FORM 22 ELECTION PETITION

(rule 30.01)

IN THE HIGH COURT OF AUSTRALIA No. of 2010

REGISTRY

BETWEEN: GRAEME (EDWIN/A) STRANG

Petitioner

and

SCOTT (JOHN) MORRISON

Respondent

Pursuant to Rule 6.07 of the High Court Rules 2004 I direct the Registrar to refuse to issue or file this document without the leave of a Justice first had and obtained by the party seeking to issue or file it.

Justice of the High Court of Australia

Dated 27th of October 2010

ELECTION PETITION

This petition concerns the election AND RETURN OF Scott (John) MORRISON to the House of Representatives of the Commonwealth of Australia for the division of COOK held on the 21st of August 2010.

RETURN OF WRIT

The writ for the election was returned on the 17th of September 2010.

ENTITLEMENT TO FILE THIS PETITION

The petitioner is entitled to file this petition because

1. He is for the fourth (4th) consecutive time a registered Independent Federal Candidate for the aforestated COOK division. (Copy of registration deposit receipt to be filed as Annexure 1.)

2. He is for the second (2nd consecutive time endorsed by 50 female elector/nominators (differing on each occasion). (Copy of elector/nominator list for election 2010 to be subpoenaed.)

3. He obtained five hundred (500) or more first preference votes for the second (2nd consecutive time (693 in Election 2007 – 500 of those votes on polling day and 1568 in his current Election 2010 – final figure subject to minor adjustment).

4. He has for Election 2010 remained an Elector in terms of not changing legal status from Elector to voter, albeit on an Electoral Roll and entitled to become a voter (copy

of covering letter to the Divisional Returning Officer for Banks and written reply, to be filed as Annexure 2).

5. For the second (2nd) consecutive time he has obtained number one (1) position on ballot paper (symbolically significant).

6. He does not reside in the COOK electorate.

7. He has, in every aspect to his candidacy, adhered to all the law/lore associated with being such a candidate to the best of his earthly ability.

STATEMENT OF FACTS PART (A) Disqualification

1. On the 19th July 2010, a writ was issued by Her Excellency the Governor-General commanding the Electoral Commissioner to cause an election to be held for a member to serve in the House of Representatives of the Parliament of the Commonwealth of Australia for the division of COOK.

2. At the close of nominations, on the 29th of July 2010, the following candidates in order, name, and form on ballot paper had nominated and in doing so completed and signed the required nomination form 60:

STRANG, Graeme

SCAYSBROOK, Peter

MORRISON, Scott

FOY, Merelyn

WAIZER, Naomi

SMITH, Beth

PUTRAL, Richard

3. The said election was held on the 21st of August 2010.

4. At the Declaration of the Poll on the 13th of September 2010 candidate Scott MORRISON was declared duly elected by the appointed Divisional Return Officer for the already stated election, Delia KAPENE (the Divisional Returning Officer for COOK; Milan KUBAN, being otherwise engaged with duties at head office).

5. Delia KAPENE then called on each candidate present to speak and address the meeting (the successful candidate speaks first).

6. Scott MORRISON spoke and addressed the meeting first.

7. Graeme STRANG was then invited by Delia KAPENE to speak and address the meeting and did so in part by reading aloud a copy of a letter received by himself from a person who claimed to be a 19 year old female named LARA (another copy of the same letter to be filed as Annexure 3).

8. Graeme STRANG presented that said copied letter to Scott MORRISON.

9. Richard PUTRAL then spoke and addressed the meeting.

10. Naomi WAIZER then spoke and addressed the meeting.

11. The said meeting concluded (there being no other candidates present).

12. Scott MORRISON was first elected to the already stated Federal Parliament in Election 2007 serving as the seated member for the COOK division.

13. In so serving, Scott MORRISON would have taken the Oath or Affirmation of Allegiance to Queen Elizabeth II and her heirs (as per the Australian Constitution).

14. As stated in the Candidate Handbook (page 21) for Federal Election 2010, which was issued to all candidates in that said election (Scott MORRISON included).

"In Sue v Hill in June 1999, the High Court decided that Ms Heather Hill was not duly elected as Senator for Queensland at the 1998 Federal Election because she was disqualified by section 44(i) of the Constitution. Ms Hill was a British Subject and an Australian citizen at the time of her nomination. The United Kingdom is regarded as a 'foreign power' for the purposes of section 44(i)". (Copy of the Candidate Handbook to be filed as Exhibit 1.)

