

(REF. 27.)

ASIDE ON APPEAL AFTER THE COMMENCEMENT OF THAT ACT, THE OFFENDER MAY STILL BE SENTENCED UNDER THE STATUTORY PROVISIONS WHICH WERE IN FORCE WHEN HE WAS ORIGINALLY SENTENCED: MARR V. ROWBOTTOM (1989) 39 A CRIM R 113."

136. HANSARD OF HOUSE OF ASSEMBLY, S.A., THURSDAY 21 APRIL 1994, PAGE 921  
2ND READING FOR 'STATUTES AMENDMENT (TRUTH IN SENTENCING) BILL'  
PAGES 921, 922 AND 923

137. "REMISSIONS CANNOT SIMPLY BE ABOLISHED — THE CONSEQUENCES OF THEIR ABOLITION NEED TO BE DEALT WITH.  
UNDER SECTION 12 OF THE CRIMINAL LAW (SENTENCING) ACT 1988 COURTS ARE REQUIRED TO TAKE ACCOUNT OF REMISSIONS WHEN FIXING A SENTENCE OR A NON-PAROLE PERIOD." [PAGE 922].

138. "THE GOVERNMENT BELIEVES THAT IT WOULD BE UNDESIRABLE FOR THERE TO BE TWO GROUPS OF PRISONERS, PRE-AMENDMENT PRISONERS WHO CONTINUE TO BE ELIGIBLE FOR REMISSIONS AND POST-AMENDMENT PRISONERS NOT BEING ELIGIBLE FOR REMISSIONS. SUCH A SITUATION WOULD BE CONFUSING FOR BOTH PRISONERS AND PRISON OFFICERS." [PAGE 922].

139. "THIS ALL CHANGED WHEN THE 1983 LEGISLATION WAS ENACTED. INSTEAD OF RETAINING A MINIMUM SENTENCE THE COURTS WERE NOW REQUIRED TO FIX A NON-PAROLE PERIOD, AT THE END OF WHICH A PRISONER WOULD BE AUTOMATICALLY RELEASED BUT THE NON-PAROLE PERIOD DID NOT REPRESENT THE PERIOD THE PRISONER WOULD BE REQUIRED TO SERVE. REMISSIONS OF UP TO A THIRD OF THAT ~~NOT~~ NON-PAROLE PERIOD COULD BE GRANTED ADMINISTRATIVELY FOR GOOD BEHAVIOUR." [PAGE 922].

AS 'MANIFESTLY INADEQUATE LENGTHS OF NON-PAROLE PERIODS', WAS THE INTENTION OF LOWER NON-PAROLE PERIODS DUE TO 'ABOLITION OF REMISSIONS' [59.]. THIS IS SUPPORTED IN MURPHY 2002 ([66. AND 72.]): PARAGRAPH 46.

"HOWEVER, THE CROWN ACKNOWLEDGED THAT THE STANDARD FOR THE MOST SERIOUS CRIMES OF MURDER HAS INCREASED SINCE 1994. THAT CONCESSION CONFORMS ~~TO MY~~ WITH MY IMPRESSION."

126. IT IS RELEVANT TO NOTE IN INGE 1999 [50.], PARAGRAPH 49:

"THE AVERAGE PERIOD SERVED BY PRISONERS SENTENCED TO LIFE IN SOUTH AUSTRALIA WAS GIVEN AS 13 YEARS 3 MONTHS IMPRISONMENT."

127. SUCH AN AVERAGE TERM OF INCARCERATION IN SOUTH AUSTRALIA FOR LIFERS IN THE EARLY 1990's, IS CONSISTENT WITH MY 2002 JUDGMENT [74.] OF 22 1/2 YEARS NON-PAROLE PERIOD, THEN CALCULATION OF 1992 REMISSIONS SYSTEM, MEANT THAT AFTER APPROXIMATELY 15 YEARS I WAS ENTITLED TO AUTOMATIC PAROLE. REARDON'S 1994/95 SENTENCE FOR MURDER OF APPROXIMATELY 21 YEARS NON-PAROLE PERIOD, THEN CALCULATION OF 1993 REMISSIONS SYSTEM, MEANT THAT AFTER APPROXIMATELY 14 YEARS REARDON WAS ENTITLED TO AUTOMATIC PAROLE (IN 2013). [124. AND 139.].

