

Volume 7 of 7

Exhibits

'BWS 108' to 'BWS 109'

Pages 1307 to 1671

1307

IN THE HIGH COURT OF AUSTRALIA
MELBOURNE REGISTRY

10

In matter of an
Application by
Brian William Shaw
for leave to issue

BETWEEN:

20

REFER DETAILS OF EXHIBIT
And others

EXHIBIT

This is the exhibit marked BWS /...108

'Box 108'

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produced and shown to

at the time of affirming his affidavit this

15th July 2019

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



Before me

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Margaret Campbell
Solicitor/Justice of the Peace

The Ombudsman Act
of Western Aust
(S.P. ONLY)

u
This Amendment and Reform
Court and LEGAL PRACTICE
ACT - ENACTED 1 JANUARY
2004

THE CRIMINAL ACT

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, D. 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"

The attack on the Allegiance amounts to treason

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 I, p. 5 and Act No. 27 of 2002].

(2) Section 19B (480) 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 10 Legislation of Western Australia, Table 1p, 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
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s. 616 (1)	s. 646
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s. 617A	s. 651A (5)
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s. 618(3)	
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(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 Commonwealth, as the case may be, ". "State or the

(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 7293) 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* 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, D. 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 18 A (1) is amended by deleting "in Her Majesty's name" and inserting instead M 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], p. 124 and Acts Nos. 3 and 15 of 2002.)

(2) Schedule 1 item) 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 2007 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**. 1* 12 January 2007],

(2) Section 3 is amended in the *definidon* 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".*

GOVERNMENT GAZETTE
Western Australia
Previous Close Next

A4201
ACTS AMENDMENT AND REPEAL (COURTS AND LEGAL - PRACTICE) ACT 2003
65 of 2003

PROCLAMATION

WESTERN
AUSTRALIA
John
Murray
Sanderson
[L.S.]

By His Excellency
Lieutenant General
John Murray Sanderson,
Companion of the Order of Australia
Governor of the
State of Western Australia.

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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Assented 4th DECEMBER 2003
Proclamation 23rd December 2003
Enactment 1st January 2004

CRIMINAL CODE ACT 1995

Chapter 5 -- The security of the Commonwealth

Part 5.1 -- Treason and urging violence

Division 80 -- Treason and urging violence

1314

80.1A Definition of *organisation*

In this Division: "*organisation*" means:

(a) a body corporate; or

(b) an unincorporated body;

whether or not the body is based outside Australia, consists of persons who are not Australian citizens, or is part of a larger organisation.

Subdivision B -- Treason

80.1 Treason

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

- (a) receives or assists another person who, to his or her knowledge, has committed an offence against this Subdivision (other than this subsection) with the intention of allowing him or her to escape punishment or apprehension; or
- (b) knowing that another person intends to commit an offence against this Subdivision (other than this subsection), 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.

IN THE HIGH COURT OF AUSTRALIA
MELBOURNE REGISTRY

10

In matter of an
Application by
Brian William Shaw
for leave to issue

BETWEEN:

20

REFER DETAILS OF EXHIBIT
And others

EXHIBIT

This is the exhibit marked BWS /.....109.

Bus 109

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produced and shown to

at the time of affirming his affidavit this

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



Before me

50

Margaret May Campbell
Solicitor/Justice of the Peace

Sul Penn Court v K...

W.A. 13 FEBRUARY 2004

CIV 1162, of 2004

3 PLAINTIFFS.

1. DEFENDANTS

cc Filed 13 FEBRUARY 2004

*cc Queen's Counsel
1 JANUARY 2004.*

13/6.



SUPREME COURT OF WESTERN AUSTRALIA

CIV. 1162 of 2004

**Brian William Shaw
Peter Allan Ridout
Christopher John Ridout**

Plaintiffs

and

**The State of Western Australia
Attorney General
Mr. Jim McGinty**

First Defendant

**Grand Lodge of Western Australia
Ancient and Accepted Freemasons
Grand Master Mr J Maley**



Second Defendant

WRIT OF SUMMONS

Date of document 13 day of February 2004
Filed by Plaintiffs
Date of Filing 13 day of February 2004
Prepared by Plaintiffs

**Brian William Shaw
71 Treave St Cloverdale WA**

**Peter Allan Ridout
RMB 357 Boyup Brook WA 6244 Phone 04) 2988-9396**

**Christopher John Ridout
RMB 305 Boyup Brook WA 6244 Phone 04) 2767-2065**

1317

Elizabeth the Second, by the Grace of God, Queen of Australia and Her other Realms and Territories, Head of the Commonwealth.

To **Jim McGinty**
Attorney General of Western Australia

Of **30th Floor, Allendale Square 77 St George's Terrace**
PERTH WA 6000

in the State of Western Australia.

To **Grand Lodge of Western Australia**
Ancient and Accepted Freemasons

Of **137 Burswood Road**
Burswood WA 6100



in the State of Western Australia.

We command you, that within 10 days after the service of this writ on you, exclusive of the day of such service, you cause an appearance to be entered for you in our Supreme Court in an action at the suit of the abovenamed plaintiff; and take notice that in default of your so doing the plaintiff may proceed therein and judgment may be given in your absence.

Witness: Honourable David Kingsley Malcolm Chief Justice, of Western Australia the 13th day of February 2004.

Note: This writ may not be served later than 12 calendar months beginning with the above date unless renewed by order of the Court.

A defendant may appear to this writ by entering an appearance either personally or by solicitor at the Central Office of the Supreme Court at Perth.

1318

If the defendant enters an appearance, then unless a summons for judgment is served on him in the meantime, he must also file a defence at the Central Office of the Supreme Court at Perth, and serve such defence on the solicitor for the plaintiff, within 14 days after the last day of the time limited for entering an appearance, otherwise judgment may be entered against him without notice.

Place of Trial: PERTH

Mode of Trial: Trial by Jury of 12

In accordance with Supreme Court Act 1935 WA

Section 42 & Commonwealth Constitution Section 80

This writ was issued by

Brian William Shaw of 71 Treave Street Cloverdale WA

And

Peter Allan Ridout of RMB 357 Boyup Brook WA 6244

And

Christopher John Ridout of RMB 305 Boyup Brook WA 6244

Whose address for service is

12 Thompson Street Ascot WA 6244

Fax: 08 94783352

STATEMENT OF CLAIM

1. By a written agreement entitled Constitution Act 1889 "An Act to confer a Constitution on Western Australia, and to grant a civil list to Her Majesty; herein after termed the Contract, the first Defendant agreed to set up a system of law, but, both First and Second Defendants have colluded to breach the Contract, the State Constitution

PARTICULARS

1.1. Constitution Act 1889 WA

"An Act to confer a Constitution on Western Australia, and to grant a Civil list to Her Majesty."

Preamble

"Whereas by the 32nd section of the Imperial Act passed in the session holden in the 13th and 14th years of the Reign of Her present Majesty 2, intituled " An Act for the better Government of Her Majesty's Australian Colonies", it was among other things enacted that, notwithstanding anything thereinbefore contained, it should be lawful for the Governor and Legislative Council of Western Australia, from time to time, by any Act or Acts, to alter the provisions or laws for the time being in force under the said Act or otherwise concerning the election of the elective members of such Legislative Council, and the qualification of electors and elective members, or to establish in the said Colony, instead of the Legislative Council, a Council and a House of Representatives, or other separate Legislative Houses, to consist of such members to be appointed or elected by such persons and in such manner as by such Act or Acts should be determined, and to vest in such Council and House of Representatives, or other separate Legislative Houses, the powers and functions of the Legislative Council for which the same might be substituted; and whereas it is expedient that the powers vested by the said Act in the said Governor and Legislative Council should now be exercised, and that a Legislative Council and a Legislative Assembly should be substituted for the present Legislative Council, with the powers

and functions hereinafter contained: Be it therefore enacted by His Excellency the Governor of Western Australia and its Dependencies, by and with the advice and consent of the Legislative Council thereof, as follows:— “

2. Pursuant to the Contract (The Constitution)

PARTICULARS

- 2.1. Operating within the State of Western Australia a system of government was established under the above named Act, that created a role and function of Governor, Legislative Council, Legislative Assembly, Supreme Court, Courts of Justice, Commissions, Officers inclusive of Attorney General, Solicitor General, Directors of Public Prosecutions, Justice Department, Public Service Sector and Police.
- 2.2. The Plaintiffs assumed that the conditions laid out in the Constitution Act 1889 Western Australia were binding conditions on both Plaintiffs and First and Second named Defendants.
3. The Second named Defendant has broken the contract (The State Constitution) by introducing a different set of Laws, Rules and Oaths not known or agreed to by the Plaintiffs.
4. The second named Defendant in agreement with the First named Defendant, inclusive of the Supreme Court of Western Australia has agreed, without public consent, to run, maintain and protect the second set of Laws, Rules and Oaths, in breach of the contract

PARTICULARS

**4.1. Constitution Act 1889 WA - SECT 22
Oath or affirmation of allegiance**

No member of the Legislative Council or Legislative Assembly shall sit or vote therein until he has taken and subscribed before the Governor, or some person authorized by the Governor in

that behalf, an oath or affirmation of allegiance in the form set out in Schedule E.

[Section 22 inserted by No. 15 of 1980 s.2.]

4.2. Constitution Act 1889 WA - Schedule E
Oath/affirmation

OATH

I, , do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors, according to law. So help me God.

AFFIRMATION

I, , do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors, according to law.

4.3. MASONIC OATH – MASTER MASON

I...in the presence of the most high, and of this worthy and worshipful lodge of master masons, duly constituted, regularly assembled, and properly dedicated, of my own free will and accord, do hereby (Worshipful Master touches candidate's hands with his left hand) and hereon (Worshipful Master touches The Bible with his left hand) most solemnly promise and swear that I will always **hele, conceal, and never reveal** any or either of the secrets or mysteries of or belonging to the degree of a Master Mason to anyone in the world.....

All these points I solemnly swear to observe, without evasion, equivocation, or mental reservation of any kind, under no less a penalty, on the violation of any of them, than that of being severed in two, my bowels burned to ashes, and those ashes scattered over the face of the earth and wafted by the four cardinal winds of heaven, that no trace or remembrance of so vile a wretch may no longer be found among men, particularly master masons so help me the most high, and keep me steadfast in this my solemn obligation of a master mason.

Worshipful Master.....as a pledge of your fidelity and to render this binding as a solemn obligation for so long as you shall live, you will seal it with your lips thrice on the volume of the sacred law (The Bible)

4.4. Criminal Code Act 1913, WA, Section 48.1(g)

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

4.5. Criminal Code Act 1913, WA, Section 86

(1) Any person who administers an oath or takes a declaration or affirmation **without having lawful authority** so to do is guilty of a misdemeanour and is liable to imprisonment for 2 years.

4.6. Criminal Code Act 1913, WA, Section 121

Any person who —

(1) Being a justice not acting judicially, or being a person employed in the Public Service in any capacity not judicial, for the prosecution or detention or punishment of offenders, corruptly asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person, on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him, with a view to corrupt or improper interference with the due administration of justice, or the procurement or facilitation of the commission of any offence, or the protection of any offender or intending offender from detection or punishment; or

(2) Corruptly gives, confers, or procures, or promises or offers to give or confer, or to procure or attempt to procure, to, upon, or for any such person, or to, upon, or for any other person, any property or benefit of any kind, on account of any such act or omission on the part of the justice or other person so employed;

is guilty of a crime, and is liable to imprisonment for 14 years.

4.7. Criminal Code Act 1913, WA, Section 139

Any person who —

(2) Being a justice, wilfully and perversely exercises jurisdiction in any matter in which he has a personal interest;

is guilty of a misdemeanour, and is liable to imprisonment for 2 years.

4.8. Crimes Act 1914 Section 34.1(b)

(1) Any person who:

(b) being a judge or magistrate, intentionally and perversely exercises federal jurisdiction in any matter in which he has a personal interest;

shall be guilty of an offence.

Penalty: Imprisonment for 2 years.

5. The second named Defendant has by collusion altered the original content and intent of the written Contract and intent of the written contract of the first Defendant by both taking and administering conflicting oaths and allegiances, other than those Allegiances and Oaths stated in the Contract. (The Constitution) and brought such Oaths into direct contradiction with lawful oaths

PARTICULARS

5.1. Scottish Rite 33rd Degree of Freemasonry

“When it was time for the final obligation we all stood and repeated the oath with the representative candidate, administered by the Sovereign Grand Inspector General. We then swore true allegiance to the Supreme Council of the 33rd Degree, above all other allegiances and swore never to recognize any other brother as being a member of the Scottish

Rite of Freemasonry unless he also recognizes the Supreme authority of "this Supreme Council".

- 6. **This unlawful practice has caused the Plaintiffs considerable and extensive injury in tort, and damage.**
- 7. The Constitution Act, 1889 Western Australia is the binding Contract, governing the Supreme Court Act 1935 Western Australia, inclusive of the rules of the Supreme Court, Western Australia, the Evidence Act 1906, Western Australia, plus Criminal Code Act Compilation Act 1913, Western Australia.

PARTICULARS

- 7.1. The Evidence Act 1906, Western Australia sets out the form and manner of taking and administering oaths in Sections 97, 98, 99, 100, 100A
- 7.2. The Criminal Code Act Compilation Act 1913, Western Australia, Section 86 forbids administering extra judicial oaths, additionally the Criminal Code Act WA, forbids the taking and administering of Unlawful Oaths at Section 48
- 7.3. **CRIMINAL CODE ACT 1913 WA - SECT 86**
Administering extra judicial oaths

(1) Any person who administers an oath or takes a declaration or affirmation without having lawful authority so to do is guilty of a misdemeanor and is liable to imprisonment for 2 years.

- 7.4. **CRIMINAL CODE ACT 1913 WA - SECT 48**
Other unlawful oaths to commit offences

Any person who —

(1) 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 —

- (a) To engage in any seditious enterprise;
- (b) To commit any indictable offence not punishable with strict security life imprisonment;
- (c) To disturb the public peace;
- (d) To be of any association, society, or confederacy formed for the purpose of doing any such act as aforesaid;
- (e) To obey the orders or commands of any committee or body of men not lawfully constituted, or of any leader or commander or other person not having authority by law for that purpose;
- (f) Not to inform or give evidence against any associate, confederate, or other person;
- (g) 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

- (2) Takes any such oath or engagement, not being compelled to do so; or
- (3) Attempts to induce any person to take any such oath or engagement;

is guilty of a crime, and is liable to imprisonment for 7 years.

- 8.** The first and second Defendant have committed Fraud, in addition to Fraud on the Court in permitting two systems of oaths and allegiances to function and exist within the State of Western Australia, in breach of Statute Law. Such Law, the Constitution and Statute law is binding on all parties within the State of Western Australia to the original Contract.

PARTICULARS

8.1. SUPREME COURT ACT 1935 WA- SECT 42
Civil actions, trial with or without jury

Subject as hereinafter provided, if, on the application of any party to an action made not later than such time before the trial as may be limited by the Rules of Court, the Court or a Judge is satisfied that —

(a) a charge of fraud against that party;” or

(b) a claim in respect of libel, slander, malicious prosecution, false imprisonment, seduction, or breach of promise of marriage,

is in issue, the action shall, subject to the provisions of the Juries Act 1957, be tried by a jury, unless the Court or Judge is of opinion that the trial thereof requires any prolonged examination of documents or accounts or any scientific or local examination which cannot conveniently be made with a jury; but, save as aforesaid, any action may, subject to Rules of Court, in the discretion of the Court or a Judge, be ordered to be tried with or without a jury:

Provided that the provisions of this section shall be without prejudice to the power of the Court or a Judge to order, in accordance with the Rules of Court, that different questions of fact arising in any action be tried by different modes of trial, and where such order is made the provisions of this section requiring trial with a jury in certain cases shall have effect only as respects questions relating to such charge or claim as aforesaid.

8.2. CRIMINAL CODE ACT 1913 WA- SECT 409
Fraud

(1) Any person who, with intent to defraud, by deceit or any fraudulent means —

(a) obtains property from any person;

- (b) induces any person to deliver property to another person;
- (c) gains a benefit, pecuniary or otherwise, for any person;
- (d) causes a detriment, pecuniary or otherwise, to any person;
- (e) induces any person to do any act that the person is lawfully entitled to abstain from doing; or
- (f) induces any person to abstain from doing any act that the person is lawfully entitled to do,

is guilty of a crime and is liable—

- (g) if the person deceived is of or over the age of 60 years, to imprisonment for 10 years; or
- (h) in any other case, to imprisonment for 7 years.

Summary conviction penalty (subject to subsection (2)):

- (a) in a case to which paragraph (g) applies: imprisonment for 3 years or a fine of \$12 000; or
- (b) in a case to which paragraph (h) applies: imprisonment for 2 years or a fine of \$8 000.

- (2) If the value of—
 - (a) property obtained or delivered; or
 - (b) a benefit gained or a detriment caused; is more than \$10 000 the charge is not to be dealt with summarily.
- (3) It is immaterial that the accused person intended to give value for the property obtained or delivered, or the benefit gained, or the detriment caused.

8.3. CRIMES ACT 1914 - SECT 29A
False Pretences

- (1) Any person who, with intent to defraud, by any false pretence obtains from the Commonwealth or from any public authority under the Commonwealth any chattel, money, valuable security or benefit, shall be guilty of an offence
- (2) Any person who, with intent to defraud by false pretence causes or procures any money paid, or any chattel, valuable security or benefit to be delivered or given, by the Commonwealth or by any public authority under the Commonwealth to any person, shall be guilty of an offence

Penalty: Imprisonment for 5 years.

8.4. CRIMES ACT 1914 - SECT 29B
False Representation

Any person who imposes or endeavors to impose upon the Commonwealth or any public authority under the Commonwealth by any untrue representation, made in any manner whatsoever with a view to obtain money or any other benefit or advantage, shall be guilty of an offence

Penalty: Imprisonment for 2 years.

9. The First and Second Defendants agreeing together have breached the terms and conditions of the Contract (The Constitution Act 1889) after the Constitution Act 1889 WA, was included in the Federation movement, as such Section 106 of the Commonwealth Constitution is the primary binding clause to the agreement concerning State Constitutions and the Commonwealth Constitution.

PARTICULARS

**9.1. THE COMMONWEALTH CONSTITUTION - SECT 106
THE STATES
Saving of Constitutions**

106. 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.

**9.2. THE COMMONWEALTH CONSTITUTION - SECT 44
Disqualification**

44. 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

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

**9.3. THE COMMONWEALTH CONSTITUTION - SECT 44
Disqualification**

44. 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.

**9.4. THE COMMONWEALTH CONSTITUTION - SECT 7
The Senate**

7. The Senate shall be composed of senators for each State, directly chosen by the people of the State, voting, until the Parliament otherwise provides, as one electorate.

But until the Parliament of the Commonwealth otherwise provides, the Parliament of the State of Queensland, if that State be an Original State, may make laws dividing the State into divisions and determining the number of senators to be chosen for each division, and in the absence of such provision the State shall be one electorate.

Until the Parliament otherwise provides there shall be six senators for each Original State. The Parliament may make laws increasing or diminishing the number of senators for each State, *5* but so that equal representation of the several Original States shall be maintained and that no Original State shall have less than six senators.

The senators shall be chosen for a term of six years, and the names of the senators chosen for each State shall be certified by the Governor to the Governor-General.

*5*S. 7-The number of senators for each State was increased to 12 by the Representation Act 1983, s. 3.

**9.5. THE COMMONWEALTH CONSTITUTION - SECT 8
Application of Colonial Boundaries Act**

58 & 59 Vict c 34

8. After the passing of this Act the Colonial Boundaries Act, 1895, shall not apply to any colony which becomes a State of the Commonwealth; but the Commonwealth shall be taken to be a self-governing colony for the purposes of that Act.

**9.6. THE COMMONWEALTH CONSTITUTION - SECT 9
Method of election of senators**

9. The Parliament of the Commonwealth may make laws prescribing the method of choosing senators, but so that the method shall be uniform for all the States. Subject to any such

law, the Parliament of each State may make laws*6* prescribing the method of choosing the senators for that State. Times and places. The Parliament of a State may make laws*6* for determining the times and places of elections of senators for the State.

6 S. 9-The following State Acts have been passed in pursuance of the powers conferred by s. 9:

9.7. THE COMMONWEALTH CONSTITUTION - SECT 10
Application of State laws

10. Until the Parliament otherwise provides, but subject to this Constitution, the laws in force in each State, for the time being, relating to elections for the more numerous House of the Parliament of the State shall, as nearly as practicable, apply to elections of senators for the State.

9.8. THE COMMONWEALTH CONSTITUTION - SECT 11
Failure to choose senators

11. The Senate may proceed to the despatch of business, notwithstanding the failure of any State to provide for its representation in the Senate.

9.9. THE COMMONWEALTH CONSTITUTION - SECT 12
Issue of writs

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

9.10. THE COMMONWEALTH CONSTITUTION - SECT 13
Rotation of senators

Altered by No. 1, 1907, s. 2.

13. As soon as may be after the Senate first meets, and after each first meeting of the Senate following a dissolution thereof, the Senate shall divide the senators chosen for each State into

two classes, as nearly equal in number as practicable; and the places of the senators of the first class shall become vacant at the expiration of three years, and the places of those of the second class at the expiration of six years, from the beginning of their term of service; and afterwards the places of senators shall become vacant at the expiration of six years from the beginning of their term of service. The election to fill vacant places shall be made within one year before the places are to become vacant. For the purposes of this section the term of service of a senator shall be taken to begin on the first day of July following the day of his election, except in the cases of the first election and of the election next after any dissolution of the Senate, when it shall be taken to begin on the first day of July preceding the day of his election.

9.11. THE COMMONWEALTH CONSTITUTION - SECT 16
Qualifications of senator

16. The qualifications of a senator shall be the same as those of a member of the House of Representatives.

9.12. THE COMMONWEALTH CONSTITUTION - SECT 24
THE HOUSE OF REPRESENTATIVES
Constitution of House of Representatives

24. The House of Representatives shall be composed of members directly chosen by the people of the Commonwealth, and the number of such members shall be, as nearly as practicable, twice the number of the senators.

The number of members chosen in the several States shall be in proportion to the respective numbers of their people, and shall, until the Parliament otherwise provides, be determined, whenever necessary, in the following manner:-

- (i) A quota shall be ascertained by dividing the number of the people of the Commonwealth, as shown by the latest statistics of the Commonwealth, by twice the number of the senators:

- (ii) The number of members to be chosen in each State shall be determined by dividing the number of the people of the State, as shown by the latest statistics of the Commonwealth, by the quota; and if on such division there is a remainder greater than one-half of the quota, one more member shall be chosen in the State.

But notwithstanding anything in this section, five members at least shall be chosen in each Original State.

9.13. THE COMMONWEALTH CONSTITUTION - SECT 30
Qualification of electors

30. Until the Parliament otherwise provides, the qualification of electors of members of the House of Representatives shall be in each State that which is prescribed by the law of the State as the qualification of electors of the more numerous House of Parliament of the State; but in the choosing of members each elector shall vote only once.

