



 MAY JUSTICE ALWAYS PREVAIL 		
<small>ABN 37144820620</small>		
From: Mr G. H. Schorel-Hlavka O.W.B.		
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THE MORALS OF A SOCIETY CAN BE MEASURED AS TO HOW IT LOOKS AFTER THE DISABLED		
Please note: <i>The opinion(s) expressed in this letter by the writer, are stated considering the limited information available to him and may not be the same where further information were made available to him, is not intended and neither must be perceived to be legal advice!</i>		
WARNING		
<small>Constitutionalist & Paralegal Independent Consultant & Author</small>	INSPECTOR-RIKATI	<small>Series of books on certain constitutional and other legal issues</small>
PEOPLES POWER Reclaim our State and Federal constitutional and other legal rights, and hold politicians and judges accountable!		

Retained data in civil proceedings consultation
Communications Security Branch

27-1-2017

5 Attorney-General's Department. 3-5 National Circuit, BARTON ACT 2600
CommunicationsSecurity@ag.gov.au

**SUBMISSION: 201701257-G. H. Schorel-Hlavka O.W.B. submission to
Communications Security Branch-AG-Re data retention, etc**

10

Sir/Madam,

as English is not my native language and neither did I have former education in the English language I rely upon my self-professed crummy English to provide my submission. No need to compliment me for a world breaking achievement to vandalise the English language, as after all even between different countries English is as they prefer to use it. ☺

15

For those who have an issue about my self-professed crummy English I would say learn about the constitution as I did and we then may talk about the English language!

Director of Public Prosecutions v Serratore Nos. Ca 40642/95 and Crd 72680/95 Criminal Law and Procedure - Statutes - Human Rights - Telecommunications - Law Reform [1995] NSWSC 154 (14 November 1995)

20

QUOTE

"It is well established that the Court should not impute to the legislature an intention to interfere with fundamental rights, freedoms or immunities; such an intention must be clearly manifested by clear and unmistakable language: *Coco v The Queen* [1994] HCA 15; (1994) 179 CLR 427 at 436-437. ... The close link between the fundamental right to be secure against trespass and the right to privacy is illustrated by the observations by Lord Scarman in *Morris v Beardmore* (1981) AC 446 ... **Parliament itself has ... recognised, in the context of telecommunications, the fundamental importance of protecting individual privacy, although also recognising that the value of privacy can be over-ridden where it conflicts with other significant community values, provided that detailed safeguards are observed. The recognition and protection of privacy in the Intercept Act, in my view, justifies a restrictive approach to the construction of the statutory exceptions to the prohibitions on interception. ... where there is a genuine doubt as to whether the statutory language authorises the use of intercept information for a particular purpose, that doubt should be resolved in favour of a narrow, rather than a broad construction of the statutory authorisation.**"

25

30

35 END QUOTE

What is needed is to get some sense in what politicians are on about. You do not and never will achieve by band aid solution a solution where you ignore the rule of law in the first place.

In regard of the 2001 federal election I challenged (before it was held) the validity of the election but well Mr Peter Hanks QC for the Commonwealth made false/misleading statements and subsequently before the High Court of Australia it was not addressed. However I on 19 July 2006 was comprehensively successful in both appeals in which I raised the issue that the 2001 purported federal election was not lawful and neither so the 2004 purported federal election and despite having served upon all Attorney-Generals a **s78B NOTICE OF CONSTITUTIONAL MATTERS** none challenged me on this and numerous other matters that Mr John Howard was not lawfully a Prime minister at the time of the Iraq invasion, etc. I published a book about this:

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45

INSPECTOR-RIKATI® & What is the -Australian way of life- really?

A book on CD on Australians political, religious & other rights
ISBN 0-9751760-2-1 (prior to 1-1-2007) ISBN 978-0-9751760-2-

What was evident was that there is no power to invade another country unless the Governor-General publish in the Gazette a DECLARATION OF WAR naming the country concerned. To my knowledge this never eventuated regarding Iraq/Afghanistan. It is totally irrelevant if some legislation purports to allow a Prime Minister/Cabinet or whomever to authorise an armed
5 murderous invasion because the constitution and so it's embedded legal principles cannot be overridden.

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

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

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.

15 **END QUOTE**

HANSARD 6-3-1891 Constitution Convention Debates

QUOTE

20 **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!**

END QUOTE

What we ended up with was a violation of s24AA of the Crimes Act (Cth) where members of parliament and the then General Peter Cosgrove took the law into their own hands, despite my
25 warning it would be unconstitutional without a DECLARATION OF WAR published by the Governor-General in the Gazette and as result the world is not a safer place but to the contrary it is worse of. We now get people as a copycat, such as the 20 January 2017 carnage in Bourke Street Mall at Melbourne, this even so I warned all politicians by way of 15 July 2017 PRESS RELEASE about Bourke Street mall and the need for bollards, etc. In fact Prime Minister
30 Malcolm Turnbull on 22 July 2016 then announced to pursue to have bollards fitted. Just that to my knowledge Prime Minister Malcolm Turnbull and Premier Daniel Andrews did absolutely nothing about it, other than having more security for parliament House in Canberra and telling people to go on in a normal manner. Well 5 dead hardly is going on normally.

