

AFFIDAVIT

NUMBER 25.

GIPPSBURY - SOUTH

By - RECURRENCE (Vic)

- THE DONORSHIP PETITION -
has

SHAW

AFFIDAVIT
IN SUPPLOR

ACCOMPANYING AFFIDAVIT (25)

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

Gillbank South By-Direction
- SHAW - DONOHUE -

Defendant

vs.

CME

Date of Document:	September 2016 14 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:-

- I STATE THAT THIS AFFIDAVIT EXHIBIT AN "AFFIDAVIT IN SUPPORT" AFFIRMED 29 APRIL 2015 IN RELATION TO THE GILLBANK SOUTH BY-DIRECTION (VACATED BY MR PETER RYAN)
- THE BY-DIRECTION WAS CONDUCTED BY MR WARWICK GATELEY (VIC).

[Handwritten signature] *[Handwritten signature]*

//

3. I STATE THAT THE AFFIDAVIT WAS AFFIRMED AFTER WITNESSING THE JUDICIAL CONDUCT OF THE SUPREME COURT PROthonetary IN RELATION TO THIS BY-ELECTION ELECTION - PETITIONER MR GERRARD DONOHUE -
4. THE AFFIDAVIT IN SUPPORT QUOTES VARIOUS PROVISIONS OF THE REFERENDUM ACT 2002 (VICTORIA), IN PARTICULAR THE REQUIREMENTS OF THE PETITION (SECTION 135) PLUS 141 AND 143.
5. THE 1540 UNITED KINGDOM STATUTE LAW OF THE KNIGHTS OF ST JOHN OF JERUSALEM IS MENTIONED HEREIN.
6. AT CLAUSE 16 (AFFIDAVIT IN SUPPORT) THERE ARE 11 INDIVIDUALS OR CORPORATIONS WHO RECEIVE A COPY OF THE PETITION.

 McClempson

7. AT Clause 18 (AFFIDAVIT IN SUPPORT)
SECTION 178(2) ELECTORAL ACT 2002
(VICTORIA) GRANTS THE RIGHT TO
INSTITUTE PROCEEDINGS IN RESPECT
OF ANY OFFENCE AGAINST THIS ACT.

8. AT PAGE 18 (GROUND 52) OF THE
EXHIBITED PETITION THE COMMONWEALTH
ELECTORAL ACT 1918 STATES -
SECTION 49 STATES -
"CHAPTER 2 OF THE CRIMINAL
CODE (1995 COMMONWEALTH) APPLIES
TO ALL OFFENCES AGAINST
THIS ACT".

9. THE DONOR PETITION EXHIBITED
NAMES - VICTORIAN ELECTORAL COMMISSION
MR WARWICK BARTLEY
EMILY ANNE WILLIAMS
MR DANIEL O'BRIEN.
AND SETS OUT 86 FACTS.

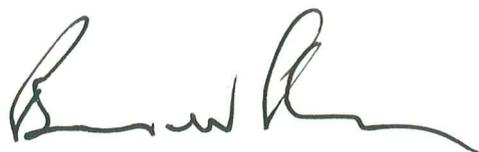
 Andrew Clemenson

10 - I STATE IN THIS AFFIDAVIT
THAT - FACT NUMBER 11 PAGE 5
DONOHUE PARTITION QUOTES PARAGRAPH
84 FROM THE SUE V HILL MATTER
HIGH COURT 1999 WHERE IT IS STATED
THAT AT FEDERATION THE COLONIES
WOULD BE CALLED "THE COMMONWEALTH
OF AUSTRALIA" BUT, PRIOR
NOT KNOWN TO AUSTRALIANS, IS WHY CALLED
"CONNECTICUT AND RHODES ISLANDS"
THIS INTRODUCES THE "KNIGHTS OF RHODES"
BEFORE FEDERATION.

11. FACT NUMBER 13 QUOTES PARAGRAPH 36
SUE V HILL 1999 HIGH COURT, REFERS
TO "THE COMMON LAW OF AUSTRALIA"
WHICH DRAWS IN SECTION 49 (COMMONWEALTH
CONSTITUTION) AND STATES THAT THIS
WOULD FALL OUTSIDE OF CHAPTER III
MEANING (NO JURISDICTION).

 Michael Clemson

12. AS FACT NUMBER 14 IT SETS
OUT THAT THE AUSTRALIA ACT 1986
OMITTED THE STATUTORY REFERENDUM
REQUIREMENTS AND AS SUCH
VOIDS THE AUSTRALIA ACT.
13. AS FACT NUMBER 15, THE
1975 VICTORIAN CONSTITUTION ACT
(HENRY WINICKA) IS REVEALED
(FACTS 15. 16. 17)
14. AS FACT NUMBER 18 THE 2001
GRAND JURY HEARINGS IS INTRODUCED
CONCERNING FIVE JUDGES, IN PARTICULAR
ALEX CHANOS WHO WENT ON TO
BECOME THE STATE GOVERNOR WHEN
THROUGH ALL CRIMINAL PROCESS WAS
IGNORED, CONCEALED AND FORGOTTEN

 McClellan

15. Facts numbered 18 (E) Alex Charnov
is a direct link to Paragraph
84 Sir v Hill 1999 High Court
'CONNECTING AND RHODES ISLAND'

16. Facts numbered 20 (Donohue Petition)
introduces Governor General Griffiths
and states that the petition writs
are 'MASONIC WRITS' AND
MAKES THE STATEMENT THAT
Both Rugg and Guinness were
sworn in even though both
refused to discuss the oath
of allegiance to the monarchy.
[COMMONWEALTH CONSTITUTION S.42
+ SCHEDULE]

17. Facts numbered 21.
Kevin Rugg Common Law Facts
CRIMINAL CHARGE

Ben McAlister

18. Facts 22 and 23 introduce
Quinton Bryce and Alex Charou
with the causal link to —
(Paras 84 Sur v Hill 1999)

19. Fact 25/26
MISLEADING AND DECEPTIVE CONDUCT.
FLETCHER WANTS ULTRA VIRE

20. Fact Number 31 (Donohue Petition)
Names the Commissioners for the
Commonwealth

MR ED KILPATRICK - RETIRED BECAUSE
OF THE LOST SENATE
VOTE IN WEST AUSTR.

MR TOM ROGERS

MR WARWICK GATELY. WEST AUSTRALIA
AND
VICTORIA.

21. Fact Number 34 sets out
The Responsibilities of the Victorian
Firefighting Commission (MR GATELY)

 Michael Lawson

22. FACT NUMBER 35.

SETS OUT SECTION 12 (THE ACT)
AND STATES THAT THE GOVERNMENT IN COUNCIL
ALLOWED MR GATLEY
(ALEX CHAND AND ROBERT CLARK).

22. FACT NUMBER 39 (DONOHUE PRISON)
SUSPENSION FROM OFFICE (SECTION 14).

23. FACT NUMBER 40/41. (GATLEY AND WILLIAMS)

A. SETS OUT THE INDICTABLE OFFENCE
COMMITTED BY MR WARWICK GATLEY
"COMMON LAW-FRAUD" BUT, THIS
HAS BEEN CONSIDERED AND PROTECTED
UNDER THE AUSPICES OF THE
"MASONIC COUP".

B. ENZABETH ANNE WILLIAMS
"COMMON LAW FRAUD"

Richard McClellan

24. FACT NUMBER 42 'AUX CYRANO'
The criminal offence of
'Common Law Fraud' Because of
The non-disclosure of The Removal
of Her Majesty.

24. FACT NUMBER 44 'The KNIGHTS'
This PARTICULAR FACT AGAIN LINKED
BACK TO PARAGRAPH 84 - Sun & Hill 1999

25. FACT NUMBER 45/46
SECTION 148 ELECTORAL ACT 2002
SETS OUT 'FALSE INFORMATION'
AND SECTION 152 'Political Libel'.

26. FACT NUMBER 48 - 3 INDIVIDUALS
NAMES: PETER RYAN
Julia Gillard
MR R. HULL

 C. McClelland

27. FACT NUMBER 49 / 50 (DONOHUE PETITION)
NAMES MR HULL (MISPRISON OF TRUST)
JULIA BINGHAM (MISPRISON OF TRUST)

28. FACT NUMBER 52.
CRIMINAL RESPONSIBILITY
UNDER THE FACTORAL ACTS.

29. FACT NUMBER 54 (QUENTIN BRYCE - CHANOU)
ALSO IN FACT LINKS BACK TO
PARAGRAPH 84 SUR V HILL 1999.

30. FACT NUMBER 55 (JUSTICE GARD)
EVENTUALLY THE DONOHUE PETITION
DID GET HEARD BY JUSTICE GARD
WHO BREACHED ALL LAWS KNOWN TO
JUDICIAL CONDUCT AND PROCEDURAL FAIRNESS
AND NATURAL JUSTICE. IN ADDITION
TO CONCERNING ALL THE DISCOVERED
INDICABLE OFFENCES

Benjamin McLemson

31. FACT NUMBER 56/57 (GRAND JURY DEFENDANTS)
This PARTICULAR FACT LIST FITS
WEST AUSTRALIAN PEOPLE WHO REMAIN
PENDING GRAND JURY FROM THE 2006/2007
PERIOD, WHICH IS A DELAY IN
PROSECUTIONS - COMES AT 1914 SECTION 43(3)
AND AS SUCH IS A QUESTION OF FACT
FOR A JURY

32. FACT NUMBER 58 (PETER RYAN)
MR PETER RYAN - CRIMINAL OFFENCE
OF FRAUD (REMOVAL OF HER MATRIMONY)

33. FACT NUMBER 59 (DANIEL O'BRIEN)
MR DANIEL O'BRIEN - CRIMINAL OFFENCE
OF FRAUD (REMOVAL OF HER MATRIMONY)

34. FACT NUMBER 60 (JUSTICE Mc DONALD)
COMMON LAW FRAUD (REMOVAL OF THE QUEEN)
Plus "FEDERAL JURISDICTION"
AND A CRIMINAL BREACH OF SECTION
34 CRIMES ACT 1914 (COMMONWEALTH)
IN ADDITION TO "MISPRISON OF TREASON"
(COMMON LAW AND STATUTE LAW)
C. McClellan

35. FACT NUMBER 62 (JUSTICE TOWER)
 CRIMINAL OFFENCE of FRAUD
 (FEDERAL FRAUD Remission of the Queen)
 Plus MISPRISON of TREASON AND
 SECTION 34 CRIMES ACT 1914 (CTH).

