

ERRONEOUS DECISIONS BY THE COURT IN WATSON APPEAL

409. IT IS NOT EASY FOR A LONE AGITANT, AND HIS COUNSEL, TO EFFECT CHANGE IN THE MIND OF THE COURT, ABOUT THE COURT'S LAME ATTEMPT TO PERPETUATE A FALSE BELIEF, ABOUT THE TRUE JURISDICTION AND AUTHORITY OF AN ACTION BY THE STATE GOVERNMENT, BORNE FROM FALSE AUTHORITY BUT BY SUCH AN ARCHITECT, THAT, TO EXPUNGE ITS OPERATIONAL EFFECT, THE COURT MUST BE OPEN TO COMPETENT ARGUMENT BY COUNSEL (FOR THE AGITANT), THE COURT MUST BE WILLING TO FUNDAMENTALLY INVESTIGATE ITS OWN BELIEFS RELATING TO SUBJECT MATTER, AND THE COURT MUST BE PREPARED TO ADDRESS PURPORTED ILLEGAL ACTIONS BY STATE, WHICH ARE FOUNDED ON FALSE AUTHORITY, FALSE JURISDICTION AND FALSE BELIEF BY THE SOUTH AUSTRALIAN GOVERNMENT.
410. IT WOULD ALSO SIGNIFICANTLY ADVANCE THE AGITANT'S CASE IF HIS COUNSEL PUT SUFFICIENTLY WEIGHTED ARGUMENT TO THE COURT, TO THE PROPER EXAMINATION BY THE COMPETENT COURT, ABOUT PURPORTED ILLEGAL ACTIONS BY THE STATE GOVERNMENT.
411. IN THE WATSON APPEAL [194.] ("APPLICATION FOR JUDICIAL REVIEW OF A DECISION OF THE GOVERNOR IN COUNCIL (GOVERNOR)"), IN 2010, WATSON'S COUNSEL CHALLENGED CONDUCT BY GOVERNOR, CONDUCT BY CABINET AND CONDUCT BY THE SOUTH AUSTRALIAN GOVERNMENT. I DO NOT THINK COUNSEL RAN AN ACCURATE SUBMISSION (TO SUPPORT HIS ARGUMENT), THEREFORE WATSON'S APPEAL WAS DOOMED FROM THE START. HE HAD THE PERFECT FORUM FOR RUNNING THE COMPETENT ARGUMENT WHICH ~~SHOULD~~ ^{SHOULD} HAVE BEEN RUN (A JUDICIAL REVIEW), EXCEPT IT WASN'T, INSTEAD, COUNSEL ARGUED MATTERS WHICH THAT COURT HAD NOT RECEIVED JURISDICTION TO CHALLENGE, PARTICULARLY WHERE 'CABINET CONFIDENTIALITY IS BEING CHALLENGED'. I SUGGEST WATSON'S COUNSEL ARGUED A FLAWED POSITION OF CHALLENGE, AN ERRONEOUS CLAIM AGAINST ACT BY GOVERNOR AND CABINET, A FALSE REPRESENTATION OF PURPORTED RIGHTS OF WATSON, NEGLIGENT ATTEMPT TO REVEAL ILLEGAL ACTION BY GOVERNOR AND CABINET, FUNDAMENTALLY UNDERWEIGHTED CONSTITUTIONAL CHALLENGES ([1.]), AGAINST ACT BY GOVERNOR, CABINET, PAROLE BOARD AND THE STATE GOVERNMENT, OVERALL, UNDEREXPOSED ACTIONS BY STATE, UNDER-REPRESENTED TRUE RIGHTS AND ENTITLEMENTS

WHICH WERE OWNED BY WATSON UPON SENTENCING, AND THE AUTHORITY OF THE CONSTITUTION [1.], TOWARDS ENFORCEMENTS ASSOCIATED WITH 'SENTENCING A LIFER', 'APPLYING FOR PAROLE', 'ACCRUED RIGHTS', 'ILLEGAL USE OF CABINET BY STATE GOVERNMENT', 'CRIMINAL ABUSE OF CH. II [3.] AUTHORITY TO EFFECT ILLEGAL DETENTION WITHIN CORRECTIONAL FACILITY, BY STATE GOVERNMENT', AND MORE.

412. I CONTEST CLAIMS AND ALLEGED FACTS PURPORTED BY WATSON'S COUNSEL, BY COUNSEL FOR THE DEFENDANT (THE STATE OF SOUTH AUSTRALIA), AND BY THE COURT (CORUM OF DOYLE CJ, ANDERSON AND PEEK JJ).

413. TO APPRECIATE RIGHTS AND ENTITLEMENTS OF LIFERS, WITH COURT IMPOSED NPP, WHO EFFECT APPLICATION FOR PAROLE, OR AT LEAST WHO INTEND TO, IT WOULD BE PRUDENT TO RESEARCH THE GENESIS OF 'PAROLE FOR LIFERS IN SOUTH AUSTRALIA', AND THE STATUTORY FEATURES FROM CONSTITUTION [1.] ASSENT BY ROYAL AUTHORITY, UNTIL 1-1-2016.

414. WATSON WAS SENTENCED UNDER SENTENCING STANDARDS OPERATIONAL IN THE MID 1980³, WHICH INCLUDED 'AUTOMATIC PAROLE' AND 'REMISSIONS'. [194. (PARA. 31.), 123. AND 126.]

415. THE COURT ACCEPTED AS A MATTER OF LAW, AS DID THE STATE GOVERNMENT, THAT UPON OPERATION OF 1994 'TRUTH IN SENTENCING' LEGISLATION, THAT WATSON'S COURT IMPOSED NPP (FROM MID 1980³), MUST BE RECALCULATED TO EFFECT FULL REMISSIONS APPLICATION, EQUATING TO APPROX 16 YEARS, ~~WAT~~ [194. (PARA. 31.), 126., 52., 139., 137. AND 53.]