15. Relevant sections on the back of the already stated candidate nomination form 60 are:

"Candidate statement and declaration."

"Please read the candidate statement and declaration carefully before signing the nomination form."

"Your attention is drawn in particular to section 44 of the Constitution of the Commonwealth of Australia."

"Any person who:

(i) is under any acknowledgement of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power; or"

"shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives."

"Candidates who have any doubts about their eligibility, by virtue of section 44 of the Constitution are advised to obtain their own legal advice."

"For further information refer to the Candidates Handbook and the Nomination Guide."

* "Answering "YES" to the question about eligibility under section 44 of the Constitution asserts eligibility."

"A nomination form, which has not been signed by the candidate cannot be accepted."

(Blank copy of form 60 to be filed as Annexure 4.)

16. The question referred to about eligibility appears on the front of nomination form 60:

"I am not, by virtue of section 44 of the Constitution, incapable of being chosen or of sitting as a Member of the House of Representatives." (See page 1*.)

17. Scott (John) MORRISON answered "YES" to that said question (paragraph 16) on the front of nomination form 60 (to be subpoenaed).

18. Graeme (Edwin/a) STRANG answered "NO" to that said question (with a covering letter to the Divisional Returning Officer for COOK – copy to be filed as Annexure 5) on the front of nomination form 60 (to be subpoenaed).

19. The five (5) other afore stated COOK division candidates answered "YES" to that said question (to be subpoenaed).

20. Graeme (Edwin/a) STRANG submitted a covering letter to the Divisional Returning Officer for COOK pertaining to the name on ballot paper as the desired name of Graeme Edwina STRANG was refused by the Australian Electoral Commission's State Head Office (copy of covering letter and written reply to be filed as Annexure 6).

21. Graeme (Edwin/a) STRANG furthermore in his election material for Election 2010 stated that he would not take the Oath or Affirmation of Allegiance to Queen Elizabeth II and her heirs and hence become an unseated or non-voting Member of Parliament if elected (to be filed as Annexure 7).

22. The culmination of facts thus far are such that if the United Kingdom is a foreign power it follows that Queen Elizabeth II (current Monarch of the United Kingdom of Great Britain and Northern Ireland) and her heirs must also be regarded as a foreign power and any elected Australian Parliamentary candidate who now takes the Oath or Affirmation of Allegiance (as per the Australian Constitution) may only serve one (1) full such parliamentary term if challenged.

23 Quotes and Petitioners interpretations of relevant sections in the Sue v Hill High Court of Australia decision of June 23rd 1999 are:

"A foreign power."

(48) "Rather the words invite attention to questions of international and domestic sovereignty."

(50) The Australian Constitution has effect regardless of time, circumstance and history.

(51) The Australian Constitution is enduring.

(52) "When Empire ended and national status emerged,' the external restrictions ceased and constitutional powers could be given their full scope."

(173) "At the very latest, the Commonwealth of Australia was transformed into a sovereign, independent nation with the enactment of the Australian Acts. The consequence of that transformation is that the United Kingdom is now a
140 foreign power for the purposes of s.44(i) of the Constitution."

(24) In order for the Commonwealth of Australia to be that fully sovereign, independent nation [as per 23) (173) above] two (2) important developments are required:

a) The establishment of an Australian Monarchy thereby forming the 'Australian Crown'.

b) A fair and just electoral/Parliamentary process that more fully expresses the collective will of the Australian population – this latter being of prime importance.

150 **STATEMENT OF FACTS PART (B) Elections and Voting**

1. There has been no real election for the COOK division in Federal Election 2010.

2. The elector who decides to become a voter in a Federal Election for the House of Representatives is required to number all candidates on the ballot paper in order of preference for a formal vote to be made but the current method of counting the votes, by exclusion of candidates and distribution of those preferences and the non-counting of the final two (2) candidates' preferences (77,658 or 86.69 per cent of the formal votes for the COOK division for Election 2010), is flawed in that the preference of the individual voter is not recorded and expressed and therefore the preference of an electorate and a nation as a whole is not recorded and expressed.

