

1992 ~~SENTENCING STANDARDS~~, INCLUDING [207. (PARA. 20)J.

942. The South Australian Government will likely try to argue that they did not

CHANGE THE SENTENCE WHICH THE COURT IMPOSED [74.], AND THAT THE MEANING OF

THE WORDS OF JUDGMENT PROPER HAVE ALWAYS MEANT WHAT THE CROWN-SOLICITORS OFFICE,

THE DPP, PAROLE BOARD, DCS MINISTER AND ATTORNEY-GENERAL, DECLARED THEM TO

MEAN, WHICH IS '22 YEARS AND 6 MONTHS NPP STARTING ON 3-6-1994', AND THEREFORE

PER THAT CALCULATION OF MID 1994 + 22½ YEARS MEANS NPP IS LATE 2016' [SEE TEXT

AT 941, IBID J.

943. THE INTERESTING POINT IN THE PREVIOUS PARAGRAPH, IS THAT FOR MORE THAN EIGHT YEARS,

I HAVE COMPLAINED REPEATEDLY TO STATE GOVERNMENT (PAROLE BOARD, DCS CHIEF EXECUTIVE,

DCS MINISTER, ATTORNEY-GENERAL, PREMIER AND OPI (OFFICE FOR PUBLIC INTEGRITY)), AND

ALL OF THEM HAVE CRIMINALLY MISHANDLED SAID COMPLAINT, ABOUT THE TRUE CALCULATION AND

944. MEANING OF MY NPP AND 2002 JUDGMENT PROPER [74.]. BASICALLY, NONE OF THEM,

HOLDS ANY JURISDICTIONAL COMPETENCE IN CH. II [3.], TO DETERMINE WHAT SAID

COURT [74.] ACTUALLY MEANT WITHIN ITS CHOSEN WORDS, AS TYPED IN THE

JUDGMENT RECORD OF THE COURT [74.], OTHER THAN THE COURT ITSELF

(CH. III [3.]), WHICH ALSO MEANS NONE OF THEM, HOLDS ANY RIGHT IN PROCEDURAL

LAW TO DISPUTE MY SAID COMPLAINT, 'QUESTIONING THEIR' NPP CALCULATION

945. AND MEANING/INTERPRETATION OF MY 2002 COURT RULING [74.]. THE FACT THAT I

HAVE ACTIVELY CHALLENGED (IN WRITING), THE SOUTH AUSTRALIAN GOVERNMENT'S INTERPRETATION

OF MY 2002 JUDGMENT [74.], REQUIRED THE STATE (CH. II [3.]), TO SEEK THE

COURT'S CLARIFICATION (CH. III [3.]), PURSUANT TO PROPER OBSERVATION AND

APPLICATION OF DUE PROCESS (PROCEDURAL LAW), WHICH DEFINES THE ONLY

COMPETENT JURISDICTION FOR INTERPRETING COURT ORDER/JUDGMENTS,

AS THE COURTS THEMSELVES [3. AND 7.], WHICH OPERATE ONLY WITHIN CH. III

946. [1. AND 3.]. THE STATE GOVERNMENT HAS NO PROCEDURAL RIGHT IN PROCEDURAL LAW,

TO DISMISS MY SAID COMPLAINT/CHALLENGE, OR TO MANUFACTURE AN EXCUSE

[82. AND 83.], AS A RESPONDING 'DECLARATION', FOLLOWING MY SAID COMPLAINT AGAINST

THEIR 'FALSE AND FRAUDULENT INTERPRETATION ([74.]), AS THE GOVERNMENT (CH. II [3.]),

MUST ONLY ENFORCE THE COURTS (CH. III [3.]), IMPOSED SENTENCE, WHICH ALSO INCLUDES

THE COURT'S INTENDED MEANING OF THE CHOSEN WORDS, AS TYPED IN THE JUDGMENT RECORD  
 947. OF THE COURT [74.]. THEREFORE, CONSEQUENTIAL TO MY SAID COMPLAINT/CHALLENGE, TO  
 THE STATE GOVERNMENT (CH. II [3.]), AGAINST 'THEIR' FRAUDULENT ([82., 83. AND 194.  
 948. (PARA. 64. "ACTING FOR AN IMPROPER PURPOSE")]), 'DECLARATION', THE PROPER PROCEDURAL LAWS  
 TO BE OBSERVED AND APPLIED 'IN THIS SITUATION' (MY SAID COMPLAINT/CHALLENGE), NOT ONLY  
REQUIRED THE STATE GOVERNMENT (CH. II [3.]), TO OFFICIALLY APPLY TO THE JURISDICTIONALLY  
 COMPETENT COURT (CH. III [3.]), SEEKING COURT'S FORMAL CLARIFICATION (MY VERSION AS  
 COMPARED TO STATE GOVERNMENT'S VERSION [SEE TEXT AT 941. AND 942. IBID]), IT ALSO EFFECTED AN  
 949. 'INVALIDATION OF THE EXISTING STATE GOVERNMENT'S INTERPRETATION', OF THE TRUE OPERATIONAL  
MEANING OF THE WORDS OF MY 2002 JUDGMENT [74.], UNTIL THE COMPETENT COURT  
 FORMALLY STIPULATES ITS INTENDED MEANING, AS AN OFFICIAL RULING OF THE COURT  
 (EXERCISING PROCEDURAL RIGHTS HELD IN THE CONSTITUTIONAL REALM OF COMPETENT JURISDICTION  
 950. ~~■~~ ALLOCATED AND ASSIGNED ONLY TO CH. III [3.]). HOWEVER, THE SOUTH AUSTRALIAN  
 GOVERNMENT REPEATEDLY FAILED, NEGLECTED AND REFUSED TO OBSERVE AND COMPLY WITH RELEVANT  
 AND RESPECTIVE PROPER PROCEDURAL LAWS, BY NOT APPLYING TO THE JURISDICTIONALLY  
 COMPETENT 'BODY', THE COMPETENT COURT (SITTING ONLY IN CH. III [3.]), TO ~~■~~  
 OBTAIN THE COURT'S OFFICIAL AND FORMAL CLARIFICATION RULING, AND AS A CONSEQUENCE THE  
 STATE GOVERNMENT (CH. II [3.]), ILLEGALLY DENIED ME MY PROCEDURAL RIGHT IN PROCEDURAL  
 951. LAWs, THE 'MANDATORY REQUIREMENT OF STATE GOVERNMENT COMPLIANCE WITH DUE  
 PROCESS ACCORDING, AND IN ACCORDANCE WITH, RELEVANT STATUTORY OBLIGATIONS  
 IMPOSED ON STATE GOVERNMENT IN ORDER TO LAWFULLY ENFORCE RESPECTIVE SENTENCE  
 952. AGAINST RESPECTIVE LIFER' (IN THIS SITUATION, BEING ME), WHERE MY CLAIMED PROCEDURAL  
 RIGHT INCLUDES THE OBSERVANCE OF 'DUE PROCESS ACCORDING TO LAW', AS AN INTRINSIC  
 COMPONENT OF MY ACCRUED RIGHTS (IN SUBSTANTIVE LAW), ASSOCIATED WITH MY IMPOSED  
 953. SENTENCE IN 2002 [74.], INCLUDED THEREIN IS LAWFULLY ENFORCED OPERATION OF  
 CLSA [84.], ESPECIALLY SECTION 9.(1) [37.], WHICH REQUIRES THAT "A COURT  
 MUST" ([37.]) INFORM ME IN "SIMPLE ~~■~~ LANGUAGE" ~~■~~ OF THE "LEGAL EFFECT" OF  
 954. THE WORDS SPOKEN BY THE COURT, TRANSCRIBED INTO JUDGMENT PROPER [74.]. THE  
 'DUE PROCESS' THEREFORE REQUIRES ONLY A CH. III COURT OF COMPETENT JURISDICTION  
 [3.], TO PRODUCE AND TO PUBLISH ANY 'DOCUMENT' CLAIMING TO DESCRIBE/REPRESENT THE



955. COURT'S TRUE INTENDED MEANING, OF MY SAID 2002 JUDGMENT [74.] (WHERE THE REFERENCE "PRODUCE", RELATES TO THE CREATION ITSELF OF THE 'COURT'S INTENDED MEANING', AND WHERE THE REFERENCE "PUBLISH", RELATES TO THE OPERATIONAL PROCESS OF THE COURTS AND COURTS ADMINISTRATION AUTHORITY, WHEREBY THE 'WORDS' OF THE COMPETENT COURT ARE FORMALLY DELIVERED AS A COURT'S RULING/DECISION/JUDGMENT, IN WRITTEN FORM AND THEN OFFICIALLY RECORDED AS A RECORD OF THE COURT, WHICH CAN ONLY EVER BE LAWFULLY PERFORMED BY, AND FROM WITHIN, THE CONSTITUTIONAL REALM OF CH. III [3.]),
956. WHICH ALSO MEANS THAT 'NO CH. II [3.] ACTION CAN LAWFULLY PRODUCE OR PUBLISH SUCH A DOCUMENT' (INCLUDING 'NO ACT BY ANY EMPLOYEE OF ANY CH. II [3.] STATE INSTRUMENTALITY' ([33.] "STATE INSTRUMENTALITY"), AND THAT MUST INCLUDE THE PAROLE BOARD,
957. DCS CHIEF EXECUTIVE, DCS MINISTER, ATTORNEY-GENERAL, PREMIER, ETC.). FOR THIS REASON, AFTER RESPECTIVE CH. III [3.] PARTY HAS PUBLISHED ITS INTENDED MEANING OF MY IMPOSED 2002 JUDGMENT PROPER ([74.]), ALL SUBSEQUENT CLARIFICATIONS RELATING TO THE LAWFULLY PERMITTED 'SENTENCE' ENFORCEABLE AGAINST ME, BY THE STATE GOVERNMENT OBSERVING ITS LAWFULLY ACQUIRED AUTHORITY, WHICH ONLY EXISTS IN CH. II [3.], MUST ONLY EVER BE CREATED, PRODUCED AND
958. PUBLISHED BY AND FROM WITHIN CH. III [3.] ALSO. THE SIGNIFICANCE ARISES FROM THE 'STATE GOVERNMENT FAILING TO PROPERLY, PROCEDURALLY AND LAWFULLY INVESTIGATE MY REPEATED COMPLAINTS/CHALLENGES, TO STATE GOVERNMENT'S ERRONEOUS 'INTERPRETATION' OF MY 2002 JUDGMENT PROPER [74.], AND THE CORRECT PERIOD OF TIME (IN YEARS AND DAYS), WHICH ACCURATELY EQUATES TO THE COURT'S TRUE INTENDED MEANING (RE MY IMPOSED
959. NPP), OF THE ACTUAL WORDS FORMING MY 2002 JUDGMENT PROPER, WHICH SHOULD HAVE RESULTED IN STATE GOVERNMENT, PER PROCEDURAL DUE PROCESS, 'AS STATE GOVERNMENT HOLDS NO JURISDICTIONAL AUTHORITY IN CH. II [3.], TO PRODUCE OR PUBLISH ANY DETERMINATION/RULING/DECISION WHICH IT ITSELF (OPERATING ONLY WITHIN CH. II [3.]), CREATED' (RELATING TO MY NPP CALCULATION), EFFECTING AN OFFICIAL REQUEST OF THE COURTS (OPERATING ONLY WITHIN CH. III [3.]), FOR CLARIFICATION,
960. BUT INSTEAD, BY ULTRA VIRES CONDUCT ([82. AND 83.]), ILLEGALLY PRODUCED ITS OWN CH. II [3.] CREATED PURPORTED MEANING AND EVEN ADDED, THAT 'CROWN LAW ADVICE ON MY COMPLAINT HAD BEEN OBTAINED INDICATING 'I WAS WRONG AND GOVERNMENT WAS CORRECT'.

