

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
Application for Special Leave to Appeal
High Court M31 of 2013

Date of document: 5th MAY 2013
Filed on behalf of: The Plaintiff
Prepared by: Brian Shaw
Address: C/- P.O.Box 800 Werribee
Victoria, 3030 No 7 Tel: 0487 195 522

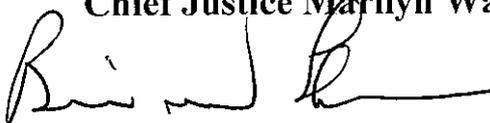
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I, Brian William Shaw, care of P.O. Box 800, Werribee, 3030 in the State of Victoria do state and affirm the following:

1. That this affidavit exhibits the application for Special Leave to Appeal High Court matter No M31 of 2013 in relation to the appeal from Justice Beach in 12th March 2013 in respect to the filing of criminal charges of the Chief Justice of the State of Victoria, Marilyn Warren.

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Exhibit is marked; **“High Court Application No M31 of 2013
Chief Justice Marilyn Warren”**

AFFIRMED BY: 

AT: WERRIBEE IN THE STATE OF VICTORIA

THIS 5th DAY OF MAY 2013.

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
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
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Respondent

10

EXHIBIT

This is the exhibit referred to in the affidavit of Brian William Shaw affirmed on the ¹⁵... day of May 2013.

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Before me: Margaret May Campbell

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



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“High Court Application No M31 of 2013 Chief Justice Marilyn Warren”

IN THE HIGH COURT OF AUSTRALIA
MELBOURNE OFFICE OF THE REGISTRY

BETWEEN:

BRIAN WILLIAM SHAW
Applicant

And

THE ATTORNEY-GENERAL FOR THE STATE OF VICTORIA
Respondent

APPLICATION FOR SPECIAL LEAVE TO APPEAL

The applicant applies for Special Leave to Appeal from the whole of the Judgement of Justice Beach (matter No 9997 of 2006), delivered on 12th March 2013 in relation to the filing and serving of criminal charges on the Chief Justice of the State of Victoria, Marilyn Warren. The grounds include the criminal offences inclusive of Inter Se and Grand Jury Authority.

GROUND:

1. JUSTICE BEACH ERRED IN THE FOLLOWING;

Justice Beach concealed the real facts of the matter opening up.

- i. A judgement / order tainted with fraud is a nullity
- ii. A Judge in his own cause voids any purported judgement or order.
- iii. Not to reveal or discover any illegal act done or to be done or any illegal oath is an indictment offence in Victoria, Crimes Act 1958, Section 316, penalty is FIVE YEARS IMPRISONMENT.
- iv. Justice Beach did hear a matter sitting in Federal Jurisdiction with a personal matter and had a criminal offence against Section 34 of the Crime Act 1914, Commonwealth did occur and carries a two year jail penalty.
- v. Justice Beach when challenged on bias ruled that he was not sitting in bias when in actual fact Justice Beach was.

Filed by: Brian William Shaw
C/- PO Box 800
Werribee Victoria 3030

Telephone: 0487 195 522

- vi. Section 44 Crimes Act 1914, Commonwealth states that a person (the first person Justice Beach) commits an offence upon agreement or understanding that the first person, Justice Beach, will compound or conceal an offence or abstain from, discontinue or delay a prosecution for an offence or withhold evidence of an offence. The offence referred to is an indictable offence against a Law of the Commonwealth. The penalty is three years imprisonment.

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2. THE CONCEALMENT OF EVIDENCE

The evidence before Justice Beach on 12th March 2013 consisted of the following documents. The content of each affidavit was concealed by Justice Beach.

1. Affidavit affirmed by Brian Shaw on 21st February 2013 consisting of 25 pages and 11 exhibits relating to the criminal offences committed by Chief Justice Marilyn Warren.
2. Affidavit affirmed by Brian Shaw on 6th March 2013 exhibiting a stamped Grand Jury application stamped by the Court of Appeal (Full Court) Supreme Court of Victoria on 26th February 2006 naming Mr R Hulls.
3. Affidavit affirmed by Brian Shaw on 6th March 2013 relating to Alex Chernov and others on 16 May 2004, presented to the Melbourne Magistrates Court and at a later date filed for Grand Jury indictments.
4. Affidavit affirmed by Brian Shaw on 6th March 2013 in relation to Justices Whelan and Vickery.
5. Affidavit affirmed by Brian Shaw on 6th March 2013 exhibited a stamped Grand Jury application relating to Mr Charles Wheeler, a former Master of the Supreme Court of Victoria and at the same time, a high-ranked Freemason.

