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Submission of Pat Coleman

Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019 and Inquiry into the feasibility of introducing expenditure caps for Queensland local government elections

Inquiry page https://www.parliament.qld.gov.au/work-of-committees/committees/EGC

https://www.parliament.qld.gov.au/work-of-committees/committees/EGC/inquiries/current-inquiries/Electoralexpenditurecaps

Electoral and Other Legislation (Accountability, Integrity and Other Matters) Amendment Bill 2019
https://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2019/5619T2178.pdf

Explanatory
Notes https://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2019/5619T2179.pdf

Explanatory Speech
https://www.parliament.qld.gov.au/documents/tableOffice/BillMaterial/191128/Electoral.pdf

PREVIOUS SUBMISSIONS REASSERTED AND INCORPORATED HERE:

I refer to everything I said in submissions to all the other electoral inquiries since 2017 and expand on it and incorporate it into this one.

Electoral (Voter's Choice) Amendment Bill 2019
Inquiry Link Page https://www.parliament.qld.gov.au/work-of-committees/committees/LACSC/inquiries/current-inquiries/Electoral2019
I wrote this submission to support this bill to bring back Optional Preferential Voting (OPV) for state elections and further to prevent CPV and First past the post for local Councils.
submission 9
here https://www.parliament.qld.gov.au/documents/committees/LACSC/2019/Electoral2019/submissions/009.pdf

In my joint submission to a previous Qld Parliamentary Inquiry on CPV for Local Councils, and I incorporate it into this submission - I provided an argument I had written -arguing that Compulsory preferential voting (CPV) for the Federal House of Representatives is

unconstitutional. Economics and Governance Committee , Electoral and Other Legislation Amendment Bill 2019 https://www.parliament.qld.gov.au/work-of-committees/committees/EGC/inquiries/past-inquiries/ElectoralOLA2019 Submission 3 https://www.parliament.qld.gov.au/documents/committees/EGC/2019/ElectoralOLA2019/submissions/003.pdf A joint submission to 2 inquiries :

Economics and Governance Committee , Local Government Electoral (Implementing Stage 2 of Belcarra) and Other Legislation Amendment Bill 2019 https://www.parliament.qld.gov.au/work-of-committees/committees/EGC/inquiries/past-inquiries/LGElectoralStg2ofBel2019

THE LOCAL GOVERNMENT ELECTORAL (IMPLEMENTING STAGE 1 OF BELCARRA) AND OTHER LEGISLATION AMENDMENT BILL 2018 which was submission no.22 Link http://www.parliament.qld.gov.au/documents/committees/EGC/2018/LGElectoralStg1ofBel2018/submissions/022.pdf

Electoral Legislation (Political Donations) Amendment Bill 2018 http://www.parliament.qld.gov.au/work-of-committees/committees/EGC/inquiries/current-inquiries/ElectoralPolDonations2018

Here is my submission to this inquiry.

INTRODUCTION

If there is any censorship of this submission, people should ask who is on this committee and what seats they represent with reference the CCC's Operation Belcarra investigation. I will CC this submission to the CCC so don't you dare.

For the purposes for the restricted signage and related exclusion zones amendments I am taking it that because the definition of "election" in the definitions to the Electoral Act Qld Part 1 Preliminary , s2 pdf version p20 refers to Qld State Elections . And that what you are proposing is for STATE ELECTIONS ONLY. However, if you mean it to also apply to local elections, the same arguments I present here apply equally to strike that down too.

I have a suspicion that this 100mt rule for the exclusion of electoral signage is a response to the dropping of charges by cops for my arrest at the 2019 Federal Election in Townsville. Where I was standing with a large painted sign explaining why I voted informal for the reps and showing people where to find the formal voting provisions for the senate to just vote 1 if they wished above the line.

And I handing out leaflets with the extracted provisions . And asking the voters to ask the AEC the same question as a scrutineer from the handbook – is a 1 above the line a formal vote?

The parties had done preference deals and relied on a lack of knowledge of optional above the line voting to deny it in front of the people. Cops were called on 2 other days by various parties and I was unlawfully arrested after the LNP called them on the 3rd. This is undeniable because complainants made false statements and the charges were dropped and dismissed by the court.

The fact that cops have no power to arrest a person for engaging in non racist , non violent political communication that isn't a breach of the peace at election booths means that any decision to do so is a political one and an abuse of power .

Because coppers have no power to get rid of people now , unless its under political orders to 'win the day and quell the protest for 3-4 years ' Brown v Tasmania at par [150] -And an ulterior political motive. And as a matter of convenience to get politicians off their backs. Innes v Weate [1984] Tas R 14 at p19-20 and Trobridge v Hardy [1955] HCA 68; (1955) 94 CLR 147 (7 December 1955) http://www.austlii.edu.au/au/cases/cth/HCA/1955/68.html I

And will be a "dishonest " conspiracy to unlawfully cause a detriment under s131 , s92A and s408(1)(C), (e), (f) and (g) and s543 of the criminal code of QLD. The cops get orders from political parties and right wingers on the spot who may end up being their bosses and they lose face in front of the right wing crowd after Dale Last said all activists must get out of QLD and they got no power.

The stupid limitation that election signage must be no larger than 600 mm by 900 mm was dealt with at the EARC inquiries in 1992 and rejected for individual citizens doing protests. You remember EARC don't you – [redacted] ? It recommended and drafted a statutory bill of rights including environmental rights in 1993 . Then, in 98 NSW Labor spoke out against a BOR in that inquiry. And we all know what John Faulkner had to say about NSW when he retired , same with John Button on 7.30 when he retired .

At first I thought you cant be serious about this signage business and this was some sort of test. But not , [redacted] .

It seems everything you labor people do is to try and turn things to your advantage whilst spinning it to look like you are doing something and laughing while you are doing it. Take that poor excuse for a human rights act [redacted]

In previous submissions I argued that laws for you independent assessor are also probably invalid as being inconsistent with ch3 of the Australian Constitution . This is because

- Councillors who have done nothing more than exercise there freedom of communication on the street like any other citizen , in a manner inconsistent with the views of the majority of councilors and incurring a protest fine, and citizens making complaints may face sanction or sack by the assessor for matters that wouldn't get a state or federal MP sacked , and its only the ch3 courts that can adjudicate constitutional issues ;and
- there is no open justice;and
- no procedural fairness ;and
- no decisions with enough information that can be put before an appeal;and
- no appeal rights that ultimately end up in the high court
- possible deprivation of liberty if cops are called to act on the purported authority of the assessor which is resisted
- fines that would result in a referral to SPER and an ultimate judicial decision to goal after refusal to pay .
- because this would unlawfully invest the Assesor with judicial power .
- If we had an ECQ and CCC that could prosecute in open court ALL of the offences , historical or not , in the electoral acts , IN OPEN COURT , from which an appeal from a judicial finding of guilt lies to the high court which is the ultimate arbiter , then this would be lawful. See all the cases in- *In re : Criminal Proceeds Confiscation Act 2002 (Qld), Re [2003] QCA 249 (13 June 2003)* *http://www.austlii.edu.au/au/cases/qld/QCA/2003/249.html*

YOUR FAILURES

Given that the high court said in Langer v The CTH (1996) 186 CLR at p319, p326, p340) http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/1996/43.html that it's not illegal to argue for a law change or to inform people of the law , and;

- Given that the ECQ has made it difficult on their new look website for anyone to access and provide individual links on website articles to explain offences where time limits have lapsed , you now have to do a manual search by going to https://www.ecq.qld.gov.au/donations-and-gift-disclosure/disclosure-of-political-donations/published-disclosure-returns and use the link at the bottom of the page entitled "Disclosure returns". Then click "election returns". You can access state election and council returns from there using the names in articles on the web . Clicking each state election gives you another link to the individual candidate returns for that Election. The 2017 to current State and local donations are on the realtime disclosure site. Politicians have been amending them to make sure they arnt individually linked to the donors . And it appears they have been made to the party instead . And the 2017- to current pdf returns are inaccessible for that reason . They would have contact details such as addresses and phone numbers you can compare with different company names. The very revealing 2016 gift register which I have copies of – has names and addresses of 3rd parties making donations on behalf of the donors no longer appears on the ECQ Site . This has been done to make it harder to

do over bent ECQ Staff under the willful neglect provision. Trying to save the links to the pre 2017 PDF returns through the process described above, leads to a link a mile long. You can save the return , however , when you copy the link to a website and then click on it , it prompts you for a password .

- given The ECQ has failed in every respect to bring about court prosecutions, and within time for electoral and donations corruption, failures to declare donations and disguising donations, and for obvious schemes to circumvent prohibited developer donations and foreign donations under Qld Law by lobbyists and parties, and
- Given they will expend money on prosecuting (if passed) anti- corruption people breaking the proposed 100 mt signage rule, and use extreme violence if they resist yet even though s180 of the QLD Electoral Act makes its an offence for the commission to wilfully neglect their duties and there are offences everywhere- they will expend money on drafting unconstitutional provisions and the future enforcement against the messengers .
- And given the crooks not targeted by the CCC got off, and even if you pass this the crooks will still get off because to prosecute people with signs shows how you could have done it in the first place, and why charges should be laid under s180 against current and former members of the ECQ; and
- Given I and others have previously demanded that donations bans go further, as this would cut out crooks who would not only seek to corrupt candidates and parties, but to "drown out" and influence elections altogether .For instance I refer the committee to my recent submission to the LOCAL GOVERNMENT ELECTORAL (IMPLEMENTING STAGE 1 OF BELCARRA) AND OTHER LEGISLATION AMENDMENT BILL 2018 which was submission no.22 Link http://www.parliament.qld.gov.au/documents/committees/EGC/2018/LGElectoralStg1ofBel2018/submissions/022.pdf

At p2 and 3 of that submission I demanded that the proposed ban on developer donations be expanded. I said

" There are self evident reasons (especially in Townsville and NTH QLD) why such donations from property developers and others- such as those involved in the construction, ring roads/bridges or airport 2nd runway builders, fossil fuel. real estate , mining, arms, defence contracting, liquor or gambling industry business entities, pharmaceutical, waste/recycling , water infrastructure , pipe builders, layers or consulting engineers , tobacco industry business entity;- or from any other industry that would normally have contractual dealings with government at any level- should be banned."

