

AFFIDAVIT
NUMBER

19.

FELECTION WRIT
(WRIT AUST)

19.

ACCOMPANYING AFFIDAVIT (19)

IN THE COUNTY COURT OF VICTORIA AT MELBOURNE AP-16-1957

IN THE MATTER of an application under section 54 of the Vexatious Proceedings Act 2014

BETWEEN

THE ATTORNEY GENERAL FOR THE STATE OF VICTORIA Plaintiff

And

BRIAN WILLIAM SHAW Defendant

WAYNE MARTIN
and GOVERNOR BRUCE ROBERT PETER COLBROOK

Date of Document:	September 2016 7. December	Solicitors Code:	N/A
Filed on behalf of:	The Applicant	Telephone:	
Prepared by:	Brian William Shaw	DX:	N/A
		Ref:	N/A

I, Brian William Shaw, c/- of PO Box 800 Werribee Victoria do state and affirm the following:-

1. I STATE THAT THIS AFFIDAVIT
EXHIBIT DETAIL IN RELATION TO
WAYNE MARTIN, THE CURRENT
CHIEF JUSTICE OF THE SUPREME
COURT OF WESTERN AUSTRALIA.

Run on by [Signature] McIlwain

1/2.

2. CONTAINED WITHIN THE "DETAILS"
IS THE COMMONWEALTH WRIT FOR THE ELECTION OF
SENATORS FOR WESTERN AUSTRALIA
SIGNED BY WAYNE MARTIN IN THE
PURPORTS CAPACITY OF DEPUTY GOVERNOR

3. CONTAINED WITHIN THE "DETAILS" IS
THE COMMONWEALTH WRIT FOR THE ELECTION OF HOUSE OF
REPRESENTATIVES FOR WESTERN AUSTRALIA
SIGNED BY GOVERNOR-GENERAL COSGROVE

AFFIRMED BY: Brown St

AT: GISBORNE

THIS 7th ^{one AS} December DAY OF ~~SEPTEMBER~~ 2016.
Seventh

BEFORE ME: Clemson

CARMEL CLEMSON JP
3/84 HAMILTON STREET
GISBORNE 3437
JUSTICE OF THE PEACE FOR VICTORIA
REG. NO 12356

The Hon WA Chief Justice Wayne Stewart Martin QC



21 County

Charge - Sheet and Summons

TO THE ACCUSED

WAYNE MARTIN .

You have been Charged with an offence
Read both pages to see what you must do

M	F	Date of Birth / /	
<input type="checkbox"/>	<input type="checkbox"/>	Registration No	State
		Licence No	State

Details of the charges against you

What is the charge ? The Accused in the period from 1 January 2004 up to and inclusive of present time, at Melbourne in the State of Victoria, an original State within the Commonwealth of Australia, did with deliberate intent conceal and has continued to fraudulently conceal from the Electorate (the voters), the unlawful and illegal removal of the statutory Oath of Allegiance to Queen Elizabeth the Second and substitution of the Governor of Western Australia in the place of the Queen and subsequent removal of the Crown without the statutory referendums after the enactment of the overt Act titled "Acts Amendment and Repeal (Courts and Legal Practice) Act" within the Commonwealth of Australia.

Under what Law ? State Act Other-specify C'wealth Reg
Common Law Act or Regulation No Section or Clause (Full Ref)
Fraud

Type of offence Summary offence (you should go to Court) Indictable offence (you must go to Court)

Are there more charges ? No Yes **COMMON LAW TREASON**

Request for Committal proceedings No Yes

Who filed the charge sheet's Informant **BRIAN WILLIAM SHAW**

Agency and Address

Phone

Email

Fax No

Agency Ref

Informant Signature **Brian William Shaw** Date **December 2016**

Where will the case be heard

Where you must go The *Magistrates' / Childrens' Court of Victoria at

Address

Phone No.

When Time Day Month Year

Details about this summons

Issued at Date

Issued by Registrar Magistrate Police Informant

Charge filed at Date

Method of Filing Personal Date

RESERVED FOR GRAND JURY PRESENTMENTS
IN ACCORDANCE WITH THE LAW OF TREASON.