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3. PERVERTING the COURSE of JUSTICE

On the 12th March 2013, Justice Beach did commit the indictable offence of attempting to pervert the course of Justice which states at Section 43 that a person commits an offence if the person attempts to obstruct, to prevent or to defeat the course of Justice in relation to a judicial power of the Commonwealth. The penalty is ten years imprisonment.

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4. PRIOR HEARING

Justice Beach was unable to bring an impartial mind to this matter because of the fact that Justice Beach on 10th March 2010 in matter No 9997 of 2006 did preside over the hearing involving the fraud of the Victorian Electoral Commission and others in relation to the Altona by-election 13 February 2010 and the Judicial concealment of the criminal charge and Grand Jury application involving Julia Gillard, the Federal Member for Altona in the seat of Lalor. This was an evident fact at clause 4 of the affidavit affirmed by Brian Shaw on 4 March 2010, consisting of 7 pages and 10 exhibits. The matter was later concealed by the High Court.

90 **5. GOVERNOR ALEX CHERNOV (Former Supreme Court Judge)**
I state that the current Governor of the State of Victoria, Alex Chernov, was one of five Full Court Judges hearing a Grand Jury application in the Full Court of the Supreme Court during October 2001 in relation to Freemasonry Victoria and their respective organisations for taking and administering unlawful oaths in the State of Victoria in criminal breach of Section 316 Crimes Act 1958. All five Judges were later charged by private prosecution right. Their criminal offences related to Section 34 Crimes Act 1914 and presented to the Melbourne Magistrates Court where the Court declined to present, accordingly Section 354 (**The Grand Jury Right**) of the Crimes Act 1958 was activated. The Full Court has and continues to attempt to
100 pervert the course of justice in refusing to hear the application which has been sitting at the Full Court for a number of years and concealed by Justice Beach.

6. GOVERNOR JOHN SANDERSON (Western Australia)
I state that on January 1st 2004 the Governor of the State of Western Australia, Governor Sanderson, co-signed the enactment of the Act titled “**Acts Amendment Repeal Courts and Legal Practice Act**” with the Attorney-General of the State of Western Australia, Mr Jim McGinty to remove the Crown of the United Kingdom inclusive of the removal of the statutory Oaths of Allegiance and in various amended sections substitute themselves in place of Her Majesty Queen Elizabeth the Second
110 and or The Crown. This unconstitutional and criminal amendment / substitution did not have either the statutory State referendum or the resultant Commonwealth referendum and as such the Governor of the State of Victoria, Governor Alex Chernov, inclusive of Officers of the Supreme Court of Victoria, Chief Justice Marilyn Warren and others are principal to criminal activity revealed in both Western Australia and Victoria against the Electors of both Victoria and Western Australia in addition to criminal activity against the Electors of the Commonwealth of Australia and all concealed by Justice Beach.

120 **ACTS AMENDMENT AND REPEAL (COURTS AND LEGAL PRACTICE)
ACT 2003 (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** ”.
- (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** ”.

130 **JULIA GILLARD – CHARGE and SUMMONS
(January 29, 2007 – Melbourne Magistrates Court)**

On 1st January 2004, the Government of West 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 Practices 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.

7. THE ELECTOR LEFT OUT

140 I state that every registered elector within Australia is both a State elector and Commonwealth elector at the same time.
What was not revealed to the elector was the alteration in various laws removing either the statutory Oath of Allegiance and/or The Crown of the United Kingdom without the compulsory and statutory referendums, either State or Commonwealth. In simple words, the State and Commonwealth Elector was omitted from the decision. Justice Beach concealed this.

West Australian Constitution Act 1889

150 *Section 73.2(g)*

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

(2) A Bill that —

(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.

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THE INTER SE GROUND

8. Justice Beach was deprived of jurisdiction.

The removal of The Statutory Oath of Allegiance from the Victorian Legal Practice Act 1996 is in conflict with the Legislative power of the Commonwealth in addition to excess of the State power, automatically making this issue an inter se issue.

