

Brian Shaw

Contacts details

Mobile

0487195522

1. WWW.elijahschallenge.net
2. <http://elijahschallenge.net/index.php>
3. <http://bswebsite2.wixsite.com/elijahchallenge>

Facebook:- [Brianshaw_Werribee](#)

First Website

Shaw v 43 Defendants 116 Exhibits

Gillard - Attainted of Treason.
(substantial evidence)

Second Website

A. 100 Affidavits - March 2008 Judges Dodds-Streeton & Nettle
(evidence compelling)

B. 51 Documents Re: Marilyn Warren

Please be advised any email sent is not addressed

by or answered by Brian Shaw

but is addressed by office staff

Thank you

The Shaw 43 defendants is a High Court Writ M99|2019

To be able to work this writ find and download "Index of Exhibits" it is the key to work the writ.

SHAW AFFIDAVIT 12 June 2013
EXHIBIT

GRAND Jury APPLICATIONS
RELATIVE TO

1. Justice GREGORY NITTA

AND

2. JAMES BILANT

(Documents consist of 49 pages)

_____ . _____

BETWEEN

BRIAN WILLIAM SHAW

Applicant

- and -

THE ANZ EXECUTORS and TRUSTEE COMPANY
LIMITED (AS THE TRUSTEES OF THE ESTATE
OF JOHN WILLIAM SHAW, DECEASED

Respondent

10

AFFIDAVIT IN SUPPORT

Wayne Glew and Justice Nettle

Grand Jury Application

17 March 2008

Date of document: 12 JUNE 2013
 Filed on behalf of: The Plaintiff
 Prepared by: Brian Shaw
 Address: C/- P.O.Box 800 Werribee
 Victoria, 3030
 Tel: 0487 195 522

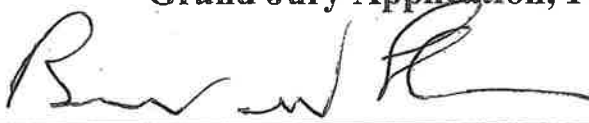
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I, Brian William Shaw, care of P.O. Box 800, Werribee, 3030 in the State of Victoria do state and affirm the following:

1. That this affidavit exhibits the Grand Jury application and affidavit of Mr Wayne Glew naming Justice Nettle as the defendant.
2. On the 10th May 2013 and on the 17th May 2013 Justice Nettle was made fully aware that he was a Grand Jury defendant on 17 March 2008, but ignored this.


30

Exhibit is marked; **“Wayne Glew and Justice Nettle
Grand Jury Application, 17 March 2008”**

AFFIRMED BY: 

AT:  IN THE STATE OF VICTORIA

THIS 12th DAY OF JUNE 2013.

BEFORE ME: 
A JUSTICE OF THE PEACE FOR VICTORIA

REC. No. 7425
ALBERT EDWARD KELLY
9 HARCOURT DVE., SUNSHURY 3429

11
3/42

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE IN THE COURT OF APPEAL

No. S APCI 2013 0043

BETWEEN

BRIAN WILLIAM SHAW

Applicant

- and -

THE ANZ EXECUTORS and TRUSTEE COMPANY
LIMITED (AS THE TRUSTEES OF THE ESTATE
OF JOHN WILLIAM SHAW, DECEASED

Respondent

10

EXHIBIT

This is the exhibit referred to in the affidavit of Brian William Shaw affirmed on the ...¹² day of June 2013.

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Before me: _____

Albert Edward Kelly JP

A JUSTICE OF THE PEACE FOR VICTORIA
REG. No. 7485
ALBERT EDWARD KELLY
9 HARCOMBE DVE., SUNBURY 3429
PHONE 9744-1525

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“Wayne Glew and Justice Nettle Grand Jury Application, 17 March 2008”

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IN THE SUPREME COURT OF VICTORIA
FULL COURT; CRIMINAL JURISDICTION

No: of 2008

IN THE MATTER of the Crimes Act 1958

And

IN THE MATTER of an Application by

Wayne Kenneth Glew

APPLICATION FOR GRAND JURY

TAKE NOTICE that the Full Court of the Supreme Court will be moved on the Day of
2008 at am by the Applicant for the following Orders pursuant to
Section 354 of the Crimes Act 1958, the Applicant having disclosed Indictable
offence/offences involving *Treason, Misprision of Treason (Concaltment)*, but not limited
to these Indictable Offences committed by:

The Honourable Justice Nettle
Supreme Court of Victoria, Court of Appeal
459 Lonsdale Street, Melbourne, Vic 300

1. The Sheriff is ordered *to summons a Grand Jury to appear* at a Court to be holden at a time and place determined by the Court in accordance with the provision of Section 354 of the Crimes Act 1958 (Vic) to attend at such Court at that time and place to inquire present do and execute all things which on the part of "*the Queen*" shall then and there be commanded of them.

2. **TREASON IS:**

“Treason consists of a Breach of duty of Allegiance which the Subject owes to the Sovereign and which binds him at all times and in all places”

[Rex v Casement 1917, 1 KB 98 at 114]

3. **CRIMES ACT 1958 VICTORIA – SECTION 351**

Mode of prosecution

“All treasons and misprisions of treason shall be prosecuted by indictment only, and all other indictable offences may be prosecuted by indictment or by presentment as hereinafter directed.”

