

IN THE MATTER of the Crimes Act 1958

And

IN THE MATTER of an Application by
Brian William Shaw

AFFIDAVIT OF B. W. SHAW

Date of Document:	December 2009
Filed on behalf of:	The Applicant
Prepared by:	Brian William Shaw

I, Brian William Shaw, of 280 Leakes Road, Truganina, 3030 of the State of Victoria state and affirm the following –

Grand Jury Applications

1. THAT, I have filed a number of Grand Jury Applications in the period 2001 – 2009 in the Supreme Court of Victoria under the Criminal Jurisdiction of the Full Court of the Supreme Court
2. THAT, both staff and Judges operating out of this particular Court are under unlawful orders from persons unknown not to issue file numbers nor stamp the filed documents or list a hearing date, accordingly the respective offenders named in each Grand Jury Application have not yet had the legal process of Grand Jury exercised

3. That under the unlawful umbrella a Bill titled “*Criminal Procedure Bill 2008*” has been introduced into the Parliament of Victoria stating one of the purposes of the Bill at 1(f)

“to abolish the procedure of indictment by Grand Jury”

Business Unit 19

4. THAT, I have knowledge that the Supreme Court of Victoria, formerly running under the arm of State Government, the Judicial arm is now called “*Business Unit 19*” and as such is purportedly included under the umbrella of the Justice Department of Victoria, headed by the Victorian Attorney General Mr. R Hulls. The current President of the Court of Appeal Victoria is Mr. Chris Maxwell in addition the current Chief Justice of the Supreme Court is Marilyn Warren The existence of “*Business Unit 19*” was revealed in departing speeches of Justice Phillips and Ormiston. The existence of “*Business Unit 19*” under the purported auspices of Mr. Hulls would destroy the impartiality of the Supreme Court and place Mr. Hulls above the Supreme Court unlawfully
5. That I state in this affidavit that “*Business Unit 19*” formally called the Supreme Court of Victoria is under such concealment because the people of Victoria and Commonwealth do not know of its existence or purpose

Manner & Form

6. THAT, I state in this affidavit that a concerted attack has been launched by persons unknown against the Constitutions of each State to remove established and existing law by removing the stated allegiance without “*the required referendum*” required under manner and form
7. THAT, within the State of Victoria in the period 1975 – 2009 specific legislation has been both introduced and enacted without valid manner and form
8. THAT, under existing law the current Commonwealth Constitution is the superior Constitution and as such sections 106, 109 and 128 are superior and binding in law

Freemasonry

9. THAT, in this affidavit I state that the occultic structure and organization of Freemasonry is the casual link to the destruction of existing law within the Commonwealth of Australia in particular the respective States of such Commonwealth
10. THAT, the oath of allegiance in the Australian jurisdiction of the United Kingdom Masonic warrant is entirely unknown to the people of Victoria and the Commonwealth of Australia
11. THAT, the compulsory oath of each member embracing Freemasonry contains a compulsory oath / affirmation "*To conceal and never reveal*"

The Victorian Constitution

12. THAT, in the year 1975 the Victorian Parliament purportedly repealed the former Constitution of the State of Victoria 1855 and introduced the 1975 Victorian Constitution of 1975, but, up to and inclusive of this present date the Victorian Parliament has been unable to produce the United Kingdom's Parliament Act that formally repealed the Victorian Constitution document of 1855, the legal property of the United Kingdom and as such unable to be repealed by the Victorian Parliament without formal repeal legislation by the United Kingdom prior to repeal and enactment legislation
13. THAT, in the year 1975 the Governor of the State of Victoria was Henry Winneke the former Chief Justice of the Supreme Court of Victoria and Father of John Winneke a former President of the Court of Appeal Victoria established 1995, now under the Justice Department (Vic)

Five Judges Presiding

14. THAT, in the year 2001 I did co-join with Carmen Walter in a Grand Jury Application under section 354 Crimes Act 1958 Victoria to hear indictable issues against Freemasonry Victoria and their various entities