961. IT IS SERIOUSLY CONCERNING THAT, NOT ONLY HAS THE SOUTH AUSTRALIAN GOVERNMENT REFUSED TO PROFESSIONALLY RESPOND TO MY SAID COMPLAINT/CHALLENGE [SEE TEXT AT 936, 937, 938, 939, 940. AND 941. IBID], PER PROCEDURAL LAW [SEE TEXT AT 945. IBID], IT HAS ADDITIONALLY AND ILLEGALLY SOUGHT AND OBTAINED PURPORTED COMPETENT ADVICE FROM CROWN-SOLICITORS DEPARTMENT, THEREIN CLAIMING LEGITIMACY IN ITS 'CALCULATION INTERPRETATION OF EXACTLY
962. WHAT PERIOD OF YEARS AND DAYS IS MY EFFECTIVE NPP'. HOW CONVENIENT OF THE STATE GOVERNMENT (CH. II [3.]), TO CLAIM LEGITIMACY IN ITS 'INTERPRETATION', WITHIN ILLEGALLY AND UNCONSTITUTIONALLY ([1. AND 3.]), CREATED AND PUBLISHED 'CROWN-SOLICITOR'S ADVICE DOCUMENT' [1., 3., 6., 11., 14., 28., 35. ("COURT"), 37., 44., 45., 82., 83. AND 84.], WITHOUT ANY JURISDICTION TO PRODUCE (BY OR FROM WITHIN CH. II [3.]), AND STILL NOT PRESENT ME WITH A COPY OF SAID CLAIMED 'ADVICE', AND STILL NOT EFFECT JURISDICTIONALLY COMPETENT CLARIFICATION RULING (BY AND FROM WITHIN CH. III [3.]), PER PROCEDURAL LAW [SEE
963. TEXT AT 959. IBID]! THE OBLIGATION IMPOSED UPON THE SOUTH AUSTRALIAN GOVERNMENT, EXISTING AND OPERATING WITHIN JURISDICTIONAL COMPETENCE OF CH. II [3.], BY THE COURTS IN 2002, EXISTING AND OPERATING WITHIN JURISDICTIONAL COMPETENCE OF CH. III [3.], CONSTITUTIONALLY CONSEQUENTIAL TO DELIVERY OF MY 2002 JUDGMENT [74.] ([SEE TEXT AT 870. IBID]), IS THAT THE STATE (CH. II [3.]), MUST ENFORCE WHAT
964. THE COURT (CH. III [3.]), IMPOSES AS MY DELIVERED JUDGMENT [74.]. I COMPLAINED TO THE STATE (CH. II [3.]), CLAIMING IT WAS NOT ENFORCING THE IMPOSED AND DELIVERED 'SENTENCE AND JUDGMENT' [74.], THEREFORE, NOT OBSERVING ITS OBLIGATION, ADDITIONALLY, IT WAS ALSO CARRYING-OUT A PRISON TERM AGAINST ME WHICH WAS NOT IMPOSED BY THE
965. COURT (CH. III [3.]). THE STATE CONTINUES TO CARRY-OUT SUCH PRISON TERM AGAINST ME, WITHOUT ANY COURT CLARIFICATION OF MY SAID COMPLAINT, WHICH EQUATES SUCH ADDITIONAL PRISON TERM TO AN ILLEGALLY CREATED PRISON SENTENCE, BY THE STATE GOVERNMENT (CH. II [3.]), AND DOING SO WITHOUT ANY JURISDICTION PURSUANT TO [1.], DUE ALSO TO [45.].
966. I OWN THE 'PROCEDURAL LAW' RIGHT OF 'DUE PROCESS ACCORDING TO LAW', FOLLOWING MY SAID COMPLAINT/CHALLENGE, WITH THE ONLY PROCEDURAL LAW DEFINED JURISDICTIONALLY COMPETENT FORUM TO RULE ON MY SAID COMPLAINT/CHALLENGE, BEING A COMPETENT COURT.
967. THE CONDUCT OF THE STATE GOVERNMENT IS AGAINST DUE PROCESS AND THEREFORE UNCONSTITUTIONAL [1.].



968. The State made a Decision ('its interpretation of my NRP, actual period of time' [74.1],

I challenged their Decision, to which the State (CH. II [3.1]), declared its Decision was accurate, but did so outside due process according to law. So, without due

process in procedural law, to permit the South Australian Government to produce

a document, representing in written words therein, a formal Decision made by said

Government, whereby such Decision exists without any legal right to even permit

its existence, and said Decision is the conclusion to an investigation which said

Government purportedly performed against itself, to determine whether or not

its own conduct (its interpretation of the effective NRP term and date per my 2002

Judgment [74.1], was 'lawfully done', and, 'accurate' (in its operational effect),

and where said 'investigation' is itself only permitted to be performed by a

competent court in CH. III [3.1], not any body existing only within CH. II [3.1]

(therefore not something State Government has any competent jurisdiction to engage

in [82. and 83.1], and therefore, 'investigation', which leads to 'conclusion', which

leads to 'Decision', which leads to said 'document' which identifies in words the

created 'Decision', is effectively criminally deceptive and fraudulent in its entirety,

but the State Government continues to rely on said 'Decision' which it created,

to perpetuate its original actions (its 'interpretation' which is what I

originally complained about/challenged), and shows no intentions of acting in

accordance with required observance of due process according to relevant

procedural law (such as to refer matter to judicial clarification hearing in a

competent court (CH. III [3.1])).

970. The worded evidence to prove the 'courts true intended meaning, of my said

2002 Judgment [74.1], specifically relating therein to my effective NRP, in years and

days, is clearly identifiable in paragraphs 14 and 16 of Judgment proper [74.1]

971. and the text in [77.1]. It is also worth reiterating at [61.1], the restriction

on the court when Defendant challenges sentence (NRP), "The court cannot increase

sentence on a defence appeal, no matter how untenable the appeal may be."

972. The court obviously knew and therefore also observed and appreciated, that

my 2002 Judgment [74.1], was consequential to a 'Defendant's appeal against

- SENTENCE', AT PARAGRAPH 3. OF MY JUDGMENT PROPER [74.], "IN AUGUST 2000 THE PETITIONER SUBMITTED A PETITION TO THE GOVERNOR... OR REFER THE MATTER TO THE FULL COURT FOR RECONSIDERATION OF THE PETITIONER'S NON-PAROLE PERIOD." PROCEDURAL LAW WAS THEREFORE OBSERVED AND APPLIED BY THE COURT ([74.]), WHEN CONSIDERING ITS DETERMINED NON-PAROLE PERIOD, AS ALSO PROTECTED IN SUBSTANTIVE LAW WHICH WAS MY ACCRUED RIGHT TO RESTRICT THE SENTENCING COURT, SUBSEQUENT TO MY SUBMISSION TO APPEAL AGAINST 'LENGTH OF EXISTING IMPOSED NPP', IN THE COURT'S RELEVANT AUTHORITY, TO ONLY REJECT MY SAID SUBMISSION ('LENGTH OF EXISTING IMPOSED NPP'), AND THEREFORE EXISTING IMPOSED NPP REMAINS UNCHANGED IN COURT'S RECORDS, OR, TO ONLY ACCEPT MY SAID SUBMISSION ('LENGTH OF EXISTING IMPOSED NPP'), AND THEREFORE EXISTING IMPOSED NPP MUST BE REDUCED, FROM WHICH A LESSER TERM ~~OF~~ OF NEWLY IMPOSED NPP MUST BE CREATED, WITH NO 'INCREASE TO EXISTING NPP COMPETENTLY PERMITTED'. I REITERATE MY ABOVE STIPULATION (IBID), THAT SAID COURT IN 2002 DID NOT ERR IN ITS PROCEDURAL LAW OBSERVANCE AND COMPLIANCE, WITH ITS PROTECTION OF MY SUBSTANTIVE RIGHT (IN SUBSTANTIVE LAW), TO A REDUCED NPP FROM WHAT WAS ALREADY IMPOSED, IF SAID COURT 'ACCEPTED MY SAID SUBMISSION ('LENGTH OF EXISTING IMPOSED ~~NPP~~ NPP')', AND ALREADY IMPOSED NPP WAS FROM TRIAL SENTENCING JUDGE [75.].
975. WHAT THE SOUTH AUSTRALIAN GOVERNMENT HAS ILLEGALLY DONE TO ME, IN ITS CHANGE TO THE COURT'S ([74.]), INTENDED MEANING RE MY 2002 JUDGMENT [SEE TEXT AT 941, IBID], IS TO TREAT THE WORDS OF MY 2002 JUDGMENT AS PERFUNCTORY, AND IN A MANNER
976. NOT CONSTITUTIONALLY [1.] PERMITTED. ~~HOWEVER~~ HOWEVER, WHEN ITEMISING THE TRUE OPERATIONAL MEANING OF THE ACTUAL WORDS IN MY 2002 JUDGMENT, THE EXTENT OF THE ILLEGALITY <sup>IS CLEAR</sup> (SOUTH AUSTRALIAN GOVERNMENT'S 'CLAIMED INTERPRETATION').
977. WHEN A LIFER'S IMPOSED SENTENCE INCLUDES A NPP, BEFORE ANY NEW (CHANGED), NPP CAN BE IMPOSED, 'THE EXISTING NPP' (SENTENCE), 'MUST BE VOIDED / SET ASIDE', AND THE RESPECTIVE COURT MUST IDENTIFY 'WHY' AND 'HOW' THAT IS PERFORMED BY THE COURT, AND 'FOR WHAT PURPOSE'. THE 'SETTING ASIDE / VOIDING' FEATURE IS
978. CRITICAL IN RELEVANT PROCEDURAL LAW AS ONLY ONE STATED NPP CAN LAWFULLY EXIST IN A LIFER'S SENTENCE (IN MY SITUATION, BEING, SINGLE MATTER, SINGLE SENTENCE).



979. IN ORDER TO BETTER APPRECIATE THE SIMPLICITY IN THE CLEAR WORDING OF THE COURT IN 2002, FOR MY 2002 JUDGMENT [74.], AND THE TRUE OPERATIONAL MEANING OF THE ACTUAL WORDS THEREIN EXISTING FOR ALL TO READ, PLUS, THE REFERENCE, RELEVANCE AND REGARD TO THE WORDS AND OPERATIONAL INTENTIONS OF THE CCA, IN MY 1994 IMPOSED SENTENCE, ~~THE~~ FOLLOWING DPP APPLYING FOR, THEN ~~THE~~ RECEIVING LEAVE TO APPEAL AGAINST MY ORIGINAL TRIAL SENTENCE, SEEKING INCREASE TO MY ORIGINAL IMPOSED SENTENCE [212.], THE FOLLOWING TEXT FROM SAID TWO JUDGMENTS ([74. AND 212.]), PROVIDES GOOD INDICATORS FOR ASSESSMENT:

980. [212.]

PARA. 29

NYLAND J.

981. .... I WOULD GRANT LEAVE TO APPEAL AND ALLOW THE APPEAL BY SETTING ASIDE THE

982. NON-PAROLE PERIOD OF 28 YEARS AND 6 MONTHS AND IN LIEU THEREOF FIX A

983. NON-PAROLE PERIOD OF 39 YEARS TO COMMENCE FROM 3-6-1994.

PARA. 1.

MOHR J.

984. THIS IS A PROSECUTION APPLICATION FOR LEAVE TO APPEAL AGAINST A NON-PAROLE PERIOD IMPOSED UPON A LIFE SENTENCE IMPOSED FOR THE CRIME OF MURDER.

985. [74.]

PARA. 1.

NYLAND J.

986. I AGREE THAT THE APPEAL CONSTITUTED BY REFERENCE SHOULD BE ALLOWED FOR THE REASONS <sup>EXPRESSED</sup> ~~EXPRESSED~~ BY MARTIN J. I ALSO AGREE WITH THE NON-PAROLE PERIOD WHICH HE PROPOSED.

## PARA. 2.

MARTIN J.

987. ... ON 3 JUNE 1994, THE LEARNED SENTENCING JUDGE FIXED A NON-PAROLE

988. PERIOD OF 28 YEARS AND SIX MONTHS...

989. ON 29 JULY 1994 THE COURT OF CRIMINAL APPEAL GRANTED LEAVE TO THE

990. ATTORNEY-GENERAL... A NEW NON-PAROLE PERIOD OF 39 YEARS WAS IMPOSED.

## PARA. 7.

991. THE SENTENCING JUDGE AND THE COURT OF CRIMINAL APPEAL, REGARDING ~~THE~~

992. PERIODS OF 30 YEARS

993. AND 40 YEARS AND SIX MONTHS RESPECTIVELY AS APPROPRIATE.

994. THE PETITIONER HAD BEEN IN CUSTODY FOR A PERIOD OF 18 MONTHS BEFORE THE

IMPOSITION OF THE NON-PAROLE PERIOD.

## PARA. 11.

995. THE FIXING ~~OF~~ OF THE NON-PAROLE PERIOD ON 3 JUNE 1994... WAS LIKELY

996. TO BE REDUCED BY OPERATION OF THE TRANSITIONAL PROVISIONS.

997. THOSE PROVISIONS WOULD HAVE REDUCED THE NON-PAROLE PERIOD TO 19 YEARS.

## PARA. 12.

998. THE COURT OF CRIMINAL APPEAL ALSO IMPOSED THE NEW NON-PAROLE PERIOD

OF 39 YEARS...

999. HOWEVER, THE COURT WAS AWARE THAT THE PETITIONER WOULD STILL BE

ENTITLED TO REMISSIONS...

1000. THE TRANSITIONAL PROVISIONS REDUCED THE NEW NON-PAROLE PERIOD TO 26 YEARS.

## PARA. 14.

1001. THIS COURT MUST APPLY THE SENTENCING STANDARDS APPLICABLE IN 1992....

1002. HOWEVER, APPLYING THOSE STANDARDS...

1003. I CONSIDER A NON-PAROLE PERIOD OF 24 YEARS WOULD BE APPROPRIATE.



1004. IF TODAY'S STANDARDS WERE APPLIED, THE NON-PAROLE PERIOD WOULD BE LONGER.

1005. FROM THAT PERIOD 18 MONTHS MUST BE DEDUCTED.

PARA. 16.