9.14. THE COMMONWEALTH CONSTITUTION - SECT 31
Application of State laws

31. Until the Parliament otherwise provides, but subject to this Constitution, the laws in force in each State for the time being relating to elections for the more numerous House of the Parliament of the State shall, as nearly as practicable, apply to elections in the State of members of the House of Representatives.

9.15. THE COMMONWEALTH CONSTITUTION - SECT 32
Writs for general election

32. The Governor-General in Council may cause writs to be issued for general elections of members of the House of Representatives. After the first general election, the writs shall be issued within ten days from the expiry of a House of Representatives or from the proclamation of a dissolution thereof.

9.16. THE COMMONWEALTH CONSTITUTION - SECT 34
Qualifications of members

34. Until the Parliament otherwise provides, the qualifications of a member of the House of Representatives shall be as follows:-

- (i) He must be of the full age of twenty-one years, and must be an elector entitled to vote at the election of members of the House of Representatives, or a person qualified to become such elector, and must have been for three years at the least a resident within the limits of the Commonwealth as existing at the time when he is chosen:
- (ii) He must be a subject of the Queen, either natural-born or for at least five years naturalized under a law of the United Kingdom, or of a Colony which has become or becomes a State, or of the Commonwealth, or of a State.

9.17. THE COMMONWEALTH CONSTITUTION - SECT 41
BOTH HOUSES OF THE PARLIAMENT
Right of electors of States

41. No adult person who has or acquires a right to vote at elections for the more numerous House of the Parliament of a State shall, while the right continues, be prevented by any law of the Commonwealth from voting at elections for either House of the Parliament of the Commonwealth.

10. The first and second Defendant in collusion operating under the colour of State authority have contributed to the alteration of the original structure of Section 42, Commonwealth Constitution without the consent of the electors according to the conditions laid out in Section 128 of the Commonwealth Constitution.

PARTICULARS

10.1. THE COMMONWEALTH CONSTITUTION - SECT 42
Oath or affirmation of allegiance

42. Every senator and every member of the House of Representatives shall before taking his seat make and subscribe before the Governor-General, or some person authorized by him, an oath or affirmation of allegiance in the form set forth in the schedule to this Constitution.

10.2. MASONIC OATH – ENTERED APPRENTICE

In the presence of the great architect of the universe, and of this worthy, worshipful and warranted lodge of free and accepted masons, regularly assembled properly dedicated of my own free will and accord do hereby (v m touches candidates right hand with his left hand and hereon (v m touches The Bible with his left hand) sincerely and solemnly promise and swear that I will always hele, conceal and never reveal.

These secret points I solemnly swear to observe, without evasion, equivocation, or mental reservation of any kind, under no less a penalty, on the violation of any of them, than that of having my throat cut across, my tonguetorn out by the root, and buried in the sand of the sea at low water mark, or a cable's length from the shore, where the tide regularly ebbs and flows twice in twenty four hours or...

What you have repeated may be considered but a serious promise; as a pledge of your fidelity and to render it a solemn obligation, you will seal it with your lips on the volume of the sacred law. (The Bible)

10.3. MASONIC OATH – FELLOWCRAFT

In the presence of the grand geometrician of the universe, and of this worthy and worshipfullodge of fellow craft Freemasons, regularly held, assembled, and properly dedicated, of my own free will and accord do hereby (the worshipful master touches candidate's right hand with his left). And hereon (Worshipful Master touches The Bible with his left hand) solemnly promise and swear that I will always hele, conceal and never improperly

reveal, any or either of the secrets or mysteries of or belonging to the second degree in Freemasonry.....

These several points I solemnly swear to observe, without evasion, equivocation, or mental reservation of any kind, under no less a penalty, on the violation of any of them, than that of having my left breast laid open, my heart torn there from, and given to the ravenous birds of the air, or devouring beasts of the field as a prey, so help me almighty god, and keep me steadfast in this my solemn obligation of a Fellow Craft Freemason. Worshipful Master.....As a pledge of your fidelity, and to render this a solemn obligation which might otherwise be considered a serious promise, you will seal it with your lips twice on the volume of the sacred law (The Bible)

10.4. MASONIC OATH – MASTER MASON

I...in the presence of the most high, and of this worthy and worshipful lodge of master masons, duly constituted, regularly assembled, and properly dedicated, of my own free will and accord, do hereby (Worshipful Master touches candidate's hands with his left hand) and hereon (Worshipful Master touches The Bible with his left hand) most solemnly promise and swear that I will always hele, conceal, and never reveal any or either of the secrets or mysteries of or belonging to the degree of a Master Mason to anyone in the world.....

All these points I solemnly swear to observe, without evasion, equivocation, or mental reservation of any kind, under no less a penalty, on the violation of any of them, than that of being severed in two, my bowels burned to ashes, and those ashes scattered over the face of the earth and wafted by the four cardinal winds of heaven, that no trace or remembrance of so vile a wretch may no longer be found among men, particularly master masons so help me the most high, and keep me steadfast in this my solemn obligation of a master mason.

Worshipful Master.....as a pledge of your fidelity and to render this binding as a solemn obligation for so long as you shall live, you will seal it with your lips thrice on the volume of the sacred law (The Bible)

10.5. Holly Royal Arch Degree Obligation; (Ritual book page 52).

I, ... A.B.... of .my own free will and accord, in the presence of Almighty God and of this Royal Arch Chapter, do most solemnly promise and swear, in addition to all my former obligations, that I will never reveal any of the secrets, parts or points of the Degree of Royal Arch Mason to anyone of an inferior Degree, until he comes by them in a lawful manner as I am now about to do, unless in the body of a lawfully constituted R.A. Chapter. Nor will I be aiding or assisting in the exaltation of anyone to this Degree unless at least seven R.A. Masons be present, convened under proper authority for that purpose. That I will never pronounce, nor assist in pronouncing the Grand R.A. Word, whether in a Chapter or out of it, except in the manner customary with the Order. That I will pay due obedience to the constitution and laws of the Supreme Grand R. A. Chapter of Scotland. That I will obey the office bearers and by-laws of this the R.A. Chapter, No. ..., which I will always acknowledge to be my Mother Chapter. That I will acknowledge and obey all signs and summonses sent to me from a regularly constituted R.A. Chapter, provided the same do not interfere with my other duties and avocations. That I will assist all poor and distressed R.A. Companions to the utmost of my power, in so far as I can do so without detriment to myself or family. All this I swear to observe without equivocation or mental reservation under no less a penalty than that... (31)... (of having the crown of my head struck off, and my brains taken out and burnt to ashes), and may the Most High keep me steadfast in this the great and solemn obligation of a Royal Arch Mason. You will now seal this obligation by saluting (kissing) the V.S.L. (Volume of the Sacred Law) seven times with your lips. Rise, duly obligated Royal Arch Mason.

10.6. Installation of Most Wise Sovereign (M.W.S.). 18th. (Ritual book, page 106).

I, ..., in the presence of the Ever-Blessed and Glorious Trinity, do solemnly promise hereon that I shall discharge the duties of Most Wise Sovereign in this the Sovereign Chapter No..... on the Roll of the Supreme Council for Scotland,

faithfully, zealously, conscientiously and to the best of my ability until a successor shall have been regularly elected and installed in my stead. That I shall uphold and maintain the principles and tenets of this Order and conduct the ceremonies of the Degrees authorised to this Sovereign Chapter, only in the manner prescribed for diem by the Supreme Council for Scotland. That I shall always acknowledge my allegiance and that of this Sovereign Chapter, whilst inits chair, to dial Supreme Council and do all in my power to promote die best interests of diis Order. And, lastly, that I shall conform to die constitution and Laws of die Supreme Council for Scotland current for die time and, in so far as not contrary dereto, and any By-laws in force for this Sovereign Chapter. So help me God and die mediation of die Ever-Blessed Rose. Kiss die Book once and rises.

**10.7. The Grand Imperial Council For Australia.
Order of Knights of Rome -The Red Cross of Constantine.
(Obligation. Ritual book, page 41-42).**

I,..... in the presence of the Trinity in Unity, and of the Conclave of Knights here assembled, solemnly swear never to disclose to any of the children of men, unless to Knights faithful and true, those ancient secrets or mysteries which lawfully appertain to the Order of Knights of Rome and the Red Cross of Constantine. I likewise solemnly pledge myself to maintain and support the Constitutions and Laws of die Grand Imperial Council for Australia, to obey the lawful commands of the M.P.S. (Most Puissant Sovereign), or of his Viceroy, the Eminent Knight Eusebius, and at all times to hail and recognise the symbol of our faith, when worn by a Knight of the Order. My Brother, are you willing to accept this as your Obligation? I am. Then you will repeat: I,..... solemnly swear fidelity, so help me the Indivisible Trinity, and keep me steadfast in this the sacred obligation of a Knight of Rome and the Red Cross of Constantine. As a pledge of inviolable fidelity, you will seal this obligation on the Holy Testament. Candidate kisses the Holy Testament once.

**10.8. THE COMMONWEALTH CONSTITUTION - SECT 44
Disqualification**

44. Any person who-

- (v) Has any direct or indirect pecuniary interest in any agreement with the Public Service of the Commonwealth otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons:

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

**10.9. COMMONWEALTH CONSTITUTION - SECT 45
Vacancy on happening of disqualification**

45. If a senator or member of the House of Representatives

- (i) Becomes subject to any of the disabilities mentioned in the last preceding section: or
- (ii) Takes the benefit, whether by assignment, composition, or otherwise, of any law relating to bankrupt or insolvent debtors: or
- (iii) Directly or indirectly takes or agrees to take any fee or honorarium for services rendered to the Commonwealth, or for services rendered in the Parliament to any person or State: his place shall thereupon become vacant.

**10.10. THE COMMONWEALTH CONSTITUTION - SECT 46
Penalty for sitting when disqualified**

46. Until the Parliament otherwise provides, any person declared by this Constitution to be incapable of sitting as a senator or as a member of the House of Representatives shall, for every day on which he so sits, be liable to pay the sum of

one hundred pounds to any person who sues for it in any court of competent jurisdiction.

11. It is understood and accepted by the Plaintiffs that Section 49 of the Commonwealth Constitution binds both the first and the second Defendants.

PARTICULARS

11.1. THE COMMONWEALTH CONSTITUTION - SECT 49 Privileges, &c. of Houses

49. The powers, privileges, and immunities of the Senate and of the House of Representatives, and of the members and the committees of each House, shall be such as are declared by the Parliament, and until declared shall be those of the Commons House of Parliament of the United Kingdom, and of its members and committees, at the establishment of the Commonwealth.

11.2. Bill of Rights 1688 (House of Commons / Lords) extracted Imperial Acts Application Act 1980 Act No. 9426/1980

1. By assuming and exercising a power of dispensing with and suspending of laws, and the execution of laws, without consent of parliament.

2. By committing and prosecuting divers worthy prelates, for humbly petitioning to be excused from concurring to the said assumed power.

3. By issuing and causing to be executed a commission under the great seal for erecting a court called, the court of commissioners for ecclesiastical causes.

4. By levying money for and to the use of the crown, by pretence of prerogative, for other time, and in other manner, than the same was granted by parliament.

5. By raising and keeping a standing army within this kingdom in time of peace, without consent of parliament, and quartering soldiers contrary to law.

6. By causing several good subjects, being protestants, to be disarmed, at the same time when papists were both armed and employed, contrary to law.

7. By violating the freedom of election of members to serve in parliament.

8. By prosecutions in the court of King's bench, for matters and causes cognizable only in parliament; and by divers other arbitrary and illegal courses.

9. And whereas of late years, partial, corrupt, and unqualified persons have been returned and served on juries in trials, and particularly divers jurors in trials for high treason, which were not freeholders.

10. And excessive bail hath been required of persons committed in criminal cases, to elude the benefit of the laws made for the liberty of the subjects.

11. And excessive fines have been imposed; and illegal and cruel punishments inflicted.

12. And several grants and promises made of fines and forfeitures, before any conviction or judgement against the persons, upon whom the same were to be levied.

**11.3. Bill of Rights 1688 (House of Commons / Lords) extracted
Imperial Acts Application Act 1980 Act No. 9426/1980
Inclusive Clauses 1 to 13**

1. That the pretended power of suspending the laws,

or the execution of laws, by regal authority, without consent of parliament, is illegal.

2. That the pretended power of dispensing with laws, or the execution of laws, by regal authority, as it hath been assumed and exercised of late, is illegal.

3. That the commission for erecting the late court of commissioners for ecclesiastical causes, and all other commissions and courts of like nature are illegal and pernicious.

4. That levying money for or to the use of the crown, by pretence of prerogative, without grant of parliament, for longer time, or in other manner than the same is or shall be granted, is illegal.

5. That it is the right of the subjects to petition the King, and all commitments and prosecutions for such petitioning are illegal.

6. That the raising or keeping a standing army within the kingdom in time of peace, unless it be with consent of parliament, is against law.

7. That the subjects which are protestants, may have arms for their defence suitable to their conditions, and as allowed by law.

8. That election of members of parliament ought to be free.

9. That the freedom of speech, and debates or proceedings in parliament, ought not to be impeached or questioned in any court or place out of parliament.

10. That excessive bail ought not to be required, nor excessive fines imposed; nor cruel and unusual punishments inflicted.

11. That jurors ought to be duly impanelled and returned.
12. That all grants and promises of fines and forfeitures of particular persons before conviction, are illegal and void.
13. And that for redress of all grievances, and for the amending, strengthening, and preserving of the laws, parliaments ought to be held frequently.
12. Both the first and second named Defendants are in breach of various Sections of the Commonwealth Constitution by permitting this second set of Laws and Oaths without lawful authority or public consent.

PARTICULARS

**12.1. THE COMMONWEALTH CONSTITUTION - SECT 51
POWERS OF THE PARLIAMENT
Legislative powers of the Parliament**

51. The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:-

**12.2. THE COMMONWEALTH CONSTITUTION - SECT 61
THE EXECUTIVE GOVERNMENT
Executive power**

61. The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen's representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth.

**12.3. THE COMMONWEALTH CONSTITUTION - SECT 64
Ministers of State**

64. The Governor-General may appoint officers to administer such departments of State of the Commonwealth as the Governor-General in Council may establish. Such officers shall hold office during the pleasure of the Governor-General. They shall be members of the Federal Executive Council, and shall be the

Queen's Ministers of State for the Commonwealth. Ministers to sit in Parliament. After the first general election no Minister of State shall hold office for a longer period than three months unless he is or becomes a senator or a member of the House of Representatives.

**12.4. THE COMMONWEALTH CONSTITUTION - SECT 65
Number of Ministers**

65. Until the Parliament otherwise provides, the Ministers of State shall not exceed seven in number, and shall hold such offices as the Parliament prescribes, or, in the absence of provision, as the Governor-General directs.

**12.5. THE COMMONWEALTH CONSTITUTION - SECT 67
Appointment of civil servants**

67. Until the Parliament otherwise provides, the appointment and removal of all other officers of the Executive Government of the Commonwealth shall be vested in the Governor-General in Council, unless the appointment is delegated by the Governor-General in Council or by a law of the Commonwealth to some other authority.

**12.6. THE COMMONWEALTH CONSTITUTION - SECT 70
Certain powers of Governors to vest in Governor-General**

70. In respect of matters which, under this Constitution, pass to the Executive Government of the Commonwealth, all powers and functions which at the establishment of the Commonwealth are vested in the Governor of a Colony, or in the Governor of a

Colony with the advice of his Executive Council, or in any authority of a Colony, shall vest in the Governor-General, or in the Governor-General in Council, or in the authority exercising similar powers under the Commonwealth, as the case requires.

12.7. The current Governor-General of the Commonwealth of Australia Major General Michael Jeffery, the former Governor of Western Australia, is a current Freemason, bound by Masonic Law and Oaths. Such law and Oaths not known by the public

12.8. CONSTITUTION ACT 1889 WA Section 50

(1) The Queen's representative in Western Australia is the Governor who shall hold office during Her Majesty's pleasure.

(2) Abolition of or alteration in the office of Governor shall not be effected by an Act of the Parliament except in accordance with section 73(2).

(3) In this Act and in every other Act a reference to the Governor shall be taken —

(a) to be a reference to the person appointed for the time being by the Queen by Commission under Her Majesty's Royal Sign Manual to the office of Governor of the State of Western Australia; and

(b) to include any other person appointed by dormant or other Commission under the Royal Sign Manual to administer the Government of the State of Western Australia; and

(c) to also include any other person exercising, by virtue of an appointment by the Governor in accordance with Letters Patent, any powers and authorities of the Governor.

12.9. CONSTITUTION ACT 1889 WA Section 51

In section 50 the expression "Royal Sign Manual" means the signature or royal hand of the Sovereign.

12.10. CONSTITUTION ACT 1889 WA Section 2

(1) There shall be, in place of the Legislative Council now subsisting, a Legislative Council and a Legislative Assembly: and it shall be lawful for Her Majesty, by and with the advice and consent of the said Council and Assembly, to make laws for the peace, order, and good Government of the Colony of Western Australia and its Dependencies: and such Council and Assembly shall, subject to the provisions of this Act, have all the powers and functions of the now subsisting Legislative Council.

(2) The Parliament of Western Australia consists of the Queen and the Legislative Council and the Legislative Assembly.

(3) Every Bill, after its passage through the Legislative Council and the Legislative Assembly, shall, subject to section 73, be presented to the Governor for assent by or in the name of the Queen and shall be of no effect unless it has been duly assented to by or in the name of the Queen.

12.11. CONSTITUTION ACT 1889 WA Section 3

It shall be lawful for the Governor to fix the place and time for holding the first and every other session of the Legislative Council and Legislative Assembly, and from time to time to vary the same as he may judge advisable, giving sufficient notice thereof: and also to prorogue the Legislative Council and Legislative Assembly from time to time, and to dissolve the Legislative Assembly by Proclamation or otherwise whenever he shall think fit.

13. Both Defendants are bound by the judicial power of the Commonwealth, under Section 71, Commonwealth Constitution. Additionally Constitution Act 1889 WA part IV and part V

PARTICULARS

**13.1. THE COMMONWEALTH CONSTITUTION - SECT 71
THE JUDICATURE**

Judicial power and Courts

71. The judicial power of the Commonwealth shall be vested in a Federal Supreme Court, to be called the High Court of Australia, and in such other federal courts as the Parliament creates, and in such other courts as it invests with federal jurisdiction. The High Court shall consist of a Chief Justice, and so many other Justices, not less than two, as the Parliament prescribes.

13.2. CONSTITUTION ACT 1889 WA Part IV

Section 54. The Commissions of the present Judges of the Supreme Court and of all future Judges thereof shall be, continue, and remain in full force during their good behaviour, notwithstanding the demise of Her Majesty (whom may God long preserve), any law, usage, or practice to the contrary notwithstanding.

Section 55. It shall be lawful nevertheless for Her Majesty to remove any such Judge upon the Address of both Houses of the Legislature of the Colony

13.3. CONSTITUTION ACT 1889 WA Part V

Section 57 All laws, statutes, and ordinances which at the commencement of this Act are in force within the Colony shall until repealed or varied by any Act of the Legislature continue to be of the same force, authority, and effect as if this Act had not been passed, except in so far as the same are repugnant to this Act (in which case they are to that extent hereby amended and repealed as necessary).

Section 58 All Courts of Civil and Criminal Jurisdiction, and all legal commissions, powers, and authorities, and allofficers, judicial, administrative, or ministerial, within the Colony at the commencement of this Act shall except in so far as they are

abolished, altered, or varied by this or any future Act of the Legislature of the Colony or other competent authority, continue to subsist in the same form and with the same effect as if this Act had not been passed.

13.4. CRIMES ACT 1914 - SECT 34
Judge or magistrate acting oppressively or when interested

- (1) Any person who:
- (b) being a judge or magistrate, intentionally and perversely exercises federal jurisdiction in any matter in which he has a personal interest;

shall be guilty of an offence.

Penalty: Imprisonment for 2 years.

13.5. CRIMINAL CODE ACT 1913 WA - SECT 139
Justices acting when personally interested

Any person who —

- (2) Being a justice, wilfully and perversely exercises jurisdiction in any matter in which he has a personal interest;

is guilty of a misdemeanour, and is liable to imprisonment for 2 years.

13.6. CRIMINAL CODE ACT 1913 WA Appendix B

An Act to establish a Code of Criminal Law.

Preamble

Whereas it is desirable to declare and consolidate the Criminal Law: Be it enacted and declared by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:

13.7. CRIMINAL CODE ACT 1913 WA Section 4

When a person, intending to commit an offence, begins to put his intention into execution by doing an act that is more than merely preparatory to the commission of the offence but does not fulfil his intention to such an extent as to commit the offence, he is said to attempt to commit the offence.

It is immaterial, except so far as regards punishment, whether the offender does all that is necessary on his part for completing the commission of the offence, or whether the complete fulfilment of his intention is prevented by circumstances independent of his will, or whether he desists of his own motion from the further prosecution of his intention.

It is immaterial that by reason of circumstances not known to the offender, it is impossible in fact to commit the offence.

The same facts may constitute one offence and an attempt to commit another offence.

13.8. CRIMINAL CODE ACT 1913 WA Section 7

When an offence is committed, each of the following persons is deemed to have taken part in committing the offence and to be guilty of the offence, and may be charged with actually committing it, that is to say—

(a) Every person who actually does the act or makes the omission which constitutes the offence;

(b) Every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;

(c) Every person who aids another person in committing the offence;

(d) Any person who counsels or procures any other person to commit the offence.

13.9. CRIMINAL CODE ACT 1913 WA Section 13

When an offence under this Code or any other law of Western Australia is committed, section 7 of this Code applies to a person even if all the acts or omissions of the person in—

- (a) enabling or aiding another person to commit the offence;
 - (b) aiding another person in committing the offence; or
 - (c) counselling or procuring another person to commit the offence,
- occurred outside Western Australia.

13.10. CRIMINAL CODE ACT 1913 WA Section 9

When a person counsels another to commit an offence, and an offence is actually committed after such counsel by the person to whom it is given, it is immaterial whether the offence actually committed is the same as that counselled or a different one, or whether the offence is committed in the way counselled, or in a different way, provided in either case that the acts constituting the offence actually committed are a probable consequence of carrying out the counsel.

In either case the person who gave the counsel is deemed to have counselled the other person to commit the offence actually committed by him.

13.11. CRIMINAL CODE ACT 1913 WA Section 10

(1) A person who, knowing that another person has committed an offence, receives or assists that other person in order to enable that other person to escape punishment is said to become an accessory after the fact to the offence.

(2) A person does not become an accessory after the fact to an offence committed by the person's spouse by receiving or assisting that spouse.

13.12. CRIMINAL CODE ACT 1913 WA Section 115

The acts of authorised agents of candidates are, in matters connected with elections, deemed to be the acts of their principals, unless it be proved that such acts were committed without their knowledge or consent, and that they had neither directly nor indirectly sanctioned, countenanced, nor approved of the same in any way.

13.13. CRIMINAL CODE ACT 1913 WA Section 116

Every person is liable for an illegal practice committed directly or indirectly by himself, or by any other person on his behalf, except as mentioned in the last preceding section.

