prevailing, then the resignation will take no effect, where the Speaker/President within 7 days of the date referred to above notify the person that the resignation is not accepted. Where such resignation is not accepted by the Speaker/President then the Speaker/President causes the matter to be placed before the House (in which the person is a Member) on the first sitting day following the refusal to accept the resignation) as to determine by a vote if the resignation ought to be accepted or not.**

40 **Where a member resigned and subsequently in good faith engaged in an Office of Profit, and subsequently is notified that the resignation was not accepted, then for purpose of this provision the Speaker/President shall determine if the matter shall be required to be investigated by the privileges committee or not.**

45 **For purpose of this section a Member of Parliament resigning or otherwise not re-elected or not standing for re-election shall be prohibited to engage in a form of employment/directorship/consultant with a company or other business entity for no less than 7 years after the date of leaving the seat where such form of employment were to be in the field of in which the member during parliamentary services was a Minister of the Crown. Where a member/former member violates this provision then it shall be dealt with as a contempt of parliament and be dealt with by the House in which the person is/was a member.**

50 **In this part the Speaker/President refers to the Speaker of the Legislative Assembly/President of the Legislative Council.**

55 **END proposed amendment**

proposed amendment

**30 Resignation of members**

5 A member may resign his seat by a letter addressed to the Governor and on its receipt by the Governor the seat of such member shall become vacant.

**The date and time of receipt will be governed as follows:**

10 (d) **By postal service 3 days (not including public holidays and week-end days) from the date of posting by ordinary service/certified/registered, calculated from where evidence of the date and time of posting can be provided.**

(e) **The date and time recording of when the email was sent to the Governor's office**

(f) **The date and time of personal service, including courier service**

15 **Where the Governor considers that the resignation is not acceptable in the circumstances, at the time prevailing, then the resignation will take no effect, where the Governor within 7 days of the date referred to above notify the person that the resignation is not accepted. Where such resignation is not accepted by the Governor then the Governor advises the Speaker/President of this who then causes the matter to be placed before the House (in which the person is a Member) on the first sitting day following the refusal to accept the resignation) as to determine by a vote if the resignation ought to be accepted or not.**

20 **Where a member resigned and subsequently in good faith engaged in an Office of Profit, and subsequently is notified that the resignation was not accepted, then for purpose of this provision the Speaker/President shall determine if the matter shall be required to be investigated by the privileges committee or not.**

25 **For purpose of this section a Member of Parliament resigning or otherwise not re-elected or not standing for re-election shall be prohibited to engage in a form of employment/directorship/consultant with a company or other business entity for no less than 7 years after the date of leaving the seat where such form of employment were to be in the field of in which the member during parliamentary services was a Minister of the Crown. Where a member/former member violates this provision then it shall be dealt with as a contempt of parliament and be dealt with by the House in which the person is/was a member.**

30 **In this part the Speaker/President refers to the Speaker of the Legislative Assembly/President of the Legislative Council, including acting Speaker/President**

35 **END proposed amendment**

40 It might be that a Member of Parliament may seek to resign in circumstances that may not be in the interest of the People of Victoria and as such this should be avoided if so deemed appropriate and for this the mechanism to refuse a resignation should be in place. It has too often eventuated that a Member of Parliament as a Minister, assistant Minister, etc, having served in a certain portfolio then upon leaving the seat commences employment with a company in the field the former Member of Parliament had extensive internal knowledge about and may be deemed to be in a position of conflict of interest as well as to avoid a Minister of the Crown to use/misuse his/her ministerial or other position to advance himself/herself for a potential future employment/directorship/consultancy with a company.

45 I am also concerned that far too often the Government uses excuses as to commercial confidentiality as to disclose details of contracts, etc, which really appears to me to indicate a likely abuse of power and may involve possible kickbacks, etc.

<http://ag.ca.gov/ethics/accessible/misuse.php>

QUOTE

**Misuse of Public Funds****Public Funds may not be Used for Personal Purposes**

The starting point for any analysis concerning the misuse of public funds begins with the principle that public funds must be expended for an authorized public purpose. An expenditure is made for a public purpose when its purpose is to benefit the public interest rather than private individuals or private purposes.

Once a public purpose is established, the expenditure must still be authorized. A public official possesses only those powers that are conferred by law, either expressly or impliedly.

The California Constitution and a variety of state statutes make it clear that public funds may not be expended for purposes that are primarily personal. Such expenditures are neither for a public purpose nor are they authorized.

The prohibition against using public funds for personal purposes does not mean that no personal benefit may result from an expenditure of public funds.

For example, the payment of a public employee's salary confers a personal benefit on the employee, but it is an appropriate expenditure of public funds because it is procuring the services of the employee for public purposes.

The misuse of public funds occurs when the personal benefit conferred by a public expenditure is not merely incidental. The term "public funds" is not limited to money, but includes anything of value belonging to a public agency such as equipment, supplies, compensated staff time, and use of telephones, computers, and fax machines and other equipment and resources.

**Examples of Misuse of Public Funds**

1. In **People v. Dillon**, a city commissioner used official government discounts to purchase items for himself and others. This was a misuse of public funds, even though those receiving the discount paid for the items with personal funds.
2. In **People v. Sperl**, a county marshal furnished a deputy marshal and a county vehicle to transport a political candidate, his staff and family.
3. In **People v. Battin**, a county supervisor used his county compensated staff to work on his political campaign for Lieutenant Governor.
4. In **People v. Harby**, a city official used a city car, entrusted to him for use in connection with official business, to take a pleasure trip from Los Angeles to Great Falls, Montana and back.

Violations of the laws prohibiting misuse of public funds may subject the violator to criminal and civil sanctions.

These penalties may include imprisonment for up to four years and a bar from holding office.

**END QUOTE**

Wed have that the Victorian Government under the leadership of Premier Denis Napthine provided reportedly \$1.5 million to a friend for meat works. And I understand that Premier Denis Napthine may have agreed to fund cost for having Gay Waterhouse a horse trainer to attend to Warnabool races. Such expenditures are not in my view that of ordinary services of a Department and therefore should be subject to special Appropriation Bills to be authorised by the Parliament. Failure of this the public monies cannot be used for this.

**Re funding Albert Park racing**

As the Authorities quoted below does indicate that not everything can be held to be for “public purpose” even if a Government were to legislate or otherwise seek to claim this. For example the High Court of Australia held that acquiring property for re-sale couldn’t be held to be for “public purposes”.

5 [http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/HCA/2009/12.html?query="public%20purpose"](http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/HCA/2009/12.html?query=)

**R & R Fazzolari Pty Limited v Parramatta City Council;  
Mac's Pty Limited v Parramatta City Council [2009] HCA  
12 (2 April 2009)**

10 In this case the High Court of Australia held that to acquire property for the purpose of re-sale to Grocon was not for public purposes.

The Albert Park racing is an event to which ordinary only paying customers have access to. In my view this already exclude it from being for “public purposes”. Whereas if the Government were to develop land for a park to which any citizen can stroll through then I view this is for “public purposes” because it allows any member of the public to use it. Far too often it is claimed that something is for “public purposes” when it in fact is a commercial or other private enterprise.

20 In my view if a matter was for “public purposes” then it wouldn’t be depending upon Mr Ecclestone to decide if the Grand Prix racing would be held or not. The mere fact that it is a private person who ultimately decide if the racing is held in Albert Park underlines it is a commercial event for which tax payers monies should not be permitted to be used.

25 What we need therefore is to consider what really is for “public purposes”? When can we justify public monies to be spend?

30 What is the real cost to the public for having not only to pay Mr Ecclestone monies but also having to convert an ordinary public place in a closed off gathering for customers paying entry and the huge cost associated with this including erecting barriers, Police and other crowd control. The building of facilities for the racing participants that later has to be removed again, etc.

35 We also have to consider that Mr Walker I understand Chairman of the Grand Prix Racing is also a personal friend of Mr Ecclestone and also seems to have made millions of dollars with certain financial issues with Mr Ecclestone, and so may not be IMPARTIAL to deal for and on behalf of the Victorian Government.

40 As a Victorian taxpayer I oppose the usage of taxpayers monies to be squandered on a Albert Park racing event, as I view it is not for “**public purposes**”. While perhaps you may favour the Albert Park racing for personal issues, nevertheless I view you must set aside those personal views and act with competence and show to act with competence in an **IMPARTIAL** manner and consider if in fact the Albert Park racing is for “**public purposes**” or not. Hence to assist you to get some understanding how the meaning of “**public purposes**” has been used by countless Authorities I have quoted various below.

45 While a government may argue that Albert Park racing is good for tourism, etc, then we must consider the federal context, this as “external affairs” is a Commonwealth legislative power.

The following quote is of a more extensive quotation shown below;

<http://supreme.justia.com/us/83/678/case.html>

*U.S. Supreme Court Olcott v. The Supervisors, 83 U.S. 16 Wall. 678 678 (1872)*

50 **QUOTE**

**In 1870, that is to say, subsequent to the issue of these orders, though prior to the trial of this case in the court below, the Supreme Court of the State of Wisconsin, in the Page 83 U. S. 680**

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case of *Whiting v. Fond du Lac County*, [Footnote 1] held this act to be void, upon the ground that the building of a railroad, to be owned and worked by a corporation in the usual way, was not an object in which the public were interested, and therefore that the act in question was void, for the reason that it authorized the levy of a tax for a private and not a public purpose. The court there said:

"The question is as to the power of the legislature to raise money or to authorize it to be raised, by taxation, for the purpose of donating it to a private corporation. We held, in *Curtis v. Whipple*, [Footnote 2] that the legislature possessed no such power, and the conclusion in that case we think follows inevitably in this, from the principles stated in the opinion.

