

**EVIDENCE:**

**Notice of Objection**

15th October 2014  
Australian Energy Regulator  
Level 35 The Tower 360 Elizabeth Street  
Melbourne Central, Melbourne VIC 3000

Dear Sir/Madam

RE: JEMENA'S MANUAL METER READ CHARGE 2015

I, appearing as George Papadopoulos, an occupier at 2 Autumndale Avenue Reservoir VIC, am submitting my objection to Jemena Electricity Networks (Vic) Ltd manual meter reading charge from April 2015. Jemena - AMI charges revision application 2015

Section A

Notice of Objections

1. The cause for the late submission is due to the failure of the Minister for Energy and Resources, the Hon Russell Northe MP, to respond to a served Notice within 28 days. The Notice was sent on the 29th of August 2014 and I have yet to receive a response. The Notice was sent with specific question regarding the matter of the "cost recovery order" to help me construct a more accurate submission regarding the Energy Legislation Amendment (Customer Metering Protections and Other Matters) Bill 2014.
2. You are required to understand that the Will of the sovereign constituents is the highest Government in Australian. I cite the following case for your understanding:  
  
JOHN ANTHONY RIDGEWAY v. THE QUEEN (1995) 129 ALR 41, 19 April 1995  
32. "...the powers of government in this country are derived from the people who are the ultimate sovereign."
3. JEMENA have claimed "In order to improve our electricity delivery and management, the Victorian Government mandated that all residential and small business electricity customers must have their existing meter replaced with a smart meter by the end of 2013". Regarding this statement, the word "mandated" is, according to the interpretation of that word, an impossibility for any Corporation to impose. The Victorian Government as an entity within the "State of Victoria" clearly cannot claim itself to be a court. As such this argument could be seen as an attempt to pervert the Judicial Power of the Commonwealth. This Federal Crime carries a penalty of 10 years imprisonment, liquidated at \$330,000. Unless you can show me the record of the Will of the constituents to mandate the AMI roll out in Australia, then there is no authority to base any submission for a cost recovery order.
4. Legal advice has substantiated that no current statute exists requiring a domestic electricity customer to allow a distributor onto private property to exchange an analogue meter with a wireless radiation emitting "smart meter", otherwise known as a "Advanced Metering Infrastructure" or "AMI". Legal advice has substantiated that the Electricity Distribution Code does not contain expressed terms to the effect that customers are obliged to allow persons on to their private property to install a wireless radiation emitting "smart meter". Legal advice has substantiated that pursuant to clause 14.1 of the Victorian Government Order in Council N0 s200 (28th August 2007), distributors are required to use their "best endeavours" to complete the roll out of AMIs. This undoubtedly involves using honorable, legal, and lawful manner of means, to peacefully persuade domestic customers to accept the installation of an AMI. Misrepresentation, harassment and coercion will not be tolerated.

G.P.

5. JEMENA have also claimed "The Government confirmed their policy that smart meters are compulsory..." The consumer also needs to point out a mistake that JEMENA have made regarding the word "compulsory" in regards to the consumer's obligation, as this word is in contradiction to the requirements with regard to the Electrical Industry Act on the subject of the Advanced Metering Infrastructure, as the AMI meter is part of the electricity supply and as such requires the consent of the consumer.
  
6. Mr Savvas Papadopoulos and Ms Panayiotitsa Papadopoulos are the registered proprietors of the Fee Simple Grand and occupiers at 2 Autumnndale Avenue Reservoir, VIC, and George Papadopoulos is an occupier at 2 Autumnndale Avenue Reservoir, VIC. The proprietors and occupants are entitled to the exclusive possession and quiet enjoyment of the property. Land held of the Crown in Fee Simple may be assured in Fee Simple without license according to s36 of the Imperial Acts Application Act 1969.
  