35 <http://abcnews.go.com/Politics/full-text-president-donald-trumps-inauguration-speech/story?id=44915821>

QUOTE We will no longer accept politicians who are all talk and no action constantly complaining, but never doing anything about it. The time for empty talk is over. Now arrives the hour of action. Do not allow anyone to tell you that it cannot be done. **END QUOTE**

40 We do have people who may desire to harm innocent citizens but as I have exposed for more than 2 decades this involves often people who are aggrieved (irrespective of any religious motives) and they simply now may do a copycat of getting attention.

With the terrorist, if one can exclude any government of this when they use draconic laws (Which one day may turn to be fatal for many Australians, if the information falls in the wrong
45 hands!) regardless I deplore their conduct I can **UNDERSTAND** they just want to get back upon Australians for having allowed the murderous invasion into Iraq/Afghanistan, etc.

Instead of having John Howards and his fellow conspirators held legally accountable for their unconstitutional murderous invasion so people can see we do have a justice system we found no such accountability. As such they placed themselves above the rule of law and so the
50 constitution. Little wonder those who may have lost family members, etc, then are hell bend to get revenge in the best manner they can.

It is simple if the Government of the Day was really concerned about terrorism it would not have unconstitutionally invaded any other sovereign country. You cannot now impose restrictions upon citizens which will do absolutely nothing to resolve the real issues.

As I have stated in past **PRESS RELEASES** I go to a store and purchase more than 50 simcards (in one transaction) and well no records kept for me doing so. I purchase mobile phones with no recording I did so. As such, if I as a senior citizen can do so why then would some would be mass murderer not be able to do the same? I proved that all I needed to do was to activate the
5 simcard using another person's identity and well nothing to stop me using it. As such, all the legislation, mountains of it, in the end are in my view utterly worthless.

I since 1982 have conducted a special life line service under the motto **MAY JUSTICE ALWAYS PREVAIL®** and have been dealing with desperate people who gave me the
10 understanding not just contemplated suicide but also murder/mass murder.

Do you really have any brains left at all to assume they will talk to me via email or telecommunication to state certain issues? As such any data retention isn't going to get you anywhere in that regard.

What one does need is to hold politicians legally accountable so that people will again be able to
15 trust them. While politicians are involved in rorting the system and what else then do not expect the general community to have a shining example of good citizenship.

The Government of the Day is hell bend on trying to keep secret whatever it is doing.

HANSARD 17-3-1898 Constitution Convention Debates

20 QUOTE

Mr. BARTON.- 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.

END QUOTE

25

If therefore the Government of the Day is hiding what it should disclose to the People then how on earth can anyone in his/her right mind expect to accept that the privacy of ordinary people cannot be confidential. After all, politicians are bound in law to disclose their dealing when it involved public monies:

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

Ethics Orientation for State Officials

Misuse of Public Funds

Public Funds may not be Used for Personal Purposes

35

QUOTE (DOWNLOADED 13-3-2010)

Let's Review

TRUE or FALSE: Expenditures made to benefit the public are permissible.

- Answer: False. The expenditure must also be authorized to be permissible.

40 Evelyn is an agency secretary. She has just completed a long day and she wishes to make a few telephone calls before she leaves her office to invite potential contributors to the incumbent Governor's campaign fundraising dinner. Since the people she will be calling frequently have dealings with the state government on a variety of issues, may she charge these calls to the state? Yes or No.

45

- Answer: No. Evelyn may not charge the calls to the state as they are for personal political purposes rather than for a public purpose.

END QUOTE (DOWNLOADED 13-3-2010)

Yet, as I understand it, Malcolm Turnbull during the 2016 Federal election was travelling around for a political campaign charging taxpayers (Consolidated Revenue Funds) for this. Why is it hidden how much taxpayers unconstitutionally funded his ego political trips?

So, ordinary people must be subjected to draconic legal provisions regarding their privacy where the thieving politicians can hide behind secrecy for whatever!

As a constitutionalist I am too well aware that the break-up of Australia post and then the sell-off of Telstra was in violation of s69 of the constitution.

Commonwealth of Australia Constitution Act

10 **69 Transfer of certain departments**

On a date or dates to be proclaimed by the Governor-General after the establishment of the Commonwealth the following departments of the public service in each State shall become transferred to the Commonwealth:

15 posts, telegraphs, and telephones;
 15 naval and military defence;
 lighthouses, lightships, beacons, and buoys;
 quarantine.

20 But the departments of customs and of excise in each State shall become transferred to the Commonwealth on its establishment.