THE INTER SE GROUND

9. Justice Beach was deprived of jurisdiction.

170 *The separation of the Office of Public Prosecutions Victoria from the Queen in the Public Prosecutions Act 1994 Victoria is in conflict with the Legislative power of the Commonwealth in addition to excess of the State power, automatically making this an inter se issue.*

THE INTER SE GROUND

10. Justice Beach was deprived of jurisdiction.

180 *The removal of the Crown of The United Kingdom from Specific Law within the State of Western Australia is beyond power and in direct conflict with the Legislative power of the Commonwealth, automatically making this issue an inter se issue.*

THE INTER SE GROUND

11. Justice Beach was deprived of jurisdiction.

The removal of the Crown of The United Kingdom from Specific Law within the State of Western Australia is beyond power and in direct conflict with the Legislative power of the Commonwealth, in particular Sections 12, 32, 106, 109 & 128 of the Commonwealth of Australia Constitution Act 1900, automatically making this issue an inter se issue.

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THE INTER SE GROUND

12. Justice Beach was deprived of jurisdiction.

The current High Court Judges of The High Court of Australia are currently sitting in excess of their grant of power because of the removal of the Crown from Specific Law within Western Australia without the statutory referendum requirement as stated at Section 73 (2) of the West Australian Constitution Act 1889 and Section 128 of the Commonwealth of Australia Constitution Act 1900, automatically making this issue an inter se issue. The current High Court Judges in attempting to hear the inter se issues would be Judges hearing their own matter because they are Grand Jury Defendants in Victoria.

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THE INTER SE GROUND

13. Justice Beach was deprived of jurisdiction.

Since 1 January 2004 all elections held, Council, State & Commonwealth have been held & achieved in excess of their Grant of Power evidenced by the removal of the Crown from Specific law within Western Australia without the required referendum mandate, automatically making this issue an inter se issue.

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THE INTER SE GROUND

14. Justice Beach was deprived of jurisdiction.

(Coram Non Judice)

Where courts of special and limited jurisdiction exceed their powers the whole proceeding is before a judge not competent or without jurisdiction and all concerned in such proceedings are held to be liable for trespass, which activates inter se in addition to a tort.

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THE INTER SE GROUND

15. Justice Beach was deprived of jurisdiction.

(Coram Non Judice)

A decision which is the result of bias is a nullity and the trial is Coram Non Judice. The Full Court of the Supreme Court of Victoria on 1 November 2012 made a decision in bias and the trial is Coram Non Judice in conflict with the Commonwealth Constitution Act 1900. Because of the removal of the Crown and the oath of allegiance from specific law without abiding by the referendum requirement, making the Full Court of the Supreme Court of Victoria inclusive of the High Court, outside of a Chapter 3 Court, automatically making this Coram non Judice.

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THE INTER SE GROUND

16. Justice Beach was deprived of jurisdiction.

In relation to the purported abolition of the Victorian Grand Jury Right under Section 354 Crimes Act 1958, it was beyond power for a Grand Jury Defendant (Mr Hulls) to introduce a Bill into the Parliament of Victoria, the Criminal Procedures Bill and cause to be enacted such Bill to remove Section 354 from the Crimes Act 1958 without disclosing that the introducer (Mr Hulls) was pending three Grand Jury hearings under Section 354, automatically making this issue an inter se issue in addition to the criminal offence by Mr Hulls of attempting to pervert the course of justice within Victoria and the Commonwealth.

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THE INTER SE GROUND

17. Justice Beach was deprived of jurisdiction.

In relation to the Parliament of Victoria sitting within the Commonwealth of Australia Federation structure, after the unlawful removal of the Crown (all required referendums were omitted) from Specific Law within Western Australia, a Federation State. The State of Victoria, inclusive of the Parliament of the State of Victoria was sitting and continues to sit in excess of its Grant of Power and is in direct conflict with the Legislative Power of the Constitution of the Commonwealth of Australia, automatically making this issue an inter se issue.

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THE INTER SE GROUND

18. Justice Beach was deprived of jurisdiction.

In relation to the foreign power organisation of International Freemasonry into the Laws of Australia, the oaths / obligations, edicts and allegiance of Freemasonry are in direct conflict with the Laws of Australia in addition to criminal offences in relation to the taking and administering of unlawful oaths stated Law in Victoria at Section 316 of the Crimes Act 1958 and a Constitutional breach of Section 44(i) of the Constitution of the Commonwealth of Australia. This in an inter se issue in addition to criminal offences revealed in documents filed for Grand Jury due process in the State of Victoria.