13.14. CRIMINAL CODE ACT 1913 WA Section 546.(1)

The word "**agent**" shall include any corporation or other person acting or having been acting or desirous or intending to act for or on behalf of any corporation or other person, whether as agent, partner, co-owner, clerk, servant, employee, banker, broker, auctioneer, architect, clerk of works, engineer, solicitor, surveyor, buyer, salesman, foreman, trustee, executor, administrator, liquidator, trustee in bankruptcy or of a deed of arrangement, receiver, director, manager or other officer or member of committee or governing body of any corporation, club, partnership, or association, or in any other capacity, either alone or jointly with any other person, and whether in his own name or in the name of his principal, or otherwise; and a person serving under the Crown is an agent within the meaning of this chapter:

13.15. All Judicial Officers who have taken Masonic Oaths breach their duty of Office and as such have contributed to the Primary breach of Contract (The Western Australian Constitution)

14. Within the State of Western Australia and the Commonwealth the Constitutional allegiance is to Her Majesty, whereas within the Grand Lodge Freemasonry the allegiance is to the Supreme Council and Grand Lodge.

PARTICULARS

14.1. COMMONWEALTH CONSTITUTION - SCHEDULE

OATH

I, A.B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law. SO HELP ME GOD)

AFFIRMATION.

I, A.B., do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law. (NOTE: The name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being is to be substituted from time to time.)

14.2. CONSTITUTION ACT 1889 WA- Schedule E Section 22

OATH

I, , do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors, according to law. So help me God.

AFFIRMATION

I, , do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors, according to law.

14.3. CRIMINAL CODE ACT 1913 WA- SECT 48

Other unlawful oaths to commit offences

Any person who —

(1) 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—

- (g) 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

(2) Takes any such oath or engagement, not being compelled to do so; or

(3) Attempts to induce any person to take any such oath or engagement;
is guilty of a crime, and is liable to imprisonment for 7 years.

14.4. Installation of Most Wise Sovereign (M.W.S.). 18th. (Ritual book, page 106).

I, ..., in the presence of the Ever-Blessed and Glorious Trinity, do solemnly promise hereon that I shall discharge the duties of Most Wise Sovereign in this the Sovereign Chapter No..... on the Roll of the Supreme Council for Scotland, faithfully, zealously, conscientiously and to the best of my ability until a successor shall have been regularly elected and installed in my stead. That I shall uphold and maintain the principles and tenets of this Order and conduct the ceremonies of the Degrees authorised to this Sovereign Chapter, only in the manner prescribed for diem by the **Supreme Council for Scotland** **That I shall always acknowledge my allegiance and that of this Sovereign Chapter**, whilst in its chair, to dial Supreme Council and do all in my power to promote die best interests of diis Order. And, lastly, that I shall conform to die constitution and Laws of die Supreme Council for Scotland current for die time and, in so far as not contrary diereto, and any Bylaws in force for this Sovereign Chapter. Soh help me God and die mediation of die Ever-Blessed Rose. Kiss die Book once and rises.

15. Both the First Defendant and Second Defendant have disobeyed Statute Law and violated their duty of care to the Plaintiffs and the public, by permitting the second set of Laws and Oaths.

PARTICULARS

15.1. CRIMINAL CODE ACT 1913 WA - SECT 177
Disobedience to statute law

177 . Disobedience to statute law

Any person who, without lawful excuse, the proof of which lies on him, does any act which he is, by the provisions of any public statute in force in Western Australia, forbidden to do or omits to do any act which he is, by the provisions of any such statute, required to do, is guilty of a misdemeanour, unless some mode of proceeding against him for such disobedience is expressly provided by statute, and is intended to be exclusive of all other punishment.

The offender is liable to imprisonment for one year.

15.2. CRIMINAL CODE ACT 1913 WA - SECT 121
Judicial corruption

Any person who —

(1) Being the holder of a judicial office, corruptly asks, receives, or obtains, or agrees or attempts to receive or obtain any property or benefit of any kind for himself or any other person on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him in his judicial capacity; or

(2) Corruptly gives, confers, or procures, or promises or offers to give or confer, or to procure or attempt to procure to, upon, or for any person holding a judicial office, or to, upon, or for any other person, any property or benefit of any kind on account of any such act or omission on the part of the person holding the judicial office;

is guilty of a crime, and is liable to imprisonment for 14 years.

The term "holder of a judicial office" in this section includes an arbitrator or umpire and any member of any board or court of conciliation or arbitration; but in the case of an offence committed by or with respect to any such person, the longest term of imprisonment is 7 years.

A prosecution for an offence under paragraph (1) can not be begun except —

- (a) by a public officer acting in the course of his duties; or
- (b) by or with the consent of the Attorney General.

15.3. CRIMINAL CODE ACT 1913 WA - SECT 122
Official corruption not judicial but relating to offences

Any person who —

(1) Being a justice not acting judicially, or being a person employed in the Public Service in any capacity not judicial, for the prosecution or detention or punishment of offenders, corruptly asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person, on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him, with a view to corrupt or improper interference with the due administration of justice, or the procurement or facilitation of the commission of any offence, or the protection of any offender or intending offender from detection or punishment; or

(2) Corruptly gives, confers, or procures, or promises or offers to give or confer, or to procure or attempt to procure, to, upon, or for any such person, or to, upon, or for any other person, any property or benefit of any kind, on account of any such act or omission on the part of the justice or other person so employed;

is guilty of a crime, and is liable to imprisonment for 14 years.

15.4. CRIMINAL CODE ACT 1913 WA - SECT 136

Compounding or concealing crimes

Any person who asks, receives, or obtains, or agrees, or attempts to receive or obtain, any property or benefit of any kind for himself or any other person, upon any agreement or understanding that he will compound or conceal a crime, or will abstain from, discontinue, or delay, a prosecution for a crime, or will withhold any evidence thereof, is guilty of an a crime and is liable to

Imprisonment for 7 years.

15.5. CRIMINAL CODE ACT 1913 WA - SECT 556 Attempts to procure commission of criminal acts

Any person who attempts to procure another to do any act or make any omission, whether in Western Australia or elsewhere, of such a nature that, if the act were done or the omission were made, an offence would thereby be committed under the laws of Western Australia, or the laws in force in the place where the act or omission is proposed to be done or made, whether by himself or by that other person, is guilty of an offence of the same kind, and is liable to the same punishment as if he had himself attempted to do the same act or make the same omission in Western Australia. Provided that if the actor omission is proposed to be done or made at a place not in Western Australia, the punishment cannot exceed that which he would have incurred under the laws in force where the act or omission was proposed to be done or made, if he had himself attempted to do the proposed act or make the proposed omission. Provided also, that in the last-mentioned case, a prosecution cannot be instituted except at the request of the Government of the State having jurisdiction in the place where the act or omission was proposed to be done or made.

15.6. CRIMES ACT 1914 - SECT 4C Offences under 2 or more laws

(1) Where an act or omission constitutes an offence:

- (a) under 2 or more laws of the Commonwealth; or
- (b) both under a law of the Commonwealth and at common law;

the offender shall, unless the contrary intention appears, be liable to be prosecuted and punished under either or any of those laws of the Commonwealth or at common law, but shall not be liable to be punished twice for the same act or omission.

- (2) Where an act or omission constitutes an offence under both:
 - (a) a law of the Commonwealth and a law of a State; or
 - (b) a law of the Commonwealth and a law of a Territory;

and the offender has been punished for that offence under the law of the State or the law of the Territory, as the case may be, the offender shall not be liable to be punished for the offence under the law of the Commonwealth.

- (3) Where an act or omission constitutes an offence against a law of a Territory, the validity of that law is not affected merely because the act or omission also constitutes an offence against a law of the Commonwealth.

16. Both the first named Defendant and second named Defendant breach Statute Law concerning perjury on the simple fact that the legal court oath and the act of swearing or affirming affidavits or to the truth of a matter are both compromised and destroyed with the content and intent of Masonic oaths to "*Hele Conceal and never Reveal*".

PARTICULARS

16.1. MASONIC OATH – ENTERED APPRENTICE

In the presence of the great architect of the universe, and of this worthy, worshipful and warranted lodge of free and accepted masons, regularly assembled properly dedicated of my own free will and accord do hereby (v m touches candidates right hand

with his left hand and hereon (v m touches The Bible with his left hand) sincerely and solemnly promise and swear that will always hele, conceal and never reveal.

These secret points I solemnly swear to observe, without evasion, equivocation, or mental reservation of any kind, under no less a penalty, on the violation of any of them, than that of having my throat cut across, my tongue torn out by the root, and buried in the sand of the sea at low water mark, or a cable's length from the shore, where the tide regularly ebbs and flows twice in twenty four hours or...

What you have repeated may be considered but a serious promise; as a pledge of your fidelity and to render it a solemn obligation, you will seal it with your lips on the volume of the sacred law. (The Bible)

16.2. CRIMINAL CODE ACT 1913 WA - SECT 124
Perjury

Any person who, in any judicial proceeding, or for the purpose of instituting any judicial proceeding, knowingly gives false testimony touching any matter which is material to any question then depending in that proceeding, or intended to be raised in that proceeding, is guilty of a crime which is called perjury. It is immaterial whether the testimony is given on oath or under any other sanction authorized by law. The forms and ceremonies used in administering the oath or in otherwise binding the person giving the testimony to speak the truth are immaterial, if he assents to the forms and ceremonies actually used. It is immaterial whether the false testimony is given orally or in writing. It is immaterial whether the court or tribunal is properly constituted, or is held in the proper place, or not, if it actually acts as a court or tribunal in the proceeding in which the testimony is given. It is immaterial whether the person who gives the testimony is a competent witness or not, or whether the testimony is admissible in the proceeding or not.

16.3. CRIMINAL CODE ACT 1913 WA - SECT 125
Penalty for perjury

Any person who commits perjury is liable to imprisonment for 14 years. If the offender commits the crime in order to procure the conviction of another person for a crime punishable with strict security life imprisonment, or with imprisonment for life, he is liable to imprisonment for life.

[Section 125 amended by No. 52 of 1984 s.14; No. 51 of 1992 s.16(2).]

16.4. CRIMES ACT 1914 - SECT 35
Giving false testimony

- (1) Any person who, in any judicial proceeding, or with the intention of instituting any judicial proceeding, intentionally gives false testimony touching any matter, material in that proceeding, shall be guilty of an indictable offence.

Penalty: Imprisonment for 5 years.

- (1A) For the purposes of an offence against subsection (1), strict liability applies to the physical element of circumstance of the offence, that the matter is material in the proceeding.

Note: For strict liability, see section 6.1 of the Criminal Code .

- (2) For the purpose of this section it is immaterial whether the testimony was given on oath or not on oath, or was given orally or in writing, or whether the court or tribunal to which it was given was properly constituted or was held in the proper place, or whether the person who gave the testimony was a competent witness or not, or whether the testimony was admissible or not.

17. The First and Second named Defendant have colluded and conspired together to pervert and alter normal and acceptable justice by permitting two sets of Oaths and Allegiances to exist at the same time.

PARTICULARS

17.1. CRIMINAL CODE ACT 1913 WA - SECT 135
Conspiring to defeat justice

Any person who conspires with another to obstruct, prevent, pervert, or defeat the course of justice is guilty of a crime, and is liable to imprisonment for 7 years.

17.2. CRIMINAL CODE ACT 1913 WA - SECT 558
Conspiracies to commit indictable offences

(1) Any person who conspires with another person—

- (a) to commit any indictable offence; or
- (b) to do any act or make any omission in any part of the world which, if done or made in Western Australia, would be an indictable offence and which is an offence under the laws in force in the place where it is proposed to be done or made,

is guilty of an indictable offence.

(2) The punishment to which a person is liable for an offence under subsection (1) of conspiring with another person to commit an indictable offence, or to do any act or make any omission which if done or made in Western Australia would be an indictable offence, is—

- (a) where that indictable offence is punishable by imprisonment for 14 years or more than 14 years — imprisonment for 14 years;
- (b) in any other case— a punishment equal to the greatest punishment to which a person convicted of that indictable offence is liable.

- (3) Without limiting subsections (1) and(2), the application of those subsections extends to a conspiracy under which an offence is to be committed, or an act or omission done or made, by a person other than the persons conspiring with each other.

17.3. CRIMES ACT 1914- SECT 42
Conspiracy to defeat justice

- (1) Any person who conspires with another to obstruct, prevent, pervert, or defeat, the course of justice in relation to the judicial power of the Commonwealth, shall be guilty of an indictable offence.

Penalty: Imprisonment for 5 years.

- (2) For the purposes of an offence against subsection (1), absolute liability applies to the physical element of circumstance of the offence, that the judicial power is of the Commonwealth.

Note: For absolute liability , see section 6.2 of the Criminal Code .

- (3) For a person to be guilty of an offence against subsection (1):
- (a) the person must have entered into an agreement with one or more other persons; and
 - (b) the person and at least one other party to the agreement must have intended to obstruct, prevent, pervert or defeat the course of justice pursuant to the agreement; and
 - (c) the person or at least one other party to the agreement must have committed an overt act pursuant to the agreement.

- (4) A person may be found guilty of an offence against subsection (1) even if:
- (a) obstructing, preventing, perverting or defeating the course of justice pursuant to the agreement is impossible; or
 - (b) the only other party to the agreement is a body corporate; or
 - (c) each other party to the agreement is a person who is not criminally responsible; or
 - (d) subject to subsection (5), all other parties to the agreement have been acquitted of the offence.
- (5) A person cannot be found guilty of an offence against subsection (1) if:
- (a) all other parties to the agreement have been acquitted of such an offence; and
 - (b) a finding of guilt would be inconsistent with their acquittal.
- (6) A person cannot be found guilty of an offence against subsection (1) if, before the commission of an overt act pursuant to the agreement, the person:
- (a) withdrew from the agreement; and
 - (b) took all reasonable steps to prevent the obstruction, prevention, perversion or defeat.
- (7) A court may dismiss a charge of an offence against subsection (1) if the court thinks that the interests of justice require the court to do so.
- (8) Section 11.1 of the Criminal Code does not apply to an offence against subsection (1).

18. Justice is best served by obeying the agreed Statute Law, but, the agreed unlawful conduct between the First named Defendant and second named Defendant is in legal terms and actuality, attempting to pervert the course of justice.

PARTICULARS

18.1. CRIMES ACT 1914 - SECT 43 Attempting to pervert justice

- (1) Any person who attempts, in any way not specially defined in this Act, to obstruct, prevent, pervert, or defeat, the course of justice in relation to the judicial power of the Commonwealth, shall be guilty of an offence.

Penalty: Imprisonment for 5 years.

- (2) For the purposes of an offence against subsection (1), absolute liability applies to the physical element of circumstance of the offence, that the judicial power is of the Commonwealth.

Note: For absolute liability, see section 6.2 of the Criminal Code.

- (3) For the person to be guilty of an offence against subsection (1), the person's conduct must be more than merely preparatory to the commission of the offence. The question whether conduct is more than merely preparatory to the commission of the offence is one of fact.
- (4) A person may be found guilty of an offence against subsection (1) even if doing the thing attempted is impossible.

1564.

18.2. CRIMINAL CODE ACT 1913 WA - SECT 556
Attempts to procure commission of criminal acts

Any person who attempts to procure another to do any act or make any omission, whether in Western Australia or elsewhere, of such a nature that, if the act were done or the omission were made, an offence would thereby be committed under the laws of Western Australia, or the laws in force in the place where the act or omission is proposed to be done or made, whether by himself or by that other person, is guilty of an offence of the same kind, and is liable to the same punishment as if he had himself attempted to do the same act or make the same omission in Western Australia. Provided that if the act or omission is proposed to be done or made at a place not in Western Australia, the punishment cannot exceed that which he would have incurred under the laws in force where the act or omission was proposed to be done or made, if he had himself attempted to do the proposed act or make the proposed omission. Provided also, that in the last-mentioned case, a prosecution cannot be instituted except at the request of the Government of the State having jurisdiction in the place where the act or omission was proposed to be done or made.

19. Both the First named Defendant and Second named Defendant have both knowledge and intent, concerning the breach of Contract (The Constitution)

PARTICULARS

19.1. CRIMINAL CODE ACT 1995 - SECT 5.3
Knowledge

A person has knowledge of a circumstance or a result if he or she is aware that it exists or will exist in the ordinary course of events.

19.2. **CRIMINAL CODE ACT 1995- SECT 5.2**
Intention

- (1) A person has intention with respect to conduct if he or she means to engage in that conduct.
- (2) A person has intention with respect to a circumstance if he or she believes that it exists or will exist.
- (3) A person has intention with respect to a result if he or she means to bring it about or is aware that it will occur in the ordinary course of events.

20. The First Defendant and Second Defendants are bound by the provisions contained within the Constitution Act 1889 Western Australia. (The Contract) concerning specific Bills or Acts contravening specific sections of the Constitution Act 1889 WA (The Contract) in addition to Section 80 of the Commonwealth Constitution.

PARTICULARS

20.1. **State Referendum**
CONSTITUTION ACT 1889 WA- SECT 73 (6)
Legislature as constituted by this Act empowered to alter any of its provisions

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 (2) **is presented for assent by or in the name of the Queen.**

20.2. **THE COMMONWEALTH CONSTITUTION - SECT 80**
Trial by jury

80. 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.

20.3. SUPREME COURT ACT 1935 - SECT 42
Civil actions, trial with or without jury

Subject as hereinafter provided, if, on the application of any party to an action made not later than such time before the trial as may be limited by the Rules of Court, the Court or a Judge is satisfied that—

- (a) a charge of fraud against that party; or
- (b) a claim in respect of libel, slander, malicious prosecution, false imprisonment, seduction, or breach of promise of marriage,

is in issue, the action shall, subject to the provisions of the Juries Act 1957, be tried by a jury, unless the Court or Judge is of opinion that the trial thereof requires any prolonged examination of documents or accounts or any scientific or local examination which cannot conveniently be made with a jury; but, save as aforesaid, any action may, subject to Rules of Court, in the discretion of the Court or a Judge, be ordered to be tried with or without a jury:

Provided that the provisions of this section shall be without prejudice to the power of the Court or a Judge to order, in accordance with the Rules of Court, that different questions of fact arising in any action be tried by different modes of trial, and where such order is made the provisions of this section requiring trial with a jury in certain cases shall have effect only as respects questions relating to such charge or claim as aforesaid.

21. By conspiring to pervert the course of Justice and Attempting to Pervert the Course of Justice, both the First named Defendant and Second named Defendant. Have created a legal fiasco involving indictable situations and offences, involving a large number of people in specific

positions, roles and functions purportedly working for the people of the State of Western Australia, and Australia but in legal terms and reality, working for a Foreign Power, undeclared to the voting electorate.

PARTICULARS

21.1. Freemasonry Victoria August 2003 Monthly Journal

“Governor General Major General Michael Jeffery is a keen and committed Freemason. Bro Jeffery was initiated in St George’s Lodge in Western Australia in November 1994, passed in Hale Lodge 308 in December and raised in St George’s in March 1995, where he served as Senior Warden”

21.2. A former Governor of Western Australia, Bro Jeffery was Sworn in as Governor General on August 11 2003

21.3. Constitution Act 1889 WA Part III A (The Governor) Section 50 . Office of Governor

- (1) The Queen’s representative in Western Australia is the Governor who shall hold office during Her Majesty’s pleasure.
- (2) Abolition of or alteration in the office of Governor shall not be effected by an Act of the Parliament except in accordance with section 73(2).
- (3) In this Act and in every other Act a reference to the Governor shall be taken—
 - (a) to be a reference to the person appointed for the time being by the Queen by Commission under Her Majesty’s Royal Sign Manual to the office of Governor of the State of Western Australia; and
 - (b) to include any other person appointed by dormant or other Commission under the Royal Sign Manual to administer the Government of the State of Western Australia; and
 - (c) to also include any other person exercising, by virtue of an appointment by the Governor in accordance with Letters Patent, any powers and authorities of the Governor.

21.4. Constitution Act 1889 WA Section 22 (Allegiance)

No member of the Legislative Council or Legislative Assembly shall sit or vote therein until he has taken and subscribed before the Governor, or some person authorised by the Governor in that behalf, an oath or affirmation of allegiance in the form set out in Schedule E.

21.5. Constitution Act 1889 WA Schedule E Oath/Affirmation

OATH

*I, , do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors, according to law.
So help me God.*

AFFIRMATION

I, , do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, her heirs and successors, according to law.

**21.6. COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 61
The Executive Government**

The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen's representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth.

21.7. COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - Schedule

OATH

*I, A.B. , do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law.
SO HELP ME GOD!*

AFFIRMATION

I, A.B. , do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law.

**21.8. COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 128
Alterations of the Constitution**

This Constitution shall not be altered except in the following manner:

The proposed law for the alteration thereof must be passed by an absolute majority of each House of the Parliament, and not less than two nor more than six months after its passage through both Houses the proposed law shall be submitted in each State and Territory to the electors qualified to vote for the election of members of the House of Representatives.

**21.9. COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 2
Act to extend to the Queen's successors**

The provisions of this Act referring to the Queen shall extend to Her Majesty's heirs and successors in the sovereignty of the United Kingdom.

**21.10. COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 3
Proclamation of Commonwealth**

It shall be lawful for the Queen, with the advice of the Privy Council, to declare by proclamation that, on and after a day therein appointed, not being later than one year after the passing of this Act, the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, and also, if Her Majesty

is satisfied that the people of Western Australia have agreed thereto, of Western Australia, shall be united in a Federal Commonwealth under the name of the Commonwealth of Australia. But the Queen may, at any time after the proclamation, appoint a Governor-General for the Commonwealth.

21.11. COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 4

Commencement of Act

The Commonwealth shall be established, and the Constitution of the Commonwealth shall take effect, on and after the day so appointed. But the Parliaments of the several colonies may at any time after the passing of this Act make any such laws, to come into operation on the day so appointed, as they might have made if the Constitution had taken effect at the passing of this Act.

21.12. COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 5

Operation of the Constitution and laws

This Act, and all laws made by the Parliament of the Commonwealth under the Constitution, shall be binding on the courts, judges, and people of every State and of every part of the Commonwealth, notwithstanding anything in the laws of any State; and the laws of the Commonwealth shall be in force on all British ships, the Queen's ships of war excepted, whose first port of clearance and whose port of destination are in the Commonwealth.

21.13. COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 15

Casual vacancies

If the place of a senator becomes vacant before the expiration of his term of service, the Houses of Parliament of the State for which he was chosen, sitting and voting together, or, if there is only one House of that Parliament, that House, shall choose a

person to hold the place until the expiration of the term. But if the Parliament of the State is not in session when the vacancy is notified, the Governor of the State, with the advice of the Executive Council thereof, may appoint a person to hold the place until the expiration of fourteen days from the beginning of the next session of the Parliament of the State or the expiration of the term, whichever first happens.

Where a vacancy has at any time occurred in the place of a senator chosen by the people of a State and, at the time when he was so chosen, he was publicly recognized by a particular political party as being an endorsed candidate of that party and publicly represented himself to be such a candidate, a person chosen or appointed under this section in consequence of that vacancy, or in consequence of that vacancy and a subsequent vacancy or vacancies, shall, unless there is no member of that party available to be chosen or appointed, be a member of that party.