416. IT ALSO APPEARS THAT WATSON SHOULD ALSO BE REGARDED IN THE SAME CATEGORY AS 'PRISONER A.' TYPE [PARAGRAPH 23. 1810], LIKE ME (ESPECIALLY FOLLOWING MY 2002 JUDGMENT, WHEREIN THE COURT DIRECTS ITSELF, THAT 'IT MUST APPLY SENTENCING STANDARDS WHICH WERE OPERATIONAL AT THE TIME THE CRIME WAS COMMITTED (1992), THEN APPLIES REINFORCED DIRECTION (TO ITSELF, THAT IT MUST NOT APPLY SENTENCING STANDARDS WHICH WERE OPERATIONAL IN 2002 ([46.], WHICH WAS WHEN THAT SENTENCE WAS DELIVERED AND IMPOSED BY THE COMPETENT COURT [74., 78., 79., 80. AND 77.])), THAT CLEARLY ABROGATES OPERATIONAL SENTENCING STANDARDS OF 2002 [78.], TO IMPOSE WITH THE AUTHORITY AND PROTECTION OF CONSTITUTIONAL JURISDICTION [1., 3. (CH. III), 45. AND 38.], THE 1992 SENTENCING STANDARDS, WHICH INCLUDED 'AUTOMATIC PAROLE' ([123., 124., 125., 126., 127., 128. AND 139.]), AND THE

OPERATIONAL EFFECT OF THE 'REMISSIONS SYSTEM' ([137., 139., 52., 53., 75., 77., 126., 197. AND 196.])').

417. WATSON THEREFORE OWNS RIGHT OF CLAIM AGAINST THE SOUTH AUSTRALIAN GOVERNMENT, FOR 'WATSON BEING ILLEGALLY INCARCERATED WITHIN A CORRECTIONAL FACILITY, BY THE STATE GOVERNMENT, SINCE APPROXIMATELY 2002 ([194. (PARA. 31.), 72., 73., 52., 139. AND 126.])', WHICH WAS PERPETRATED BY THE SOUTH AUSTRALIAN GOVERNMENT AGAINST WATSON, AS A 'DIRECT CONSEQUENCE OF STEALING WATSON'S ACCRUED RIGHTS, TO RECEIVE THE OPERATIONAL EFFECT OF 'AUTOMATIC PAROLE' AND 'REMISSIONS''. SUCH 'ACCRUED RIGHTS' WERE CONSTITUTIONALLY ([1.]), GUARANTEED AS A MATTER OF ABSOLUTE RIGHT (CONSTITUTIONAL [1.], AND CRIMINAL LAW SENTENCING ([45., 44., 38., 35. AND 84.])).

418. PART 8. (IN THIS DOCUMENT, BUT ALSO THROUGHOUT THIS DOCUMENT), PROVIDES SUPPORTING EVIDENCE IN GREATER DETAIL, AGAINST MANY CLAIMS MADE IN THE WATSON APPEAL BY ALL THREE PARTICIPATING PARTIES, WATSON, THE STATE GOVERNMENT AND THE COURT.

419. WATSON ARGUED THE 'GOVERNOR [29.] IS REQUIRED, OR AT LEAST SHOULD BE REQUIRED, TO GIVE REASONS WHY IT REFUSES TO APPROVE/GRANT PAROLE TO LIFER'. I DO NOT AGREE WITH THIS POSITION BY WATSON. GOVERNOR [29.] 'DOES NOT HAVE JURISDICTION TO 'APPROVE' OR 'NOT APPROVE' PAROLE APPLICATION PROPER, ONLY TO 'APPROVE' OR 'NOT APPROVE' THE BOARD'S THREE RECOMMENDATIONS (RECOMMEND PAROLE, DAY OF RELEASE, PERIOD OF PAROLE [SEE PARAGRAPH 362. IBID]), AND MUST DO SO VIA JUDICIAL BODY ([33.]) REVIEW OF BOARD'S SAID THREE RECOMMENDATIONS, WHICH MUST INCLUDE, FIRST, A 'LEGAL SOUNDNESS REVIEW' OF BOARD'S FIRST RECOMMENDATION WHICH IS TO RECOMMEND PAROLE RELEASE, AND IF FOUND TO BE A LEGALLY SOUND DETERMINATION, THEN, NOT ONLY MUST THE LIFER APPLICANT RECEIVE PAROLE RELEASE, BUT ALSO THAT IT WILL BE ACCORDING TO THE OTHER TWO (REMAINING), RECOMMENDATIONS OF THE BOARD, BEING DAY/DATE OF RELEASE AND PERIOD/LENGTH OF PAROLE'.

420. IF ANY OF SAID THREE RECOMMENDATIONS OF THE BOARD ARE 'NOT APPROVED BY GOVERNOR' [29.], THEN, CONSTITUTIONALLY ([1.]) REQUIRED ACTION WAS FOR GOVERNOR TO RETURN SUCH 'BOARD'S RECOMMENDATION' (WHICH WAS NOT APPROVED BY GOVERNOR [29.]), AND AT NO TIME SINCE 1-8-1994 ([46.]), DID A 'NON APPROVAL BY GOVERNOR' [29.], EVER TRANSLATE INTO ANY CONSTITUTIONALLY COMPETENT ([1.]), JURISDICTIONALLY PERMITTED ACT OR EVENT GIVING GOVERNOR [29.] AUTHORITY TO 'REFUSE PAROLE APPLICATION