1006. FOR THESE REASONS, IN MY OPINION THE APPEAL CONSTITUTED BY REFERENCE SHOULD BE ALLOWED AND

1007. THE ORDER OF THE COURT OF CRIMINAL APPEAL SET ASIDE.

1008. I WOULD FIX A NON-PAROLE PERIOD OF 22 YEARS AND SIX MONTHS TO DATE FROM 3 JUNE 1994.

PARA. 17.

BESANKO J.

1009. I AGREE WITH THE REASONS OF MARTIN J

1010. AND WITH THE ORDERS WHICH HE PROPOSES.

1011. [212.]

PARA. 17.

MOHR J.

1012. IN ALL THE CIRCUMSTANCES I WOULD GRANT LEAVE TO APPEAL

1013. AND ALLOW THE APPEAL BY

1014. SETTING ASIDE THE NON-PAROLE PERIOD AND IN LIEU THEREOF

1015. FIX A NON-PAROLE PERIOD OF THIRTY NINE YEARS.

1016. THE EFFECT WILL BE THAT THE RESPONDENT WILL BE ELIGIBLE FOR PAROLE AT THE AGE OF FORTY NINE YEARS OR THEREABOUTS.

1017. EVEN IF ONLY REVIEWING THE HEADNOTES OF MY 2002 JUDGMENT PROPER [74.],  
 THE COURT'S BODY PRODUCED SAID HEADNOTES, WHICH ARE CLEAR AND TO THE POINT, WITH  
 ROOM FOR ~~THE~~ NO MISINTERPRETATION OF THE COURT'S TRUE INTENDED MEANING,  
 AND OPERATIONAL EFFECT OF ITS CHOSEN WORDS, FROM WHICH I PROVIDE THE  
 FOLLOWING TEXT (2002 JUDGMENT [74.], HEADNOTES), AS GOOD INDICATORS FOR COURT'S  
 DETERMINATION TO BE ENFORCED AS MY NEW IMPOSED SENTENCE:

1018. [74.] (R v. JARRETT (2002) 221 LSJS 339)

1019. HEADNOTES

PETITION FOR MERCY — APPEAL CONSTITUTED BY ATTORNEY-GENERAL'S REFERENCE —  
 1020. RECONSIDERATION OF NON-PAROLE PERIOD — PETITIONER SERVING LIFE IMPRISONMENT  
 FOR MURDER COMMITTED IN ~~1992~~ 1992 —

1021. NON-PAROLE PERIOD INCREASED ON CROWN APPEAL IN 1994

1022. FROM 28 YEARS AND 6 MONTHS

1023. TO 39 YEARS —

PETITIONER AGED 21 AT TIME OF MURDER —

1024. IN GRANTING LEAVE TO APPEAL CCA APPLIED PRINCIPLE SUBSEQUENTLY  
 DISAPPROVED IN INGE v. THE QUEEN (1999) 199 CLR 295 —

1025. NON-PAROLE PERIOD CONSIDERED AFRESH —

1026. COURT REQUIRED TO APPLY STANDARDS APPLICABLE AT TIME CRIME COMMITTED —  
 'APPALLING' CIRCUMSTANCES, WITHIN THE WORST CATEGORY OF MURDER.

1027. HELD:

1028. APPEAL ALLOWED —

1029. APPLYING 1992 STANDARDS AND AFTER DEDUCTION OF 18 MONTHS FOR PERIOD  
IN CUSTODY

1030. NON-PAROLE PERIOD OF 22 YEARS 6 MONTHS FIXED.



1031. AS ABOVE HIGHLIGHTED [SEE TEXT AT 973 AND 974. IBID], NOT ONLY DID THE COURT  
[74.], NOT ERR, IT VERY CLEARLY DESCRIBED WHAT IT WAS DOING, WHY IT WAS DOING IT,  
THE PURPOSE OF SAME, AND THE RELEVANT AND RESPECTIVE LAWS AND JUDGMENTS WHICH IT  
1032. MUST APPLY TO ITS DETERMINATION. THE FULL COURT IN 2002 [74.],  
WAS THEREFORE APPLYING DUE PROCESS (ACCORDING TO LAW), AND OBSERVING  
AND APPLYING PROCEDURAL LAWS NECESSARY TO EFFECT COMPETENT  
COURT HEARING, AND COMPETENT JUDGMENT ([74.]), THEREIN.

1033. IF THE COMPETENT COURT DELIVERED LAWFULLY DETERMINED JUDGMENT ([74.]),  
AND COMPETENCE CAN ONLY BE ACHIEVED THROUGH OBSERVANCE AND COMPLIANCE WITH ALL  
LAWS (PROCEDURAL LAW), RELEVANT TO SUCH 'PROCESS', AND SAID JUDGMENT [74.],  
WHEN IMPOSED UPON ME BY THE COURT (CH. III [3.]), MUST THEN BE ENFORCED BY  
THE STATE GOVERNMENT OF SOUTH AUSTRALIA (CH. II [3.]), AND STATE GOVERNMENT HAS  
NO JURISDICTIONAL AUTHORITY IN ~~THE~~ PROCEDURAL LAW, TO NOT ENFORCE  
1034. THE OPERATIONAL EFFECT OF SAID JUDGMENT [74.], BUT, STATE (CH. II [3.]),  
THEN GRANTS ~~ME~~ ITSELF DEFACTO COMPETENCE AND DEFACTO JURISDICTION TO MAKE  
ITS OWN ASSESSMENT, OF THE TRUE OPERATIONAL MEANING OF SAID JUDGMENT [74.], WHICH IT  
THEN REGARDS AS 'WHAT IS MUST ENFORCE AGAINST ME AS MY SUPPOSED SENTENCE', WHICH  
EFFECTIVELY VOIDS TRUE INTENDED MEANING OF SAID JUDGMENT [74.], ACCORDING  
1035. TO ACTUAL WORDS OF THE JUDGMENT [74.], THEN, ~~THE~~ SAID ACTIONS BY THE  
STATE GOVERNMENT ARE CRIMINAL IN THEIR ACTION AND UNCONSTITUTIONAL IN THEIR  
OPERATIONAL EFFECT ([1. AND 3.], AND [TEXT AT 846. AND 847. IBID]).

1036. THE STATE (CH. II [3.]), IN NOT ENFORCING MY IMPOSED SENTENCE ([74.]), HAS VIOLATED  
RELEVANT PROCEDURAL LAWS AND ILLEGALLY INCREASED PENALTY OF MY SERVING SENTENCE,  
INCLUDING INCREASED INCARCERATION OF AT LEAST 7 YEARS (ILLEGALLY INCARCERATED),  
AS AT JANUARY 2017.

1037. FROM THE FIRST PAPER DOCUMENT (A LETTER), I RECEIVED FROM SOUTH AUSTRALIAN  
GOVERNMENT SUBSEQUENT TO MY 2002 JUDGMENT [74.], THE STATE GOVERNMENT  
FRAUDULENTLY NOTIFIED ME THAT 'MY NPP DATE WAS APPROXIMATELY NOVEMBER 2016',  
YET, MY ACTUAL TRUE NPP DATE ACCORDING TO SAID 2002 JUDGMENT [74.], EQUATES TO  
APPROXIMATELY 2009.

1038. How IRONIC OF THE SOUTH AUSTRALIAN GOVERNMENT, THAT THEY SHOULD OBSERVE AND EMPLOY DUE PROCESS AND RELEVANT PROCEDURAL LAWS, SO AS TO EFFECT INCREASED

PENALTY OF ORIGINAL SENTENCE [see text at 984, ibid], FROM STATUTORY DUE PROCESS FOR CROWN APPLICATION TO THE COURT, SEEKING AND INCREASE, THEN GRANTED SUCH LEAVE, THEN WITHIN CCA HEARING, ARGUING ON BEHALF OF CROWN (PER CORRECT DUE PROCESS), FROM WHICH CCA RULED (PER DUE PROCESS OBSERVANCE), IN FAVOUR OF CROWN AND SET ASIDE (EXISTING) ORIGINAL SENTENCE [see text at 1012, 1013, 1014, AND 981, ibid] (PER DUE PROCESS OBSERVANCE), AND FIXING AN INCREASED NPP FROM 28 1/2 YEARS [see text at 982, 1014, 988, 995, 996, AND 997, ibid] (PER DUE PROCESS OBSERVANCE), UP TO 39 YEARS [see text at 1014, 1015, 982, 983, 990, 998, 999, 1016, AND 1000, ibid], AND THEN WHEN I EMPLOYED DUE PROCESS AND RELEVANT PROCEDURAL LAWS TO CHALLENGE SAID 1994 CCA

JUDGMENT [212.], THE CROWN CONTINUED TO OBSERVE RELEVANT AND ASSOCIATED

PROCEDURAL LAWS AND DUE PROCESS, SUBSEQUENT TO WHICH [see text at 972, ibid], THE FULL COURT MADE ITS COMPETENT RULING, AND, EFFECT INTO OFFICIAL RECORDS OF THE COURT MEANT ALSO, THAT THE REASONS OF THE COURT, PER PROPER AND COMPETENT

## OBSERVANCE AND APPLICATION OF RELEVANT PROCEDURAL AND SUBSTANTIVE

LAWS, WERE CLEARLY DESCRIBED SO THERE WAS NO LEGITIMATE WAY OF MISREPRESENTING THE FULL COURT'S TRUE INTENDED MEANING, AND OPERATIONAL EFFECT OF ITS WRITTEN

JUDGMENT [74.], ESPECIALLY THE FACT THAT THE COURT PUT SIGNIFICANT EMPHASIS

ON ITS ABOGATION ORDERS AND DIRECTIONS [see text at 996, 997, 998, 999,

1000, 1001, 1002, 1003, 1005, 1004, 1006, 1007, 1008, 986, AND 1010.], BUT, UPON DELIVERY OF SAID JUDGMENT [74.], THE SOUTH AUSTRALIAN

GOVERNMENT DOES NOT, AND, REFUSES TO, OBSERVE AND APPLY ALL

RELEVANT PROCEDURAL LAWS AND STATUTORY/CONSTITUTIONAL OBLIGATIONS

THEREAFTER [74.] IMPOSED UPON THE SOUTH AUSTRALIAN GOVERNMENT, BECAUSE IT

1040. DID NOT LIKE THE OPERATIONAL EFFECT OF SAID JUDGMENT, AS ORDERED AND IMPOSED BY THE

1041. COURT [74.], AND SO THE STATE GOVERNMENT CHANGED THE MEANING OF THE COURTS

RULINGS AND ORDERS, TO WHAT THEY WANTED IT TO MEAN, EVEN THOUGH SUCH

1042. MISINTERPRETATION WAS CRIMINALLY ACHIEVED. STATE GOVERNMENT DIDN'T WANT TO PLAY

BY THE LAWS OF DUE PROCESS, WHEN THE COURT (74.) DIDN'T RULE THEIR WAY !!!



1043. AT THE TIME OF DELIVERY OF MY 2002 JUDGMENT [74.], I HAD IMPOSED UPON ME (BY THE COMPETENT COURT [74.]), A 'NEW NPP', AND ITS LENGTH IN PERIOD OF TIME WAS 22 YEARS AND SIX MONTHS, AND ITS START DATE WAS AS FROM 3 JUNE 1994, AND ALL THOSE STIPULATIONS WERE NOT JUST IMPOSED UPON ME (AS A BURDEN OF IMPOSED SENTENCE), THEY WERE ALSO IMPOSED (BY THE COURT OF AUTHORITY (CH.III [3.]), UPON THE SOUTH AUSTRALIAN GOVERNMENT (AS AN OBLIGATORY BURDEN OF ENFORCEMENT TO BE UPHELD AND CARRIED OUT BY STATE AUTHORITY (CH.II [3.])). [SEE TEXT AT 846 AND 847. IBID].

1044. FORMING A CRITICAL COMPONENT AND ~~FEATURE~~ FEATURE OF MY SAID 2002 JUDGMENT [74.], AND AN INTRINSIC ELEMENT TO THE CALCULATED ~~FEATURE~~ 'LENGTH IN PERIOD OF TIME' (NON-PAROLE PERIOD OF TIME), WAS THE STATUTORY FORMULA FOR PERFORMING SUCH CALCULATION, WHICH IN ITSELF (THE FORMULA), CHARACTERISES THE 'ANCHORING POSITIONS (POINTS)', FROM WHICH TO PROCEED (TO THE NEXT STEP IN THE DUE PROCESS OF NPP CALCULATION), AND FOR MY SAID 2002 JUDGMENT THE COURT PROVIDED THE WORDS IN PARAGRAPHS 14 AND 16, TO CLEARLY IDENTIFY SPECIFIC 'ANCHORING POSITIONS (POINTS)', SUCH AS:

[TEXT 1001.]