Where:

(a) in accordance with the last preceding paragraph, a member of a particular political party is chosen or appointed to hold the place of a senator whose place had become vacant; and

(b) before taking his seat he ceases to be a member of that party (otherwise than by reason of the party having ceased to exist);

he shall be deemed not to have been so chosen or appointed and the vacancy shall be again notified in accordance with section twenty-one of this Constitution.

The name of any senator chosen or appointed under this section shall be certified by the Governor of the State to the Governor General.

If the place of a senator chosen by the people of the State at the election of senators last held before the commencement of the *Constitution Alteration (Senate Casual Vacancies) 1977* became vacant before that commencement and, at that commencement, no person chosen by the House or Houses of Parliament of the State, or appointed by the Governor of the

State, in consequence of that vacancy, or in consequence of that vacancy and a subsequent vacancy or vacancies, held office, this section applies as if the place of the senator chosen by the people of the State had become vacant after that commencement.

A senator holding office at the commencement of the *Constitution Alteration (Senate Casual Vacancies) 1977*, being a senator appointed by the Governor of a State in consequence of a vacancy that had at any time occurred in the place of a senator chosen by the people of the State, shall be deemed to have been appointed to hold the place until the expiration of fourteen days after the beginning of the next session of the Parliament of the State that commenced or commences after he was appointed and further action under this section shall be taken as if the vacancy in the place of the senator chosen by the people of the State had occurred after that commencement. Subject to the next succeeding paragraph, a senator holding office at the commencement of the *Constitution Alteration (Senate Casual Vacancies) 1977* who was chosen by the House or Houses of Parliament of a State in consequence of a vacancy that had at any time occurred in the place of a senator chosen by the people of the State shall be deemed to have been chosen to hold office until the expiration of the term of service of the senator elected by the people of the State.

If, at or before the commencement of the *Constitution Alteration (Senate Casual Vacancies) 1977*, a law to alter the Constitution entitled "*Constitution Alteration (Simultaneous Elections) 1977*" came into operation, a senator holding office at the commencement of that law who was chosen by the House or Houses of Parliament of a State in consequence of a vacancy that had at any time occurred in the place of a senator chosen by the people of the State shall be deemed to have been chosen to hold office:

- (a) if the senator elected by the people of the State had a term of service expiring on the thirtieth day of June, One thousand nine hundred and seventy-eight—until the expiration or dissolution of the first House of Representatives to expire or be dissolved after that law came into operation; or

- (b) if the senator elected by the people of the State had a term of service expiring on the thirtieth day of June, One thousand nine hundred and eighty-one—until the expiration or dissolution of the second House of Representatives to expire or be dissolved after that law came into operation or, if there is an earlier dissolution of the Senate, until that dissolution.

**21.14. COMMONWEALTH OF AUSTRALIA CONSTITUTION
ACT - SECT 57
Disagreement between the Houses**

If the House of Representatives passes any proposed law, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, and if after an interval of three months the House of Representatives, in the same or the next session, again passes the proposed law with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may dissolve the Senate and the House of Representatives simultaneously. But such dissolution shall not take place within six months before the date of the expiry of the House of Representatives by effluxion of time.

If after such dissolution the House of Representatives again passes the proposed law, with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may convene a joint sitting of the members of the Senate and of the House of Representatives. The members present at the joint sitting may deliberate and shall vote together upon the proposed law as last proposed by the House of Representatives, and upon amendments, if any, which have been made therein by one House and not agreed to by the other, and any such amendments which are affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives shall be taken to have

been carried, and if the proposed law, with the amendments, if any, so carried is affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives, it shall be taken to have been duly passed by both Houses of the Parliament, and shall be presented to the Governor-General for the Queen's assent.

**21.15. COMMONWEALTH OF AUSTRALIA CONSTITUTION
ACT - SECT 58**

Royal assent to Bills

When a proposed law passed by both Houses of the Parliament is presented to the Governor-General for the Queen's assent, he shall declare, according to his discretion, but subject to this Constitution, that he assents in the Queen's name, or that he withholds assent, or that he reserves the law for the Queen's pleasure.

Recommendations by Governor-General

The Governor-General may return to the house in which it originated any proposed law so presented to him, and may transmit therewith any amendments which he may recommend, and the Houses may deal with the recommendation.

**21.16. COMMONWEALTH OF AUSTRALIA CONSTITUTION
ACT - SECT 59**

Disallowance by the Queen

The Queen may disallow any law within one year from the Governor-General's assent, and such disallowance on being made known by the Governor-General by speech or message to each of the Houses of the Parliament, or by Proclamation, shall annul the law from the day when the disallowance is so made known.

**21.17. COMMONWEALTH OF AUSTRALIA CONSTITUTION
ACT - SECT 60**

Signification of Queen's pleasure on Bills reserved

A proposed law reserved for the Queen's pleasure shall not have any force unless and until within two years from the day on

which it was presented to the Governor-General for the Queen's assent the Governor-General makes known, by speech or message to each of the Houses of the Parliament, or by Proclamation, that it has received the Queen's assent.

**21.18. COMMONWEALTH OF AUSTRALIA CONSTITUTION
ACT - SECT 61
Executive power**

The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen's representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth

**21.19. COMMONWEALTH OF AUSTRALIA CONSTITUTION
ACT - SECT 62
Federal Executive Council**

There shall be a Federal Executive Council to advise the Governor-General in the government of the Commonwealth, and the members of the Council shall be chosen and summoned by the Governor-General and sworn as Executive Councillors, and shall hold office during his pleasure.

**21.20. COMMONWEALTH OF AUSTRALIA CONSTITUTION
ACT - SECT 63
Provisions referring to Governor-General**

The provisions of this Constitution referring to the Governor-General in Council shall be construed as referring to the Governor-General acting with the advice of the Federal Executive Council.

**21.21. COMMONWEALTH OF AUSTRALIA CONSTITUTION
ACT - SECT 64
Ministers of State**

The Governor-General may appoint officers to administer such departments of State of the Commonwealth as the Governor General in Council may establish.

Such officers shall hold office during the pleasure of the Governor-General. They shall be members of the Federal Executive Council, and shall be the Queen's Ministers of State for the Commonwealth.

Ministers to sit in Parliament

After the first general election no Minister of State shall hold office for a longer period than three months unless he is or becomes a senator or a member of the House of Representatives.

**21.22. COMMONWEALTH OF AUSTRALIA CONSTITUTION
ACT - SECT 67
Appointment of civil servants**

Until the Parliament otherwise provides, the appointment and removal of all other officers of the Executive Government of the Commonwealth shall be vested in the Governor-General in Council, unless the appointment is delegated by the Governor General in Council or by a law of the Commonwealth to some other authority.

**21.23. COMMONWEALTH OF AUSTRALIA CONSTITUTION
ACT - SECT 68
Command of naval and military forces**

The command in chief of the naval and military forces of the Commonwealth is vested in the Governor-General as the Queen's representative.

**21.24. COMMONWEALTH OF AUSTRALIA CONSTITUTION
ACT - SECT 69
Transfer of certain departments**

On a date or dates to be proclaimed by the Governor-General after the establishment of the Commonwealth the following departments of the public service in each State shall become transferred to the Commonwealth:

posts, telegraphs, and telephones; naval and military defence; lighthouses, lightships, beacons, and buoys; quarantine. But the departments of customs and of excise in each State shall become transferred to the Commonwealth on its establishment.

**21.25. COMMONWEALTH OF AUSTRALIA CONSTITUTION
ACT SECT 70**

Certain powers of Governors to vest in Governor-General

In respect of matters which, under this Constitution, pass to the Executive Government of the Commonwealth, all powers and functions which at the establishment of the Commonwealth are vested in the Governor of a Colony, or in the Governor of a Colony with the advice of his Executive Council, or in any authority of a Colony, shall vest in the Governor-General, or in the Governor-General in Council, or in the authority exercising similar powers under the Commonwealth, as the case requires.

**21.26. COMMONWEALTH OF AUSTRALIA CONSTITUTION
ACT - SECT 126**

Power to Her Majesty to authorise Governor-General to appoint deputies

The Queen may authorise the Governor-General to appoint any person, or any persons jointly or severally, to be his deputy or deputies within any part of the Commonwealth, and in that capacity to exercise during the pleasure of the Governor-General such powers and functions of the Governor-General as he thinks fit to assign to such deputy or deputies, subject to any limitations expressed or directions given by the Queen; but the appointment of such deputy or deputies shall not affect the exercise by the Governor-General himself of any power or function.

**21.27. COMMONWEALTH OF AUSTRALIA CONSTITUTION
ACT SECT 42**

Oath or affirmation of allegiance

Every senator and every member of the House of Representatives shall before taking his seat make and subscribe before the Governor General, or some person authorized by him, an oath or affirmation of allegiance in the form set forth in the schedule to this Constitution.

- 22. Both the First Named Defendant and Second Named Defendant have breached the Statute Law of Magna Carta, by taking Masonic control of the Court structure of Western Australia, charging Court Fees for Filing and Lodgement of proceedings, Writs, Motions etc, contrary to chapter 29 of Magna Carta

PARTICULARS

- 22.1. Magna Carta extracts Imperial Acts Application Act 1980 Act No. 9426/1980

[1297] 25 Edward I (Magna Carta) c. XXIX
No freeman shall be taken or imprisoned, or be disseised of his freehold, or liberties or free customs, or be outlawed or exiled, or any other wise destroyed; nor will we pass upon him, nor condemn him, **but by lawful judgement of his peers, or by the law of the land. We will sell to no man, we will not deny or defer to any man either justice or right.**

[1351-2] 25 Edward III St. V c. IV
Item, whereas it is contained in the great charter of the franchises of England that one shall be imprisoned nor put out of his freehold, nor of his franchises nor free custom, unless it be by the law of the land; it is accorded assented, and stablished, that from henceforth none shall be taken by petition or suggestion made to our Lord the King, or to his council, unless it be by indictment or presentment of good and lawful people of the same neighbourhood where such deeds be done, in due manner, or by process made by writ

original at the common law; nor that none be out of his franchises, nor of his freeholds, unless he be duly brought into answer, and forejudged of the same by the course of the law; and if any thing be done against the same, it shall be redressed and holden for none.

[1354] 28 Edward III c. III

Item, that no man of what estate or condition that he be, shall be put out of land or tenement, nor taken, nor imprisoned, nor disinherited, nor put to death, without being brought in answer by due process of the law.

[1368] 42 Edward III c. III

It is assented and accorded, for the good governance of the commons, that no man be put to answer without presentment before justices, or matter of record, or by due process and writ original, according to the old law of the land; And if any thing from henceforth be done to the contrary, it shall be void in the law, and holden for error.

**22.2. The Lord Chancellor The Inaugural Magna Carta Lecture
House of Representatives Canberra, Australia
14 October 2002 States:**

“Jurisdictions with Imperial Acts (the Australian Capital Territory, New South Wales, Queensland and Victoria) all chose to enact chapter 29. This was not, primarily, for its potentially salutary legal effects, but rather to recognise Magna Carta’s pivotal role in the constitutional legacy that these jurisdictions had inherited. By contrast, in the Northern Territory, South Australia, Tasmania and Western Australia, Magna Carta was received by imperial law reception statutes. These jurisdictions find themselves in the surprising position of having almost all the provisions of Magna Carta theoretically still in force. I say surprising because, as I

*mentioned at the start of this Lecture, only four chapters still remain on the statute book in the UK, but Magna Carta was largely received in these jurisdictions before this process of repeal began. The position is also theoretical because the chapters of Magna Carta would have to be suitable to modern conditions in these states, and many clearly would no longer be. The legacy of Magna Carta has also been inherited by Australia through the common law. Today, it can be seen to resonate most clearly through the fundamental common law doctrine of legality and the right of access to justice. We shall see, however, that the Australian High Court in *Jago v. District Court* 88 limited the extent of Magna Carta's contribution to the right of access to justice, at least in Australian law. Nonetheless, Isaacs J, speaking in the High Court of Australia in 1925, was speaking truly when he proclaimed Magna Carta to be "the groundwork of all our Constitutions".*

23. The First Named Defendant and the Second Named Defendant are joint and severally bound by the Criminal Code 1913 WA Sections 44 and 45.

PARTICULARS

23.1. CRIMINAL CODE ACT 1913 WA - SECT 44

"Seditious intention", definition of

An intention to effect any of the following purposes, that is to say —

- (a) To bring the Sovereign into hatred or contempt;
- (b) To excite disaffection against the Sovereign, or the Government or Constitution of the United Kingdom, or of the Commonwealth of Australia, or of Western Australia as by law established, or against either House of Parliament of the United Kingdom, of the Commonwealth of Australia, or of Western Australia, or against the administration of justice;
- (c) To excite Her Majesty's subjects to attempt to procure the alteration of any matter in the State as by law established otherwise than by lawful means;
- (d) To raise discontent or disaffection amongst Her Majesty's subjects;

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(e) To promote feelings of ill-will and enmity between different classes of Her Majesty's subjects;
is a seditious intention, unless it is justified by the provisions of the next following section.

23.2. CRIMINAL CODE ACT WA 1913- SECT 45

Innocent intentions

It is lawful for any person—

- (a) To endeavour in good faith to show that the Sovereign has been mistaken in any of Her counsels;
- (b) To point out in good faith errors or defects in the Government or Constitution of the United Kingdom, or of the Commonwealth of Australia, or of Western Australia as by law established, or in legislation, or in the administration of justice, with a view to the reformation of such errors or defects;
- (c) To excite in good faith Her Majesty's subjects to attempt to procure by lawful means the alteration of any matter in the State as by law established; or
- (d) To point out in good faith in order to their removal any matters which are producing or have a tendency to produce feelings of ill-will and enmity between different classes of Her Majesty's subjects.

23.3. CRIMINAL CODE ACT WA 1913- SECT 46

"Seditious enterprises", etc., definitions of
46 . "Seditious enterprises", etc., definitions of
A seditious enterprise is an enterprise which is undertaken in order to the carrying out of a seditious intention.
Seditious words are words expressive of a seditious intention.
The term "seditious writing" includes anything intended to be read, and any sign or visible representation, which is expressive of a seditious intention.

23.4. CRIMINAL CODE ACT WA 1913- SECT 47

Unlawful oaths to commit crimes punishable with strict security life imprisonment
Any person who —

- (1) 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 any crime punishable with strict security life imprisonment; or
 - (2) Takes any such oath or engagement, not being compelled to do so; or
 - (3) Attempts to induce any person to take any such oath or engagement;
- is guilty of a crime, and is liable to imprisonment for 20 years.

24. Both the First Defendant and Second Defendant are fully aware and retain both actual and constructive Knowledge of the legal and historical fact that the Monarch of England entrenched into all State and Commonwealth Constitutions, is also the legal and inherited Head of the Church of England. As such a Protestant, Christian Monarch and Christian Law.

PARTICULARS

- 24.1. **The Coronation of Her Majesty Queen Elizabeth II in the Abbey Church of St. Peter, Westminster, on Tuesday, the second day of June, 1953**
IV The Oath.

Archbishop. Will you to the utmost of your power maintain the Laws of God and the true profession of the Gospel? Will you to the utmost of your power maintain in the United Kingdom the Protestant Reformed Religion established by law? Will you maintain and preserve inviolably the settlement of the Church of England, and the doctrine, worship, discipline, and government thereof, as by law established in England? And will you preserve unto the Bishops and Clergy of England, and to the Churches there committed to their charge, all such rights and privileges, as by law do or shall appertain to them or any of them?

Queen. All this I promise to do.

24.2. CRIMINAL CODE ACT WA 1913- SECT 44
"Seditious intention", definition of

An intention to effect any of the following purposes, that is to say —

- (a) To bring the Sovereign into hatred or contempt;
- (b) To excite disaffection against the Sovereign, or the Government or Constitution of the United Kingdom, or of the Commonwealth of Australia, or of Western Australia as by law established, or against either House of Parliament of the United Kingdom, of the Commonwealth of Australia, or of Western Australia, or against the administration of justice;
- (c) To excite Her Majesty's subjects to attempt to procure the alteration of any matter in the State as by law established otherwise than by lawful means;
- (d) To raise discontent or disaffection amongst Her Majesty's subjects;
- (e) To promote feelings of ill-will and enmity between different classes of Her Majesty's subjects;

is a seditious intention, unless it is justified by the provisions of the next following section.

24.3. CRIMINAL CODE ACT WA 1913- SECT 45
Innocent intentions

It is lawful for any person —

- (a) To endeavour in good faith to show that the Sovereign has been mistaken in any of Her counsels;

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(b) To point out in good faith errors or defects in the Government or Constitution of the United Kingdom, or of the Commonwealth of Australia, or of Western Australia as by law established, or in legislation, or in the administration of justice, with a view to the reformation of such errors or defects;

(c) To excite in good faith Her Majesty's subjects to attempt to procure by lawful means the alteration of any matter in the State as by law established; or

(d) To point out in good faith in order to their removal any matters which are producing or have a tendency to produce feelings of ill-will and enmity between different classes of Her Majesty's subjects.

**24.4. CRIMINAL CODE ACT WA 1913- SECT 48 (1)(g)
Other unlawful oaths to commit offences**

Any person who —

(1) 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—

(g) 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;

is guilty of a crime, and is liable to imprisonment for 7 years.

24.5. Zechariah 5:3/4 Then said he unto me, This *is* the curse that goeth forth over the face of the whole earth: for every one that stealeth shall be cut off *as* on this side according to it; and every one that sweareth shall be cut off *as* on that side according to it.

I will bring it forth, saith the LORD of hosts, and it shall enter into the house of the thief, and into the house of him that sweareth falsely by my name: and it shall remain in the midst of

his house, and shall consume it with the timber thereof and the stones thereof.

24.6. **Zechariah 8:16/17** These [are] the things that ye shall do; Speak ye every man the truth to his neighbour; execute the judgment of truth and peace in your gates: And let none of you imagine evil in your hearts against his neighbour; and love no false oath: for all these [are things] that I hate, saith the LORD.

24.7. **James 5.12:** But above all things, my brethren, swear not, neither by heaven, neither by the earth, neither by any other oath: but let your yea be yea; and your nay, nay; lest ye fall into condemnation.

24.8. **Matthew 5.34/37:** But I say unto you, Swear not at all; neither by heaven; for it is God's throne: Nor by the earth; for it is his footstool: neither by Jerusalem; for it is the city of the great King. Neither shalt thou swear by thy head, because thou canst not make one hair white or black. But let your communication be, Yea, yea; Nay, nay: for whatsoever is more than these cometh of evil.

24.9. **The Coronation of Her Majesty Queen Elizabeth II in the Abbey Church of St. Peter, Westminster, on Tuesday, the second day of June, 1953**
Part VII The Anointing (Portion)

*Our Lord Jesus Christ,
the Son of God,
who by his Father was anointed with the Oil of gladness
above his fellows,
by his holy Anointing pour down upon your Head and Heart
the blessing of the Holy Ghost,
and prosper the work of your Hands:
that by the assistance of his heavenly grace
you may govern and preserve
the Peoples committed to your charge
in wealth, peace, and godliness;
and after a long and glorious course
of ruling a temporal kingdom*

*wisely, justly, and religiously,
you may at last be made partaker of an eternal kingdom,
through the same Jesus Christ our Lord. Amen.*

24.10. A resolution of the Sydney Synod Passed 2003 (Anglican)

25/03 Freemasonry

Synod, noting the 1988 Report to Synod entitled "Freemasonry Examined" and subsequent resolution 9/88 of that Synod-

(a) affirms that Freemasonry and Christianity are fundamentally and irreconcilably incompatible, and

(b) affirms that Freemasonry teaches and upholds a system of false religious and spiritual beliefs that are contrary to biblical Christianity. (Portion of Resolution)

- 25.** The First Named Defendant and the Second Named Defendant have colluded and agreed together to introduce into the State of Western Australia and the Commonwealth **the religion of Freemasonry**, thereby aiding this particular religion in Secret.