OUTRIGHT', AS THE SPECIFIC ACT/EVENT, AS THAT JURISDICTIONAL COMPETENCE IS VESTED IN THE PAROLE BOARD ALONE, PER [107. AND 108.] CSA, s. 67(9), WHICH IS ALSO WHY THE VERY SPECIFIC WORDING IN CSA. STIPULATES, 'BOARD'S RECOMMENDATIONS ARE
 421. FORWARDED TO GOVERNOR [29.] FOR APPROVAL'. THERE IS NOTHING IN CSA (PRIOR TO [102.]), FROM 1983 TILL [102.] WHICH EVER ENABLED GOVERNOR [29.] TO 'NOT ~~APPROVE~~ APPROVE' BOARD'S RECOMMENDATIONS, SO BASICALLY, GOVERNOR'S SIGNATURE WAS ALL THAT WAS REALLY REQUIRED BY BOARD, SO THEIR THREE RECOMMENDATIONS COULD BE FORMALLY ACKNOWLEDGED WITH ROYAL CONSENT, WHICH BY ITS NATURE, AS PROVEABLE BY INVESTIGATING HISTORICAL CHANGES IN PAROLE LEGISLATION FOR THE LAST 100 YEARS, IS A REMNANT OF THE 'GOVERNOR'S PLEASURE SYSTEM', WHEREBY A LIFER (IN SOUTH AUSTRALIA), WOULD BE INCARCERATED AT GOVERNOR'S PLEASURE, AND ONLY GOVERNOR COULD APPROVE OR
 422. NOT APPROVE PAROLE RELEASE OF LIFER ([64.]). EVEN AFTER INSERTION OF [102.] IN 2012, WHICH ITSELF SHOULD NEVER HAVE BEEN ASSENTED (BREACHING [28.], CABINET CONFIDENTIALITY ALSO), THE BOARD MUST NOT ENABLE PROHIBITED/ILLEGAL ACTIONS BY STATE GOVERNMENT, WHICH WOULD OCCUR IF IT FORWARDED ANY 'PAROLE ~~RELEASE~~ RELEASE RELATED RECOMMENDATIONS TO GOVERNOR [29.], THEREFORE, WHEN 'BOARD'S RECOMMENDATIONS WERE FORWARDED TO GOVERNOR [29.] AFTER INSERTION OF [102.], FOR APPROVAL, KNOWING GOVERNOR ACTED PER CSA, ss 67(7A), (7B) AND (7C), THE PAROLE BOARD WAS IN FACT AN ACCESSORY TO (BEFORE THE ACTS, DURING THE ACTS, AND AFTER THE ACTS (BY GOVERNOR AND CABINET ([29.]))), AND COMPLICIT IN ILLEGAL ACTS PERPETRATED BY THE GOVERNOR (IN COMPANY WITH EXECUTIVE COUNCIL), [29.], CABINET/EXECUTIVE COUNCIL AND RELATED EMPLOYEES OF THE STATE GOVERNMENT, EVEN THOUGH NONE OF THEM MAY HAVE EVEN
 423. REALISED THAT SUCH ACTIONS WERE NOT CONSTITUTIONALLY COMPETENT ([1.]). THE AMENDMENTS OF 2012 [102., 103., 104. AND 105.], IN FACT ALSO CONTRADICT THE CONSTITUTIONAL COMPETENCE ([1.]) OF THE PAROLE BOARD, REGARDING BOARD'S RECEIPT OF PAROLE RELEASE SUBMISSION BY LIFER APPLICANT, AND INVESTIGATION/CONSIDERATION (OF
 424. SAME), AND SUBSEQUENT DETERMINATION (RE CSA, ss 67(6) OR 67(9)). GOVERNOR HAS ILLEGALLY 'REFUSED TO APPROVE/GRANT PAROLE RELEASE OF LIFERS, FOLLOWING [100.], BECAUSE IT NEVER HAD REQUIRED JURISDICTION TO IMPEDE BOARD'S FIRST 'RECOMMENDATION' (TO RELEASE LIFER ON PAROLE), AND SO GOVERNOR [29.] CANNOT BE REQUIRED TO PROVIDE WRITTEN

REASONS (FOR SUCH 'PAROLE RELEASE REFUSAL'), WITHIN STATUTORY FRAMEWORK OR MANDATE, BECAUSE OF THE FACT THAT THEIR 'REFUSAL' WAS NOT AN ACT WHICH THEY

425. HAD JURISDICTIONAL AUTHORITY TO PERFORM. THIS DOCUMENT REVEALS WHY GOVERNOR [29.] HAD A VERY NARROW SCOPE OF JURISDICTION, FOLLOWING [100.], EVEN THOUGH THE GOVERNOR [29.], CABINET/EXECUTIVE COUNCIL ILLEGALLY EXCEEDED THEIR COMPETENT JURISDICTION (WITHIN CH. II [3.], AND FOLLOWING IMPOSITION OF SENTENCE UPON A LIFER BY CRIMINAL LAW SENTENCING COURT), MANY TIMES BETWEEN 1-8-1994 ([46.]) AND 1-1-2016, WITH THE COMPLICITY OF THE PAROLE BOARD AND THE GOVERNMENT OF SOUTH AUSTRALIA ([82. AND 83.]), AND SAID COMPLICITY I CAN PROVE WITH FIRST-HAND KNOWLEDGE IN RELATION TO MY OWN 2002 JUDGMENT ([78. AND 80.]), AND MY CONFRONTATIONAL WRITTEN COMMUNICATION BETWEEN STATE GOVERNMENT AND ME FROM 2008