36. FACT NUMBER 63 JUSTICE GARDER
 CRIMINAL OFFENCE of FRAUD
 Plus MISPRISON of TREASON Plus
 CRIMES ACT 1914 (CTH) SECTION 34

37. FACT NUMBER 64 (DARRIN McNAIR)
 CRIMINAL OFFENCE of FRAUD.

38. FACTS NUMBER 65/66 (TONY ABBOTT)
 BRITISH CITIZEN Plus
 COMMON LAW FRAUD + MISPRISON of TREASON

" COMMON INFORMERS (PARLIAMENTARY
 DISQUALIFICATION) ACT 1975 (CTH).

* EXCLUSIVE JURISDICTION

 C. McClemon

39. FURTHER NUMBER 67 (CANDIDATES)
IN ADDITION TO CANDIDATES DONOHUE
AND O'BRIEN THE OTHER CANDIDATES
ARE NAMES)

40 FURTHER NUMBER 68 (3 PETITIONERS)
NAMES THE 3 PETITIONERS
RIBONI PETITION (OPEN COURT)
DONOHUE PETITION (OPEN COURT)
SHAN PETITION (ON PAPERS
'VEXATIOUS')

41. FURTHER NUMBER 69 (High Court Judges)

MILB MAC COURT
Set 2006 - Jan 2007

CURRENT JUDGES

- | | |
|-----------------------------|---------------------------|
| 1. BLACKSON (Chief Justice) | 1. FRENCH (Chief Justice) |
| 2. HAYNE (Lost Votes) | 2. HAYNE (Lost Votes) |
| 3. KIRBY | 3. KIEFFEL |
| 4. CALLINAN | 4. BELL |
| 5. CRENNAN | 5. GIBLICK |
| 6. GUMMOW | 6. KRANE |
| 7. HEYDON | 7. NETTLE |

Brian R. McCleensen

42. FACT NUMBER 70 (FEDERAL COURT WAIVER)
THE REFUSAL TO FILE.
43. FACT NUMBER 72 (PROLONGATORY)
PROLONGATORY SUPREME COURT
R. RADCLIFF. R. SHADE. M. DRIVING.
44. FACT NUMBER 73 (3 FARMERS)
1. MR J. MORAN
2. MR MAL RAUFARLANZ
3. MR T. SMART.
45. FACT NUMBER 74 (WALTERS)
THE WALTER FAMILY (WODONGA)
CRIMINAL CHARGES ON JUSTICE JUDGE STREATOR
46. FACT NUMBER 75 (MARK PROLEY)
WAS MOVED FROM THE OFFICE OF
PUBLIC PROSECUTOR INTO THE OFFICE OF
SUPREME COURT (APPEALS COURT) TO
CHECK GRAND JURY APPLICATIONS.

R. W. R. McClellan

47. FACT NUMBER 78 (BANKING)
THIS FACT INTRODUCES A COUNTRY
TO THE BANKS
"INTRA-STATE BANKING"

48. FACT NUMBER 79-80 (STATE CERTIFICATES)
CONVERTED INTO "TRADING BONDS"

49. FACT NUMBER 81. (WARWICK GATREY)
BACKGROUND RE MR GATREY.

50. FACT NUMBER 82 (FRENCH)
CHIEF JUSTICE ROBERT FRANCEY
CRIMINAL OFFENSE MISPRISON & PRISON
PLUS COMMON LAW FRAUD.

51. FACT NUMBER 83 (LOST VOTES)
WEST AUST LOST SENATE VOTES

ED KURSTYN

JUSTICE K. HAYNE

GOVERNOR MC CUSKER.

TOM ROGERS

Bruce McClellan

52. FACTS NUMBER 85, 86, 87, 88
ALL SET OUT THE CRIMINAL
OFFENCE OF COMMON LAW TREASON
RELATES TO JUSTICE HAYNE (HIGH COURT)
AND KIRBY TOM ROBERTS AND
MALCOLM Mc CUSKER
(HAYNE - KIRBY - ROBERTS - Mc CUSKER)

53. FACTS NUMBERS 89, 90 AND 91
RELATES TO JUSTICE GREGORY NITTE
AND 10 GRAND JURY APPLICATIONS
FOR CRIMINAL CHARGE OF COMMON LAW
TREASON

54. FACT NUMBER 92 (WINNICK)
RELATES TO HENRY WINNICK
LEGAL MATTER. - 1959 VLR 272

55. FACT NUMBER 93. "TREASON"
REVOKES SECTION 80
CRIMINAL CODE ACT 1995 (C4)
IS TREASON AND MISFEASANCE OF TREASON

 Clowson

56. FACT NUMBER 94 (THE² COURT ACT)

TWO COURT ACTS HEREIN - WA AND VIC

1. ACTS AMENDMENT RIFKAL
COURTS AND LEGAL PRACTICE ACT 2004
2. COURTS AND TRIBUNALS
LEGISLATION (FURTHER AMENDMENT) ACT
2000 VICTORIA

57. FACT NUMBER 95 (ATTORNEY-GENERALS)

NAMRA ATTORNEY-GENERALS WHO
HAVE BEEN COMINGLY CLARIFIED OR
HAVE CONCERNED THE MATTER

58. FACT NUMBER 96 (MISPRISON OF TRIFSON)
QUOTES HALLBURY'S LAWS OF ENGLAND

59. FACT NUMBER 97 (HANSARD'S QED)
QUOTES HANSARD QED 7 DECEMBER 1977
REGARDING TO SECTION 53.

Linker Mllemson

60 FURTHER NUMBER 98 (CHARLES COURT)
DUPRES MONSIEUR (WA) 22 MARCH 1978
RELATING TO SECTION 73.

61. FURTHER NUMBER 99 (FRANK)
THE GIBBSLAND SOUTH BY-ELECTION
WAS CALLED (CONDUCTED) AND
HELD) UNDER FRANK AND DECEPTION

~~CME~~
~~CME~~
~~CME~~
~~CME~~

AFFIRMED BY Ben and R

AT GIBBSLAND

DATE 14.12.2016

WITNESS Clemson

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

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COURT OF DISPUTED RETURNS

S C I

BETWEEN:

Gerard Joseph Donohue

Petitioner

and

VICTORIAN ELECTORAL COMMISSION

First Respondent

and

Mr Warwick Gately
Electoral Commissioner

Second Respondent

and

Elizabeth Anne Williams
Deputy Electoral Commissioner

Third Respondent

and

Mr Daniel O'Brien

Fourth Respondent

AFFIDAVIT IN SUPPORT

BRIAN W SHAW
A VEXATIOUS LITIGANT

Date of document: ²⁹..... April 2015

~~Filed on behalf of:~~ Brian William Shaw

Prepared by:

Brian William Shaw

c/- PO BOX 800

Werribee Victoria 3030

Tel: 0487 195 522

Ref: n/a

DX: n/a

CODE: n/a

I, Brian William Shaw, retired, care of PO BOX 800, Werribee 3030 in the State of Victoria do state and affirm the following.

1. Prothonotary Judicial Corruption

That on the 27th April 2015 I did drive Mr Gerard Donohue into Melbourne so that Mr Donohue could both file and serve an Election Petition naming the corporation and individuals listed above.



29 APR 2015

2. The Petition

The Election Petition was in relation to the Gippsland South By-election, a seat vacated by the resignation and retirement of Mr Peter Ryan a National Party Leader and Member.

3. Mr Daniel O'Brien – National Party

The By-election was conducted by the Victorian Electoral Commission Mr Warwick Gately and eight (8) candidates nominated, one of the candidates was and remains Mr Gerard Donohue. The National Party candidate Mr Daniel O'Brien retained the seat for the National Party. His office is situated in Sale, Victoria.

4. The Petition – The Challenge

The period of an Electoral Challenge to this by-election was and remains 40 days from the return of the election writ. Such writ was issued by the Speaker of the Legislative Assembly. The 40 day period expired on the 27th April 2015.

5. The Refusal – 27 April 2015

That by appointment 27 April 2015 11:30am Mr Donohue presented his Election Petition for filing.

Mr Shane Draper at the Prothonotary Office in Lonsdale Street Melbourne refused the filing.

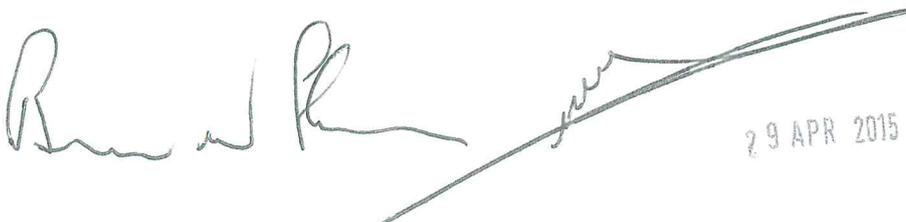
I had waited in the car in Lonsdale Street.

6. The Second Visit

That Mr Donohue returned to the car with the Petition document and told me about the refusal.