1045. 'MUST' (AIA [30.], 'SHALL/MUST' HAVING SAME STATUTORY MEANING IN THIS CASE, TO THE EFFECT THERE IS NO HIGHER ABSOLUTE IN WORDS OF THE COURT, THAN THE WORD 'MUST').

- 'MUST' DO WHAT?

1046. 'APPLY' (AN ACTION WORD INDICATING THING TO BE DONE).

- 'APPLY' WHAT?

1047. 'SENTENCING STANDARDS' (PURPOSE OF THE HEARING ITSELF, A SENTENCING HEARING).

- WHICH 'SENTENCING STANDARDS'?

1048. 'APPLICABLE IN' (DESIGNATION OF SPECIFIC ("IN") OPERATIONAL SENTENCING STANDARDS, AT A SPECIFIC ASSENTION PERIOD OF OPERATION).

- WHICH ("IN") ASSENTION PERIOD?

1049. '1992' (DESIGNATION OF SPECIFIC ASSENTION PERIOD OF OPERATION, OF SAID SENTENCING STANDARDS, FROM WHICH NPP FORMULA MUST BE CALCULATED).

1050. 'APPLYING' ('DESIGNATED SENTENCING STANDARDS' WHICH WERE OPERATIONAL AT/DURING

SPECIFIC ASSENTION PERIOD OF OPERATION, HAVING BEEN FORMALLY IDENTIFIED BY THE COURT ["1992"] AND ESTABLISHED AS THE ONLY PERMITTED ["MUST"]

APPLICABLE SENTENCING STANDARDS FOR 'CONSIDERATION', THEREAT (THE

'CONSIDERATION PHASE' PRIOR TO NPP, TERM/NUMERICAL VALUE BEING FINALISED),

'CAUSE TO BE OPERATIONALLY APPLIED TO THEIR FULLEST EFFECT' (ALLOWABLE), TO

ENSURE ALL REQUIRED CONSIDERATIONS ARE ~~ACKNOWLEDGED~~ ACKNOWLEDGED AND APPLIED

AND ENFORCED, PER DUE PROCESS (PROCEURALLY COMPLAINT), SO AS TO

PROPERLY CALCULATE THE NPP. THE COURT INTENDS TO IMPOSE UPON RESPECTIVE

LIFE).

- 'APPLYING' WHICH 'SENTENCING STANDARDS' ('THESE' = CURRENTLY OPERATING)?

'THOSE' (WHERE THE ONLY OPTIONS AVAILABLE, ARE THE EXISTING 'TRUTH IN

SENTENCING' [46.] STANDARDS, AND NOT THE EXISTING 'TRUTH IN SENTENCING'

[46.] STANDARDS, AND WHEN THE DESIGNATED SENTENCING STANDARDS TO BE

OPERATIONALLY APPLIED DURING THE 'CONSIDERATION PHASE', ARE NOT THE EXISTING

SENTENCING STANDARDS, THE COURT MUST CLEARLY IDENTIFY ABOGATION OF THE

EXISTING (AT TIME OF SENTENCING), STANDARDS, AND MUST CLEARLY IDENTIFY

WHICH SENTENCING STANDARDS FROM WHICH ASSENTION PERIOD OF OPERATION, MUST

BE ~~APPLIED~~ APPLIED IN STEAD OF EXISTING STANDARDS, IN THIS MATTER THE WORD

"THOSE" SIGNIFIES BOTH 'ABOGATION OF EXISTING STANDARDS', AND 'NOT THE

EXISTING STANDARDS', TO WHICH THE ALREADY MANDATED REPLACEMENT PERIOD

["1992"] OPERATES).

- 'THOSE' WHAT?

1052.

'STANDARDS' (AS A CLEAR INDICATION OF WHAT IS BEING DONE ('CONSIDERATION PHASE'),

THE PROCEDURAL LAWS SPECIFIC (WITHIN THE PROCESS OF THE CONSIDERATION PHASE),

TO THE PROPER CALCULATION OF THE TERM/NUMERICAL VALUE, OF THE INTENDED NPP TO

BE DELIVERED BY THE COURT, AND SUCH PROCEDURAL LAWS ARE THE (RECOGNISED

FOR THE SPECIFIC SENTENCING HEARING), APPLICABLE SENTENCING STANDARDS).



## [TEXT 1004.]

1053.

'IF' (WHERE SUBJECT MATTER IS STILL 'SENTENCING STANDARDS TO BE APPLIED', AND THE DESIGNATION OF APPLICABLE SENTENCING STANDARDS IS STILL WITH REGARD TO, 'EXISTING' OR 'NOT THE EXISTING' SENTENCING STANDARDS, THE USE OF THE WORD "IF" HAS BEEN USED BY THE COURT (A FORTIORI), TO EMPHASISE THE FACT THAT 'CURRENT STANDARDS ARE NOT BEING APPLIED TO THAT SPECIFIC IMPOSED NPP', AND 'AS A MEASURE OF DIFFERENCE BETWEEN 'EXISTING' AND 'NOT THE EXISTING' SENTENCING STANDARDS (WHICH ARE ACTUALLY BEING ~~APPLIED TO~~ APPLIED TO THE RESPECTIVE NPP), COMPARING THE INTENDING NPP TO LESS TIME THAN IF CALCULATED AND IMPOSED PURSUANT TO SENTENCING STANDARDS THEM IN OPERATIONAL EFFECT', THEN CLEARLY IDENTIFIES ~~THE~~ 'A DIFFERENCE', ~~AS~~ A DIFFERENCE EQUATING TO MORE PRISON TIME CONSEQUENTIAL TO A LONGER NPP (WHICH WOULD ~~BE~~ <sup>HAVE</sup> BEEN IMPOSED IF CURRENT STANDARDS WERE APPLIED)).

- 'IF' WHAT?

1054.

'TODAY'S STANDARDS WERE APPLIED' (WHERE THE 'IF' CONDITION HAS BEEN EFFECTED INTO CONDITIONAL REGARD, AND WHERE THERE ARE TWO AVAILABLE CONDITIONS TO WHICH REGARD IS HAD, ONE IS 'EXISTING' (SENTENCING STANDARDS), THE OTHER IS 'NOT THE EXISTING' (SENTENCING STANDARDS), THEN, 'TODAY'S STANDARDS WERE APPLIED' AND 'NOT THE EXISTING' COEXIST ON PAR WITH EACH OTHER AT THE SAME END OF THE POLARISED CONDITION POINTS, NOTING ALSO THAT ONE OF THE TWO CONDITIONS MUST EXIST FOR NPP TO BE DETERMINED, THEREFORE, UPON DESIGNATION OF APPLICABLE SENTENCING STANDARDS TO BE APPLIED TO RESPECTIVE NPP BEING DETERMINED, THE FUNCTION OF "IF" IS TO ATTACH TO 'ADDITIONAL SPECIFICITY').

- 'ADDITIONAL SPECIFICITY' FOR/OF WHAT?

1055.

'WERE (APPLIED)' (THE COURT INCLUDES AS COMPONENT OF A FORTIORI, RE '1992').

1056.

'WOULD BE (LONGER)' (THE COURT INCLUDES AS COMPONENT OF A FORTIORI, RE '1992').

1057.

(THE COURT CLEARLY ESTABLISH THAT IT WAS NOT PERMITTED TO APPLY ANY SENTENCING STANDARDS, TO THE 'CONSIDERATION PHASE' [SEE TEXT AT 1052. IBID], OTHER THAN THOSE OPERATIONAL IN "1992" [SEE TEXT AT 1045, 1046, 1047, 1048, 1049. IBID],

WITH THAT TEXT FROM PARAGRAPH 14, OF JUDGMENT PROPER [74.], BEING INDICATED AT TEXT 1001. (IBID), WHICH ITSELF WOULD HAVE BEEN SUFFICIENT WORDING BY THE COURT TO CLEARLY IDENTIFY ITS INTENTIONS, HOWEVER,

1058.

THE COURT HAS FURTHER AMPLIFIED ITS TRUE INTENTIONS, FOR WHAT IS ACCURATELY MEANT IN OPERATIONAL EFFECT BY THE WORDS OF MY 2002 JUDGMENT [74.], BY EMPHASISING THE FUNCTIONAL EFFECT OF THE WORDS "IF", "WERE" AND "WOULD BE", SO AS TO ADDRESS NOT ONLY THE POSITIVE AND AFFIRMATIVE 'FORM' OF THE COURT'S WORDS ([74.]),

1059.

BUT ALSO THE NEGATIVE AND ABROGATED 'FORM' OF THE COURT'S WORDS ([74.]), THEN HIGHLIGHTING WHAT THE DIFFERENCE IS BETWEEN THE "1992" SENTENCING STANDARDS, AND, "IF" EXISTING SENTENCING STANDARDS OPERATIONAL AT TIME OF DELIVERED SENTENCE, WERE APPLIED (INSTEAD OF THE 1992 SENTENCING STANDARDS), WITH SAID DIFFERENCE BEING CLEARLY WORKED AS "THE NON-PAROLE PERIOD WOULD BE LONGER" [SEE TEXT

1060.

AT 1004, IBID]. THE COURT HAS DELIBERATELY ENSURED THAT THE IMPOSED SENTENCE OF THAT COURT [74.], COULD NOT BY ANY PROPER INVESTIGATION OF THE WORDS WRITTEN WITHIN MY 2002 JUDGMENT [74.], BE MISUNDERSTOOD, MISINTERPRETED, OR IN ANY WAY LEFT OPEN TO DISCRETIONARY MEANINGS, AS THE COURT SOLIDLY CLOSED-OFF ALL OTHER MEANINGS OF ITS WRITTEN WORDS OF THE JUDGMENT PROPER [74.], DUE TO ABOVE INDICATED 'DESCRIPTIVE

1061.

ANCHORING OF ITS TRUE OPERATIONAL EFFECTS, CONSEQUENTIAL TO APPLICATION OF ONLY 1992 SENTENCING STANDARDS). OF THE JUDGMENT PROPER [74.], DUE TO ABOVE INDICATED 'DESCRIPTIVE COURT SOLIDLY CLOSED-OFF ALL OTHER MEANINGS OF ITS WRITTEN WORDS

1062.

[TEXT 1007.]

1063.

'ORDER (OF THE COURT OF CRIMINAL APPEAL) SET ASIDE' (WHAT SHOULD NOT BE

FORGOTTEN OR OVER-LOOKED, WHEN CONSIDERING THE CHOSEN WORDS OF THE COURT IN MY 2002 JUDGMENT [74.], IS WHY THIS COURT ACTED TO RECONSIDER MY NPP, WHERE THAT ANSWER IS CLEARLY EMPHASISED IN PARAGRAPH 5, OF THE

1064.

JUDGMENT PROPER [74.], THE COURT ([74.]), HIGHLIGHTED THE RECENT JUDGMENT OF HCA IN LINE [50.], AND THEREFORE, THE CCA, IN 1994, [212.], HAD ERRED IN ITS 'RELEVANT CONSIDERATIONS', BEFORE



- DELIVERING JUDGMENT, BUT WHICH THE COURT IN 2002 [74.], FELT THAT IT HAD NO OPTION BUT TO EXPUNGE THE ERRONEOUS 'CONSIDERATIONS' (MADE BY THE CCA, IN 1994 [212.]). THE COURT [74.] EMPHASISED THAT SAID "ERROR" (PARAGRAPH 5, [74.]), WAS NOT JUST A SIMPLE EFFECT UPON THE DETERMINATION OF THE CCA IN 1994 [212.], SO MUCH SO THAT IT USED THE WORDS "SIGNIFICANT ERROR BY THE COURT OF CRIMINAL APPEAL HAVING BEEN DEMONSTRATED...". CONSIDERING THAT THE MATTER BEING DEALT WITH BY THE CCA IN 1994 [212.], WAS 'LENGTH OF MY IMPOSED NPP BY SENTENCING JUDGE', THEREFORE, THE "ERROR" ("THE PRECISE IMPACT OF THE ERROR IN FIXING THE PETITIONER'S NON-PAROLE PERIOD IS NOT CLEAR." (PARA. 5 [74.])), BY THE CCA, [212.], WAS SPECIFICALLY RELATING TO THAT COURT'S (IN 1994), INCREASE TO MY LENGTH OF NPP [SEE TEXT AT 981, 982, 983. IBID], AND THE SAID INCREASE WAS FROM 28½ YEARS UP TO 39 YEARS, AND APPLYING STATUTORY FORMULA EQUATED EFFECTIVE TERMS OF ( $28\frac{1}{2}$  MINUS  $\frac{1}{3}$  = 19 YEARS, 39 MINUS  $\frac{1}{3}$  = 26 YEARS), '19 YEAR NPP UP TO 26 YEAR NPP', THEREFORE, THE SAID "SIGNIFICANT ERROR" WAS ACTUALLY 'THE TERM INCREASE ITSELF', 'THE NEW IMPOSED NPP', 'THE CCA [212.] SETTING ASIDE ORIGINAL SENTENCE FROM SENTENCING JUDGE', 'THE REASON WHY THE CCA [212.] ENTERTAINED CROWN'S ARGUMENT TO INCREASE MY EXISTING NPP (BY APPLYING VON EINEM PRINCIPLE), AND 'THE CONSEQUENCES OF SUCH ITEMS ON REVIEW OF THEIR COMBINED EFFECT ON MY ORIGINAL SENTENCE'.
- WHAT IS ALSO RELEVANT TO THIS ISSUE, WITH THE COURT [74.] CLEARLY INDICATING THE ORDER OF CCA [212.] BEING OPERATIONALLY INVALID (AND THE REASONS WHY), IS THE ACCUMULATED DIRECTIONS OF THE CCA [212.], WHICH ENABLED THE OFFICIAL RECORDS OF THE COURT [212.], TO HAVE OPERATIONAL EFFECT, WHICH I SUGGEST INCLUDE:
- CROWN APPLICATION FOR LEAVE TO APPEAL 'ORIGINAL SENTENCE' (FORM No. 2, DATED 9-6-1994, DESCRIBING GROUNDS ON ATTACHED PAGE (ANNEXURE)).
  - GROUND 1. (INCLUSIVE) OF CROWN APPLICATION, DATED 9-6-1994.
  - THE (CROWN'S REQUESTED) LEAVE BEING APPROVED [SEE TEXT AT 1012. IBID].