4. **CRIMES ACT 1958 VICTORIA – SECTION 322E**

Treason and misprision of treason not affected

“Nothing in this Part shall be taken to affect directly or indirectly any matter of law or practice applicable to treason or misprision of treason.”

5. **CRIMES ACT 1958 VICTORIA – SECTION 316**

Unlawful oaths to commit treason, murder etc.

(1) Every person who—

(a) Administers or is present at and consents to the administering of any oath or engagement in the nature of an oath purporting to bind the person who takes it to commit treason or murder; or

(2) Every person who—

(a) administers or is present at and consents to the administering of any oath or engagement in the nature of an oath purporting to bind the person who takes it to act in any of the ways following (that is to say):—

(ii) To commit any indictable offence other than treason or murder;

(vii) not to reveal or discover any unlawful association society or confederacy or any illegal act done or to be done or any illegal oath or engagement that may have been administered or tendered to or taken by himself or any other person or the import of any such oath or engagement; or

shall be guilty of an indictable offence, and shall be liable to level 6 imprisonment (*5 years maximum*).

6. **CRIMINAL CODE ACT 1995 (CTH)**

Chapter 5: The Security of the Commonwealth

Part 5.1 Treason

Division 80 Treason

Penalty: Imprisonment for Life

7. **CRIMINAL CODE ACT 1995 (CTH)**

Chapter 5: The Security of the Commonwealth

Part 5.1 Treason

Division 80 Concealment or Assistance

(2) A person commits an offence if the person:

(a) 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

(b) 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

8. **JUDICIARY ACT 1903 (CTH) SECTION 80**

Common law to govern

So far as the laws of the Commonwealth are not applicable or so far as their provisions are insufficient to carry them into effect, or to provide adequate remedies or punishment, the common law in Australia as modified by the Constitution and by the statute law in force in the State or Territory in which the Court in which the jurisdiction is exercised is held shall, so far as it is applicable and not inconsistent with the Constitution and the laws of the Commonwealth, govern all Courts exercising federal jurisdiction in the exercise of their jurisdiction in civil and criminal matters.

9. **TREASON & MISPRISON OF TREASON:**

Must be by Grand Jury Exclusively

a. **Byrne V Armstrong (1899) 25 VLR 126** (The Indictment)

“That section contemplates an ex parte application founded upon an affidavit disclosing an indictable offence, and that a justice has refused to commit. The court has no discretion once those conditions are complied with. Section 386 shows that so far as Treason is concerned it must be prosecuted by indictment. The Attorney General could not start such a prosecution. It must be by grand jury.” (at 126)

b. **Byrne V Armstrong (1899) 25 VLR 126** (The Finding)

“It is provided now that all the prosecutions shall be by presentment, but preserving the prerogative of the Crown through the Attorney General to proceed by information, except in case of ‘treason’ which has to be by indictment. Now indictment means by Grand Jury and therefore, inasmuch as the statute provides that Treason shall be tried by indictment only. That means that it must be by Grand Jury and no other means is provided for bringing it before a Grand Jury.” The finding of the Attorney General is

equivalent to the finds of the Grand Jury, but in the case of Treason it must be the finding of the Grand Jury.” (at 132)

c. **McArdle V Lorne Campbell (Sept 1986) (On Behalf of the Crown)**

“Much has changed since 1940 and in particular the Office of Director of Public Prosecutions has been established by Act No 9848 of 1982. Under that Act the Director of Public Prosecutions is charged with preparing, instituting and conducting criminal proceedings on ‘behalf of the Crown.’ The Director is responsible to the Attorney General for the due performance of his functions and he is given the power to enter a nolle prosequi in criminal proceedings. But the Attorney-General’s power to enter a nolle prosequi is preserved in these circumstances, now that the responsibility for instituting criminal proceedings has been taken out of the hands of the Attorney-General, it may be that there is not the same need to have an alternative method of instituting proceedings. When the Office of Director of Public Prosecutions was established S354 of the Crimes Act was amended to substitute the words ‘the Director or Public Prosecutions’ for the words ‘a law officer.’ The section therefore now operates where the Director declines to present.”

10. **SHALL BE INCAPABLE**

a. **Commonwealth Constitution Act 1900 Section 44 (ii)**

Disqualification

Any person who:

*(ii) is **attainted of treason**, or has been convicted and is under sentence, or subject to be sentenced, for any offence punishable under the law of the Commonwealth or of a State by imprisonment for one year or longer; or*

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

11. **COMMONWEALTH CONSTITUTION ACT 1900 SECTION 80**

Trial by jury

[Section 80 Constitutional Guarantee]

“The trial on indictment of any offence against any law of the Commonwealth shall be by jury, and every such trial shall be held in the State where the offence was committed, and if the offence was not committed within any State the trial shall be held at such place or places as the Parliament prescribes.”