I returned back to Prothonotary with Mr Donohue to ask Mr Shane Draper to explain why after hearing "the why" we then stated that Mr Donohue seeks a legal right to go in front of a Supreme Court – Practice Court Judge to seek an order for an extension of time – not the hearing but a time extension.

We were given an Affidavit form to sign and hand back with this written request within the Affidavit.



A handwritten signature in blue ink, followed by a date stamp that reads "29 APR 2015". The signature is stylized and appears to be "R. Draper".

7. The Second Refusal

That the Affidavit was signed with the Election Petition attached and handed back to Prothonotary staff who gave it to Mr Shane Draper, but shortly after that Mr Draper rang Mr Donohue and stated that there was no provision within the Electoral Act 2002 for a Petitioner who has not filed a Petition to be permitted to go before a Supreme Court Judge in relation to an extension of time, accordingly there was a second refusal.

8. The Grounds

That one of the purported reasons that Mr Shane Draper gave to support the Prothonotary refusal was that the Petition contained "no Grounds".

9. Electoral Act 2002 – Victoria

Part 8 – Court of Disputed Returns

That the functions and powers are set out under Part 8 and State in Part:

Section 124	The Court
Section 125	The Powers
Section 126	Court must act fair
Section 127	A. Bound by rules of natural justice B. Not bound by rules of evidence C. Must conduct each proceeding with as little formality as the requirements of the Act permit.
Section 128	No legal practitioner unless by consent or leave
Section 129	No appeal permitted
Section 130	Costs
Section 131	Other costs
Section 132	Consequences of court declarations
Division 2	Disputing Validity of elections
Section 133	Court of Disputed Returns
Section 134	Candidate – an elector – or Commission


29 APR 2015

Section 135 Requirements of petition

(1) Petition must –

- A) set out the facts
- B) set out order sought
- C) signed by the Petitioner and two witnesses
- D) be filed with Prothonotary within 40 days after the return of the writ
- E) \$100 security for costs

Section 141 The Clerk of the Parliaments

Section 143 Reference of question as to qualification or vacancy
Speaker and or the President to refer the resolution to the Court
of Disputed Returns

10. No Grounds Mentioned

That the Electoral Act 2002 makes no mention of “Grounds” whatsoever, but, in reality “the Facts” are “The Grounds”.

On that statute fact Mr Shane Draper and the Prothonotary was not only wrong but was in fact concealing serious indictable offences against the electors of Gippsland South inclusive of the electors of the State of Victoria and electors of the Commonwealth of Australia.

11. The Actual Petition

That attached to this Affidavit is a true copy of the actual Petition presented by appointment for filing at Prothonotary and is attached with an Exhibit page marked “The Donohue Election Petition”.

12. The Requirements

That under Section 135 Electoral Act 2002 the requirements of the Petition are:

- a. Set out the facts
- b. Set out the order sought
- c. Signed by the Petitioner and two witnesses
- d. Be filed with Prothonotary
- e. Security and costs \$100

The Petition addressed these requirements.


29 APR 2015

13. The Third Attempt (same day)

That during the afternoon of the 27th April 2015 Mr Gerard Donohue handed into Prothonotary another Affidavit exhibiting the returned Affidavit and the refused Election Petition.

We waited in Melbourne until 4:30pm and then left Melbourne.

Prothonotary made no contact.

14. The 1540 Statute

That within the contents of the Election Petition the United Kingdom statute banning of the Knights of Saint John of Jerusalem is the main issue. To occupy my time while Prothonotary was busy attempting to pervert the course of justice I checked the Law Reports statutes of 1888, 1889 and 1890 looking for a United Kingdom statute repeal of the 1540 statute.

There was no statute repeal in 1888, 1889 nor 1890.

15. Practitioner and Prothonotary

I state that the Petitioner Mr Gerard Donohue did conform to Section 135 at A, B, and C, but, Prothonotary did not comply with Sections 135 D and E.

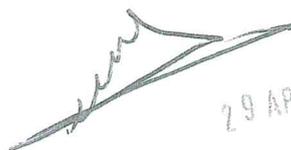
16. Copy to all concerned

- a. Prothonotary
- b. Warwick Gately
- c. Both President and Speaker
- d. Chief Justice Warren
- e. President Chris Maxwell
- f. The Victorian Bar (Chairman Mr Peters)
- g. All Attorney-Generals (nine)
- h. The new Governor in waiting currently an AFL Commissioner
- i. The Victoria Police (The Complaint)
- j. The Australian Federal Police (The Complaint)
- k. The By-election candidates (Gippsland South)

17. Must Act Fair

I re-state section 126 (The Act) that states:

“The court must act fairly and according to the substantial merits of the Petition”



29 APR 2015

18. Electoral Act 2002 – Section 175(2)

Institution of proceedings for offences

(2) Nothing in subsection (1) affects the right of any person other than the Commission to institute proceedings in respect of any offence against this Act.

19. The Law of Almighty God or Spiritual Confusion – Masonic Law

Zechariah 8:16 – 17 (Old Testament) – King James)

These are the things that ye shall do; Speak ye every man the truth to his neighbour; execute the judgment of truth and peace in your gates:

And let none of you imagine evil in your hearts against his neighbour; and love no false oath: for all these are things that I hate, saith the LORD.

Luke 11: 52 (New Testament – King James)

Woe unto you, lawyers! for ye have taken away the key of knowledge: ye entered not in yourselves, and them that were entering in ye hindered.

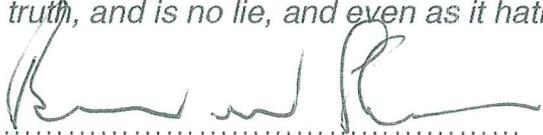
Luke 7:30 (New Testament – King James)

But the Pharisees and lawyers rejected the counsel of God against themselves, being not baptized of him.

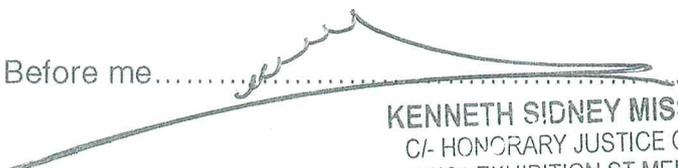
1 John 2: 26 – 27 (New Testament – King James)

These things have I written unto you concerning them that seduce you.

But the anointing which ye have received of him abideth in you, and ye need not that any man teach you: but as the same anointing teacheth you of all things, and is truth, and is no lie, and even as it hath taught you, ye shall abide in him.

Affirmed by.....

Melton At Police Station.....in the State of Victoria
243-245 Station Road
Melton, VIC, 3337
This.....²⁹ day of April 2015

Before me.....
KENNETH SIDNEY MISSEN JP
C/- HONORARY JUSTICE OFFICE
18/121 EXHIBITION ST MELB 3001
JUSTICE OF THE PEACE FOR VICTORIA
REG. NO 9025

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COURT OF DISPUTED RETURNS

S C I

BETWEEN:

Gerard Joseph Donohue

Petitioner

and

VICTORIAN ELECTORAL COMMISSION

First Respondent

and

Mr Warwick Gately
Electoral Commissioner

Second Respondent

and

Elizabeth Anne Williams
Deputy Electoral Commissioner

Third Respondent

and

Mr Daniel O'Brien

Fourth Respondent

EXHIBIT

This is the exhibit referred to in the affidavit of Brian William Shaw affirmed on

the²⁴..... day of April 2015.

KENNETH SIDNEY MISSEN JP
C/- HONORARY JUSTICE OFFICE
18/121 EXHIBITION ST MELB 3001
JUSTICE OF THE PEACE FOR VICTORIA
REG. NO 9025

Before me: _____

at
Melton Police Station
243-247 Station Road
Melton, VIC, 3337

“ *The Donohue Election Petition* ”

**IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COURT OF DISPUTED RETURNS**

S CI

BETWEEN:

Gerard Joseph Donohue

Petitioner

and

VICTORIAN ELECTORAL COMMISSION

First Respondent

and

**Mr Warwick Gately
Electoral Commissioner**

Second Respondent

and

**Elizabeth Anne Williams
Deputy Electoral Commissioner**

Third Respondent

and

Mr Daniel O'Brien

Fourth Respondent

**ELECTION PETITION
GIPPSLAND SOUTH BY-ELECTION
ELECTORAL ACT 2002 SECTION 133**

Date of document: *April 2015*

Filed on behalf of: *The Petitioner*

Prepared by:

Gerard Joseph Donohue

c/- 17 MacQueen Ave

Korumburra Victoria 3950

Tel: 0478 288 164

E-mail: *gerarddonohue@gmail.com*

Website: *accountablegovernment.net.au*

Ref: n/a

DX: n/a

CODE: n/a

THE FACTS

1. Queen Elizabeth the Second Sovereign Head of the Knights of Saint John of Jerusalem

Apparently Queen Elizabeth the Second is the sovereign head of the Knights of Saint John of Jerusalem and as such the Constitution of the State of Victoria is fraudulent in that a United Kingdom Monarch purportedly a Protestant Monarch is the sovereign head of an International Masonic Order whose allegiance is to the Bishop of Rome.