And you have all refused to do that-

- and given that labor seeks to cover up what offences have occurred till time limits expire ;
- and you again seek to limit time limits for prosecution to 4 years and keep the 1 and 2 year summary offence limit (s52 Justices Act 1886),;

- and refuse to abolish them altogether like time limits for historical sex offences, and make it retrospective where they were always a crime so we can round up the usual suspects-

-I ARGUE THAT THE LAW SHOULD BE CHANGED AND WE SHOULD HAVE GOVERNMENT FIRING SQUADS IN TOWN SQUARES FOR COURT ORDERED CORRUPTION SENTENCES.

FURTHER -THAT THE GUILTY SHOULD THEN BE STRUNG UP BY THE HEELS LIKE MUSSOLINI - IN THE STREETS

This is of course , IN ADDITION to what I argued for at p3-4 of my submission to the LOCAL GOVERNMENT ELECTORAL (IMPLEMENTING STAGE 1 OF BELCARRA) AND OTHER LEGISLATION AMENDMENT BILL 2018 which was submission no.22 Link
http://www.parliament.qld.gov.au/documents/committees/EGC/2018/LGElectoralStg1ofBel2018/submissions/022.pdf

"If I may borrow a modified strategy from the Israelis, it should be law that a court order may be made demolishing the family homes of those convicted of electoral corruption and political corruption offences. That those convicted should be made to pay the cost of the demolition and clean up and the land be confiscated. That a spectacle be made of it and that people have to pay to get in to watch, with the proceeds going to state corruption fighting revenue. Or, if that property can be sold by the state at a massive profit, then this should be done. It should be an offence for any insurance company to cover the costs of any such convicted person or their families in such instances. And, if that person or family divests itself of such property, it can again be forfeited and funds received from any such sale also be forfeited. As above it should be an offence for any insurance company to pay out in such instances to the buyer . Given that the corrupt are normally those that are against a positive bill of rights, and those who don't like whistleblowers and anti corruption and environmental activists, and that history has shown the long term damage that can be done to people fighting corruption and the gaol time they may have accrued as a result, what's good for the goose should be good for the gander ! Those against a positive bill of rights are normally found in the ranks of those against optional preferential and optional preferential proportional voting, as CPV makes people vote in favour of corruption. As such, those people are usually the ones who have delayed even getting a developer donation ban let alone other bans. Delay's which have led to much environmental destruction. Its only fair that because they would have spoken in lip service to human rights and environmental protection whilst doing it, that they be deprived of such rights . Especially the protections against collective punishment. Therefore I suggest , that legislation also be enacted so that like a drink driving conviction , those convicted should be sentenced also to never be allowed to hold a position in the public service , apply for a government tender or have any contractual dealings with government , and be so disqualified in every state and territory . That for a period of 50 years this prohibition apply to their immediate family and descendants in the same manner.

Despite any pain you suffer as a result of "Pain Compliance" wrist locks or twisting of any cuffs to drag you off and frog march you through the streets - , contrary to **s 320A of The Code** which sets out :

Torture
(1) A person who tortures another person commits a crime.
Maximum penalty—14 years imprisonment.
(1A) The Penalties and Sentences Act 1992, section 161Q states a circumstance
(1B) An indictment charging an offence against this section with the circumstance of aggravation stated in the Penalties and Sentences Act 1992, section 161Q may not be presented without the consent of a Crown Law Officer.
(2) In this section—
***pain or suffering** includes physical, mental, psychological or emotional pain or suffering, whether temporary or permanent.*
***torture** means the intentional infliction of severe pain or suffering on a person by an act or series of acts done on 1 or more than 1 occasion.*

-even if you are acquitted and it was unlawful and previous court cases and the code says you have the right to arrest or resist who's doing it to you , we can organize it that a court says 'Any pain or indignity you suffered was a consequence of your own resistance and refusal to surrender to official misconduct and an abuse of power' (unless you are a copper milking an assault charge to the beak) Coleman v Cops and QLD [2007] QCA 343 at pars [6] and [52]. http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/qld/QSC/2007/343.html

You will have to hire an expensive professional witness to say "ouch that hurt" on your behalf. Unless you are a cop candidate, in which case the beak will kiss you better and the media will deify you and make soothing and cooing noises about your sanctity and dignity and bleat about the treasonous crime against inhumanity that's been perpetrated against the state and its jackboots.

However, I have an easy challenge for you to defeat that and the government firing squad "idea" . If you can find the High Court Judge and proportionality case amongst the many since since 2004 that said that they would not entertain such a disproportionate sentence, not only will you save yourselves from the imaginary government firing squad , but ignorance of the law being no excuse , you will be imparted with the knowledge that so much of the Langer decision that upheld compulsory preferential voting can no longer be followed, and that CPV is unconstitutional !

….see what I did there??

The High Court will ask whether the freedom of communication in governmental and political matters is in practical effect burdened. Not whether its "a slight burden". The onus is on the state to justify the law , not on the citizen challenging the law.

Because this is no inadvertent oversight on your part. It's a concerted campaign to whittle away human rights and freedom of expression . There are no get out of goal cards in the new Human Rights Act for citizens . They are all for the agents of the state and mercenary private prisons and security contractors who are public entities that can OPT OUT of the act and it doesn't override bad laws. And in fact you state explicitly in your explanatory notes and speech , and thats exactly what you are going to do – override freedom of expression .

Here is where I would like to have a dig at the Labor so- called feminists again. You people as feminists go on about how we should be good men and call out the bad men. Yet when we do call them out for corruption and whipping up violence against activists and this affects your vote in individual electorates , and they are your labor family , you attempt to change the law to create additional structures of oppression and engage in lateral violence by changing laws to sick the coppers on us with ultimate risk to violation of liberty and security of the person. All because your primary vote has been falling for years.

You forget the lessons of the Deaths in Custody Commission findings apply equally to all, and because you would get us violently arrested for refusing to comply, the ultimate thing that can happen is that inside if bail is denied , anything can happen.

Because you intend us lefties harm, I believe I am entitled to level a proportionate insulting barb at you as an advance retaliation . And if you cry SEXISM I'll throw it back at you – When did I ever lay a hand on you

…….[redacted]

OTHER ISSUES RAISED IN THE BILL

- In the proposed s91A Withdrawal of endorsement of candidate, it should include that if a party dis-endorses a candidate, or a candidate dies or withdraws after nominations have closed , but before ballots are printed for that seat, the commission may remove that persons name from the ballot. The 2006 Election for the seat of Townsville is proof that this needs to happen . Ballots nowadays can be printed from a machine on election day . So there can be no arguments as to inconvenience . The candidate for the greens was publicly withdrawn after hiding court proceedings after nominations closed. But his name still appeared on the ballot. I know cos I forced his withdrawal in the greens at the time (no longer a member) . The amount of votes he still got under the party name meant the party was eligible for the public funding amount over the required percentage . Its unclear whether that money was paid, and whether if it was, it was paid back because the public was given a very public pledge that person was no longer endorsed as a candidate. It would have been misleading and fraud.
- An appointment to a board by a council must be a declarable interest and a matter preventing voting . I give the example of The publicly funded Townsville Enterprise (TEL) and the publicly funded Local Government association boards.

The Mayor of Townsville is on the boards and the LGAQ and they received funding from Townsville aswell , and donated to both sides in the weeks the Stage 1 legislation was before parliament https://disclosures.ecq.qld.gov.au/Map . [redacted]

- After winning in the high court on the $1000 disclosure threshold (s150 EG , EH , EI) you are now raising it to $2k because they are trying to change the councillor interest provisions to say that a $2k gift like Adani travel expenses is OK if you don't disclose it. A disclosable interest in monetary terms must mean any donation over say $200 and you cant vote.
- It still says that if the councillors all have an interest the minister can let them them vote or approve the same ministers party donors developments themselves.
- It should say that that a relation and close associate for the purposes of councillors interests is that the person or entity was a donor to their party or team, or the candidate/councillor at ANY TIME before or after the election. It doesn't , but it restricts it to *during the term*.
- A ministerial interest should mean the minister cant make a decision in favour of a donor to the party the minister belongs to regardless of when that donations was made. Especially if the minister is deciding a local government matter bumped up or called in and it involves a donor to the party of the minister even if they ran as independents.
- The purpose of the law must be to discourage anyone with a finacial interest in a development or contract from donating.
- It seems to me that the proposed **257 Exceptions to ss 254, 255 and 256** where if a donation is returned within 6 weeks its not an offence , and the donor says to the recipient – "see, Im gonna give you this close to the election and you can rely on it, and you can return it 5 weeks after the election" - that in effect that's a loan!
- In **281C Amount of expenditure cap—registered political party and endorsed candidate** It would appear -you admit you are gonna legitimise/run preference stooges who may previously been plants in the greens - and in by-elections you are gonna go all out .
- Well , waddyah know , in s444 transitional provisions it says **444 Caps for political donations do not apply to 2020 election**

THE 100MT POLITICAL SIGNAGE EXCLUSION ZONE FOR OPINIONATED CITIZENS ISSUES

WHAT IS LABOR SCARED OF ?