END QUOTE

Seems to me the reported \$50+ million dollars to stage the Albert Park Grand Prix racing at Melbourne is a payment to a private corporation that **cannot** be deemed to be for "**public purposes**".

<http://supreme.justia.com/us/83/678/case.html>

*U.S. Supreme Court Olcott v. The Supervisors*, 83 U.S. 16 Wall. 678 678 (1872)

QUOTE

Page 83 U. S. 693

"The legislature cannot create a public debt, or levy a tax, or authorize a municipal corporation to do so, in order to raise funds for a mere private purpose. It cannot, in the form of a tax, take the money of the citizen and give it to an individual, the public interest or welfare being in no way connected with the transaction. The objects for which the money is raised by taxation must be public, and such as subserve the common interest and wellbeing of the community required to contribute. . . . To justify the court in arresting the proceedings and declaring the tax void, the absence of all possible public interest in the purposes for which the funds are raised must be clear and palpable; so clear and palpable as to be perceptible by every mind AT THE FIRST BLUSH."

All these expositions of the law of the state were made by its highest court before the county orders now in suit were issued. They certainly did assert that building a railroad, whether built by the state or by a corporation created by the state for the purpose, was a matter of public concern, and that because it was a public use, the right of eminent domain might be exerted or delegated for it, and taxation might be authorized for its aid. It was the declared law of the state, therefore, when the bonds now in suit were issued, that the uses of railroads, though built by private corporations, were public uses, such as warranted the exercise of the public right of eminent domain in their aid, and also the power of taxation.

**We are not, then, concluded by a decision, made in 1870, that such public uses are not of a nature to justify the imposition of taxes. We are at liberty to inquire what are public uses, and what restrictions, if any, are imposed upon the state's taxing power.**

It is not claimed that the Constitution of Wisconsin contains any *express* denial of power in the legislature to authorize municipal corporations to aid in the construction of railroads, or to impose taxes for that purpose. The entire legislative power of the state is confessedly vested in the General Assembly. An implied inhibition only is asserted.

Page 83 U. S. 694

**It is insisted that, as the state cannot itself impose taxes for any other than a public use, so the legislature cannot empower a municipal division of the state to levy and collect taxes for any other than such a use,**

END QUOTE

QUOTE

## CHAPTER 17 THE PUBLIC PURPOSE SPHERE: GOVERNMENTS AND NONPROFITS

*Microeconomics in Context* (Goodwin, et al.), 1st Edition (Study Guide 2008)

### Chapter Summary

Having looked in detail at the private sector in the previous chapter, the text now turns to the role of governments and nonprofit organizations in this chapter. For example, the coordination and regulation functions of government, without which markets could not

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Free download of documents at blog [Http://www.scribd.com/InspectorRikati](http://www.scribd.com/InspectorRikati)

function in the way they do is included. The chapter explores the ways in which organizations within the public purpose sphere address both short- and long-term aspects of people's needs. This chapter will be particularly important for those of you who are interested in public policy, international economics, business, finance, health, education, the nonprofit sector, and environmental studies.

### Objectives

After reading and reviewing this chapter, you should be able to:

1. Define the two primary functions of public purpose organizations.
2. Describe the three basic types of public purpose organizations.
3. Discuss the historical development of public purpose organizations regarding social welfare.
4. Discuss the historical development of public purpose organizations regarding the regulation of monopolies and trade practices.
5. Discuss the historical development of public purpose organizations regarding the regulation of financial markets.
6. Discuss the historical development of public purpose organizations regarding environmental protection.
7. Define the three major theories of organizational behavior: the theory of pure public service, the theory of "capture," and the theory of civic responsibility.

### Key Term Review

regulation open access resources  
 Progressive Era social insurance programs  
 means-tested programs Interstate Commerce Act  
 World Trade Organization Securities Act of 1933  
 Pigovian taxes self-regulation  
 public service (pure theory of) "capture" (theory of pure  
 civic responsibility (theory of) special interest)

END QUOTE

<http://supreme.justia.com/us/83/678/case.html>

Olcott v. Supervisors, 16 Wall. 678 U.S. Supreme Court Olcott v. The Supervisors, 83 U.S. 16 Wall. 678 678 (1872) **Olcott v. The Supervisors 83 U.S. (16 Wall.) 678**  
 ERROR TO THE CIRCUIT COURT FOR THE EASTERN DISTRICT OF WISCONSIN

QUOTE

**What was considered was the uses for which taxation generally, taxation by any government, might be authorized, and particularly whether the construction and maintenance of a railroad, owned by a corporation, is a matter of public concern. It was asserted (what nobody doubts), that the taxing power of a state extends no farther than to raise money for a public use, as distinguished from private, or to accomplish some end public in its nature, and it was decided that building a railroad, if it be constructed and owned by a corporation, though built by authority of the state, is not a matter in which the public has any interest, of such a nature as to warrant taxation in its aid.**

Page 83 U. S. 690

**For this reason it was held that the state had no power to authorize the imposition of taxes to aid in the construction of such a railroad, and therefore that the statute giving Fond du Lac County power to extend such aid was invalid.**

END QUOTE

[http://www.downtoearth.org.in/full6.asp?foldername=20081015&filename=led&sec\\_id=3&sid=1](http://www.downtoearth.org.in/full6.asp?foldername=20081015&filename=led&sec_id=3&sid=1)

QUOTE

**Travesty of public purpose**

*State governments offer incredulous incentives to lure Tata*

IN THE last few days Maharashtra and West Bengal witnessed two diametrically opposite developments. In Maharashtra, for the first time in the history of this

country, affected farmers voted in a referendum on the upcoming Reliance special economic zone (SEZ). Initial results suggest that the majority voted against the SEZ. In Singur, Tata's plans kept slipping into a deeper imbroglio by the day. Several state governments lined up to lure the company as Tata seriously considered moving out—  
 5 each one trying to outdo each other in terms of offering incentives and freebies. Soon as West Bengal made some parts of the 'secret' deal between the state and the company public, Tata Motors moved the High Court obtaining a restraining order.

Tata's lawyers argued that basically the agreement between them and the state government was a trade secret. This means that the Nano project is private commercial venture. Ironically the state government had acquired land for the project invoking the "public purpose" law. The state government and company will have to come clean about what exactly is the Nano project. If it is a commercial venture the company must directly need deal with the farmers. **And if it is indeed a project meant to serve the public purpose, details of the agreement must be immediately made public.**

What is clear from the deal between the West Bengal government and Tata motors is that state government are trying to outdo each other to attract investments. This is a race right to the bottom. The moment Tata Motors threatened to walk away from Singur, several state governments came forward. The lure of big-ticket project is such that governments are willing to forgo taxes, forcibly acquire land, give subsidized water and electricity, give capital subsidies and put thousands of security personnel to man the project. In all this, industries are having free ride on public money. **This is cheap industrialization. Where not only states are giving fiscal subsidies, they are subsidizing the natural resources—land, water, and energy. In a single economic entity that India is, competition between states, by the way of subsidizing industrialization, is neither good for economy nor is it good for environment. And it surely is not for 'public purpose'.**

30 **END QUOTE**

<http://supreme.justia.com/us/83/678/case.html>

Olcott v. Supervisors, 16 Wall. 678 U.S. Supreme Court Olcott v. The Supervisors, 83 U.S. 16 Wall. 678 678 (1872) **Olcott v. The Supervisors 83 U.S. (16 Wall.) 678**  
 35 *ERROR TO THE CIRCUIT COURT FOR THE EASTERN DISTRICT OF WISCONSIN*  
*THE EASTERN DISTRICT OF WISCONSIN*

**QUOTE**

Therefore this ongoing misuse and abuse by State and Federal government to raise taxes and then provide it to private companies is not at all for "**PUBLIC PURPOSES**" and therefore is a misappropriation of Consolidated Revenue Funds. Also by the States using and misusing/abusing "**eminent domain**" powers the very purpose of federation is undermined.

One has to consider that **adverse acquisition** applies where due to the Albert Park racing the comfort, etc, of Albert Park residents affected by the **Grand Prix racing** is denied/interfered with. As this **Grand Prix racing** in my view is **NOT** for "**public purposes**" then the "**adverse acquisition**" is deemed to be unconstitutional. It is not serving any public purpose but a commercial interest. As indicated above costing of a "**public purpose**" should be made known to the taxpayers. They have a right how their monies are being used. It should be understood that when a Government extracts monies from the public then the public will spend less cash otherwise. For example, where a person contemplates to have his/her home renovated but then the tax burden prevents this

then it means that those engaged in home renovations, the business selling the parts, etc, all will have less income and so less work, meaning that employment opportunities are lost. While the Government may lay claim upon the fact that it may create or have created employment with the Governments program, such as with the **Grand Prix racing**, it really must be deemed a moot point, because the monies used for it actually is taken from the public and so reduces employment elsewhere. As such, the issue of employment may not at all be as may be argued by the Government for any alleged public purpose issue, because the net benefits of employment, if there is any, may be not of any real value.

I have little doubt that so to say a cross city tunnel may be deemed for public purposes where it serves to reduce bottle neck traffic, etc, but I view the Albert Park racing cannot be deemed to stand for the same.

It should be understood that “**adverse acquisition**” can eventuate without the State compulsory acquiring the relevant property. For example if the Government were to purchase for public purposes a property and uses it for a purpose that negatively affects the landholder of an affected property. For example, a State Government may acquire a property that is then used for a purpose that may result in such a noise that it would be unbearable for other landowners to work on their land or even to sleep. In such a case it would amount to **adverse acquisition**. Likewise if due to the acquisition of land another property owner by this might be denied access to his/her property where an access road previous accessible is closed off. Or where for example a railway track is pulled through a property which divide the property in 2 parts but no reasonable access from one to the other. For example a crossing may be 10 or 20 kilometres away, an unreasonable diversion of travelling at huge time and financial cost.