128. THERE REMAINS A VERY SIMPLE YET FUNDAMENTALLY SIGNIFICANT QUESTION THAT ANY COMMON PERSON WOULD UNDERSTAND, BEING 'WHAT IS THE REASON AND PURPOSE OF SECTION 56. OF THE CRIMINAL LAW (SENTENCING) ACT 1988, S.A., IF THE GOVERNMENT (OPERATING UNDER CHAPTER II OF THE CONSTITUTION [3.]), IS ABLE TO NOT ONLY DISREGARD THAT SPECIFIC REQUIREMENT ([45.]), BUT ALSO FAIL TO COMPLY WITH CONSTITUTIONAL COMPLIANCE REQUIREMENTS RELATING TO ANY 'INTERESTED' PARTY SEEKING TO VARY (INCLUDING "EXTEND"), A LIFER'S NON-PAROLE PERIOD (OR IN FACT ANY SENTENCED PRISONER'S NON-PAROLE PERIOD), WHICH IS CLEARLY DESCRIBED IN THE SENTENCING ACT ([45., 38., 40., 42., 43. AND 44.])'?

129. WHERE IN FACT, AND REAL EFFECT, THE LIFER'S EFFECTIVE NON-PAROLE PERIOD, HAS BEEN ADMINISTRATIVELY EXTENDED ~~AND~~ OR INCREASED BY ANY GOVERNMENT INSTRUMENTALITY, AND THE EXTENDED NPP IS NOT DETERMINED AND IMPOSED BY ANY COMPETENT COURT, SITTING AS A CRIMINAL LAW SENTENCING COURT,



THEN SUCH AN ADMINISTRATIVE INCREASE ("EXTENDED" [38.] NPP), IS ILLEGALLY OBTAINED/ACHIEVED BY THE GOVERNMENT AS IT FLIPPANTLY DISREGARDS DUE PROCESS FEATURES OF THE SENTENCING ACT, AND IN DOING SO ALSO FAILS TO COMPLY WITH THE CONSTITUTIONAL AUTHORITY AND JURISDICTION, AS CLEARLY EXPRESSED IN LEGISLATION ([45.]), OF THE SENTENCING COURT WHICH IS THE ONLY COMPETENT AUTHORITY TO MAKE ANY SUCH VARIATION/INCREASE TO THE NPP ([38.]). THE GOVERNMENT CAN'T SHOW ANY QUALIFIED DOCUMENT EVIDENCE PROVING THEIR COMPLIANCE WITH COURT JUDGMENT OF ANY LIFER ('PRISONER A.' TYPE, INCLUDING ME), WHERE SUCH JUDGMENT WAS DELIVERED AFTER 1-8-1994, BUT MANDATES OPERATIONAL EFFECT OF (FOR EXAMPLE ([80. AND 77.]) MY 2002 JUDGMENT), '1992 SENTENCING STANDARDS' OF 'REMISSIONS CALCULATION' AND 'AUTOMATIC PAROLE', BECAUSE THE GOVERNMENT HAS NOT ONLY REFUSED TO COMPLY WITH THE OPERATIONAL EFFECT OF APPLICATION OF 1992 SENTENCING STANDARDS ('REMISSIONS CALCULATION' AND 'AUTOMATIC PAROLE'), TOWARDS THE IDENTIFIED 'NPP OF 22 1/2 YEARS' ([77. AND 80.]), IT CONTINUES TO REFUSE TO COMPLY WITH SECTION 56, OF THE SENTENCING ACT ([45.]), BEING THAT THE STATE GOVERNMENT (OPERATING UNDER CHAPTER II AUTHORITY [3.]), MUST ENFORCE THE SENTENCE WHICH ONLY THE SENTENCING COURT IS CONSTITUTIONALLY AUTHORISED TO IMPOSE, NOT DEViate FROM COURT IMPOSED NPP (INCLUDING CHANGING LEGISLATION OR EFFECT THEREOF WHICH OPERATIONALLY ATTEMPTS TO INCREASE NPP), AND MUST NOT SUBSTITUTE COURTS IMPOSED 'SENTENCE AND SENTENCING STANDARDS' WITH GOVERNMENT'S OWN VERSION OF WHAT 'SENTENCING STANDARDS' THE GOVERNMENT REGARDS AS RELEVANT.