15. THAT, the President of the Court of Appeal at the time was President Winneke who refused a disclosure challenge from the bar table on the day of the actual hearing thereby creating a void hearing and as such must be heard again
16. THAT, since the original Grand Jury Application hearing in this particular chain of litigation the Supreme Court of Victoria, or rather “*Business Unit 19*” has not heard any of the filed Grand Jury Applications

No UK Repeal Act

17. THAT, I have stated in this affidavit the primary legal issue being the enactment of a New Constitution for Victoria without the formal Repeal Act of the United Kingdom Parliament prior to the enactment in 1975, in addition specific changes to respective Crown appointments or officers have occurred specifically in the legislation affecting the Director of Public Prosecutions Act (Vic) and the Legal Practice Act (Vic)

Queensland

18. THAT, in the State of Queensland unlawful legislation has been introduced and enacted that altered the Constitution of the State of Queensland and created an entity titled “*Brigalow Corporation*” without valid manner and form

Western Australia

19. THAT, in the State of Western Australia in the period 2003 up to and inclusive of the present date an Act titled “*Acts Amendment and Repeal Courts and Legal Practice Act 2003 (WA)*” unlawfully and illegally removed both Crown and Oath of Allegiance from sum 80 odd Acts within the State of Western Australia without valid manner and form

Mr. R Hawke

20. THAT, in the period 1984-1986 the then Prime Minister of the Commonwealth of Australia Mr. R Hawke in union with the various State Premiers did cause legislation to be introduced and enacted into the respective State and Commonwealth Parliaments involving the United Kingdom Parliament involving specific legislation to create “*The Australia Act*”, but, the Australia

Act was created in constitutional breach of sections 106, 109 and 128 of the Constitution of the Commonwealth of Australia and as such is invalid legislation or *ultra vires* under the current Commonwealth Constitution

Treason

21. THAT, the offence of Treason is created when the Oath of Allegiance is breached. This is established law

22. THAT, the offence of Misprision of Treason (Concealment of Treason) is created when the primary offence is concealed

Section 44

23. THAT, the current Constitution of the Commonwealth of Australia at Section 44 of such Constitution disqualifies any person who has taken an Oath of Allegiance to a Foreign Power or is Attainted of Treason from sitting in the Commonwealth Parliament or of being chosen

High Court

24. THAT, in the year 2004 the Crown and Oath of Allegiance was unlawfully and illegally removed from the State of Western Australia, (No Referendum) but the current Chief Justice of the High Court Mr. Robert French came from Western Australia after the removal of both Crown and Allegiance, thereby tainting the entire High Court with the primary criminal offence of Breach of Allegiance

Grand Jury Defendants

25. THAT, in the period 2001-2009 the following individuals have had Grand Jury Applications filed against each individual in the Criminal Jurisdiction, Full Court, Supreme Court in the State of Victoria an original State to Federation and as such created at Federation from the former Colony status

- 1) **Mr John Winneke** Former President Court of Appeal (Vic)
- 2) **Mr Brooking** Judge Court of Appeal (Vic)
- 3) **Mr Charles** Judge Court of Appeal (Vic)
- 4) **Mr Buchanan** Judge Court of Appeal (Vic)