Hansard 7-4-1891 Constitution Convention Debates

QUOTE

25 **Mr. DEAKIN:** Within or without State boundaries. How can it be said that South Australia is more competent to administer the postal affairs of its Northern Territory than they would be administered from a central capital? Or how can it be said that the European mails for the extreme west country of New South Wales could not be better dealt with by the use of railways and means of transport through South Australia? Looking at the postal and telegraphic business of the continent of Australia from a purely business aspect, from the practical side of affairs, it appears to me that we are more likely to have satisfactory and complete communication if it be regarded as one whole and worked from the most convenient centres, without regard to State limitations. I say in answer to Mr. Holder that his illustration in regard to Western Australia proves nothing if we may rely upon American experience. If there has been one great federal success it has been the American post office, and if there is one regret in their politics it is that the American telegraphic service is not also in the hands of the Government. The telegraphic service is in private hands, and the regret is widespread. I can say, from a short

30 experience of some of the least settled and most distant territories of the West of the United States, that the postal communication there is much more complete than I have been accustomed to find in outlying districts of these colonies under their present State management. The National Government at Washington, 3,000 miles away, separated by a whole continent, has proved itself more liberal in its treatment of the people of the Far West than have the Governments of Australia proved themselves in regard to our back block settlements. In America the post office has been a great administrative, financial, and popular success; and any man who would propose to-day to hand that service over to other than to State administration would find that his proposition was short-lived. We may have greater difficulties to surmount than they have, but there is no reason why the Commonwealth of Australia should not also achieve a conspicuous success in this direction. The arguments used by my

35 hon. friend Mr. Barton with regard to the difficulties arising from a divided control of the telegraph wires appear to be conclusive. It would be almost impossible to make arrangements as perfect and as economical for either postal or telegraphic services [start page 771] within Australia if you retain State boundaries, and it will certainly be more difficult to make arrangements for the extra-Australian services if you are called upon to consider State claims and demands, instead of only considering the real practical wants of the localities immediately concerned. It appears to me a desirable thing as a matter of practical business to transfer both of the services to which I have alluded to the Federal Government. We shall not place too great a burden on the federal authority, and the whole population will be better served than they now are or than remote districts can be by State authority. Placing the means of communication in the hands of the Federal Government will probably permit of that

40 universal reduction of postage and cable rates which is one of the first demands of the commercial interest throughout Australia. The experience of our own colony is that the present cable rates are almost prohibitive. but by a satisfactory combination of the cable and postal services, with unity of administration, we shall be able to secure an immediate reduction in those charges, as well as in postal rates, and give the people of Australia better services than those they now possess.

45 50 55

Sir PHILIP FYSH: Every postal conference that has been held for years past has tendered a report suggesting that the postal and telegraphic services should be federated. Year by year conferences are necessary in order to keep ourselves in touch with what is going on and to keep pace with development. The clause of the 1891 Bill, transferring the control of post and telegraph offices, was largely for the reason that the losses amounting to £200,000 per annum, incurred by some States were for the benefit of the whole, and therefore should be of federal concern. That state of accounts has since altered, and South Australia, in 1891 the chief loser, and Tasmania, also an important loser, have both since secured profit in these departments, but much services as posts and telegraphs have by means of the postal conferences of postmasters annually, and by their reports, sought to establish uniformity, and tended strongly to support this federal purpose. The cost of cable subsidies has already been divided intercolonially, and the completion of federal services will tend to support the "United Australia" purpose of the people. Nothing has a greater tendency to perfect your union than one postage stamp for Australasia. Uniform postal rate is also desirable; whereas in Tasmania, in a given radius from the General Post Office, the rate is one penny, in South Australia and Victoria twopence is uniform, whether across the street or to the end of their territorial limit. Mr. Deakin's reference to extra-colonial or over-sea services will remind representatives of the fact that the federal authority will, if only oversea services are of federal concern, as Mr. Holder suggests, pay the contractors, and that the revenue will be collected by the local or State authorities. The details of departmental works, such as the pay of postmasters and opening new offices in outlying districts, will by federal authority be settled upon the recommendations of the Local or State Secretary of the department in the Federation. To be compelled at the present moment to supply ourselves with Adelaide stamps, or if you are travelling in Tasmania with Tasmanian stamps, if; always inconvenient to that section of the public which is of a migratory character. We have also to consider that as far as our revenues are concerned they come in unequal proportions from the various contributors. In Tasmania we give in the city and suburbs the advantage of a penny service; but here, and I think in Victoria also, they have the same rate in the city and suburbs as throughout their territory, and I think if the federal spirit is to be generated by a Constitution of this kind, and if we wish to continue the belief that we are one people, we will do much in, this direction by providing a uni- [start page 772] form postal and telegraphic service. Under these circumstances our various conferences have invariably tended in this direction, and hence during the last few years we have pooled all our cable subsidies. It was only natural that we should so pool them, as we in Tasmania were bearing more than our share, and we recognise that South Australia was giving to the people of Australia a large amount of work for which she was inadequately recompensed. We have reversed the position, and we are no longer losing by the postal service as we were in 1891. South Australia and Tasmania have altered their positions, but that is no reason that the remainder, now that our total loss has been reduced to about £80,000, should not pool the service which brings in contact every home throughout Australia. Then you have the money order system also, under which commission is charged in each colony, but if it were pooled, we would be able to distribute the money of a majority of our people at a lower rate than we do at the present time, which is within the scope of some future Treasurer or postmaster to propose. This advantage can be better secured to the people generally by Federation than it otherwise can be, and therefore I hope that we will respect the opinion of 1891.