PARTICULARS

25.1. CONSTITUTION OF THE COMMONWEALTH OF AUSTRALIA SECTION 116

Commonwealth not to legislate in respect of religion

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

25.2. ATTORNEY-GENERAL (VICT.); EX REL. BLACK v. THE COMMONWEALTH (1981) 146 CLR 559

Murphy J at clause 45. It is a traditional duty of the Attorney-General of Australia to defend the validity of Acts. It would be incongruous and unrealistic to hold that only the Attorney-

General could challenge the validity of an Act. To require a person who is not and will not be affected by the coercive operation of an Act to obtain the fiat of the Attorney General of Australia or of a State would put enforcement of constitutional guarantees at the mercy of political pressures exercisable through parliaments, although the purpose of the constitutional guarantees was to provide certain protections, even against parliaments. A citizen's right to invoke the judicial power to vindicate constitutional guarantees should not, and, in my opinion, does not, depend upon obtaining an Attorney General's consent. Any one of the people of the Commonwealth has the standing to proceed in the courts to secure the observance of constitutional guarantees. Objections to wide standing have no merit. Experience in other countries, especially the United States, has shown that the "floodgates" argument is baseless, and that procedures are available to deal with frivolous challenges. (at p634)

Murphy J at Clause 29. In *Everson v. Board of Education* (1947) 330 US 1 (91 Law Ed 711), the case to which President Kennedy referred, the Supreme Court held that neither the United States nor (because of the Fourteenth Amendment any constituent State could provide financial aid to a religion or to all religions. The Court said (1947) 330 US 1, at pp 815816 (91 Law Ed 711, at p 723) : *"The 'establishment of religion' clause of the First Amendment means at least this: Neither a state nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or to remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or nonattendance. No tax in any amount, large or small, can be levied to support any religious activities or institutions, whatever they may be called, or whatever form they may adopt to teach or practice religion. Neither a state nor the Federal Government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa. In the words of Jefferson, the clause against establishment of religion by law*

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was intended to erect a wall of separation between church and State.' Reynolds v. United States' (1878) 98 US 145 (25 Law Ed 244) . (my emphasis) (at p629)

Murphy J at Clause 10. Latham C.J. said in *Adelaide Company of Jehovah's Witnesses Inc. v. The Commonwealth* (1943) 67 CLR 116, at p 123 : *"Section 116 is a general prohibition applying to all laws, under whatever power those laws may be made. It is an overriding provision. It does not compete with other provisions of the Constitution so that the Court should seek to reconcile it with other provisions. It prevails over and limits all provisions which give power to make laws.*

Accordingly no law can escape the application of s. 116 simply because it is a law which can be justified under s. 51 or 52, or under some other legislative power. All the legislative powers of the Commonwealth are subject to the condition which s. 116 imposes." McTiernan J. said (1943) 67 CLR, at p 156 : *"Section 116 imposes a restriction on all the legislative powers of the Parliament."* (at p621)

Murphy J at Clause 12. Section 166 applies to any law, whether made under s. 51, s. 52, s. 96, s. 122 or any other legislative power. "for" (at p622)

Murphy J at Clause 20. The purpose of the United States establishment clause was clearly to prevent the recognition of and assistance to religion which plagued European countries over many centuries. The religious wars of ancient times were repeated after the Middle Ages and into modern times. In the United Kingdom the struggle between the contending Catholic and Protestant factions, with the emergence of Presbyterians, Methodists, Quakers, Lollards and many other religious groups, was a bitter illustration of the attempts of religious factions to get the assistance of the state in propagating their views and if possible, suppressing their rivals. The history has a very important economic aspect. One of the dangers of subsidizing religious institutions and granting them financial privileges (such as exemption from income tax, land and municipal rates,

sales and other taxes) is that such institutions tend to become extremely wealthy, to aggrandize and to become states within a state. The corrective has often been a more or less violent seizure of the assets of the religious institutions, sometimes by the existing sovereign (as did Henry VIII), sometimes by revolutionary movements, which in many countries have had as one of their main objects the suppression of religious institutions and the seizure of their wealth. (at p625)

Murphy J at Clause 30. The minority opinions to which President Kennedy referred were even more emphatic. Jackson J. said (1947) 330 US, at pp 26-27 (91 Law Ed, at p 729) :

"There is no answer to the proposition, more fully expounded by Mr Justice Rutledge, that the effect of the religious freedom Amendment to our Constitution was to take every form of propagation of religion out of the realm of things which could directly or indirectly be made public business and thereby be supported in whole or in part at taxpayers' expense. That is a difference which the Constitution sets up between religion and almost every other subject matter of legislation, a difference which goes to the very root of religious freedom and which the Court is overlooking today. This freedom was first in the Bill of Rights because it was first in the forefathers' minds; it was set forth in absolute terms, and its strength is its rigidity. It was intended not only to keep the states' hands out of religion, but to keep religion's hands off the state, and, above all, to keep bitter religious controversy out of public life by denying to every denomination any advantage from getting control of public policy or the public purse."(at p629)

Murphy J at Clause 32. Warren C.J. in delivering the opinion of the Court in *McGowan v. Maryland* (1961) 366 US 420, at p 442 (6 Law Ed 2d 393, at p 408) stated that the Supreme Court: *"has found that the First and Fourteenth Amendments afford protection against religious establishment far more extensive than merely to forbid a national or state church."*(at p630)

Murphy J at Clause 39. The purpose of our establishment clause is the same as that in the United States' Constitution. There does not seem to be any real doubt that if the

establishment clause is construed in Australia as it is in the United States, (and if the Commonwealth's argument about the non-applicability of s. 116 to financial appropriations and s.96 grants is rejected) then the challenged laws are unconstitutional. Section 116 of the Constitution does not assert or deny the value of religion (including religious teaching). It secures its free exercise, but denies that the Commonwealth can support religion in any way whatsoever. The Commonwealth cannot be concerned with religious teaching- that is entirely private. Section 116 recognizes that an essential condition of religious liberty is that religion be unaided by the Commonwealth. (at p632)

Murphy J at Clause 42. Section 80 (trial by jury) and s. 116 are among the very few guarantees of freedom in the Constitution. In *R. v. Federal Court of Bankruptcy; Ex parte Lowenstein* (1938) 59 CLR 556, at pp 581-582 (41 Law Ed 2d 159, at p 180), Dixon and Evatt JJ. asserted that this Court's reading of s. 80 made a mockery of the Constitution. A reading of s. 116 that the prohibition against "any law for establishing any religion" does not prohibit a law which sponsors or supports religions, but prohibits only laws for the setting up of a national church or religion, or alternatively prohibits only preferential sponsorship or support of one or more religions, makes a mockery of s. 116. Jefferson warned against this tendency. "*Our peculiar security is the possession of a written Constitution. Let us not make it a blank paper by construction*" (Jefferson, Writings (Washington ed., 1859), p. 506). We should heed his warning. Standing. (at p633)

Murphy J at Clause 48. The challenged Acts contravenes s. 116 of the Constitution. As the majority holds otherwise, there is no point in my deciding whether some provisions are severable and valid, or whether some provisions can be read down so that they do not contravene s. 116. Judgment should be for the plaintiffs. (at p634)

26. The First Named Defendant and Second Named Defendant have colluded and agreed together to aid and protect **the Religion of**

Freemasonry, by not revealing or disclosing to non masons, (The Public) the existence and content of Masonic Oaths, the membership of Masonry, in particular the Judicial and Political membership of Freemasonry, nor have they revealed or disclosed the agenda of Freemasonry, thereby creating Constitutional Fraud, attempting to pervert the course of Justice and an issue concerning Treachery

PARTICULARS

26.1. **CRIMES ACT 1914- SECT 24AA** **Treachery**

- (1) A person shall not:
 - (a) do any act or thing with intent:
 - (i) to overthrow the Constitution of the Commonwealth by revolution or sabotage; or
 - (ii) to overthrow by force or violence the established government of the Commonwealth, of a State or of a proclaimed country; or
- (3) A person who contravenes a provision of this section shall be guilty of an indictable offence, called treachery.

Penalty: Imprisonment for life.

26.2. **CRIMES ACT 1914- SECT 43** **Attempting to pervert justice**

- (1) Any person who attempts, in any way not specially defined in this Act, to obstruct, prevent, pervert, or defeat, the course of justice in relation to the judicial power of the Commonwealth, shall be guilty of an offence.

Penalty: Imprisonment for 5 years.

- (2) For the purposes of an offence against subsection (1), absolute liability applies to the physical element of circumstance of the offence, that the judicial power is of the Commonwealth.

Note: For absolute liability , see section 6.2 of the Criminal Code .

- (3) For the person to be guilty of an offence against subsection (1), the person's conduct must be more than merely preparatory to the commission of the offence. The question whether conduct is more than merely preparatory to the commission of the offence is one of fact.
- (4) A person may be found guilty of an offence against subsection (1) even if doing the thing attempted is impossible.

**26.3. CRIMES ACT 1914- SECT 42
Conspiracy to defeat justice**

- (1) Any person who conspires with another to obstruct, prevent, pervert, or defeat, the course of justice in relation to the judicial power of the Commonwealth, shall be guilty of an indictable offence.

Penalty: Imprisonment for 5 years.

- (2) For the purposes of an offence against subsection (1), absolute liability applies to the physical element of circumstance of the offence, that the judicial power is of the Commonwealth.

Note: For absolute liability , see section 6.2 of the Criminal Code .

- (3) For a person to be guilty of an offence against subsection (1):

- (a) the person must have entered into an agreement with one or more other persons; and
 - (b) the person and at least one other party to the agreement must have intended to obstruct, prevent, pervert or defeat the course of justice pursuant to the agreement; and
 - (c) the person or at least one other party to the agreement must have committed an overt act pursuant to the agreement.
- (4) A person may be found guilty of an offence against subsection (1) even if:
- (a) obstructing, preventing, perverting or defeating the course of justice pursuant to the agreement is impossible; or
 - (b) the only other party to the agreement is a body corporate; or
 - (c) each other party to the agreement is a person who is not criminally responsible; or
 - (d) subject to subsection (5), all other parties to the agreement have been acquitted of the offence.
- (5) A person cannot be found guilty of an offence against subsection (1) if:
- (a) all other parties to the agreement have been acquitted of such an offence; and
 - (b) a finding of guilt would be inconsistent with their acquittal.
- (6) A person cannot be found guilty of an offence against subsection (1) if, before the commission of an overt act pursuant to the agreement, the person:

- (a) withdrew from the agreement; and
 - (b) took all reasonable steps to prevent the obstruction, prevention, perversion or defeat.
- (7) A court may dismiss a charge of an offence against subsection (1) if the court thinks that the interests of justice require the court to do so.
- (8) Section 11.1 of the Criminal Code does not apply to an offence against subsection (1).

26.4. CRIMES ACT 1914- SECT 34B
Judge or magistrate acting oppressively or when interested

- (1) Any person who:
 - (b) being a judge or magistrate, intentionally and perversely exercises federal jurisdiction in any matter in which he has a personal interest;

shall be guilty of an offence. Penalty: Imprisonment for 2 years.

26.5. CRIMINAL CODE WA 1913- SECT 409
Fraud

- (1) Any person who, with intent to defraud, by deceit or any fraudulent means —
 - (a) obtains property from any person;
 - (b) induces any person to deliver property to another person;
 - (c) gains a benefit, pecuniary or otherwise, for any person;
 - (d) causes a detriment, pecuniary or otherwise, to any person;
 - (e) induces any person to do any act that the person is lawfully entitled to abstain from doing; or

- (f) induces any person to abstain from doing any act that the person is lawfully entitled to do, is guilty of a crime and is liable—
 - (g) if the person deceived is of or over the age of 60 years, to imprisonment for 10 years; or
 - (h) in any other case, to imprisonment for 7 years.
- Summary conviction penalty (subject to subsection (2)):
- (a) in a case to which paragraph (g) applies: imprisonment for 3 years or a fine of \$12 000; or
 - (b) in a case to which paragraph (h) applies: imprisonment for 2 years or a fine of \$8 000.
- (2) If the value of—
- (a) property obtained or delivered; or
 - (b) a benefit gained or a detriment caused;
- is more than \$10 000 the charge is not to be dealt with summarily.
- (3) It is immaterial that the accused person intended to give value for the property obtained or delivered, or the benefit gained, or the detriment caused.

26.6. CRIMINAL CODE - SECT 48
Other unlawful oaths to commit offences

Any person who —

- (1) 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—
- (g) 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;

is guilty of a crime, and is liable to imprisonment for 7 years.

27. The First Named Defendant and Second Name Defendant by colluding and agreeing together have permitted the impossible legal situation of having two sets of Laws and Oaths in existence at the same time. The Law and Oaths of **the Religion of Freemasonry**, aided and abetted by the State, in secret as apposed to **the Religion of Christianity** practised and proclaimed openly

PARTICULARS

- 27.1. The First Named Defendant and Second Name Defendant by introducing two different and opposing Oaths have created Legal chaos, particularly in the judicial system because of disclosure requirements.

a. **COKE States:**

"It is a maxim in Law, no one ought to be Judge in his own cause because one cannot be Judge and Party"

b. **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 any other person, upon any agreement or understanding that he 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.

c. **CRIMES ACT 1914 - SECT 31**
Interpretation

In this Part, unless the contrary intention appears:
"holder of a judicial office" means the holder of a judicial office under the Commonwealth, or the holder of a judicial office acting in the exercise of federal jurisdiction, and

includes an arbitrator or umpire under any law of the Commonwealth or of a Territory.

"judicial proceeding" means a proceeding in or before a federal court, court exercising federal jurisdiction or court of a Territory, and includes a proceeding before a body or person acting under the law of the Commonwealth, or of a Territory, in which evidence may be taken on oath.

d. THE ANNOTATED CONSTITUTION OF
AUSTRALIAN CONSTITUTION QUICK & GARRAN
AT PAGE 809

“The Phrase ‘any law of the Commonwealth’ includes, in the first place, the Constitution itself: which is not only Law of the Commonwealth but in a sense, and with the reservation of the supremacy of the British Parliament, may be called the Supreme Law of the Commonwealth.

It includes, in the next place, the Laws of the Federal Parliament: which together with the Constitution are binding on the Courts, Judges, and people of every State, and of every part of the Commonwealth.

e. AN ACT TO CONSTITUTE THE COMMONWEALTH
OF AUSTRALIA (63 & 64 VICTORIA- CHAPTER 12)
SECTION 5

This Act, and all laws made by the Parliament of the Commonwealth under the Constitution, shall be binding on the courts, judges, and people of every State and of every part of the Commonwealth, notwithstanding anything in the laws of any State; and the laws of the Commonwealth shall be in force on all British ships, the Queen's ships of war excepted, whose first port of clearance and whose port of destination are in the Commonwealth

f. CRIMINAL CODE ACT WA 1913 - SECT 139
Justices acting when personally interested

Any person who —

(2) Being a justice, wilfully and perversely exercises jurisdiction in any matter in which he has a personal interest;

is guilty of a misdemeanour, and is liable to imprisonment for 2 years.

g. CRIMINAL CODE - SECT 48
Other unlawful oaths to commit offences

Any person who —

(1) 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—

(g) 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;

is guilty of a crime, and is liable to imprisonment for 7 years.

h. CRIMINAL CODE - SECT 83
Corruption

Any public officer who, without lawful authority or a reasonable excuse—

(a) acts upon any knowledge or information obtained by reason of his office or employment;

(b) acts in any matter, in the performance or discharge of the functions of his office or employment, in relation to which he has, directly or indirectly, any pecuniary interest; or

(c) acts corruptly in the performance or discharge of the functions of his office or employment,

so as to gain a benefit, whether pecuniary or otherwise, for any person, or so as to cause a detriment, whether pecuniary or otherwise, to any person, is guilty of a crime and is liable to imprisonment for 7 years.

28. The State of Western Australia First Named Defendant in introducing in Western Australia "*Oaths, Affidavits and Statutory Declarations Bill 2003*", by silence did agree not to uphold Statute Law, in particular Unlawful Oaths breaking Statute Allegiance using the Parliament to incur the Allegiance breach without consensual agreement of the Electorate by State Referendum to such a Constitutional Breach.

PARTICULARS

**28.1. CONSTITUTION ACT 1889 WA - SECTION 22
Oath or affirmation of allegiance**

No member of the Legislative Council or Legislative Assembly shall sit or vote therein until he has taken and subscribed before the Governor, or some person authorised by the Governor in that behalf, an oath or affirmation of allegiance in the form set out in Schedule E.

Schedule E

OATH

I, , do swear that I will be faithful and bear true **allegiance** to Her Majesty Queen Elizabeth the Second, her heirs and successors, according to law.

So help me God.

AFFIRMATION

I, , do solemnly and sincerely affirm and declare that I will be faithful and bear **true allegiance** to Her Majesty Queen Elizabeth the Second, her heirs and successors, according to law.

28.2. COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 108 Saving of State laws

Every law in force in a Colony which has become or becomes a State, and relating to any matter within the powers of the Parliament of the Commonwealth, shall, subject to this Constitution, continue in force in the State; and, until provision is made in that behalf by the Parliament of the Commonwealth, the Parliament of the State shall have such powers of alteration and of repeal in respect of any such law as the Parliament of the Colony had until the Colony became a State.

28.3. COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 51 (xxxvii)

matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliaments the matter is referred, or which afterwards adopt the law;

28.4. COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 51 (xxxviii)

the exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States directly concerned, of any power which can at the establishment of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australasia;

28.5. Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Bill 2003 Clause 6 Section 22 amended

Section 22 is amended by deleting "*allegiance*" and inserting

instead —
“ office ”.

28.6. CONSTITUTION ACT 1889 - SECT 73 (6)
Legislature as constituted by this Act empowered to alter any of its provisions

- (6) 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 (2) is presented for assent by or in the name of the Queen.

28.7. 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.

28.8. CRIMES ACT 1914 - SECT 24AA (1)(a)(i)
Treachery

- (1) A person shall not:
(a) do any act or thing with intent:
(i) to overthrow the Constitution of the Commonwealth by revolution or sabotage; or

Penalty: Imprisonment for life.

**28.9. COMMONWEALTH OF AUSTRALIA CONSTITUTION
ACT - SECT 128
Mode of altering the Constitution**

This Constitution shall not be altered except in the following manner:

The proposed law for the alteration thereof must be passed by an absolute majority of each House of the Parliament, and not less than two nor more than six months after its passage through both Houses the proposed law shall be submitted in each State and Territory to the electors qualified to vote for the election of members of the House of Representatives.

**28.10. High Court of Australia
Shaw v MIMA B99/2002 (17 June 2003)**

KIRBY J: I am afraid I have to tell you that is where you lost me because, as far as I am concerned, I do not see how the Australia Act 1986, an act either of the United Kingdom Parliament or of the Australian Parliament, has the slightest power to alter the Australian Constitution that power belonging to the people as electors

**28.11. CONSTITUTION ACT 1889 - SECT 73 (3)
Legislature as constituted by this Act empowered to alter any of its provisions**

- (3) On a day fixed by the Governor by Order in Council, being a day not sooner than 2 months, and not later than 6 months, after the passage through the Legislative Council and the Legislative Assembly of a Bill of a kind referred to in subsection (2), 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 Electoral Act 1907

29. The State of Western Australia First Named Defendant, and Second Named Defendant have colluded and agreed together to subvert the Constitutional Guarantees of Freedom of Religion (s116) and Trial by Jury (s80) and Referendum (s128) by including and permitting a Foreign Allegiance and Oaths, not known by nor sanctioned by the People.

PARTICULARS

**29.1. COMMONWEALTH OF AUSTRALIA CONSTITUTION
ACT - SECT 44 (i)
Disqualification**

44. 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

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

**29.2. COMMONWEALTH OF AUSTRALIA CONSTITUTION
ACT - SECT 46
Penalty for sitting when disqualified**

Until the Parliament otherwise provides, any person declared by this Constitution to be incapable of sitting as a senator or as a member of the House of Representatives shall, for every day on which he so sits, be liable to pay the sum of one hundred pounds to any person who sues for it in any court of competent jurisdiction.

**29.3. 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.

**29.4. JUDICIARY ACT 1903 - SECT 48
Crown to be bound**

This Part binds the Crown in right of the Commonwealth, of each of the States, of the Northern Territory and of Norfolk Island.

- 30. The involvement of the State of Western Australia in the implication of the Australia Act 1986, was for the purpose of implementing a republic in Australia in accordance with the Masonic Agenda

PARTICULARS

30.1. Holly Royal Arch Degree Obligation; (Ritual book page 52).

I, ... A.B.... of .my own free will and accord, in the presence of Almighty God and of this Royal Arch Chapter, do most solemnly promise and swear, in addition to all my former obligations, that I will never reveal any of the secrets, parts or points of the Degree of Royal Arch Mason to anyone of an inferior Degree, until he comes by them in a lawful manner as I am now about to do, unless in the body of a lawfully constituted R.A. Chapter. Nor will I be aiding or assisting in the exaltation of anyone to this Degree unless at least seven R.A. Masons be present, convened under proper authority for that purpose. That I will never pronounce, nor assist in pronouncing the Grand R.A. Word, whether in a Chapter or out of it, except in the manner customary with the Order. That I will pay due obedience to the constitution and laws of the Supreme Grand R. A. Chapter of Scotland. That I will obey the office bearers and by-laws of this the R.A. Chapter, No. ..., which I will always acknowledge to be my Mother Chapter. That I will acknowledge and obey all signs and summonses sent to me from a regularly constituted R.A. Chapter, provided the same do not interfere with my other duties and avocations. That I will assist all poor and distressed R.A. Companions to the utmost of

my power, in so far as I can do so without detriment to myself or family. All this I swear to observe without equivocation or mental reservation under no less a penalty than that... (31)... (of having the crown of my head struck off, and my brainstaken out and burnt to ashes), and may the Most High keep me steadfast in this the great and solemn obligation of a Royal Arch Mason. You will now seal this obligation by saluting (kissing) the V.S.L. (Volume of the Sacred Law) seven times with your lips. Rise, duly obligated Royal Arch Mason.

**30.2. The Grand Imperial Council For Australia.
Order of Knights of Rome -The Red Cross of Constantine.
(Obligation. Ritual book, page 41-42).**

I,..... in the presence of the Trinity in Unity, and of the Conclave of Knights here assembled, solemnly swear never to disclose to any of the children of men, unless to Knights faithful and true, those ancient secrets or mysteries which lawfully appertain to the Order of Knights of Rome and the Red Cross of Constantine. I likewise solemnly pledge myself to maintain and support the Constitutions and Laws of die Grand Imperial Council for Australia, to obey the lawful commands of the M.P.S. (Most Puissant Sovereign), or of his Viceroy, the Eminent Knight Eusebius, and at all times to hail and recognise the symbol of our faith, when worn by a Knight of the Order. My Brother, are you willing to accept this as your Obligation? I am. Then you will repeat: I,..... solemnly swear fidelity, so help me the Indivisible Trinity, and keep me steadfast in this the sacred obligation of a Knight of Rome and the Red Cross of Constantine. As a pledge of inviolable fidelity, you will seal this obligation on the Holy Testament. Candidate kisses the Holy Testament once.

30.3. Installation of Most Wise Sovereign (M.W.S.). 18th. (Ritual book, page 106).

I, ..., in the presence of the Ever-Blessed and Glorious Trinity, do solemnly promise hereon that I shall discharge the duties of Most Wise Sovereign in this the Sovereign Chapter No..... on the Roll of the Supreme Council for Scotland,

faithfully, zealously, conscientiously and to the best of my ability until a successor shall have been regularly elected and installed in my stead. That I shall uphold and maintain the principles and tenets of this Order and conduct the ceremonies of the Degrees authorised to this Sovereign Chapter, only in the manner prescribed for diem by the **Supreme Council for Scotland**. That I shall always acknowledge my allegiance and that of this Sovereign Chapter, whilst in its chair, to dial Supreme Council and do all in my power to promote die best interests of diis Order. And, lastly, that I shall conform to die constitution and Laws of die Supreme Council for Scotland current for die time and, in so far as not contrary diereto and any By-laws in force for this Sovereign Chapter. So help me God and die mediation of die Ever-Blessed Rose. Kiss die Book once and rises.

30.4. SCOTLAND

The Constitution, under Executive Government created the position of Governor General, the Queens Representative in Australia, the Constitution states that the Governor General shall be advised by the Federal Executive Council (Section 62) but makes no mention of the Prime Minister or Cabinet, but the letters Patent for the Australia Act were signed in Scotland at Balmoral Castle by Mr R Hawke, then present Prime Minister of Australia, without Commonwealth Referendum.

31. The First Named Defendant and Second Named Defendant have reversed the content and intent of the Commonwealth of Australia Constitution Act 63 & 64 Vict Chapter 12. The Blessing of Almighty God by introducing a Curse via unlawful Illegal and unknown Oaths and Foreign Allegiance.

PARTICULARS

31.1. THE CONSTITUTION THE COMMONWEALTH OF AUSTRALIA (63 & 64 VICTORIA)

WHEREAS the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, humbly relying on the blessing of Almighty God, have agreed to unite in one

indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the Constitution hereby established:

**31.2. OLD TESTAMENT SCRIPTURE
ZECHARIAH CHAPTER 5**

Then I turned, and lifted up mine eyes, and looked, and behold a flying roll.² And he said unto me, What seest thou? And I answered, I see a flying roll; the length thereof *is* twenty cubits, and the breadth thereof ten cubits.³ Then said he unto me, **This *is* the curse** that goeth forth over the face of the whole earth: for every one that stealeth shall be cut off *as* on this side according to it; and every one that sweareth shall be cut off *as* on that side according to it.⁴ I will bring it forth, saith the LORD of hosts, and it shall enter into the house of the thief, and into the house of him that sweareth falsely by my name: and it shall remain in the midst of his house, and shall consume it with the timber thereof and the stones thereof.⁵ Then the angel that talked with me went forth, and said unto me, Lift up now thine eyes, and see what *is* this that goeth forth.⁶ And I said, What *is* it? And he said, This *is* an ephah that goeth forth. He said moreover, This *is* their resemblance through all the earth.⁷ And, behold, there was lifted up a talent of lead: and **this *is* a woman** that sitteth in the midst of the ephah.⁸ And he said, This *is* wickedness. And he cast it into the midst of the ephah; and he cast the weight of lead upon the mouth thereof.⁹ Then lifted I up mine eyes, and looked, and, behold, there came out two women, and the wind *was* in their wings; for they had wings like the wings of a stork: and they lifted up the ephah between the earth and the heaven.¹⁰ Then said I to the angel that talked with me, Whither do these bear the ephah?¹¹ And he said unto me, To build it an house in the land of Shinar: and it shall be established, and set there upon her own base.