130. WHERE THE COURT IMPOSED '1992 SENTENCING STANDARDS MUST BE APPLIED TO MY 2002 JUDGMENT ([77. AND 80.])', THE COURT COMPLIED WITH SECTION 9. OF THE SENTENCING ACT [37.], WHICH WAS NOT JUST FOR MY BENEFIT AS THE DEFENDANT, IT WAS ALSO INFORMING THE STATE GOVERNMENT OF THE GOVERNMENT'S "OBLIGATIONS" AND MY "EXPECTATIONS" ([37.]), APPLICABLE TO THE OPERATION OF SENTENCING LEGISLATION ('STANDARDS'), WHICH I HAVE AN ABSOLUTE AND ACCRUED RIGHT TO RECEIVE, INCLUDING THE VERSION OF CORRECTIONAL SERVICES ACT OPERATIONAL IN "1992" [80.]. [74., 75., 79., 80. AND 77.], [36.]

131. IN 1992, THE CORRECTIONAL SERVICES ACT WAS A SIGNIFICANT FEATURE OF THE OPERATIONAL SENTENCING STANDARDS IN SOUTH AUSTRALIA, ESPECIALLY FOR

LIFERS BECAUSE OF TWO CONSTITUTIONALLY ENFORCEABLE RIGHTS, WHICH NOT ONLY WERE REQUIRED TO BE ACKNOWLEDGED BY THE SENTENCING COURT, AND ACCEPTED BY THE SENTENCING COURT AS HAVING COURT ENFORCEABLE OPERATIONAL EFFECT (ON LENGTH OF TIME A LIFER WAS TO REMAIN INCARCERATED), TOWARDS MINIMUM TERM OF INCARCERATION AND MAXIMUM TERM OF INCARCERATION, BUT ALSO BECAUSE IT REINFORCED AN OPERATIONAL ATTACHMENT BETWEEN THE SENTENCING COURT'S IMPOSED SENTENCE (PER SS. 9. AND 56. OF THE SENTENCING ACT [37. AND 45.]), AND THE OBLIGATION OF THE GOVERNMENT WHILE ENFORCING THE COURT IMPOSED SENTENCE (OPERATING UNDER CHAPTER II AUTHORITY [3.], GOVERNMENT OF THE DAY), TO OPERATIONALLY APPLY 'REMISSIONS SYSTEM' AND 'AUTOMATIC PAROLE' (FEATURES FROM CORRECTIONAL SERVICES ACT [124., 125., 126., 127. AND 128.]), TO THE NON-PAROLE PERIOD FIXED BY THE COMPETENT COURT, THE CRIMINAL LAW SENTENCING COURT. [36.]

132. THIS MEANT THAT BOTH THE 'REMISSIONS SYSTEM' AND ITS CONSTITUTIONALLY REQUIRED OPERATIONAL EFFECT, AND 'AUTOMATIC PAROLE' AND ITS CONSTITUTIONALLY REQUIRED ~~OPERATIONAL~~ <sup>OPERATIONAL</sup> EFFECT, FROM THE CORRECTIONAL SERVICES ACT (WHICH WAS OPERATIONAL IN 1992), WERE OPERATIONALLY APPLICABLE UNDER PROTECTION OF SS. 9. AND 56. OF THE CRIMINAL LAW SENTENCING ACT ([37. AND 45.]), AND CHAPTER III OF THE CONSTITUTION (JUDICIARY [3.]), WHICH MEANS BOTH 'REMISSIONS SYSTEM CALCULATION TOWARDS MINIMUM TERM OF INCARCERATION' (THE 'NON-PAROLE PERIOD'), AND 'AUTOMATIC PAROLE TOWARDS MAXIMUM TERM OF INCARCERATION' (A (DEFACTO) HEAD SENTENCE IN REAL EFFECT), WERE IN FACT ACTUAL COMPONENTS OF THE SENTENCE DETERMINED AND IMPOSED BY THE SENTENCING COURT, AND THEREFORE MUST BE OPERATIONALLY ENFORCED BY THE STATE GOVERNMENT. [45.].