426. ONWARDS. FURTHERMORE, GOVERNOR [29.] MUST NOT BREACH CABINET CONFIDENTIALITY, OR BE ASKED OR REQUIRED TO DO SO BY ORDER OF CSA, WHICH IS NOT REALLY A PROBLEM IF THE GOVERNOR [29.] ONLY PERFORMS THE VERY NARROW SCOPE FUNCTION OF A JUDICIAL BODY REVIEW, OF BOARD'S THREE RECOMMENDATIONS, BECAUSE STATUTE WORDING WITHIN CSA, REQUIRES GOVERNOR [29.] TO "APPROVE" RECOMMENDATIONS OF THE BOARD, MEANING THE BOARD MAKES THE FORMAL 'RECOMMENDATION' (OF WHICH THERE ARE THREE), AND THE GOVERNOR [29.] IS THEN REQUIRED TO 'SIGN-OFF' (ROYAL CONSENT), ON BOARD'S RECOMMENDATIONS, BUT IF GOVERNOR [29.] DOES 'NOT APPROVE' SUCH RECOMMENDATION/S THEN GOVERNOR [29.] ONLY HAS JURISDICTIONAL AUTHORITY TO RETURN SUCH RECOMMENDATION TO THE BOARD, AND, IF THE BOARD'S 'FIRST RECOMMENDATION' (TO 'RELEASE LIFER ON PAROLE'), IS 'NOT APPROVED BY GOVERNOR [29.]', THEN THAT DECISION MUST BE (AFTER GOVERNOR [29.] HAS PERFORMED A 'LEGAL SOUNDNESS REVIEW' OF BOARD'S RECOMMENDATION TO RELEASE PRISONER ON PAROLE, IN WHICH CASE CABINET/EXECUTIVE COUNCIL HAS TRANSCRIPT OF ITS JUDICIAL BODY REVIEW, AND FORMAL LEGAL RULING, WHEREIN 'THE RECOMMENDATION OF BOARD TO RELEASE LIFER ON PAROLE', WAS RULED 'LEGALLY UNSOUND', IN WHICH CASE SAID RECOMMENDATION MUST THEN BE), RETURNED TO THE BOARD, WITH WRITTEN REASONS 'WHY RECOMMENDATION IS LEGALLY UNSOUND', UPON WHICH THE BOARD WILL/MUST RECONSIDER SUCH 'REASONS OF/BY GOVERNOR [29.]', BUT, IF GOVERNOR'S [29.] REFUSAL TO APPROVE BOARD'S FIRST RECOMMENDATION IS NOT CONSEQUENTIAL TO SAID JUDICIAL BODY

REVIEW, THEN GOVERNOR'S 'NON-APPROVAL' MUST BE THE RESULT OF AN IMPROPER INFLUENCE AND ACT (SUCH AS A 'POLITICAL DECISION' (EQUATING TO A 'POLITICAL PRISONER' [175. AND 176.]), WHICH IS THEN A CRIMINALLY ABUSIVE ACT BY CABINET, IN VIOLATION OF THE SOUTH AUSTRALIAN GOVERNMENT'S CONSTITUTIONAL JURISDICTION AND OPERATIONAL AUTHORITY, GAINED FROM CH. II [3.]), IN WHICH CASE IT MUST BE VOIDED [82., 83. AND 65.], DUE TO ITS FAILURE TO OBSERVE REQUIRED 'DUE PROCESS' (INCLUDING THE VERY NARROW SCOPE OF GOVERNOR'S [29.] JURISDICTION), ACCORDING TO PROFESSIONAL STANDARDS OF FAIR ADMINISTRATION OF LAW, AND THEREFORE THE 'OUTCOME' ACHIEVED BY GOVERNOR'S [29.] IMPROPER ACT, WHICH IS 'THE GOVERNOR'S REFUSAL TO APPROVE PAROLE RELEASE OF A LIFER', MUST BE INVALIDATED ([65. AND 83.]), AND THE BOARD'S

427. RELATED 'RECOMMENDATION' MUST BE OPERATIONALLY ENFORCED. IF GOVERNOR [29.] (BY WAY OF 'LEGAL SOUNDNESS INVESTIGATION OF BOARD'S FIRST RECOMMENDATION, WHICH IS TO RELEASE LIFER ON PAROLE'), ACTUALLY COMPLIED WITH THE INTENTIONS OF PARLIAMENT RELATING TO FUNCTION, JURISDICTION AND SCOPE 'OF GOVERNOR [29.] WHO RECEIVES THE BOARD'S THREE RECOMMENDATIONS ("FOR APPROVAL" CSA. s. 67(6)(B) [100.]), PURSUANT TO AND IN OBSERVANCE OF ASSOCIATED DUE PROCESS WITHIN [100.], WHO THEN MUST OPERATIONALLY ACT (AND PERFORM FUNCTION OF), AS A JUDICIAL BODY [33.] AND EFFECT 'APPROVAL OF BOARD'S THREE RECOMMENDATIONS' [SEE PART. 8. OF THIS DOCUMENT FOR MORE DESCRIPTION OF JURISDICTION OF GOVERNOR], AND CYCLE SAID RECOMMENDATIONS (OF AND BY THE BOARD [100.], IF REQUIRED), BETWEEN BOARD AND GOVERNOR [29.], IN A PROPER AND PROFESSIONAL MANNER UNTIL GOVERNOR [29.] APPROVES ALL THREE BOARD'S RECOMMENDATIONS, THEN, THERE WOULD NEVER BE 'OUTCOME' OF OR BY GOVERNOR [29.], WHICH WOULD PERMIT 'PAROLE APPLICATION REFUSAL BY GOVERNOR [29.]', AS GOVERNOR'S [29.] ONLY COMPETENT JURISDICTION IS TO 'APPROVE BOARD'S THREE RECOMMENDATIONS', AND THEREFORE, ANY PAROLE REFUSAL MUST ONLY BE DIRECTLY CONSEQUENTIAL TO CSA. s. 67(9), BEING THE BOARD ALONE ([107. AND 108.]), AND NO OTHER STATE INSTRUMENT (INCLUDING CABINET/EXECUTIVE COUNCIL), IS COMPETENTLY AUTHORISED TO 'REFUSE A LIFER'S PAROLE APPLICATION SUBMISSION, OTHER THAN THE