When considering American decisions one has to keep in mind that it originates out of a total different legal structure and so it cannot be used as such in the Commonwealth of Australia but it is clear that the U.S.A. nullifies any **FEE SIMPLE** title holding rights where the U.S. Supreme Court held in Wayne County v. Hathcock (2004) as to PROHIBIT the transfer of privately owned property to another private person in this case a company) for “**public purposes**” overriding the Poletown decision, as subsequently to the Kelo v City of London decision the private company ones having obtained the property abandoned the project all together and it now lies as private wasteland As such this also underlines that there is a danger to use acquisition for “**public purposes**” as in the end it may work counterproductive as was discovered in the Kelo v City of London case subsequent aftermath. And the Wayne County v. Hathcock (2004) clearly rectified the gross miscarriage of justice that had been inflicted upon many since the Poletown decision, at least for those who are affected since the Wayne County v. Hathcock (2004) decision. The State having used its position of “**eminent domain**” to be able to achieve employment and to have an increase of taxes and other benefits in the end in real life ended up losing residents from the area, not getting any increase of employment, as the company scaled down its existing production already held there, and the State therefore ended up with a reduced income. What this underlines is that what might be perceived as being in the “**public interest**” may not at all eventuate as such but might in fact become an injury to the “**public interest**”

<http://www.glossary.com/reference.php?q=Fee>

QUOTE

**Fee simple** is an estateAt common law, an estate is the totality of the legal rights, interests, entitlements and obligations attaching to property. In the context of wills and probate, it refers to the totality of the property which the deceased owned or in which some interest was held. It may also refer to an estate in land.estate in land in common lawCommon law is a type of legal system in which the

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law is created and/or refined by courts on a case-by-case basis. In resolving a legal dispute, an "ideal" common law court looks to precedent of other courts. If a similar dispute has been resolved in the past, the court is bound to follow the reasoning used in the prior decision (this principle is known as stare decisis). If, however, the court finds that the current dispute is fundamentally distinct from all previous cases, it will resolve the matter itself, with reference ...[common law](#).

END QUOTE

[http://www.ij.org/index.php?option=com\\_content&task=view&id=1360&Itemid=165](http://www.ij.org/index.php?option=com_content&task=view&id=1360&Itemid=165)

QUOTE

County of Wayne v. Hathcock

Michigan Supreme Court Halts Eminent Domain For "Economic Development": Court States Poletown Was "Erroneous" (IJ amicus)

Anyone who owns a home, a small business or a piece of property became a whole lot more secure in those possessions on July 30, 2004. That was when the Michigan Supreme Court released a unanimous decision ruling unequivocally that the government may not use eminent domain to take private property because someone else's use of the property might be more profitable. Although many observers were hoping for a good decision, the unanimous ruling in County of Wayne v. Hathcock crossed political lines and surpassed all expectations.

The Court unanimously overruled the infamous Poletown decision and caused a seismic shift in the legal battle between home and business owners, on the one side, and an unholy alliance of tax-hungry bureaucrats and land-hungry developers on the other.

Decided in 1981 by the Michigan Supreme Court, Poletown was the first major decision in the United States upholding the use of eminent domain for "economic development"—increasing tax revenues, jobs and the local economy generally.

END QUOTE

<http://www.news.harvard.edu/gazette/2004/11.18/11-domain.html>

QUOTE

Jerold Kayden, the Frank Backus Williams Professor of Urban Planning and Design at the HGSD, talks about the 'very tricky issue' of eminent domain. (Staff photo Rose Lincoln/Harvard News Office)

## Right of 'eminent domain' challenged

*Weighing the benefits of economic development*

By Ken Gewertz  
Harvard News Office

Susette Kelo is about to get her day in court.

This past September, the U.S. Supreme Court agreed to hear a case brought by Kelo and her fellow homeowners in the Fort Trumbull neighborhood of New London, Conn., challenging the right of municipal authorities to take their houses by eminent domain.

The case has attracted much attention because it is the first time such a case has come before the U.S. Supreme Court in 50 years and because it represents an opportunity to re-examine what some regard as a growing trend by state and municipal authorities to abuse the right of eminent domain.

Jerold Kayden, the Frank Backus Williams Professor of Urban Planning and Design at the Graduate School of Design, has been watching this case carefully for what it may presage about the future of property rights in the United States. On Nov. 16, he gave a talk on the subject sponsored by the Kennedy School of Government's Taubman Center for State and Local Government.

**"Can a single-family house and land be taken through eminent domain and turned over to a private developer to generate increased jobs and tax revenue? That is in essence the case that is now coming before the Supreme Court," Kayden said.**

Kayden explained that the right of eminent domain is sanctioned through implication by a phrase in the Fifth Amendment to the U.S. Constitution. The phrase rounds out a list of protections against unfair government interference, stating, "nor shall private property be taken for public use, without just compensation." The nature of just compensation is always at issue in such cases, Kayden said, with property owners asking for more and government authorities offering less. What is more significant for Kelo v. New London, however, is the interpretation of the words, "public use."

**The issue first came before the Supreme Court in 1954 in the case Berman v. Parker when a department store owner in Washington, D.C., sued to prevent the government from demolishing**

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Free download of documents at blog [Http://www.scribd.com/InspectorRikati](http://www.scribd.com/InspectorRikati)

his store to make way for an urban renewal project. Berman contended that it was unconstitutional to take his property under those circumstances, but the court ruled against him, saying that eminent domain was justified because the project was in the interest of the community.

5 That case set the stage for other cases in which governments took the property of private individuals not only for traditional public uses like highways, schools, or reservoirs, but also to replace "blighted" areas with new construction expected to create new jobs and bring in higher tax revenues.

10 For example, in the late 1970s, General Motors approached Coleman Young, then mayor of Detroit, with a request to build a Cadillac plant in a residential neighborhood known as Poletown. On the one hand, the plant would bring jobs and generate tax revenues, but, on the other, a settled neighborhood would be destroyed.

"It was a terrible choice. How do you even begin to decide a case like this? In the end, Young went along with General Motors, and the Michigan Supreme Court sided with the government."

15 In deciding this case in 1981, the court ruled that the government's decision to take the land was acceptable. But such cases are open to interpretation, a fact that was illustrated earlier this year when the Michigan Supreme Court reversed its 1981 decision by its ruling on a similar case, Wayne County v. Hathcock. The court ruled that the county could not use eminent domain to take the property of people living near an airport to clear the way for an economic development scheme known as the Pinnacle Project. The court ruled that the land could be taken if, for example, it could be shown to be blighted, but this was not the case.

20 Susette Kelo and the other residents of Fort Trumbull also firmly deny that their property is blighted, but what is at issue here is whether property can be taken simply because an alternative use of that property would produce greater economic benefits. In the Fort Trumbull example, the city of New London, Conn., wants to replace the residential area with offices and parking, among other things.

25 "It could be argued that a neighborhood of single-family houses is simply underperforming property," Kayden said in answer to a question. "It doesn't generate very much revenue compared with other uses. Consequently, one might label it as blight."

30 Kayden would not predict how the U.S. Supreme Court would rule on this case, although he did speculate about the many different aspects of the case that the court might weigh in making its decision. The court might reconsider the purpose of the Constitution's "just compensation" clause, perhaps taking into account the value of the individual's identity and history or the "demoralization costs" incurred when people are forced to give up their homes to make way for a hotel or a block of high-priced condos. Or the court may shift the burden of decision back on the state courts.

35 "It's a tricky issue," Kayden said.

END QUOTE

*COMMISSIONER OF TAXATION v WORD INVESTMENTS [2008] HCA 55 (3 December 2008)*

QUOTE

40 1. In the Court of Appeal, Walsh JA and Asprey JA (Wallace P dissenting) agreed on the first point, but disagreed on the second. Contrary to the Commissioner's submissions in the present appeal, Walsh JA (like Nagle J) did not construe the phrase "charitable institution" as a single composite expression, but saw it as having two integers – one to do with objects which were charitable, the second to do with "institutional" characteristics. Thus he said<sup>[34]</sup>:

45 "the religious objects of the company must be regarded as charitable objects.  
But I do not think it was an 'institution'".

50 Walsh JA went on to deny that every company with charitable objects was a charitable institution. The Commissioner submitted in this appeal that the "authorities and dictionary references discussed by Nagle J and Walsh JA suggest that for an entity to be a 'charitable institution' it must possess a public character, purpose or object". The authorities and dictionary references do not in fact suggest this. Walsh JA summarised an argument of counsel which assumed that the word "institution" included "a notion of something which has a public character or serves a **public purpose**", but he rejected the argument which made that assumption<sup>[35]</sup>. If Walsh JA, despite that rejection, was intending to adopt counsel's assumption, the Commissioner did not explain why Word's purpose of advancing religion – a charitable purpose having, ex hypothesi, benefit to the public, and carried out on a substantial basis financially speaking – caused it to lack a public character or not to serve a **public purpose**.

55 END QUOTE

<http://supreme.justia.com/us/83/678/case.html>

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## QUOTE

In 1870, that is to say, subsequent to the issue of these orders, though prior to the trial of this case in the court below, the Supreme Court of the State of Wisconsin, in the case of *Whiting v. Fond du Lac County*, [Footnote 1] held this act to be void, upon the ground that the building of a railroad, to be owned and worked by a corporation in the usual way, was not an object in which the public were interested, and therefore that the act in question was void, for the reason that it authorized the levy of a tax for a private and not a public purpose.