160 3. Voting is meant to select the preferred candidate and the only way to achieve such is as follows:

In an extreme example by way of illustration;

There are three (3) candidates (Liberal, Labor, Green) and all the electorate of 10 people preferentially vote;

The ten (10) votes on ballot papers are vertically listed:

Liberal	2	3	1	1	3	1	3	1	1	2
Labor	3	1	3	2	1	3	1	3	3	1
Green	1	2	2	3	2	2	2	2	2	3

There are a total of 30 preferences

Each candidate's number of first, second and third preferences is recorded horizontally (accumulative totals in brackets).

Liberal	Labor	Green	
5	4	1	Count 1 (1st preferences)
2 (7)	1 (5)	7 (8)	Count 2 (2nd preferences)
3 (10)	5 (10	2 (10)	Count 3 (3rd preferences)

The final count always shows the total number of preferences (horizontally 3x10) and for each candidate's total (vertically) the number of voters in the electorate.

To determine the preferred candidate, it is only necessary to count to the half way point for an even number of participating candidates or immediately past the half way point for an odd number of participating candidates.

In the illustrated extreme example, the Green candidate is the preferred choice, determined after two (2) counts or the counting of each candidates first and second preference votes. An example of seven (7) candidates and twenty (20) voters:

Lib	1	4	6	1	6	1	5	1	5	6	3	1	5	6	4	5	1	5	1	1
C/D	2	6	4	2	7	2	7	2	6	7	6	2	6	7	2	1	2	4	2	2
Lab	5	1	7	5	5	6	1	7	1	1	7	5	1	1	6	6	6	1	5	5
Grn	6	2	3	6	4	5	3	6	2	3	1	6	3	2	5	4	5	3	6	6
Ind	4	3	2	4	1	3	2	3	3	2	2	4	2	3	3	3	4	2	3	4
F/F	3	5	5	3	2	4	6	4	4	5	4	3	4	4	1	2	3	6	4	3
O/N	7	7	1	7	3	7	4	5	7	4	5	7	7	5	7	7	7	7	7	7

Lib	C/D	Lab	Grn	Ind	F/F	O/N	
8	1	7	1	1	1	1	Count 1 (1st preferences)
0 (8)	9 (10)	0 (7)	3 (4)	6 (7)	2 (3)	0 (1)	Count 2 (2nd preferences)
1 (9)	0 (10)	0 (7)	5 (9)	8 (15)	5 (8)	1 (2)	Count 3 (3rd preferences)
2 (11)	2 (12)	0 (7)	2 (11)	5 (20)	7 (15)	2 (4)	Count 4 (4th preferences)

Independent candidate is the preferred choice at Count 4.

5 (16)	0 (12)	6 (13)	3 (14)	0 (20)	3 (18)	3 (7)	Count 5 (5th preferences)
4 (20)	4 (16)	4 (17)	6 (20)	0 (20)	2 (20)	0 (7)	Count 6 (6th preferences)
0 (20)	4 (20)	3 (20)	0 (20)	0 (20)	0 (20)	13 (20)	Count 7 (7th preferences)

The preferred candidate is the one with the broadest appeal to the electorate and is only revealed by the method illustrated. This is the true meaning of majority rules as in accord with natural law. Although in this example, it is not necessary for counts 5,

6 and 7 to be made in order to determine the preferred candidate; such counts should, in general, be made for statistical and self checking purposes.

4. The overall effect of the implementation and deployment of this natural counting method would create greater willingness, participation and interest in the entire parliamentary electoral voting process.

5. Relevant section of Electoral Backgrounder – Compulsory Voting – May 2010 (an Australian Electoral Commission publication – to be filed as Exhibit 2).

"35 In Faderson v Bridger (1971) 126 CLR 271, the High Court, on appeal, where all three justices affirmed the principles laid down in Judd v McKeon, Chief Justice Barwick stated:

"…..However much the elector may say he has no personal preference for any candidate that none of them will suit him, he is not asked that question nor required to express by his vote that opinion. He is asked to express a preference amongst those who are available for election. That is to state which of them, if he must have one or more of them as Parliamentary representatives, as he must, to mark down his vote in an order of preference."