1072. • THE (CROWN'S REQUESTED) APPEAL BEING ALLOWED [SEE TEXT AT 1013. IBID].

1073. • SETTING ASIDE ORIGINAL NPP (BY SENTENCING JUDGE) [SEE TEXT AT 1014. IBID].

1074. • THE FIXING OF AN INCREASED (NEW) NPP [SEE TEXT AT 1015. IBID].

1075. IT IS THEREFORE IMPORTANT TO APPRECIATE AND ACKNOWLEDGE, WHEN 'SETTING ASIDE THE ORDER OF THE COURT OF CRIMINAL APPEAL' [SEE TEXT 1007. IBID], THAT 'THE ORDER' PROPER (2002 JUDGMENT [74.], PARA. 16), IS, IN THAT 1994 JUDGMENT [212.], THE ACCUMULATION OF OFFICIAL DIRECTIONS OF THAT SAID COURT (THEREIN), WHICH CREATE WHAT BECOMES 'THE ORDER' PROPER, AND THEREFORE CONTRIBUTE INTRINSICALLY TO ITS OPERATIONAL EFFECT, WHICH CONSEQUENTIALLY, DUE TO THE ORDER OF THE FULL COURT [74.], SUCH 'ACCUMULATION OF OFFICIAL DIRECTIONS' BECOME INVALID IN THEIR ENTIRETY [REFER TO TEXT AT 1069, 1070, 1071, 1072, 1073, 1074. IBID].

1076. IT WOULD SEEM OBVIOUS THEN, THAT IN ORDER FOR THE FULL COURT IN 2002 [74.], TO 'RECONSIDER' MY NPP AFRESH " (2002 JUDGMENT [74.], PARA. 5), IT MUST BE TRUE THAT THERE IS IN PLACE AN EXISTING NPP, WHICH CONSEQUENTIAL TO INVALIDATION OF THE 1994 CCA ORDER [SEE ~~TEXT~~ TEXT AT 1007. IBID], WHICH ITSELF INCORPORATED 'SETTING ASIDE ORIGINAL NPP FROM SENTENCING COURT' [SEE TEXT AT 1014. IBID], ~~TEXT~~ THEN RETURNS TO ITS ORIGINAL EXISTENCE, AS 'IMPOSED NPP', THEREBY ENABLING THE PROCEDURAL PROCESS (ACCORDING TO LAW, DUE PROCESS), TO CREATE A 'RECONSIDERED NPP FROM AN EXISTING NPP', WHEREBY THE 'EXISTING' IS THEN INVALIDATED BY THE FULL COURT IN 2002 [74.], SO THAT THE NEW NPP CAN BE FIXED [SEE TEXT AT 1008. IBID]. THIS POINT IS FEATURED IN REFERENCE [77.].

1077. THIS VERY SIGNIFICANT PROCESS (IN PROCEDURAL LAW), MUST OCCUR IN THE CORRECT MANNER (FIRST, EXISTING NPP IS SET ASIDE, SECOND, REPLACEMENT NPP IS FIXED

1078. IN ITS PLACE), AND IF A LATER PROCESS OCCURS, SUCH AS DESCRIBED IN PARAGRAPH 16 OF MY 2002 JUDGMENT ([74.], [SEE TEXT AT 1007. IBID]), THEN, THAT WHICH WAS DONE [SEE TEXT AT 1012, 1013, 1014, 1015, 1069, 1070, 1071, 1072, 1073, 1074. IBID.], MUST BE UNDONE, CONSEQUENTIAL TO 'SETTING ASIDE THE ORDER OF THE 1994 CCA' [212.], SO THAT THE NEW



OPERATIONAL EFFECTS [SEE TEXT AT 1001, 1006, 1007, 1008. 1819], ARE NOT ENCUMBERED BY THOSE CREATED BY CCA IN 1994 [212.], AS IS THE EFFECT OF DUE PROCESS IN PROCEDURAL LAW.

1079. A DIFFERENT PERSPECTIVE TO SHOW THE CHARACTER OF MY 2002 JUDGMENT [74.], AND THE RESPECTIVE WEIGHT OF ITS OPERATIONAL EFFECT, IS AS FOLLOWS:

1080. • IN ORDER FOR A COURT OF LAW (CRIMINAL JURISDICTION), TO MAKE A FORMAL JUDGMENT, SAID COURT MUST FIRST HOLD CONSTITUTIONALLY ([1. AND 3.]), ENABLED **AUTHORITY** TO BE PERMITTED TO PERFORM THE TASKS IT INTENDS TO PERFORM.

1081. • IF SAID AUTHORITY IS HELD, SAID COURT MUST THEN (ALSO), HOLD CONSTITUTIONALLY ([1. AND 3.]), ENABLED **JURISDICTION** TO BE PERMITTED TO PERFORM THE TASKS IT INTENDS TO PERFORM.

1082. • IF SAID COURT HOLDS REQUIRED JURISDICTION, IT THEREFORE MUST ALSO HOLD REQUIRED AUTHORITY, SO THAT BEFORE ASSESSING THE THIRD PREREQUISITE (COMPETENCE), SAID COURT HOLDS BOTH AUTHORITY AND JURISDICTION.

1083. • IF SAID JURISDICTION IS HELD, SAID COURT MUST THEN (ALSO), HOLD CONSTITUTIONALLY ([1. AND 3.]), ENABLED **COMPETENCE** TO BE PERMITTED TO PERFORM THE TASKS IT INTENDS TO PERFORM.

1084. • IF SAID COURT HOLDS REQUIRED COMPETENCE, IT THEREFORE MUST ALSO HOLD REQUIRED AUTHORITY AND JURISDICTION, SO THAT WHEN SAID COURT PERFORMS ITS INTENDED TASKS, IT DOES SO AS A COURT OF COMPETENT JURISDICTION.

1085. • ANY COURT FOUND TO NOT HOLD ALL THREE PREREQUISITES, IS NOT A COMPETENT COURT, AND ALL RULINGS MADE BY SUCH 'INCOMPETENT COURT', MUST BE VOIDED WITHOUT EXCEPTION (RE JURISDICTIONAL FRAUD, ULTRA VIRES).

1086. • IF A COMPETENT COURT MAKES A LEGITIMATE AND PERMITTED RULING/JUDGMENT, AND THROUGH NO FAULT OF THAT COURT, A LATER COURT<sup>①</sup> DELIVERS A JUDGMENT/RULING (WITH ASSOCIATED 'REASONS'), WHICH 'OVER-TURNS/SETS ASIDE' THE EXISTING JUDGMENT/RULING OF SAID

1087. COMPETENT COURT, THEN, IF USING THE '1994 CCA JUDGMENT [212.], IN PLACE OF THE COMPETENT COURT', AND, THE '2002 JUDGMENT [74.],

1088.

IN PLACE OF THE LATER COURT<sup>①</sup>, THROUGH DELIVERY AND OPERATIONAL EFFECT OF THE 2002 JUDGMENT [74.], WHICH IS ACTUALLY A REVIEW OF THE COMPONENTS OF CONSIDERATION (RELEVANT CONSIDERATIONS [SEE TEXT AT 1064. IBID.]), THE LATER COURT'S<sup>①</sup> RULINGS AND RESPECTIVE ORDERS EFFECT CRITICAL CHANGES TO 'THE RELEVANT CONSIDERATIONS OF THE

1089.

EARLIER COMPETENT COURT [212.]', AND, 'THE CONSEQUENTIAL DETERMINATION OF THE EARLIER COMPETENT COURT [212.] (WHICH WAS ITS JUDGMENT PROPER AND ALL ITS RESPECTIVE ORDERS [SEE TEXT AT 981, 982, 983, 1012, 1013, 1014, 1015. IBID.])', SO THAT THE COMPETENCE ITSELF (OF THE EARLIER 'COMPETENT COURT' [212.]), IS INVALIDATED BY [74.], MAKING SAID LOWER/EARLIER COURT INCOMPETENT AND ITS RULINGS VOIDED, AND OF PARTICULAR NOTE I DRAW ATTENTION TO THE SPECIFIC DUE PROCESS ORDER (AS ONLY ONE NPP CAN OPERATE PER SINGLE SENTENCE), WHICH 'SETS ASIDE' THE EXISTING NPP IMPOSED BY SENTENCING JUDGE [SEE TEXT

1090.

AT 1014 AND 1015. IBID.], BUT NOW THAT [74.] INVALIDATES [212.], SAID ORDER CANNOT BE PROCEDURALLY UPHELD, THEREFORE THE EXISTING ORIGINAL NPP MUST STILL BE VALID (AS DESCRIBED ABOVE, PLUS

1091.

SAME IS FEATURED IN REFERENCE [77.]), AND AS A RESULT OF [74.] RULING THE 1994 JUDGMENT [212.] COMPRISES "SIGNIFICANT

1092.

ERROR" [SEE TEXT AT 1065, 1066, 1067. IBID.], THEN, IT BECOMES PROCEDURALLY MANDATED THAT WHAT WAS ONCE A COMPETENT COURT, WHICH LATER BECOMES INCOMPETENT ([212.]), THE CURRENT COURT OF COMPETENCE [74.] MUST NEUTRALISE THE ORDERS OF THE INCOMPETENT COURT (AN EXAMPLE OF THIS VERY POINT IS FOUND IN THE 2016 JUDGMENT OF HCA [210.]), AND REPAIR/REMEDY THE DIRECT OPERATIONAL EFFECTS CREATED BY SUCH INCOMPETENT COURT ([212.]), AND ITS ORDERS ([SEE TEXT AT 1012, 1013, 1014, 1015. IBID.]). IN THIS PARTICULAR MATTER, THE WORDS CLEARLY ESTABLISH (IN [74.]), THE COMPETENT COURT NEUTRALISED THE ORDERS OF THE 'NOW' INCOMPETENT COURT ([212.]), WHERE SAID INCOMPETENT

1093.



COURT AND ALL ITS ORDERS AND ALL ITS DIRECT OPERATIONAL EFFECTS, CONSEQUENTIAL TO INGE [50.] AND [74.], ARE THEREAFTER INVALID PURSUANT TO OBSERVANCE OF RELEVANT PROCEDURAL LAWS (DUE PROCESS).

IT IS ALSO WORTH NOTING THAT MY PETITION PROPER [SEE TEXT AT 972,

1019, 1020, IBID], WAS NOT A DIRECT CHALLENGE AGAINST THE

OPERATIONAL APPLICATION OF THE 'VON EINEM PRINCIPLE' (R.V. VON EINEM

(1985) 38 SASR 207.), BY THE CCA IN 1994 [212.], IT WAS MORE A

DIRECT REQUEST THAT APPLICATION OF AND PROPER OBSERVANCE OF THE

OPERATIONAL EFFECT OF INGE [50.], BE FORMALLY INTEGRATED

INTO MY IMPOSED SENTENCE, AND MY NPP CALCULATED (ADJUSTED),

ACCORDINGLY. [SEE TEXT AT 1024, IBID]

THE DIRECT CHALLENGE (APPEAL), AGAINST USE OF THE VON EINEM

PRINCIPLE, WAS ACTIONED IN HCA IN 1999, RESULTING IN THE INGE

JUDGMENT [50.], HOWEVER, THE ERROR OF CONTINUING USE OF

THE NOW ERRONEOUS 'PRINCIPLE' (DETERMINED IN INGE [50.]), IN 2000 I

COMPLAINED TO THE GOVERNOR WITHIN A PETITION, SEEKING JUDICIAL

INTERVENTION, THAT THE COURT WOULD APPLY INGE ([50.]) TO

MY EXISTING IMPOSED SENTENCE. THEREFORE, IN INGE [50.], APPLICANT

ARGUED TO REMOVE 'VON EINEM PRINCIPLE', BUT IN MY FULL COURT

HEARING ([74.]), I ARGUED TO ADD 'INGE AUTHORITY [50.]' TO MY

CONSIDERATIONS FOR IMPOSED SENTENCE, FOR THAT REASON I ARGUED TO

APPLY 'INGE [50.]' TO THE JURISDICTIONAL COMPETENCE OF

THE CCA IN 1994 [212.], THAT WAY, WHEN [50.] IS APPLIED AS

AN AUTHORITY, TO THE PROCEDURAL ACTIONS OF DPP AND THE COURT

RE DPP APPEAL AND CCA JUDGMENT [212.], (IN 1994), IT HIGHLIGHTS

PROCESS WHICH MUST NOT BE LEFT TO CONTINUE WITH THEIR (RESPECTIVE),

FRAUDULENT EFFECTS, HENCE, THE 2002 JUDGMENT.