2 Courts

Charge - Sheet and Summons

TO THE ACCUSED

GOUVERNOR GENERAL
PETER COUGROVE

You have been Charged with an offence
Read both pages to see what you must do

<input type="checkbox"/> M <input type="checkbox"/> F	Date of Birth / /
Registration No	State
Licence No	State

Details of the charges against you

What is the charge ? The Accused in the period from 1 January 2004 up to and inclusive of present time, at ~~Melbourne in the State of Victoria, an original State~~ within the Commonwealth of Australia, did with deliberate intent conceal and has continued to fraudulently conceal from the Electorate (the voters), the unlawful and illegal removal of the statutory Oath of Allegiance to Queen Elizabeth the Second and substitution of the Governor of Western Australia in the place of the Queen and subsequent removal of the Crown without the statutory referendums after the enactment of the overt Act titled "Acts Amendment and Repeal (Courts and Legal Practice) Act" within the Commonwealth of Australia.

Under what Law ? State Act Other-specify C'wealth Reg
Common Law Act or Regulation No Section or Clause (Full Ref)
Fraud

Type of offence Summary offence (you should go to Court) Indictable offence (you must go to Court)

Are there more charges ? No Yes **COMMON LAW TREASON**

Request for Committal proceedings No Yes

Who filed the charge sheet's Informant **BRIAN WIMAM SHAW**

Agency and Address

Phone

Email

Fax No

Agency Ref

Informant Signature **Brian Shaw** Date **December 2016**

Where will the case be heard

Where you must go The *Magistrates' / Childrens' Court of Victoria at
Address
Phone No.
When Time Day Month Year

Details about this summons

Issued at Date

Issued by Registrar Magistrate Police Informant

Charge filed at Date

Method of Filing Personal Date

**RESERVED FOR GRAND JURY PRESENTMENTS
IN ACCORDANCE WITH THE LAW OF TREASON**

*The Constitution of the Commonwealth
Commonwealth Electoral Act 1918*

Writ for the election of Senators for
Western Australia

To: Marie Neilson
The Australian Electoral Officer for the State of Western Australia:

GREETING

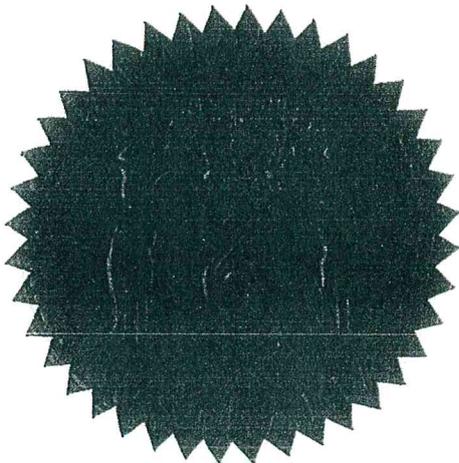
I command you to cause election to be made according to law of 12 Senators for the State of Western Australia to serve in the Senate of the Parliament of the Commonwealth of Australia.

I appoint 23 May 2016 to be the day for the close of the rolls.

I appoint 9 June 2016 at 12 noon to be the day and time before which nominations of Senators at and for that election are to be made.

I appoint 2 July 2016 to be the day on which the poll is to be taken in the event of that election being contested.

I command you to certify the names of the Senators elected and to return this writ with the certificate attached to the Governor of the State of Western Australia on or before 8 August 2016.



Deputy of the Governor

16 May 2016

Endorsement as to receipt of writ

I received this writ on 16 May 2016

A handwritten signature in black ink, appearing to be 'A. J. ...', written over a dotted line.

Australian Electoral Officer
for the State of Western Australia

Dated: 16 May 2016

**Writ for the Election of Members of the
House of Representatives**

COMMONWEALTH OF AUSTRALIA

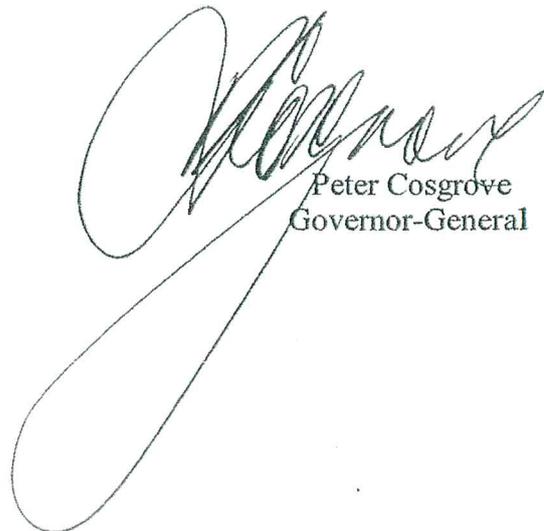
To: **THOMAS JOSEPH ROGERS**, Electoral Commissioner