6. Relevant section from the High Court of Australia Sue v Hill decision of June 23rd 1999:

"The common law of elections

226 There is authority in this and other courts supporting the proposition that at common law an election for a legislature could be set aside if there was no real electing by the constituency or the election was not really conducted in accordance with the laws governing it. Thus, in Woodward v Sarsons [283], where the Court of Common Pleas had to consider the powers of the election tribunal brought into existence by the Parliamentary Elections Act, Lord Chief Justice Coleridge, speaking on behalf of the Court said" :

"[A]n election is to be declared void by the common law applicable to parliamentary elections, if it was so conducted that the tribunal which is asked to avoid it is satisfied, as a matter of fact, either there was no real *electing* at all, or that the election was not really conducted under the subsisting election laws. As to the first, the tribunal should be so satisfied, i.e. there was no real electing by the constituency at all, if it were proved to its satisfaction that the constituency had not in fact had a fair and free opportunity of electing the candidate which the majority might prefer. This would certainly be so, if a majority of the electors were proved to have been prevented from recording their votes effectively according to their own preference, by general corruption or general intimidation, or by being prevented from voting by want of the machinery necessary for so voting, as, by polling stations being demolished, or not opened, or by other of the means of voting according to law not being supplied or supplied with such errors as to render the voting by means of them void, or by fraudulent counting of votes or false declaration of numbers by a returning officer, or by other such acts or mishaps. And we think the same

result should follow if, by reason of any such or similar mishaps, the tribunal, without being able to say that a majority had been prevented, should be satisfied that there was reasonable ground to believe that a majority of the electors *may have been* prevented from electing the candidate they preferred (emphasis in original)."

7. There is no need for another election in the COOK electorate as the electors who chose to become voters had the opportunity to gain sufficient information regarding each candidate through the local community newspaper, The Leader, publishing the candidates profiles and policies and demographics of the electorate and that newspaper being distributed to all households and business premises in the electorate. (Copy to be filed as Annexure 8.)

8. The preferred candidate for the COOK division for the House of Representatives of the Commonwealth of Australia has yet to be determined and will only be known when the ballot papers are correctly counted by so counting all preferences on those ballot papers as already outlined, illustrated and explained.

9. That which is I, in earthly manifestation, as an Independent Federal candidate, entrusted with the sovereign individual legal/regal power of over one hundred thousand (100,000) of the nation's population do hereby challenge the High Court of Australia to be the forum to honourably resolve this mater.

RELIEF

The petitioner asks the Court to make the following orders:

1. That the petition be presented to and heard by the High Court of Australia as the Court of Disputed Returns.

2. That Scott (John) MORRISON be declared not duly elected and returned to the House of Representatives of the Parliament of the Commonwealth of Australia for the division of COOK by knowingly making a false Candidate Statement and Declaration in regard to section 44 of the Australian Constitution and the utilization of a flawed counting method by the Australian Electoral Commission.

3. That a recount of the COOK division's ballot papers for the said election be conducted in accordance with the corrected method outlined in the Statement of Facts – Part B Elections and Voting (3) section of this petition to determine the preferred candidate for the already stated division.

4. That the preferred candidate, as determined by the method referred to in Order 3, be declared the duly elected member of Parliament of the Commonwealth of Australia for the COOK division.

5. If Scott (John) MORRISON is the preferred candidate after the aforestated recount, so be it.

6. That the corrected method of counting, as referred to in Order 3, be introduced as the standard method for all preferential voting in Australia, or recommended as such.

5. That the funding of any such hearing of this petition be born entirely by the Commonwealth.

DATED: Monday 25th October 2010

Graeme Edwind Strang

(Signed by the Petitioner)

IN THE PRESENCE OF:

Signed by Witness No. 1

Signed by Witness No. 2

Lisa van der Graaf

Name of Witness No. 1

Andrew Brian Morris

Name of Witness No. 2

Stay at home mum

Occupation of Witness No. 1

Proffesional Musician / Secondary School Teacher

Occupation of Witness No. 2

1/39 Talara Road
GYMEA NSW 2227

Address of Witness No. 1

75A North West Arm rd
Gymea 2227.

Address of Witness No. 2

TO: THE RESPONDENT: Scott (John) MORRISON,

Residence (as enrolled):

290

665 Port Hacking Road
Port Hacking NSW 2229

Electoral Office:

Suite 102, Level 1
30 Kingsway
Cronulla NSW 2230

Parliament House:

House of Representatives
Parliament House
Canberra ACT 2600

300

The Petitioner's address for service is:

Graeme (Edwin/a) STRANG
P O Box 167
Penshurst NSW 2222