133. FOR LIFERS LIKE ME ('PRISONER A' TYPE), INCLUDING LIFERS SENTENCED (REGARDLESS OF WHEN (E.G. MY 2002 JUDGMENT [74., 80. AND 77.])), ON THE PROVISIO AND "BASIS THAT THEY ARE ELIGIBLE FOR REMISSIONS" [53.], AND "ALL PRISONERS WHO ARE ELIGIBLE FOR REMISSIONS WILL BE TAKEN TO HAVE THEIR TERM OF IMPRISONMENT [HEAD SENTENCE FOR LIFER] AND NON-PAROLE PERIOD (IF ANY), REDUCED BY THE



MAXIMUM NUMBER OF DAYS OF REMISSION THEY COULD HAVE EARNED HAD REMISSIONS NOT BEEN ABOLISHED." [53.], IT MEANT THAT OUR NON-PAROLE PERIOD DETERMINED BY THE SENTENCING COURT AND IMPOSED UPON US BY THE SAME COURT (RESPECTIVELY), CARRIED WITH IT THE EFFECTIVE WEIGHT OF A 'HEAD-SENTENCE', DUE TO THE OPERATIONAL APPLICATION AND REAL EFFECT OF THE 'AUTOMATIC PAROLE' FEATURE OF CORRECTIONAL SERVICES ACT ([124., 125., 126., 127. AND 128.]), DIRECTLY ASSOCIATED WITH ANY AND ALL 'REMISSIONS' CREDITED TO US, AND WHICH COULD HAVE BEEN EARNED BY US ([137. AND 53.]). THE EFFECT OF 'AUTOMATIC PAROLE' FOR LIFERS, LIKE ME ('PRISONER A' TYPE), SOURCED FROM CORRECTIONAL SERVICES ACT AS OPERATIONAL SENTENCING STANDARDS COMPONENT, ENFORCEABLE AS AN 'ACCURED RIGHT' WITH ABSOLUTE CONSTITUTIONAL ENTITLEMENT, UNDER SECTION 56. [45.] OF THE SENTENCING ACT, IRRESPECTIVE OF WHEN SUCH DATE OCCURS, MUST BE ADHERED TO AND COMPLIED WITH BY THE STATE GOVERNMENT AS THE GOVERNMENT ENFORCES THE COURT IMPOSED SENTENCE (SUCH AS MINE [74.]).

134. GENERALLY, THE 'HEAD-SENTENCE' FOR A CAPITAL CRIME IN SOUTH AUSTRALIA, IS WHEN THE PRISONER DIES, HENCE THE TERM 'LIFE'. HOWEVER, WHEN PARLIAMENT LEGISLATED IN THE 'AUTOMATIC PAROLE' FEATURE OF CORRECTIONAL SERVICES ACT ([124., 125., 126., 127. AND 128.]), IN THE MID 1980'S, THE PREVIOUS EFFECT OF 'LIFE IN PRISON' (UNDER THE PRISONS ACT, RE GOVERNOR'S PLEASURE), WAS NULLIFIED BECAUSE FROM THAT POINT ONWARDS THE LIFER HAS AN ACCURED RIGHT, TO BE RELEASED FROM PRISON ON PAROLE, ON A SPECIFIC DATE, AND FURTHER TO THE ACCURED RIGHT OF THE LIFER TO RECEIVE THEIR 'AUTOMATIC PAROLE', IT WAS ALSO A CONSTITUTIONAL OBLIGATION ON THE STATE ~~GOVERNMENT~~ GOVERNMENT TO ENFORCE SUCH ACCURED RIGHT OF 'AUTOMATIC PAROLE'. OBVIOUSLY THERE WERE ADMINISTRATIVE ELEMENTS TO AUTOMATIC PAROLE, SUCH AS 'APPROVED ADDRESS', 'LIFER AGREES TO CONDITIONS', BUT THE ENTITLEMENT WAS AVAILABLE TO THE LIFERS, AND THE GOVERNMENT HAD NO JURISDICTION TO REFUSE TO GRANT IT.

135. BY APPLYING 'AUTOMATIC PAROLE' FEATURE (FROM CORRECTIONAL SERVICES ACT), PLUS 'REMISSIONS' FEATURE (FROM CORRECTIONAL SERVICES ACT), TO ANY SENTENCE IMPOSED (BY THE SENTENCING COURT), UPON ANY 'PRISONER A' TYPE LIFER,