## END QUOTE

<http://supreme.justia.com/us/83/678/case.html>

*U.S. Supreme Court Olcott v. The Supervisors, 83 U.S. 16 Wall. 678 678 (1872)*

## QUOTE

The question considered by the court was not one of interpretation or construction. The meaning of no provision of the state constitution was considered or declared. What was considered was the uses for which taxation generally, taxation by any government, might be authorized, and particularly whether the construction and maintenance of a railroad, owned by a corporation, is a matter of public concern. It was asserted (what nobody doubts), that the taxing power of a state extends no farther than to raise money for a public use, as distinguished from private, or to accomplish some end public in its nature, and it was decided that building a railroad, if it be constructed and owned by a corporation, though built by authority of the state, is not a matter in which the public has any interest, of such a nature as to warrant taxation in its aid.

Page 83 U. S. 690

For this reason it was held that the state had no power to authorize the imposition of taxes to aid in the construction of such a railroad, and therefore that the statute giving Fond du Lac County power to extend such aid was invalid. This was a determination of no local question or question of statutory or constitutional construction.

## END QUOTE

<http://supreme.justia.com/us/83/678/case.html>

QUOTE *U.S. Supreme Court Olcott v. The Supervisors, 83 U.S. 16 Wall. 678 678 (1872)*

"The legislature cannot create a public debt, or levy a tax, or authorize a municipal corporation to do so, in order to raise funds for a mere private purpose. It cannot, in the form of a tax, take the money of the citizen and give it to an individual, the public interest or welfare being in no way connected with the transaction. The objects for which the money is raised by taxation must be public, and such as subserve the common interest and wellbeing of the community required to contribute. . . . To justify the court in arresting the proceedings and declaring the tax void, the absence of all possible public interest in the purposes for which the funds are raised must be clear and palpable; so clear and palpable as to be perceptible by every mind AT THE FIRST BLUSH."

## END QUOTE

*TRUSTEES OF DARTMOUTH COLLEGE v. WOODWARD*, February 2, 1819 17 U.S. 518, 4 L.Ed. 629, 4 Wheat. 518, (Cite as: 17 U.S. 518) *Supreme Court of the United States*,

## QUOTE

"Public corporations" are generally esteemed such as exist for public political purposes, such as towns, cities, parishes and counties, but strictly speaking they are such only as are founded by government for public purposes, where whole interest belongs to the government.

## END QUOTE

THE TENSION BETWEEN PRIVATE PROPERTY AND PUBLIC PURPOSE Brad Reid Professor of Business Law Abilene Christian University ACU Box 29335 -- Abilene, Texas 79699 (325) 674-2768 -- reidb@acu.edu

## QUOTE

The Court concludes: "The State of Hawaii has never denied that the Constitution forbids even a compensated taking of property when executed for no reason other than confer a private benefit on a particular private party. A purely private taking could not withstand the scrutiny of the public use requirement; it would serve no legitimate purpose of government and would thus, be void.

## END QUOTE

5 QUOTE

**Chapter 1: Introduction**

10 In December of 2000 the California Reporting Requirements Manual (RRM) Working Group's Cost Effectiveness Subcommittee, hired contractors to design the California Low-income Public Purpose test. This test is to be an additional cost effectiveness test to complement the current arsenal of program reporting tools used to report low-income cost effectiveness. Unlike other tests, the LIPPT is designed to have a broad view of the costs and benefits associated with the delivery of low-income energy efficiency programs incorporating a more comprehensive list of program benefits than California's current cost effectiveness tests. In addition, the test is structured to be both user friendly and capable of being easily modified as new non-energy benefit research is completed. This test is also flexible, and allows users to "turn on and off" various cost and benefit values to allow the user to examine the program's cost effectiveness from different perspectives. This report presents the overall general equations of the LIPPT and describes the components or variables included in the equations. In developing these equations, we have substantially complied with the request of the RRM Working Group's Cost Effectiveness Committee to use current program tracking and reporting methods, so that the LIPPT does not present a new administrative or management burden on the four utilities.

15 There are three cost benefit categories defined in this report and included in the LIPPT. These are:

- Program costs
- Energy benefits (energy savings)
- Non-energy benefits

20 Each of these three categories are presented and described in this report, and together make up the LIPPT. The equations for each category are more fully defined and illustrated in the following sections.

25 END QUOTE

<http://www.legis.state.Ia.us/lss/lss.asp?doc=81933>

30 QUOTE

**RS 2:608**

§608. Public purpose

35 The acquisition of any land, or interest therein, pursuant to this Chapter, the planning, acquisition, establishment, development, construction, improvements, maintenance, equipment, operation, regulation, and protection of airports and air navigation facilities, including the acquisition or elimination of airport hazards, and the exercise of any other powers herein granted to authorities and other public agencies, to be severally or jointly exercised, are hereby declared to be public and governmental functions, exercised for a public purpose, and matters of public necessity. All land and other property and privileges acquired and used by or on behalf of any authority or other public agency in the manner and for the purposes enumerated in this Chapter shall and are hereby declared to be acquired and used for public and governmental purposes and as a matter of public necessity.

40 Acts 1952, No. 531, §9.

45 END QUOTE

50 END QUOTE 20140615-G. H. Schorel-Hlavka O.W.B. to Bruce Atkinson MLC -Re Geoff Shaw saga-etc

Also consider the following; **Objection to validity of a Bill.**

**Hansard 8-3-1898 Constitution Convention Debates**

55 QUOTE Mr. DEAKIN.-

. The arguments of the Hon. Mr. Carruthers appear to have fallen on deaf ears, but, [start page 2042] as he pointed out, if there be embedded in the Constitution a direct enactment that no proposed laws for taxation

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including more than the one subject of taxation, and no proposed Appropriation Bill going outside the ordinary services of the year, can **be legally dealt with, both the Speaker of the House of Representatives and the President of the Senate would not only be authorized, but would be imperatively required, in the discharge of their duty, to rule such a measure out of order at any stage of its existence.**

5 END QUOTE

And

Hansard 8-3-1898 Constitution Convention Debates

QUOTE

10 Sir JOHN DOWNER.-Now it is coming out. **The Constitution is made for the people and the states on terms that are just to both.**

Mr. DEAKIN.-It is made for the lawyers under this clause.

15 Sir JOHN DOWNER.-I do not think so. **If you say "Trust the Parliament," no Constitution is required at all;** it can simply be provided that a certain number of gentlemen shall be elected, and meet together, and, without limitation, do what they like. Victoria would not agree to that. But there is a desire to draw the very life-blood of the Constitution, so far as the states are concerned, by this insidious amendment, **which would give the Houses authority from time to time to put different constructions on this most important part of the Constitution.** I hope we will do as we have done in many instances before, in matters that have been much debated-adhere to the decision we have already arrived at.

END QUOTE

20 And

Hansard 8-3-1898 Constitution Convention Debates

QUOTE Mr. HOLDER.-

25 **Surely there would be at least one representative out of the whole Senate and one member of the House of Representatives, who would have individuality enough, and strength enough, to get up and challenge the order of any particular measure which might be disorderly under this clause of the Constitution.**

Mr. ISAACS.-They would not all sit on the same side of the House.

30 Mr. HOLDER.-I should think not. They would not all be Ministerialists, or all members of the Opposition, or all members of any particular party; and I cannot believe that any Bill which contained anything objectionable at all could pass through both Houses of the Federal Legislature **without finding some one member of either of the two Houses who would rise to a point of order,** and have such a Bill laid aside of necessity as being out of order under this provision.

END QUOTE

And

Hansard 8-3-1898 Constitution Convention Debates

35 QUOTE

40 Mr. CARRUTHERS (New South Wales).-It is worth while considering the stages that a proposed law has to go through, and the opportunity afforded to a member of either House or a member of the Executive to call attention to any infraction or infringement of the Constitution. It does not require a majority of the members of the House of Representatives to insist that the Constitution shall be obeyed in the matter of procedure; **it only requires one solitary member to rise to a point of order,** and the Speaker has to give a legal interpretation of the rules of procedure. **It only requires one member of the Senate to call the attention of the President to the fact that a Bill is introduced contrary to the Constitution for that proposed law to be ruled out of order. It does not require a majority of the states to insist that the Constitution shall be obeyed, because a majority of the states cannot by resolution infringe the Constitution.** Neither House could pass the standing order which would give the majority power to dissent from the Speaker's or President's ruling. The standing orders only confer certain explicit power. They give no power to either House to pass an order which would enable its members to amend the Constitution.

END QUOTE

And

50 Hansard 8-3-1898 Constitution Convention Debates

QUOTE

Mr. OCONNOR (New South Wales).-I quite agree with Mr. Trenwith that the object of the provision is to protect the [start page 2010] Senate from being coerced by the House which has the power of the purse primarily. But the question between us is not whether you should take away that protection, but whether you

should allow the Senate itself to give up, whether by accident or design, on any particular occasion, the protection which the Constitution has implanted there for its benefit. The protection of this Constitution is given, not for the Senate for the time being, **but for the people of the states whom the Senate represents.** The question really is whether, for the purposes for which this provision is designed, that is to say, the protection of the people of the states, as states, it is necessary that this provision should stand which makes a Bill illegal if these provisions are not complied with, or whether it should be made merely a matter of parliamentary order between the two Houses?

**Mr. OCONNOR.**-That is begging the question. Even under the circumstances mentioned by the honorable and learned gentleman, if the rights we are giving under this Constitution to the House which represents the states are to be of any value at all, **we should not put it into the power of a majority in the House of Representatives or in the Senate to bargain them away,** or to give them away at their will.

END QUOTE

And

**Hansard 8-3-1898 Constitution Convention Debates**

QUOTE **Mr. OCONNOR.**-

**But these difficulties can be overcome by the proper consideration of the terms of the Constitution.** I submit that the question raised here is a very much more important one than it seems to be thought by some honorable members. I think it is the very essence of the Constitution that we should preserve the form which has been adopted here, and that we should make the necessity of its adoption imperative upon the Government and the Parliament, subject to the liability of their acts being declared invalid by the Supreme Court in the event of the directions of the Constitution not being followed.