IN 1994, THE CROWN APPEAL, THE CCA JUDGMENT [212.], COMPLETED

WITHOUT IMPROPER INTENT, BUT [50.] AND THEN [74.] CHANGES TO THE

COMPETENCE STATUS OF CCA IN 1994 (WHICH CREATED [212.]), MEANT

1099.

1098.

1097.

1096.

1095.

1094.

THAT THE EFFECTIVE OPERATIONAL APPLICATION AND ENFORCEMENT OF SAID ORDERS OF THE 1994 CCA JUDGMENT [212.], WERE NO LONGER PROPERLY ENFORCEABLE, AND CONSEQUENTIAL TO [50.], ALSO MEANT THE OPERATIONAL ORDERS OF [212.], COULD NO LONGER BE LAWFULLY UPHELD AS COMPETENT ORDERS, OF A COMPETENT COURT (AS THE CCA JUDGMENT OF 1994 [212.], WAS RULED INVALID IN 2002, PER FULL COURT JUDGMENT [74.]).

1100. JUDICIAL COMPETENCE ONLY EXISTS BY OBSERVANCE AND COMPLIANCE OF AND WITH (RELEVANT AND RESPECTIVE) PROCEDURAL LAW (DUE PROCESS OF AND WITHIN THE REALM OF CH. III [1. AND 3.]), AND THE SOUTH AUSTRALIAN
1101. GOVERNMENT (JURISDICTIONAL COMPETENCE ONLY EXISTS BY OBSERVANCE AND COMPLIANCE OF AND WITH (RELEVANT AND RESPECTIVE), PROCEDURAL LAW (DUE PROCESS OF AND WITHIN THE REALM OF CH. II [1. AND 3.])), MUST ONLY ENFORCE A CUSTODIAL SENTENCE, IN COMPLIANCE WITH THE JUDICIAL ORDERS OF A COMPETENT COURT [SEE TEXT AT 846, 847. IBID].

1102. IT IS ALSO RELEVANT THAT DURING ALL THREE SENTENCING CONSIDERATION JUDGMENTS, ORIGINAL SENTENCE, CROWN APPEAL 1994 TO CCA [212.], AND 2002 JUDGMENT [74.], I HAVE ONLY BEEN SENTENCED IN ACCORDANCE WITH SENTENCING STANDARDS WHICH OPERATED 'DURING ~~1992~~ 1992'.

1103. THE CHIEF JUSTICE OF SOUTH AUSTRALIA HAS ALSO STATED TO ME BY LETTER DATED 31-10-2012, THAT THE "SENTENCING REMARKS", READ IN CONJUNCTION WITH 'THE STRICT ORDERS, 1, 2. AND 3, OF THE COURT', "ACCURATELY RECORD THE ORDERS OF THE COURT.", WHICH WAS FOLLOWING A COMPLAINT BY ME TO THE CHIEF JUSTICE AND COURTS REGISTRAR, SPECIFICALLY RELATING TO THE PAROLE BOARD'S EXCUSE FOR NOT <sup>COMPLYING</sup> ~~COMPLYING~~ WITH MY IMPOSED SENTENCE, IMPOSED BY THE FULL COURT IN 2002. THE LETTER STATES:

"I REFER TO YOUR LETTER OF 6 OCTOBER 2012

I AM SATISFIED THAT THE SENTENCING REMARKS AND JUDGMENTS GIVEN IN THE CRIMINAL PROCEEDING AGAINST YOU ACCURATELY RECORD THE ORDERS



OF THE COURT. THE RECORDS OF THE COURT INCLUDE THE SENTENCING REMARKS AND JUDGMENTS.

IN MY VIEW, IT IS NOT NECESSARY TO VARY OR TO ADD TO THE ELECTRONIC RECORDS OF THE COURTS IN THIS MATTER.

...

CJ KOURAKIS

CHIEF JUSTICE OF SOUTH AUSTRALIA."

1104.

IT IS IRONIC THAT THE <sup>6</sup>SOUTH AUSTRALIAN GOVERNMENT TREATS ITSELF TO SUCH A DEGREE, OF CRIMINALLY FRAUDULENT (FALSE) JURISDICTIONAL COMPETENCE, SO THAT IT MAY 'STEAL MY CONSTITUTIONAL [1.] RIGHT TO THE SOUTH AUSTRALIAN GOVERNMENT'S OBLIGATORY ENFORCEMENT, OF THE SENTENCE IMPOSED UPON ME IN 2002 [74.], IN ACCORDANCE AND COMPLIANCE WITH SAME ([77., 78., 79. AND 80.])', THEN, WITH ITS FALSE JURISDICTION IN HAND, AND WITHIN THE REALM OF CH. II

1105.

[3.], 'CHANGE THE 'INTENDED' MEANING OF THE WORDS PROPER, IN MY 2002 JUDGMENT [74.], TO AN INCREASED PENALTY OF THE COURT'S ACTUAL SENTENCE IMPOSED, AND, TO AN EXTENDED DATE OF NON-PAROLE PERIOD (OF TIME)', IN VIOLATION/BREACH OF STATUTORY REQUIREMENT (IF STATE ACTUALLY WANTED TO LAWFULLY REQUEST AN EXTENDED

1106.

NPP BY PROCEDURAL LAW [38., 40., 43. AND 45.]), 'AND DID SO BY INTERPRETING TEXT AT [1003, 1005, 1008.] (IBID), AS TRUTH IN SENTENCING ACT [46.] PERIODS OF TIME', RATHER THAN HOW THE COURT ORDERED AND MANDATED SAID PERIODS OF TIME, IN COMPLIANCE WITH TEXT AT [1001, 1002, 1004.].

1107.

THE STATUTORY FORMULA [SEE TEXT AT 1044. IBID], WHICH THE COURT APPLIED IN 2002 PER [74.], WAS THE 1992 FORMULA, BUT, THE STATUTORY FORMULA WHICH THE SOUTH AUSTRALIAN GOVERNMENT APPLIED IN 2002, TOWARDS THE WORDING IN [74.], WAS ERRONEOUSLY, ILLEGALLY AND UNCONSTITUTIONALLY [1. AND 3.], ~~THE~~ THE

1108.

2002 FORMULA. THE S.A. GOVERNMENT THINKS IT IS CORRECT BECAUSE IT DETERMINES, ITSELF (SELF-SERVING), THAT IT IS CORRECT, AND THAT MY COMPLAINT HAS NO MERIT.

1109. Where the Decision Proper, which was made by the State Government in 2002

[see text at 1037, ibid], was consequential to erroneous considerations ([see

text at 1107, 1108, ibid], [82, and 83.1], which were not even permitted to be part

of the consideration ~~the~~ process, such as due to jurisdictional barriers (which act

to prohibit their inclusion within such process), then said Decision must be

fraudulent in its existence, for it cannot exist lawfully through ultra

vires means. Even after my complaints to S.A. Government, about their

incorrect Decision to calculate my NRP date (following [74.1] Delivery),

as 'late 2016', the S.A. Government still did not hold any jurisdiction to even

'investigate its own Decision (irrespective of accuracy, state or not), as

that would equate to a non-independent (and self-serving), investigation, also,

1110. the Executive Government (Ch. II [3.1]), did not own the original Decision

(which was the 2002 Judgment Proper [74.1]), and therefore did not hold any

right of claim over the true/accurate meaning/interpretation of the words of

the original Decision, as that right (in jurisdictional competence), is only

held within Ch. III [1. and 3.1], by the full Court [74.1].

1112. The Right to make an Official Decision (relating to my sentence (NRP)), is one

1113. governed by Procedural Law (within relevant statutes). Procedural Laws protect

respective lawfully created Official Decisions, and protect against unlawfully created

1114. PSUEDO - Official Decisions. However, when the South Australian Government first

created its 'interpretation of true meaning and obligations (upon State Government), of

[74.1], it failed to effect the process approach (ask the Court to explain more),

it instead circumvented the Protection Mechanisms within 'Due Process', and the

Protection Mechanisms within 'Procedural Law', and continued with same criminal

breaches of jurisdiction, and criminal violations of jurisdiction, all so it could

keep this matter out of the Courts, which are the only constitutionally

[1. and 3.1], competent and permitted entity to interpret/further explain (meaning of

operational effect and obligations of), [74.1].

1115. As above described within this document, the Courts' Orders in 2002 [74.1],

mandate enforcement of my imposed NRP, by South Australian Government, in



ACCORDANCE WITH 1992 STATUTORY FORMULA [SEE TEXT AT 1107, 1108. *IBID*], WHICH IS DESCRIBED IN PARAGRAPH 20 IN *ANDREWS* [207.], AND OF PARTICULAR HIGHLIGHT ARE THE OBLIGATIONS UPON THE STATE GOVERNMENT (THE BOARD), AT THEREIN DESCRIBED SECTIONS 66. (1), 66. (3)(A) "SHALL" [30.], 66. (3)(B) "SHALL" [30.], 66. (6) "SHALL" [30.], AND 66. (7). THOSE PARTICULAR 'SECTIONS' (OBLIGATIONS UPON THE SOUTH AUSTRALIAN GOVERNMENT), DURING 'PAROLE RELEASE REVIEW BY THE PAROLE BOARD', SHOW THAT THE BOARD MUST ACTIVELY WORK TO CAUSE PAROLE RELEASE OF ME, PER NPP DATE (OR CLOSE TO), BUT, THE STATE GOVERNMENT HAS ALSO DELIBERATELY REFUSED AND FAILED, TO AT LEAST AS MUCH AS BOARD AND STATE GOVERNMENT ARE ADMINISTRATIVELY ABLE TO PROGRESS AND ADVANCE, ANY PAROLE RELEASE REVIEW OF ME (AS PER THE STATUTORY REQUIREMENTS OF 1992 SENTENCING STANDARDS). THE STATE GOVERNMENT HAS NO JURISDICTION, TO EVEN MAKE ITS DECISION, TO REFUSE TO COMPLY WITH THE COURT'S ORDERS [74.]. IT STOLE MY COURT IMPOSED NPP DATE, STOLE MY STATUTORY RIGHT (1992 SENTENCING STANDARDS), TO APPLY FOR PAROLE RELEASE IN 2009, STOLE MY STATUTORY RIGHT (1992 SENTENCING STANDARDS), OF PAROLE RELEASE IN 2009 (PER COURT'S SENTENCE), AND HAS DONE SO IN A MANNER THAT'S DELIBERATE IN ITS CONSTITUTIONAL [1.] VIOLATIONS OF JURISDICTION.

THE STATE GOVERNMENT WILL <sup>LIKELY</sup> ~~CLAIM~~ CLAIM THAT IT HAS DONE NOTHING WRONG OR ILLEGAL, AND, THAT MY CLAIM TOWARDS '2009 PAROLE RELEASE', '2009 RIGHT TO SUBMIT PAROLE RELEASE APPLICATION', IS NOT ACCURATE 'DUE TO PAROLE RELEASE APPLICATIONS BEING ADMINISTRATIVE IN NATURE AND THEREFORE NOT AN ACCRUED RIGHT', HOWEVER, IT WOULD BE PRUDENT AND PROPER TO REFER TO THE PINDER JUDGMENT [208.], IN FULL CITATION, AS AN AUTHORITY TO DISMISS THE STATE GOVERNMENT'S ILLEGAL AND UNCONSTITUTIONAL ([1.]) ACTIONS AGAINST MY 'ACCRUED RIGHTS PER COURT SENTENCE [74.]'. PINDER ([208.]) TEXT IN FULL, CLEARLY QUALIFIES MY STATUTORY RIGHTS (PER 1992 SENTENCING STANDARDS), AS OF FIRST RIGHT TO EXERCISE THEM (DATE), BEING DAY OF DELIVERED SENTENCE [74.], AND, NO MATTER WHAT CHANGES PARLIAMENT EFFECTS TO SENTENCING STANDARDS ([46.]), THE CONSTITUTION [1.] PROHIBITS INFRINGEMENT OF IMPOSED SENTENCE ACCRUED RIGHTS, BY ANY ACT OF PARLIAMENT OR STATE [3.].