IRRESPECTIVE OF WHEN SUCH SENTENCE IS DETERMINED AND DELIVERED ([74.]), AND IRRESPECTIVE OF THE OPERATIONAL SENTENCING STANDARDS (SENTENCING ACT, CORRECTIONAL SERVICES ACT AND LENGTHS OF NON-PAROLE PERIODS), IN EFFECT AT THE TIME OF SAID DELIVERED AND IMPOSED SENTENCE ([74., 79. AND 80.]), SUCH AS WITH MY 2002 JUDGMENT ([74., 75., 78., 80. AND 77.]), IN COMPLIANCE WITH SECTION 56. OF THE SENTENCING ACT ([45.]), WHICH INCORPORATES 'REMISSION SYSTEM' AND 'AUTOMATIC PAROLE' AS ACTIVE COMPONENTS OF AN IMPOSED SENTENCE, AND THEREFORE SIGNIFICANT FEATURES OF THE DETERMINED AND IMPOSED SENTENCE, THE STATE GOVERNMENT HAS NO CONSTITUTIONAL AUTHORITY OR JURISDICTION (WHILE OPERATING UNDER CHAPTER II AUTHORITY [3.], GOVERNMENT OF THE DAY), TO NOT ENFORCE THE COURT IMPOSED SENTENCE ON ANY SUCH 'PRISONER A.' TYPE LIFER.

136. FOR ANY 'PRISONER A.' TYPE LIFER (INCLUDING ME AND G. REARDON (ABOVE DESCRIBED)), WHO IS SENTENCED TO SENTENCING STANDARDS WHICH EXISTED, AND THEREFORE OPERATIONAL, IMMEDIATELY PRIOR TO COMMENCEMENT OF TRUTH IN SENTENCING LAWS IN SOUTH AUSTRALIA IN 1994 (1-8-1994 [46.]), IS STILL ENTITLED TODAY (2015), TO THE FULL OPERATIONAL EFFECT OF THOSE SAME SENTENCING STANDARDS WITH REGARD TO AND REAL EFFECT TOWARDS, WITH PROTECTION FROM AND ABSOLUTE LEGAL RIGHT TO BE RECEIVED UNDER, THE AUSTRALIAN CONSTITUTION ([1. AND 3.]), THE 'REMISSIONS SYSTEM CALCULATION' ([136., 137. AND 53.]), AND 'AUTOMATIC PAROLE CALCULATION AND EFFECTIVE EVENT' (BEING THE ACTUAL DATE OF RELEASE ON PAROLE).

137. MY 2002 JUDGMENT RE-ESTABLISHED MY ENTITLEMENT TO MANDATORY OPERATIONAL EFFECT OF "1992" SENTENCING STANDARDS ([74., 75., 80. AND 77.]), AND SPECIFIC WORDING THEREIN ALSO RE-ENFORCES THE CONSTITUTIONALLY COMPETENT AUTHORITY AND JURISDICTION OF THAT SENTENCING COURT ([74.]), THEREFORE, WHEN THE COURT DETERMINED MY JUDGMENT IN 2002 ([74.]), AND IMPOSED THAT SPECIFIC SENTENCE UPON ME, THAT COMPETENT COURT DELIVERED ITS JUDGMENT KNOWING AND EXPECTING THAT FULL OPERATIONAL EFFECT OF "1992" SENTENCING STANDARDS WOULD BE ENFORCED AGAINST ME BY THE STATE GOVERNMENT (UNDER CHAPTER II [3.] GOVERNMENT), AND THEREFORE WOULD INCLUDE AS THE



ENFORCEABLE SENTENCE, THE SIGNIFICANT FEATURE AS AN ACTIVE COMPONENT THEREIN, 'OPERATIONAL EFFECT OF REMISSIONS SYSTEM' (THEN APPLY FULL CREDIT [137. AND 53.]), AND THE SIGNIFICANT FEATURE AS AN ACTIVE COMPONENT THEREIN, 'OPERATIONAL EFFECT OF AUTOMATIC PAROLE' (WHICH WAS IN FACT AND REAL EFFECT A (DEFACTO) HEAD SENTENCE). THAT COURT ([74.]), KNEW IN 2002 THAT THOSE TWO SIGNIFICANT FEATURES WERE ACTIVE COMPONENTS OF IMPOSED SENTENCES IN 1992, AND THAT SECTION 12. OF THE SENTENCING ACT (REPEALED BY [46.]), STILL APPLIED, AND REMISSIONS APPLICATION STILL APPLIED, AND AUTOMATIC PAROLE STILL APPLIED, ADDITIONALLY, THAT COURT AND THE CROWN MADE NO ATTEMPT AT ALL TO TRY TO VOID THE OPERATIONAL EFFECT OF ANY OF THOSE THREE ACTIVE COMPONENTS, SECTION 12, REMISSIONS, AUTOMATIC PAROLE FROM MY IMPOSED SENTENCE DURING DELIVERY OF THAT IMPOSED SENTENCE, OR ~~ANY~~ <sup>ANY</sup> COURT HEARING ([38.]) SINCE THAT 2002 JUDGMENT ([74.]), AND EVEN IF THE CROWN HAD TRIED TO SEEK SUCH VOIDING ([38.]), IT WOULD HAVE FAILED.