12. Such further or other orders that may be just and necessary.

DATED the 17th day of MARCH, 2008

This Application is filed by



Wayne Kenneth Glew

IN THE MATTER of the Crimes Act 1958
And


IN THE MATTER of an Application by
Wayne Kenneth Glew

AFFIDAVIT OF WAYNE KENNETH GLEW

Date of Document: 17TH March 2008
Filed on behalf of: The Applicant
Prepared by: Wayne Kenneth Glew

I, Wayne Kenneth Glew, Inventor, 1004 Chapman Road Geraldton WA, state and affirm the following: -

1. That I was in attendance at the Court of Appeal Supreme Court Victoria on 14th March 2008, in the matter Shaw v Attorney General (Vic) 9997/06, sitting as a fair-minded lay observer in the body of the Court (the test)
2. The Court was Presided over by two Judges, being Justice Nettle and Justice Dodds-Streeton
3. That during the course of the hearing serious indictable offences were committed by the bench, the offences being Treason and Misprision of Treason (concealment), but not limited to these offences
4. Treason is legally declared as Breach of Allegiance revealed in the Overt Act titled "*Courts and Tribunals Legislation (Further Amendment) Act 2000*" specifically Part 2 of the said Act
Exhibit marked "A"



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5. Misprision of Treason being the concealment of the Overt Act titled "*Acts Amendment and Repeal (Courts and Legal Practice) Act 2003 WA*" specifically part 8 Amendments about the Crown Exhibit marked "B"

6. That during the course of the hearing the bench refused to judicially deal with the revealed fact that the current Deputy Prime Minister, Julia Gillard, is in breach of section 44 (ii) of the Commonwealth Constitution Act 1900 (Attainted of Treason) and must stand down in accordance with the named section Exhibit marked "C"

7. The two Judges showed no respect for either the Constitution of the State of Victoria and Western Australia nor the Commonwealth Constitution of 1900

Affirmed by

Wayne Kenneth Glew



At WERRIBEE in the State of VICTORIA

This 17th Day of March 2008

Before me:



A JUSTICE OF THE PEACE FOR VICTORIA
Reg. No. 9924
Margaret May Campbell
7 Muirhead Cres, Werribee 3030



IN THE SUPREME COURT OF VICTORIA
FULL COURT – CRIMINAL JURISDICTION

No of 2008

IN THE MATTER of the *Crimes Act 1958*

And

IN THE MATTER of an Application by
Wayne Kenneth Glew

EXHIBIT

Date of Document: 17 March 2008
Filed on behalf of: The Applicant
Prepared by: Wayne Kenneth Glew

This is the exhibit referred to and marked "A" in the affidavit of
Wayne Kenneth Glew Affirmed on the 17 day of March 2008 at
WERRIBEE in the State of Victoria

Before me: Margaret May Campbell

A JUSTICE OF THE PEACE FOR VICTORIA
Reg. No. 9924
Margaret May Campbell
7 Muirhead Cres, Werribee 3030



**Part 2 Courts and Tribunals Legislation
(Further Amendment) Act 2000 Vic**

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**Courts and Tribunals Legislation (Further
Amendment) Act 2000**

Act No. 51/2000

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Victoria

No. 51 of 2000

**Courts and Tribunals Legislation
(Further Amendment) Act 2000[†]**

[Assented to 5 September 2000]

The Parliament of Victoria enacts as follows:

PART 1—PRELIMINARY

1. *Purpose*

The purpose of this Act is to make miscellaneous amendments to the **Legal Practice Act 1996**, the **Magistrates' Court Act 1989**, the **Supreme Court Act 1986** and the **Victorian Civil and Administrative Tribunal Act 1998**.

Courts and Tribunals Legislation (Further Amendment) Act
2000
Act No. 51/2000

s. 2

2. Commencement

- (1) This Act, except sections 5 and 6, comes into operation on the day after the day on which it receives the Royal Assent.
 - (2) Subject to sub-section (3), sections 5 and 6 come into operation on a day or days to be proclaimed.
 - (3) If section 5 or 6 does not come into operation before 1 January 2001, it comes into operation on that day.
-

*Courts and Tribunals Legislation (Further Amendment) Act
2000*

Act No. 51/2000

s. 3

PART 2—LEGAL PRACTICE ACT 1996

No. 35/1996.
Reprint No. 2
as at
15 August
1999. Further
amended by
No. 52/1999.

3. *Oath of allegiance no longer required*

In section 6(1) of the **Legal Practice Act 1996**,
for paragraph (c) **substitute—**

"(c) takes an oath of office, or makes an
affirmation of office, in the form required by
the Court."

PART 3—MAGISTRATES' COURT ACT 1989

4. *Civil rules of court—pre-hearing conferences*

In section 16(1) of the **Magistrates' Court Act 1989**, after paragraph (fa) insert—

"(fb) the referral of any civil proceeding, or any part of a civil proceeding, for a pre-hearing conference and the conduct of pre-hearing conferences;"

5. *Insertion of new section 19A*

After section 19 of the **Magistrates' Court Act 1989** insert—

"19A. *Recording of proceedings*

The principal registrar must ensure that all proceedings in the Court are recorded in accordance with the Rules."

6. *Pre-hearing conferences*

(1) In section 107 of the **Magistrates' Court Act 1989**, for sub-section (1) substitute—

"(1) A magistrate or a registrar may refer a civil proceeding or part of a civil proceeding for a pre-hearing conference in accordance with the Rules."

(2) In section 107(2) of the **Magistrates' Court Act 1989**—

(a) in paragraph (a), for "complaint" substitute "proceeding or any part of the proceeding";

(b) in paragraph (b), for "matter" substitute "proceeding or any part of the proceeding";

(c) in paragraph (c), for "complaint" substitute "proceeding or any part of the proceeding".