Lets put aside the difficult to prove "influence an election result" in the Lui and Yates and Bradbury cases - **Garbett v Liu [2019] FCAFC 241 (24 December 2019)** http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCAFC/2019/241.html?context=1;query=Garbett;mask_path=

and go directly to **"influence an elector"** in the proposed amendments.

Q. Why , despite all the resources available to the major parties including illegal donations they got in the bank and the investments they make with it -would they be worried about a few signs, speeches and little bits of papers handed out to electors in a single seat by non aligned activists ??

Well, its because history shows that through their own hubris and corruption they can lose so much trust in a short time that the fate of a state and even the country can come down to a single seat and less than 50 votes. An entire state and country !

They wish to compensate for their own failings by knocking out unpredictable variables.. i.e. citizens with opinions.

FOR INSTANCE :

The Federal 2016 results for Herbert (Based on Townsville) came down to 37 votes and house majority was 1 https://results.aec.gov.au/20499/Website/HouseDivisionPage-20499-165.htm

The, 1995 Qld State seat Mundingburra (Based on Suburbs of Townsville) results were that 635 people exhausted their preferences , then after the remainder were distributed there was a 16 vote difference between the parties under the then Optional Preferential system. The state election turned on 16 votes

The Supreme Court of Qld decision in Tanti v Davies (No 3) [1995] QSC 298 (8 December 1995) http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/qld/QSC/1995/298.html?context=1;query=mundingburra;mask_path=au/cases/qld/QSC

Tanti v Electoral Commission of Queensland & Anor [1995] QSC 208 (25 August 1995) http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/qld/QSC/1995/208.html?context=1;query=mundingburra;mask_path=au/cases/qld/QSC

See Abc Election archive :http://www.abc.net.au/elections/archive/qld/results/1995/Mundingburra.htm.

Queensland Parliament Factsheet Queensland By-Elections https://www.parliament.qld.gov.au/documents/explore/education/factsheets/Factsheet_6.1_ByElections.pdf https://en.wikipedia.org/wiki/1996_Mundingburra_state_by-election

Labor governed in a hung parliament in in 1998 with 44 seats with the help of 2 independents https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/Publications_Archive/CIB/cib9899/99CIB02#THE

Then went from winning

66 seats in 2001 https://www.ecq.qld.gov.au/__data/assets/pdf_file/0017/2654/2001-Statistical-Returns.pdf

To 63 Seats in 2004 https://results.ecq.qld.gov.au/elections/state/state2004/results/summary.html#9

To 59 seats in 2006 https://www.abc.net.au/news/2006-09-09/voters-give-beattie-another-chance/1259916

To 51 Seats in 2009

https://results.ecq.qld.gov.au/elections/state/state2009/results/summary.html#9

To 7 seats in 2012 https://results.ecq.qld.gov.au/elections/state/State2012/results/summary.html#9

To 44 seats in 2015 with the help of the far right KAP and an ex labor independent and the deeply feminist Billy Gordon https://results.ecq.qld.gov.au/elections/state/State2015/results/summary.html#9

To 48 seats in 2017 https://results.ecq.qld.gov.au/elections/state/State2017/results/summary.html#9

Again in 2019, federally , the country depends on a couple of seats https://results.aec.gov.au/24310/Website/HouseDefault-24310.htm and

THE BURDEN ON THE FREEDOM OF COMMUNICATION- WHAT IS PROPOSED IN THE SIGNAGE EXCLUSION ZONE:

Because the proposed amendments to the regulation depends on authorizing power of the statute, I will concentrate on your the proposed signage provisions for the act.

Division 2A Offences relating to signage at polling booths
Subdivision 1 Interpretation
185A Definitions for division
In this division—
designated entrance, to grounds on which a pre-poll voting office or ordinary polling booth is located, see section 185D.
election sign see section 185B.

grounds means land that has a boundary fence or another structure or feature to mark the boundary of the land.
official sign means a sign for an election prepared by, or with the authority of, the commission.
primary election, for a pre-poll voting office or ordinary polling booth, see section 185E.
restricted signage area, for a pre-poll voting office or ordinary polling booth, see section 185C.

185B Meaning of *election sign*

(1) An ***election sign*** is a sign, including a continuous sign, that—
(a) contains anything that could—
(i) influence an elector in relation to voting at an election; or
(ii) otherwise affect the result of an election; or
(b) is the colour or colours that are ordinarily associated with a registered political party; or
Example—
streamers in the colours that are ordinarily associated with a registered political party
(c) is prescribed by regulation to be an election sign.
(2) However, none of the following things that contain something, or are of a colour, mentioned in subsection (1)(a) or (b) is an ***election sign***—
(a) an official sign;

(b) an item of clothing being worn by a person;

(c) an umbrella or portable shade structure;
(d) a small thing, including, for example, a lapel pin, a badge, a hat, a pen or pencil, or a sticker;
(e) another thing prescribed by regulation.
(3) In this section—
continuous sign means a sign comprised of a length of flexible material, including, for example—
(a) a continuous piece of flexible material; or
(b) 1 or more pieces of flexible material joined into a continuous piece; or
(c) bunting; or

(d) streamers.

185C Meaning of *restricted signage area* for pre-poll voting office or ordinary polling booth

(1) The ***restricted signage area*** for a pre-poll voting office or ordinary polling booth is the area—
(a) within 100m of the building in which the voting compartments for the voting office or polling booth are located; and
(b) if the building is located in grounds and the commission has designated entrances to the grounds under section 185D—
(i) in the grounds; and
(ii) on a boundary fence or another structure or feature that marks the boundary of the grounds; and
(iii) within 100m of each designated entrance to the grounds.
(2) However, the ***restricted signage area*** for a pre-poll voting office or ordinary polling booth does not include premises in the area mentioned in subsection (1) that are—
(a) used as a residence; or

(b) lawfully occupied by a person, other than the commission, for a purpose that is not related to the voting office or polling booth being used for the election; or
(c) used by a candidate in the election or a registered political party as an office.

185D Meaning of *designated entrance* to grounds

(1) A ***designated entrance*** to grounds on which a pre-poll voting office or ordinary polling booth is located is an entrance to the grounds—
(a) designated by the commission for this section; and
(b) indicated by an official sign displayed at the entrance.
(2) In deciding whether to designate an entrance to grounds for a pre-poll voting office or ordinary polling booth under subsection (1), the commission must consider—
(a) the routes that electors will use to access the voting office or polling booth, including paths, hallways and doorways; and
(b) the need to ensure unobstructed access to the voting office or polling booth for electors.

185E Meaning of *primary election* for a pre-poll voting office or ordinary polling booth

(1) A ***primary election*** for a pre-poll voting office or ordinary polling booth is—
(a) the election for the electoral district in which the voting office or polling booth is located; or
(b) if the commission has made a declaration under subsection (2) about the election for another electoral district—the election for the other electoral district.
(2) The commission may declare that the election for an electoral district being conducted at the pre-poll voting office or ordinary polling booth, other than the electoral district in which the voting office or polling booth is located, is a primary election being conducted at the voting office or polling booth.
(3) The commission must publish a declaration made under subsection (2) in the ways the commission considers appropriate, including, for example—
(a) on the commission's website; or
(b) by displaying an official sign at the pre-poll voting office or ordinary polling booth to which the declaration relates.

Subdivision 2 Offences

185F Displaying election signs at pre-poll voting office or ordinary polling booth

(1) A person must not display an election sign in the restricted signage area of a pre-poll voting office or ordinary polling booth during voting hours unless the display of the sign is permitted under subsection(2).
Maximum penalty—10 penalty units.
(2) The display of an election sign is permitted if the sign is—
(a) displayed in a designated area at the pre-poll voting office or ordinary polling booth; and
(b) displayed by or for—
(i) a candidate in a primary election being conducted at the voting office or polling booth; or
(ii) a registered political party that has endorsed a candidate in a primary election being conducted at the voting office or polling booth; and
(c) 1 of the maximum number of signs that may be displayed in each designated area by or for the candidate or party; and
(d) no larger than 900mm by 600mm; and
(e) not attached to a building, fence or other permanent structure; and
(f) accompanied by a person who—
(i) is responsible for the sign; and

(ii) is at the voting office or polling booth.

(3) For subsection (2)(c), the maximum number of election signs that may be displayed in each designated area at the pre-poll voting office or ordinary polling booth by or for a candidate or a registered political party is—
(a) for a candidate endorsed for election by a registered political party—2, less the number of signs displayed by the party; or
(b) for a registered political party that has endorsed a candidate for election—2, less the number of signs displayed by any candidate endorsed by the party; or
(c) otherwise—2.
(4) Also, for subsection (2)(c), an A-frame sign is taken to be 1 sign—
(a) even though a sign may be displayed on each side of the A-frame sign; and
(b) whether the same election sign, or different election signs, are displayed on the 2 sides of the A-frame sign.
(5) If a member of the commission's staff considers a sign is displayed in contravention of subsection
(1), the staff member may remove the sign.
(6) In this section—
designated area, for a pre-poll voting office or ordinary polling booth, means each of the following areas—
(a) the area within 100m of the building within which the voting compartments for the voting office or polling booth are located;
(b) if the building is located in grounds—the area within 100m of each designated entrance to the grounds.