END QUOTE

And

**Hansard 8-3-1898 Constitution Convention Debates**

QUOTE

**Mr. REID.**-My answer is, how could the House of Representatives put more than one subject of taxation into a proposed law? **If it will be possible for the House of Representatives to put two subjects of taxation into a proposed law, in spite of the clear words of the Constitution,** it will be equally possible for a Taxation Bill to be originated in the Senate without any one taking any notice of it.

END QUOTE

And

**Hansard 8-3-1898 Constitution Convention Debates**

QUOTE

**Mr. BARTON** (New South Wales).-I wish to make a few observations with regard to the objection, not, I hope, in [start page 2014] any captious spirit. I quite see the stand-point from which Mr. Isaacs and others have addressed themselves to the question. But it seems to me that the argument which has been raised by Mr. Isaacs as to this last sub-section of clause 55, is really an argument for greater clearness in the Constitution; because it seems to be admitted that if the words of the Constitution are placed beyond dispute, then the confusion to which my honorable and learned friend alludes cannot arise. Consequently, the real meaning of the argument is this-"**I could not say what I have said if your Constitution were absolutely clear.**" This is an objection to the form in which the provision stands, and an objection to form only, and not to substance, because it is admitted that these matters can only arise by way of confusion, and consequently it must be admitted that they can only arise where there is room for confusion in the Constitution.

**Mr. BARTON.**-**There is thus upon the face of the law the important material which is appropriated for the decision of the court-the very transgression beyond legal provision, the very matter which the court can take in hand, and with regard to which it may say-"This must stop, it is illegal." But if the Senate were to originate a Tax Bill, or to amend an Appropriation Act or Tax Bill, and that Bill were to be passed into an Act; if the Senate were to pass a Bill imposing a burden on the people, and that Bill were to be passed-in either of these cases it would be impossible for any legal tribunal to say, upon the face of the law, whether any such infringement of the Constitution had taken place.**

**Mr. REID.**-So that confusion that can be covered up need not be provided against?

**Mr. BARTON.**-That is not so at all. I do not see the slightest relevancy in that remark, or any approach to relevancy. So that it becomes perfectly clear that one matter is a matter of procedure and that to give a legal tribunal the power of interfering with regard to that which is inherently a matter of procedure would be an unwarrantable power of interference with Parliament to give to any court. I am astonished at it being claimed

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that anything should be done which would give the court power to instigate an investigation of mere parliamentary procedure. But those matters which happen under **clause 55 do not turn on questions of procedure, inasmuch as if an infraction of the Constitution occurs, it is apparent upon the face of the Bill which makes the infraction, and the material is there for judicial determination.** That is the difference between the two clauses, and it is of no use trying to mix up matters of procedure with matters of actual inviolability apparent on the face of the laws, and to say that you are to apply the same conditions to one as to the other.

END QUOTE

And

10 **Hansard 8-3-1898 Constitution Convention Debates**

QUOTE Mr. BARTON.-

Let us examine the matter a little. Is it right that there should be tacking? There is not an honorable member in the Convention who will not say that it is wrong. This clause in itself is a clause to prevent tacking, therefore, it is a clause to do right-for whom?-for the people themselves. **What is the good of our arguing this question on the basis of the rights, *inter se*, of the two Chambers, when the whole life of both these Chambers is that they are servants of the public?** For whom are these protections in clause 55 introduced? Is it for the Senate they are introduced? **No, it is for the public.**

END QUOTE

20 Therefore it only takes one single Member of Parliament to oppose a Bill on constitutional grounds and it cannot then proceed unless the constitutional objection has been defeated.

**Hansard 1-3-1898 Constitution Convention Debates**

QUOTE

25 Mr. HIGGINS.-**Suppose the sentry is asleep, or is in the swim with the other power?**

**Mr. GORDON.-There will be more than one sentry. In the case of a federal law, every member of a state Parliament will be a sentry, and, every constituent of a state Parliament will be a sentry.**

30 As regards a law passed by a state, every man in the Federal Parliament will be a sentry, and the whole constituency behind the Federal Parliament will be a sentry.

END QUOTE

35 All those millions of dollars spend on consultancies fees also are questionable if not authorised by special Appropriation Bills, in view that they do not form part of the ordinary annual expenditure. In particular those who are engaged as to the public opinion that may be averse to the Government of the Day.

I understand that in the Czech Republic they had a better solution. One day all their politicians were so I was given the understanding imprisoned because of roting, fraud, etc, and new members of parliament were put in place.

40

**Hansard 1-3-1898 Constitution Convention Debates**

QUOTE Mr. BARTON:

45 **There is only one more question in connection with this portion of the Bill that I need refer to, and that is the distribution of the surplus.** First of all there is a period of two years before the uniform Customs duties are imposed. Then there is a period of five years after the imposition of these uniform Customs duties during which no State is to receive less than it did for the year immediately preceding the imposition of such duties. Then it is provided that:

50 After the expiration of five years from the imposition of uniform duties all surplus revenue over the expenditure of the Commonwealth shall be distributed month by month among the several States in proportion to the numbers of their people as shown by the latest statistics of the Common. wealth.

**Sir GEORGE TURNER:** All surplus revenue?

**Mr. BARTON:** I really do wish that hon. members of the Finance Committee would give some little consideration to their own report.

**Sir GEORGE TURNER:** All surplus revenue will include revenue from every source?

**Mr. BARTON:** These are the instructions we got:

Shall be distributed month by month among the several States in proportion to the numbers of their people as shown by the latest statistics of the Commonwealth.

END QUOTE

5

**Hansard 9-3-1898 Constitution Convention Debates**

QUOTE

10

**Mr. MCMILLAN** (New South Wales).-I think there is a very simple way of looking at this question. **Surely the Senate would not reject a Bill, unless there was an important reason for doing so.** I can scarcely imagine the Senate rejecting a Bill which would put the finances into any difficulty-say, the usual Bill for the expenses of the country. **But, if the Senate did reject a Bill in calm judgment, is it not a farce to think that under three months that judgment would be reversed?** Surely it is only common sense that there should be a reasonable interval for consideration? After the large amount of rhetoric on this subject about delay, caution, and prudence, it seems ridiculous to talk about a delay of three months to give consideration to a great question.

15

20

**Mr. TRENWITH** (Victoria).-With great respect, I submit to those who are objecting to this provision that they are fighting a shadow. If they meant anything when they said there must be two sessions they meant that the House of Representatives should have some interval to reconsider its position. It is no use to say that the Senate can delay it. Delay is not what is required as the ultimate end of a dissolution, but agreement, if possible. It would be just as well to say that a measure should be twice considered in the same session, as that there should be two sessions without an interval. I think that one session should be sufficient, **but if there is to be a second consideration it ought not to be possible for Parliament to be prorogued for a day, to meet again in a state of heat and temper, and to pass the Bill without discussion. That is not the object of providing two sessions, and I would submit to my honorable friends, who in the main agree with me, that this is not a point worth fighting about. It is admitted generally that the Executive will allow some reasonable time, probably not less than three months, but it is urged that there may be occasions when, if a Bill is not carried, the whole of the finances of the Commonwealth will be thrown into confusion. That could only happen on the rejection of an Appropriation Bill.**

25

30

**Mr. MCMILLAN.**-Which would mean revolution?

35

**Mr. TRENWITH.**-Yes, and that is inconceivable. Delay in passing an important Taxation Bill might embarrass the Executive very materially, but it could not cause such embarrassment as would throw the whole of the finances of the country into confusion. If a Treasurer with a heavy deficit introduced a scheme of taxation, with a view to meeting that deficit, it might be extremely important to him that he should get the Bill passed, but if he did not he could go on for three months increasing the deficit. **If the question of a second session were before us I should argue against it, but as provision has been made for it, it [start page 2166] should be a second session such as we are accustomed to, with some reasonable interval.** I would strongly urge on my honorable friends the desirability of conceding where we can concede. That is what I have always been urging on those who have been opposed to me, and I now make the appeal to those who agree with me. This is a point we can concede without any serious danger. There may sometimes be considerable inconvenience, but that will be all. I hope that the discussion of this matter will not occupy much more time, but that we shall say that we are prepared to make concessions wherever we can, in order that we may obtain reasonable concessions when we come to ask for them ourselves.

40

45

**The CHAIRMAN.**-**Do I understand that Mr. Symon wishes to amend his amendment by making the period specified three months instead of six?**

**Mr. SYMON.**-Yes, sir.

END QUOTE

50

**Hansard 9-3-1898 Constitution Convention Debates** (Official Record of the Debates of the National Australasian Convention)

QUOTE

**Mr. SYMON.**-**Then why say in the next session at all? If the object is to have it done any speedier, there is no necessity for my honorable friend's amendment.**

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**An HONORABLE MEMBER.**-One day might make a new session.

5 **Mr. OCONNOR.**-We do not want a new session at all. The whole object of the amendment is that some interval may elapse, and the honorable member says next session; that may be more than six months, and the honorable member wants it to be at least six months. If the next [start page 2159] session is more than six months, what more is wanted?

**Mr. SYMON.**-That is if the matter is urgent.

**Mr. OCONNOR.**-Then, if it is urgent, resist Mr. Isaacs' amendment.

10 **Mr. TRENWITH** (Victoria).-I submit there is some justification for the suggestion that there should be some specified time. The object of requiring two sessions clearly is that there shall be an interval, but it is extremely desirable that the interval should be a reasonable one, because we may assume that before a dispute has arrived at an acute stage there has been some time and trouble taken over the proposed legislation. It would not be proposed unless in, the opinion of one or both Chambers it was necessary. Therefore we must be careful that we do not have undue delay in connexion with necessary legislation. If Mr. Symon would do what is frequently done in Victoria in connexion with measures in which it is proposed there should be an interval before they are submitted and voted on, fix six weeks instead of six months, you might be assured. that there will be substantial delay. You would be secured against an unfair rush.