2. Statute by Henry VIII 1540 Banning the Knights of Saint John of Jerusalem Specific Points in the Statute of 1540

- A. Knights of the Rhodes
- B. Knights of St John
- C. Friars of the Religion of St John of Jerusalem in England and Ireland
- D. Contrary to the duty of their Allegiance
- E. Sustained and maintained the usurped power and authority of the Bishop of Rome
- F. Adhered themselves to the said Bishop being common enemy to the King Our Sovereign Lord and to His realm
- G. The same Bishop to be Supreme and Chief Head of Christ's Church
- H. Intending to subvert and overthrow the good and Godly laws and statutes of His realm
- I. With the whole assent and consent of the Realm, for the abolishing, expulping and utter extinction of the said usurped power and authority

3. The 1688 Bill of Rights (UK)

- A. This particular statute came into existence after the trial of the 7 Bishops in the House of Lords, the jury comprised specific members of the House of Lords - The King v The Seven Bishops
- B. The issue was the King's Declaration that all religions would be open and free within England, but, the Seven Bishops refused to declare the Declaration, stating that such Declaration would attack and destroy the Protestant religion of the Church of England and Laws of England.
- C. The jury ruled in favour of the Seven Bishops, the King fled England and formed and led a rebellion in Ireland against England.
- D. William and Mary assumed the Crown and title and immediately brought the 1688-89 Bill of Rights into legal position in England.
- E. The Statute banned any or all involvement with the Church of Rome or Bishop of Rome.

4. The 1700 Act of Settlement

- A. This particular Statute came into legal position in England because of the pretending King attempting to reclaim the Crown and Title that had been lost in 1688
- B. The Statute restates the purpose and intent of the 1688 Bill of Rights
- C. The Statute is in legal position in the United Kingdom today.
- D. And other issues including the succession.

5. The Two Statutes

The Two Statutes of 1688 and 1700 are the cornerstone of all United Kingdom Law today.

-But –

The Knights of Saint John of Jerusalem, an International Masonic Order are attempting to reclaim the United Kingdom inclusive of Australia.

6. The United Grand Lodge (Freemasonry)

Apparently in 1889 the Grand Lodge of England, the Grand Lodge of Ireland, the Grand Lodge of Scotland united and joined their English, Irish, Scottish and Victorian Constitutions into one.

7. Victoria 1889

Following on from the 1889 United Kingdom Union of Freemasonry the United Grand Lodge of Victoria was formed, Sir William Clarke (Sunbury/Rupertswood Victoria) became the first Grand Master in 1889

8. Queen Victoria 1889

Apparently Queen Victoria became the Sovereign Head of the Knights of Saint John of Jerusalem in 1889 resulting from the union of the various Lodges of Freemasonry, but, to date no statute repeal of the 1540 Statute of Henry VIII is evident.

9. The Masonic Portrait (The Future King) Dallas Brooks Hall (East Melbourne)

In the foyer of the Dallas Brooks Hall at the Masonic Centre of Victoria in East Melbourne is the portrait of Queen Victoria's son who became the King in 1901. His Royal Highness Albert Edward Prince of Wales, Grand Master, United Grand Lodge of England 1874 to 1901 King Edward VII (1901 – 1910)

10. The Masonic Combination The Queen and the Son

The Masonic combination of Queen Victoria and the son, the future King, in the period 1889 – 1901 would mean that the Commonwealth of Australia was not a free and democratic Federation, but a concealed Masonic Federation which would explain the paragraph in the Sue v Hill [1999] High Court matter relating to Rhodes Island (paragraph 84).

11. Rhodes Island

Sue v Hill – High Court 1999

Paragraph 84 – portion

“We may miss the old words that were used of Connecticut and Rhode Island: one body corporate and politic in fact and name, but united in a Federal commonwealth under the name of

“The Commonwealth of Australia”

seems amply to fill their place. And a body politic may be a member of another body politic”

12. The Order of Malta

The Government of The Order – The Masonic Order

The full title is:-

Sovereign Military Hospitaller

Order of Saint John of Jerusalem of Rhodes and of Malta

13. The Judicial Dilemma

Sue V Hill 1999 – High Court

Paragraph 36 – portion

“Questions as to “The Common Law of Parliament” would have been drawn in by Section 49 and would fall outside Chapter III.”

Note:

Section 49 Commonwealth Constitution

Chapter III Commonwealth Constitution

14. Sue v Hill 1999 – High Court

Section 44: Commonwealth Constitution

Statutory Referendums Omitted

The ruling in the 1999 matter stated or declared that the United Kingdom was a foreign power to the Laws of Australia with reliance on the Australia Act 1986. But, at all material times the People/Electors were omitted from the relevant decisions – **that is statutory and mandatory referendums were not conducted in the 1984 – 1986 period.**

15. Sir Henry Winneke

Governor of the State of Victoria

Knights of Saint John of Jerusalem

Masonic Member Grand Lodge

Victorian Constitution

- A. "General Sir Dallas Brooks Governor of Victoria from 1949 to 1963 – was not strong on the intricacies of local constitutional Law – not surprisingly as Victoria, at that time, did not have a Constitution Act of its own but muddled along on a patched up Schedule to the Imperial Act that separated it from New South Wales a century earlier" (at page 176)

Source: *"Above Renown"*

Biography of Sir Henry Winneke

By Robert Coleman

Copyright Herald and Weekly Times Ltd 1988

- B. "At the heart of the dispute was the almost century old British Legislation which separated Victoria from New South Wales in 1854. Victoria did not have a Constitution Act, enacted by its own Parliament until 1975. Before that, the State's Constitution was a Statute of the British Parliament" (page 199)

Source: *"Above Renown"*

Biography of Sir Henry Winneke

By Robert Coleman

Copyright Herald and Weekly Times Ltd 1988

16. The Legal and Constitutional Problem

1889 – 1901 – 1975

The three dates are relevant in the history of the United Kingdom and the Formation of Federation inclusive of the Victorian constitution 1975.

- | | |
|------|---|
| 1889 | Freemasonry unites in the United Kingdom in particular forms the United Grand Lodge of Victoria |
| 1901 | Federation – A Masonic Federation |
| 1975 | Victoria's First Constitution – Governor Winneke |

17. The Problem – The Allegation

The Victorian Constitution consisted of three documents 1854, 1855 and 1975. The latter one subject to the Constitution of the Commonwealth of Australia – formerly called “Rhodes Island”, Sue v Hill [1999] High Court paragraph 84.

- *But* -

The Knights of Saint John of Jerusalem apparently took back control in 1889, which means by fraudulent deception, Federation and the 1975 Victorian Constitution are “Rhodes Island Documents” which is a concealed Masonic Foreign Power Government.

18. Sir Henry Winneke

John Winneke (Son of Henry)

Michael Winneke (Son of Henry)

Alex Chernov

A. During 2001 five Judges heard a Grand Jury Application against Freemasonry Victoria, the Application was refused

- But -

B. Prior to the actual hearing the Constitutional Notice 78B Judiciary Act 1903 involved the validity or invalidity of the 1975 Constitution document reserved by Henry Winneke as Governor, but, also a Knight of Saint John of Jerusalem.

C. The President of the Court of Appeal (Full Court) was John Winneke, the principal Judge at the 2001 hearing, his brother Michael Winneke was his Associate.

D. Both Henry Winneke and Michael Winneke (son of Henry) are Masonic Grand Lodge Freemasons.

E. Alex Chernov

Alex Chernov was one of the five Judges in 2001. Today he is the Governor of the State of Victoria, but, also a Knight of Saint John of Jerusalem or in simple terms, Alex Chernov represents the Government of the Masonic Order.

19. The Order

The Year 2004 in Australia

Governor John Sanderson

- A. On the 1st January 2004 Governor John Sanderson co-signed with Mr J. McGinty, the Attorney-General, the enactment to a Knights of Saint John of Jerusalem Act that had been put through the Parliament of the State of Western Australia titled:

“Acts Amendment Repeal (Courts and Legal Practice) Act”

- B. The foreign power Bill/Act purportedly enabled John Sanderson to remove Her Majesty Queen Elizabeth and substitute himself and Mr James McGinty.
- C. Governor John Sanderson is a military man – the Military Arm of the Knights of Saint John of Jerusalem – John Sanderson is also a Returned Soldier or RSL.

20. Governor-General – 2004

Major General Michael Jeffery

A Committed Freemason

- A. The Governor-General at the time of the removal of Her Majesty from specific law within Western Australia and as such within the Commonwealth of Australia was Major General Michael Jeffery, a committed Freemason, also a military man and a returned soldier or RSL.
- B. Governor-General Michael Jeffery and Governor John Sanderson would have issued Commonwealth Election writs, one under Section 32 the other under Section 12 of the Constitution of the Commonwealth of Australia, formerly called Rhodes Island prior to Federation as per Sue v Hill [1999] – High Court - paragraph 84.
- C. The writs become fraudulent writs when all the facts are put into litigation. That is, **the writs are Masonic writs.**
- D. The same Governor-General permitted Kevin Rudd and Julia Gillard to form a Government without taking the Oath of Allegiance declared in writing in the Commonwealth Constitution.

21. Jeffery – Gillard – Rudd

- A. Both Michael Jeffery and Julia Gillard have pending Grand Jury Hearings in the Supreme Court of Victoria, but Grand Jury procession has been perverted by Masonic Judiciary inclusive of the current Governor Alex Chernov, a former Supreme Court Judge and current Knight of Saint John of Jerusalem.
- B. Kevin Rudd – Indictable Offence
Common Law Fraud

“The Accused in the period from 1 January 2004 up to and inclusive of present time, 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 Commonwealth of Australia.”

22. Quentin Bryce **Former Governor-General**

- A. Quentin Bryce is a Knight of the Order of Saint John of Jerusalem and vested Alex Chernov into the role and title of Deputy Prior of the Order of Saint John of Jerusalem for the State of Victoria.
- B. All concealed from the Electorate or voting public within Victoria, Western Australia and Commonwealth of Australia or Rhodes Island.

23. Quentin Bryce and Alex Chernov (The Election Writs)

- A. Both have issued election writs either for the House of Representatives and or the Senate
- B. Alex Chernov recently issued the election writ for the Victorian State Election held 29 November 2014 when Victoria had a change of Government and the Speaker of the Legislative Assembly changed. The new Speaker issued the election writ for the Gippsland South By-election

but, the real facts were concealed from the people, in particular the people who vote.