- 5) **Mr Chernov** Judge Court of Appeal (Vic)
- 6) **Mr. Charles Wheeler** Former Master Supreme Court (Vic)
(2 Applications)
- 7) **Mr Paul Coghlan** Former Director of Public Prosecutions (Vic)
Currently a Judge of the Victoria Supreme Court
- 8) **Mr Phillip Cain** Registrar Court of Appeal (Vic)
- 9) **Mr Damian Bugg** Director of Public Prosecutions Commonwealth
- 10) **Mr David Ward** CEO ANZ Trustees
- 11) **Mr James Rutherford** Director/Partner, Harwood Andrews
Lawyers Geelong
- 12) **Mr Ewan Evans** Master Supreme Court (Vic)
- 13) **Mr Thomas Smith** Judge Supreme Court (Vic)
- 14) **Kathryn Kings** Master Supreme Court (Vic)
- 15) **Mr M Kirby** Former Judge High Court of Australia
- 16) **Mr Ian Callinan** Former Judge High Court of Australia
- 17) **Mr James McGinty** Former Attorney General Western Australia
- 18) **John Howard** Former Prime Minister
- 19) **Kim Beazley** Former Leader of the Opposition
(Commonwealth)
- 20) **Michael Jeffery** Former Governor General (Commonwealth)
- 21) **Philip Ruddock** Former Attorney General
Commonwealth of Australia
- 22) **Sydney James Stirling** Attorney General Northern Territory
- 23) **Michael Atkinson** Attorney-General South Australia
- 24) **Kerry Shine** Former Attorney General Queensland
- 25) **Rob Justin Hulls,** Current Attorney-General Victoria
- 26) **Simon Corbell,** Attorney General ACT
- 27) **Steve Kons,** Attorney General Tasmania
- 28) **Robert John Debus,** Attorney-General NSW
- 29) **Audrey Gillian Braddock** Supreme Court WA (Commissioner)
- 30) **Wayne Stewart Martin** Supreme Court WA (Chief Justice)
- 31) **Christine Ann Wheeler** Supreme Court WA
- 32) **Christopher David Steytler** Supreme Court WA
- 33) **Christopher James Lonsdale Pullin** Supreme Court WA

- 34) **John Roderick McKechnie** Supreme Court WA
- 35) **Michael John Buss** Supreme Court WA
- 36) **Corryn Rayney** Supreme Court WA (Murdered)
- 37) **Robert Cock QC** Director of Public Prosecutions WA
- 38) **Darren W L Renton** Commonwealth DPP, WA
- 39) **Robert MacKenzie Mitchell** State Solicitor's Office WA
- 40) **John James Mansell Bowler** Minister Mining (Now Independent)
- 41) **Mr J Maley** Grand Master, WA Freemasons
- 42) **C Randazzo** Melbourne Magistrates Court (Stood Down)
- 43) **Mr Ian Leslie Gray,** Chief Magistrate, Magistrates Court of Victoria
- 44) **Mr Malcolm Macleod,** Southwest Christian Church Werribee (Pastor)
- 45) **Mr Max Bower,** Anglican Church Werribee (Priest)
- 46) **John Dyson Heydon** Justice (High Court)
- 47) **William Montague Charles Gummow** Justice (High Court)
- 48) **Anthony Murray Gleeson** Justice (High Court)
- 49) **Susan Maree Crennan** Justice (High Court)
- 50) **Kenneth Madison Hayne** Justice (High Court)
- 51) **Rob Hulls** Attorney General Victoria
- 52) **Julia Gillard** (MP) Werribee Victoria (current Deputy Prime Minister)
- 53) **Dodds-Streton** Judge Court of Appeal (Vic)
- 54) **Justice Nettle** Judge Court of Appeal (Vic)

Vexatious Litigation

26. THAT, resulting from the criminal offences laid against the Attorney Generals and Commonwealth Director of Public Prosecutions two specific Attorney Generals in Victoria and Western Australia have had their respective Courts declare myself a Vexatious Litigant in an “*attempt to pervert the course of justice*”, so that their respective Grand Jury Applications would never be heard, in addition, the Victorian Attorney General Mr R Hulls has moved to attempt to remove the legal right within Victoria to go before a Grand Jury under Private Prosecution status section 354 Crimes Act 1958 (Vic)