7. *Regulations—fees for recordings*

No. 51/1989.
Reprint No. 6
as at 1 July
1999. Further
amended by
Nos 35/1999
and 1/2000.

*Courts and Tribunals Legislation (Further Amendment) Act
2000*

Act No. 51/2000

In section 140(1) of the **Magistrates' Court Act 1989**, after paragraph (b) **insert—**

"(c) prescribing the fees and charges payable for the supply by the Court of any recording or any part of a recording of a proceeding; and".

8. Insertion of new section 143

After section 142 of the **Magistrates' Court Act 1989** **insert—**

"143. Rules of court—recording of proceedings

The Chief Magistrate together with 2 or more Deputy Chief Magistrates may jointly make rules of court for or with respect to the recording of proceedings in the Court."

9. Statute law revision

In section 120(1) of the **Magistrates' Court Act 1989**, omit "the **Children's Court Act 1973** and".

PART 4—SUPREME COURT ACT 1986

10. *Further restriction on appeals*

In section 17A of the **Supreme Court Act 1986**,
after sub-section (3) insert—

"(3A) An order made by the Trial Division
constituted by a Judge on an appeal to the
Court—

(a) under section 148(1)(b) of the
**Victorian Civil and Administrative
Tribunal Act 1998**; or

(b) under section 92 or 109 of the
Magistrates' Court Act 1989—

is not subject to appeal to the Court of
Appeal except by leave of the Court of
Appeal or by leave of the Judge constituting
the Trial Division.

(3B) Sub-section (3A) applies only to an order
made on an appeal instituted after the
commencement of section 10 of the **Courts
and Tribunals Legislation (Further
Amendment) Act 2000**."

11. *Statute law revision*

In the **Supreme Court Act 1986**—

(a) in section 3, in sub-sections (3), (4) and (5),
for "General Rules of Procedure in Civil
Proceedings 1986" substitute "Chapter I of
the Rules of the Supreme Court";

(b) in section 84(3)(b)—

(i) for "mortgagee's" substitute
"mortgagee's";

(ii) for "assignee" substitute "assignee";

No. 110/1986.
Reprint No. 3
as at
1 August 1998
. Further
amended by
Nos
101/1998,
10/1999 and
62/1999.

*Courts and Tribunals Legislation (Further Amendment) Act
2000*

s. 11

Act No. 51/2000

(c) For the heading to Part 8 **substitute—**

"PART 8—TRANSITIONALS AND SAVINGS";

(d) sections 130, 131, 132, 133, 134, 135, 136,
137 and 140 and the Schedule are **repealed.**

**PART 5—VICTORIAN CIVIL AND ADMINISTRATIVE
TRIBUNAL ACT 1998**

12. Definitions

In section 3 of the **Victorian Civil and Administrative Tribunal Act 1998**—

- (a) after the definition of "professional advocate" insert—

' "reserve judge" of the County Court, means a judge who has made an election under section 13A(1) of the **County Court Act 1958** or who has been appointed under section 13A(3A) of that Act;'

- (b) in the definition of "Vice President", after "Tribunal" insert ", including a Vice President appointed under section 11A".

13. New section 11A inserted

After section 11 of the **Victorian Civil and Administrative Tribunal Act 1998** insert—

"11A. Short-term Vice Presidents

- (1) If the President considers it necessary for the proper functioning of the Tribunal, he or she may request the Minister that one or more reserve judges of the County Court be appointed as Vice Presidents.
- (2) The Minister may appoint a reserve judge as a Vice-President for a term not exceeding 3 months.
- (3) A reserve judge may only be appointed as a Vice-President after the Minister has consulted the Chief Judge.

No. 53/1998.
Reprint No. 1
as at 1 July
1999. Further
amended by
Nos 17/1999,
57/1999 and
1/2000.

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-
- (4) The appointment of a reserve judge as a Vice President does not affect his or her tenure of office or status as a reserve judge nor any salary, pension or other rights or privileges that he or she has as a reserve judge.
 - (5) Service in the office of Vice President must be taken for all purposes to be service in the office of reserve judge.
 - (6) Nothing in this Act prevents a reserve judge appointed as a Vice President who is appointed under section 13A(4) of the **County Court Act 1958** from constituting the County Court for the purpose of the exercise by the County Court of any of its functions."

14. *Appointment of members*

In the **Victorian Civil and Administrative Tribunal Act 1998**—

- (a) in section 16(1), after "Members" insert "(other than a Vice President appointed under section 11A)";
- (b) in section 21(1), after "judge" insert "or reserve judge, as the case requires".

15. *Suspension of non-judicial member*

(1) In the **Victorian Civil and Administrative Tribunal Act 1998**—

- (a) in section 22(1)—
 - (i) for "Minister" (where twice occurring) substitute "President";
 - (ii) for "President" substitute "Minister";
- (b) in section 23(1), for "suspending" substitute "the President suspends".

-
- (2) In section 23 of the **Victorian Civil and Administrative Tribunal Act 1998**, for sub-section (8) substitute—

- "(8) If the Minister decides not to make a recommendation under sub-section (4)—
- (a) the Minister must inform the President as soon as practicable after receiving the report under sub-section (2)(b); and
 - (b) the President must lift the suspension."