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THE INTER SE GROUND

19. Justice Beach was deprived of jurisdiction.

In relation to the Governor of the State of Western Australia (Governor Sanderson) removing the Crown and Her Majesty, Queen Elizabeth the Second from Stated Law within Western Australia by the enactment of the overt Act titled "Acts Amendment Repeal Courts and Legal Practices Act" enacted on 1 January 2004 at Perth, Western Australia. This overt Act was and remains Ultra Vires, in excess of their Grant of Power and in conflict with the Legislative Power of the Constitution Act of the Commonwealth of Australia, automatically making it an inter se question, in addition to the fraud on the Electorate but not limited to this Criminal Offence.

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THE INTER SE GROUND

20. Justice Beach was deprived of jurisdiction.

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In relation to the recent appointment of Alex Chernov into the Office of Governor of the State of Victoria, it was not disclosed to the people of Victoria, in particular the Electors of the State of Victoria and Electors of the Commonwealth of Australia, that Alex Chernov is and remains a Grand Jury Defendant in accordance with the Legal Right set out under Section 354 of the Crimes Act 1958 Victoria. The purported appointment amounts to malfeasance in Public Office and is in excess of power in addition to criminal offences against the Constitution and the people. The critical inter se issue here is found in Section 12 of the Commonwealth Constitution where the Governor of the State (Governor Chernov) issues the writ for the State Senators to sit in the Commonwealth Parliament.

THE INTER SE GROUND

21. Justice Beach was deprived of jurisdiction.

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In relation to the removal of the Oath of Allegiance from the Legal Practice Act 1996 Victoria, all officers of the Supreme Court of Victoria are operating in excess of their Grant of Power and are in conflict with the Legislative Power of the Constitution Act of the Commonwealth of Australia. The overt Act is Courts and Tribunals Legislation (Further Amendment) Act 2000, which is automatically an inter se issue and activates criminal offences.

THE INTER SE GROUND

22. Justice Beach was deprived of jurisdiction.

Exclusive Jurisdiction Conflict

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In relation to inter se the High Court has exclusive jurisdiction but the unlawful removal of the Crown without the required referendums and resultant criminal charges both filed and served relating to named High Court Judges for concealing the removal of the Crown. Consequently the High Court lacks jurisdiction and must remit the cause back to the Full Court of the Supreme Court of Victoria for determination by a Grand Jury for the indictment process followed by a normal jury in accordance with Section 80 of the Commonwealth, any interference or attempt to pervert due process will activate serious indictable offences.

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THE INTER SE GROUND

23. Justice Beach was deprived of jurisdiction.

Can the Commonwealth (The Constitutional Commonwealth) agree with or contribute to the removal of the Crown of the United Kingdom (In Western Australia, "The Acts Amendment Repeal Courts and Legal Practice Act 2004") without the required constitutional referendums, without creating a conflict of powers between the Commonwealth and the States in addition to excess of State power.

THE INTER SE GROUND

330 **24. Justice Beach was deprived of jurisdiction.**

Can the Governor of Western Australia govern the State of Western Australia in legal conformity to the constitution of Western Australia and legal conformity to the Constitution of the Commonwealth after the removal of the Crown without the Constitutional referendums, by enactment of the Acts Amendment Repeal Courts and Legal Practices Act 2004 (Western Australia) in addition to excess of State power.

THE INTER SE GROUND

340 **25. Justice Beach was deprived of jurisdiction.**

Can the Governor of Western Australia legally issue a State writ for Senators in Western Australia under Section 12 of the Commonwealth Constitution Act 1900, or is the writ invalid after the unlawful removal of the Crown from Western Australia in conflict with the Constitution of the Commonwealth of Australia in addition to excess of State power.

THE INTER SE GROUND

350 **26. Justice Beach was deprived of jurisdiction.**

Is the removal of the constitutional Oath of Allegiance from stated law within Western Australia (Acts Amendment Repeal Courts and Legal Practices Act 2004) without the constitutional referendums:

- a. *In excess of power*
- b. *A conflict of powers*
- c. *A criminal act of fraud*
- d. *A criminal act of treason*
- e. *Compounding offences*

THE INTER SE GROUND

360 **27. Justice Beach was deprived of jurisdiction.**

OATH OF ALLEGIANCE

The removal of the Oath of Allegiance from the Legal Practice Act 1996, Victoria by enactment of the Courts and Tribunals Legislative Amendment Act, enacted 5 September 2000 creates the biggest Inter Se within Victoria in relation to the Constitutional conduct of the Judiciary, inclusive of the Chief Justice of Victoria who holds the title of Lieutenant Governor and Administrator.