24. The Discovered Offences and Ramifications

The discovered offences involve:

- A. The removal of Her Majesty without referendum activates criminal jurisdiction and criminal offences.
- B. The removal of the Crown without referendum activates criminal jurisdiction and criminal offences.
- C. The removal of the Oath of Allegiance without referendum activates criminal jurisdiction and criminal offences
- D. The substitution of a State Governor into the position of Her Majesty without referendum activates criminal jurisdiction and offences.
- E. The silent agreement of all State Governors to the substitution of Her Majesty without referendum activates criminal jurisdiction and respective criminal offences.
- F. The unlawful substitution of the Foreign Power/Government of the Knights of Saint John of Jerusalem nullifies all purported grants of power

All without any input by the Electors.

In simple terms, **the Electors were shut out.**

25. Misleading and Deceptive Conduct **Gippsland South By-election**

The whole process in relation to the issue of the writ, the calling and conducting of the by-election was conducted by and under misleading and deceptive conduct on the electors of Gippsland South, in simple terms criminal activity against a trusting but mislead electorate.

26. The Constitutional Effect

The removal of Her Majesty without the knowledge nor approval of the State Electorate inclusive of and in addition to the Commonwealth electorate alters the

jurisprudence and fraudulently substitutes the Foreign Power Government of the Knights of Saint John of Jerusalem.

In Constitutional Law all Election writs after this substitution are *ultra vires*, that is, they are outside of their Constitutional grants of power.

27. Mr Peter Ryan (Former MP)

On the 14 March 2015 the Electorate of Gippsland South did vote in a by-election because of the resignation of former representative Mr Peter Ryan.

28. The Writ (By-election)

The writ for the by-election was issued by the Speaker of the Legislative Assembly, Telmo Languiller on the 17th February 2015. Accordingly the by-election was called and conducted by the Victorian Electoral Commission (First Respondent).

29. The National Party (Victoria)

Within the State of Victoria two men involved with and members of the National Party Mr Peter Ryan and Mr D. O'Brien (Fourth Respondent) have knowledge of the real facts but have concealed this knowledge from the Gippsland South Electors, the State Electors inclusive of the Commonwealth Electors.

30. The Two Electoral Acts (1918 and 2002)

Every registered voter/elector has the right to vote in both State and Commonwealth Elections, accordingly two Acts apply.

- A. Commonwealth Electoral Act 1918
- B. Electoral Act 2002 Victoria

31. The Commissioners (Commonwealth and Victoria)

- A. The Electoral Commissioner for the Commonwealth used to be Mr Ed Killerstyn who resigned after the loss of Senator votes in Western Australia. The new Commissioner is now Mr Tom Rogers.

- B. The Electoral Commissioner for Victoria is Mr Warwick Gately (Second Respondent).

32. Victorian Electoral Commission (The Act)

Under Section 6 of the Electoral Act 2002 the Commission is:

- A. A body corporate
- B. The Commission represents the Crown in Right of the State of Victoria
- C. Has a Common Seal

33. Constitution of Commission (The Act)

Under Section 7 of the Electoral Act 2002, the Victorian Electoral Commission consists of one member who is appointed as the Electoral Commissioner, that person is Mr Warwick Gately.

34. Commission Responsibility and Functions

- A. Under Section 8 of the Electoral Act 2002 the Commission (Mr Warwick Gately) is responsible for the administration of the enrolment process and conduct of elections.
- B. The functions are set out under Section 8 – some of these are:
 - 1) To report to both Houses of Parliament
 - 2) To conduct Council elections
 - 3) Report to the Minister Gavin Jennings on Electoral matters that are in the general public interest referred to the Commission by the Minister, Gavin Jennings.
 - 4) Report to each House of Parliament twice per year (January and July).

35. The Electoral Commissioner (The Act)
Governor in Council

Under Section 12 of the Electoral Act 2002 the Governor in Council appoints the Electoral Commissioner, Mr Warwick Gately (Second Respondent).

36. The Resolution (The Act)
Both Houses of Parliament (The Electorate)

Under Section 12(E) of the Electoral Act 2002 by resolution Both Houses of Parliament can request the Electoral Commissioner's removal from office (Electoral Commissioner is Warwick Gately- Second Respondent).

37. Indictable Offence - Electoral Commissioner

Under Section 14 of the Electoral Act 2002 the office of the Electoral Commissioner becomes vacant upon the Electoral Commissioner being convicted of an indictable offence or being sentenced to imprisonment for any offence.

38. Deputy Electoral Commissioner (Third Respondent)
Governor in Council

- A. Under section 13 of the Electoral Act 2002 the Governor in Council appoints the Deputy Electoral Commissioner who is Elizabeth Anne Williams.
- B. The same law applies in relation to the resolution under Section 13(E) of the Electoral Act 2002.
- C. The same law applies in relation to the Deputy Electoral Commissioner (Elizabeth Anne Williams) being convicted of an indictable offence or being sentenced to imprisonment for any offence.

39. Suspension From Office (The Act)
Governor in Council

A. Under Section 14 of the Electoral Act 2002 the Governor in Council may suspend the Electoral Commissioner, Mr Warwick Gately or the Deputy Electoral Commissioner, Ms Elizabeth Anne Williams, from office on three (3) grounds:

- 1) Neglect of duty
- 2) Ground of misconduct
- 3) Unfit for office

B. Within two hours of suspension inform in writing

- 1) The President
- 2) The Speaker
- 3) Leader of each Political Party

40. Mr Warwick Gately (Second Respondent)

The Indictable Offence – Common Law Fraud – Removal of Her Majesty

“The Accused in the period from 1 January 2004 up to and inclusive of present time, 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 Commonwealth of Australia.”

41. Elizabeth Anne Williams (Third Respondent)

The Indictable Offence– Common Law Fraud – Removal of Her Majesty

“The Accused in the period from 1 January 2004 up to and inclusive of present time, 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 Commonwealth of Australia.”

42. Governor Alex Chernov

The Indictable Offence– Common Law Fraud – Removal of Her Majesty

“The Accused in the period from 1 January 2004 up to and inclusive of present time, 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 Commonwealth of Australia.”

43. Governor in Council (Alex Chernov)

The Governor in Council refers to the Governor Mr Alex Chernov with respective Ministers or one Minister.

**44. Knights of Saint John of Jerusalem – The Masonic Foreign Power
Governor Alex Chernov**

The Knights of Saint John of Jerusalem do not appear in either the State Constitution or the Commonwealth Constitution but the former Supreme Court Judge Alex Chernov, now the Governor of the State of Victoria is a Knight of Saint John of Jerusalem, an International Masonic Order or in simple terms a concealed foreign power, whose intent and purpose is concealed from the Electorate - **This is fraud.**

**45. Electoral Act 2002 (The Act)
Section 148 False Information**

- A. It is a criminal offence under this section to provide false or misleading information.
- B. Governor Alex Chernov has not revealed his Masonic Allegiance to the Electorate.

- C. Electoral Commissioner, Warwick Gately, has omitted critical facts from the Electorate.
- D. Deputy Electoral Commissioner, Elizabeth Anne Williams, has omitted critical facts from the Electorate.
- E. Officers of the Supreme Court of Victoria have omitted critical facts from the Electorate.
- F. Mr Peter Ryan and Mr Daniel O'Brien have omitted critical facts from the Electorate.

46. Electoral Act 2002 (The Act)

Section 152 Interference with Political Liberty

Officers of the Supreme Court of Victoria have interfered with the political right and duty of the Petitioner by not addressing the revealed criminal offences discovered (recently concealed by Justice Garde, Justice Forrest and Justice McDonald).

47. Electoral Act 2002 (The Act)

Division 2 : Compulsory Voting

Compulsory voting either implies or forces the elector to vote irrespective of the invalidity of the election because the real and critical facts have not been given to the respective electorates – forced to submit to fraud.

48. Peter Ryan – Julia Gillard – R.Hulls

The Petitioner states that Peter Ryan had both constructive and actual knowledge of the criminal charges on Julia Gillard and Mr R. Hulls but concealed these criminal charges and offences from the Gippsland South Electorate.

The Petitioner was present in Mr Ryan's Parliamentary Office in Spring Street, Melbourne when the respective charges were handed to Mr Peter Ryan who at the time represented the people and electors of Gippsland South.

49. The Criminal Offence (Misprison of Treason – 29 January 2007)

Julia Gillard

Removal of The Crown

*“On 1st January 2004, the Government of Western Australia at Perth, Western Australia, inclusive of the Executive Legislature and Judicial arms, in agreement with “the Commonwealth”, did enact an overt Act, titled, “Acts Amendment and Repeal Courts and Legal Practice Act 2003 WA”.
By such enactment an Act of Treason was committed.
Such Treason has been concealed by the defendant, since the date of enactment up to and inclusive of the present date.”*

50. The Criminal Offence (Misprison of Treason – 15 December 2006)

Mr R. Hulls

“The Defendant since 1st January 2004 up to and inclusive of present date, has concealed from the People and Electors of the Commonwealth of Australia, the primary Act of Treason, when the overt Act titled “Acts Amendment and Repeal (Courts and Legal Practice) Act” was enacted 1st January 2004, at Perth Western Australia, the hidden purpose of such an Act was to unlawfully and illegally remove Her Majesty Queen Elizabeth II, such an Act was and remains a total breach of the Oath of Allegiance, in addition to a breach of the Oath of Office.”

51. The Concealment

- A. The Electorate for Julia Gillard was the Federal Seat of Lalor, which is Werribee in the State of Victoria
- B. The Electorate for the State seat occupied by the former Politician Mr R. Hulls was Niddrie
- C. The respective Electorates were not informed of the criminal charges, nor the content, nor the electoral, constitutional and criminal ramifications of the criminal charges.