1122. PINDER [208.], HELPS TO EXPLAIN CONDITIONS/CIRCUMSTANCES BY WHICH A PARTICULAR 'ACT MAY/MUST BE DONE', BY CERTAIN PARTIES, AT PARTICULAR TIMES, AT PARTICULAR PLACES, IN THE COMPANY OF CERTAIN 'OTHERS' TOO, PURSUANT TO RESPECTIVE LAWS RELATING TO AND/OR GOVERNING SUCH ACTS, AND, IT [208.], PROVIDES CASE LAW EXAMPLES SHOWING HOW, WHEN AND WHY RESPECTIVE CIRCUMSTANCES MAY NOT PERMIT A COURT OF CHALLENGE (CRIMINAL OR CIVIL JURISDICTION), ANY DISCRETION OPEN TO IT (TO RULE 'FOR' OR 'AGAINST' THE 'CHALLENGING PARTY', ESPECIALLY WHERE 'SUBSTANTIVE RIGHTS' AND ASSOCIATED 'SUBSTANTIVE LAWS' MANDATE A PARTICULAR JUDGMENT/ RULING MUST FOLLOW).

1123. I INCLUDE THE FULL PINDER JUDGMENT [208.], AS A COMPONENT OF THIS DOCUMENT, WITH OVERVIEW ATTENTION TO THE FOLLOWING PASSAGES FROM THEREIN:

1124. [208.] PINDER JUDGMENT 1989.

KING CJ

1125. A DISTINCTION IS MADE IN THE AUTHORITIES BETWEEN AMENDMENTS WHICH AFFECT SUBSTANTIVE RIGHTS ALREADY ACCRUED AND AMENDMENTS WHICH ARE PURELY PROCEDURAL IN CHARACTER.

1126. IN THE CASE OF THE FORMER THERE IS A PRESUMPTION THAT THE AMENDMENT DOES NOT OPERATE RETROSPECTIVELY SO AS TO AFFECT ACCRUED RIGHTS.

1127. IN THE CASE OF THE LATTER IT IS OFTEN SAID THAT THE AMENDMENT APPLIES RETROSPECTIVELY.

1128. A PROCEDURAL AMENDMENT ALTERS A RULE GOVERNING PROCEDURE AND, THEREFORE, PRIMA FACIE, APPLIES TO ANY SUCH PROCEDURE OCCURRING AFTER ITS ENACTMENT IRRESPECTIVE OF WHETHER THE CAUSE OF ACTION OR TRANSACTION TO WHICH THE PROCEDURE RELATES HAS ARISEN OR OCCURRED BEFORE OR AFTER THE AMENDMENT.

1129. I DOUBT WHETHER SUCH OPERATION CAN BE ACCURATELY DESCRIBED AS RETROSPECTIVE.

1130. THE SUBJECT MATTER OF THE AMENDMENT IS NOT CAUSES OF ACTIONS OR TRANSACTIONS OCCURRING IN THE PAST BUT PROCEDURES OCCURRING IN THE FUTURE.

1131. TO CHARACTERISE AN AMENDMENT AS PROCEDURAL IS NOT CONCLUSIVE, HOWEVER, AS TO ITS APPLICABILITY TO A PROCEDURE RELATING TO A CAUSE OF ACTION OR



TRANSACTION ANTECEDENT TO THE AMENDMENT.

1132. SOME PROCEDURAL PROVISIONS, AS I POINTED OUT IN ATTORNEY-GENERAL'S REFERENCE NO. 1. OF 1988 (1988) 49 SASR 1., ARE TREATED, FOR THE PURPOSE OF DETERMINING THE OPERATION OF AN AMENDMENT, AS CONFERRING SUBSTANTIVE RIGHTS AND AS GOING BEYOND THE ~~REALM~~ REALM OF MERE PROCEDURE.

1133. A PROVISION LIMITING ~~THE~~ THE TIME WITHIN WHICH A PROSECUTION MAY BE LAUNCHED IS, TO MY MIND, CLEARLY PROCEDURAL IN NATURE.

1134. IT WOULD NOT BE CONSTRUED, HOWEVER, AS DEPRIVING A PERSON OF AN ALREADY ACCRUED RIGHT OF IMMUNITY AGAINST PROSECUTION.

1135. IT WOULD NOT AUTHORISE THE LAUNCHING OF A PROSECUTION WHICH WAS <sup>ALREADY</sup> ~~ALREADY~~ STATUTE BARRED WHEN THE AMENDMENT WAS PASSED, MAXWELL V. MURPHY (1957) 96 CLR 261; YEW BON TEW V. MARA 1983 1. A.C. 553.

...

1136. IS THERE ANY BASIS FOR CONSTRUING THE AMENDING ACT AS NOT APPLYING TO CASES IN WHICH THE LIMITATION PERIOD HAD NOT EXPIRED WHEN THE AMENDING ACT CAME INTO OPERATION?

1137. IS MR RICE'S CONTENTION VALID?

1138. I CAN SEE NO BASIS IN REASON OR JUSTICE FOR HOLDING THAT THE AMENDING ACT

1139. SHOULD NOT OPERATE ACCORDING TO ITS NATURAL TENOR IN RESPECT OF INFORMATION

1140. LAI D AFTER THE COMMENCEMENT OF THAT ACT IN RESPECT OF OFFENCES WHICH ARE

1141. NOT ALREADY THE SUBJECT OF A BAR AT THE TIME OF THE COMMENCEMENT OF THE AMENDING ACT,

1142. THE ALLEGED OFFENDER IN SUCH A CASE HAS, EX HYPOTHESI, NOT ACQUIRED A LEGAL IMMUNITY AND THERE IS NO REASON WHY THIS PROCEDURAL PROVISION SHOULD NOT APPLY TO THE PROCEDURE OF LAYING AN INFORMATION AFTER THE COMMENCEMENT OF THE PROVISION.

1143. THIS WAS THE DECISION OF THE ENGLISH COURT OF CRIMINAL APPEAL IN R V. CHANDRA DHARMA (1905) 2 K.B. 335 AND I THINK THAT THAT DECISION SHOULD BE FOLLOWED.

BOLLEN J.

1144. CHANNELL J AGREED IN THE RESULT BUT FOLLOWED A RATHER DIFFERENT TACT. HIS REASONS IN FULL ARE: -

1145. "I AGREE; BUT I WISH TO SAY THAT IN MY VIEW A STATUTE DEALING ONLY WITH PROCEDURE APPLIES TO PAST EVENTS AS WELL AS TO FUTURE EVENTS, AND  
1146. TO HOLD THIS IS NOT TO MAKE THE STATUTE RETROSPECTIVE. THE OBJECT OF THE STATUTE IS ONLY TO AFFECT PROCEDURE, ...

1147. IF THE TIME UNDER THE OLD ACT HAD EXPIRED BEFORE THE NEW ACT CAME INTO OPERATION THE QUESTION WOULD HAVE BEEN ENTIRELY DIFFERENT, AND IN MY VIEW  
1148. IT WOULD NOT HAVE ENABLED A PROSECUTION TO BE MAINTAINED EVEN WITHIN SIX MONTHS FROM THE OFFENCE."

1149. THE COURT IN PINDER [208.], ANCHORED TO THE POSITION THAT 'PINDER DID (IN FACT, AND LAW), OWN THE ACCRUED RIGHT IN SUBSTANTIVE LAW, TO ARGUE STATUTORY  
1150. TIME-BAR IMMUNITY AGAINST LAYING AN INFORMATION AGAINST HIM, HOWEVER, PINDER DID NOT, AT THE TIME THE INFORMATION WAS ACTUALLY LAID AGAINST HIM, YET OWN THE LEGAL RIGHT TO EXERCISE SAID SUBSTANTIVE (ACCRUED) RIGHT OF TIME-BAR  
1151. IMMUNITY AGAINST PROSECUTION OF HIM', PINDER'S SAID ACCRUED RIGHT THEREFORE BEING AN 'INACTIVE ACCRUED RIGHT PENDING DATE TO EXERCISE' [SEE TEXT AT 886 TO 893, IBID],  
1152. BUT, IF PINDER WAS RIGHTED TO EXERCISE HIS ~~TIME~~ TIME-BAR IMMUNITY, THE COURT WOULD BE OBLIGATED TO PROTECT PINDER'S ACCRUED RIGHT (SUBSTANTIVE RIGHT IN SUBSTANTIVE LAW), AND THERE WOULD BE NO 'DISCRETION' OPEN TO SAID COURT (IN DECIDING WHETHER TO, OR WHETHER TO NOT RULE TO PROTECT PINDER'S SAID ACCRUED RIGHT), SO THE ONLY OPERATEABLE STATUTORY PROVISIONS IN SUBSTANTIVE LAW, AND BY DUE PROCESS MEANS IN PROCEDURAL LAW, WOULD HAVE ENSURED PINDER'S ACCRUED RIGHT (IF IT HAD REACHED FIRST DATE TO EXERCISE TIME-BAR IMMUNITY), WAS JUDICIALLY ENFORCED [SEE TEXT AT 1125 TO 1143, IBID].

1153. PINDER [208.], SHOWS THE CONSTITUTIONAL AUTHORITY AND STRENGTH (1. AND 3.)], ASSOCIATED WITH JUDICIAL GOVERNANCE OF 'ACCRUED RIGHTS', TO PROTECT THAT WHICH IS ACCRUED AS AN ENFORCEABLE RIGHT (IN A COMPETENT COURT, IN CH. III [3.]),



AS WELL AS IDENTIFYING WHEN, BY DATE PROPER, IS THE FIRST DATE AT WHICH THE

EXERCISE OF SUCH ACCRUED RIGHT, COMMENCES, SO THAT FROM FIRST DATE OF EXERCISE

ONWARDS, THE RESPECTIVE SUBSTANTIVE RIGHT CANNOT BE DENIED FROM THE PERSON WHO

OWNS IT, BY ANY ACTION WITHIN CH. II (E3.1), WITHOUT FIRST HAVING AN

OFFICIAL COURT'S ORDER (STIPULATING CLEARLY WHAT MUST BE ENFORCED AGAINST A PERSON,

BY STATE GOVERNMENT, OPERATING CH. II E3.1), OTHERWISE THE SUBSTANTIVE RIGHT REMAINS.

115. BY APPLYING PINDER (DESIGNATION OF SUBSTANTIVE RIGHTS, AND WHEN TO EXERCISE

THEM [208.1], TO MY 2002 JUDGMENT [74.1], LEAVES NO OTHER PERMISSION TO ACT

IN ANY OTHER WAY, OPEN TO STATE GOVERNMENT (UNDER CH. II E3.1, CONSTITUTIONAL

COMPLIANCE), OTHER THAN EXACTLY WHAT THE COURT ORDERED [74. AND 77.1], AS

PER [80.1].

116. THE STATE GOVERNMENT (CH. II E3.1), WILL ARGUE THAT 'AUTOMATIC PAROLE AND

REMISSIONS OPERATIONAL EFFECTS NO LONGER EXIST FOR LIFEIS, TO CHALLENGE MY

COMPLAINT AGAINST THEIR REFUSAL TO ENFORCE MY IMPOSED SENTENCE ([74.1], TO WHICH

I STATE AS A CONSTITUTIONAL FACT [1. AND 3.1], THAT 'PARLIAMENT (CH. I E3.1),

AND EXECUTIVE GOVERNMENT (CH. II E3.1), OWN NO JURISDICTION TO TAKE

FROM ME THAT WHICH ONLY A COURT OF COMPETENCE CAN DETERMINE

(AND COURTS (RE CRIMINAL LAW SENTENCING AND AMENDMENTS TO SENTENCES IMPOSED), EXIST

WITHIN CH. III E3.1 ONLY, SO THAT ONCE SENTENCE IMPOSED PER WORDING IN

JUDGMENT PROPER, ONLY CH. III ENJOYS COMPETENT JURISDICTION TO

117. INCREASE ITS IMPOSED IMPACT ON SENTENCED PERSON). AS I HAVE IDENTIFIED WITHIN

THIS DOCUMENT, BY STATUTORY MANDATE, 'TIGHT IN SENTENCING STANDARDS, DON'T EXIST

NOW WITH 'AUTOMATIC PAROLE FEATURE OR 'REMISSIONS FEATURE, AS AT YEAR 2017, AS

THEY HAD EXISTED IN 1992, WHICH IS DUE TO STATUTE AMENDMENTS IN 1994 [46.1].