15 **Mr. SYMON.**-That is all we want.

**Mr. TRENWITH.**-I understand that.

20 **Mr. MCMILLAN.**-Supposing a measure was sprung very suddenly upon the Parliament, and suddenly rejected, it would not come under the consideration of the public at all.

25 **Mr. TRENWITH.**-I respectfully submit that a measure passed very suddenly, and suddenly rejected, would not be likely to be a measure about which this part of the Constitution would be brought into execution. Measures of importance, such as will create disputes between the two Houses, are sure to be measures discussed at considerable length in both Houses, and, as Mr. Deakin points out, the Senate is not coerced into dealing with them. The Senate can take its time, even though the House of Representatives sends up a measure. It is not bound to deal with it the day it receives it. Therefore, I submit there is justification for the proposal, and we should concede it, even if it is distasteful to us.

30 **Mr. SYMON.**-Will the honorable member allow me to point out the necessity for a longer interval than is given in Victoria? This is a Commonwealth matter, and you have the whole of Australasia to consider, and not one colony, if you were to get an expression of opinion.

**Mr. TRENWITH.**-Of course, I am very anxious that we should in this connexion carry a proposal, if possible, nearly unanimously.

**Mr. SYMON.**-Make it three months.

35 **Mr. TRENWITH.**-Personally, I rose to point out that six months is too long; but perhaps three months would be a reasonable interval in view of the fact that such an extensive area has to be considered. I am reminded that in parts of Western Australia a letter takes three weeks for delivery. Therefore, we should require more time in Western Australia than in Victoria or New South Wales. However, if the honorable member will accept three months, I will support him.

40 **Mr. OCONNOR** (New South Wales).-I hope the amendment will be passed as proposed. For such a matter as three months, is it worth while to, make a provision in the Constitution? The necessary steps to be taken by the Government itself will at least insure that delay, and, on the other hand, it may be very important to put the thing through in the public interests with so much rapidity that it would be impossible to allow the exact time in the Constitution. After all, it is not worth troubling about.

45 **Sir JOHN FORREST** (Western Australia).-Mr. O'Connor overlooks the fact that the Senate may not put it through; there is a little safeguard there. But it seems to me that the words proposed by Mr. Barton, if they mean anything, mean another ordinary session. That is the [start page 2160] intention of the honorable member moving it; but the way, in which it will be done will be to make a special session, as was done in South Australia, where I believe that was done in order to get over this very difficulty. A new session

**was summoned three days after the termination of the other session.** If that is the object of the honorable member-to try and rush the thing through by summoning another session immediately-I am sure it cannot be the intention of Mr. Barton. **I am sure that, in his mind, another session meant another ordinary session; but seeing that the object of the mover can be frustrated, surely some reasonable interval should be made. I think three months a reasonable time, and it is certainly little enough.** The honorable member (Mr. O'Connor) seems to forget that although you can take a horse to the water you cannot make him drink. Therefore, the sending of a Bill up to the Senate does not make the Senate pass it.

**Mr. OCONNOR.**-That will give you all the more time.

**Sir JOHN FORREST.**-**I know that it will, but, at the same time, I think some interval should elapse, because if it is proposed to have another session it does not mean a manufactured session for the purpose, but an ordinary session.**

**Mr. KINGSTON** (South Australia).-My right honorable friend (Sir John Forrest) is a little in error as to what happened in South Australia. It was not any attempt to apply a provision of this sort. What happened was this: The Legislative Council threw out a Taxation Bill by carrying the motion that it be read this day six months. Under these circumstances it could not be re-offered for their consideration, and as it had been proved to the satisfaction of the majority of the members of that Chamber **that they had made a mistake Parliament was prorogued, a new session was convened, the Bill was sent up again,** the Council reversed their vote, and the Bill was carried. This has nothing whatever to do with it.

**Mr. DEAKIN.**-It was done to oblige the Legislative Council.

**Mr. KINGSTON.**-It was done to assist the Government and to oblige the Legislative Council; to enable them to correct their mistake at the earliest possible date. I am very glad to reflect that they took advantage of the opportunity which was offered. I would like to point out that if the proposal which is now suggested is adopted, we shall be whittling away this clause. As it left Sydney it provided that if the House of Representatives passed any proposed law, and the Senate rejected the same, or failed to pass it, or passed it with amendments to which the House of Representatives would not agree, the Governor-General could thereupon dissolve the House of Representatives. Nothing whatever was said there of a second session of Parliament. What is the proposal now? We have already agreed to alter the clause so as to require a second passing of the Bill in a second session; but, not content with that, it is suggested that a certain interval shall intervene. **Where is this to end? I submit that the matter can be fairly left to the discretion of the Executive Council, and that there is not likely to be any abuse of power. As regards the instance cited by Sir John Forrest, if there had not been the opportunity to give the Legislative Council a chance to reconsider their vote and alter their determination the finances of the colony would have been thrown into the greatest disorder.** So here, if you limit the clause in the way proposed, I think it will be a great inconvenience.

**END QUOTE**

**Hansard 9-3-1898 Constitution Convention Debates** (Official Record of the Debates of the National Australasian Convention)

**QUOTE**

**Sir JOHN DOWNER.**-I know that my right honorable friend, judging probably from the time I am taking now, thinks that in such a case I would take a long time, if I were in the Senate. I admit that his surmise is quite right in my case. **I admit there are persons on whom this terrorism could not be practised,** or on whom, if practised, it would probably not be effective. **But I am thinking of persons of weaker minds and wills, and I say that, as far as this Constitution is concerned, it is absolutely necessary to put some provision in this Bill which will strengthen the Senate and prevent it being intimidated in the way indicated.** We have been frittering away the first principles of the Federal Constitution long enough.

**END QUOTE**

In my view as the new financial year already has commenced any Appropriation/Taxation Bills for annual services cannot be enacted until the following financial year. After all, ample of businesses are running on a very slim profit margin and if taxation was raised it could send them broke. Hence, the protection that only annually taxation is raised so that businesses can contemplate this in their charges.

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QUOTE 2-7-2014 Senate list

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THE SENATE

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| Sinodinos, A.                  | LP                            |           | Rhiannon, L.                  | AG         | Lambie, J.         | PUP                           |            | Singh, L.                     | ALP                  |            |                  |
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| <b>Edwards, S</b>           | (02) 6277 3385 | (02) 6277 5960 | <b>Ronaldson, Hon M</b> | (02) 6277 7820 | (02) 6273 4140 |
| <b>Faulkner, Hon J</b>      | (02) 6277 3832 | (02) 6277 5883 | <b>Ruston, A</b>        | (02) 6277 3753 | (02) 6277 5825 |
| <b>Fawcett, D</b>           | (02) 6277 3418 | (02) 6277 5964 | <b>Ryan, Hon S</b>      | (02) 6277 3483 | (02) 6277 5824 |
| <b>Fierravanti-Wells, C</b> | (02) 6277 3345 | (02) 6277 3351 | <b>Scullion, Hon N</b>  | (02) 6277 7780 | (02) 6273 7096 |
| <b>Fifield, Hon M</b>       | (02) 6277 7280 | (02) 6273 4138 | <b>Seselja, Z</b>       | (02) 6277 3187 | (02) 6277 5712 |
| <b>Gallacher, A</b>         | (02) 6277 3450 | (02) 6277 5966 | <b>Siewert, R</b>       | (02) 6277 3587 | (02) 6277 5762 |
| <b>Hanson-Young, S</b>      | (02) 6277 3430 | (02) 6277 5819 | <b>Singh, Hon L</b>     | (02) 6277 3503 | (02) 6277 5974 |
| <b>Heffernan, Hon B</b>     | (02) 6277 3610 | (02) 6277 3614 | <b>Sinodinos, Hon A</b> | (02) 6277 3651 | (02) 6277 5954 |
| <b>Johnston, Hon D</b>      | (02) 6277 7800 | (02) 6273 4118 | <b>Smith, D</b>         | (02) 6277 3707 | (02) 6277 5792 |
| <b>Ketter, C</b>            | (02) 6277 3065 | (02) 6277 5713 | <b>Sterle, G</b>        | (02) 6277 3615 | (02) 6277 5765 |
| <b>Lambie, J</b>            | (02) 6277 3063 | (02) 6277 5887 | <b>Urquhart, A</b>      | (02) 6277 3574 | (02) 6277 5984 |
| <b>Lazarus, G</b>           | (02) 6277 3204 | (02) 6277 5904 | <b>Wang, Z</b>          | (02) 6277 3843 | (02) 6277 5727 |
| <b>Leyonhjelm, D</b>        | (02) 6277 3054 | (02) 6277 5945 | <b>Waters, L</b>        | (02) 6277 3580 | (02) 6277 5988 |
| <b>Lines, S</b>             | (02) 6277 3804 | (02) 6277 5857 | <b>Whish-Wilson, P</b>  | (02) 6277 3721 | (02) 6277 5793 |
| <b>Ludlam, S</b>            | (02) 6277 3467 | (02) 6277 5821 | <b>Williams, J</b>      | (02) 6277 3547 | (02) 6277 5830 |
| <b>Ludwig, Hon J</b>        | (02) 6277 3849 | (02) 6277 5859 | <b>Wong, Hon P</b>      | (02) 6277 3874 | (02) 6273 5879 |
| <b>Lundy, Hon K</b>         | (02) 6277 3334 | (02) 6277 3884 | <b>Wright, P</b>        | (02) 6277 3626 | (02) 6277 5992 |
| <b>Macdonald, Hon</b>       | (02) 6277 3722 | (02) 6277 5914 | <b>Xenophon, N</b>      | (02) 6277 3552 | (02) 6277 5834 |