END QUOTE

Let's see what the Framers of the Constitution stated about the telephone, postal and other services:

Hansard 17-3-1898 Constitution Convention Debates

QUOTE Mr. CARRUTHERS:

It is just as important that the Federal Government shall have the care and management of the vehicles which carry human beings and their goods as that it should have the care and [start page 769] management of the vehicles or ways which carry letters and telegrams.

END QUOTE

(Writers note: Notice they even refer to "management of the vehicles" not just legislative photo opportunities for a Minister!)

Hansard 17-3-1898 Constitution Convention Debates

QUOTE Mr. CARRUTHERS:

If you give over the telegraph and postal business you thereby hand to the custody of the Federal Government **all the local appointments-the appointing of the postmasters, clerks, and other officers, who do not do national, but the purest local business; and you at once raise up a large army of civil servants, the influence of which we want to dissociate from our national life**

END QUOTE

(Writers note: Notice they refer to appointments of officers etc and “large army of civil servants” clearly this relates to Commonwealth Management, not some private company)

- 5 Well if anything goes wrong the responsible Minister is anything but responsible.
In fact for more than 10 years I complain to Australia Post how at times the mail IS SIMPLY DUMPED ON THE STREET, this even so 2 managers have checked out my mail pillar and gave me the understanding that it was Australian Post approved letterboxes (2) and no justification existed not to deposit the mail securely in the mail box. Well for more than 10 years this
10 nevertheless continues to be a problem.
As such identity theft is not just a problem but Australia Post much can be deemed to be a culprit to it by dumping mail on the street or otherwise partly having it sticking out of a mail box.
As such data retention is not to make the community safer to the contrary the Government proves it couldn't even bother to have its own department acting appropriately.
- 15 What it means is that the data retention is for ulterior purposes and could very well be to railroad a political opponent. After all ASIO was created by Robert Menzies and use against his political opponents. WikiLeaks is a clear example of how data retained can be hacked or otherwise passed on. And the ABS fiasco underlines that a hacker can obtain data.
We have that the Family Court of Australia no longer identifies a case by the real names of the
20 parties but sub statute the names as to avoid people to be aware of the true identities of the parties. Well, if the name is so important to hide, even so the Law Reports will still provide certain details that one can often trace back who the parties were, then why is it so needed to have personal details?
Do you really have so little understanding of life that data retention is the least concern of a
25 suicide bomber? They couldn't give a hoot about what might be found on details after he/she blew himself/herself up causing a carnage.
Let us be clear about it the space of terrorism is because we had (purported) Members of Parliament who decided to get involved as I view it in mass murder, crimes against humanity, war crimes, treason, etc, and no amount of data retention will resolve such issue. The way to go
30 is to prosecute the offenders and well then those aggrieved may just find their satisfaction that JUSTICE DID PREVAIL!
Why on earth should the general community have to wait say 25 years before confidential documents of the government is released while the Government can have instant access to the personal details of a citizen?
- 35 The following will also make clear that the Framers of the Constitution intended to have **CIVIL RIGHTS** and **LIBERTIES** principles embedded in the Constitution;

HANSARD 17-3-1898 Constitution Convention Debates

QUOTE Mr. CLARK.-

- 40 **the protection of certain fundamental rights and liberties which every individual citizen is entitled to claim that the federal government shall take under its protection and secure to him.**

END QUOTE

Hansard 1-3-1898 Constitution Convention Debates

45 QUOTE

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.

- 50 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

HANSARD 17-3-1898 Constitution Convention Debates

QUOTE Mr. DEAKIN.-

- 55 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

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

QUOTE **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

And

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

QUOTE

Mr. BARTON.- 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.

END QUOTE

30

Let us be clear about it that when it comes to embedded constitutional rights the Government/Parliament cannot invade the private rights of citizens without a court order and so after both parties have been heard.

Hansard 8-2-1898 Constitution Convention Debates

35 QUOTE

Mr. OCONNOR.-No, it would not; and, as an honorable member reminds me, there is a decision on the point. All that is intended is that **there shall be some process of law by which the parties accused must be heard.**

40 **Mr. HIGGINS.**-Both sides heard.

Mr. OCONNOR.-Yes; and the process of law **within that principle may be [start page 689] anything the state thinks fit. This provision simply assures that there shall be some form by which a person accused will have an opportunity of stating his case before being deprived of his liberty. Is not that a first principle in criminal law now? I cannot understand any one objecting to this proposal.**

END QUOTE

45

Hansard 1-3-1898 Constitution Convention Debates

QUOTE **Sir HENRY PARKES**

It is an organism, as I have tried to explain, for protecting each individual citizen in the undisturbed possession of his property, in the undisturbed possession of his liberty, and from my point of view the expense of that government ought to be defrayed in the easiest manner and only to the extent which is necessary for that purpose, and that taxation is unjustifiable for any other purpose whatever.