138. THE REASON THE CROWN WOULD HAVE FAILED, IN ANY ATTEMPT TO VOID THE OPERATIONAL EFFECT OF SECTION 12, REMISSIONS, AUTOMATIC PAROLE, FROM MY 2002 JUDGMENT IS DESCRIBED ABOVE, BEING "THIS COURT MUST APPLY THE SENTENCING STANDARDS APPLICABLE IN 1992." [80.], AND FURTHER QUALIFIED WITH "IF THE CURRENT STANDARDS APPLIED, THE NON-PAROLE PERIOD WOULD BE LONGER." [78.]. FURTHERMORE, WHEN THAT COURT FORMALLY DIRECTED AND INSTRUCTED ITSELF THAT "THIS COURT MUST..." ([80.]), IT VOIDED AND NULLIFIED ALL OTHER 'SENTENCING STANDARDS' OTHER THAN THE '1992 SENTENCING STANDARDS OPERATIONAL IN SOUTH AUSTRALIA IN 1992', FROM EVEN BEING RELEVANT. THEREFORE, ANY COURT CHALLENGE BY THE CROWN ([38.]), NOT ONLY COULD NOT SUCCEED WITHIN STATE JUDICIAL BOUNDRIES (BEING THE FULL COURT), BECAUSE THE FULL COURT HAD ALREADY MADE ITS POSITION ON THE MATTER AT BAR VERY CLEAR ([80.]), LEAVING THE CROWN WITH ONLY A HIGH COURT CHALLENGE, WHICH WOULD ALSO NOT SUCCEED FOR THE SAME REASON, BEING 'THE COURT CLEARLY INFORMED ITSELF OF THE ONLY SENTENCING STANDARDS IT WAS PERMITTED TO APPLY' ([80.]), AND THE FULLY EXPLAINED REASONS WITHIN SAID JUDGMENT IN 2002 ([74.]), MADE THAT JUDGMENT 'LEGALLY SOUND'.

139. THE CROWN IS EXPECTED TO ARGUE THAT IN MY 2002 JUDGMENT [74.], THE COURT'S STIPULATION RE 'MUST APPLY SENTENCING STANDARDS APPLICABLE IN 1992' ([80.]), WAS ONLY A REFERENCE TO 'LENGTH OF NON-PAROLE PERIOD', BEING "22 1/2 YEARS", AND WAS IN NO WAY A REFERENCE TO 'CALCULATION OF REMISSIONS TO 22 1/2 YEARS, WITH EFFECT BEING (APPROXIMATELY), 15 YEARS, AT WHICH POINT AUTOMATIC PAROLE ENTITLEMENT WOULD BE EFFECTED INTO ACTION'. THE CROWN WOULD BE WRONG IN THEIR ARGUMENT AND FLAWED IN THEIR REASONING, BECAUSE EVEN IN 1992 I COULD HAVE BEEN IMPOSED WITH A 22 1/2 YEAR NON-PAROLE PERIOD, BUT THAT WOULD CARRY WITH IT ACKNOWLEDGEMENT BY THAT (1992) SENTENCING JUDGE, AND CONSIDERATION BY THAT SAME SENTENCING JUDGE, AND THEREFORE ALSO THE CALCULABLE ALLOWANCE BY THAT SAME SENTENCING JUDGE, OF THE (REPEALED SECTION 12. OF THE CRIMINAL LAW (SENTENCING) ACT, 1988, SOUTH AUSTRALIA), OPERATIONAL EFFECT OF BOTH 'REMISSIONS FOR GOOD BEHAVIOUR' AND 'AUTOMATIC PAROLE (AS A (DEFACTO) HEAD-SENTENCE)', RESULTING IN A SPECIFIC RELEASE DATE ON PAROLE PER REMISSIONS AND CONSTITUTIONAL ENTITLEMENT TO PAROLE RELEASE (AUTOMATIC PAROLE), AND THEREFORE NOT JUST 'ADMINISTRATIVE ELEMENTS OF THE CORRECTIONAL SERVICES ACT IN 1992, WHILST ENFORCING IMPOSED SENTENCES FROM THE SENTENCING COURT', BUT ACTIVE COMPONENTS AND KEY FEATURES OF THE CRIMINAL LAW SENTENCE IMPOSED BY THAT SENTENCING JUDGE. THAT MEANS THAT IN 2002 THE COURT [74.] 'ACKNOWLEDGED', 'CONSIDERED', AND 'CALCULATED ALLOWANCE' FOR THOSE SAME ACTIVE COMPONENTS AS KEY FEATURES OF MY 2002 IMPOSED SENTENCE ([74. AND 80.]), AND CONSISTENT WITH REPEALED SECTION 12. OF THE SENTENCING ACT (OPERATIONAL IN 1992). [36.]