**31.3. OLD TESTAMENT SCRIPTURE
JEREMIAH CHAPTER 7. 17/19**

¹⁷ Seest thou not what they do in the cities of Judah and in the streets of Jerusalem?¹⁸ The children gather wood, and the

fathers kindle the fire, and the women knead *their* dough, to make cakes to the **queen of heaven**, and to pour out drink offerings unto other gods, that they may provoke me to anger.¹⁹ Do they provoke me to anger? saith the LORD: *do they* not *provoke* themselves to the confusion of their own faces?

31.4. **OLD TESTAMENT SCRIPTURE
ISAIAH CHAPTER 14.12**

¹² How art thou fallen from heaven, **O Lucifer**, son of the morning! *how* art thou cut down to the ground, which didst weaken the nations

31.5. **OLD TESTAMENT SCRIPTURE
LAMENTATIONS CHAPER 2.1**

¹ How hath the Lord covered the daughter of Zion with a cloud in his anger, *and* cast down from heaven unto the earth the beauty of Israel, and remembered not his footstool in the day of his anger!

31.6. **OLD TESTAMENT SCRIPTURE
ISAIAH CHAPTER 57.3**

³ But draw near hither, ye sons of the sorceress, the seed of the adulterer and the whore

31.7. **MASONIC COMMITMENT TO LUCIFER
ALBERT PIKE AUTHOR OF MORALS & DOGMA**

'That which we must say to the crowd is-- We worship a God, but it is the God that one adores without superstition.

*'To you, Sovereign Grand Inspectors General, we say this, that you may repeat it to the Brethren of the 32nd, 31st and 30th degrees -- The **Masonic religion** should be, by all of us initiates of the high degrees, maintained in the of purity of the Luciferian doctrine.*

31.8. ADAM WEISHAPT'S STATEMENT: (FOUNDER OF THE ILLUMINATI)

"Behold our secret: If in order to destroy Christianity, all religion, we have pretended to have the sole true religion, remember that the end justifies the means, and the wise ought to take all the means to do good which the wicked take to do evil. This can be done in no other way by, "by secret associations". Which will be degrees, and in silence, possess themselves of the Government of the States, and make use of these means for this purpose, which the wicked use for attaining base ends. The express aim of this order was to abolish Christianity and overthrow all civil Governments."

(Source: "The Committee of 30" by J Coleman.)

31.9. COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 116

Commonwealth not to legislate in respect of religion

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

32. The First Named Defendant and Second Named Defendant have colluded and agreed together to permit the use of Foreign and Occultic Oaths and Allegiances into all structures of our society inclusive of Police, Politicians, Judiciary, Church Denominations and Church Leaders.

PARTICULARS

32.1. WINE IN A HUMAN SKULL 33^d DEGREE INIATION

When it was time for the final obligation we all stood and repeated the oath with the representative candidate, administered by the Sovereign Grand Inspector General. We

then swore true allegiance to the Supreme Council of the 33rd Degree, above all other allegiances, and swore never to recognize any other brother as being a member of the Scottish Rite of Freemasonry unless he also recognizes the Supreme authority of "this Supreme Council".

One of the Conductors then handed the "candidate" a human skull, upside down, with wine in it. "May this wine I now drink become a deadly poison to me, as the Hemlock juice drunk by Socrates, should I ever knowingly or willfully violate the same" (the oath).

He then drank the wine. A skeleton (one of the brothers dressed like one - he looked very convincing) then stepped out of the shadows and threw his arms around the "candidate." Then he (and we) continued the sealing of the obligation by saying, "And may these cold arms forever encircle me should I ever knowingly or willfully violate the same."

The Sovereign Grand Commander closed the meeting of the Supreme Council "with the Mystic Number," striking with his sword five, three, one and then two times. After the closing prayer, we all said "amen, amen, amen," and it was over.

32.2. LUCIFER THE LIGHT BEARER

"Lucifer, the Light-Bearer! Strange and mysterious name to give to the Spirit of Darkness! **Lucifer, the Son of the Morning! Is it he who bears the Light**, and with all its splendors intolerable blinds feeble, sensual, or selfish Souls? Doubt it not!" (Albert Pike, "Morals and Dogma," 19th Degree, p: 321)

32.3. SONS OF LIGHT

"Freemasons are emphatically called Sons of Light'.. while the profane or uninitiated (non-Masons) who have not received this knowledge ... are said to be in darkness." ("Masonic Dictionary, " "Light, "Consolidated Book Pub, 1963)

32.4. LIGHT

Blindfolded ("hoodwinked") and kneeling, half naked and bound by a rope ("cabletow"), the candidate for initiation into the Blue Degrees is asked, by the Worshipful Master, "In your present, blind condition, what do you most desire?" His reply, according to the ritual, must be "Light" (1st Degree), "Further Light" (2nd Degree) and "More Light" (3rd Degree). (Verbal Masonic Ritual, 1st, 2nd, 3rd Degrees)

32.5. FALSE INTERPRETATIONS

"The Blue Degrees are but the portico (porch) of the Temple. Part of the symbols are displayed there to the initiate, but he is intentionally misled by false interpretations. It is not intended that he shall understand them; but it is intended that he shall imagine that he understands them... their true explication (explanation/understanding) is reserved for the Adepts, the Princes of Masonry. "(Albert Pike, 'Morals and Dogma, "30th Degree, p. 819)

32.6. MURDER & TREASON

"Furthermore do I promise and swear that a Master Mason's secrets, given to me in charge as such, and I knowing them to be such, shall remain as secure and inviolable in my breast as in his own, when communicated to me, murder and treason excepted; and they left to my own election. " (Master Mason's/3rd Degree Oath of Obligation)

32.7. PERJURY

"You must conceal all the crimes of your brother Masons ... and should you be summoned as a witness against a brother Mason be always sure to shield him... It may be perjury to do this, it is true, but you're keeping your obligations."(Ronayne, 'Handbook of Masonry, "p. 183)

32.8. YOU MUST CONCEAL

"If your wife, or child, or friend, should ask you anything about your initiation — as for instance, if your clothes were taken off, if you were blindfolded, if you had a rope around your neck, etc, you must conceal.. hence of course, you must deliberately lie about it. It is part of your obligation... " (Ibid, p. 74)

32.9. SECRECY

"The secrecy of this institution is another and most important landmark... If divested of its secret character, it would lose its identity, and would cease to be Freemasonry... death of the Order would follow its legalized exposure.Freemasonry, as a secret association, has lived unchanged for centuries; as an open society it would not last for as many years" (Albert Mackey, "Textbook of Masonic Jurisprudence, "23rd Landmark, 'Secrecy')

32.10. CONCEAL AND NEVER REVEAL

"I.. do hereby and hereon most solemnly and sincerely promise and swear that I will always hail, ever conceal and never reveal any of the arts, parts or points of the secret arts and mysteries of ancient Freemasonry which I have received, am about to receive, or may hereafter be instructed in... " (Oath of Obligation, Entered Apprentice/ 1st Degree, and included in all subsequent degrees, always on penalty of mayhem and violent death)

32.11. OBLIGATION / OATH

Question: "What makes you a Mason?" Answer: "My obligation." (question and answer from the Entered Apprentice/First Degree)

32.12. OBLIGATION / OATH

"... binding myself under no less a penalty than that of having my throat cut from ear to ear, my tongue torn out by its roots, and with my body buried in the rough sands of the sea, a cable's length from the shore, where the tide ebbs and flows twice in twenty-four hours..." (from the oath of obligation, entered Apprentice/First Degree)

32.13. OBLIGATION / OATH

"...binding myself under no less a penalty than that of having my left breast torn open, my heart plucked out, and given to the beasts of the field and fowls of the air as a prey.." (from the oath of obligation, Fellowcraft/Second Degree)

32.14. OBLIGATION / OATH

"..binding myself under no less a penalty than that of having my body severed in twain, my bowels taken out and burned to ashes, the ashes scattered to the four winds of heaven.." (from the oath of obligation, Master Mason/Third Degree)

32.15. OBLIGATION / OATH

"...In willful violation whereof may I incur the fearful penalty of having my eyeballs pierced to the center with a threedged blade, my feet flayed and I be forced to walk the hot sands upon the sterile shores of the Red Sea until the flaming Sun shall strike me with a livid plague, **and may Allah, the god of Arab, Moslem and Mohammedan, the god of our fathers, support me to the entire fulfillment of the same**" (from the oath of obligation, Ancient Arabic Order of Nobles of the Mystic Shrine ["Shriners"])

33. The Plaintiffs states that both Named Defendants have not abided by Statute Law and have breached Statute Law

PARTICULARS

**33.1. CRIMINAL CODE ACT WA 1913- SECT 48 (1)(g)
Other unlawful oaths to commit offences**

Any person who —

(1) 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—

(g) 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;

is guilty of a crime, and is liable to imprisonment for 7 years.

**33.2. CRIMINAL CODE ACT WA 1913- SECT 2
"Offence", definition of**

An act or omission which renders the person doing the act or making the omission liable to punishment is called an offence.

**33.3. CRIMINAL CODE ACT WA 1913- SECT 3
Offences, types of**

Offences are of 3 kinds, namely, crimes, misdemeanours, and simple offences.

Crimes and misdemeanours are indictable offences.

Where for any indictable offence offenders may be punished summarily any court of petty sessions before which a person charged with the offence or which deals with the charge or examines the person charged, or commits him for trial shall be constituted by a magistrate alone, or if there is no magistrate available and the person consents, by 2 justices.

A person guilty of a simple offence may be summarily convicted by 2 justices in petty sessions.

An offence not otherwise designated is a simple offence.

33.4. CRIMINAL CODE ACT WA 1913- SECT 4
"Attempts to commit offences", definition of

When a person, intending to commit an offence, begins to put his intention into execution by doing an act that is more than merely preparatory to the commission of the offence but does not fulfil his intention to such an extent as to commit the offence, he is said to attempt to commit the offence.

It is immaterial, except so far as regards punishment, whether the offender does all that is necessary on his part for completing the commission of the offence, or whether the complete fulfilment of his intention is prevented by circumstances independent of his will, or whether he desists of his own motion from the further prosecution of his intention.

It is immaterial that by reason of circumstances not known to the offender, it is impossible in fact to commit the offence.

The same facts may constitute one offence and an attempt to commit another offence.

33.5. CRIMINAL CODE ACT WA 1913- SECT 139
Justices acting when personally interested

Any person who —

(2) Being a justice, wilfully and perversely exercises jurisdiction in any matter in which he has a personal interest;

is guilty of a misdemeanour, and is liable to imprisonment for 2 years.

33.6. JUSTICES ACT 1902 - SECT 12
Judges etc. to be justices

A person who is for the time being—

(a) a member of the Executive Council of the State;

(b) a Judge of the Supreme Court;

- (c) a Judge of The District Court of Western Australia;
- (d) a Judge of the Family Court of Western Australia;
- (da) a Judge of the Children’s Court of Western Australia;
- (db) a magistrate of the Children’s Court of Western Australia;
- (e) a magistrate; or
- (f) a Coroner,

or who is for the time being acting in such an office or exercising the powers thereof, shall, by virtue of that office and without any further commission or authority than this Act, be a Justice of the Peace for the State.

33.7. JUSTICES ACT 1902 - SECT 16

Oath of office

A justice other than a justice appointed by virtue of section 12 shall not exercise any of the functions of his office until he has taken or made an oath or affirmation of allegiance and the oath or affirmation of office prescribed in the Third Schedule.

Such oaths or affirmations may be taken or made before, and may be administered or received by, a Judge of the High Court of Australia or of the Supreme Court of any State, or a magistrate or any person authorised in that behalf by the Governor.

33.8. JUSTICES ACT 1902 – THIRD SCHEDULE

Oath of Allegiance

I, A, B, do sincerely promise and swear that I will be faithful and bear true allegiance to Her Majesty Elizabeth the Second as lawful Sovereign of the United Kingdom, Australia and Her other Realms and Territories, So help me God!

Oath of Office

I, A, B, do sincerely promise and swear that as Justice of the Peace I will at all times and in all things do equal justice to the poor and rich and discharge the duties of my office according to the Law and Statues of the Realm and of this State to the best of my knowledge and ability, without fear, favour, or affection, So help me God!

33.9. CRIMINAL CODE ACT WA 1913- SECT 135
Conspiring to defeat justice

Any person who conspires with another to obstruct, prevent, pervert, or defeat the course of justice is guilty of a crime, and is liable to imprisonment for 7 years.

33.10. CRIMINAL CODE ACT WA 1913- SECT 136
Compounding or concealing crimes

Any person who asks, receives, or obtains, or agrees, or attempts to receive or obtain, any property or benefit of any kind for himself or any other person, upon any agreement or understanding that he will compound or conceal a crime, or will abstain from, discontinue, or delay, a prosecution for a crime, or will withhold any evidence thereof, is guilty of an a crime and is liable to imprisonment for 7 years.

33.11. CRIMINAL CODE ACT WA 1913- SECT 143
Attempting to pervert justice

Any person who attempts to obstruct, prevent, pervert, or defeat the course of justice is guilty of a crime, and is liable to imprisonment for 7 years.

33.12. CRIMINAL CODE ACT WA 1913- SECT 622
Trial by jury

If the accused person pleads any plea or pleas other than the plea of guilty, or a plea to the jurisdiction of the court, he is by such plea, without any further form, deemed to have demanded that the issues raised by such plea or pleas shall be tried by a

jury, and, subject to Chapter LXIVA, those issues are triable accordingly.

33.13. CRIMINAL CODE ACT WA 1913- SECT 621
Trial on plea to the jurisdiction

Upon a plea to the jurisdiction of the court, the court is to proceed to satisfy itself in such manner and upon such evidence as it thinks fit, whether it has jurisdiction or not, and may ascertain the fact by the verdict of a jury or otherwise.

33.14. SUPREME COURT ACT WA 1935- SECT 42
Civil actions, trial with or without jury

Subject as hereinafter provided, if, on the application of any party to an action made not later than such time before the trial as may be limited by the Rules of Court, the Court or a Judge is satisfied that —

- (a) a charge of fraud against that party; or
- (b) a claim in respect of libel, slander, malicious prosecution, false imprisonment, seduction, or breach of promise of marriage,

is in issue, the action shall, subject to the provisions of the Juries Act 1957, be tried by a jury, unless the Court or Judge is of opinion that the trial thereof requires any prolonged examination of documents or accounts or any scientific or local examination which cannot conveniently be made with a jury; but, save as aforesaid, any action may, subject to Rules of Court, in the discretion of the Court or a Judge, be ordered to be tried with or without a jury:

Provided that the provisions of this section shall be without prejudice to the power of the Court or a Judge to order, in accordance with the Rules of Court, that different questions of fact arising in any action be tried by different modes of trial, and where such order is made the provisions of this section requiring trial with a jury in certain cases shall have effect only as respects questions relating to such charge or claim as aforesaid.

33.15. SUPREME COURT ACT WA 1935- SECT 43

Judge may reserve case etc. for Full Court

(1) Any Judge, whether sitting in court or in chambers, may, in the exercise of civil or criminal jurisdiction, at any time before final judgment, and whether before or after argument, reserve any case, or any point or question in a case, for the consideration of the Full Court, or may at any such time as aforesaid direct any case, point, or question to be argued before the Full Court, or may give judgment in any cause or matter subject to the judgment of the Full Court on any point or question arising in such cause or matter, and may reserve such point or question for such judgment, and the Full Court shall thereupon hear and determine such case, point, or question.

(2) Any Judge, whether sitting in court or in chambers, may, when granting a rule nisi or order to show cause, make the same returnable before the Full Court.

33.16. COMMONWEALTH OF AUSTRALIA CONSTITUTION

ACT - SECT 80

Trial by jury

80. 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.

34. The State of Western Australia, the First Named Defendant, is bound and limited by section 51 (xiii) of the Commonwealth Constitution. Additionally section 51 (iv) makes the State a debtor to Foreign Bankers, via the City of London, England and the Federal Reserve system of America, in particular since the unlawful selling off of the Statutory Bank the Commonwealth Bank into foreign shareholding control.

PARTICULARS

34.1. COOMBS, FORMER GOVERNOR RESERVE BANK,
AUTOBIOGRAPHY

"It was Norman who created the international freemasonry of central bankers."

(Source "Trial Balance" page 141)

(Norman former Governor of the Bank of England)

34.2. JACK LANG FORMER PREMIER NEW SOUTH WALES

THAT, the involvement of the City of London in the affairs of our State and Country, both past and present, is critical to understand particularly in the "Masonic light" that all Masonic lodges working within Australia have their "lodge warrants" from the City of London. England.

Jack Lang: The Great Bust, The Money Power: stated:

"The City of London provided all the capital required for the development of the Colonies. The City controlled the ships, the wool and wheat exchanges, the insurance houses and all the other machinery of trade and commerce. The Old Lady of Threadneedle Street, as they called the Bank of England, presided over the financial dynasty of the Empire. It was supported by the big five, the mayor private banks. "

"In addition, there was the big mortgage companies who had invested in Colonial estates, handled Colonial produce and advanced money to Colonial settlers. They were closely allied to the banks. They specialized in mortgage. As they invariably reserved the right to handle all the produce as well, they perfected a form of business ties that left no loopholes for the client. Usually the banks and mortgage companies had interlock directorates, who specialized in Colonial business. So in Australia, the graziers, the farmers, as well as most of the import houses, the principal mining companies as well as

the banks, insurance companies and shipping, all led directly back to the City of London. That had been the complete picture when Australia entered the First World War. All our railways, our power plants, our school buildings and even our Police, Courts and Gaols had been built with money supplied by the City of London. We were a Debtor Nation. The Bondholders never permitted us to forget it. "

(Jack Lang, the former Premier of N.S.W. lost that position after he affected a debt moratorium in New South Wales against the City of London, in the period immediately after the Great Depression.)

34.3. THAT, in this Statement of Claim, I will place various quotes from the document called "The Protocols." *with the specific disclaimer that.*

- I make no specific statement or claim regarding *the authorship* of this document, except to say **that**:
- "The document has apparently been placed in the London library as far back as 1905.

I place extracts in this affidavit concerning "a program" that clearly involves and includes the organization of Freemasonry.

PROTOCOL 15 (Portion) Masonic Lodges

- *"We shall create and multiply free Masonic lodges in all the countries of the world.*
- *Absorb into them all who may become or who are prominent in public activity, for in these lodges we shall find our principal intelligence office and means of influence.*
- *All these lodges we shall bring under one central administration known to us alone and to all others absolutely unknown which will be composed representatives who will serve to screen the above mentioned administration of Masonry and from whom will issue the watchword and program.*
- *In these lodges we will tie together the knot, which binds together all revolutionary' and liberal elements. Their composition will be made up of all strata of society.*

- *The most secret political plots will be known to us and will fall under our guiding hands on the very day of their conception. "*

PROTOCOL 15 (portion) JUDGES AND SENATORS

"In the most important and fundamental affairs and questions Judges decide as we dictate to them."

"Even Senators and the higher administration accept our counsels."

PROTOCOL 17 (Portion) CHRISTIAN RELIGION

"Freedom of conscience has been declared everywhere, so [hat now only years divide us from the moment of the complete wrecking of that Christian religion, as to other religions we shall have still less difficulty in dealing with them. "

PROTOCOL 23 (Portion) MANUFACTURERS

"We shall re-establish small master production which will mean laying a mine under the private capital of manufacturers."

PROTOCOL 22 (Portion) GOLD

"In our hands is the greatest power of our day- gold. In two days we can procure from our storehouses any quantity we may please. "

PROTOCOL 20 (Portion) RIGHT TO ISSUE MONEY

*"The right to issue interest, bearing paper will be given exclusively to industrial companies who will find no difficulty in paying interest out of profits, - whereas:
The State does not make interest on borrowed money like these companies, for the State borrows to spend and not to use in operations. "*

PROTOCOL 13 (Portion) THE PRESS

"Who will ever suspect then that all these peoples were stage managed by us according to political plan which no one has so much as guessed at in the course of many centuries."

PROTOCOL 12 (Portion) NEWSPAPER MILITIA

"In order to direct our newspaper militia in this sense, we must take special and minute care in organizing this matter. Under the title of central department of the press, we shall institute literary gatherings at which our agents will, without attracting attention, issue the orders and watchwords of the day. "

"Not a single announcement will reach the public without our control"

PROTOCOL 12 (Portion) MASONIC FREEDOM

"Masonic interpretation of the word "Freedom"

"The word Freedom" which can be interpreted in various ways, is defined by us as follows:

Freedom is the right to do that which the Law' allows. "

PROTOCOL 10 (Portion) REPUBLIC & PRESIDENT

"Independently of this, we shall invest the President with the right of declaring a state of war. We shall justify this last right on the ground that the President, as Chief of the whole army of the Country, must have at his disposal, in case of need for the defense of the New Republic Constitution, the right to defend which will belong to him as the responsible representative of this Constitution. It is easy to understand that in these conditions, the Key of the Shrine will lie in our hands and no one outside ourselves will any longer direct the force of Legislation. Besides this we shall, with the introduction of the New Republic Constitution, take from the Chamber the right of interpellation on Government measures, on the pretext of preserving Political Secrecy, and further, we shall by the New Constitution reduce the number of Representatives to a minimum.

We count upon attracting all Nations to the task of erecting the new fundamental structure. "

PROTOCOL 9 (Portion) THE LAWGIVERS

"I am in a position to tell you with a clear conscience that at the proper time we, the lawgivers, shall execute judgment and sentence.

We shall slay and we shall spare, we as head of all our troops, are mounted on the steed of the Leader. "

PROTOCOL 8 (Portion) LEXICON OF LAW

"We must arm ourselves with all the weapons which our opponents might employ against us. We must search out in the very Lexicon of Law justification for those cases where we shall have to pronounce judgments that might appear abnormally audacious and unjust, for it is important that these resolutions should be set forth in expressions that shall seem to be the most exalted moral principles cast into legal form. "

PROTOCOL 7 (Portion) EUROPE

"Throughout all Europe, and by means of relations with Europe, in other continents also, we must create ferments, discords and hostility. Therein we gain a double advantage. In the first place we keep in check all countries for they well know that we have the power, whenever we like, to create disorders or to restore order. "

"We shall show our strength to one of them by terrorist attempts and to all. if we allow the possibility of a general rising against us. we shall respond with the guns of America. China or Japan. "

PROTOCOL 6 (portion) STATES/FARMERS/CREDIT

"That they will go to the bottom together with the Credit of the States on the day after the Political smash:-"

"As landed proprietors they can still be harmful to us from the fact that they are self-sufficing in the resources upon which they live. It is essential therefore, for us at whatever cost to deprive them of their land. "

PROTOCOL 5 (portion) CAPITAL

"Capital, if it is to co-operate untrammelled, must be free to establish a monopoly of industry and trade: this is already being put in execution by an unseen hand in all quarters of the world. These freedoms will give political force to those engaged in industry and that will help to oppress the people. Nowadays

it is more important to disarm the peoples than to lead them into war."