END QUOTE

55 Individual privacy is a core common right of the People and not even a so called ex parte warrant can justified an invasion into such privacy. Nor any so called authorisation by an Attorney-General.

The Victorian Letters Patents published on 2-1-1901 in the Gazette specifically refers to an **impartial** administration of justice, and as such the courts cannot function if they in anyway operate to deny a person the right to challenge and be heard **before** any order is issued by a court.

You do not invade another country and then expect no retaliation.

And well now we are subjected to retaliation we need to address the real cause of this. And now that we have copycat incidents and it proved that Prime minister Malcolm Turnbull despite so to say talking his head of on 22 July 2016 that he would have bollards installed both he and Premier Daniel Andrews did nothing but left the general community at risk to be ending up to be victims.

I will now quote my 20-1-2017 PRESS RELEASE to be aware that here I warned politicians and yet nothing was done to provide the security so badly needed:

10 QUOTE 20170120-PRESS RELEASE Mr G. H. Schorel-Hlavka O.W.B. ISSUE - Re THE FAILURE IN NATIONAL SECURITY, 3 avoidable deaths ,etc & the constitution
ISSUE: 20170120 - Re THE FAILURE IN NATIONAL SECURITY, 3 avoidable deaths, etc & the constitution

15 As a CONSTITUTIONALIST my concern is the true meaning and application of the constitution.

20 Last Sunday, I was walking amongst the crowd at Thomastown Sunday market when I noticed a seller packing up get in his car and simply reverse. I yelled out as his rear bumper bar was about 8cm from a stand. I stopped people walking and then was assisting the driver to reverse, etc, to get out. Within Minutes I noticed large van reversing and again I had to stop people from walking. While Thomastown Market has been operating for decades it appeared to me there is simply no system to arrange for a staff member to assist a seller to leave with a motor vehicle, which ordinary are parked at the stand. Many children and the elderly are walking there also and yet the lack of proper assistance as astounding to me. Worse is that the main gate usually is left wide open. This means anyone can drive in and deliberately smashes into people. Nothing to stop a would-be murderer to mow down innocent people. No bollard, etc.

25 And then we have where for some about 6 months I have been warning both the Federal and state governments about bollards, etc. Specifically I referred to Bourke Street, this as more than 20 years I then already warned that this could be for a would-be killer to target innocent people.

30 QUOTE from 16-7-2016 Email reproduced below

In view of the Nice event your idea to have security bollards and barriers installed throughout Melbourne in strategic locations vulnerable to terrorist attacks, should be taken seriously by the state government. Politicians are often complacent and are forced to act in the public interest only after a major tragedy or catastrophe has occurred.

35 QUOTE from 16-7-2016 Email reproduced below

Cowards hiding behind security while leaving the public at risk for their warmongering.

The documents can be downloaded from:

40 <https://www.scribd.com/document/318379891/20160715-Press-Release-Mr-g-h-Schorel-hlavka-o-w-b-Issue-Re-the-Failure-in-National-Security-Etc-the-Constitution>

ISSUE: 20160715 - Re THE FAILURE IN NATIONAL SECURITY, etc & the constitution

45 QUOTE 20160715-PRESS RELEASE Mr G. H. Schorel-Hlavka O.W.B. ISSUE - Re THE FAILURE IN NATIONAL SECURITY, etc & the constitution

45 Nice clearly lacked proper security as to prevent a truck to enter where people had their festivities. Then one has to look upon any major city and wonder is the same possible in Australia, and regretfully this is possible. Take Bourke Street, Melbourne, where it is a pedestrian mall but the trams are going through it and so delivery vans/trucks. Instead of warmongering politicians hiding behind a security curtain the monies of this security curtain would be better spend such as road buffers to be fitted into the ground. For example to prevent a truck to enter a mall using the tram tracks a heavy duty buffer is coming up after a tram has passed through preventing any vehicle to enter using the tram track. This steel buffer can be raised and lowered into the ground as to allow safe passage for trams and emergency vehicles but not for other vehicles unless someone with security clearance were to manually let the buffer to sink into the ground for any delivery vehicle to enter. It means that in times of public celebrations those buffers can be raised above ground and so become a security for those celeb rating in the area. Such kind of devices could be fitted on any road where at times it requires to be closed of regarding sporting events, parades, etc. A proper system would facilitate such buffers to prevent motorist to use tram tracks while the tram can engage the buffer to be lowered when it comes nearby so the tram can pass through. This is the kind of security system that should exist at the very least. To expect a police officer facing a truck coming towards him to stop it is lunacy. There must be a

system of buffer that can be sufficient to stop a heavy truck in its tracks and prevent what eventuated in Nice to eventuate in Australia. Instead of having bollard or other material transported to and from the area, by building buffers that can drop down into the ground when not needed or obstructing otherwise a tram from passing, this would be a far better manner. I understand that in some countries they use massive kind of buffers to redirect the sea flow to avoid flooding's. The shape is like that of a sliced of an orange hinging at the thinner edge. Also, we had this media report that some person allegedly heavily involve in preaching jihad or at least promoting issue to it nevertheless continue to do so. I view that any person doing so should be deemed to place national security of citizens at risk and by this should be charged accordingly