185G Setting up to display election signs at ordinary polling booth

(1) This section applies during the period that—
(a) starts when the election period for an election starts; and
(b) ends at 6a.m. on the polling day for the election.
(2) A person must not do any of the following in the area around an ordinary polling booth—
(a) display an election sign;
(b) set up a table, chair, umbrella, portable shade structure or other thing to be used for a purpose related to the election. Maximum penalty—10 penalty units.
(3) The ***area around an ordinary polling booth*** is the area—
(a) within 100m of the building in which the voting compartments for an ordinary polling booth are to be located; and
(b) if the building is located in grounds—
(i) in the grounds; and
(ii) on a boundary fence or another structure or feature that marks the boundary of the grounds; and
(iii) within 100m of any entrance to the grounds.
(4) If a member of the commission's staff considers a sign is displayed, or another thing is situated, in contravention of subsection (2), the staff member may remove the sign or other thing.

Simplified

To simplify it, under the amendments if you aren't a party member or candidate supporter you are banned from displaying any political sign or message that could influence an elector

or affect the election, within 100 mts of the entrance of a state school during the election. Between the hours the booth is open.

This includes the place that is an official pre-poll.

In Townsville for instance that 100 mt circumference around the boundary of each State Schools grounds and entrance to them overlap and covers the main roads all over Townsville to use that as an example again.

The invention of google satellite maps makes it easy to right click and pick “measure distance” between 2 points . This is how I found that the bail condition not to go within an election booth per se after my unlawful arrest at the 2019 Federal pre-poll in Townsville restricted all of my lawful movements around town. They even threw in not to go within 100 mts of state elections IN QLD .

The proposed 100mt rule will act as a restraining order on and criminalise activists for trying to draw attention to corruption and influence voters to that end.

The pre-poll is usually one or 2 private premises in Townsville for instance . With non discriminatory accessibility and no fences. Because it allows people to vote at their convenience over many days or weeks prior to election day, there are sometimes hundreds of people lined up to vote . These people get shown signs and handed leaflets even from the most far right and heinous people and groups and parties that wont be excluded if you pass this. .But the big line ups over time also presents the opportunity to by-pass right wing media who either refuse to assist environmental anti-corruption or anti fascist campaigners or moderate and censor and skew what is said is and argued to suit the mafia interests. Turning up also shows the far right you aren’t scared of them and you will stand up to them . That it turn shames the party hacks doing political deals with them.

So how can this 100 mt rule lead to the unlawful assault and imprisonment of dissidents?

The ECQ has the power to prosecute and it appears with the penalty units in s5 and 5A of the Penalties and Sentencing Act Qld that its going to be $110 per unit . And the proposed fines f are 10 units per offence max.

But they themselves don’t have the power to arrest. They already have injunction powers. But if they could act that quick, it shows they breached their duty under s180 to prosecute the crooks making these laws within time.

They have the power to remove “the thing” that can influence a single elector under the proposed ss185F(5) and (1), s185G(4). That means though, if you are holding “the thing” they cant touch you . It would be a trespass.

They have to call the cops who will claim they are able to give you a lawful direction to assist an official. You will get arrested and charged with disobeying the direction, with increasing violence if you refuse to comply.

They will charge you with either the serious resisting charge or obstruct charge depending on how much you put in. The ECQ may decline to prosecute to head off the challenge to the laws and the cops may simply say they were authorised by the ECQ and claim it was lawful.

They may also drop the charges months later like they did me to head off a precedent. But keep you under a bail condition so they can trump up a charge to stick you in the big house 'for preparing to breach bail'. I will address this under the heading "Calling my shots" below.

WHAT LEGAL RIGHT DO NON POLITICAL PARTY CITIZENS WITH POLITICAL, SOCIAL AND ENVIRONMENTAL POLICY , AND INFORMATIVE PLACARDS AND LEAFLETS HAVE TO COME TO BOOTHS , ENGAGE IN VERBAL AND NON VERBAL CONDUCT?

In Levy v Victoria it was said by McHugh J that a protestor would be assisted by a statutory pre-existing right -but that didn't exist in that case in that case (see Brown v Tasmania at Par [108]-[218]-[235]) . In Brown v Tasmania people had a pre existing right to be in the area as long as they didn't protest. And in Brown -Gageler J said at Par [186]

http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2017/43.html

*[186] His Honour's addition of the suggestion that the implied freedom may not have been burdened in the absence of the protesters having a legal right to enter the hunting areas needs to be treated with caution. Understood against the background of the observation in Lange that "[u]nder a legal system based on the common law, 'everybody is free to do anything, subject only to the provisions of the law'"**[127]**, the point of general significance his Honour can be seen to have been making was that an impugned law cannot have the effect of constraining the ability of persons to engage in a form of political communication if those persons would be prohibited by some other valid law from engaging in that form of political communication in any event. That must ordinarily be so, and that is as far as his Honour's suggestion can be taken. His Honour's suggestion would not accurately reflect the nature of the implied freedom were it treated as a suggestion that political communications protected by the implied freedom are limited to those in which persons have some pre-existing legally enforceable right to engage.*

In any event , There are Pre existing rights underThe Peaceful Assemblies Act Qld s5(1) , s6(1)(b) and s10(2)(c) to do it without notice . And cops and local authorities cant even challenge it in court under s 13(1) . The electoral act Qld makes it offence not to be there and not to vote. Its compulsory to enrol and to vote .

There is an implied right to vote **Roach v Electoral Commissioner [2007] HCA 43 at par [7]**
http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2007/43.html

Just as people have a right to be at large without being racist (cops should charge those people for public nuisance at the very least as it provokes violence) being there to protest is not ipso facto unlawful

Courtney v Peacock [2008] QDC 87

http://archive.sclqld.org.au/qjudgment/2008/QDC08-087.pdf

Peaceful Assemblies Act Qld

https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-1992-038

Qld Criminal Code
S78 Interfering with political liberty
(1) Any person who by violence, or by threats or intimidation of any kind, hinders or interferes with the free exercise of any political right by another person, is guilty of a misdemeanour, and is liable to imprisonment for 2 years.
(2) If the offender is a public officer, and commits the offence in abuse of the offender's authority as such officer, the offender is liable to imprisonment for 3 years.

Watson v Trennery [1998] 122 NTR 1

http://www.austlii.edu.au/au/cases/nt/NTCA/1998/22.pdf
http://www.supremecourt.nt.gov.au/archive/doc/sentencing_remarks/0/98/0/NS000280.htm

which sets out why (quoting the authorities) political protest in itself is neither a breach of the peace nor disorderly .

Per Angel J " *The peaceable combination of people in public places for the purposes of expressing opinions and of protest against political decisions is but the exercise of the ordinary civil freedoms of opinion, of speech, of assembly and of association. These freedoms reflect the importance our society places on open discussion and the search for truth, the need for diversified opinions to be known and for the strengths and weaknesses of those opinions to be identified, the right to criticise, the value of tolerance of the opinions of others, and the social commitment to the value of individual autonomy, all vital to the health of any democratic system of open government. A peaceful demonstration or protest, whether by assembly or procession in a street is nowadays accepted by members of the community as a safety valve for the community and potentially at least as an agent for change and for the good. An ordinary incident of any assembly or procession through the streets is some inconvenience to others. Protests test tolerance of difference and of inconvenience. There may be some noise. Members of the public may witness and hear messages they did not wish to see and to hear. They may consider such messages to be anathema. There may be a gross affront to some sensibilities. Nonetheless peaceable protests are to be tolerated in the recognition of the freedom of others to hold different opinions, to speak, to assemble, and to associate. As Bray CJ said extra-curially on one occasion, "Diversity is the protectress of freedom.",*

He further said *"It is not ipso facto unlawful to assemble or to picket on a public street"*

Per Mildren J ..... "it is not against the law to protest at the actions of a foreign government or its armed forces or to burn its flag or the flag of its army, as such, as a means of political protest. Whatever we may think of this type of political protest or the message it conveys, is not to the point. Nor are we in the least concerned by any clamour by politicians or the popular press that people who do these things should be prosecuted. But, because it is of the nature of things that protestors are sometimes prosecuted by the authorities, and there are sometimes serious misgivings about the motives for such prosecutions"

ACCESS TO THE SEAT OF GOVERNMENT AND INSTRUMENTALITIES

In Nationwide News [1992] 177 CLR 1 (here at pars [19] and [20] per Deane and Toohey JJ" the majority of the High Court held that the freedom of communication includes a Right to access the seat of government and its offices and instrumentalities.

http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/1992/46.html

"In R. v. Smithers; Ex parte Benson((163) [1912] HCA 92; (1912) 16 CLR 99, at p 108), Griffith C.J. accepted that "the elementary notion" of the Commonwealth established by the Federation necessarily gave rise to rights of communication between the people and the institutions to which they had entrusted the exercise of governmental power. The Chief Justice quoted, and adopted as applicable to the Commonwealth under the Constitution, an extract from the seminal judgment of the United States Supreme Court (delivered by Miller J.) in Crandall v. State of Nevada((164) [1867] USSC 15; (1867) 73 US 35, at p 44) in which, having referred to the right of federal officers to free access to, and transit through, the States for federal purposes, the Supreme Court had said:

"But if the government has these rights on her own account, the citizen also has correlative rights. He has the right to come to the seat of government to assert any claim he may have upon that government, or to transact any business he may have with it. To seek its protection, to share its offices, to engage in administering its functions.""