Justice Nettle and Dodds-Streeton

27. THAT, on 14th March 2008 Justice Nettle and Dodds-Streeton heard the Appeal in the matter No 9997 of 2006 Shaw v The Attorney General for the State of Victoria, both Justices refused the bias challenge and ignored the Grand Jury Applications, accordingly the following individuals present within the Court filed Grand Jury Applications against both Justices and exhibited with their respective affidavits, the Grand Jury Application involving and concerning Julia Gillard, the current Deputy Prime Minister of Australia sitting in the electorate representing Werribee/Wyndham (Vic)

- 1) Mr Darren Latham
- 2) Mr Wayne Glew
- 3) Mr Kim Shadbolt
- 4) Mr Clive Willis Jones
- 5) Mr Angelo Bonola
- 6) Mr Stewart Ropata
- 7) Mr Rangi Ropata
- 8) Mr Calvin Tipene
- 9) Mr Maxwell Wilson
- 10) Mr Peter Ridout

28. THAT, on the 15th December 2006 at the Melbourne Magistrates Court in the State of Victoria Chief Magistrate Ian Gray did preside over the private prosecution charges issued by myself against specific named individuals. During the course of the hearing Mr. Grey stated

“You will not be relying on the Constitution in my Court”

29. THAT, as a consequence of this unlawful statement a number of individuals present did lay private prosecution charges against Mr Gray and others returnable to the Melbourne Magistrates Court 29th January 2007 after which all named defendants had Grand Jury Applications filed against them at the Office of the Court of Appeal, Full Court, (Vic) 450 Lt Bourke Street Melbourne Victoria

30. THAT, the specific people who filed these charges and Grand Jury Applications are

- 1) Angelo Bonola
- 2) Graham Daniels
- 3) Darren Latham
- 4) Richard Lloyd
- 5) Jack Moran
- 6) Michael Turner
- 7) Steve Douglas

Religious Leaders

31. THAT, in relation to specific Religious Leaders within the Commonwealth of Australia the following Religious Leaders have direct knowledge of the criminal activity revealed in this affair, but, for reasons unknown have concealed the criminal offences against the State and Commonwealth Constitutions from the respective Church Members/Electors both State and Commonwealth

- | | |
|-----------------------|-----------------|
| 1) Mr Graham Laidlaw | Werribee (Vic) |
| 2) Mr Graham Harris | Werribee (Vic) |
| 3) Mr Malcolm MacLeod | Werribee (Vic) |
| 4) Mr Erin Shaw | Werribee (Vic) |
| 5) Mr Max Bower | Werribee (Vic) |
| 6) Mr Stuart Robinson | Blackburn (Vic) |
| 7) Mr Ross Bourdon | Ballarat (Vic) |
| 8) Margaret Court | Perth (WA) |
| 9) Mr. Phillip Baker | Perth (WA) |
| 10) Mr. Danny Natliah | Melbourne (Vic) |
| 11) Mr Mark Wilkinson | Werribee (Vic) |

Crimes Act 1914 (Commonwealth)

32. THAT, section 44 of the Crimes Act 1914 (Commonwealth) is operating in this particular affidavit, but, the legal consequences are not limited to this particular portion of the Rule of Law. The section is quoted into this affidavit

CRIMES ACT 1914 - SECT 44

Compounding offences

Any person who asks receives or obtains, or agrees to receive or obtain, any property or benefit of any kind for himself or herself, or any other person, upon any agreement or understanding that he or she will compound or conceal any indictable offence against the law of the Commonwealth or a Territory, or will abstain from, discontinue, or delay any prosecution for any such offence, or will withhold any evidence thereof, shall be guilty of an offence.