GREETING

We command you that you cause elections to be made according to law of Members of the House of Representatives, for the Electoral Divisions in our State of Western Australia, to serve in the Parliament of our Commonwealth of Australia and we appoint the following dates for the purposes of the said elections:

1. For the close of the Rolls: Monday the twenty-third day of May 2016.
2. For nomination: Thursday the ninth day of June 2016.
3. For taking the poll at the different polling places in the event of the elections being contested: Saturday the second day of July 2016.
4. For the return of the writ: on or before Monday the eighth day of August 2016.

Witness: His Excellency General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia at Canberra the sixteenth day of May in the year of our Lord Two thousand and sixteen.



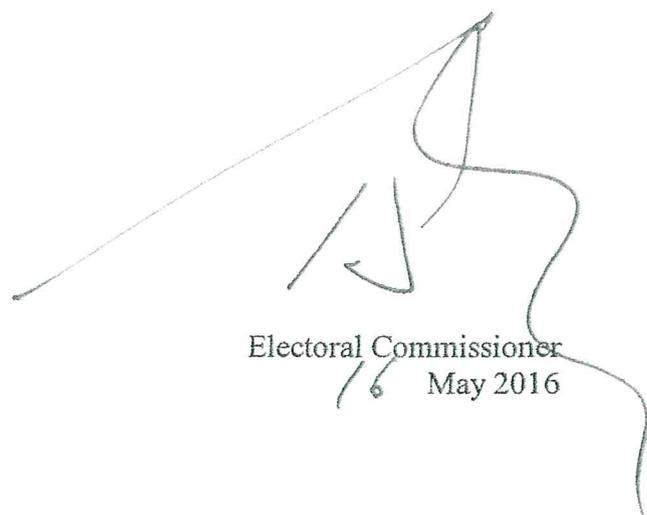
Peter Cosgrove
Governor-General

By His Excellency's Command,



Mathias Cormann
Minister for Finance

THIS WRIT was received by me today

A large, stylized handwritten signature in black ink, consisting of several sweeping, interconnected strokes.

Electoral Commissioner
16 May 2016

GOVERNOR SUBSTITUTES HIMSELF

AUSTRALIA ACT 1986 - SECT 7

Powers and functions of Her Majesty and Governors in respect of States

(1)

Her Majesty's representative in each State shall be the Governor.

COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 12

Issue of writs

The Governor of any State may cause writs to be issued for elections of senators for the State. In case of the dissolution of the Senate the writs shall be issued within ten days from the proclamation of such dissolution.

ACTS AMENDMENT AND REPEAL (COURTS AND LEGAL PRACTICE) ACT 2003 WA (NO. 65 OF 2003) - SECT 130

130 . *Supreme Court Act 1935* amended

(3) Section 9(1) is amended by deleting "Her Majesty" and inserting instead —

" the Governor ”.

WESTERN AUSTRALIA

ACTS AMENDMENT AND REPEAL (COURTS AND LEGAL PRACTICE)
ACT 2003 (NO. 65 OF 2003) - SECT 130

130. *Supreme Court Act 1935* amended

(All Amendments by Lawmakers)

- (1) The amendments in this section are to the *Supreme Court Act 1935* *.
- (2) Section 4 is amended as follows:
 - (a) in the definition of "Action" by deleting "by the Crown";
 - (b) in the definition of "Cause" by deleting "by the Crown".
- (3) Section 9(1) is amended by deleting "Her Majesty" and inserting instead —
" the Governor ".

(4) Section 15(1) is amended by deleting "Royal Arms" and inserting instead —
" armorial bearings of the State ".

(5) Section 37(2) is repealed and the following subsection is inserted instead —

"
(2) Nothing in this section shall alter the practice in proceedings in relation to the prerogative and criminal jurisdiction of the Court.