428. BOARD'. THIS IS ANOTHER REASON 'WHY' GOVERNOR [29.] NEED NOT FURNISH LIFER APPLICANT, APPLYING FOR PAROLE, 'REASONS FOR 'NOT APPROVING ANY OF THE THREE BOARD'S

RECOMMENDATIONS" (IF GOVERNOR ONLY PERFORMED THE FUNCTION DESCRIBED ABOVE, RE 'ROYAL APPROVAL OF BOARD'S RECOMMENDATIONS'), BECAUSE THE PARLIAMENT INTENDED FUNCTION OF GOVERNOR [29.], FOLLOWING 1-8-1994 [46.], AFTER BOARD HAD FORWARDED ITS RECOMMENDATIONS (CSA, s. 67(6) [100.]), TO GOVERNOR [29.] FOR "APPROVAL" CSA, s. 67(6)(B) [100.], WAS THE SAME INTENDED FUNCTION (OF GOVERNOR [29.]), AS THAT OF 'THE GOVERNOR' [29.] IMMEDIATELY PRIOR TO 1-8-1994 [46.], WHICH WAS TO PROVIDE 'ROYAL APPROVAL (ONLY) FOR THE BOARD'S THREE RECOMMENDATIONS', AS IS ALSO VERY CLEARLY, POSITIVELY AND UNAMBIGUOUSLY WORDED IN CSA, IN BOTH 'PRE' AND 'POST' 1-8-1994 [46.] 'CRIMINAL LAW SENTENCING ACTS AND CORRECTIONAL SERVICES ACTS' (BEING RESPECTIVE 'SENTENCING STANDARDS') [64., 126., 127., 128., 100., 101., 107. AND 108.].

429. CROWN-SOLICITOR ARGUED THAT 'DUE TO THERE BEING AN ABSENCE OF EXPRESS REQUIREMENT [IN WORDS], IN RELATION TO CABINET / GOVERNOR [29.] DECISION TO NOT APPROVE PAROLE RELEASE, IN LEGISLATION, REQUIRING WRITTEN REASONS FROM GOVERNOR [29.], AND THAT ONLY BOARD IS EXPRESSLY REQUIRED TO GIVE REASONS FOR PAROLE REFUSAL (CSA, s. 67(9) [107.]), THEN IT THEREFORE MUST MEAN PARLIAMENT DID NOT WANT ANY REASONS OF/BY GOVERNOR [29.] TO BE ~~BE~~ REVEALED/DISCLOSED TO LIFER APPLICANT, OR ~~THE~~ EVEN TO THE BOARD (WATSON [194. (PARA. 133.)])'. I DO NOT AGREE

430. WITH THAT CLAIM BY CROWN-SOLICITOR. WITHIN THE EMBODIMENT OF SUCH CLAIMS, THE CROWN-SOLICITOR HAS 'CLEVERLY', BUT ALSO IMPROPERLY AND FRAUDULENTLY ([194. (PARA. 64.)]), 'MISREPRESENTED PARLIAMENT'S INTENTION', 'MISREPRESENTED STATUTORY JURISDICTION OF PAROLE BOARD (WITHIN PAROLE APPLICATION PROCESSING PHASES)', 'MISREPRESENTED CONSTITUTIONALLY COMPETENT [1.] AUTHORITY OF PAROLE BOARD (WITHIN PAROLE APPLICATION PROCESSING PHASES)', 'MISREPRESENTED JURISDICTION AND AUTHORITY OF GOVERNOR (AS AN INDIVIDUAL), GOVERNOR-IN COUNCIL AND THE GOVERNMENT OF SOUTH AUSTRALIA (WITHIN CONFINES

431. OF CH. II [3.]), IN RELATION TO PAROLE APPLICATION BY LIFER APPLICANT'. IT APPEARS, FROM THE SPECIFIC CLAIMS (IN ARGUMENT CONSTRUCTION), BY SOLICITOR-GENERAL, THAT THE POSITION OF STATE GOVERNMENT IS TO 'MISLEAD THE COURT, ABOUT THE COMPETENT ARCHITECTURE OF GOVERNOR'S [29.] JURISDICTION AND AUTHORITY WITHIN SUCH JURISDICTION, WHILST IN THE UNDERTAKING OF 'RECEIVING BOARD'S FORMAL RECOMMENDATIONS' [100. AND 101.]'.

432. It is the STATUTORY OBLIGATION OF CROWN-SOLICITOR TO ONLY REPRESENT KNOWN FACTS, WHEN DESCRIBING TO THE COURT, THE CONSTITUTIONAL COMPETENCE OF GOVERNOR ([1. AND 29.]), 'AFTER GOVERNOR'S RECEIPT OF BOARD'S RECOMMENDATIONS', AND DOES NOT PERMIT ANY 'ALLEGED JURISDICTION WHICH IS NOT EVEN DESCRIBED IN STATUTE (CLSA OR CSA), TO BE PURPORTED TO THE COURT', ESPECIALLY WHEN STATUTE AND CASE LAW ESTABLISHES A CONTRADICTORY FOUNDATION (TO THE ARGUMENT BY CROWN-SOLICITOR, ON BEHALF OF SOUTH AUSTRALIAN GOVERNMENT, WHO IS 'ATTEMPTING TO PERPETUATE A FALSE AUTHORITY AND ILLEGALLY CLAIMED JURISDICTION ~~OF~~ GOVERNOR, GOVERNOR-IN COUNCIL AND CABINET, AFTER THEY RECEIVE BOARD'S RECOMMENDATIONS [100. AND 101.]'), OF CONSTITUTIONALLY ([1.]) COMPLIANT AND COMPETENT JURISDICTION AND "SCOPE" OF GOVERNOR [29.], UPON GOVERNOR'S RECEIPT OF BOARD'S RECOMMENDATIONS ([100., 101., 64., 82., 83., 125., 126., 127., 128., 72., 77., 78., 80., 131., 196., 197., 139., 194. (PARA. 11.), 45., 36., 37., 35. 433. ("COURT", "SENTENCE"), 44., 38. AND 42.]). It is WORTH NOTING IN PARAGRAPH 133.