16. *Validity of proceedings*

In section 25 of the **Victorian Civil and Administrative Tribunal Act 1998**, at the end of paragraph (c) insert—

"; or

- (d) a member or former member represents a party in a proceeding in contravention of section 25A."

17. *New section 25A inserted*

After section 25 of the **Victorian Civil and Administrative Tribunal Act 1998** insert—

"25A. *Member or former member may not represent a party*

If the rules provide for proceedings to be entered in or transferred to lists of the Tribunal and for members to be assigned to those lists—

- (a) a member must not represent a party in any proceeding that has been entered in or transferred to a list to which the member has been assigned;

- (b) for a period of 2 years after a member ceases to be a member, he or she must not represent a party in any proceeding that has been entered in or transferred to a list to which the former member was assigned."

18. *Non-payment of application fees*

- (1) In section 68(3) of the **Victorian Civil and Administrative Tribunal Act 1998**, for "application is deemed not to have been lodged" substitute "Tribunal is to take no further action in respect of the application (other than action referred to in sub-section (4))".

- (2) In section 68 of the **Victorian Civil and Administrative Tribunal Act 1998**, for sub-section (4) substitute—

"(4) If the fee is not paid within 30 days after the day on which the application is lodged, the Tribunal may make an order striking out the proceeding, unless—

- (a) the fee has been waived under section 132 in that period; or
- (b) the fee has been reduced under section 132 and the reduced fee has been paid in that period; or
- (c) an applicant has requested the waiver or reduction of the fee and the request has not been determined by the end of that period."

19. *Summary dismissal of proceedings*

In section 75(3) of the **Victorian Civil and Administrative Tribunal Act 1998**, at the end of paragraph (b) insert—

"; or

(c) a senior member who is a legal practitioner."

20. *Conduct of proceedings causing disadvantage*

In section 78(1) of the **Victorian Civil and Administrative Tribunal Act 1998**, at the end of paragraph (f) insert—

"; or

(g) failing to attend mediation or the hearing of the proceeding."

21. *Mediator may require attendance at mediation*

In section 89 of the **Victorian Civil and Administrative Tribunal Act 1998**, after "mediation" (where first occurring) insert "or the mediator".

22. *Notice of successful mediation*

In section 90 of the **Victorian Civil and Administrative Tribunal Act 1998**, for "Tribunal" substitute "principal registrar".

23. *Power to close hearings*

In section 101(5) of the **Victorian Civil and Administrative Tribunal Act 1998**, after "sub-section" insert "(2) or".

24. *Failing to attend an assessment of costs*

In section 111 of the **Victorian Civil and Administrative Tribunal Act 1998**, after sub-section (2) insert—

"(3) If—

- (a) a party fails to attend an assessment of costs having been given reasonable notice of the assessment by the principal registrar; and
- (b) the assessment is adjourned as a result; and
- (c) another party incurs additional costs because of the adjournment—

the principal registrar may order that the party who failed to attend pay an amount fixed by the principal registrar in respect of the additional costs of the other party.

- (4) An order under sub-section (3) may be enforced under section 121 as if it were a monetary order.
 - (5) A party against whom an order is made under sub-section (3) may, within 14 days after the day on which the order is made, require the principal registrar to refer the order to the Tribunal for review.
 - (6) If the principal registrar makes an order under sub-section (3), the principal registrar—
 - (a) must inform the party against whom it is made of the right of referral under sub-section (5); and
 - (b) may stay the order, on the application of a party or on the principal registrar's own initiative, pending the exercise of that right and the determination of the review.
-

-
- (7) No fee is payable for a referral under sub-section (5).
 - (8) On a referral under sub-section (5), the Tribunal must review the order and may, by order, confirm, vary or set aside the order.
 - (9) Nothing in Division 3 of Part 3 applies to a review under sub-section (8)."

25. Declarations

In section 124(2) of the **Victorian Civil and Administrative Tribunal Act 1998**, for "judicial member" substitute "presidential member".

26. Contempt

In section 137 of the **Victorian Civil and Administrative Tribunal Act 1998**—

- (a) in sub-section (10), for "the President" substitute "a judicial member";
- (b) sub-section (11) is repealed.

27. Statute law revision

In clause 23 in Schedule 1 to the **Victorian Civil and Administrative Tribunal Act 1998**, for "presiding member" substitute "person presiding".

*Courts and Tribunals Legislation (Further Amendment) Act
2000*

Act No. 51/2000

Endnotes

ENDNOTES

† *Minister's second reading speech—*

Legislative Assembly: 26 May 2000

Legislative Council: 29 August 2000

The long title for the Bill for this Act was "to make miscellaneous amendments to the Legal Practice Act 1996, the Magistrates' Court Act 1989, the Supreme Court Act 1986 and the Victorian Civil and Administrative Tribunal Act 1998 and for other purposes."

IN THE SUPREME COURT OF VICTORIA
FULL COURT – CRIMINAL JURISDICTION

No of 2008

IN THE MATTER of the *Crimes Act 1958*
And

IN THE MATTER of an Application by
Wayne Kenneth Glew

EXHIBIT

Date of Document: 17th March 2008
Filed on behalf of: The Applicant
Prepared by: Wayne Kenneth Glew

This is the exhibit referred to and marked "B" in the affidavit of
Wayne Kenneth Glew Affirmed on the 17th day of March 2008 at
Werribee in the State of Victoria

Before me:

Margaret May Campbell

A JUSTICE OF THE PEACE FOR VICTORIA
Reg. No. 9924
Margaret May Campbell
7 Muirhead Cres, Werribee 3030



**Part 8 Acts Amendment and Repeal
(Courts and Legal Practice) Act 2003 WA**

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

Part 8 — Amendments about the Crown

121. *Bail Act 1982* amended

(1) The amendments in this section are to the *Bail Act 1982**.