7. A Notice of Trespass was served to C.E.O. Of Jemena JEMENA ABN 95 052 167 405 on the 10th of August 2012, registered post I.D. Number 507001033018. Delivery confirmation on the 13th of August 2012. The Notice of Trespass stated:  
  
"The property is owned under a grant in fee simple title, and every unjustified entry directly by a person on the land, which is carried out either intentionally or negligently, is an actionable trespass. Any person entering the property will hereafter be considered a trespasser and be arrest by local police authorities without warning. The only justifiable entry for the installation of a "smart meter" is by consent under Halsbury's Laws of Australia. The occupier does not consent to the installation of a "smart meter", thus the implied right to enter the property is removed, other than to read the old meter. A trespass sign has been installed on the property to give ample warning to any persons entering the property without written invitation consent.  
Rulings by the High Court of Australia  
Kuru v State of New South Wales HCA 26 (12 June 2008)  
Plenty v Dillon 171 CLR 635 F.C. 91/004 (7 March 1991)  
George c Rockett 170 CLR 104 F.C. 90/026 (20 June 1990)  
Halliday v Neville 155 CLR 1 (6 December 1984)"
  
8. A Notice of Will was served to Richard Twisk, a General Manager of Jemena ABN 95 052 167 405 on the 2nd of December, 2012, registered post I.D. Number 5074414409011. The Notice of Will stated:  
  
"I believe it is my duty to keep you informed as to MY WILL on the matter. Your offer has been objected and it is MY WILL that no SMART METER be installed at the private property of 2 Autumnndale Avenue Reservoir, VIC, 3073. I expect my WILL to be honoured. ... Please stop harassing the occupants at the mailing address above. I believe the C.E.O. Of JEMENA corporation has been given legal notice in writing via registered mail concerning the continued harassment via your unsolicited letters. ...Trespass is an offence under tort law / common law. The property clearly displays two trespass notices. Appendix 1 shows these clearly. The C.E.O. of JEMENA corporation has been given notice in writing via registered mail concerning this trespass issue. The implied right to enter the property for the installation of a smart meter is removed."

C. P.


9. One of the particulates in the current service fee, included in the electricity bill, covers the fee associated with manually reading the analogue electricity meter, yet the Victorian Parliament passed Energy Legislation Amendment (Customer Metering Protections and Other Matters) Bill 2014. This bill includes the power to make Orders in Council to provide for setting fees to manually read meters, and the recovery of these fees by retailers. Taking fully into consideration that the sovereign constituents are the Government, that the power distributors have used their "best endeavours", and that I have formally objected to this private offer, any "Cost Recovery Order" targeted on customers who continue to lawfully use an operating analogue meter may be taken as extortion under common law. Extortion is a criminal offense of obtaining money, property, or services from a person, entity, or institution, through coercion. Statute provides remedies for coercion; Schedule 2, s168 of the Competition and Consumer Act 2010 (previously this was section 60 of the Trade Practices Act) prohibits corporations using 'physical force or undue harassment or coercion' in connection with the supply (or possible supply) of goods or services - or payment of goods or services. Penalty: (a) if the person is a body corporate--\$1,100,000; or (b) if the person is not a body corporate--\$220,000.

## NOTICE

It is the Will of the Constituent that the Energy Regulator reject the "cost recovery order" targeted at customers who are lawfully using an analogue meter. Any attempt to extort money will be seeing as being an attempt to gain a financial advantage by deception as described quite well by the current law within the Imperial State of Victoria.

The Respondent, known as Australian Energy Regulator, has twenty eight (28) days, to serve a response to the statements, claims and inquiries with an affidavit and attached supporting documentation via Registered mail as evidence by Declarant's assertion of facts. Silence is acquiescence. If any actions cause damage to the consumer, then the consumer will seek a tort against Australian Energy Regulator in a Supreme court of common law.

Appearing as: George Papadopoulos

By: 

Declared on this 15<sup>th</sup> day of October 2014

**ON AND FOR THE PUBLIC RECORD**