52. The Combined Electoral Acts (1918 and 2002)

- A. In relation to the Electoral Act 2002 section 175 concerns the institution of the proceedings for offences, in particular Section 175 (2) states:
- “Nothing in sub-section (1) affects the right of any person other than the Commission (*Mr Warwick Gately*) to institute proceedings in respect of any offence against this Act.”
- B. Commonwealth Electoral Act 1918
Section 4D states”
“Chapter 2 of the Criminal Code applies to all offences against this Act”
- C. Chapter 2 of the Criminal Code sets out the general principle of criminal responsibility.
- D. The Criminal Code Act 1995 Commonwealth is not limited to Chapter 2 and in law opens up the whole of the Criminal Code Act 1995.

53. Issue of Election Writs – State and Commonwealth

- A. In relation to Commonwealth Elections the Governor-General in Council issues writs for the House of Representatives under section 32 Commonwealth Constitution.
- B. In relation to writs for Senators, State Governors issue such writs in accordance with section 12 of the Commonwealth Constitution.
- C. The Gippsland South By-election writ was issued by the Speaker of the Legislative Assembly

54. Quentin Bryce and Alex Chernov

- A. At the most recent Commonwealth Election Quentin Bryce was the Governor-General
- B. At the most recent Commonwealth Election Alex Chernov was the Governor for the State of Victoria
- C. At the most recent Victorian State Election Alex Chernov was the Governor

- D. Both Quentin Bryce and Alex Chernov are Knights of Saint John of Jerusalem, a concealed Masonic foreign power and as such operate outside of a valid Constitutional grant of power, and have fraudulently substituted the Masonic Government of the Knights of Saint John of Jerusalem or the Order of Malta.

55. Supreme Court of Victoria

Supreme Court of Western Australia

- A. In relation to the Electoral Act 2002 (Victoria) Part 8 is the Court of Disputed Returns which is a single Judge of the Supreme Court of Victoria sitting alone, no jury or open witness box for cross-examination.
- B. Officers of the Victorian Supreme Court over a number of years have concealed from the Victorian Electorate the manner that officers of the Supreme Court of Western Australia have amended their respective Act.

C. Supreme Court Act 1935 Amended (Western Australia)

- 1) Section 9 (1)
Removes Her Majesty and substitutes the Governor
(John Sanderson)
- 2) Section 119
Deletes Her Majesty and subjects (the People)
- 3) Section 154
Deletes Her Majesty's Attorney-General and inserts
The Attorney-General (Mr J. McGinty)
- 4) Section 12
Amends and removes the statutory Oath of Allegiance and
alters it to -
"The State of Western Australia"

56. West Australian Defendants

Pending Grand Jury Hearings in Victoria

Section 354 Crimes Act 1958 (Victoria)

- A. W. Martin – Supreme Court (WA)
B. James McGinty – Attorney-General
C. K. Beazley – Federal Politician

- D. A. Braddock – Supreme Court (WA)
- E. C. Wheeler – Supreme Court (WA)
- F. C. Steytler – Supreme Court (WA)
- G. C. Pullin – Supreme Court (WA)
- H. J. McKecknie – Supreme Court (WA)
- I. M. Buss – Supreme Court (WA)
- J. R. Mitchell – State Solicitor’s Office (WA)
- K. John Bowler – State MP (WA)
- L. J. Maley – Masonic Grand Master (WA)
- M. R. Cock – State DPP(WA)
- N. D. Renton – Commonwealth DPP (WA)
- O. Corryn Rayner – Supreme Court (WA) (murdered)

57. Melbourne Magistrates Court

Victorian Supreme Court

Grand Jury Victoria

All named West Australian Defendants/Accused in the former section have been formally charged and served and presented to the Magistrates Court at Melbourne where the Private Prosecution charges were protected and withdrawn by Public Prosecutors (declined to present), after which all Defendants/Accused were lodged into the criminal jurisdiction of the Full Court Supreme Court for Grand Jury indictments.

All such Grand Jury lodgements have been concealed from the Electors and no juries, either civil or criminal, have been called or empanelled – all remain pending, but concealed from all respective Electorates, inclusive of Gippsland South in Victoria by Mr Peter Ryan and Mr Daniel O’Brien - both members of the National Party inclusive of officers of the Victorian Supreme Court and Victorian Government Solicitor’s Office.

58. Mr Peter Ryan

Former MP Gippsland South Electorate

Common Law Fraud

“The Accused in the period from 1 January 2004 up to and inclusive of present time, 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 Commonwealth of Australia.”

59. Mr Daniel O’Brien
Current MP Gippsland South Electorate
Common Law Fraud

“The Accused in the period from 1 January 2004 up to and inclusive of present time, 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 Commonwealth of Australia.”

60. Justice McDonald (Supreme Court)
Indictable Offences

A. Common Law Fraud

“The Accused in the period from 1 January 2004 up to and inclusive of present time, 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 Commonwealth of Australia.”

B. Crimes Act 1914 Section 34(4)

Judge or magistrate acting oppressively or when interested
Acting when interested

A person commits an offence if:

- a) The person is a judge or magistrate; and
- b) The judge or magistrate perversely exercises jurisdiction in a matter; and

- c) The judge or magistrate has a personal interest in the matter; and
- d) The jurisdiction is federal jurisdiction

Penalty: Imprisonment for 2 years

C. Misprison of Treason

Sykes v Directors of Public Prosecutors
All England Law Reports
1961 3 ALLER 33 at 36

“Now concealment of treason was itself treason”.

61. Failure or Refusal

Sykes v Directors of Public Prosecutors
All England Law Reports
1961 3 ALLER 33 at 36

“Misprison requires nothing active. The failure or refusal to disclose the felony is enough”.

62. Justice Forrest

Supreme Court Victoria – 13 February 2015

A. Common Law Fraud

“The Accused in the period from 1 January 2004 up to and inclusive of present time, 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 Commonwealth of Australia.”

B. Crimes Act 1914 – Commonwealth
Section 34 (4)

Judge or magistrate acting oppressively or when interested
Acting when interested

A person commits an offence if:

- a) The person is a judge or magistrate; and
- b) The judge or magistrate perversely exercises jurisdiction in a matter; and
- c) The judge or magistrate has a personal interest in the matter; and
- d) The jurisdiction is federal jurisdiction

Penalty: Imprisonment for 2 years

C. Misprison of Treason

Sykes v Directors of Public Prosecutors
All England Law Reports
1961 3 ALLER 33 at 36

“Now concealment of treason was itself treason”.

63. Justice G. Garde

Supreme Court Victoria – 26 February 2015

A. Common Law Fraud

“The Accused in the period from 1 January 2004 up to and inclusive of present time, 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 Commonwealth of Australia.”

B. Crimes Act 1914 – Commonwealth
Section 34 (4)

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Acting when interested

A person commits an offence if:

- a) The person is a judge or magistrate; and
- b) The judge or magistrate perversely exercises jurisdiction in a matter; and
- c) The judge or magistrate has a personal interest in the matter; and
- d) The jurisdiction is federal jurisdiction

Penalty: Imprisonment for 2 years

C. Misprison of Treason

Sykes v Directors of Public Prosecutors
All England Law Reports
1961 3 ALLER 33 at 36

“Now concealment of treason was itself treason”.

64. Australian Electoral Commission

Mr Darren McNair

Tendered into the Court on 26 February 2015

Affidavit Number 30 (Justice G. Garde Hearing)

Common Law Fraud

“The Accused in the period from 1 January 2004 up to and inclusive of present time, 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 Commonwealth of Australia.”

65. Mr Tony Abbott (Prime Minister)
United Kingdom Citizen
Tendered into the Court on 26 February 2015
Constitutional Breach of Section 44
Affidavit Number 14 (Justice G. Garde Hearing)
High Court Matter – Sue V Hill [1999]

“Ruled that the United Kingdom was a foreign power and that Senator Heather Hill was disqualified.

The ruling disqualifies Mr Tony Abbott.”

66. Mr Tony Abbott
Indictable Offence
Common Law Fraud

“The Accused in the period from 1 January 2004 up to and inclusive of present time, 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 Commonwealth of Australia.”

A. Original Jurisdiction
Commonwealth Constitution Section 44

Any challenge in relation to disqualification is original jurisdiction when coupled with or enabled by the *Common Informers (Parliamentary Disqualification) Act 1975 (Cth)* and no other court or jurisdiction has jurisdiction, as stated in the Act.

66. Mr Shorten – Labor Party Leader
Son-in Law of Quentin Bryce
The Indictable Offence

Common Law Fraud

“The Accused in the period from 1 January 2004 up to and inclusive of present time, 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 Commonwealth of Australia.”

67. The Candidates

The Gippsland South By-election had eight (8) candidates, with the exception of the Fourth Respondent and Petitioner the other six (6) are:

- a. Warren Sanders
- b. Viv Pepper
- c. Deb Meester
- d. Jim McDonald
- e. Andrea Millsom
- f. Scott Rossetti

The six (6) current candidates are material witnesses and have been given actual and constructive knowledge of the discovered fraud and deception.