118. HOWEVER, EVEN THOUGH THE 1994 AMENDMENTS [46.1], NO LONGER ENABLED LIFEIS,

TO RECEIVE THE STATUTORY BENEFIT (RE 'REMISSIONS SYSTEM AND AUTOMATIC PAROLE,

AS PER ANDREWS [207. (PARA. 20)], ENFORCED BY CORRECTIONAL SERVICES DEPARTMENT,

PAROLE BOARD AND STATE GOVERNMENT), OF 'REMISSIONS SYSTEM AND AUTOMATIC PAROLE,

AS A STANDARD SENTENCE REGIME, THE 'AUTOMATIC PAROLE FEATURE, DID CONTINUE IN

OPERATION FOR A SPECIFIC CLASS OF OTHER SENTENCED PRISONERS [51. AND 46.1],

1159. This effect also contradicts what was stated in Parliament [138.], as a dual-system did operate ('under 5 years sentence', '5 years or more sentence' [55.]), and the 'automatic parole feature' was intrinsic to the operation of 'under 5 year sentences'. If automatic parole system still operated within [46.], albeit for only a specific (discriminatory) class of prisoner ('under 5 year sentence'), then, there were in fact at least 3 different parole-release regimes operational, within [46.], as on 1-8-1994 when [46.] became operational, as follows:
1162. 1.) 'Under 5 years sentence' (automatic parole feature still operated) [see text at 1159, above.],
1163. 2.) '5 years, or more, sentence, BUT NOT LIFE' [see text at 1159, above.],
1164. 3.) 'LIFE' with non-parole period fixed by the court.
1165. What should have transpired to Group 3, prisoners [see text at 1164, ibid.], is, as I have clearly described herein, per procedural law, and therefore by 'due process according to law', as far as parole-release submission/application by respective life, the Board either move actively to parole-release said life ([100.], s. 67(g) "AND, IF THE Board so recommends...") as per observation and application of relevant procedural law, which, per procedure, requires Board to forward only what it is restricted, by constitutionally competent statute, to forwarding to Governor, two specific conditions ([100.], s. 67(g)(a)(i), and s. 67(g)(a)(ii)), Governor eventually approves such conditions then parole-release effected, OR, the State Government ([38., 39., 40. and 45.]), move actively to engage Statutory due process to extend non-parole period of respective life, by Jurisdictional Competence of RE-sentencing hearing. As proven within particularised descriptions within this document, there



IS NO CONSTITUTIONALLY [1.1], PERMITTED ACTION BY ANY STATE GOVERNMENT  
 (CH.II [3.1], STATUTORY INSTRUMENT OR STATE INSTRUMENTALITY [14. AND 33.],  
 1169. WHICH LAWFULLY INCREASES 'PENALTY OF SENTENCE BY ITS OWN HAND, OR, CREATION  
 OF A PERIOD OF TIME WHICH IN ITS OPERATION EQUATES TO A NPP', TOWARDS A 'LIFER',  
 1170. AND THEREFORE, IT IS IMPOSSIBLE TO LAWFULLY OPERATE ANY PART OF [107.,  
108. AND 109.], AGAINST A LIFER, AND ADDITIONALLY, FOR PARTICULARISED  
 1171. REASONS REVEALED AND DESCRIBED WITHIN THIS DOCUMENT, IT IS IMPOSSIBLE TO  
 LAWFULLY OPERATE ANY PART OF [102., 103., 104. AND 105.], AGAINST A 'LIFER', AND  
 1172. TO FURTHER THIS CLAIM AGAINST CONDUCT BY STATE, <sup>OF</sup> ~~OR~~ CRIMINAL ABUSE OF THE  
 CONSTITUTIONAL ([1. AND 3.1]) AUTHORITY HELD BY SOUTH AUSTRALIAN GOVERNMENT,  
 WHERE STATE (CH.II [3.1]), 'CREATED CRIMINAL JURISDICTION SENTENCES AND THEN  
 IMPOSED THEM' AND THEN ENFORCED THOSE ILLEGAL SENTENCES, AGAINST LIFERS (WATSON  
 [194. (PARA. 11.)]), 'BY OPERATING [107., 108. AND 109.], AGAINST RESPECTIVE 'LIFER'  
 1173. WITH COURT IMPOSED NPP', AND YET THERE WAS NO WORDING IN STATUTE [46.],  
 FROM FIRST DAY OF OPERATION WHICH IN ANY POSITIVE OR AFFIRMATIVE FORM (SELLECK  
 [64. (PARAS. 92, 93, 94. AND 117.)]), NOT IN SUBSTANTIVE OR PROCEDURAL LAW,  
 1174. NOR AS SOME TYPE OF GOVERNMENT'S SUBSTANTIVE OR PROCEDURAL RIGHT, WHICH EVER  
PERMITTED ([107., 108. AND 109.]), THE USE OF CH.II [3.1], TO CIRCUMVENT  
PROCEDURAL LAW OPERATION WITHIN CH.III [3.1], OF CRIMINAL LAW  
 SENTENCING ACT. S. 32 ([38., 39., 40., 44. AND 45.]), BY JURISDICTIONALLY  
 COMPETENT COURT, AND BY CRIMINAL JURISDICTION JUDGES OF  
 1175. SUPREME COURT RANK OR HIGHER, AND, EVEN IF BY SOME CRIMINALLY  
 PROHIBITED MEANS (PROHIBITED BY THE CONSTITUTION [1. AND 3.1]), THE  
 SOUTH AUSTRALIAN PARLIAMENT VIOLATED ITS JURISDICTION [28.],  
 THEN CRIMINALLY MISUSED GOVERNOR TO ASSENT THAT WHICH WAS  
 CONSTITUTIONALLY ([1.1]) PROHIBITED FROM EXISTING IN CH.II [3.1]  
STATUTE [102., 103., 104., 105., 151., 156. AND 172.], FOR OPERATING/EFFECTING  
ONLY WITHIN CH.II [3.1] REALM AND BY STATE GOVERNMENT DEPARTMENTS (AND  
 1176. THEIR EMPLOYEES), THE SOUTH AUSTRALIAN GOVERNMENT HOLDS NO CONSTITUTIONALLY  
[1. AND 3.1] ALLOWABLE PROCEDURAL RIGHT, IN COMPETENT JURISDICTIONAL OBSERVANCE

AND APPLICATION OF PROCEDURAL LAW, WHICH COULD EVER PERMIT THE CREATION OF A NON-PAROLE PERIOD OF TIME, AGAINST A LIFER, OR, REFUSE, FAIL OR NEGLECT TO ONLY ENFORCE A COURT'S CREATED AND COURT'S IMPOSED SENTENCE PENALTY UPON A LIFER? [SEE TEXT AT 846, 847. IBID], AND YET STATE ACTED AS IF IT DID HOLD SUCH RIGHT?

1177. THE SOUTH AUSTRALIAN PARLIAMENT AND STATE GOVERNMENT HAVE TREATED [1.] AS A PERFUNCTORY TEXT, WITH PERFUNCTORY MEANING, AS PROVEN BY THE CREATION OF  
 1178. THE OPERATIONAL EFFECTS OF [102., 103., 104., 105., 151., 156. AND 172.]. THEY HAVE ALSO TREATED THEIR ONLY ROLE (RE LIFER'S IMPOSED SENTENCE), WHICH IS TO 'ENFORCE' THE COURT'S IMPOSED SENTENCE, WITH ULTRA VIRES CONTEMPT, BY 'CREATING' (WHAT IS, IN ITS OPERATION, DUE TO THEIR REFUSAL TO COMPLY WITH COURT'S DIRECTIONS IN [74.]), A 'NEW PERIOD OF TIME OPERATING AS A NON-PAROLE PERIOD OF TIME', WITH AN ENDING  
 1179. DATE OF LATE 2016 [SEE TEXT AT 1037. IBID]. SO THEN, WITH NO PROCEDURAL RIGHT IN PROCEDURAL LAW, THE 'STATE CREATED A NEW NPP OF TIME FOR ME', AND NOT EVEN BY WAY OF CRIMINAL LAW JURISDICTION, THEY DID IT WITHIN THE CRIMINAL MISUSE OF ADMINISTRATIVE LAW (AS THE CORRECTIONAL SERVICES ACT, SA, IS OPERATED ONLY AS ADMINISTRATIVE JURISDICTION, NOT AS CRIMINAL JURISDICTION, AND CRIMINAL JURISDICTION (RE SENTENCING A LIFER), MUST BE OPERATED TO COMPETENTLY CREATE A LIFER'S SENTENCE, AND THAT ALSO CAN ~~BE~~ ONLY BE DONE IN CH. III [3.]), AND THEN ENFORCED AGAINST ME, NOT THE COURT'S SENTENCE, BUT THE 'STATE'S ADMINISTRATIVELY CREATED NPP OF TIME', OUTSIDE THE ~~PROTECTION~~ PROTECTION OF PROCEDURAL LAW.

1180. THE SOUTH AUSTRALIAN GOVERNMENT, THROUGH OPERATION OF [46.] SINCE ITS START (1-8-1994), TREATED GROUP 3. PRISONERS [SEE TEXT AT 1164. IBID], IN THE SAME ADMINISTRATIVE MANNER AS GROUP 2. PRISONERS [SEE TEXT AT 1163. IBID], AS FAR AS 'THE JURISDICTIONAL COMPETENCE OF THE BOARD TO REFUSE PAROLE RELEASE, THEN 'CALCULATE A PERIOD OF TIME' WITHIN WHICH PRISONER CAN'T RE-APPLY FOR PAROLE, EQUAL IN ITS OPERATIONAL EFFECT TO A 'NON-PAROLE PERIOD OF TIME' (S. 67(9)(C) [107. AND 108.]), THEN 'NOTIFY PRISONER OF SAME', BUT, THERE WAS NO PROCEDURAL RIGHT IN PROCEDURAL LAW, HELD BY SOUTH AUSTRALIAN GOVERNMENT, HELD BY ANY SECTION OF CORRECTIONAL SERVICES ACT, S.A., HELD BY ANY PERSON (WHO, IN

1181.



THEIR STATE GOVERNMENT JOB, FOR A STATE GOVERNMENT AGENCY/DEPARTMENT, ON BEHALF OF SOME WHICH ONLY OPERATES WITHIN THE STATE JURISDICTION OF CH. II [3.1], REPRESENTING STATE GOVERNMENT BUSINESS (OPERATIONS), WHICH AFFORDS ANY

CONSTITUTIONAL COMPETENCE (CL AND 3.1), TO ACT AND OPERATE AS A CH. III [3.1] CRIMINAL JURISDICTION SENTENCING COURT TO SENTENCE A LIFER [45.1], TO AN OPERATIONALLY NEW AND EFFECTED NRP, WHICH COULD EVER BE COMPETENTLY

RECOGNISED AND ACCEPTED AS A TRUE AND LAWFULLY CREATED NRP, BY ANY COURT [44.1].  
TO CREATE A CONSTITUTIONALLY COMPETENT (CL.1), NRP OF TIME AGAINST A LIFER IN

THE SOUTH AUSTRALIA, ~~THE~~ ACT ITSELF (OF CREATING), MUST BE DONE IN COMPLIANCE WITH STRICTLY CONTROLLED STATUTORY PROCEDURES (RE SENTENCING A LIFER), AND IN COMPLIANCE WITH STRICTLY CONTROLLED, OBSERVED AND APPLIED PROCEDURAL LAW (RE

RE-SENTENCING A LIFER), BY WAY OF DUE PROCESS (ACCORDING TO RELEVANT STATUTORY PROCEDURES WRITTEN INTO STATUTE, HENCE, STATUTORY DUE

PROCESS, ACCORDING TO PROCEDURAL LAW, AND, PER REITERATION BY HCA IN WATSON [194. (PARA. 11.1)], THE NRP IS PART OF [LIFERS] SENTENCE AND SO EXACTLY HOW IT IS TO BE LAWFULLY CREATED, NOT ONLY MUST BE WRITTEN IN COMPETENT STATUTE, BUT ALSO MUST ONLY BE CREATED IN ACCORDANCE WITH WHAT IS CLEARLY AND POSITIVELY

WRITTEN IN WORDS IN RESPECTIVE COMPETENT STATUTE (WHICH MUST ALSO OBSERVE AND EMPLOY CONSTITUTIONALLY CL.1 PERMITTED PROCEDURAL PROCESSES, AND THEY IN TURN CAN ONLY EVER BE APPLIED IN A COMPETENT COURT, BY A COMPETENT COURT OF JURISDICTIONAL OPERATION AND EXISTENCE, AND SUCH A COURT (OF SENTENCE CREATION, DELIVERY OF, AND, IMPOSITION OF), CAN ONLY EVER EXIST, TO CREATE A NON-PAROLE PERIOD OF TIME [FOR A LIFER [45.1],

IN ITS OPERATIONAL ENVIRONMENT, IN CHAPTER III OF THE AUSTRALIAN CONSTITUTION (CL AND 3.1), IN OTHER WORDS... A COURT ROOM, WITH A PROSECUTOR, JUDGES, STENOGRAPHER AND THE PRISONER (IN CUSTODY) OR THEIR LAWYER, NOT HOWEVER, IN THE OFFICE OF THE S.A. PAROLE BOARD (CH. II [3.1], WITH NO COURT ROOM, NO PROSECUTOR, NO JUDGES, NO SENTENCING HEARING STENOGRAPHER, NO PRISONER OR THEIR LAWYER [107, 108. AND 109.1]), [65.1]