The Qld Supreme Court in Coleman v Watson and The State of QLD [2007] QCA 343 held that access to the Qld Parliament was a fundamental right at par [67] .
http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/qld/QSC/2007/343.html

The High Court further held in McCloy v NSW [2015] HCA 34 (7 October 2015) there must be **equality of access to government** They upheld the NSW ban on developer donations . They were against the Americanisation of donations. It was said at par [93] *"...the public interest in removing the risk and perception of corruption is evident. These are provisions which support and **enhance equality of access to government**, and the system of representative government which the freedom protects. The restriction on the freedom is more than balanced by the benefits sought to be achieved."*

http://www.austlii.edu.au/au/cases/cth/HCA/2015/34.html See also Unions NSW v NSW No2 at par [40]

The Qld Court of Appeal *(WILLIAMS JA for the court)* held that equality before the law was a constitutional principle In re : Criminal Proceeds Confiscation Act 2002 (Qld), Re [2003] QCA 249 (13 June 2003) at Par [52] http://www.austlii.edu.au/au/cases/qld/QCA/2003/249.html

They applied the decision of Gaudron J in *Nicholas v The Queen* [1998] HCA 9; (1998) 193 CLR 173

"[52] In her judgment Gaudron J comes close, in my view, to providing the answer to the question now before this court; she said at 208-9:

"In my view, consistency with the essential character of a court and with the nature of judicial power necessitates that a court not be required or authorised to proceed in a manner that does not ensure equality before the law……."

The decision in Nationwide News was also upheld by the full court in Lange v The ABC [1997] HCA 25; (1997) 189 CLR 520 http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/1997/25.html

Quoting the full bench:

*" as Dawson J pointed out in Australian Capital Television Pty Ltd v The Commonwealth[44], **legislative power cannot support an absolute denial of access** by the people to relevant information about the functioning of government in Australia and about the policies of political parties and candidates for election……. That being so, ss 7 and 24 and the related sections of the Constitution necessarily protect that freedom of communication between the people concerning political or government matters which enables the people to exercise a free and informed choice as electors. Those sections do not confer personal rights on individuals. Rather they preclude the curtailment of the protected freedom by the exercise of legislative or executive power. As Deane J said in Theophanous[45], they are **"a limitation or confinement of laws and powers [which] gives rise to a pro tanto immunity on the part of the citizen from being adversely affected by those laws or by the exercise of those powers** rather than to a 'right' in the strict sense". In Cunliffe v The Commonwealth[46], Brennan J pointed out that the freedom confers no rights on individuals and, to the extent that the freedom rests upon implication, that implication defines the nature and extent of the freedom. His Honour said[47]:*

*"The implication is negative in nature: **it invalidates laws and consequently creates an area of immunity from legal control, particularly from legislative control."**"*

"The Constitution, the federal, State and territorial laws, and the common law in Australia together constitute the law of this country and form "one system of jurisprudence"[59]. ***Covering cl 5 of the Constitution renders the Constitution "binding on the courts, judges, and people of every State and of every part of the Commonwealth, notwithstanding anything in the laws of any State".*** *Within that single system of jurisprudence, the basic law of the Constitution provides the authority for the enactment of valid statute law and may have effect on the content of the common law."*

"……the requirement of freedom of communication operates as a restriction on legislative power. Statutory regimes cannot trespass upon the constitutionally required freedom."

Each case since has expanded the freedom to protect political communication at all levels of government. Encompassing all manner of social and environmental issues that impact on government accountability and policy making.

To invoke the freedom of communication (see Clubb v Edwards at pars [31]-[35] http://eresources.hcourt.gov.au/downloadPdf/2019/HCA/11

Citizens who take it seriously have an interest in, and a duty to their society and the body politic *(Mulholland 233 CLR at par [84] per Gummow , Kirby and Crennan JJ)* to make sure we don't slide back into the white Australia Policy, AUSTRALIAN APARTHEID *(ibid [78]).* **http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2004/41.html**

Deane and Toohey JJ Nationwide News (1992) 177 CLR 1 at 72

> *"The people of the Commonwealth would be unable responsibly to discharge and exercise the powers of governmental control which the Constitution reserves to them if each person was an island, unable to communicate with any other person. The actual discharge of the very function of voting in an election or referendum involves communication. An ability to vote intelligently can exist only if the identity of the candidates for election or the content of a proposed law submitted for the decision of the people at a referendum can be communicated to the voter. The ability to cast a fully informed vote in an election of members of the Parliament depends upon the ability to acquire information about the background, qualifications and policies of the candidates for election and about the countless number of other circumstances and considerations, both factual and theoretical, which are relevant to a consideration of what is in the interests of the nation as a whole or* ***of particular localities, communities or individuals within it."***

The High Court requires "constitutional facts" , proof that a person or persons intend to or have engaged in political communication to invoke the immunity. Its is not illegal for me or anyone else to inform you of the state of the electoral law and the actions you and I can take as a consequence of it (Langer v The CTH (1996) 186 CLR at p319, p326, p340). I have done this at the 2017 state election and 2019 Federal Election where I was unlawfully arrested and had your exclusion zone as a bail condition.

It may well be the case that the high court will find the proposed discriminatory expenditure caps valid, provided that a proper evidentiary basis and analysis is provided to justify it. That being so, the authorities are clear on it.

You cannot use however, the same discriminatory preferential treatment to parties on the ground on election day or pre-polls to curtail verbal and non verbal political conduct that is not rascist or a breach of the peace. It's a different kettle of fish altogether.

A citizen or group of them who wouldn't even scrape the bottom of the barrel on disclosure thresholds may only have a large painted sign and leaflets and rely on voice on these days.

This is not a safety issue as calico is also banned under 'continuous signs" .

The ban is to prevent engagement with fellow citizens on the day (See Brown v Tasmania at par [193]) . There is no evidence to justify its necessity.And the court will demand the evidence.

Again , this puts the matter also "squarely in Nationwide News territory"(Gaudron J allowing special Leave in the High Court in Coleman v Power) .
http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCATrans/2002/588.html

http://www.austlii.edu.au/cgi-bin/viewtoc/au/cases/cth/HCATrans/toc-C.html

Even IF, the signage amendments were directed to rich crooks drowning out parties on the ground (when in fact- in the Palmer case his party was standing and was allowed and would STILL be allowed as many blokes on the ground UNLESS HE PAID THEM)- it strikes down poor citizens with little or NO means aswell

And just as I used the following quote against insulting words provisions in the repealed Vagrants Act in the Qld Court of Appeal because they also struck down truth aswell as bad communications it applies here too :

Deane and Toohey JJ at Par [25] *As has been seen, however, s.299(1)(d)(ii) goes far beyond protecting the Commission and its members from unfounded and illegitimate attack. It purports to forbid, under the sanction of fine and/or imprisonment, the use of words calculated to bring the Commission or a member of the Commission into disrepute regardless of whether what is written or said is well founded and relevant. A prohibition of the communication of well-founded and relevant criticism of a governmental instrumentality or tribunal, such as the Commission or a Commonwealth court, cannot be justified as being, on balance, in the public interest merely because it is calculated to bring the instrumentality or tribunal or its members into disrepute. To the contrary, if criticism of a governmental instrumentality or tribunal or its members is well founded and relevant, its publication is an incident of the ordinary working of representative government and the fact that it will, if published, bring the relevant instrumentality or tribunal into deserved disrepute is, from the point of view of the overall public interest, a factor supporting publication rather than suppression. In that regard, the fact that the appearance as well as the substance of propriety, impartiality and competence is important for the effective functioning of a Commonwealth tribunal such as the Commission does not mean that it is in the public*

interest that the substance of impropriety, bias or incompetence should be concealed under a false veneer of good repute. Indeed, the traditions and standards of our society dictate a conclusion that, putting to one side times of war and civil unrest, the public interest is never, on balance, served by the suppression of well-founded and relevant criticism of the legislative, executive or judicial organs of government or of the official conduct or fitness for office of those who constitute or staff them

THE LANGE, COLEMAN , MCCLOY , BROWN -PROPORTIONALITY TESTS

In Clubb v Edwards; Preston v Avery [2019] HCA 11 (10 April 2019), the majority applied what is variously know as “The Lange , Coleman, McCloy , Brown Test”

http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2019/11.html

KIEFEL CJ, BELL AND KEANE JJ.