2 July 2014

5 Mail for senators in Canberra should be addressed to: **The Senate, Parliament House, Canberra ACT 2600**  
[QUOTE 2-7-2014 Senate list](#)

10 **It is my view that Senators do not commence their term on 1 July 2014 but that the Parliamentary term commences on that date and the Senator commenced his/her term on the day being sworn in but limo ted to the time frame from 1 July 2014 till 1 July 2020. As such I view they are already so to say learning the ropes of how to rip of taxpayers before they are sworn in.**

#### DATES OF EXPIRY OF SENATORS' TERMS OF SERVICE

| State            | 30 June 2020<br>Senator Party |    | State              | 30 June 2020<br>Senator Party |    |
|------------------|-------------------------------|----|--------------------|-------------------------------|----|
| <b>NSW</b>       | Payne, M.                     | LP | <b>TAS</b>         | Colbeck, R.                   | LP |
| **O'Neill 1      | ALP                           | .  | Brown, C.          | ALP                           | .  |
| Williams, J.     | NATS                          | .  | Bushby, D.C.       | LP                            | .  |
| Cameron, D.      | ALP                           | .  | Bilyk, C.          | ALP                           | .  |
| Leyonhjelm, D.E. | LDP                           | .  | Whish-Wilson, P.S. | AG                            | .  |
| Sinodinos, A.    | LP                            | .  | Lambie, J.         | PUP                           | .  |
| <b>QLD</b>       | Macdonald, I.D.               | LP | <b>VIC</b>         | Fifield, M.                   | LP |
| Ketter, C.R.     | ALP                           | .  | Marshall, G.       | ALP                           | .  |
| McGrath, J.      | LP                            | .  | Ryan, S.           | LP                            | .  |
| Moore, C.        | ALP                           | .  | Collins, J.        | ALP                           | .  |
| Larazus, G.P.    | PUP                           | .  | Rice, J.E.         | AG                            | .  |
| Canavan, M.J.    | NATS                          | .  | Muir, R.L.         | AMEP                          | .  |
| <b>SA</b>        | Bernardi, C.                  | LP | <b>WA</b>          | Johnston, D.                  | LP |
| Xenophon, N.     | IND                           | .  | Bullock, J.W.      | ALP                           | .  |
| Wong, P.         | ALP                           | .  | Ludlam, S.         | AG                            | .  |
| Hanson-Young, S. | AG                            | .  | Cash, M.           | LP                            | .  |
| Day, R.J.        | FF                            | .  | Wang, Z.           | PUP                           | .  |
| Birmingham, S.   | LP                            | .  | Reynolds, L.K.     | LP                            | .  |

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 Free download of documents at blog [Http://www.scribd.com/InspectorRikati](http://www.scribd.com/InspectorRikati)

5 With so many politicians staying over in Canberra one may ask why doesn't the Parliament have an in House overnight accommodation facility where Members of the Parliament can stay overnight, instead of in hotels or ripping off taxpayers by claiming cost for overnight accommodation while for free staying over with a friend?  
It seems that they are so grubby and deceitful that there is no end to it.

10 In any event I view that Tony Abbott would show to ignore the true meaning and application of the constitution if he seeks to have passed Appropriation/Taxation Bills while the current financial year already has commenced.  
What kind of leadership and government do we have if those in power blatantly disregard the rule of law, I may well ask?

15 So much more to add but for now it should be sufficient to consider. And do not forget despite my elaborate exposure I am not paid by anyone for doing this. I do it because I care and seek to act as a "Sentry".

20 **This correspondence is not intended and neither must be perceived to contain legal advice nor to refer to all issues/details.**

**MAY JUSTICE ALWAYS PREVAIL®**  
(*Our name is our motto!*)

25 Awaiting your response, **G. H. Schorel-Hlavka O. W. B.** (Friends call me **Gerrit**)  
END QUOTE 20140705 CORRESPONDENCE

30 QUOTE

**Wikileaks Defies Australian Court's 'Blanket Censorship Order' by Publishing It (3)**

35 Jim Wikileaks Defies Australian Court's 'Blanket Censorship Order' by Publishing It RINF Alternative News Common Dreams 31 July 2014 Founder Julian Assange says unprecedented government gag order is  
To Andrew K. Bruce & Gail H. Daniel Bodkin and 26 More...  
Aug 1 at 1:05 PM

40 **Wikileaks Defies Australian Court's 'Blanket Censorship Order' by Publishing It**

RINF Alternative News  
[Common Dreams](#)  
31 July 2014

45 **Founder Julian Assange says unprecedented government gag order is 'blindfolding the Australian public'**

*Nadia Prupis*

p70 2-8-2014

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Free download of documents at blog [Http://www.scribd.com/InspectorRikati](http://www.scribd.com/InspectorRikati)

Wikileaks has revealed a [secret court order](#) in Australia to censor reporting on a massive, years-long political bribery and corruption scandal in the country involving its central bank and several international leaders. Described as a “superinjunction,” the order blocks reporting on the order itself, as well as the content of the investigation, in a case of censorship that Wikileaks founder Julian Assange called “the worst in living memory.”

Calling it “the largest high-level corruption case in Australia and the region,” the media outlet on Wednesday published an order by the Supreme Court of Victoria in Melbourne that blocks news agencies from reporting on a multi-million dollar bribery investigation into subsidiaries of the Reserve Bank of Australia (RBA) and government officials in Indonesia, Malaysia, and Vietnam. Even now, Australian media is prevented from publishing the documents or its contents.

“[The] Australian government is not just gagging the Australian press, it is blindfolding the Australian public,” Assange, who is Australian, said after the release of the documents. “This is not simply a question of the Australian government failing to give this international corruption case the public scrutiny it is due. Foreign Minister Julie Bishop must explain why she is threatening every Australian with imprisonment in an attempt to cover up an embarrassing corruption scandal involving the Australian government.”

The court claimed that secrecy is necessary to prevent damage to Australia’s relations with other countries and preserve the reputations of the high-ranking international officials. It also claimed that publicizing the case may put “national security” at risk, a familiar argument from many governments fighting to hide evidence of their misdeeds.

RBA subsidiaries Securrency and Note Printing Australia are accused of paying off high-ranking officials from 1999 to 2004 to secure the supply of Australian-style polymer bank notes to the governments of Malaysia, Indonesia, Vietnam and other countries.

The gag order stated that the blanket censorship was “to prevent damage to Australia’s international relations that may be caused by the publication of material that may damage the reputations of specified individuals who are not the subject of charges in these proceedings.”

Assange responded to the court’s justification of censorship by stating:

“The concept of ‘national security’ is not meant to serve as a blanket phrase to cover up serious corruption allegations involving government officials, in Australia or elsewhere. It is in the public interest for the press to be able to report on this case, which concerns the subsidiaries of the Australian central bank. Who is brokering our deals, and how are we brokering them as a nation? Corruption investigations and secret gag orders for ‘national security’ reasons are strange bedfellows.”

The order was issued on June 19 after the secret indictment of several senior executives from Securrency and Note Printing Australia. The investigation also explicitly named more than a dozen current and former heads of state from those countries, as well as their relatives and other high-ranking officials, who may have “received or attempted to receive a bribe” or been “willfully blind” to their colleagues receiving payoffs.

Wikileaks said the last blanket order of this magnitude was granted to a joint US-Australian spying operation against the Chinese Embassy in Canberra, the capital city of Australia.

Assange is currently living in the Ecuador embassy in London, where he has been granted political asylum on the grounds that he faces extradition and persecution in the U.S.

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<http://rinf.com/alt-news/breaking-news/wikileaks-defies-australian-courts-blanket-censorship-order-publishing/>

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Nigel W Apparently, this "blanket censorship order" doesn't extend to an obscure Judicial Review judgment - McKenzie & Anor v Magistrates' Court of Victoria & Anor [2013] VSC 2 (25 January 2013) <<http://www.a>

To JimAndrew K.Bruce & Gail H. and 26 More...

10 Aug 1 at 1:43 PM

Apparently, this "blanket censorship order" doesn't extend to an obscure Judicial Review judgment -

### 15 **McKenzie & Anor v Magistrates' Court of Victoria & Anor [2013] VSC 2 (25 January 2013)**

<<http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/vic/VSC/2013/2.html>> which is related to the bribery allegations, for anyone interested in ferreting out that rabbit hole.

20 It should be fairly clear that Wikileaks is an "authorised leaker" - I first heard of Wikileaks in about 2007/2008. Then, all of a sudden in late 2010, the mainstream media are giving saturation coverage about it so that most people have heard of it now. If Wikileaks were a real threat to the establishment, it is a virtual certainty that the media wouldn't be publicising its existence.

Wikileaks consumers beware!

25 <<http://spitfirelist.com/news/the-ultra-right-wing-views-of-eddie-the-friendly-spook-and-citizen-assange/>>

<<http://spitfirelist.com/?s=wikileaks>>

<<http://spitfirelist.com/?s=assange>>

30 Nigel

Show message history

On Friday, 1 August 2014 1:05 PM, Jim <[jim.sovereign@optusnet.com.au](mailto:jim.sovereign@optusnet.com.au)> wrote:

35

## **Wikileaks Defies Australian Court's 'Blanket Censorship Order' by Publishing It**

40 RINF Alternative News

[Common Dreams](#)

31 July 2014

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*Nadia Prupis*

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<<http://spitfirelist.com/?s=wikileaks>>

<<http://spitfirelist.com/?s=assange>>

25

Nigel

<https://wikileaks.org/aus-suppression-order/WikiLeaks-Australian-suppression-order.pdf>

30

## Australia-wide censorship order for corruption case involving Malaysia, Indonesia and Vietnam

**WikiLeaks release: July 29, 2014**

35

Blanket censorship order preventing reporting on Australia's largest financial corruption case and any derived allegations against the current and former heads of state of Malaysia, Indonesia and Vietnam and other senior officials. The document also specifically bans publication of the order itself and the June 2014

affidavit of Australia's newly appointed representative to the UN, Gillian Bird. The order was granted under

40

"national security" grounds in order to "prevent damage to Australia's international relations". The order was issued following the indictment of seven senior executives related to the Reserve Bank of Australia. The case concerns allegations of multi-million-dollar payments to persons with high-level political connections in Malaysia, Vietnam and Indonesia in order to secure contracts for the production of Australian plastic currency banknotes for these countries.