5
10 **END QUOTE 20160715-PRESS RELEASE Mr G. H. Schorel-Hlavka O.W.B. ISSUE - Re THE FAILURE IN NATIONAL SECURITY, etc & the constitution**

This was repeated in:

The documents can be downloaded from:

15 <https://www.scribd.com/document/324869383/20160922-PRESS-RELEASE-Mr-G-H-Schorel-Hlavka-O-W-B-ISSUE-Banning-Islamic-Headdress-The-Niqab-and-Burka-Etc-the-Constitution>
ISSUE - Banning Islamic Headdress, the Niqab and Burka, etc & the constitution?

And again referred to in:

20 **QUOTE 20161227-PRESS RELEASE Mr G. H. Schorel-Hlavka O.W.B. ISSUE - Re THE FAILURE IN NATIONAL SECURITY, etc & the constitution-supplement 3**

As I previous indicated the Governments should use bollards to protect citizens at places they gather but I am not aware this was done appropriately, albeit the Australian Parliament did make sure it get a 2.6 metres fence and update AFP security so they are more protected.

25 **QUOTE 21-12-2016 press release**

Despite my "**20160715-PRESS RELEASE Mr G. H. Schorel-Hlavka O.W.B. ISSUE - Re THE FAILURE IN NATIONAL SECURITY, etc & the constitution**" (Cowards hiding behind security while leaving the public at risk for their warmongering. The documents can be downloaded from: <https://www.scribd.com/document/318379891/20160715-Press-Release-Mr-g-h-Schorel-hlavka-o-w-b-Issue-Re-the-Failure-in-National-Security-Etc-the-Constitution>) it appears to me that basically nothing noticeable has eventuated to protect citizens while shopping.

END QUOTE 21-12-2016 press release

See also

35 I view another spin by politicians to protect themselves rather than the public.

The documents can be downloaded from:

<https://www.scribd.com/document/334824504/20161222-Press-Release-Mr-g-h-Schorel-hlavka-o-w-b-Issue-Re-the-Failure-in-National-Security-Etc-the-Constitution-supplement-2>
40 **END QUOTE 20161227-PRESS RELEASE Mr G. H. Schorel-Hlavka O.W.B. ISSUE - Re THE FAILURE IN NATIONAL SECURITY, etc & the constitution-supplement 3**

<http://www.abc.net.au/news/2017-01-20/live-car-hits-pedestrians-in-melbourne-cbd/8197998>

Prime Minister **Malcolm Turnbull** has made a statement in Sydney.

45 **QUOTE**

The prayers and heartfelt sympathies of all Australians are with the victims and the families of the victims of this shocking time in Melbourne today

50 We thank and acknowledge the heroism, the professionalism, of the police and emergency workers who rushed to the aid of the victims.

Joined by bystanders, who mindless of their own danger, sought to help those who had been attacked in this shocking crime.

55 Their love, their selflessness, their courage is the very best of Australian spirit.

END QUOTE

Easy words for a man who was warned by me for months but ignored it all while making sure that politicians in Canberra are protected by a reported 2.6 metre high wall, etc. Why were no
60 bollard, etc, fitted to Bourke Street Mall? Surely the cost would have been a lot less than the security upgrade on Canberra parliament house!

<http://www.abc.net.au/news/2017-01-20/live-car-hits-pedestrians-in-melbourne-cbd/8197998>

QUOTE

Victoria Premier **Daniel Andrews** wraps things up

5 Just as a final point, I'm proud of all those Victorians who reached out and provided support and care to strangers. That speaks volumes to the sort of community that we are.

END QUOTE

Excuse me, don't include yourself as I view you got blood on your hands, as like Malcolm Turnbull and others failing to make sure the area was protected. As I understand it Mayor Robert Doyle reportedly made known that the driver was going to drive into Collin Street (to his observation) but faced with a bollard decided to drive to Bourke Street instead.

<http://www.abc.net.au/news/2017-01-20/live-car-hits-pedestrians-in-melbourne-cbd/8197998>

QUOTE

15 **Graham Ashton** confirms at least 15 other people are injured across many hospitals, including an infant child in a critical condition.

END QUOTE

I have absolutely no doubt that lawyers for the victims will likely question why didn't the Governments act to secure areas like Bourke Street with bollards, etc.

While it might be claimed the alleged offender had mental problems one has to ask is this some excuse for not providing security that could at a minimal cost have been provided! To the victims is doesn't matter if the offender is mentally ill or just pursues terrorism for an alleged religious cause as they are the victims no matter what. Obviously the alleged offender will be entitled to Legal Aid while the victims have generally no such rights. Little wonder crime is getting out of hand.