Justice Beach was deprived of Jurisdiction in relation to Inter Se.

The Inter Se is:

370 *The removal of the Oath of Allegiance from the Legal Practice Act 1996 (Victoria) by enactment of the Act titled: "Court and Tribunal (Further Amendment) Act 2000 Victoria" is in direct conflict with the Oath of Allegiance contained in the Constitution of the Commonwealth of Australia Act 1900, in addition to excess of power additional criminal offences do activate and as such must be returned to the Exclusive Jurisdiction of Grand Jury within Victoria.*

28. INTER SE AUTHORITY – “Deprived of Jurisdiction”

The Law relating to Inter Se is quite clear in that the instant the Inter Se question or issue comes into play the Court is deprived of Jurisdiction and any purported judgement is a nullity and the matter is to be removed into the Exclusive Jurisdiction of the High Court, this excludes any special leave requirement.

380

NO ESCAPE

That Court had no outlet of escape from deciding a Constitutional Point.
Pirrie v McFarlane 1925 3b CLR 170 at 194.

DISTRIBUTION OF POWERS

A question of the limits Inter Se of the powers of the Commonwealth and State means nothing more than a question as to the distribution of those powers.

Flint v Webb 1907 4 CLR 1178 at 1182

390

DEPRIVED OF JURISDICTION

Unless State Courts were deprived of Jurisdiction in all cases in which a plea of a question of the limits Inter Se was raised by either party.

Flint v Webb 1907 4 CLR 1178 at 1186

This particular ground reveals a legal ground for trespass, quoting from Coke on trespass;

“Where Courts of special and limited jurisdiction exceed their powers, the whole proceeding is Coram Non-Judice, and all concerned in such void proceedings are held to be liable for trespass”

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SOURCE: Case of the Marshalsea,
10 CO 68, Terry v Huntington, Hardres 60

I state that on 12th March 2013 before Justice Beach of the Supreme Court in the State of Victoria, the following legal citation was verbally presented:

“The whole cause is completely stopped at that stage if an Inter Se question is involved in the matter”

Source

410

**“Commonwealth V Bank of NSW
Privy Council 1949 79 CLR 497 at 576”**

29. HIGH COURT GRAND JURY DEFENDANTS

Justice Beach ignored the lodged Grand Jury applications and the Law of Inter Se. The following are the words of the Criminal Charges that remain pending Grand Jury hearings in the Criminal Jurisdiction of the Full Court, Supreme Court of Victoria, involving High Court Judges and **Julia Gillard**.

420

a. Justice Michael Kirby (Grand Jury Defendant)

The Defendant a Commonwealth Judicial Officer on 3rd August 2006, at the Canberra branch of the High Court, such branch attached to the Melbourne branch of the High Court, did intentionally and perversely exercise Federal Jurisdiction, in that

the defendant did protect the current Governor General Mr Michael Jeffrey from a Grand Jury Application lodged with the Full Court of the Victorian Supreme Court, by hearing a matter in closed Court procedure, disallowing representation at the hearing.

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**b. Justice Ian David Francis Callinan
(Grand Jury Defendant)**

The Defendant, a Commonwealth Judicial Officer on 3rd August 2006, at the Canberra branch of the High Court, such branch attached to the Melbourne branch of the High Court did intentionally and perversely exercise Federal Jurisdiction, in that the defendant did protect the current Governor-General, Mr Michael Jeffrey from a Grand Jury Application lodged with the Full Court of the Victorian Supreme Court, by hearing a matter in a closed Court procedure disallowing representation at the hearing.

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c. Justice Anthony Murray Gleeson (Grand Jury Defendant)

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.

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**d. Justice William Montague Charles Gummow
(Grand Jury Defendant)**

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 and inclusive of the present date.

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- 470 **e. Justice John Dyson Heydon (Grand Jury Defendant)**
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.
- 480 **f. Justice Kenneth Madison Hayne(Grand Jury Defendant)**
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.
- 490 **g. Justice Susan Maree Crennan (Grand Jury Defendant)**
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.
- 500 **h. Julia Gillard (Grand Jury Defendant)**
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.
The Charge: Common Law: Misprison of Treason.

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30. GRAND JURY AUTHORITIES

All Grand Jury authority has been ignored by Chief Justice Warren and Justice Beach, because of the Foreign Power, United Nations, Agenda 21.

i. re Davies and Millidge 1893:

"An application for a Grand Jury may be made ex parte. It is sufficient if the affidavit in support of such an application discloses a state of facts which if true amount to the committing of an indictable offence. Such facts need not necessarily be sworn to by the deponent as being within his own knowledge."