140. WHERE G. REARDON WAS SENTENCED IN 1995 AS A 'PRISONER B' TYPE, AND THEREFORE DENIED OPERATIONAL EFFECT OF SECTION 12. OF THE CRIMINAL LAW (SENTENCING) ACT, 1988, SOUTH AUSTRALIA (REPEALED BY [46.]), AND REMISSIONS CALCULATION (INCLUDING [137. AND 53.]), AND AUTOMATIC PAROLE, AS ACTIVE COMPONENTS OF HIS IMPOSED SENTENCES (EVENT A. AND EVENT B.), HE SHOULD HAVE ALREADY BEEN RETURNED TO THE SENTENCING COURT, BY THE GOVERNMENT (THE CROWN), SO THAT 1993 SENTENCING STANDARDS CAN BE OPERATIONALLY AWARDED TO HIM, CONSIDERING HE IS CONSTITUTIONALLY ENTITLED AS OF RIGHT IN LAW [SEE PARAGRAPHS 137, 138 AND



139. *IBID*], TO THE FULL BENEFIT OF 'SECTION 12', 'REMISSIONS' AND 'AUTOMATIC PAROLE', THEREBY APPLYING THE PROPER SENTENCING STANDARDS, WHICH MUST OPERATIONALLY RESULT IN REARDON BEING TREATED AS 'PRISONER A' TYPE [PARAGRAPH 136. *IBID*], AND NO LONGER A 'PRISONER B' TYPE (WHICH AS AT SEPTEMBER 2015 HE IS STILL TREATED AS BY THE STATE GOVERNMENT).

141. AS ABOVE DESCRIBED, REGARDING A SENTENCING APPEAL BY REARDON, AGAINST THE 1995 SENTENCING STANDARDS WHICH WERE IMPOSED UPON HIM BY THE SENTENCING COURTS (FOR EVENT A. AND EVENT B.) [SEE PARAGRAPHS 110, 111, 112, 113 AND 117. *IBID*], THE CROWN WILL ATTEMPT TO APPLY 'CURRENT APPEAL STANDARDS' TO THEIR ATTEMPT TO THWART REARDON'S SAID 'SENTENCING STANDARDS APPEAL'. THE CROWN WILL ARGUE THAT 2012 SENTENCING LEGISLATION CHANGED IN SOUTH AUSTRALIA, THEREAFTER GIVING THE CROWN 'RIGHT OF CROSS-APPEAL' ([61.]), IF A DEFENDANT APPEALED THEIR COURT IMPOSED SENTENCE. [60. AND 61.]