> *[5] The test to be applied was adopted in McCloy by French CJ, Kiefel, Bell and Keane JJ**[5]**, and it was applied in Brown by Kiefel CJ, Bell and Keane JJ**[6]** and Nettle J**[7]**. For convenience that test will be referred to as "the McCloy test". It is in the following terms**[8]**:*
>
> 1. *Does the law effectively burden the implied freedom in its terms, operation or effect?*
>
> 2. *If "yes" to question 1, is the purpose of the law legitimate, in the sense that it is compatible with the maintenance of the constitutionally prescribed system of representative and responsible government?*
>
> 3. *If "yes" to question 2, is the law reasonably appropriate and adapted to advance that legitimate object in a manner that is compatible with the maintenance of the constitutionally prescribed system of representative and responsible government?*
>
> *[6] The third step of the McCloy test is assisted by a proportionality analysis which asks whether the impugned law is "suitable", in the sense that it has a rational connection to the purpose of the law, and "necessary", in the sense that there is no obvious and compelling alternative, reasonably practical, means of achieving the same purpose which has a less burdensome effect on the implied freedom. If both these questions are answered in the affirmative, the question is then whether the challenged law is "adequate in its balance". This last criterion requires a judgment, consistently with the limits of the judicial function, as to the balance between the importance of the purpose served by the law and the extent of the restriction it imposes on the implied freedom**[9]**.*

AND AT PARS [64]-[66]

> *[64] It may be accepted that when the burden on the implied freedom is very slight it becomes difficult to say, consistently with the limitations on judicial power, that*

> *alternative measures are available that would be less burdensome while at the same time equally efficacious. However, McCloy requires that **any** effective burden on the freedom must be justified[35]. It could hardly be said that a measure which is more restrictive of the freedom than is necessary can rationally justify the burden[36].*

Gageler J in Brown v Tasmania at par [222]

"….discrimination against political communication warrants higher scrutiny"

This is not a question of public safety and dignity, as in the case of the safe access zone in Clubb v Edwards at par [82]. The labor party's suggestions at their highest are that parties and candidates can be "drowned out" . That the "The neutral environment" (Expl Notes) the incumbents and other "Mainstream" parties and majority *groups (see Hayne J 2013 HCA 4 at pars [199]-[122])* want for themselves and electors is one without a contrary opinion.

Where parties take their money from the same people, do preference deals, to hand out HTVs in favour of those deals and for political outcomes that will always involve expenditure of public money and a benefit for the candidate and party to be elected , and where an unscrupulous "fictitious" millionaire/ billionaire miner candidate and his party is being pursued in court and does a deal to legally expend funds to hand out HTV's to suggest electors preference his pursuers , THIS WOULD CLEARLY BE BRIBERY. And citizens would be under a ***Mullholland obligation and duty*** to attend and point this out at the electoral booths within the limits imposed in local and federal elections legislation. That is, the 6mt rule or at the entrances to the grounds with everyone else.

Where the "incumbents and mainstream majority" are acting in concert like those who historically protected the GRIFFITH MAFIA , and its compulsory preferential voting with no hope of a principled minority gaining election in that seat or at all , these people can be seen AS THE GOVERNMENT CANDIDATES mention by Glesson CJ in Mullholland.

Mulholland [2004] 220 CLR 181 at p191-2 par [18] HCA 41 par [20] and paraphrased by Gleeson CJ *"Attorney-General of the Commonwealth intervening, accept that the choice required by the Constitution is a true choice with "an opportunity to gain an appreciation of the available alternatives"[13]. In the course of argument, examples were given of forms of ballot paper prescribed for use at elections which might not conform to that fundamental requirement. A ballot paper, for example, that had printed on it only one name, being that of the government candidate, requiring the name of any alternative candidate to be written in (a form not unknown in the past in some places), might so distort the process of choice as to fail to satisfy the test."* And McHugh J at p217 par [86] HCA41 at par [88] *"No doubt a point could be reached where the electoral system is so discriminatory that the requirements of ss 7 and 24 are contravened."*

UNIONS NSW No2

> *[39] Unions NSW No 2 at [39]-[40] Kiefel, Bell and Keane JJ "The defendant submits that candidates and political parties occupy a constitutionally distinct position which legitimises the preferential treatment of candidates and political*

parties relative to others who are not directly seeking to determine who shall be elected to Parliament or form government. The defendant argues that the foundation of the implied freedom is ss 7 and 24 of the Constitution, which require that the Senate and House of Representatives be composed of persons "directly chosen by the people". It is said that the choice that is protected by the implied freedom is not a choice between ideas, policies, views or beliefs except insofar as such choice may be reflected in the electoral choice between candidates. Further in this regard, it is said that the "processes of choice by electors to which ss 7 and 24 allude ... encompass legislated processes which facilitate and translate electoral choice in order to determine who is or is not elected as a senator or member of the House of Representatives"[43]. On that basis, the defendant argues that candidates and political parties enjoy special significance as the subjects of the protected electoral choice, which itself justifies their differential treatment.

[40] Those submissions should not be accepted. The requirement of ss 7 and 24 of the Constitution that the representatives be "directly chosen by the people" in no way implies that a candidate in the political process occupies some privileged position in the competition to sway the people's vote simply by reason of the fact that he or she seeks to be elected. Indeed, to the contrary, ss 7 and 24 of the Constitution guarantee the political sovereignty of the people of the Commonwealth by ensuring that their choice of elected representatives is a real choice, that is, a choice that is free and well-informed[44]. Because the implied freedom ensures that the people of the Commonwealth enjoy equal participation in the exercise of political sovereignty[45], it is not surprising that there is nothing in the authorities which supports the submission that the Constitution impliedly privileges candidates and parties over the electors as sources of political speech. Indeed, in ACTV, Deane and Toohey JJ observed that the implied freedom[46]: "extends not only to communications by representatives and potential representatives to the people whom they represent. It extends also to communications from the represented to the representatives and between the represented."

Justification – a reasonable necessity?

41.The provisions in question in ACTV prohibited the broadcasting of political advertisements or information during an election period. They were held to infringe the implied freedom and to be invalid. Invalidity resulted because the nature or extent of the restrictions could not be justified[47]. In Lange[48] it was observed that the provisions in question in ACTV were held to be invalid because there were other, less drastic, means by which the objects of the law could have been achieved. This passage in Lange was referred to in the joint judgment in McCloy[49], where it was explained that if there are other equally effective means available to achieve the statute's legitimate purpose but which impose a lesser burden on the implied freedom, it cannot be said that one which is more restrictive of the freedom is reasonably necessary to achieve that purpose.

42. It is well understood that an enquiry as to the necessity of a provision which effectively burdens the implied freedom is one of the tests of structured proportionality analysis. If the provision fails the necessity test, then, on that approach, it will be held invalid[50].

Gageler J

{66] Contrary to an argument advanced on behalf of the Attorney-General for South Australia intervening in the present case, the level of scrutiny and the corresponding standard of justification applicable to a State legislative restriction on political communication in the conduct of an election for State political office can be no less onerous than those applicable to a Commonwealth legislative restriction on political communication in the conduct of an election for Commonwealth political office. The same level of scrutiny and the same standard of justification are warranted because the risk to maintenance of the system of representative and responsible government established by Chs I and II of the Constitution that inheres in the representative character of a State Parliament is of the same nature as the risk to maintenance of that system that inheres in the representative character of the Commonwealth Parliament. The risk arises from the propensity of an elected majority to undervalue, and, at worst, to seek to protect itself against adverse electoral consequences resulting from, political communication by a dissenting minority[82].

This can also be authority that what protestors and 3rd parties can do at federal and local elections is evidence purported objects can be achieved in another way- leave it as it is for anything currently lawful that's not affixed .

Not that banning non party and NON candidate supporters being within 100mts **is at all** a legitimate aim or object. The signage amendments fail all the tests with reference to Clubb v Edwards at pars [64]-[70] and [96]

This from Gageler J in Brown at [181] –

"The effect of a law on the making or content of political communications is in turn gauged by nothing more complicated than comparing: the practical ability of a person or persons to engage in political communication with the law; and the practical ability of that same person or those same persons to engage in political communication without the law."

Further in UNIONS NSW No2

Want of justification

*93. Having concluded that the provisions of the EFED Act in issue in McCloy burdened political communication, the plurality in that case stated that "[i]t is, then, incumbent upon New South Wales to justify that burden"**[124]**. The plurality thereby recognised that a polity asserting a justification for a burden on political communication imposed by its legislation bears the persuasive onus of establishing that justification.*

Given that other views have been expressed[125], it is important to be clear about how that comes to be so.

94. *Whether a legislative provision infringes the implied freedom of political communication is a question of law. "Highly inconvenient as it may be", questions of law and especially questions of constitutional law "sometimes depend on facts, facts which somehow must be ascertained by the court responsible for deciding the validity of the law"[126]. Questions of fact of that nature cannot form issues between parties to be tried like ordinary questions of fact[127]. They do not lend themselves to notions of proof or of onus of proof[128]. A court called upon to pronounce on the validity of legislation must ascertain constitutional facts "as best it can"[129].*

95. *If a court cannot be satisfied of a fact the existence of which is necessary in law to provide a constitutional basis for impugned legislation, however, the court has no option but to pronounce the legislation invalid. That is the present significance of the principle in the Communist Party Case. The principle applies in the same way to legislation impugned on the basis of infringing a prohibition on legislative power[130] as to legislation impugned on the basis of being insufficiently connected to a grant of legislative power[131]. Applied to the determination of whether impugned legislation infringes the implied freedom of political communication, the principle requires that a court pronounce a burden on political communication imposed by the legislation to be unjustified, unless the court is satisfied that the burden is justified. The result is as Mason CJ stated in Cunliffe v The Commonwealth[132]:*

"In the context of an implication of freedom of communication, in order to justify the imposition of some burden or restriction on that right, it is generally not enough simply to assert the existence of facts said to justify the imposition of that burden or restriction. The relevant facts must either be agreed or proved or be such that the Court is prepared to take account of them by judicial notice or otherwise."

BAIL CONDITIONS THAT RESULT FROM UNCONSTITUTIONAL ARREST.

Onerous bail conditions resulting from being arrested at elections such as the one I had for the 2019 Federal Election not to be within 100mts of any federal election booth or any state election whilst on bail, are constitutionally invalid .

The Constitution goes through ALL LAW AND COURT PRACTICE. Abc v Lenah Game Meats per Kirby at pars [204]-[210] , Brown v Tasmania at par [190] per Gageler J

It would be an incredible thing if a court would not strike the proposed signage amendments down (if passed of course) in Qld, in the face of the clear authorities.