[* 27 August 1999.

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 27 and Acts Nos. 6 and 27 of 2002.]

(2) Section 3(1) is amended by deleting the definition of "prosecutor" and inserting instead —

" "prosecutor" includes —

(a) in the case of an offence charged in a complaint, the complainant;

(b) in the case of an offence charged in an indictment, the State or the Commonwealth, as the case may be;

(3) Each of the provisions in the Table to this subsection is amended by deleting "Crown" in each place where it occurs and in each case inserting instead —

" State ".

Table

s. 19(2)(b)	s. 58(1)
s. 49(1)	s. 58(2)
s. 49(3)	s. 59 (2 places)
s. 57(1)	Schedule 1 Part D cl. 1(2)(e)
s. 57(3)	

(4) Section 63 is amended by deleting "Crown" and inserting instead —

" State or the Commonwealth ".

122. *Children's Court of Western Australia Act 1988* amended

(1) The amendments in this section are to the *Children's Court of Western Australia Act 1988**.

[* 25 August 2000.

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 51 and Act No. 27 of 2002.]

(2) Section 19B(4)(b) is amended by deleting "Crown" and inserting instead —
" State ".

(3) Section 19E is amended by deleting "the Crown in the right of".

(4) Section 32(2)(a)(i) is amended by deleting "Crown" and inserting instead —
" State ".

(5) Section 32(4) is amended in the definition of "public authority" by deleting "the Crown in right of".

(6) Schedule 1 is amended by deleting "our Sovereign Lady Queen Elizabeth the Second, Her Heirs and Successors" in the 2 places where it occurs and in each place inserting instead —

" the State of Western Australia ".

123. *The Criminal Code* amended

(1) The amendments in this section are to *The Criminal Code**.

[* 9 February 2001 as the Schedule to the Criminal Code appearing as Appendix B to the Criminal Code Compilation Act 1913.

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 89 and Acts Nos. 3, 6, 8 and 27 of 2002.]

(2) Each of the provisions in the Table to this subsection is amended by deleting "Crown" in each place where it occurs and in each case inserting instead —

" prosecutor ".

Table

s. 577 (2 places)	s. 632A
s. 616(1)	s. 646
s. 617A	s. 651A(5)
s. 618(3)	

(3) Section 581 is amended by deleting "Crown" in the 2 places where it occurs and in each place inserting instead —

" State ".

(4) Section 584(14) is amended by deleting "Her Majesty" and inserting instead —
" the State ".

(5) Section 609 is amended by deleting "Crown" and inserting instead —
" State or the Commonwealth ".

(6) Section 628 is amended as follows:

(a) by deleting "Crown" in the first and third places where it occurs and in each place inserting instead —

" prosecutor ";

(b) in paragraph (2) by deleting "Crown" and inserting instead —

" State or the Commonwealth, as the case may be, ".

(7) Section 633 is amended by deleting "Crown" and inserting instead —
" State or the Commonwealth, as the case may be, ".

(8) Section 637 is amended by deleting "counsel for the Crown" in the 4 places where it occurs and in each place inserting instead —

" prosecutor ".

(9) Section 693A(4) is amended by deleting "Crown" and inserting instead —
" State ".

(10) Section 701(2) is amended by deleting "for the Crown thereon".

(11) Section 720 is amended by deleting "Queen" and inserting instead —
" State ".

(12) Section 729(3) is amended by deleting "Crown" in the 3 places where it occurs and in each place inserting instead —

" prosecution ".

(13) Section 746A(1) is amended as follows:

(a) by deleting "prosecution" and inserting instead —

" State ";

(b) by deleting "Crown" and inserting instead —

" State ".

(14) Section 746A(4) is amended by deleting "Crown" and inserting instead —

" State ".

124. Director of Public Prosecutions Act 1991 amended

(1) The amendments in this section are to the *Director of Public Prosecutions Act 1991**.

[* 1 June 2001.

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 100 and Act No. 27 of 2002.]

(2) Section 10(1)(a) is amended by deleting "Crown" and inserting instead —

" State ".

125. District Court of Western Australia Act 1969 amended

(1) The amendments in this section are to the *District Court of Western Australia Act 1969**.

[* 19 January 2001.

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 103 and Act No. 23 of 2002.]

(2) Section 6 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 10(1) is amended by deleting "in Her Majesty's name" and inserting instead —

" under the Public Seal of the State ".

(4) Section 11(1) is amended by deleting "Her Majesty" and inserting instead —

" the Governor ".

(5) Section 18A(1) is amended by deleting "in Her Majesty's name" and inserting instead —

" under the Public Seal of the State ".

(6) Section 18A(3) is amended by deleting "in Her Majesty's name" and inserting instead —

" under the Public Seal of the State ".

(7) Section 24(1) is amended by deleting "in Her Majesty's name" and inserting instead —

" under the Public Seal of the State ".