68. Three State Election Petitions

a. Shaw Petition

After the recent state Election three (3) Petitions were filed/lodged. I state lodged because one of the Petitioners was Mr Brian Shaw, his Petition was not heard in open court, but rather “on the papers”. The Petition was refused by Justice Gregory Garde. Mr Brian Shaw is a material witness.

b. Rigoni Petition

Maria Rigoni filed a Petition in relation to early voting issues. The Petition was heard in open court by Justice Gregory Garde. The Petition was refused – Maria Rigoni did conceal all discovered criminal offences even though Maria Rigoni was given all of the evidence in the period prior to the Petition being heard. Maria Rigoni is a material witness.

c. Donohue Petition

The Petition that I filed was heard by Justice Gregory Garde during the course of the hearing his criminal charge was handed up. Justice Garde tendered his own criminal charge into evidence, refused to stand down continued the hearing and reserved the judgement. The Petition was refused

d. The matter has now been filed into the High Court jurisdiction and the Application for Special Leave to Appeal has been served on the Prothonotary, Rod Radcliff, Supreme Court (Victoria) and the Victorian Electoral Commission – Mr Warwick Gately.

69. The High Court Problem

- a. The High Court of Australia gains jurisdiction and grant of power from Chapter III of the Constitution of the Commonwealth of Australia and consists of seven (7) Judges.
- b. In the period 2006 – 2007 the seven High Court Judges were criminally charged by private prosecution, presented to the Magistrates Court at Melbourne, protected by Public Prosecutors who failed/declined to present, after which all seven Judges had their declined presentments lodged into the criminal jurisdiction of the Victorian Supreme Court for Grand Jury indictments, where the lodgements were concealed, but, remain pending.

c. The seven Judges charged are:

- i. Justice Anthony Gleeson (Chief Justice)
- ii. Justice Kenneth Hayne
- iii. Justice Michael Kirby
- iv. Justice Ian Callinan
- v. Justice Susan Crennan
- vi. Justice William Gummow
- vii. Justice John Heydon

d. The current seven Judges are:

- i. Chief Justice French
- ii. Justice Hayne
- iii. Justice Kiefel
- iv. Justice Bell
- v. Justice Gageler
- vi. Justice Keane
- vii. Justice Nettle

e. Reserve Judges

Under the Forge judgement High Court, it is possible for the High Court to function with Reserve Judges, pending the criminal issues relating to and involving High Court Judges and their concealment of this discovered attack upon State and Commonwealth Constitutions and Electors by the discovered foreign power Masonic Government identified in the title **“Knights of Saint John of Jerusalem”**.

70. Federal Court of Australia

Prior to the Federal Election purportedly won by Mr Tony Abbott and the Coalition Parties I did attend the office of the Federal Court to file documents seeking an injunction order, other people did the same, but the documents were returned by mail with a covering letter stating that the matter would not proceed. The signatures to these refusals are material witnesses in this Petition.

71. Wonthaggi Magistrates Court
Magistrate Raleigh
Informant Darren McNair (Electoral Officer)

- A. During March 2015, I appeared in the Wonthaggi Magistrates Court because I failed to vote in the Commonwealth Election (The Refused Documents). The Magistrate refused all evidence, inclusive of refusing to issue or permit s78B Notice and convicted me. The matter is under appeal to the County Court. The Magistrate is a material witness to this Petition.

- B. One of the local newspapers in Gippsland printed an article under the header "Election Candidate Convicted of Refusing to vote". The editor/owner of the newspaper is a material witness to this Petition.

72. Prothonotary – Supreme Court

Because the Petition must go to the Court of Disputed Returns in accordance with the Electoral Act 2002, certain officers within Prothonotary now become material witnesses to this Petition.

- a. Mr Rod Radcliff (Prothonotary)
- b. Mr R. Shade
- c. Mr M. Deviny

73. The Three Farmers

Three former farmers will be called to give evidence in relation to this election Petition, all reside within the State of Victoria all are victims of Government fraud and all have material interest in this Petition. The former farmers are material witnesses.

The three farmers are:

- a. Mr Jack Moran

- b. Mr Mal McFarlane

- c. Mr Tony Smart

74. Carmen Walter

Carmen Walter is a material witness to this Petition for the following reasons.

- 1) Litigation involving the National Bank
- 2) Presiding Judge – Justice Dodds-Streeton formally charged by Private Prosecution (by Carmen Walter) presented to the Magistrates Court, Public Prosecutors declined the presentment, but, the matter was lodged for Grand Jury process and remains pending.
- 3) Justice Dodds-Streeton is now a Federal Court Judge
- 4) Was a co-plaintiff for a Grand Jury Application against Freemasonry Victoria in 2001 heard by five Judges, one of which is now the current Governor Alex Chernov who issues election writs but is a Knight of Saint John of Jerusalem, an International Masonic Order.

75. Mr Mark Pedley

Mr Mark Pedley was the Deputy Director of the Commonwealth Public Prosecutors under Damian Bugg but Mr Pedley is now the Judicial Registrar of the Court of Appeal (Full Court) to control and prevent any or all Grand Jury Applications either coming into or being heard.

Mr Mark Pedley is a material witness in this Petition.

76. Registration of Political Parties **Electoral Act 2002 Part 4 Section 43**

- a. Under Section 14 of the Electoral Act 2002 when either the Electoral Commissioner (Second Respondent) or Deputy Electoral Commissioner (Third Respondent) is suspended all Political Parties must be informed in writing.

b. Crimes Act 1914 Section 3AA (Commonwealth)

This section defines Constitutional Corporations, but with the unlawful removal of the Crown there is no valid Constitutional Corporation all have been fraudulently assumed into the Knights of Saint John of Jerusalem.

The two Clerks of both Victorian Houses are material witnesses to this Petition.

77. Banking – Banks

- a. All Banks operating within Australia are corporations and as such fall within the ambits of section 3AA Crimes Act 1914 (Commonwealth) identifying “Constitution Corporations” under Section 51(xx) of the Constitution of the Commonwealth of Australia.

78. Intra-State Banking

Intra-State Banking is permitted within the Constitution of the Commonwealth – that is, a Bank created within the Parliament and accountable to the Electorate prior to election periods.

79. Birth Certificates

Unlawfully and Fraudulently Converted

The Principal Allegation

A. It has come to my attention that Birth Certificates are being converted into “Trading Bonds” and are traded on various stock exchanges throughout the world without the knowledge nor consent of the actual person or parent/guardian of the person identified on the Birth Certificate.

B. Commonwealth Constitution

Section 51(iv)

“Borrowing money on the public credit of the Commonwealth”

80. The Allegation

The public credit is the converted Birth Certificates with monetary values attached, but, not disclosed to the Public of the Commonwealth.

81 67. Warwick Gately (Second Respondent)

- A. Warwick Gately came from Western Australia after the criminal events revealed in this Petition.
- B. Warwick Gately was the West Australian Electoral Commissioner prior to getting the job in the State of Victoria
- C. Warwick Gately is the causal link between Western Australia and Victoria.

82 68. Chief Justice Robert French High Court of Australia Former Federal Court Judge West Australia

- A. Chief Justice Robert French came to the High Court from Western Australia 'after' the removal of Her Majesty, the Crown and Oath of Allegiance all done after omitting the statutory requirements for referendums found at section 73(2) West Australian Constitution and Section 128 Constitution of the Commonwealth of Australia.
- B. The Indictable Offence
Chief Justice Robert French

"The Accused in the period from 1 January 2004 up to and inclusive of present time, 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 Commonwealth of Australia."

f3

69. The Lost Senate Votes

Governor McCusker (West Australia)

Mr Ed Killestyn (The Commissioner)

Justice Kenneth Hayne (High Court Judge)

- A. In the last Commonwealth election the Commonwealth Electoral Commission lost Senate votes in Western Australia
- B. The Commonwealth Electoral Commissioner Mr Ed Killestyn resigned and Mr Tom Rogers became acting Commonwealth Electoral Commissioner.
- C. Governor McCusker issued the original election writ
– Such writ was issued ‘after’ the removal of Her Majesty
- D. High Court Justice Kenneth Hayne heard the Election Petition filed and declared the Senate election for Western Australia void and ordered a new Senate Election.
But
Justice Kenneth Hayne did not declare that he remains pending a Grand Jury in the State of Victoria, presented and lodged in the period 2006 – 2007.
- E. Governor McCusker issued a new Senate writ without informing the Electorate of all discovered electoral and Constitutional fraud.

f4

70. The Governors of Western Australia (2004 – 2015)

- 1. Governor John Sanderson
- 2. Governor Ken Michael
- 3. Governor M. McCusker
- 4. Chief Justice Supreme Court
Mr Wayne Martin (Acting Governor)
- 5. Governor Gaye Sanderson

 **71. High Court Judge**
Justice Kenneth Hayne
Indictable Offences

Misprison of Treason

*“On 1st January 2004, the Government of Western Australia at Perth, Western Australia, inclusive of the Executive Legislature and Judicial arms, in agreement with “the Commonwealth”, did enact an overt Act, titled, “Acts Amendment and Repeal Courts and Legal Practice Act 2003 WA”.
By such enactment an Act of Treason was committed.
Such Treason has been concealed by the defendant, since the date of enactment up to and inclusive of the present date.”*

Common Law Fraud

“The Accused in the period from 1 January 2004 up to and inclusive of present time, 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 Commonwealth of Australia.”

 **72. Former Australian Electoral Commissioner**
Mr Ed Killerstyn

Common Law Fraud

“The Accused in the period from 1 January 2004 up to and inclusive of present time, 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 Commonwealth of Australia.”

87 73. Current Australian Electoral Commissioner
Mr Tom Rogers

Common Law Fraud

"The Accused in the period from 1 January 2004 up to and inclusive of present time, 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 Commonwealth of Australia."

88 74. Former West Australian Governor
Malcolm McCusker

Common Law Fraud

"The Accused in the period from 1 January 2004 up to and inclusive of present time, 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 Commonwealth of Australia."

89 75. Justice Geoffrey Nettle
Former Supreme Court Judge
Current High Court Judge

During March 2008 ten individuals lodged Grand Jury Applications supported by Affidavits into the criminal jurisdiction of the Full Court, Supreme Court of Victoria naming Justice Geoffrey Nettle as the Defendant/Accused – these Applicant have been concealed by officers of the Supreme Court, with the exception of one informant, the other nine Applications remain pending, once the concealment is dealt with.