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ii. re Dungey and Bromley (1899)

"The application for a warrant for the apprehension of a defendant, against whom a bill of indictment has been found by a grand jury, should be made in the first instance to a Justice of the Peace under section 33 of the Justices Act 1890, and not to a judge of the Supreme Court."

iii. Byrne v Armstrong (1899) 25 VLR 126

"An application for a Grand Jury under Section 389 of the Crimes Act 1890 may be made exparte, and upon the application complying with requirements of that section the Full Court has no discretion but is bound to grant a rule directing the sheriff to summon a Grand Jury".

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iv. R v McInnes, Erskine and Calwell 1940 VLR 416 (at 420)

a) "The law is very jealous to see that justice shall be done and it has provided a special procedure where justices for any reason fail to commit a person who is charged or if justices committed a person against whom a charge is made and the Crown authorities for any reason refuse to go on with that committing and present the man for trial before an ordinary jury.

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b) "In order to constitute perjury a man who swears what is false must know at the time he swears it that it is false, or at any rate not believe it to be true," (at 424)

v. R V Parker 1977 VR 22

b) "The qualification of a **prosecutor for the Queen** to make presentment at the court must exist on the day on which the presentment is filed." (at 22)

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c) "In England the Queen prosecutes, a county may prosecute, or a single individual, but still in every case, the Crown really prosecutes, and even the Grand Jury prosecutes for tile Crown, after information is filed, if a private prosecutor comes into court, he may be permitted to prosecute for the Crown. It appears to me to be quite clear that once presentment is made anyone may take up prosecution in the Court." (at 42)

vi. **Lorne Campbell 1986(BC8600228)**

560 a) "The Practice under S354 of the Crimes Act, and its predecessor has been quite clear since at least 1899 **when 'six judges' of this court** assembled to consider whether, if the conditions in the section were made out to the court's satisfaction it had any discretion whether to direct the sheriff to summon a grand jury. In a consideration decision, reported as Byrne V Armstrong (1899) 25 VLR 126, the court held that it had no such discretion.

570 b)"The second observation which we wish to make concerns the whole concept of the grand jury procedure. The procedure was re-introduced in Victoria in 1874 by S21 of the Judicature Act of that year to provide for cases where the "Crown Law **Officers**" **refused to present for trial** an alleged offender against whom a complaint had been made."

580 b) "Much has changed since 1940 and in particular the Office of Director of Public Prosecutions has been established by Act No 9848 of I 982. 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.**"

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31.NEW EVIDENCE

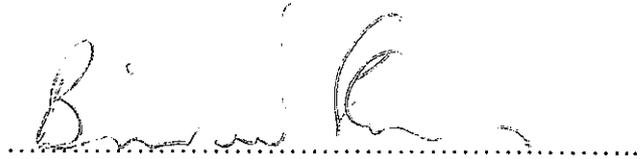
It is stated in this particular ground which is new evidence, that the United Nations "Agenda 21" has bound Australia to the foreign power, United Nations Agenda 21 in total breach of all State Constitutions and Commonwealth Constitution, in particular Section 44 of the Commonwealth Constitution, but not limited to this Section.

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ORDERS SOUGHT

- 610
1. That this application be removed into the exclusive jurisdiction of the High Court because of the Inter Se questions. The removal is compulsory once the Inter Se is introduced.
 2. That the High Court remit the matter back to the criminal jurisdiction of the Full Court of the Supreme Court of Victoria to hear Grand Jury applications currently pending over a number of years.
 3. The order of Justice Beach is an order obtained by fraud and as such the order of Justice Beach is declared a nullity and is to be set aside.
- 620
4. That the United Nations Agenda 21 be declared a Foreign Power to the Constitution of the Commonwealth of Australia and void in the Laws of Australia.
 5. Liberty to apply.

630 DATE: 09/04/2013



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To: The Respondent
Attorney General for the State of Victoria
Mr Robert Clarke
121 Exhibition Street, Melbourne.

TAKE NOTICE: Before taking any step in the proceedings you must, within **14 DAYS** after service of this application, enter an appearance in the office of the Registry in which the application is filed, and serve a copy on the applicant.

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The applicants address for service by **registered post** is:
Post Office Box 800
Werribee Victoria 3030
Telephone 0487 195 522