(8) The Schedule is amended by deleting "our Sovereign Lady Queen Elizabeth the Second Her Heirs and Successors" in the 2 places where it occurs and in each place inserting instead —

" the State of Western Australia ".

126. *Family Court Act 1997* amended

(1) The amendments in this section are to the *Family Court Act 1997**.

[* *Act 40 of 1997.*

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 124 and Acts Nos. 3 and 25 of 2002.]

(2) Schedule 1 item 1 is amended by deleting "Her Majesty Queen Elizabeth the Second, Her heirs and successors" in each place where it occurs and in each place inserting instead —

" the State of Western Australia ".

127. *Juries Act 1957* amended

(1) The amendments in this section are to the *Juries Act 1957**.

[* *3 July 2000.*]

(2) Section 38(1) is amended by deleting "those prosecuting for the Crown" and inserting instead —

" the prosecution ".

(3) Section 52(1) is amended by deleting "Crown" and inserting instead —
" prosecution ".

128. Justices Act 1902 amended

(1) The amendments in this section are to the *Justices Act 1902**.

[* 8 October 2001.

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 193 and Act No. 27 of 2002.]

(2) Section 154A(1) is amended by deleting "Crown" in the 2 places where it occurs and in each place inserting instead —

" State ".

(3) Section 154A(3) is amended by deleting "Crown" and inserting instead —

" State ".

(4) Section 206D is amended by deleting "Crown" and inserting instead —

" State ".

129. Local Courts Act 1904 amended

(1) The amendments in this section are to the *Local Courts Act 1904**.

[* 12 January 2001.]

(2) Section 3 is amended in the definition of "Minister" by deleting "Crown" and inserting instead —

" State ".

130. Supreme Court Act 1935 amended

(1) The amendments in this section are to the *Supreme Court Act 1935**.

[* 9 February 2001.

For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p. 370 and Act No. 23 of 2002.]

(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 ".

AA201

ACTS AMENDMENT AND REPEAL (COURTS AND LEGAL - PRACTICE) ACT 2003
65 of 2003

PROCLAMATION

WESTERN AUSTRALIA)	By His Excellency Lieutenant General John Murray Sanderson, Companion of the Order of Australia, Governor of the State of Western Australia.
John Sanderson, Governor.		
[L.S.]		

I, the Governor, acting under section 2 of the *Acts Amendment and Repeal (Courts and Legal Practice) Act 2003*, and with the advice and consent of the Executive Council, fix 1 January 2004 as the day on which that Act comes into operation.

Given under my hand and the Public Seal of the State on 23 December 2003.

By Command of the Governor,

J. A. MCGINTY, Attorney General.

GOD SAVE THE QUEEN !

Government of Western Australia
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ASSISTED 4 DECEMBER 2003.
PROCLAMATION 23 DECEMBER 2003.
ENACTMENT 1 JANUARY 2004

IN THE MATTER of the *Crimes Act 1958*
And

IN THE MATTER of an Application by
Wayne Kenneth Glew

EXHIBIT

Date of Document: 17 March 2008
Filed on behalf of: The Applicant
Prepared by: Wayne Kenneth Glew

This is the exhibit referred to and marked "C" in the affidavit of
Wayne Kenneth Glew Affirmed on the 17 day of March 2008 at
WARRIBEE in the State of Victoria

Before me: Margaret May Campbell

A JUSTICE OF THE PEACE FOR VICTORIA
Reg. No. 9924
Margaret May Campbell
7 Muirhead Cres, Werribee 3030



Grand Jury Application

Julia Gillard

26/42

IN THE SUPREME COURT OF VICTORIA
FULL COURT; CRIMINAL JURISDICTION

No: _____ of 2007

IN THE MATTER of the Crimes Act 1958

And

IN THE MATTER of an Application by

Brian William Shaw

APPLICATION FOR GRAND JURY

TAKE NOTICE that the Full Court of the Supreme Court will be moved on the _____ Day of _____ 2007 at _____ am by the Applicant for the following Orders pursuant to Section 354 of the Crimes Act 1958, the Applicant having disclosed Indictable offence/offences involving *Treason, Misprison of Treason, Foreign Allegiances, Unlawful Oaths*, but not limited to these Indictable Offences committed by:

Julia Gillard (Commonwealth MP) Werribee Victoria

1. The Sheriff is ordered *to summons a Grand Jury to appear* at a Court to be holden at a time and place determined by the Court in accordance with the provision of Section 354 of the Crimes Act 1958 (Vic) to attend at such Court at that time and place to inquire present do and execute all things which on the part of "*the Queen*" shall then and there be commanded of them.

31/42

2. **TREASON IS:**

“Treason consists of a Breach of duty of Allegiance which the Subject owes to the Sovereign and which binds him at all times and in all places”

[Rex v Casement 1917, 1 KB 98 at 114]

3. **CRIMES ACT 1958 VICTORIA – SECTION 351**

Mode of prosecution

“All treasons and misprisions of treason shall be prosecuted by indictment only, and all other indictable offences may be prosecuted by indictment or by presentment as hereinafter directed.”

4. **CRIMES ACT 1958 VICTORIA – SECTION 322E**

Treason and misprision of treason not affected

“Nothing in this Part shall be taken to affect directly or indirectly any matter of law or practice applicable to treason or misprision of treason.”