*Penalty: **Imprisonment for 3 years.***

Senators

33. THAT, in respect of all current Senators currently sitting in the Commonwealth Parliament at Canberra Australia all have been legally notified in writing that the Crown has been fractured unlawfully and illegally. Such written information is not included in this affidavit but is available during the course of due process

Former Governor General

34. THAT, I state within this affidavit that one of the named defendants specifically the former Governor General Michael Jeffrey is a confirmed and committed Freemason, but, in the alternative also states that he is a Christian. The two allegiances are impossible to reconcile together, additionally Mr. Jeffrey did not ratify the appointment of Quentin Bryce because of specific Queensland Crown Authorities relating to the Heiner Affair in Queensland. Exhibited into this affidavit is a copy of a letter written by Jake Lee, Dr Frank McGrath, Alastair Macadam, R.P. Meagher, Barry O'Keefe, Alex Sland QC, and David Malcolm to the then Premier of Queensland Mr Peter Beattie, stating in portion

- 1) *“We believe that it is the democratic right of every Australian to expect that the criminal law shall be applied consistently, predictably and equally by law-enforcement authorities throughout the Commonwealth of Australia in materially similar circumstances”*

- 2) *“We believe that any action by Executive Government which may have breached the law ought not be immune from criminal prosecution”*
- 3) *“To do otherwise, we suggest would undermine the rule of law and confidence in government. It would tend to place Executive Government above the law. “*
- 4) *“This affair encompasses all the essential democratic ideals. The right to a fair trial without interference by government and the right to impartial law-enforcement, to say nothing of respecting the rule of law itself rest at its core.”*
- 5) *“Respecting the doctrine of the separation of powers and our constitutional monarchy system of democratic government are involved.”*

The three page letter is marked *“The Heiner Affair (Qld)” Exhibit 1*

Full Court Western Australia

35. THAT, in the period April 2006 I did appear before the Full Court of the Supreme Court of Western Australia on appeal from the vexatious application issued in the Western Australia jurisdiction against myself by the then Attorney General Mr. James McGinty and co-joined by the Director of Public Prosecutions Commonwealth Mr Damian Bugg.

The Full Court comprised Justices Steytler, Buss and Wheeler, the three Justices were placed under arrest from the bar table and presented with their formal notice and charge, which was formally filed and served via the Victorian jurisdiction and currently awaits a grand Jury hearing in accordance with Rule of Law and judicial independence

The eleven page notice and charge tendered into the respective Court within Western Australia on the day is exhibited and marked *“Formal Notice and Charge (WA)” Exhibit 2*

Justice Heenan

36. THAT, on 22nd October 2007 in the matter No 1955 of 2007 I did appear before Justice Heenan in the Supreme Court of Western Australia. A 27 page transcript of that appearance is exhibited into this affidavit and marked “*The Heenan Transcript (WA)*” **Exhibit 3**

Crown Removed Western Australia

37. THAT, in the period 2003/2004 the former Attorney General of Western Australia did introduce legislation into the Parliament of Western Australia that was entirely “*Beyond Power*”, the legislation is titled “Acts Amendment and Repeal Courts and legal Practice Act 2003 (WA) exhibited into this affidavit and marked “*Amendments about the Crown*” **Exhibit 4**, is Part 8 of such legislation relating to plus the enactment, 8 pages in total

Criminal Charges (Vic)

38. THAT, by letter dated 15th April 2008 I did receive correspondence from David Ryan, managing principal Solicitor for Victorian Government Solicitors Office, the correspondence is exhibited and marked “*Criminal Charges*” **Exhibit 5**

Legal Practice Act (Vic)

39. THAT, in the year 2000 the Attorney General for Victoria Mr. R Hulls did introduce legislation into the Parliament of Victoria titled, Courts and Tribunals Legislation (Further Amendment) Act 2000 portion of which removed the Oath of Allegiance from the Legal Practice Act (Vic) without referendum approval or consent in Constitutional breach of section 106, 109 and 128 of the Commonwealth Constitution, but not limited to these sections. The entire Act is exhibited and marked “*Oath of Allegiance Removed*” **Exhibit 6**

Phillips Speech

40. THAT, on 24 March 2005 the Age Newspaper wrote an article titled “*The Corporation of our Courts*” quoting the closing or departing speech of John D Phillips, a former Supreme Court Judge, portion is quoted herein