PROTOCOL 4 (portion) FREE-MASONRY

*"Masomy blindly serves as a screen for us **and our** objects, but the plan of action of our force, even "its very abiding place" remains for the whole people an unknown mystery."*

PROTOCOL 3 (portion) EUROPE AND MONEY

*"There remains a small space to cross and the whole long path we **have trodden is ready now to close its cycle** of the Symbolic Snake, by which we symbolize our people. When this ring closes, "all the States of Europe " will be locked in its coils in a powerful vice. "*

*"The people under our guidance have annihilated the aristocracy, who were their one and only defense and foster mother for the sake of their own advantage which is inseparately bound up with the well-being of the people. Nowadays, with the destruction of the aristocracy, the people **have fallen** into the grips of merciless money-grinding scoundrels who **have** laid a pitiless and cruel yoke upon the necks of the workers. "*

PROTOCOL 2 (portion) ECONOMIC WAR

*"If is indispensable for our purpose that wars, so far as possible, should not result in territorial gains: war will thus be brought on to the economic ground where the Nations will not fail to perceive in the assistance we give the strength of our predominance, and this state of **things** will put both **sides at the mercy** of our "International Agentur. "*

*"The Administrators whom we will choose from among the public, with strict regard to their capacities for 'servile obedience ' will not be persons trained in the **arts** of Government and will therefore easily become pawns on our game in the hands of men learning and genius who will be their advisers, specialists bred and reared from early childhood **to rule the affairs** of the whole world."*

PROTOCOL 1 (Portion) POLITICIANS AND MORALITY

*"The Political has nothing in **common** with the Moral."*

PROTOCOL 24 (Portion) THE SEED OF DAVID

*"I pass now to the method of con/inning the dynastic roots of King **David** to the last strata of the earth. This confirmation will first and **foremost** be included in that **in which to this day** has rested the force of conservatism by our learned elders of the conduct of all the affairs of the world, in the directing of the education of thought of all humanity. Certain members of the Seed of David will prepare the kings and their heirs, selecting not by right of heritage but by eminent capacities, inducting them into the most secret mysteries of the political, into schemes of Government may\ but providing always that none come to knowledge of the secrets. The object of this mode of action is that all may know that Government cannot be entrusted to those who have not been inducted into the secret places of its art. "*

"The King's plans of action for ~~he~~ current moment, and all the more so for the future, will be unknown, even to those who are called his closest Counselors. Only the King and the Three who stood sponsor for him will know what is coming. "

"All the SPIRIT OF LAWS, which have been unshakably established by 'NATURE HERSELF' for the regulation of the relations of humanity."

34.4. COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 51

Legislative powers of the Parliament

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:

- (i) trade and commerce with other countries, and among the States;
- (ii) taxation; but so as not to discriminate between States or parts of States;

- (iii) bounties on the production or export of goods, but so that such bounties shall be uniform throughout the Commonwealth;
- (iv) borrowing money on the public credit of the Commonwealth;
- (v) postal, telegraphic, telephonic, and other like services;
- (vi) the naval and military defence of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth;
- (vii) lighthouses, lightships, beacons and buoys;
- (viii) astronomical and meteorological observations;
- (ix) quarantine;
- (x) fisheries in Australian waters beyond territorial limits;
- (xi) census and statistics;
- (xii) currency, coinage, and legal tender;
- (xiii) banking, other than State banking; also State banking extending beyond the limits of the State concerned, the incorporation of banks, and the issue of paper money;
- (xiv) insurance, other than State insurance; also State insurance extending beyond the limits of the State concerned;
- (xv) weights and measures;
- (xvi) bills of exchange and promissory notes;
- (xvii) bankruptcy and insolvency;
- (xviii) copyrights, patents of inventions and designs, and trade marks;
- (xix) naturalization and aliens;
- (xx) foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth;
- (xxi) marriage;
- (xxii) divorce and matrimonial causes; and in relation thereto, parental rights, and the custody and guardianship of infants;
- (xxiii) invalid and old-age pensions;

- (xxiiiA) the provision of maternity allowances, widows' pensions, child endowment, unemployment, pharmaceutical, sickness and hospital benefits, medical and dental services (but not so as to authorize any form of civil conscription), benefits to students and family allowances;
- (xxiv) the service and execution throughout the Commonwealth of the civil and criminal process and the judgments of the courts of the States;
- (xxv) the recognition throughout the Commonwealth of the laws, the public Acts and records, and the judicial proceedings of the States;
- (xxvi) the people of any race, ~~other than the aboriginal race in any State~~, for whom it is deemed necessary to make special laws;
- (xxvii) immigration and emigration;
- (xxviii) the influx of criminals;
- (xxix) external affairs;
- (xxx) the relations of the Commonwealth with the islands of the Pacific;
- (xxxi) the acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has power to make laws;
- (xxxii) the control of railways with respect to transport for the naval and military purposes of the Commonwealth;
- (xxxiii) the acquisition, with the consent of a State, of any railways of the State on terms arranged between the Commonwealth and the State;
- (xxxiv) railway construction and extension in any State with the consent of that State;
- (xxxv) conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State;
- (xxxvi) matters in respect of which this Constitution makes provision until the Parliament otherwise provides;
- (xxxvii) matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliaments the

- matter is referred, or which afterwards adopt the law;
- (xxxviii) the exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States directly concerned, of any power which can at the establishment of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australasia;
- (xxxix) matters incidental to the execution of any power vested by this Constitution in the Parliament or in either House thereof, or in the Government of the Commonwealth, or in the Federal Judicature, or in any department or officer of the Commonwealth.

34.5. COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 115
States not to coin money

A State shall not coin money, nor make anything but gold and silver coin a legal tender in payment of debts.

34.6. COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 119
Protection of States from invasion and violence

The Commonwealth shall protect every State against invasion and, on the application of the Executive Government of the State, against domestic violence.

34.7. COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 118
Recognition of laws etc. of States

Full faith and credit shall be given, throughout the Commonwealth to the laws, the public Acts and records, and the judicial proceedings of every State.

**34.8. COMMONWEALTH OF AUSTRALIA CONSTITUTION
ACT - SECT 121**

New States may be admitted or established

The Parliament may admit to the Commonwealth or establish new States, and may upon such admission or establishment make or impose such terms and conditions, including the extent of representation in either House of the Parliament, as it thinks fit.

34.9. The State of Western Australia by State Referendum during 1932 / 1933 did Succeed from the Commonwealth but the final structure of Legislation was blocked when the House of Lords refused to here the matter.

35. The State of Western Australia and the Commonwealth of Australia is bound by Law and Constitution to Allegiance to Her Majesty. The Queen, a Christian Monarchy in stewardship of Christian Law, Heritage and History, all contrary to the Doctrine, Law, Rituals and Oaths of Freemasonry, the Second Named Defendant.

PARTICULARS

**35.1. COMMONWEALTH OF AUSTRALIA CONSTITUTION
ACT - & QUEEN**

An Act to constitute the Commonwealth of Australia
(63 & 64 Victoria)

PREAMBLE

WHEREAS the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the Constitution hereby established:

And whereas it is expedient to provide for the admission into the Commonwealth of other Australasian Colonies and possessions of the Queen:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the Commonwealth of Australia Constitution Act.

Act to extend to the Queen's successors.

2. The provisions of this Act referring to the Queen shall extend to Her Majesty's heirs and successors in the sovereignty of the United Kingdom.

Proclamation of Commonwealth.

3. It shall be lawful for the Queen, with the advice of the Privy Council, to declare by proclamation* that, on and after a day therein appointed, not being later than one year after the passing of this Act, the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, and also, if Her Majesty is satisfied that the people of Western Australia have agreed thereto, of Western Australia, shall be united in a Federal Commonwealth under the name of the Commonwealth of Australia. But the Queen may, at any time after the proclamation, appoint a Governor-General for the Commonwealth.

Commencement of Act.

4. The Commonwealth shall be established, and the Constitution of the Commonwealth shall take effect, on and after the day so appointed. But the Parliaments of the several colonies may at any time after the passing of this Act make any such laws, to come into operation on the day so appointed, as they might have made if the Constitution had taken effect at the passing of this Act.

Operation of the constitution and laws.

5. This Act, and all laws made by the Parliament of the Commonwealth under the Constitution, shall be binding on the courts, judges, and people of every State and of every part of the Commonwealth, notwithstanding anything in the laws of any State; and the laws of the Commonwealth shall be in force on all British ships, the Queen's ships of war excepted, whose first port of clearance and whose port of destination are in the Commonwealth.*

Definitions.

6. "The Commonwealth" shall mean the Commonwealth of Australia as established under this Act.

"The States" shall mean such of the colonies of New South Wales, New Zealand, Queensland, Tasmania, Victoria, Western Australia, and South Australia, including the northern territory of South Australia, as for the time being are parts of the Commonwealth, and such colonies or territories as may be admitted into or established by the Commonwealth as States; and each of such parts of the Commonwealth shall be called "a State."

"Original States" shall mean such States as are parts of the Commonwealth at its establishment.

Repeal of Federal Council Act.

7. The Federal Council of Australasia Act, 1885, is hereby repealed, but so as not to affect any laws passed by the Federal Council of Australasia and in force at the establishment of the Commonwealth. Any such law may be repealed as to any State by the Parliament of the Commonwealth, or as to any colony not being a State by the Parliament thereof.

Application of Colonial Boundaries Act.

8. After the passing of this Act the Colonial Boundaries Act, 1895, shall not apply to any colony which becomes a State of the Commonwealth; but the Commonwealth shall be taken to be a self-governing colony for the purposes of that Act.

THE PARLIAMENT

Legislative power.

1. The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the Queen, a Senate, and a House of Representatives, and which is hereinafter called "The Parliament," or "The Parliament of the Commonwealth."

Governor-General.

2. A Governor-General appointed by the Queen shall be Her Majesty's representative in the Commonwealth, and shall have and may exercise in the Commonwealth during the Queen's pleasure, but subject to this Constitution, such powers and functions of the Queen as Her Majesty may be pleased to assign to him.

Salary of Governor-General.

3. There shall be payable to the Queen out of the Consolidated Revenue fund of the Commonwealth, for the salary of the Governor-General, an annual sum which, until the Parliament otherwise provides, shall be ten thousand pounds.

The salary of a Governor-General shall not be altered during his continuance in office.

Provisions relating to Governor-General.

4. The provisions of this Constitution relating to the Governor-General extend and apply to the Governor-General for the time being, or such person as the Queen may appoint to administer the Government of the Commonwealth; but no such person

shall be entitled to receive any salary from the Commonwealth in respect of any other office during his administration of the Government of the Commonwealth.

Qualifications of members.

34. Until the Parliament otherwise provides, the qualifications of a member of the House of Representatives shall be as follows:—

- (ii) He must be a subject of the Queen, either naturalborn or for at least five years naturalized under a law of the United Kingdom, or of a Colony which has become or becomes a State, or of the Commonwealth, or of a State.

Disqualification.

44. Any person who—

- (v) Has any direct or indirect pecuniary interest in any agreement with the Public Service of the Commonwealth otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons:

shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives. But subsection iv. does not apply to the office of any of the Queen's Ministers of State for the Commonwealth, or of any of the Queen's Ministers for a State, or to the receipt of pay, half pay, or a pension, by any person as an officer or member of the Queen's navy or army, or to the receipt of pay as an officer or member of the naval or military forces of the Commonwealth by any person whose services are not wholly employed by the Commonwealth.

Disagreement between the Houses.

57. If the House of Representatives passes any proposed law, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not

agree, and if after an interval of three months the House of Representatives, in the same or the next session, again passes the proposed law with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may dissolve the Senate and the House of Representatives simultaneously. But such dissolution shall not take place within six months before the date of the expiry of the House of Representatives by effluxion of time.

If after such dissolution the House of Representatives again passes the proposed law, with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may convene a joint sitting of the members of the Senate and of the House of Representatives.

The members present at the joint sitting may deliberate and shall vote together upon the proposed law as last proposed by the House of Representatives, and upon amendments, if any, which have been made therein by one House and not agreed to by the other, and any such amendments which are affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives shall be taken to have been carried, and if the proposed law, with the amendments, if any, so carried is affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives, it shall be taken to have been duly passed by both Houses of the Parliament, and shall be presented to the Governor-General for the Queen's assent.

Royal assent to Bills.

58. When a proposed law passed by both Houses of the Parliament is presented to the Governor-General for the Queen's assent, he shall declare, according to his discretion, but subject to this Constitution, that he assents in the Queen's name,

or that he withholds assent, or that he reserves the law for the Queen's pleasure.

Recommendations by Governor-General.

The Governor-General may return to the house in which it originated any proposed law so presented to him, and may transmit therewith any amendments which he may recommend, and the Houses may deal with the recommendation.

Disallowance by the Queen.

59. The Queen may disallow any law within one year from the Governor-General's assent, and such disallowance on being made known by the Governor-General by speech or message to each of the Houses of the Parliament, or by Proclamation, shall annul the law from the day when the disallowance is so made known.

Signification of Queen's pleasure on Bills reserved.

60. A proposed law reserved for the Queen's pleasure shall not have any force unless and until within two years from the day on which it was presented to the Governor-General for the Queen's assent the Governor-General makes known, by speech or message to each of the Houses of the Parliament, or by Proclamation, that it has received the Queen's assent

Executive power.

61. The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen's representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth.

Ministers of State.

64. The Governor-General may appoint officers to administer such departments of State of the Commonwealth as the Governor-General in Council may establish.

Such officers shall hold office during the pleasure of the Governor-General. They shall be members of the Federal Executive Council, and shall be the Queen's Ministers of State for the Commonwealth.

Ministers to sit in Parliament.

65. After the first general election no Minister of State shall hold office for a longer period than three months unless he is or becomes a senator or a member of the House of Representatives.

Salaries of Ministers.

66. There shall be payable to the Queen, out of the Consolidated Revenue Fund of the Commonwealth, for the salaries of the Ministers of State, an annual sum which, until the Parliament otherwise provides, shall not exceed twelve thousand pounds a year.

Command of naval and military forces.

68. The command in chief of the naval and military forces of the Commonwealth is vested in the Governor-General as the Queen's representative.

Judicial power and Courts.

73. The High Court shall have jurisdiction, with such exceptions and subject to such regulations as the Parliament prescribes, to hear and determine appeals from all judgments, decrees, orders, and sentences—

(i) Of any Justice or Justices exercising the original

jurisdiction of the High Court:

- (ii) Of any other federal court, or court exercising federal jurisdiction; or of the Supreme Court of any State, or of any other court of any State from which at the establishment of the Commonwealth an appeal lies to the Queen in Council:
- (iii) Of the Inter-State Commission, but as to questions of law only: and the judgment of the High Court in all such cases shall be final and conclusive.

But no exception or regulation prescribed by the Parliament shall prevent the High Court from hearing and determining any appeal from the Supreme Court of a State in any matter in which at the establishment of the Commonwealth an appeal lies from such Supreme Court to the Queen in Council.

Until the Parliament otherwise provides, the conditions of and restrictions on appeals to the Queen in Council from the Supreme Courts of the several States shall be applicable to appeals from them to the High Court.

Appeal to Queen in Council.

74. No appeal shall be permitted to the Queen in Council from a decision of the High Court upon any question, howsoever arising, as to the limits inter se of the Constitutional powers of the Commonwealth and those of any State or States, or as to the limits inter se of the Constitutional powers of any two or more States, unless the High Court shall certify that the question is one which ought to be determined by Her Majesty in Council.

The High Court may so certify if satisfied that for any special reason the certificate should be granted, and thereupon an appeal shall lie to Her Majesty in Council on the question without further leave.

Except as provided in this section, this Constitution shall not impair any right which the Queen may be pleased to exercise by

virtue of Her Royal prerogative to grant special leave of appeal from the High Court to Her Majesty in Council. The Parliament may make laws limiting the matters in which such leave may be asked,** but proposed laws containing any such limitation shall be reserved by the Governor-General for Her Majesty's pleasure.

Rights of residents in States.

117. A subject of the Queen, resident in any State, shall not be subject in any other State to any disability or discrimination which would not be equally applicable to him if he were a subject of the Queen resident in such other State.

Government of territories.

122. The Parliament may make laws for the government of any territory surrendered by any State to and accepted by the Commonwealth, or of any territory placed by the Queen under the authority of and accepted by the Commonwealth, or otherwise acquired by the Commonwealth, and may allow the representation of such territory in either House of the Parliament to the extent and on the terms which it thinks fit. Power to Her Majesty to authorise Governor-General to appoint deputies.

126. The Queen may authorise the Governor-General to appoint any person, or any persons jointly or severally, to be his deputy or deputies within any part of the Commonwealth, and in that capacity to exercise during the pleasure of the Governor-General such powers and functions of the Governor-General as he thinks fit to assign to such deputy or deputies, subject to any limitations expressed or directions given by the Queen; but the appointment of such deputy or deputies shall not affect the exercise by the Governor-General himself of any power or function.

Mode of altering the Constitution

128. This Constitution shall not be altered except in the following manner:

The proposed law for the alteration thereof must be passed by an absolute majority of each House of the Parliament, and not less than two nor more than six months after its passage through both Houses the proposed law shall be submitted in each State and Territory to the electors qualified to vote for the election of members of the House of Representatives.

But if either House passes any such proposed law by an absolute majority, and the other House rejects or fails to pass it, or passes it with any amendment to which the first-mentioned House will not agree, and if after an interval of three months the first-mentioned House in the same or the next session again passes the proposed law by an absolute majority with or without any amendment which has been made or agreed to by the other House, and such other House rejects or fails to pass it or passes it with any amendment to which the first-mentioned House will not agree, the Governor-General may submit the proposed law as last proposed by the first-mentioned House, and either with or without any amendments subsequently agreed to by both Houses, to the electors in each State and Territory qualified to vote for the election of the House of Representatives.

When a proposed law is submitted to the electors the vote shall be taken in such manner as the Parliament prescribes. But until the qualification of electors of members of the House of Representatives becomes uniform throughout the Commonwealth, only one-half the electors voting for and against the proposed law shall be counted in any State in which adult suffrage prevails.

And if in a majority of the States a majority of the electors voting approve the proposed law, and if a majority of all the electors voting also approve the proposed law, it shall be presented to the Governor-General for the Queen's assent.

No alteration diminishing the proportionate representation of any State in either House of the Parliament, or the minimum number of representatives of a State in the House of Representatives, or increasing, diminishing, or otherwise altering the limits of the State, or in any manner affecting the provisions of the Constitution in relation thereto, shall become law unless the majority of the electors voting in that State approve the proposed law.

↑
(S.123)

In this section, *Territory* means any territory referred to in section one hundred and twenty-two of this Constitution in respect of which there is in force a law allowing its representation in the House of Representatives.

SCHEDULE

OATH

I, A.B. , do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law.
SO HELP ME GOD!

AFFIRMATION

I, A.B. , do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law.

35.2. COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - & GOVERNOR-GENERAL

Governor-General

2. A Governor-General appointed by the Queen shall be Her Majesty's representative in the Commonwealth, and shall have and may exercise in the Commonwealth during the Queen's pleasure, but subject to this Constitution, such powers and functions of the Queen as Her Majesty may be pleased to assign to him.

Salary of Governor-General.

3. There shall be payable to the Queen out of the Consolidated Revenue fund of the Commonwealth, for the salary of the Governor-General, an annual sum which, until the Parliament otherwise provides, shall be ten thousand pounds.

The salary of a Governor-General shall not be altered during his continuance in office.

Provisions relating to Governor-General.

4. The provisions of this Constitution relating to the Governor-General extend and apply to the Governor-General for the time being, or such person as the Queen may appoint to administer the Government of the Commonwealth; but no such person shall be entitled to receive any salary from the Commonwealth in respect of any other office during his administration of the Government of the Commonwealth.

Sessions of Parliament Prorogation and dissolution

5. The Governor-General may appoint such times for holding the sessions of the Parliament as he thinks fit, and may also from time to time, by Proclamation or otherwise, prorogue the Parliament, and may in like manner dissolve the House of Representatives.

Casual vacancies

15. If the place of a senator becomes vacant before the expiration of his term of service, the House of Parliament of the State for which he was chosen shall, sitting and voting together, choose a person to hold the place until the expiration of the term, or until the election of a successor as hereinafter provided, whichever first happens. But if the Houses of Parliament of the State are not in session at the time when the vacancy is notified, the Governor of the State, with the advice of the Executive Council thereof, may appoint a person to hold

the place until the expiration of fourteen days after the beginning of the next session of the Parliament of the State, or until the election of a successor, whichever first happens.

Where a vacancy has at any time occurred in the place of a senator chosen by the people of a State and, at the time when he was so chosen, he was publicly recognized by a particular political party as being an endorsed candidate of that party and publicly represented himself to be such a candidate, a person chosen or appointed under this section in consequence of that vacancy, or in consequence of that vacancy and a subsequent vacancy or vacancies, shall, unless there is no member of that party available to be chosen or appointed, be a member of that party.

Where:

- (a) in accordance with the last preceding paragraph, a member of a particular political party is chosen or appointed to hold the place of a senator whose place had become vacant; and
- (b) before taking his seat he ceases to be a member of that party (otherwise than by reason of the party having ceased to exist);

he shall be deemed not to have been so chosen or appointed and the vacancy shall be again notified in accordance with section twenty-one of this Constitution.

The name of any senator chosen or appointed under this section shall be certified by the Governor of the State to the Governor-General.

If the place of a senator chosen by the people of the State at the election of senators last held before the commencement of the *Constitution Alteration (Senate Casual Vacancies) 1977* became vacant before that commencement and, at that commencement, no person chosen by the House or

Houses of Parliament of the State, or appointed by the Governor of the State, in consequence of that vacancy, or in consequence of that vacancy and a subsequent vacancy or vacancies, held office, this section applies as if the place of the senator chosen by the people of the State had become vacant after that commencement.

A senator holding office at the commencement of the *Constitution Alteration (Senate Casual Vacancies) 1977*, being a senator appointed by the Governor of a State in consequence of a vacancy that had at any time occurred in the place of a senator chosen by the people of the State, shall be deemed to have been appointed to hold the place until the expiration of fourteen days after the beginning of the next session of the Parliament of the State that commenced or commences after he was appointed and further action under this section shall be taken as if the vacancy in the place of the senator chosen by the people of the State had occurred after that commencement.

Subject to the next succeeding paragraph, a senator holding office at the commencement of the *Constitution Alteration (Senate Casual Vacancies) 1977* who was chosen by the House or Houses of Parliament of a State in consequence of a vacancy that had at any time occurred in the place of a senator chosen by the people of the State shall be deemed to have been chosen to hold office until the expiration of the term of service of the senator elected by the people of the State.