5. **CRIMES ACT 1958 VICTORIA – SECTION 316**

Unlawful oaths to commit treason, murder etc.

(1) Every person who—

(a) Administers or is present at and consents to the administering of any oath or engagement in the nature of an oath purporting to bind the person who takes it to commit treason or murder; or

(2) Every person who—

(a) administers or is present at and consents to the administering of any oath or engagement in the nature of an oath purporting to bind the person who takes it to act in any of the ways following (that is to say):—

(ii) To commit any indictable offence other than treason or murder;

(vii) not to reveal or discover any unlawful association society or confederacy or any illegal act done or to be done or any illegal oath or engagement that may have been administered or tendered to or taken by himself or any other person or the import of any such oath or engagement; or

shall be guilty of an indictable offence, and shall be liable to level 6 imprisonment (*5 years maximum*).

6. **CRIMINAL CODE ACT 1995 (CTH)**

Chapter 5: The Security of the Commonwealth

Part 5.1 Treason

Division 80 Treason

Penalty: Imprisonment for Life

7. **CRIMINAL CODE ACT 1995 (CTH)**

Chapter 5: The Security of the Commonwealth

Part 5.1 Treason

Division 80 Concealment or Assistance

(2) A person commits an offence if the person:

(a) 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

(b) 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

8. **JUDICIARY ACT 1903 (CTH) SECTION 80**

Common law to govern

So far as the laws of the Commonwealth are not applicable or so far as their provisions are insufficient to carry them into effect, or to provide adequate remedies or punishment, the common law in Australia as modified by the Constitution and by the statute law in force in the State or Territory in which the Court in which the jurisdiction is exercised is held shall, so far as it is applicable and not inconsistent with the Constitution and the laws of the Commonwealth, govern all Courts exercising federal jurisdiction in the exercise of their jurisdiction in civil and criminal matters.

9. **TREASON & MISPRISON OF TREASON:**

Must be by Grand Jury Exclusively

a. **Byrne V Armstrong (1899) 25 VLR 126** (The Indictment)

“That section contemplates an exparte application founded upon an affidavit disclosing an indictable offence, and that a justice has refused to commit. The court has no discretion once those conditions are complied with. Section 386 shows that so far as Treason is concerned it must be prosecuted by indictment. The Attorney General could not start such a prosecution. It must be by grand jury.” (at 126)

b. **Byrne V Armstrong (1899) 25 VLR 126** (The Finding)

“It is provided now that all the prosecutions shall be by presentment, but preserving the prerogative of the Crown through the Attorney General to proceed by information, except in case of ‘treason’ which has to be by indictment. Now indictment means by Grand Jury and therefore, inasmuch as the statute provides that Treason shall be tried by indictment only. That means that it must be by Grand Jury and no other means is provided for bringing it before a Grand Jury.” The finding of the Attorney General is

equivalent to the finds of the Grand Jury, but in the case of Treason it must be the finding of the Grand Jury.” (at 132)

c. **McArdle V Lorne Campbell (Sept 1986) (On Behalf of the Crown)**

“Much has changed since 1940 and in particular the Office of Director of Public Prosecutions has been established by Act No 9848 of 1982. Under that Act the Director of Public Prosecutions is charged with preparing, instituting and conducting criminal proceedings on ‘behalf of the Crown.’ The Director is responsible to the Attorney General for the due performance of his functions and he is given the power to enter a nolle prosequi in criminal proceedings. But the Attorney-General’s power to enter a nolle prosequi is preserved in these circumstances, now that the responsibility for instituting criminal proceedings has been taken out of the hands of the Attorney-General, it may be that there is not the same need to have an alternative method of instituting proceedings. When the Office of Director of Public Prosecutions was established §354 of the Crimes Act was amended to substitute the words ‘the Director or Public Prosecutions’ for the words ‘a law officer.’ The section therefore now operates where the Director declines to present.”

10. FOREIGN ALLEGIANCE

a. **Commonwealth Constitution Act 1900 Section 44 (i)**

Disqualification

Any person who:

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

b. Commonwealth Constitution Act 1900 Section 44 (ii)

Disqualification

Any person who:

(ii) is attainted of treason, or has been convicted and is under sentence, or subject to be sentenced, for any offence punishable under the law of the Commonwealth or of a State by imprisonment for one year or longer; or

11. COMMONWEALTH CONSTITUTION ACT 1900 SECTION 80

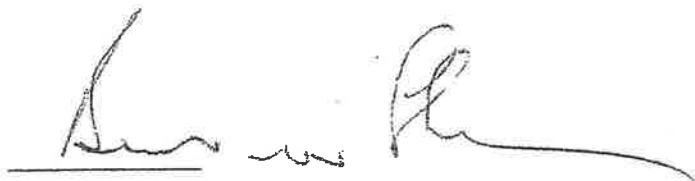
Trial by jury [Section 80 Constitutional Guarantee]

"The trial on indictment of any offence against any law of the Commonwealth shall be by jury, and every such trial shall be held in the State where the offence was committed, and if the offence was not committed within any State the trial shall be held at such place or places as the Parliament prescribes."

12. Such further or other orders that may be just and necessary.

DATED the 29th January 2007

This Application is filed by



Brian William Shaw

280 Leakes Road
Truganina Victoria 3030