“Yet within the department of Justice this Court is now identified and dealt with would you believe as “Business Unit 19” within a section labeled “Courts and tribunals” a section which indiscriminately includes all these tiers of the Court structure and VCAT”

The article is exhibited and marked “*Business Unit 19*” **Exhibit 7**

Criminal Procedure Bill

41. THAT, on 2 December 2008 the Victorian Attorney General Mr. Rob Hulls (a Grand Jury Defendant) did introduce a Bill titled “*Criminal Procedure Bill*” into the Victorian Parliament. The Vic Hansard , House of Assembly extract is exhibit and marked “*Hulls Bill 1*” **Exhibit 8**

42. THAT, on 2 February 2009 the Criminal Procedure Bill (Vic) had second reading activity (Clark). The Vic Hansard extract is exhibited and marked “*Hulls Bill 2*” **Exhibit 9**

43. THAT, on 2 February 2009 the Criminal Procedure Bill (Vic) had second reading activity (Rich/Phillips). The Vic Hansard extract is exhibited and marked “*Hulls Bill 3*” **Exhibit 10**

Australia Act Section 6

44. THAT, the purported power to alter or change State Constitutions or Oath of Allegiance emanates from the 1986 enactment of the Australia Act under Mr. R Hawke, but, section 6 of the purported Australia Act states that if legislation is created without correct or valid manner and form then the created legislation is not valid in law. The section is quoted into this affidavit

AUSTRALIA ACT 1986 - SECT 6

Manner and form of making certain State laws

Notwithstanding sections 2 and 3(2) above, a law made after the commencement of this Act by the Parliament of a State respecting the constitution, powers or procedure of the Parliament of the State shall be of no force or effect unless it is made in such manner and form as may

from time to time be required by a law made by that Parliament, whether made before or after the commencement of this Act.

State Constitutions

45. THAT, three State Constitutions contain binding manner and form legislation, these States are New South Wales, Queensland, and Western Australia

1) NEW SOUTH WALES

CONSTITUTION ACT 1902

5B Disagreements—referendum

(1) If the Legislative Assembly passes any Bill other than a Bill to which section 5A applies, and the Legislative Council rejects or fails to pass it or passes it with any amendment to which the Legislative Assembly does not agree, and if after an interval of three months the Legislative Assembly in the same Session or in the next Session again passes the Bill with or without any amendment which has been made or agreed to by the Legislative Council, and the Legislative Council rejects or fails to pass it or passes it with any amendment to which the Legislative Assembly does not agree, and if after a free conference between managers there is not agreement between the Legislative Council and the Legislative Assembly, the Governor may convene a joint sitting of the Members of the Legislative Council and the Members of the Legislative Assembly. The Members present at the joint sitting may deliberate upon the Bill as last proposed by the Legislative Assembly and upon any amendments made by the Legislative Council with which the Legislative Assembly does not agree. No vote shall be taken at the joint sitting.

(2) After the joint sitting and either after any further communication with the Legislative Council in order to bring about agreement, if possible, between the Legislative Council and the Legislative Assembly, or without any such communication the Legislative Assembly may by resolution direct that the Bill as last proposed by the Legislative Assembly and either with or without any amendment subsequently agreed to by the Legislative Council and the Legislative Assembly, shall, at any time during the life of the Parliament or at the next general election of Members of the Legislative Assembly, be submitted by way of referendum

to the electors qualified to vote for the election of Members of the Legislative Assembly. The referendum shall be held and conducted, if the Constitution Further Amendment (Referendum) Act 1930 or any other Act relating to the manner in which the referendum shall be held and conducted is in force, in accordance with that Act or with any other such Act, but if that Act is not in force and no such other Act is in force the law for the time being in force relating to the holding and conduct of a general election of Members of the Legislative Assembly shall, mutatis mutandis, apply to and in respect of the holding and conduct of the referendum, with such modifications, omissions, and additions as the Governor may by notification published in the Gazette declare to be necessary or convenient for the purposes of such application.