(6) Section 50(1) is amended by deleting "by the Crown".

(7) Section 51(1) is amended by deleting "by the Crown".

(8) Section 56(1) is amended by deleting "by the Crown".

(9) Section 119 is amended by deleting "to Her Majesty or any of her subjects, or other persons entitled in like manner as subjects".

(10) Section 154(1) is amended by deleting "Her Majesty's" and inserting instead —
" The ".

(11) Section 154(3), (4), (5) and (6) are each amended by deleting "Crown" in each place where it occurs and in each place inserting instead —
" State ".

(12) The Second Schedule is amended by deleting "our Sovereign Lady Queen Elizabeth the Second, Her Heirs and successors" and inserting instead —

" the State of Western Australia ".

The entire Schedule omitted.

No Referendums Called or Conducted

961

**Acts Amendment and Repeal
(Courts and Legal Practice) Act 2003
(No. 65 of 2003)**

Part 8 — Amendments about the Crown

130. *Supreme Court Act 1935* amended

(10) Section 154(1) is amended by deleting "Her Majesty's" and inserting instead —

"The ".

(11) Section 154(3), (4), (5) and (6) are each amended by deleting "Crown" in each place where it occurs and in each place inserting instead —

"State ".

(12) The Second Schedule is amended by deleting "our Sovereign Lady Queen Elizabeth the Second, Her Heirs and successors" and inserting instead —

"the State of Western Australia ".

CONSTITUTION ACT 1889 WA - SECT 73 (2)(g)

73(2)

Legislature as constituted by this Act empowered to alter any of its provisions

(2) A Bill that —

- (a) expressly or impliedly provides for the abolition of or alteration in the office of Governor; or
- (b) expressly or impliedly provides for the abolition of the Legislative Council or of the Legislative Assembly; or
- (c) expressly or impliedly provides that the Legislative Council or the Legislative Assembly shall be composed of members other than members chosen directly by the people; or
- (d) expressly or impliedly provides for a reduction in the numbers of the members of the Legislative Council or of the Legislative Assembly; or

(e) expressly or impliedly in any way affects any of the following sections of this Act, namely —

sections 2, 3, 4, 50, 51 and 73,

- The Six Sections -

shall not be presented for assent by or in the name of the Queen unless —

(f) the second and third readings of the Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly, respectively; **and**

(g) the Bill has also prior to such presentation been approved by the electors in accordance with this section,

- The Electors -

and a Bill assented to consequent upon its presentation in contravention of this subsection shall be of no effect as an Act.

"The Invalidity"

That provision, your Honours might note, has now been eliminated by section 9(2) of the *Australia Acts* but it was there in 1978. The second, your Honours, in section 73(2)(g) there is a provision that the Bills to which 73(2) applies, after passage through the two Houses, are to be "approved by the electors" before presentation. So those true qualifications, the requirement in section 2(3) that a Bill be presented to the Governor after passage through both Houses. Your Honours might note that the construction of - - -

KIRBY J: Let me just get it clear. The point you are making is that each of those are steps that follow passage and therefore they do not touch upon the express mention of passage being, in your submission, due or lawful passage whilst in the chambers of Parliament.

MR GAGELER: Exactly. The duty or requirement of section 2(3) is to do something after passage. Those two conditions, at least certainly the second of them, impose a qualification to that requirement to do something immediately after passage. The second of them certainly inserts another step.

Your Honours, that construction of section 2(3) is, in our submission, strongly supported – we would say compelled – by the principle of harmonious construction, to which we refer in paragraph 33 of our submissions. It is equally supported, in our submission, by the context. If your Honours look at section 2(3), your Honours will see that it was introduced together with and follows immediately after section 2(2), section 2(2) defining the Parliament of Western Australia to include the Queen, and section 2(3) then in substance defining the role of the Governor as the Queen's representative in the workings of Parliament, that is in the enactment of legislation, a role that expressly, in the words of section 2(3), cuts in after the passage of a Bill through both Houses.

MR GAGELER IS NOW A HIGH COURT JUDGE
THE ISSUE RAISED IN THE TRANSCRIPT IN
RELATION TO SECTION 73 2 (B) [ELECTORS] 108
DID NOT ARISE IN THE HIGH COURT JUDGEMENT.