[194. (PARA. 133.)], WHEREIN PEEK DESCRIBES CROWN-SOLICITOR'S ARGUMENT AS TO 'ABSENCE OF POSITIVE WORDING IN LEGISLATION, MUST THEREFORE EQUATE TO (MANIFEST AS), AN INTENTION OF PARLIAMENT THAT GOVERNOR [29.] DECISION, IN THE EVENT OF PAROLE REFUSAL BY CABINET, IS NOT REQUIRED TO PROVIDE ANY REASONS TO LIFER APPLICANT (OR EVEN THE PAROLE BOARD), FOR GOVERNOR'S REFUSAL'. TO 'THAT' ARGUMENT, I AGREE THAT THERE IS A 'DISTINCT ABSENCE OF ~~POSITIVE~~ POSITIVE/AFFIRMATIVE WORDING WITHIN THE CSA, WHICH IN ANY WAY PROMOTES ANY 'INTENTION OF PARLIAMENT TO REQUIRE GOVERNOR [29.], TO PROVIDE LIFER APPLICANT WITH ANY WRITTEN REASONS' ASSOCIATED WITH LIFER'S REJECTED/REFUSED APPLICATION FOR PAROLE" ([65.]). THE PARLIAMENT'S REASON FOR NOT WORDING SUCH A CLAIM BY CROWN-SOLICITOR, HAS MULTIPLE FACETS, WHICH HAVE BEEN DESCRIBED IN GREATER DETAIL IN OTHER SECTIONS OF THIS DOCUMENT, HOWEVER, IT IS CONVENIENT TO APPRECIATE THE FOLLOWING:

435. 1.) GOVERNOR [29.] MUST NOT BREACH 'CABINET CONFIDENTIALITY', THEREFORE MUST NOT REVEAL/PROVIDE CABINET'S REASONS [FOR NOT 'APPROVING' BOARD'S THREE RECOMMENDATIONS ASSOCIATED WITH [100.] [SEE PART. 8. HEREIN, RE JURISDICTION/SCOPE OF GOVERNOR AND EXECUTIVE COUNCIL]].

436. 2.) GOVERNOR [29.] HAS NO AUTHORITY OR JURISDICTION FROM STATUTORY INTENTION,

TO ENABLE GOVERNOR [29.] TO IMPEDE EFFECTIVE RELEASE OF LIFER ON PAROLE, PER BOARD'S FIRST RECOMMENDATION (EXCEPT SO FAR AS 'DATE OF RELEASE'), BUT IS ABSENT OF COMPETENT JURISDICTION 'TO STOP LIFER'S PAROLE RELEASE', BECAUSE, THAT ACT (TO STOP LIFER'S PAROLE RELEASE), IS ONLY COMPETENTLY PERFORMED (WITH CONSTITUTIONAL [1.] AUTHORITY, AND PARLIAMENTARY INTENTION, AND STATUTORY CLARITY IN CLEAR, UNAMBIGUOUS, UNMISTAKABLE, POSITIVE AND AFFIRMATIVE WORDING [64.]), BY THE PAROLE BOARD, AND NO OTHER AGENT OF THE STATE GOVERNMENT (UNDER CH. II [3.]), HAS 'WORDED AUTHORITY IN STATUTE, AND WHICH ALSO DOES NOT BREACH [28.], THAT EXCEEDS THE JURISDICTIONAL COMPETENCE OF THE PAROLE BOARD IN THIS REGARD'.

437. 3.) WHERE IS THE CLEAR WORDING IN STATUTE, ANY SOUTH AUSTRALIAN ACT, WHICH EXISTED EITHER IMMEDIATELY PRIOR TO 1-8-1994 [46.], OR AFTER 1-8-1994 [46.] (NOT RECOGNISING [102.] EITHER, AS THOSE AMENDMENTS HAVE THEIR OWN SPECIAL ERRORS), WHICH IN ANY WAY PROVES CROWN-SOLICITOR'S CLAIM ABOUT THE ALLEGED JURISDICTIONAL COMPETENCE OF GOVERNOR [29.] (WHICH INCLUDES EXECUTIVE COUNCIL), TO 'NOT ONLY OVERTURN BOARD'S RECOMMENDATION TO RELEASE LIFER ON PAROLE', BUT THEN TO 'ALSO REJECT/REFUSE ENTIRE PAROLE APPLICATION SUBMISSION BY LIFER APPLICANT'? I SAY THAT NOT ONLY DOES SUCH 'WORDING IN STATUTE' NOT EXIST, BUT ALSO THAT IT CANNOT LAWFULLY EXIST, AND TO PROVE THIS POINT I NEED ONLY REFER TO CSA. S. 77(3), WHICH THEREIN [113.] RECEIVES THE ABSOLUTE PROTECTION OF [1.], AND CH. III [3.] WHICH LINKS TO CLSA IMPOSITION OF CRIMINAL LAW SENTENCE, LINKING TO LIFER BEING SENTENCED PURSUANT TO [45.], AND ONLY BY A SUPREME COURT JUDGE (OR HIGHER RANK, HCA), ENGAGING CRIMINAL LAW FIELD, AND ADDITIONAL PROTECTION FROM AIA [28.], WHICH IN FACT, AND LAW, VOIDS THE ASSENT OF [46.] AND [102.] (AS DESCRIBED FURTHER IN OTHER SECTIONS OF THIS DOCUMENT). [65.]