142. SUCH AN ARGUMENT BY THE CROWN HAS ABSOLUTELY NO MERIT, FOR A COUPLE OF <sup>REASONS</sup> ~~REASONS~~, INCLUDING <sup>6</sup> OPERATIONAL APPLICATION OF THE REASONING IN MY 2002 JUDGMENT [74.] TO REARDON'S APPEAL NOW ([80., 78. AND 77.], AND FROM MURPHY [72.] "THIS COURT IS REQUIRED TO APPLY THE STANDARDS APPLICABLE AT THE TIME THE CRIMES WERE COMMITTED.", INSTRUCTS THE SENTENCING COURT (NOW), THANKS TO THE COURT'S EXISTING MANDATORY DIRECTION ([80.]), THAT IT MUST CONSIDER REARDON'S APPEALS AS IF IT WERE LODGED IN 1993 (AS FAR AS RELEVANT LEGISLATION FOR AN APPEAL COURT TO RECEIVE SUCH AN APPEAL, AND THEREFORE MUST RECEIVE SUCH APPEAL KNOWING THAT IT CAN'T INCREASE REARDON'S EXISTING NPPs, BECAUSE IN 1993 IT DID NOT HAVE LEGISLATIVE PERMISSION ([60. AND 61.]) TO DO SO), THAT THERE WOULD NOT BE ANY REQUIREMENT FOR REARDON'S SENTENCING (STANDARDS) APPEAL IF THE GOVERNMENT (CROWN), HAD ALREADY CORRECTED THE ERRONEOUS SENTENCES IMPOSED UPON REARDON IN 1995 (UNDER TRUTH IN SENTENCING STANDARDS [46.]), AND THIS 'IS NOT AN APPEAL FOR A 'REDUCTION IN SENTENCES DUE TO BEING MANIFESTLY EXCESSIVE', IT IS TO HAVE APPLIED THE CORRECT SENTENCING STANDARDS (OPERATIONAL IN 1993), THAT BY THEIR OPERATIONAL EFFECT WOULD HAVE RESULTED IN A SIGNIFICANTLY SHORTER PERIOD OF INCARCERATION (NPP), AFTER WHICH AUTOMATIC PAROLE WAS REARDON'S

CONSTITUTIONALLY PROTECTED RIGHT TO RECEIVE IN REAL EFFECT, WHICH BY THE OPERATIONAL EFFECT OF CALCULATES TO 2013 AS THE YEAR OF REARDON'S AUTOMATIC PAROLE ENTITLEMENT.

143. REARDON WOULD ALSO BE REGARDED NOW AS 'POLITICAL PRISONER BY DEFAULT', BECAUSE HE IS ONLY INCARCERATED NOW AS A DIRECT RESULT <sup>OF</sup> ~~THE~~ CHANGES IN SENTENCING LEGISLATION ([46.]), WHICH ILLEGALLY INCREASED PENALTY OF HIS SENTENCE BY STEALING (USING PARLIAMENT TO CREATE BILL [46.], THEN GOVERNOR TO ASSENT TO LEGISLATION), HIS CONSTITUTIONALLY PROTECTED (1993 SENTENCING STANDARDS OPERATIONAL EFFECT 'S. 12 SENTENCING ACT', 'REMISSIONS', 'AUTOMATIC PAROLE'), ACCRUED RIGHTS OWED TO HIM UPON SENTENCING (HAD THE TRUTH IN SENTENCING ACT [46.] NOT BEEN ENACTED), EVEN THOUGH PARLIAMENT HAS NO JURISDICTION TO 'INCREASE PENALTY OF SENTENCE', THAT IS ONLY VESTED IN THE SENTENCING COURT, BUT PARLIAMENT AND THE GOVERNMENT TOOK AWAY THOSE ACCRUED RIGHTS ANYWAY. THE BILL ([51.]), WAS CREATED AND PASSED BY BOTH PARLIAMENTARY HOUSES, POPULATED BY MEMBERS OF PARLIAMENT AND SENATE, MAKING IT A POLITICAL PROCESS, HENCE POLITICAL PRISONER BY DEFAULT. WHERE I AM A 'DIRECT POLITICAL PRISONER', DUE TO CURRENT MINISTERS STIPULATING IN WRITING (AS DESCRIBED ABOVE), THAT MY '2002 JUDGMENT [74.] DOES NOT ENTITLE ME TO REMISSIONS OR AUTOMATIC PAROLE', PRISONERS SUCH AS REARDON ARE 'POLITICAL PRISONERS BY DEFAULT', DUE TO ABOVE DESCRIBED REASONS. LIFERS WOULD NOT BE THE ONLY 'POLITICAL PRISONERS BY DEFAULT' OR 'DIRECT POLITICAL PRISONERS' (SUCH AS THOSE SENTENCED PRIOR TO 1-8-1994 ([46.]), IT WOULD INCLUDE MANY OTHER TYPES OF 'HISTORIC CRIMES' (INCLUDING ROBBERY, CHILD OFFENCES).

144. THE CONSTITUTION DOES NOT PERMIT 'POLITICAL PRISONERS' TO BE CREATED, YET THAT IS WHAT REARDON, I AND OTHERS ARE... POLITICAL PRISONERS, ILLEGALLY INCARCERATED IN SOUTH AUSTRALIAN CORRECTIONAL FACILITIES.