I say - a court decision in favour of the 100 mt rule could only be made by [redacted]

[redacted]

Similarly, only by court appointees who represented nefarious labor types at the Shepherdson Inquiry into electoral fraud. Who as judges may be prevented from making public any inside gossip about labor MISCREANT MALEFACTORS that didn't flush I.E. Crooks warming seats on government boards till people with short memories and attention spans allow them a political comeback.

Before the gravy train , the same appointees who spoke out so loudly (NOT !) -about lawyer client privilege in rushed conversations sitting on the floor -through the bottom grille of the holding cell door to Court 1 Townsville , with other cellmates listening intently and the cops in the watch house able to listen in through the intercom in the wall . They aint gonna rock the boat are they ??"

THE CONSEQUENCES OF UNCONSTITUTIONAL ACTIONS

I refer again to the quotes from Lange v The ABC [1997] HCA 25; (1997) 189 CLR 520
http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/1997/25.html

*" as Dawson J pointed out in Australian Capital Television Pty Ltd v The Commonwealth[44], **legislative power cannot support an absolute denial of access** by the people to relevant information about the functioning of government in Australia and about the policies of political parties and candidates for election……. That being so, ss 7 and 24 and the related sections of the Constitution necessarily protect that freedom of communication between the people concerning political or government matters which enables the people to exercise a free and informed choice as electors. Those sections do not confer personal rights on individuals. Rather they preclude the curtailment of the protected freedom by the exercise of legislative or executive power. As Deane J said in Theophanous[45], they are **"a limitation or confinement of laws and powers [which] gives rise to a pro tanto immunity on the part of the citizen from being adversely affected by those laws or by the exercise of those powers** rather than to a 'right' in the strict sense". In Cunliffe v The Commonwealth[46], Brennan J pointed out that the freedom confers no rights on individuals and, to the extent that the freedom rests upon implication, that implication defines the nature and extent of the freedom. His Honour said[47]:*

*"The implication is negative in nature: **it invalidates laws and consequently creates an area of immunity from legal control, particularly from legislative control."**"*

"The Constitution, the federal, State and territorial laws, and the common law in Australia together constitute the law of this country and form "one system of jurisprudence"[59].

Covering cl 5 of the Constitution renders the Constitution "binding on the courts, judges, and people of every State and of every part of the Commonwealth, notwithstanding anything in the laws of any State". *Within that single system of jurisprudence, the basic law of the Constitution provides the authority for the enactment of valid statute law and may have effect on the content of the common law."*

"……the requirement of freedom of communication operates as a restriction on legislative power. Statutory regimes cannot trespass upon the constitutionally required freedom."

Also Watson v Trennery [1998] 122 NTR 1

http://www.austlii.edu.au/au/cases/nt/NTCA/1998/22.pdf
http://www.supremecourt.nt.gov.au/archive/doc/sentencing_remarks/0/98/0/NS000280.htm

which sets out why (quoting the authorities) political protest in itself is neither a breach of the peace nor disorderly .

Per Angel J " *The peaceable combination of people in public places for the purposes of expressing opinions and of protest against political decisions is but the exercise of the ordinary civil freedoms of opinion, of speech, of assembly and of association. These freedoms reflect the importance our society places on open discussion and the search for truth, the need for diversified opinions to be known and for the strengths and weaknesses of those opinions to be identified, the right to criticise, the value of tolerance of the opinions of others, and the social commitment to the value of individual autonomy, all vital to the health of any democratic system of open government. A peaceful demonstration or protest, whether by assembly or procession in a street is nowadays accepted by members of the community as a safety valve for the community and potentially at least as an agent for change and for the good. An ordinary incident of any assembly or procession through the streets is some inconvenience to others. Protests test tolerance of difference and of inconvenience. There may be some noise. Members of the public may witness and hear messages they did not wish to see and to hear. They may consider such messages to be anathema. There may be a gross affront to some sensibilities. Nonetheless peaceable protests are to be tolerated in the recognition of the freedom of others to hold different opinions, to speak, to assemble, and to associate. As Bray CJ said extra-curially on one occasion, "Diversity is the protectress of freedom.",*

Per Mildren J ..... "it is not against the law to protest at the actions of a foreign government or its armed forces or to burn its flag or the flag of its army, as such, as a means of political protest. Whatever we may think of this type of political protest or the message it conveys, is not to the point. Nor are we in the least concerned by any clamour by politicians or the popular press that people who do these things should be prosecuted. But, because it is of the nature of things that protestors are sometimes prosecuted by the authorities, and there are sometimes serious misgivings about the motives for such prosecutions"

If you pass the signage amendments a good court will find that those sections stating that no person can be within 100mts of grounds or booths with a political sign or anything else designed to influence a voter , like driving a painted car, a car with political decals or flags, or walking past with a sign or banner on anything political during the election or pre-polls is wholly invalid. And cant be severed, even though it might be arguable preventing affixing is legitimate. It will beyond the power of the Qld Parliament *Coleman v Power [2001]QCA 539* http://www.austlii.edu.au/au/cases/qld/QCA/2001/539.html *and In re : Criminal Proceeds Confiscation Act 2002 (Qld), Re [2003] QCA 249 (13 June 2003)* http://www.austlii.edu.au/au/cases/qld/QCA/2003/249.html

The court in Lange Applying *NT v Mengel [1995] 185 CLR 307 at at 350-353, 372-373.*

"…in Australia, recovery of loss arising from conduct in excess of constitutional authority has been dealt with under the rubric of the common law, particularly the law of tort. http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/1995/65.html

The Constitution goes through ALL LAW AND COURT PRACTICE. Lenah per Kirby at pars [204]-[210] , Brown v Tasmania at par [190]

Remembering it was said by the FULL BENCH IN LANGE that the freedom is ***"a limitation or confinement of laws and powers [which] gives rise to a pro tanto immunity on the part of the citizen from being adversely affected by those laws or by the exercise of those powers"-*** It invalidates the actions of police . It is the right and duty of police to disobey and ignore unconstitutional demands *Metwally [1984] 158 CLR at 477*

Osullivan v Lunnon [1986] 163 CLR at 554 "a police instruction to disperse, is not of course any evidence that an offence was being committed"

There was no power of arrest under any law (*Goyma v Moore & Ors [1999] NTSC 146 at [35], [49], [50])*

"Blind unquestioning obedience is the law of tyrants and of slaves" (see Christie v Leachinsky (1947 AC 573 at 591-592, applied in Adams v Kennedy (2000) 49 NSWLR78 at 83)

That being so, in Qld , where the constitution renders and statute or actions taken under it invalid , police are not authorized to assault and imprison anyone under s802 of The PPRA s246 of The Qld Criminal Code . For the same reasons above a citizen doesn't have to obey unlawful directions from cops.

Police Powers and responsibilities Act 2000 QLD

802 Presumption about exercise of powers under prescribed authority

A court must find the exercise of a power by a police officer or law enforcement officer was not authorised by a prescribed authority if—
(a) an issue arises in a proceeding before the court whether the exercise of the power was authorised by a prescribed authority; and
(b) the authority is not produced in evidence; and
(c) it is not proved by the police officer or law enforcement officer relying on the lawfulness of the exercise of the power that a police officer or law enforcement officer obtained the prescribed authority.

246 Assaults unlawful
(1) An assault is unlawful and constitutes an offence unless it is authorised or justified or excused by law.
(2) The application of force by one person to the person of another may be unlawful, although it is done with the consent of that other person.

They must disobey unlawful commends of superior officers or even the commission to do so under s31(1)(b) of The Code

31 Justification and excuse—compulsion
(1) A person is not criminally responsible for an act or omission, if the person does or omits to do the act under any of the following circumstances, that is to say—
(a) in execution of the law;
(b) in obedience to the order of a competent authority which he or she is bound by law to obey, unless the order is manifestly unlawful;
(c) when the act is reasonably necessary in order to resist actual and unlawful violence threatened to the person, or to another person in the person's presence;
(d) when—
(i) the person does or omits to do the act in order to save himself or herself or another person, or his or her property or the property of another person, from serious harm or detriment threatened to be inflicted by some person in a position to carry out the threat; and
(ii) the person doing the act or making the omission reasonably believes he or she or the other person is unable otherwise to escape the carrying out of the threat; and
(iii) doing the act or making the omission is reasonably proportionate to the harm or detriment threatened.
(2) However, this protection does not extend to an act or omission which would constitute the crime of murder, or an offence of which grievous bodily harm to the person of another, or an intention to cause such harm, is an element, nor to a person who has by entering into an unlawful association or conspiracy rendered himself or herself liable to have such threats made to the person.
(3) Whether an order is or is not manifestly unlawful is a question of law.

22 Ignorance of the law—bona fide claim of right
(1) Ignorance of the law does not afford any excuse for an act or omission which would otherwise constitute an offence, unless knowledge of the law by the offender is expressly declared to be an element of the offence.

(2) But a person is not criminally responsible, as for an offence relating to property, for an act done or omitted to be done by the person with respect to any property in the exercise of an honest claim of right and without intention to defraud.
(3) A person is not criminally responsible for an act or omission done or made in contravention of a statutory instrument if, at the time of doing or making it, the statutory instrument was not known to the person and had not been published or otherwise reasonably made available or known to the public or those persons likely to be affected by it.
(4) In this section—
publish—
(a) in relation to a statutory instrument that is subordinate legislation—means notify in accordance with section 47 (Notification) of the *Statutory Instruments Act 1992*; and
(b) in relation to a statutory instrument that is not subordinate legislation—means publish in the gazette.