439. 4.) MAKING AN OPPOSING ARGUMENT TO SOLICITOR-GENERAL'S CLAIM (WHICH IS THAT 'STATUTE DOES NOT ^{DESCRIBE} ~~DESCRIBE~~ REQUIREMENT (IN WORDS), OF GOVERNOR [29.] TO GIVE

'WRITTEN REASONS FOR REFUSING 'PAROLE RELEASE RECOMMENDATION' BY THE PAROLE BOARD', THEREFORE PARLIAMENT'S INTENTION MUST MEAN THAT SUCH REASONS SHOULD NOT BE DISCLOSED/REVEALED BY GOVERNOR/EXECUTIVE COUNCIL', IT THEREFORE MUST STAND AS REQUISITE FEATURE THAT IF STATUTE DOES EXPRESS IN CLEAR, UNAMBIGUOUS AND POSITIVE/AFFIRMATIVE WORDING, A REQUIREMENT (EFFECTIVELY, A FORMAL DIRECTION), UPON ANY STATE INSTRUMENTALITY, TO 'DESCRIBE/REVEAL' WRITTEN REASONS FOR 'A.' REFUSING TO ACCEPT BOARD'S FORMAL RECOMMENDATION TO RELEASE LIFER APPLICANT ON PAROLE, AND 'B.' REFUSING TO ACTUALLY RELEASE LIFER ON PAROLE, THEN, SUCH STATUTORY INSTRUMENT [14.] WOULD EQUATE TO THE FORMAL (WORDED) EXPRESSION OF PARLIAMENT'S INTENTION. CONSIDERING THAT THE PAROLE BOARD IS THE ONLY GOVERNMENT BODY, AND THE ONLY CONSTITUTIONALLY ([1.]) COMPETENT STATE INSTRUMENTALITY [33.], WITH JURISDICTIONAL AUTHORITY QUALIFIED WITHIN STATUTORY INSTRUMENT [14.], WHICH IS PERMITTED TO DETERMINE IF A LIFER APPLICANT (FOR PAROLE RELEASE), 'IS' OR 'IS NOT' TO RECEIVE 'PAROLE RELEASE' (FIRST RECOMMENDATION OF THE PAROLE BOARD), WITH ASSOCIATED PROFESSIONAL ASSESSMENT RESULTING IN EITHER [100.] OR [107.], AND BOARD'S DECISION IS [100.], THEN, NOT ONLY WOULD IT BE IMPROPER (ABUSE OF PROCESS), FOR THE BOARD TO THEN VOID ITS OWN ORIGINAL DECISION (TO RELEASE ON PAROLE [100.]), AND BE AN OPERATIONAL ACTION WHICH IS NOT EVEN PERMITTED IN STATUTE (CSA.), AS DECISION OF BOARD UNDER [94.] CAN ONLY BE EITHER [100.] OR [107.], BUT THERE IS ALSO NO STATUTORY INTENTION (NOR CAN THERE BE UNDER CURRENT FRAMEWORK), WHICH PERMITS SHIFTING THE JURISDICTIONAL COMPETENCE OF THE BOARD TO ANY OTHER GOVERNMENT CONTROLLED ENTITY (INCLUDING EXECUTIVE COUNCIL), AND SO, IN ADDITION TO THE OPERATIONAL PROTECTION OF CSA, S. 77(3) [113.] BEING ILLEGALLY VIOLATED (AS PARLIAMENT'S WORDED 'AFFIRMATIVE INTENTION' [64.], TO MANDATE PRISONER'S LEGAL RIGHTS VIA PROFESSIONAL ADVOCACY, IS CEMENTED WITHIN STATUTORY INSTRUMENT [14.]), IF GOVERNOR AND GOVERNOR [29.] WERE LAWFULLY PERMITTED TO HOLD 'SECRET HEARINGS' (IN-CABINET (UNDER CABINET CONFIDENTIALITY)), ABOUT BOARD'S 'RECOMMENDATION TO RELEASE LIFER ON PAROLE', THEN, THEREIN,