Again in my view Premier Daniel Andrews and Prime Minister Malcolm Turnbull have blood on their hands as they as a national/state strategy should have ensured that before a Nice/Berlin event were to occur in Australia appropriate measures were taken to try to prevent this. Well, they miserably failed but now their political spin is obviously coming while in reality I view they could have avoided it.

QUOTE

Terrorism in Melbourne

- 35
- [Jim <jim.sovereign@optusnet.com.au>](mailto:jim.sovereign@optusnet.com.au)
 -
 - Today at 17:10 (20-1-2017)

To

[Undisclosed-Recipient@](#)

40 Hide

Message body

----- Original Message -----

From: [adrian barnett](#)

45 **To:** [AC P](#)

Sent: Friday, January 20, 2017 4:03 PM

Subject: Terrorism in Melbourne

50 There has just been a big event in Melbourne CBD where a car dropped a wheelie on the corner of Flinders and Swanson Sts. driving on the 'Footpath' at at Least 60 kmph. killing 3 people. Before dropping the wheelie the driver yelled out "El Afar". My friend was there at the time and said he was only 3 meters from the car as it driving along and Saw one of the people killed as he was mown down. I'm not sure Terrorism is the right word but it's muslims that have done it.

55 It's most likely Timed to exploit the fact that we're in the middle of a Major Tennis Tournament so there are many tourists here and a lot of TV coverage from around the world.

I think we should thank Turnbull, Dutton and Andrews for Enriching our lives with the 'Diversity' of these people to Australia.

END QUOTE

5

[NationStates | The Queendom of El Afar](https://www.nationstates.net/nation=el_afar)

https://www.nationstates.net/nation=el_afar

The Queendom of **El Afar** is a huge, socially progressive nation, renowned for its irreverence towards religion. The democratic population of 335 million El ...

10

QUOTE EMAIL 16-7-2016

Re: see attachment 20160715-PRESS RELEASE Mr G.H. Schorel-Hlavka ISSUE - Re. THE FAILURE IN NATIONAL SECURITY, etc. & the constitution.

[Jim <jim.sovereign@optusnet.com.au>](mailto:jim.sovereign@optusnet.com.au)

15

16/07/16 at 1:32 AM

To

Attachments

- 20160715-PRESS RELEASE Mr G. H. Schorel-Hlavka O.W.B. ISSUE - Re THE FAILURE IN NATIONAL SECURITY, etc & the constitution.pdf

20

Message body

Gerrit,

25

There are a number of European cities that as part of their urban security, use steel and reinforced concrete bollards and barriers in front of, and around certain government and public buildings. Melbourne's CBD uses steel bollards to prevent vehicles entering numerous one-way streets, alleys and restricted parking and public areas. I have observed many bank ATMs and certain small businesses (jewellery shops, chemists, alcohol/liquor stores etc.) use steel bollards to deter criminals performing ram-raids through their front entrances and display windows.

30

In view of the Nice event your idea to have security bollards and barriers installed throughout Melbourne in strategic locations vulnerable to terrorist attacks, should be taken seriously by the state government. Politicians are often complacent and are forced to act in the public interest only after a major tragedy or catastrophe has occurred.

35

I doubt a lawsuit would succeed against any state or federal government or individual MP for complicity or liability in mass murder, crimes against humanity, war crimes, etc. by the grieving families of victims. You know as well as I do the corrupt judiciary will protect their corrupt political masters, not to mention the high degree of difficulty in proving an individual MP was somehow involved or responsible for any particular act of terrorism.

40

Jim

----- Original Message -----

45

From: [Mr Gerrit H. Schorel-Hlavka O.W.B.](mailto:Mr.Gerrit.H.Schorel-Hlavka.O.W.B.)

To: [Mr G. H. Schorel-Hlavka O.W.B.](mailto:Mr.G.H.Schorel-Hlavka.O.W.B.)

Sent: Friday, July 15, 2016 10:56 PM

Subject: Fw: see attachment 20160715-PRESS RELEASE Mr G. H. Schorel-Hlavka O.W.B. ISSUE - Re. THE FAILURE IN NATIONAL SECURITY, etc. & the constitution.

50

Let us pursue a better national security before it is too late!

Constitutionalist & Consultant

55

MAY JUSTICE ALWAYS PREVAIL®

[Mr. G. H. Schorel-Hlavka O.W.B.](mailto:Mr.G.H.Schorel-Hlavka.O.W.B.), GUARDIAN

(OFFICE-OF-THE-GUARDIAN)

107 Graham Road, Viewbank, 3084, Victoria, Australia

Ph (International) 61394577209

Email; inspector_rikati@yahoo.com.au

5 The content of this email and any attachments are provided **WITHOUT PREJUDICE**, unless specifically otherwise stated.

If you find any typing/grammatical errors then I know you read it, all you now need to do is to consider the content appropriately!