45

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE  
CRIMINAL DIVISION

S CR 2013: 0173, 0174, 0175, 0215  
S CR 2014: 0047, 0048, 0049, 0058, 0079, 0080

**BETWEEN:**

THE QUEEN

- and -

BARRY THOMAS BRADY & ORS

**GENERAL FORM OF ORDER**

JUDGE: The Honourable Justice Hollingworth

DATE MADE: 19 June 2014

ORIGINATING PROCESS: Indictment

HOW OBTAINED: Oral application, following the giving of notice under s 10 of the *Open Courts Act 2013* (Vic)

ATTENDANCE: Dr S Donaghue QC and Mr J Forsaith for the Commonwealth of Australia (instructed by the Department of Foreign Affairs and Trade)  
Mr J Forsaith for the Commissioner of the Australian Federal Police  
Mr N Robinson QC and Mr K Armstrong for the Commonwealth Director of Public Prosecutions  
Mr M Cahill for Barry Thomas Brady  
Mr C Mandy for Peter Sinclair Hutchinson  
Mr C Thomson for John Leckenby  
Mr P Tehan QC for Steven Kim Wong  
Mr P Higham for Christian Boillot and Clifford John Gerathy  
Ms M Fox for Myles Andrew Curtis

**THE COURT ORDERS THAT:**

1. Subject to further order, there be no disclosure, by publication or otherwise, of any information (whether in electronic or paper form) derived from or prepared for the purposes of these proceedings (including the terms of these orders, and the affidavit of Gillian Elizabeth Bird affirmed on 12 June 2014) that reveals, implies, suggests or alleges that any person to whom this order applies:

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- 2 -

- (a) received or attempted to receive a bribe or improper payment;
  - (b) acquiesced in or was wilfully blind as to any person receiving or attempting to receive a bribe or improper payment; or
  - (c) was the intended or proposed recipient of a bribe or improper payment.
2. Subject to further order, order 1 applies to the following persons:
- (a) any current or former Prime Minister of Malaysia (including references to 'PM');
  - (b) any current or former Deputy Prime Minister of Malaysia (including references to 'DPM');
  - (c) any current or former Finance Minister of Malaysia (including references to 'FM');
  - (d) Mohammad Najib Abdul Razak, currently Prime Minister (since 2009) and Finance Minister (since 2008) of Malaysia;
  - (e) Abdullah Ahmad Badawi (also known as Pak Lah), a former Prime Minister (2003 – 2009) and Finance Minister (2003 – 2008) of Malaysia;
  - (f) Puan Noni (also known as Ms/Madam Noni, or Nonni), a sister-in-law of Abdullah Ahmad Badawi;
  - (g) Mahathir Mohamed, a former Prime Minister (1981 – 2003) and Finance Minister (2001 – 2003) of Malaysia;
  - (h) Daim Zainuddin, a former Finance Minister of Malaysia (1984 – 1991; 1999 – 2001);
  - (i) Rafidah Aziz, a former Trade Minister of Malaysia (1987 – 2008);
  - (j) Hamid Albar, a former Minister for Foreign Affairs (1999 – 2008) and Minister of Home Affairs (2008 – 2009) of Malaysia;
  - (k) Susilo Bambang Yudhoyono (also known as SBY), currently President of Indonesia (since 2004);
  - (l) Megawati Sukarnoputri (also known as Mega), a former President of Indonesia (2001 – 2004) and current leader of the PDI-P political party;

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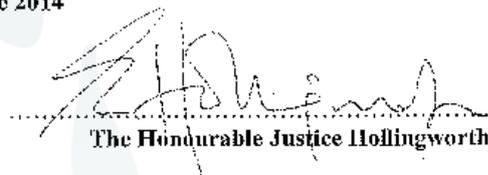
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 Free download of documents at blog [Http://www.scribd.com/InspectorRikati](http://www.scribd.com/InspectorRikati)

- (m) Laksumana Sukardi, a former Indonesian minister (2001 – 2004; in Megawati Sukarnoputri's government);
  - (n) Truong Tan San, currently President of Vietnam (since 2011);
  - (o) Nguyen Tan Dung, currently Prime Minister of Vietnam (since 2006);
  - (p) Le Duc Thuy, a former Chairman of the National Financial Supervisory Committee (2007 – 2011) and a former Governor of the State Bank of Vietnam (1999 – 2007); and
  - (q) Nong Duc Manh, a former General Secretary of the Communist Party of Vietnam (2001 – 2011).
3. Subject to further order, order 1 does not prevent:
- (a) disclosures to and among Commonwealth officers (as defined by s 3 of the *Crimes Act 1914* (Cth)) or international investigators, international prosecuting authorities, and other like international entities;
  - (b) provision by the Court to registered media organisations, under cover of a notice referring to the existence of these orders, of transcript and exhibits (which, for the avoidance of doubt, must then be treated in accordance with order 1 above);
  - (c) provision of material by the Commonwealth Director of Public Prosecutions to Note Printing Australia Pty Ltd and its legal representatives, provided any such material is provided together with a copy of these orders.
4. The prohibition on publication in order 1 applies throughout Australia.
5. The purpose of these orders is to prevent damage to Australia's international relations that may be caused by the publication of material that may damage the reputations of specified individuals who are not the subject of charges in these proceedings.
6. These orders are made on the grounds that they are:

- 4 -

- (a) necessary to prevent a real and substantial risk of prejudice to the proper administration of justice that cannot be prevented by other reasonably available means; and
  - (b) necessary to prevent prejudice to the interests of the Commonwealth in relation to national security.
7. These orders operate for a period of 5 years from the date of these orders, unless sooner revoked.
  8. The affidavit of Gillian Elizabeth Bird affirmed on 12 June 2014 be sealed in an envelope marked "Not to be opened without an order of the Court", and not be opened without order of the Court.
  9. There be liberty to apply.

DATE AUTHENTICATED: 19 June 2014



The Honourable Justice Hollingworth




END QUOTE

5

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 Free download of documents at blog [Http://www.scribd.com/InspectorRikati](http://www.scribd.com/InspectorRikati)

This submission **Supplement 2** seeks to indicate that it is essential the truth is known about what goes on in regard of banking and also if banks are bribing politicians (by hidden donations to political parties) so such as with the Reserve Bank of Australia then in return they get special treatment in clear violation of constitutional provisions and limitations.

5 In my view no legal justification could have existed when reportedly Mr Joe Hockey transferred \$8 billion to the RBA because of some of the following, not stated in any order of importance:

1. No Appropriation Bills existed n either had been passed by the Parliament for the transfer of about \$8 billion from consolidated Revenue funds to the RBA
- 10 2. Mr Joe Hockey as treasurer has no constitutional powers to transfer monies to anyone without appropriation Bills having been passed by the Parliament.
3. The RBA is not a government entity but a private organization
4. Consolidated Revenue Funds can only be used for “public purposes”
- 15 5. The transfer of the \$8 billion took place in such short period just after the election was held that it so to say reeks to a pre-planned event, that was arranged prior to the election having been held that in the event the coalition would win government it would transfer such amount of monies without Parliament approval as required by the constitution, and without a message by the Governor-General as required by the constitution.

In my view a **Royal Commission** should investigate this reported \$8 billion transfer to the Reserve Bank of Australia, if this was some kind of unconstitutional bail out, involving fraud, etc. As the purported court orders allegedly relates to fraudulent and other alleged unlawful conduct then one cannot ignore this \$8 billion transfer to the Reserve Bank of Australia that in view of the circumstances in which this eventuated then some or more of the same people being involved in the conduct may have bribed Mr Joe Hockey directly or indirectly and by this gained the about \$8 billion transfer without lawful authorization by the Governor-General and/or the Parliament. If it were to be claimed that this was a commercial transaction between the Commonwealth and the RBA as a private entity then I view the public is entitled to know the details of such contract and why it was done in such secretive manner. Were ordinary tender and contractual requirements followed, etc. what, if any, secret kick back was provided for this reported \$8 billion? Any consideration as to any “bail-in” legislation I view cannot be completed if it were to ignore possible fraudulent and other unlawful conduct.

**Also, the question is if the Commonwealth of Australia in the first place has any legislative powers to transfer ownership of shareholders and customers entitlements to the bank?** In my view it can regulate banks, but it has no legislative powers to interfere with the civil rights of customers and shareholders to remove their ownership rights. It can however make directors legally responsible for the bank and this I view is the real issue that should be addressed, as to avoid customers/shareholder having to make up for the unlawful conduct by the banks.

HANSARD 27-1-1898 Constitution Convention Debates

QUOTE

40 **Mr. BARTON.-Our civil rights are not in the hands of any Government, but the rights of the Crown in prosecuting criminals are.**

END QUOTE

**This correspondence is not intended and neither must be perceived to contain legal advice nor to refer to all issues/details.**

45

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Awaiting your response,  **G. H. Schorel-Hlavka O. W. B.** (Friends call me Gerrit)

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