



OFFICE-OF-THE-GUARDIAN
(Don't forget the hyphens!)

WARNING
The opinion(s) expressed in this letter by the writer, are stated considering the limited information available to him and may not be the same where further information were made available to him, is not intended and neither must be perceived to be legal advice!

WITHOUT PREJUDICE, from the desk of the GUARDIAN
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PRESS RELEASE



20210502-PRESS RELEASE Mr G. H. Schorel-Hlavka O.W.B. ISSUE –
Bring our Ausies home.

As a **CONSTITUTIONALIST** my concern is the true meaning and application of the constitution.

* Gerrit, are you referring to Australian born or also those who naturalized?

**** **INSPECTOR-RIKATI®**, the Framers of the constitution held that those who naturalized must be considered to be in the same position as natural born. As such, to me there is no difference.

With “quarantine” being a subject in the *Commonwealth of Australia Constitution Act 1900* (UK) there can be no question it has legislative powers, but that must be considered also with “influx of criminals”. Clearly, Australians stranded overseas, not being convicted criminals have every right to be evacuated/extracted from other countries, such as India, so they can be provided with appropriate care (including medical care) in Australia.

* Doesn't the federal government prohibit Australians to return using the *Biosecurity Act 2015* (Cth)?

**** In my view this defies the limitation “influx of criminals” and as such cannot be deemed constitutional permissible. Let's be clear about it a competent federal government could have converted Christmas Island in to a medical evacuation centre. In particular where hospital beds in India are needed, then extracting Australians from there would reduce some pressure on those hospitals. Also, considering the lack of sufficient medical oxygen, etc, it would for that also be better to transfer Australians back to Australia.

* What about them spreading any diseases?

**** I have for about a year indicated we lack competent leadership. I made also clear that what we needed is “quarantine centres” and not the rubbish about quarantining in hotels, which are not build for this. As such, PM Scott Morrison had more than a year to get his backside of his chair and instead of trying to preach some religion actually shows he means business and care about the rights and wellbeing of Australians. I am sick and tired of politicians spruiking their religion while in reality act contrary to what they profess.

* How would you have handled matters?

**** As “quarantine” is a Commonwealth responsibility, then already with the Ruby Princess debacle there should have been a wake up call that the Commonwealth miserably failed to ensure appropriate facilities are existing for specific quarantine purposes. Converting Christmas Island to a medical evacuation centre would have been one of the issues to have attended to. With this incoming persons are medically checked as to their plasma showing any particular issues and then they are categorized for any medical treatment that might be deemed needed.

* Does this include the injecting/jabbing of poison?

**** Absolutely not. You cannot use them as “Guinea Pigs” for some undetermined “vaccine”/medical treatment. Anyone of them deemed infected considering the assessment of their plasma then should be provided with x-rays, etc, to make further assessment of their medical condition. Those who are deemed clear of any infection may be transferred to the mainland to be still held in an observation centre for some 2 weeks (or whatever is appropriate in the circumstances) to ensure they are clear of any infection.

*.Are you referring to COVID-19?

**** I am referring to any disease, as COVID-19 in my view is a wrongly named disease. With it the medical profession, scientist and politicians are ignoring the real health issues we are dealing with. We need unbiased medical care that concentrate upon each individual to their real health status. What we need to do is to have Christmas Island and perhaps other facilities converted to medical centres that include provisions for quarantine and ICU facilities. After people have been separated in 2 groups, those known to be ill and those who could possibly be ill, then those who are ill can be immediately provided with needed ICU medical care, if so needed, while others can be assessed and then determined if they are transferred to any other evaluation centre or not. When then people are transferred to another centre a new group can take their place so that it is a continuing system. It must however be and remain to be a federal government controlled system. As such, not outsourcing it to the States/Territories.

*. Would you limit the usage of Christmas Island to only Australians?

**** In ordinary disaster times, where Australians are not needing to be cared for in such facilities then the federal government could use it to evacuate other nationals and assist one or more countries to provide medical care where it is beyond that country or countries ability to do so itself. For example, if some Tsunami or earthquake would ravage local medical centres then the federal government could jump in, both to provide alternative needed medical care as well as to reduce the pressure upon the local medical centres.

*. And, if I may ask who has to pay for it all?

**** In my view, it would be a worthwhile investment for Australian taxpayers to do so. After all, if there were to be a local outbreak within Australian borders then this also could be utilized, rather than using the rubbish of so called hotel quarantine.

*. You would not charge returning Australians either?

**** Absolutely not. Australians must stick together as being one people and not divided by the haves and have not's. Nothing to do with race, religion, colour of skin or whatever. If you are an Australian then you have a right to be cared for appropriately in time of need.

*.What about the alleged \$66,000 fine and/or 5 years imprisonment for those returning from India?

**** That really shows the kind of religious practice those in the Federal Government are spruiking. I see absolutely no legal justification for this provided anyone returning does so ensuring to be assessed regarding any disease in an appropriate location. If however a person were to blatantly disregard certain quarantine requirements and in the process places in danger other Australians then well they should cop any punishment that may be applicable. But you cannot use it to deter Australians to return home. Obviously the lack of a proper system being in place and the Prime minister going on and on about his unconstitutional “National Cabinet” rather than to show real leadership means that many haven't got a clue what really are the requirements as to quarantine issues.

*. Something else, Peter Dutton is now Minister for Defence and allegedly claimed to be hands on. What is your take regarding this?

*** Let's see what the Framers of the Constitution stated about the telephone, postal and other services:

Hansard 17-3-1898 Constitution Convention Debates (Official Record of the Debates of the National Australasian Convention)

QUOTE Mr. CARRUTHERS:

It is just as important that the Federal Government shall have the care and management of the vehicles which carry human beings and their goods as **that it should have the care and [start page 769] management of the vehicles or ways** which carry letters and telegrams.

END QUOTE

As such, he would be doing no more but his job. Regardless if you may or many not agree with any decision he makes, in the end he is the Minister who within the confines of law and relying upon the advice of his advisors also is to make decisions. There will always be persons who may object to certain decisions made by any Minister, but in the end if the Minister made an "informed" decision then the Minister is entitled to make such decision regardless of others objecting.

*. You do not consider he might be interfering too much in military issues?

*** It is his job to be in charge of everything. And as such, there is no "interfering" when it comes to exercise his responsibilities as a Minister.

*.What about this certification issue?

*** I have no "informed" view about this and I am not going to denigrate a Minister about something I do not have proper information about if he did or didn't make the right call, in particular where he as a Minister has exercised his Ministerial powers.

*.But, you do criticize often Minister for Health Greg Hunt and Prime Minister Scott Morrison, don't you?

*** that is because I view they are both grossly incompetent regarding quarantine issues, etc. I am entitled to criticize them when they fail, at least in my view, to act competently and people as result are suffering and even die as a result. We should never mix "medical science" with "political science" and the medical profession should stay clear from "government policies" as the constitution specifically provided that the medical profession cannot be compelled to follow government policies. The medical profession is to care for each individual patient regardless of what "government policy" might be about, albeit within the context of relevant legislative provisions that are within the ambit of the constitution.

We need to return to the organics and legal principles embed in of our federal constitution!

This correspondence is not intended and neither must be perceived to state all issues/details.

Awaiting your response,  **G. H. Schorel-Hlavka O.W.B.** (Gerrit)

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