- GOVERNOR [29.] (WHICH IN FACT IS MINISTERS OF THE GOVERNMENT AND GOVERNOR, CONSTITUTING EXECUTIVE COUNCIL), MAKES FORMAL DETERMINATION (AFTER DISCUSSION), TO REFUSE TO ACCEPT BOARD'S 'FIRST' RECOMMENDATION (WHICH WAS 'TO RELEASE LIFER APPLICANT ON PAROLE'), BUT WHICH LIFER'S 'LEGAL RIGHTS PROTECTION ADVOCATE' (LAWYER), IS NOT WITNESS TO, NOR HAS ANY KNOWLEDGE OF CONTENT OF SUCH DISCUSSIONS PRIOR TO FORMAL DETERMINATION OF EXECUTIVE COUNCIL, AND THEREFORE ALSO WITHOUT KNOWING REASONING OF SUCH DETERMINATION (HOW THE DETERMINATION WAS ARRIVED AT), HAS NO PROFESSIONAL WAY OF FORMALLY ASSESSING THE 'LEGAL LEGITIMACY' OF SUCH DETERMINATION (TO TEST THE LEGAL SOUNDNESS OF SAID DETERMINATION BY GOVERNOR [29.]), THE 'GOVERNMENT WOULD IN FACT BE AN ACTIVE PARTICIPANT IN THE CRIMINAL MANIPULATION OF CIRCUMSTANCES OF THE LIFER APPLICANT (AS A DIRECT RESULT OF AND CONSEQUENCE TO, GOVERNOR [29.] REFUSING TO ACCEPT AND APPROVE BOARD'S RECOMMENDATION TO RELEASE LIFER ON PAROLE)', WHEREBY 'GOVERNMENT STEALS' LIFER'S ACCRUED RIGHT TO [113.] (DUE TO IN-CABINET DISCUSSION AND HEARING/~~DETERMINATION~~ DETERMINATION, IN 'OPERATIONALLY SECRET' HEARINGS), 'REASONING OF GOVERNOR'S DECISION' (BEING, 'WHY THE POLITICIANS REFUSED THE PROPER RECOMMENDATION BY BOARD TO RELEASE LIFER', ~~THE~~ THEN DENIES LIFER ANY ACCESS TO OR KNOWLEDGE OF SUCH REASONS), AND 'CRIMINALLY DENYING LIFER CONSTITUTIONAL RIGHT (E.I.), TO CRIMINAL COURT SENTENCING HEARING, BEFORE CRIMINAL COURT SENTENCING JUDGE, TO COUNTER-ARGUE THE STATE 'SEEKING TO EXTEND COURT IMPOSED NPP', WHICH IS ILLEGALLY PERFORMED BY PARLIAMENT BREACHING [28.] TO EFFECT ASSENT OF CSA. SS. 67(9)(C) [108.], 67(10) [109.], WHICH CAUSES AN ILLEGAL INCREASE TO LIFER'S COURT IMPOSED NPP (JURISDICTIONAL FRAUD BY BOARD, GOVERNOR AND CABINET [82, 83. AND 65.]'.
- 5.) SOLICITOR-GENERAL PURPORTS 'DISCRETIONARY RIGHT EXISTS WITHIN OPERATIONAL EFFECT OF CSA. S. 67(7) [101.] (AFTER 1-8-1994 [46.]), WHEREBY GOVERNOR [29.] HAS JURISDICTIONAL COMPETENCE TO VOID BOARD'S 'DECISION TO RECOMMEND PAROLE RELEASE OF LIFER APPLICANT', THEN TO ~~THE~~ EFFECT FULL REJECTION OF ENTIRE PAROLE APPLICATION SUBMITTED BY LIFER APPLICANT, CONSEQUENTIAL TO REJECTING

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AND THEN REVERSING BOARD'S FIRST RECOMMENDATION ([100.]) AND THEN 'SUBSTITUTING/REPLACING BOARD'S FORMAL RECOMMENDATIONS ('TO RELEASE ON PAROLE', 'ON WHAT DATE', 'FOR HOW LONG ON PAROLE'), WITH GOVERNOR'S [29.] OWN DECISION (BEING TO REFUSE PAROLE RELEASE OF LIFER APPLICANT)'. THERE IS IN FACT AND LAW, A VERY LIMITED AND RESTRICTED SCOPE OF JURISDICTIONAL 'DISCRETION' PERMITTED BY GOVERNOR [29.], BUT IT IS ONLY PERMITTED TO BE ACTIONED SO FAR AS 'A LEGAL SOUNDNESS 'JUDICIAL BODY REVIEW' [33.] OF BOARD'S FIRST RECOMMENDATION ('PAROLE RELEASE OF LIFER APPLICANT'), WHEREBY 'IF NOT LEGALLY SOUND THEN MUST RETURN 'THAT' RECOMMENDATION BACK TO THE BOARD ONLY', BUT 'IF LEGALLY SOUND THEN MUST APPROVE 'THAT' RECOMMENDATION AND THEN MOVE FORWARD TO 'JUDICIAL BODY REVIEW' [33.] OF BOARD'S SECOND AND THIRD RECOMMENDATION ASSOCIATED WITH [100.] ('ON WHAT DATE' AND 'FOR HOW LONG ON PAROLE'), AND WHEN EVENTUALLY 'APPROVED' (EFFECTING GOVERNOR'S [29.] "APPROVAL" OF ALL THREE BOARD RECOMMENDATIONS ASSOCIATED WITH [100.]), GOVERNOR AND GOVERNOR [29.] MUST ONLY 'SIGN-OFF' ON THE BOARD'S RECOMMENDATIONS ([100.]) AND THEN FORWARD 'APPROVED (BOARD'S) RECOMMENDATIONS' TO THE BOARD SO BOARD CAN FORMALLY NOTIFY LIFER APPLICANT'. THERE IS NO 'STATUTORY DISCRETION OWNED BY GOVERNOR [29.], WITHOUT ANY REGARD TO [102.], WHICH IN ANY CONSTITUTIONALLY ([1.]) COMPETENT WAY 'EMPOWERS' GOVERNOR [29.] TO 'NOT APPROVE/NOT CONSENT TO' LIFER'S PAROLE RELEASE, AFTER BOARD HAS RECOMMENDED SUCH PAROLE RELEASE ([100.]), [64.]', FROM 1-8-1994 [46.] UNTIL 1-1-2016, WITHIN SOUTH AUSTRALIAN CORRECTIONAL SERVICES ACT.

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- 6.) THE USE OF THE WORD "MAY" [30.] IN CSA. s. 67(7) ([101.]), IN FACT, AND AS THE INTENTION OF PARLIAMENT, IN POSITIVE AND CLEAR WORDING [64.], ONLY ATTACHES TO THE KEY, AND SOLITARY REFERENCE TEXT, THEREIN, "SPECIFIED IN THE ORDER", WHERE THE 'ORDER' IS THE 'THREE RECOMMENDATIONS OF THE BOARD ASSOCIATED WITH [100.]', AND NOTHING MORE. SINCE 1-8-1994 [46.], IT HAS NOT ATTACHED TO ANY 'CROWN PURPORTED RIGHT AND JURISDICTION TO REFUSE PAROLE APPLICATION (BY LIFER), OUTRIGHT'. [64.].