90 ~~76~~ The Victorian Bar Council
Chairman James W. Peters QC

- A. Mr Peters has both actual and constructive knowledge of the Supreme Court and High Court concealment of the Grand Jury Applications.

Mr Peters is a material witness in relation to this Election Petition.

91 ~~77~~ Geoffrey Nettle
Indictable Offence
Common Law Fraud
The Additional Charge

"The Accused in the period from 1 January 2004 up to and inclusive of present time, 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 Commonwealth of Australia."

92 ~~78~~ Misprison of Felony
"Above Renown"
Biography of Sir Henry Winneke

- A. "Winneke delved into the statutes and came up with a charge so ancient it predated established police forces, and the State Full Court was called upon to decide if it were obsolete". (at page 255)
- B. The Full Court (3 Judges) ruled on 19 February 1959 that the offence of felony was not obsolete.
- C. The Judgement added: (at page 256)
"Misprison of felony has certainly come to us from the earliest times in the development of the common law. Apparently the Royal Judges then assumed jurisdiction to enforce the public duties of the citizen and one of such duties was to disclose any treason or felony of which he had knowledge"

- D. The detection of offenders very largely depended upon citizens performing this duty (at page 256)
- E. The citizen's duty to disclose to the appropriate authority any treason or felony, of which he has knowledge, remains the same and is still binding upon him as it was in the early days of common law (at page 256).
- F. No doubt cases will arise, from time to time, when the public interest will be best served by the citizen, who fails in this duty, being prosecuted for misprison of felony (at page 256).

[Legal citation – 1959 Victorian Law Reports p 272]

93 ~~79~~ The Security of the Commonwealth
Criminal Code Act 1995 (Cth)
Section 80: Treason

Receives or assists another person who, to his or her knowledge, has committed treason with the intention of allowing him or her to escape punishment or apprehension

- Or -

Knowing that another person intends to commit treason, does not inform a constable of it within a reasonable time or use other reasonable endeavours to prevent the commission of the offence

Penalty: Imprisonment for life.

94 ~~80~~ The Overt Act of Treason in West Australia
Acts Amendment Repeal Courts and Legal Practice Act
Section 130 – Supreme Court Act 1935 (WA)

And

The Overt Act of Treason in Victoria
Courts and Tribunals Legislation (Further Amendment) Act 2000
The Purpose of the Act

- A. Miscellaneous amendments to:
- a. Legal Practice Act 1996
 - b. Magistrates Court Act 1989

- c. Supreme Court Act 1986
- d. Victorian Civil and Administrative Tribunal Act 1998

B. At Part 2

Legal Practice Act 1996

“Oath of Allegiance no longer required in Section 6(1) of the Legal Practice Act 1996.”

95 ~~81.~~ Attorney-Generals (2006 – 2007)

Charged presented and pending Grand Jury, but, concealed

- | | |
|-------------------|--------------------|
| A. Mr R. Hulls | Victoria |
| B. Mr J. McGinty | West Australia |
| C. Mr S. Corbell | ACT |
| D. Mr P. Ruddock | Commonwealth |
| E. Mr K. Shine | Queensland |
| F. Mr S. Stirling | Northern Territory |
| G. Mr M. Atkinson | South Australia |
| H. Mr S. Kons | Tasmania |
| I. Mr R. Debus | New South Wales |

The current Attorney-Generals are:

- | | |
|-----------------------------|--------------------|
| 1) Mr Martin Pakula | Victoria |
| 2) Mr Michael Mischin | West Australia |
| 3) Mr Simon Corbell | ACT |
| 4) Mr George Brandis | Commonwealth |
| 5) Ms Yvette D’Ath | Queensland |
| 6) Mr Johan Wessel Elferink | Northern Territory |
| 7) Mr John Robert Rau | South Australia |
| 8) Ms Vanessa Goodwin | Tasmania |
| 9) Mr Brad Hazzard | New South Wales |

96 ~~82.~~ Halsbury’s Laws of England
2nd edition Volume 2 at Paragraph 480

- A. “Misprison of treason is the concealment or keeping secret of any treason by a person who is not a party or consentor to it”.
- B. “Concealment may in some cases amount to evidence of assent or possibly of conspiracy and in such cases the person concealing the treason would be liable as a principal.”

97 ~~83.~~ Constitutional Safeguard
The Constitution Act Amendment Bill (QLD)
7th December 1977 (Hansards)

- A. Changes being brought about by Parliament contrary to the wishes of the people
- B. We do not want a government of this State at any time taking advantage of the people to produce a Republic by stealth
- C. You cannot change the Monarchy in one part of Australia unless you change it in the whole.
- D. The Bill provides that none of its clauses can be altered by Parliament unless the Bill is first presented to the people by way of referendum as prescribed in this Bill
- E. The requirement of entrenchment (Section 53) is also itself entrenched so that the guarantee cannot be undone

–But–

The requirements of Section 53 put there in 1977 were not abided by in the period 1984 – 1986 State Request Acts and Australia Act.

98 ~~84.~~ Sir Charles Court
State of Western Australia
Hansard 22 March 1978
Section 73 – West Australian Constitution
Act Amendment Constitution Bill

- A. “We will legislate to block any further attempt to damage or destroy the rights and status of the Parliament of Western Australia, without the consent of the people”
- B. “We therefore give notice that our intended legislation to block such moves without the people’s consent is a policy proposal for which we seek a clear cut mandate from electors
- C. To protect Parliament – our legislation will provide that no changes of the nature mentioned, can be made concerning either House of Parliament without the approval of a majority of the State’s electors at a referendum.

D. To protect the position of Governor there would have to be similar approval by referendum to any Bill which would abolish or alter the Office of Governor.

E. This means that unless the people agree

F. The major role of the Governor is to ensure that not even Parliament can exceed the authority the people give it.

G. If Parliament does so, the Governor can send it back to the people, who have the ultimate authority.

H. The Governor merely has Constitutional authority for and on behalf of the people.

I. The Bill proposes to spell out clearly in our Constitution the fact that our parliament consists of the Queen and the Legislative Council and Legislative Assembly.

J. It is only right that the people should be consulted they are, after all, the ultimate authority for each member in these Houses of Parliament and I will mourn the day when that is no longer the case

–But –

The State Request Acts 1984 – 1985 and the consequent Australia Act 1986 all excluded the electors input.

No referendums were held or permitted.

In addition, in the period 2003 – 2004 in West Australia up to and inclusive of this present date Section 73(2) has not been abided by.

99/85. Fraud and Deception

I repeat that this Gippsland South By-election was called, conducted and held and achieved by fraud and deception.

ORDERS SOUGHT

1. That if the Victorian Supreme Court were to hear this Petition in civil jurisdiction it must be in an open court with a civil jury in addition, an open witness box permitting cross-examination.
2. That due respect be given to the respective jurisdictions identified specifically:
 - a. Original jurisdiction (High Court)
 - b. Exclusive jurisdiction (Grand Jury)
3. That all Attorney-Generals be informed by the statutory requirement Notice 78B Judiciary Act 1903 (Cth).
4. That all and any pending Grand Jury Lodgements, lodged prior to any purported abolition of the Grand Jury Right be identified and submitted into criminal jurisdiction for due process in accordance with section 354 Crimes Act 1958 Victoria (The Prior Right).

TWO WITNESSES

Witness 1:

KAMAL CHAND
Name

K. Chand
Signature

27.4.15
Date

Kamal Chand
4105/483 Swanston Street
Melbourne Vic 3000
Phone: 0412 944 554

Justice of the Peace
Registration No. 11821

Witness 2:

SARAH SIVELL
REGISTRAR
MAGISTRATES' COURT OF VICTORIA
233 WILLIAM ST, MELBOURNE

Name

[Signature]
Signature

27/4/15
Date

AFFIRMED BY, GERARD JOSEPH DONOHUE
G J Donohue
ON 27TH APRIL 2015
AT MELBOURNE.

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 ”.

ELECTORAL FRAUD ON THE ELECTOR

Civil and Criminal Fraud

Common Law Fraud

“The Charge”

“The Accused in the period from 1 January 2004 up to and inclusive of present time, 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 Commonwealth of Australia.”

STATUTE (UK)

1540

KING HENRY THE EIGHT KNIGHTS OF St. JOHN of JERUSALEM

The United Kingdom

THE BANNING

Of

The Religion of St John of Jerusalem
Operating in ENGLAND and IRELAND

" The Lords spiritual and temporal, and the Commons in this present Parliament assembled, having credible knowledge that divers and sundry the King's subjects, called Knights of the Rhodes, otherwise called Knights of St John's, otherwise called Friars of the Religion of St John of Jerusalem in England, and of a like house being in Ireland, abiding in the parts of beyond the sea, and having as well out of this realm, as out of Ireland, and other the King's dominions, yearly great sums of money for maintenance of their livings, have unnaturally, and contrary to the duty of their allegiance, sustained and maintained the usurped power and authority of the Bishop of Rome, lately usurped and practised within this realm, and other the King's Dominions (2) and have not only adhered themselves to the said Bishop, being common enemy to the King our Sovereign Lord, and to this his realm, untruly upholding, acknowledging, and affirming maliciously and traitorously the same Bishop to be Supreme, and chief head of Christ's Church by God's holy word, intending thereby to subvert and overthrow the good and godly laws and statutes of this realm, their natural country, made and grounded by authority of Holy Church, by the most excellent wisdom, policy, and goodness of the King's majesty with the whole assent and consent of the realm, for the abolishing, expulsing and utter extinction of the said usurped power and authority". (Portion.)