10 A FOOL IS A PERSON WHO DOESN'T ASK THE QUESTION BECAUSE OF BEING CONCERNED TO BE LABELLED A FOOL.

----- Forwarded Message -----

15 **From:** Mr G. H. Schorel-Hlavka O.W.B. <admin@inspector-rikati.com>

To: admin@inspector-rikati.com

Sent: Friday, 15 July 2016, 22:51

Subject: see attachment 20160715-PRESS RELEASE Mr G. H. Schorel-Hlavka O.W.B. ISSUE - Re THE FAILURE IN NATIONAL SECURITY, etc & the constitution.

20 see attachment 20160715-PRESS RELEASE Mr G. H. Schorel-Hlavka O.W.B. ISSUE - Re. THE FAILURE IN NATIONAL SECURITY, etc. & the constitution.

25 Cowards hiding behind security while leaving the public at risk for their warmongering.

The documents can be downloaded from:

<https://www.scribd.com/document/318379891/20160715-Press-Release-Mr-g-h-Schorel-hlavka-o-w-b-Issue-Re-the-Failure-in-National-Security-Etc-the-Constitution>

30 **END QUOTE EMAIL 16-7-2016**

Obviously the question must be asked why on earth the police didn't stop this person long before he went on his killing spree, etc, considering reportedly he had stabbed his brother at 2.30am in the morning! In any event reportedly eyewitness account is that this alleged offender was not making any attempt to avoid hitting people but deliberately did so. It doesn't to the victims if this person is mentally disturbed or not (one could argue any killer is to some degree) but that those in charge/power did absolutely nothing to prevent such a rampage to occur in a busy shopping mall where had my suggested blocking of access with bollards, etc, been in place the people now death and injured may never have been. Putting up preventative bollards, etc, would be a little bit too late, after so to say the horse had bolted.

45 People while arguably mentally ill or not will take examples from Nice/Berlin and may contemplate doing likewise by whatever might be at hand. It means that those in governments must pursue to prevent reasonably any such carnage to occur in busy areas. One may ask also what about the Victorian Market? Is that secure against a would-be killer? I doubt it.

50 Stop talking utter rubbish when in reality you did nothing that could have avoided the carnage! Statements made for political benefits to perhaps try to cover up for failure to act in my view are rubbish!

This correspondence is not intended and neither must be perceived to state all issues/details.

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

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

55 **END QUOTE 20170120-PRESS RELEASE Mr G. H. Schorel-Hlavka O.W.B. ISSUE - Re THE FAILURE IN NATIONAL SECURITY, 3 avoidable deaths ,etc & the constitution**

<http://abcnews.go.com/Politics/full-text-president-donald-trumps-inauguration-speech/story?id=44915821>

QUOTE We will no longer accept politicians who are all talk and no action constantly complaining, but never doing anything about it. The time for empty talk is over. Now arrives the hour of action. Do not allow anyone to tell you that it cannot be done. END QUOTE

- 5 Yes, that is the real issue a lot of politicians doing a lot of talking for photo opportunities and really are **missing in action** when it comes to real security matters.
If anything I suspect that the data retention will more than likely backfire as then those who considered to be targeted may just retaliate in their own ways. Also, many may just so to say go underground so that data retention will likely cause vital communications details to be lost.
- 10 It is not the general community that are the criminals but this seems to me to be how the criminality within government is responding!
A person gave me the understanding that he/she couldn't seek assistance regarding his/her paedophilia tendencies because of the obligated reporting. As such, laws are enacted which in fact achieve the opposite to what is required. One has to ask the same about data retention if this
- 15 is really for the best of the general community or merely yet another draconic legislation that serves no real purpose but to clamp down on citizens privacy rights.
As with the ABS (Australian Bureau of Statistics) what if the details were to fall in the wrong hands? Members of parliament may have to consider that they may themselves (Perhaps after having left the Parliament for retirement) fall victim or so their family because of the data
- 20 retention having been accessed inappropriately. We got police officers who end up being convicted of fraud, rape, murder, etc, and as such who can you really trust? We have banks and government department outsourcing confidential details to other countries not subject to Australian legal provisions and reportedly some are selling details on. And this also underlines that the least details are kept on record the better it is. As well as that banks and others holding
- 25 confidential details must be prohibited from outsourcing this to foreign countries and/or companies operating outside Australia legal provisions. As such we need better security not less!

As I exposed the Federal Government has no authorisation to provide monies, other than the normal funding of annual cost of departments, and so without a Parliament currently sitting,

30 where did Prime Minister Malcolm Turnbull obtain the \$100,000.00 alleged (blood money?) payment towards the victims of Bourke Street carnage from?

Hansard 8-3-1898 Constitution Convention Debates

QUOTE

- 35 **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.
- 40 **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

- 45 Unacceptable secrecy with public monies and then you want privacy details to be disclosed?

This submission is not intended and neither must be perceived to state all issues/details.

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

MAY JUSTICE ALWAYS PREVAIL®

(Our name is our motto!)