(3) If at the referendum a majority of the electors voting approve the Bill it shall be presented to the Governor for the signification of His Majesty's pleasure thereon and become an Act of the Legislature upon the Royal Assent being signified thereto, notwithstanding that the Legislative Council has not consented to the Bill.

CONSTITUTION ACT 1902

7A Referendum for Bills with respect to Legislative Council and certain other matters

(1) The Legislative Council shall not be abolished or dissolved, nor shall:

- (a) its powers be altered,*
- (b) section 11A, Division 2 of Part 3 (sections 22G, 22H, 22I and 22J excepted), the Sixth Schedule or this section be expressly or impliedly repealed or amended,*
- (c) any provision with respect to the persons capable of being elected or of sitting and voting as Members of either House of Parliament be enacted, or*
- (d) any provision with respect to the circumstances in which the seat of a Member of either House of Parliament becomes vacant be enacted,*
except in the manner provided by this section.

(2) A Bill for any purpose within subsection (1) shall not be presented to the Governor for His Majesty's assent until the Bill has been approved by the electors in accordance with this section.

CONSTITUTION ACT 1902

7B Referendum for Bills with respect to Legislative Assembly and certain other matters

(1) A Bill that:

(a) expressly or impliedly repeals or amends section 11B, 26, 27, 28 or 29, Part 9, the Seventh Schedule or this section, or

(b) contains any provision to reduce or extend, or to authorise the reduction or extension of, the duration of any Legislative Assembly or to alter the date required to be named for the taking of the poll in the writs for a general election,

shall not be presented to the Governor for Her Majesty's assent until the Bill has been approved by the electors in accordance with this section.

2) QUEENSLAND

CONSTITUTION ACT 1867 - SECT 53

53 Certain measures to be supported by referendum

(1) A Bill that expressly or impliedly provides for the abolition of or alteration in the office of Governor or that expressly or impliedly in any way affects any of the following sections of this Act namely-- sections 1, 2, 2A, 11A, 11B; and this section 53 shall not be presented for assent by or in the name of the Queen unless it has first been approved by the electors in accordance with this section and a Bill so assented to consequent upon its presentation in contravention of this subsection shall be of no effect as an Act.

(2) On a day not sooner than two months after the passage through the Legislative Assembly of a Bill of a kind referred to in subsection (1) the question for the approval or otherwise of the Bill shall be submitted to the electors qualified to vote for the election of members of the Legislative Assembly according to the provisions of the Elections Act

1915-1973 and of any Act amending the same or of any Act in substitution therefor.

Such day shall be appointed by the Governor in Council by Order in Council.

(3) When the Bill is submitted to the electors the vote shall be taken in such manner as the Parliament of Queensland prescribes.

(4) If a majority of the electors voting approve the Bill, it shall be presented to the Governor for reservation thereof for the signification of the Queen's pleasure.

(5) Any person entitled to vote at a general election of members of the Legislative Assembly is entitled to bring proceedings in the Supreme Court for a declaration, injunction or other remedy to enforce the provisions of this section either before or after a Bill of a kind referred to in subsection (1) is presented for assent by or in the name of the Queen.

3) WESTERN AUSTRALIA

CONSTITUTION ACT 1889 - SECT 73

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

(1) Subject to the succeeding provisions of this section, the Legislature of the Colony shall have full power and authority, from time to time, by any Act, to repeal or alter any of the provisions of this Act. Provided always, that it shall not be lawful to present to the Governor for Her Majesty's assent any Bill by which any change in the Constitution of the Legislative Council or of the Legislative Assembly shall be effected, unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly respectively. Provided also, that every Bill which shall be so passed for the election of a Legislative Council at any date earlier than by Part III provided, and every Bill which shall interfere with the operation of sections 69, 70, 71, or 72, or of Schedules B, C, or D, or of this section, shall be