They are not entitled to give directions to cease lawful activity. That falls within reasonable excuse under s791(2) PPRA . Coleman v Greenland and ors [2004] QSC37 http://www.sclqld.org.au/caselaw/QSC/2004/037 *Williams v Pinnock [1983] 68 FLR 303, Turner v Patterson [1908] NZLR 207, R v Howell [1981] 3 ALL ER 383 at 388 and 389, Inness v Weate [1984] Tas R 14, Wornes v Rankmore [1986] QR 85 at 87, 104,105, Bhattacharya v State of New South Wales & Anor [2003] NSWSC 261 at [39])*

Forbutt v Blake [1981] 51 FLR at 469 Per Connor J at 475 *"I am unable to attribute an intention to the legislature to expose a person to such a penalty for disobeying a police order to cease lawful activity where the only relevant police duty is to prevent a breach of the peace by other citizens .*

Williams v Pinnock [1983] 68 FLR 303 is authority that verbal political conduct even if loud in a public place does not warrant a breach of the peace charge.

see also Mason CJ, Chu Kheng Lim (1992) 176 CLR 1 at 13, Brennan, Deane and Dawson J at 27-28),

"Every citizen is ruled by the law, and the law alone" and "may with us be punished for a breach of the law, be he can be punished for nothing else" (Dicey, Introduction to the study of the law of the constitution, 10th ed. (1959) p 202)

(See also Gaudron J at 55 and McHugh J at 63, see also Ex Parte Walsh and Johnson; In re Yates (1925) 37 CLR 36 at 79 per Isaacs J, A Government of Laws and Not of Men, Toohey J (1993) PLR 158 at 161,162)-

"No free man shall be taken or imprisoned …but…by the law …there is always an initial presumption in favour of liberty, so that whoever claims to imprison or deport another has cast

upon him the obligation of justifying his claims by reference to the law". (Myer Stores v Soo [1991] VR at 599)

"everybody is free to do anything subject only to the provisions of the law" (see Lange v The ABC (1997) 189 CLR 520 at 564)

Bulsey & Anor v State of Queensland [2015] QCA 187 (6 October 2015)

http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/qld/QCA/2015/187.html

[4] The respondent conceded that the acts of the police in detaining and imprisoning the first appellant amounted to torts actionable by the first appellant unless the respondent proved that those acts were authorised or excused by law. The concession was appropriate. On any view, unless that conduct was authorised or excused by law, it amounted to assault, battery and false imprisonment. As it was put by Fullagar J in Trobridge v Hardy[1], "The mere interference with the plaintiff's person and liberty constituted prima facie a grave infringement of the most elementary and important of all common law rights" and "It [is] for the defendant to justify [its conduct] ... by reference to his office or otherwise." It is widely recognised that it is "one of the pillars of liberty" that "every imprisonment is prima facie unlawful and ... it is for a person directing imprisonment to justify his act."

It follows that a person can defend themselves under s271-3, s260-6 and citizens arrest police under s546 of the code.

SELF DEFENCE

Munnings v Barrett 1987 5 MVR403 at 408,

"It is the corollary of the right of every citizen to be thus free from arrest that he should be entitled to resist arrest unless that arrest is lawful."(1947 AC 573 at 591-592, applied in Adams v Kennedy (2000) 49 NSWLR78 at 83)".... The principles...follow from the governing rule of the common law that a man is entitled to his liberty, and may, if necessary defend his own freedom by force"(Christie v Leachinsky (1947) AC 573 at 598, applied in Adams v Kennedy (2000) 49 NSWLR 78 at 84)

"An illegal arrest being an assault, the person may resist with corresponding amount of force used in such an assault" R v Tommy Ryan (1890) NSWR Vol 11 at 171

"The law whilst it regards submission to it as a duty of every citizen when he is legally arrested, rightly regards the invasion of his liberty by arrest without lawful authority as an assault that may be lawfully resisted in a legal manner "R v Tommy Ryan (1890) NSWR Vol 11 at182

"The law whilst it regards submission to it as the duty of every citizen rightly regards the invasion of his liberty without lawful authority as a wrong, calculated to provoke anger and resentment" R v Tommy Ryan (1890) NSWR Vol 11 at 183

"It is not the resistance of a police officer which constitutes the offence, but what the police officer is doing or attempting to do- namely the execution of his duty. If the arrest is not proved to be lawful, a person will not have resisted a constable in the execution of his duty and the charge will not be proven beyond a reasonable doubt *Hortin v Rowbottom (1993) 68 ACRIMR 381 at 391*

" The defendant would be entitled to an acquittal on the charge of an offence against ..the section *… if he honestly and reasonably believed that the person hindered and resisted was not a police officer or was not engaged in the exercise of his duty at the time. Leonard v Morris (1975) 10 SASR at 534*

See also *Zecevic (1987) 61 ALJR 375, , 379, and at 380,390).see also Forrest v Douglas [1983] WAR 270 , also Allen v Parkes [1999] QDC 235 2 sep 99 , Forbut v Blake at 476 , Nguyen v Elliot Unreported Supreme Court of Victoria no, 7540 of 1994 16 January 1995 , 6 Febuary 1995 per Hedigan J at page 9 , 10 and 11 , Turner v Patterson at 212 , Kerr v DPP [1995] CRIM LR 394 -5, Rice v Connolly [1966] 2 QB at 420 . Greenland v Coleman 26 April 2000 per Tatnel SM, Power v Coleman 19 October 2000 per Verra SM at page 19 -20*

<u>Preamble To The Universal Declation of Human Rights</u>

"Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law" ***(extract from the Preamble of The Universal Declaration of Human Rights)***

"Suppression of such criticism of government and government officials removes an important safeguard of the legitimate claims of individuals to live peacefully and with dignity in an ordered and democratic society. Indeed, if that suppression be institutionalized, it constitutes a threat to the very existence of such a society in that it reduces the possibility of peaceful change and removes an essential restraint upon excess or misuse of governmental power" *Nationwide News per Deane and Toohey JJ at par 25*

Because the cops will say they were acting on lawful authority of the Electoral Commission and there was no such authority to trespass against you and take your property , the case of PLENTY v. DILLON [1991] HCA 5; (1991) 171 CLR 635 applies :

http://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/1991/5.html

Par 18 per Gaudron and Toohey JJ "But inconvenience in carrying out an object authorised by legislation is not a ground for eroding fundamental common law rights."

"24. In his judgment, the learned trial judge said that, even if a trespass had occurred, it was "of such a trifling nature as not to found (sic) in damages". However, once a plaintiff obtains a verdict in an action of trespass, he or she is entitled to an award of damages. In addition, we would unhesitatingly reject the suggestion that this trespass was of a trifling nature. The first and second respondents deliberately entered the appellant's land against his express wish. True it is that the entry itself caused no damage to the appellant's land. But the purpose of an action for trespass to land is not merely to compensate the plaintiff for damage to the land. That action also serves the purpose of vindicating the plaintiff's right to the exclusive use and occupation of his or her land. Although the first and second respondents were acting honestly in the supposed execution of their duty, their entry was attended by circumstances of aggravation. They entered as police officers with all the power of the State behind them, knowing that their entry was against the wish of the appellant and in circumstances likely to cause him distress. It is not to the point that the appellant was unco-operative or even unreasonable. The first and second respondents had no right to enter his land. The appellant was entitled to resist their entry. If the occupier of property has a right not to be unlawfully invaded, then, as Mr Geoffrey Samuel has pointed out in another context, the "right must be supported by an effective sanction otherwise the term will be just meaningless rhetoric": "The Right Approach?" (1980) 96 Law Quarterly Review 12, at p 14, cited by Lord Edmund-Davies in Morris v. Beardmore, at p 461. If the courts of common law do not uphold the rights of individuals by granting effective remedies, they invite anarchy, for nothing breeds social disorder as quickly as the sense of injustice which is apt to be generated by the unlawful invasion of a person's rights, particularly when the invader is a government official. The appellant is entitled to have his right of property vindicated by a substantial award of damages" .

CALLING THE SHOTS

Presuming that you pass these amendments to signage as a pretext- This means war.

A person whom it affects can bring an action to strike down the signage provisions. This is probably any activist in Qld who attends polling booths on election days. Failing that-

It cant stand and they are going to get people hurt fighting back and get coppers hurt cos they are armed and always escalate and you are allowed to do the same in self defence.

Using s22 of the Code where ignorance of the law is no excuse, the constitutional argument that the provisions are invalid and the consequences of it should be pre-emptively served on cop shops and the commissioner and minister. And this must be put to the cops on the election days

Knowing the tactics of the state and cops, they may drop charges for disobeying directions after keeping the bail condition for months. The ECQ might rely on cops to charge so they don't invoke the unconstitutional amendments to signage. That could be challenged by immediate removal to the court of appeal or high court.

But the actions of cops still relies on support of the ECQ request under the PPRA .

They could not have a reasonable suspicion cos no offence was committed. They were not authorised cos the ECQ was not authorised as the implied freedom invalidates their combined actions and orders of superiors .

To head off the dropping of the charge you have to do Qld cop psychology 101 and appeal to their culture of revenge. You must escalate and hit the cop so he doesn't withdraw the charge out of shame . The matter is still on foot . If you are remanded then you can demand HABEOUS CORPUS based on that invalidity of actions.

Pat Coleman

[redacted]