reserved by the Governor for the signification of Her Majesty's pleasure thereon

(2) *A Bill that —*

- (a) *expressly or impliedly provides for the abolition of or alteration in the office of Governor; or*
- (b) *expressly or impliedly provides for the abolition of the Legislative Council or of the Legislative Assembly; or*
- (c) *expressly or impliedly provides that the Legislative Council or the Legislative Assembly shall be composed of members other than members chosen directly by the people; or*
- (d) *expressly or impliedly provides for a reduction in the numbers of the members of the Legislative Council or of the Legislative Assembly; or*
- (e) ***expressly or impliedly in any way affects any of the following sections of this Act, namely — sections 2, 3, 4, 50, 51 and 73, shall not be presented for assent by or in the name of the Queen unless —***
- (f) *the second and third readings of the Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly, respectively; and*
- (g) ***the Bill has also prior to such presentation been approved by the electors in accordance with this section, and a Bill assented to consequent upon its presentation in contravention of this subsection shall be of no effect as an Act.***

Superior Constitution

46. THAT, in addition to the binding manner and form requirements found in three State Constitutions the superior Constitution also contains a binding manner and form requirement at section 128

Commonwealth Referendum 1999

47. THAT, at no time in the period 1984 up to and inclusive of the present date have any of the States or Commonwealth abided by their required manner and form

limitations with the exception of 6th November 1999 when section 128 of the superior Constitution was activated in relation to the electors removing the Constitutional Monarch and substituting a republic

Sections 106 and 109

48. THAT, in relation to the superior Constitution section 106 and 109 are included into this affidavit

COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT

SECT 106

Saving of Constitutions

The Constitution of each State of the Commonwealth shall, subject to this Constitution, continue as at the establishment of the Commonwealth, or as at the admission or establishment of the State, as the case may be, until altered in accordance with the Constitution of the State.

COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT

SECT 109

Inconsistency of laws

When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

Mr. R Hulls

49. THAT, on three separate occasions Grand Jury process has been instigated and lodged at the Full Court, Supreme Court, Criminal Jurisdiction against the current Attorney General for the State of Victoria, Mr. R Hulls. The applications remain pending on such application is exhibited with the Court stamp and date. Exhibit is marked "**Hulls Grand Jury Application**" **Exhibit 11**

Julia Gillard

50. THAT, on 29th January 2007 the Melbourne Magistrates Court heard Criminal Charges filed by Private Prosecution right against a number of named defendants; one such defendant was and remains Julia Gillard, the current Deputy Prime Minister of the Commonwealth of Australia.

The Grand Jury Application is exhibited and marked "*Gillard's Grand Jury Application*" **Exhibit 12**

Section 80

51. That, I state in this affidavit that the superior Constitution is the Commonwealth Constitution accordingly the Constitutional Right of Trial by Jury under section 80 of the superior Constitution is hereby exercised in relation to the lodged Grand Jury Applications in the period 2001-2009

COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT

SECT 80

Trial by jury

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.

52. Attached to this affidavit are exhibits marked

- Exhibit marked "Exhibit 1" The Heiner Affair (Qld)
- Exhibit marked "Exhibit 2" Formal Notice and Charge (WA)
- Exhibit marked "Exhibit 3" The Heenan Transcript (WA)
- Exhibit marked "Exhibit 4" Amendments about the Crown
- Exhibit marked "Exhibit 5" Criminal Charges
- Exhibit marked "Exhibit 6" Oath of Allegiance Removed
- Exhibit marked "Exhibit 7" Business Unit 19
- Exhibit marked "Exhibit 8" Hulls Bill 1
- Exhibit marked "Exhibit 9" Hulls Bill 2
- Exhibit marked "Exhibit 10" Hulls Bill 3
- Exhibit marked "Exhibit 11" Hulls Grand Jury Application
- Exhibit marked "Exhibit 12" Gillard's Grand Jury Application

Affirmed by Brian Shaw

At Werribee in the State of Victoria

This Day of December 2009

Before me