If, at or before the commencement of the *Constitution Alteration (Senate Casual Vacancies) 1977*, a law to alter the Constitution entitled "*Constitution Alteration (Simultaneous Elections) 1977*" came into operation, a senator holding office at the commencement of that law who was chosen by the House or Houses of Parliament of a State in consequence of a vacancy that had at any time occurred in the place of a senator chosen by the people of the State shall be deemed to have been chosen to hold office:

- (a) if the senator elected by the people of the State had a term of service expiring on the thirtieth day of June, One thousand nine hundred and seventy-eight—until the expiration or dissolution of the first House of Representatives to expire or be dissolved after that law came into operation; or
- (b) if the senator elected by the people of the State had a term of service expiring on the thirtieth day of June, One thousand nine hundred and eighty-one—until the expiration or dissolution of the second House of Representatives to expire or be dissolved after that law came into operation or, if there is an earlier dissolution of the Senate, until that dissolution.

Oath or affirmation of allegiance

42. Every senator and every member of the House of Representatives shall before taking his seat make and subscribe before the Governor-General, or some person authorised by him, an oath or affirmation of allegiance in the form set forth in the schedule to this Constitution.

Disagreement between the Houses

57. If the House of Representatives passes any proposed law, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, and if after an interval of three months the House of Representatives, in the same or the next session, again passes the proposed law with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may dissolve the Senate and the House of Representatives simultaneously. But such dissolution shall not take place within six months before the date of the expiry of the House of Representatives by effluxion of time.

If after such dissolution the House of Representatives again passes the proposed law, with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may convene a joint sitting of the members of the Senate and of the House of Representatives.

The members present at the joint sitting may deliberate and shall vote together upon the proposed law as last proposed by the House of Representatives, and upon amendments, if any, which have been made therein by one House and not agreed to by the other, and any such amendments which are affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives shall be taken to have been carried, and if the proposed law, with the amendments, if any, so carried is affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives, it shall be taken to have been duly passed by both Houses of the Parliament, and shall be presented to the Governor-General for the Queen's assent.

Royal assent to Bills

58. When a proposed law passed by both Houses of the Parliament is presented to the Governor-General for the Queen's assent, he shall declare, according to his discretion, but subject to this Constitution, that he assents in the Queen's name, or that he withholds assent, or that he reserves the law for the Queen's pleasure.

Recommendations by Governor-General

The Governor-General may return to the house in which it originated any proposed law so presented to him, and may transmit therewith any amendments which he may recommend, and the Houses may deal with the recommendation.

Disallowance by the Queen

59. The Queen may disallow any law within one year from the Governor-General's assent, and such disallowance on being made known by the Governor-General by speech or message to each of the Houses of the Parliament, or by Proclamation, shall annul the law from the day when the disallowance is so made known.

Signification of Queen's pleasure on Bills reserved

60. A proposed law reserved for the Queen's pleasure shall not have any force unless and until within two years from the day on which it was presented to the Governor-General for the Queen's assent the Governor-General makes known, by speech or message to each of the Houses of the Parliament, or by Proclamation, that it has received the Queen's assent

Executive power

61. The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen's representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth.

Federal Executive Council

62. There shall be a Federal Executive Council to advise the Governor-General in the government of the Commonwealth, and the members of the Council shall be chosen and summoned by the Governor-General and sworn as Executive Councillors, and shall hold office during his pleasure.

Provisions referring to Governor-General

63. The provisions of this Constitution referring to the Governor-General in Council shall be construed as referring to the Governor-General acting with the advice of the Federal Executive Council.

Ministers of State

64. The Governor-General may appoint officers to administer such departments of State of the Commonwealth as the Governor-General in Council may establish.

Such officers shall hold office during the pleasure of the Governor-General. They shall be members of the Federal Executive Council, and shall be the Queen's Ministers of State for the Commonwealth.

Appointment of civil servants

67. Until the Parliament otherwise provides, the appointment and removal of all other officers of the Executive Government of the Commonwealth shall be vested in the Governor-General in Council, unless the appointment is delegated by the Governor-General in Council or by a law of the Commonwealth to some other authority.

Command of naval and military forces

68. The command in chief of the naval and military forces of the Commonwealth is vested in the Governor-General as the Queen's representative.

Transfer of certain departments

69. On a date or dates to be proclaimed by the Governor-General after the establishment of the Commonwealth the following departments of the public service in each State shall become transferred to the Commonwealth: posts, telegraphs, and telephones; Naval and military defence; Lighthouses, lightships, beacons, and buoys; Quarantine.

But the departments of customs and of excise in each State shall become transferred to the Commonwealth on its establishment.

Certain powers of Governors to vest in Governor-General

70. In respect of matters which, under this Constitution, pass to the Executive Government of the Commonwealth, all powers and functions which at the establishment of the Commonwealth are vested in the Governor of a Colony, or in the Governor of a Colony with the advice of his Executive Council, or in any authority of a Colony, shall vest in the Governor-General, or in the Governor-General in Council, or in the authority exercising similar powers under the Commonwealth, as the case requires.

Power to Her Majesty to authorise Governor-General to appoint deputies

126. The Queen may authorise the Governor-General to appoint any person, or any persons jointly or severally, to be his deputy or deputies within any part of the Commonwealth, and in that capacity to exercise during the pleasure of the Governor-General such powers and functions of the Governor-General as he thinks fit to assign to such deputy or deputies, subject to any limitations expressed or directions given by the Queen; but the appointment of such deputy or deputies shall not affect the exercise by the Governor-General himself of any power or function.

35.3. COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - & CROWN (Preamble)

a. WHEREAS the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth **under the Crown** of the United Kingdom of Great Britain and Ireland, and under the Constitution hereby established:

b. ZECHARIAH 5

Then I turned, and lifted up mine eyes, and looked, and behold a flying roll.² And he said unto me, What seest thou? And I answered, I see a flying roll; the length thereof

is twenty cubits, and the breadth thereof ten cubits.³ Then said he unto me, **This is the curse** that goeth forth over the face of the whole earth: for every one that stealeth shall be cut off *as* on this side according to it; and every one that sweareth shall be cut off *as* on that side according to it.⁴ I will bring it forth, saith the LORD of hosts, and it shall enter into the house of the thief, and into the house of him that sweareth falsely by my name: and it shall remain in the midst of his house, and shall consume it with the timber thereof and the stones thereof.⁵ Then the angel that talked with me went forth, and said unto me, Lift up now thine eyes, and see what *is* this that goeth forth.⁶ And I said, What *is* it? And he said, This *is* an ephah that goeth forth. He said moreover, This *is* their resemblance through all the earth.⁷ And, behold, there was lifted up a talent of lead: and **this is a woman** that sitteth in the midst of the ephah.⁸ And he said, This *is* wickedness. And he cast it into the midst of the ephah; and he cast the weight of lead upon the mouth thereof.⁹ Then lifted I up mine eyes, and looked, and, behold, there came out two women, and the wind *was* in their wings; for they had wings like the wings of a stork: and they lifted up the ephah between the earth and the heaven.¹⁰ Then said I to the angel that talked with me, Whither do these bear the ephah?¹¹ And he said unto me, To build it an house in the land of Shinar: and it shall be established, and set there upon her own base.

c. JUDICIARY ACT 1903 - SECT 48
Crown to be bound

This Part binds the Crown in right of the Commonwealth, of each of the States, of the Northern Territory and of Norfolk Island.

d. Australian Law Reform Commission
Discussion Paper 64: Review of the Judiciary Act 1903

Who is the Commonwealth?

What does 'the Crown' mean? 'The crown as an object is a piece of jewelled headgear under guard in the Tower of

London. But it symbolizes the powers of government which were formerly wielded by the wearer of the crown'

(a) Introduction

5.345 The term 'Crown' is used to refer to executive governments in Australia. These governments have legal capacity, and enjoy the consequent rights and liabilities under common and statute law. In practical terms, 'the Crown in right of the Commonwealth' or 'the Crown in right of a state' refers to

the collection of individuals and institutions (ministers, public servants, a Cabinet, the Executive Council, a Governor or Governor-General, and statutory agencies) which exercise the executive functions of government. The law sees these individuals and institutions as agents of the Crown, and many executive functions as acts of the Crown.

(Source P Hanks *Constitutional Law in Australia* 2nd ed Butterworths Sydney 1996, 160.)

36. The State of Western Australia First Named Defendant did agree in April 1991 to sell the Commonwealth Bank into Foreign Shareholdings, contrary to the Constitutional Fact that the Statutory Body Bank was remains bound to Section 51 (xiii) of the Commonwealth Constitution additionally Section 106 and 128.

PARTICULARS

36.1. COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 51

Legislative powers of the Parliament

51. The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:-

- (iv) borrowing money on the public credit of the Commonwealth;

**COMMONWEALTH OF AUSTRALIA CONSTITUTION
ACT - SECT 106
Saving of Constitutions**

106. 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 128
Mode of altering the Constitution**

This Constitution shall not be altered except in the following manner:

The proposed law for the alteration thereof must be passed by an absolute majority of each House of the Parliament, and not less than two nor more than six months after its passage through both Houses the proposed law shall be submitted in each State and Territory to the electors qualified to vote for the election of members of the House of Representatives.

electors voting also approve the proposed law, it shall be presented to the Governor-General for the Queen's assent.

No alteration diminishing the proportionate representation of any State in either House of the Parliament, or the minimum number of representatives of a State in the House of Representatives, or increasing, diminishing, or otherwise altering the limits of the State, or in any manner affecting the provisions of the Constitution in relation thereto, shall become law unless the majority of the electors voting in that State approve the proposed law.

In this section, Territory means any territory referred to in section one hundred and twenty-two of this Constitution in respect of which there is in force a law allowing its representation in the House of Representatives.

- 37. The First Named Defendant did unlawfully agree in the period of 1982 to 1986 to enact in Breach of Section 73 of the Constitution Act 1889 Western Australia, State Referendum.

PARTICULARS

37.1. AUSTRALIA ACT 1986 - LONG TITLE

An Act to bring constitutional arrangements affecting the Commonwealth and the States into conformity with the status of the Commonwealth of Australia as a sovereign, independent and federal nation

WHEREAS the Prime Minister of the Commonwealth and the Premiers of the States at conferences held in Canberra on 24 and 25 June 1982 and 21 June 1984 agreed on the taking of certain measures to bring constitutional arrangements affecting the Commonwealth and the States into conformity with the status of the Commonwealth of Australia as a sovereign, independent and federal nation: AND WHEREAS in pursuance of paragraph 51 (xxxviii) of the Constitution the Parliaments of all the States have requested the Parliament of the Commonwealth to enact an Act in the terms of this Act: BE IT THEREFORE ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

37.2. AUSTRALIA ACT 1986 - SECT 5
Commonwealth Constitution, Constitution Act and Statute of Westminster not affected

- (a) are subject to the Commonwealth of Australia Constitution Act and to the Constitution of the Commonwealth; and
- (b) do not operate so as to give any force or effect to a provision of an Act of the Parliament of a State that would repeal, amend

or be repugnant to this Act, the Commonwealth of Australia Constitution Act, the Constitution of the Commonwealth or the Statute of Westminster 1931 as amended and in force from time to time.

37.3. 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.

37.4. AUSTRALIA ACT 1986 - SECT 7
Powers and functions of Her Majesty and Governors in respect of States

- (1) Her Majesty's representative in each State shall be the Governor.
- (2) Subject to subsections (3) and (4) below, all powers and functions of Her Majesty in respect of a State are exercisable only by the Governor of the State.
- (3) Subsection (2) above does not apply in relation to the power to appoint, and the power to terminate the appointment of, the Governor of a State.
- (4) While Her Majesty is personally present in a State, Her Majesty is not precluded from exercising any of Her powers and functions in respect of the State that are the subject of subsection (2) above.
- (5) The advice to Her Majesty in relation to the exercise of the powers and functions of Her Majesty in respect of a State shall be tendered by the Premier of the State.

37.5. AUSTRALIA ACT 1986 - SECT 8
State laws not subject to disallowance or suspension of operation

An Act of the Parliament of a State that has been assented to by the Governor of the State shall not, after the commencement of this Act, be subject to disallowance by Her Majesty, nor shall its operation be suspended pending the signification of Her Majesty's pleasure thereon.

37.6. AUSTRALIA ACT 1986 - SECT 9
State laws not subject to withholding of assent or reservation

- (1) No law or instrument shall be of any force or effect in so far as it purports to require the Governor of a State to withhold assent from any Bill for an Act of the State that has been passed in such manner and form as may from time to time be required by a law made by the Parliament of the State.
- (2) No law or instrument shall be of any force or effect in so far as it purports to require the reservation of any Bill for an Act of a State for the signification of Her Majesty's pleasure thereon.

37.7. AUSTRALIA ACT 1986 - SECT 10
Termination of responsibility of United Kingdom Government in relation to State matters

After the commencement of this Act Her Majesty's Government in the United Kingdom shall have no responsibility for the government of any State.

37.8. AUSTRALIA ACT 1986 - SECT 11
Termination of appeals to Her Majesty in Council

- (1) Subject to subsection (4) below, no appeal to Her Majesty in Council lies or shall be brought, whether by leave or

special leave of any court or of Her Majesty in Council or otherwise, and whether by virtue of any Act of the Parliament of the United Kingdom, the Royal Prerogative or otherwise, from or in respect of any decision of an Australian court.

- (4) Nothing in the foregoing provisions of this section:
 - (a) affects an appeal instituted before the commencement of this Act to Her Majesty in Council from or in respect of a decision of an Australian court; or
 - (b) precludes the institution after that commencement of an appeal to Her Majesty in Council from or in respect of such a decision where the appeal is instituted:
 - (i) pursuant to leave granted by an Australian court on an application made before that commencement; or
 - (ii) pursuant to special leave granted by Her Majesty in Council on a petition presented before that commencement;

but this subsection shall not be construed as permitting or enabling an appeal to Her Majesty in Council to be instituted or continued that could not have been instituted or continued if this section had not been enacted.

**37.9. AUSTRALIA ACT 1986 - SECT 14
Amendment of Constitution Act of Western Australia**

- (1) The Constitution Act 1889 of the State of Western Australia is in this section referred to as the Principal Act.
- (2) Section 50 of the Principal Act is amended in subsection (3):
 - (a) by omitting from paragraph (a):
 - (i) "and Signet"; and
 - (ii) "constituted under Letters Patent under the Great Seal of the United Kingdom";

- (b) by omitting from paragraph(b):
 - (i) "and Signet"; and
 - (ii) "whenever and so long as the office of Governor is vacant or the Governor is incapable of discharging the duties of administration or has departed from Western Australia"; and
 - (c) by omitting from paragraph(c):
 - (i) "under the Great Seal of the United Kingdom"; and
 - (ii) "during a temporary absence of the Governor for a short period from the seat of Government or from the State".
- (3) Section 51 of the Principal Act is amended:
- (a) by omitting subsection(1); and
 - (b) by omitting from subsection (2):
 - (i) "(2)";
 - (ii) "this section and in"; and
 - (iii) "and the expression `Signet' means the seal commonly used for the sign manual of the Sovereign or the seal with which documents are sealed by the Secretary of State in the United Kingdom on behalf of the Sovereign".

37.10. AUSTRALIA ACT 1986 - SECT 15

Method of repeal or amendment of this Act or Statute of Westminster

- (1) This Act or the Statute of Westminster 1931, as amended and in force from time to time, in so far as it is part of the law of the Commonwealth, of a State or of a Territory, may be repealed or amended by an Act of the Parliament of the Commonwealth passed at the request or with the concurrence of the Parliaments of all the States and, subject to subsection(3) below, only in that manner.
- (2) For the purposes of subsection(1) above, an Act of the Parliament of the Commonwealth that is repugnant to this Act or the Statute of Westminster 1931, as amended and in force from time to time, or to any provision of this Act

or of that Statute as so amended and in force, shall, to the extent of the repugnancy, be deemed an Act to repeal or amend the Act, Statute or provision to which it is repugnant.

- (3) Nothing in subsection (1) above limits or prevents the exercise by the Parliament of the Commonwealth of any powers that may be conferred upon that Parliament by any alteration to the Constitution of the Commonwealth made in accordance with section 128 of the Constitution of the Commonwealth after the commencement of this Act.

37.11. AUSTRALIA ACT 1986 - SECT 16

Interpretation

- (2) The expression *a law made by that Parliament* in section 6 above and the expression *a law made by the Parliament* in section 9 above include, in relation to the State of Western Australia, the Constitution Act 1889 of that State.
- (3) A reference in this Act to the Parliament of a State includes, in relation to the State of New South Wales, a reference to the legislature of that State as constituted from time to time in accordance with the Constitution Act, 1902, or any other Act of that State, whether or not, in relation to any particular legislative act, the consent of the Legislative Council of that State is necessary.

37.12. AUSTRALIA ACT 1986 LETTERS PATENT 24 AUGUST 1984

ELIZABETH R

- I. We revoke the Letters Patent dated 29 October 1900, as amended, and Our Instructions to the Governor-General dated 29 October 1900, as amended.
- II. We declare that-

- (a) the appointment of a person to the office of Governor-General shall be during Our pleasure by Commission under Our Sign Manual and the Great Seal of Australia; and
- (b) before assuming office, a person appointed to be Governor-General shall take the Oath or Affirmation of Allegiance and the Oath or Affirmation of Office in the presence of the Chief Justice or another Justice of the High Court of Australia.

III. We declare that-

- (a) the appointment of a person to administer the Government of the Commonwealth under section 4 of the Constitution of the Commonwealth shall be during Our pleasure by Commission under Our Sign Manual and the Great Seal of Australia;
- (b) the powers, functions and authorities of the Governor-General shall, subject to this Clause, vest in any person so appointed from time to time by Us to administer the Government of the Commonwealth only in the event of the absence out of Australia, or the death, incapacity or removal, of the Governor-General for the time being;
- (c) a person so appointed shall not assume the administration of the Government of the Commonwealth-
 - (i) in the event of the absence of the Governor-General out of Australia - except at the request of the Governor-General or the Prime Minister of the Commonwealth;
 - (ii) in the event of the absence of the Governor-General out of Australia and of the death, incapacity or absence out of Australia of the Prime Minister of the Commonwealth- except at the request of the Governor-General, the Deputy Prime Minister or the next most senior Minister of State for the Commonwealth who is in Australia and available to make such a request;
 - (iii) in the event of the death, incapacity or removal of the

Governor-General - except at the request of the Prime Minister of the Commonwealth., or

(iv) in the event of the death, incapacity or removal of the Governor-General and of the death, incapacity or absence out of Australia of the Prime Minister of the Commonwealth - except at the request of the Deputy Prime Minister or the next most Senior Minister of State for the Commonwealth who is in Australia and available to make such a request;

(d) a person so appointed shall not assume the administration of the Government of the Commonwealth unless he has taken on that occasion or has previously taken the Oath or Affirmation of Allegiance and the Oath or Affirmation of Office in the presence of the Chief Justice or another Justice of the High Court of Australia;

(e) a person so appointed shall cease to exercise and perform the powers, functions and authorities of the Governor-General vested in him when a successor to the Governor-General has taken the prescribed oaths or affirmations and has entered upon the duties of his office, or the incapacity or absence out of Australia of the Governor-General for the time being has ceased, as the case may be; and

(f) for the purposes of this clause, a reference to absence out of Australia is a reference to absence out of Australia in a geographical sense but does not include absence out of Australia for the purpose of visiting a Territory that is under the administration of the Commonwealth of Australia.

IV. In pursuance of section 126 of the Constitution of the Commonwealth of Australia-

(a) We authorize the Governor-General for the time being, by instrument in writing, to appoint any person, or any persons jointly or severally to be his deputy or deputies within any part of the Commonwealth, to exercise in that capacity, during his pleasure, such powers and functions of the Governor-General as he thinks fit to assign to him or them by the instrument, but subject to the

limitations expressed in this clause; and

- (b) We declare that a person who is so appointed to be deputy of the Governor-General shall not exercise a power or function of the Governor-General assigned to him on any occasion
- (i) except in accordance with the instrument of appointment;
 - (ii) except at the request of the Governor-General or the person for the time being administering the Government of the Commonwealth that he exercise that power or function on that occasion; and
 - (iii) unless he has taken on that occasion or has previously taken the Oath or Affirmation of Allegiance in the presence of the Governor-General, the Chief Justice or another Justice of the High Court of Australia or the Chief Judge or another Judge of the Federal Court of Australia or of the Supreme Court of a State or Territory of the Commonwealth.

V. For the purposes of these Letters Patent

- (a) a reference to the Oath or Affirmation of Allegiance is a reference to the Oath or Affirmation in accordance with the form set out in the Schedule to the Constitution of the Commonwealth of Australia and
- (b) a reference to the Oath or Affirmation of Office is a reference to an Oath or Affirmation swearing or affirming well and truly to serve Us, Our heirs and successors according to law in the particular office and to do right to all manner of people after the laws and usages of the Commonwealth of Australia without fear or favour, affection or ill will.

VI. We direct that these Letters Patent, each Commission appointing a Governor-General or person to administer the Government of the Commonwealth of Australia and each instrument of appointment of a deputy of the Governor-General shall be published in the official gazette of the Commonwealth of Australia.

VII. We further direct that these Letters Patent shall take effect without affecting the efficacy of any Commission or appointment given or made before the date hereof or of anything done in pursuance of any such Commission or appointment, or of any oath or affirmation taken before that date for the purpose of any such Commission or appointment.

VIII. We reserve full power from time to time to revoke, alter or amend these Letters Patent as We think fit.

GIVEN at Our Court

at Balmoral
on 21 August 1984

By Her Majesty's Command,

(BOB HAWKE)

Prime Minister

**37.13. AUSTRALIA ACT 1986
PROCLAMATION**

WHEREAS Her Majesty Queen Elizabeth the Second has been graciously pleased by Commission under Her Royal Sign Manual and the Great Seal of Australia dated 29 July 2003 to appoint me, Philip Michael Jeffery, Companion of the Order of Australia, Commander of the Royal Victorian Order, Military Cross, to be Governor-General of the Commonwealth of Australia:

NOW THEREFORE I proclaim that I have made the prescribed oath of allegiance and the prescribed oath of office of the Governor-General of the Commonwealth of Australia before the Honourable the Chief Justice of Australia, and that I have assumed that office accordingly.

Signed and sealed with the Great Seal of Australia on 11 August 2003.

(Philip Michael Jeffery)

Governor-General

By His Excellency's Command

(John Howard)

Prime Minister

**37.14. AUSTRALIA ACT 1986
COMMISSION**

*Passed under the Royal Sign Manual and the
Great Seal of Australia appointing*

MAJOR GENERAL PHILIP MICHAEL JEFFERY AC, CVO,
MC

to be the Governor-General of the Commonwealth of Australia

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth: To Major General Philip Michael Jeffery, Companion of the Order of Australia, Commander of the Royal Victorian Order, Military Cross,

Greeting:

WE DO, by this Our Commission under Our Sign Manual and the Great Seal of Australia, appoint you, Philip Michael Jeffery, to be, during Our pleasure, Our Governor-General of the Commonwealth of Australia.

AND WE DO authorise, empower and command you to exercise and perform all and singular the powers and directions

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1984

2003

contained in the Letters Patent dated 21 August 1984, as amended on 11 May 2003, relating to the office of Governor General or in future Letters Patent relating to that office, according to such instructions as Our Governor-General for the time being may have received or may in future receive from Us, and according to such laws as are from time to time in force.

AND WE DO declare that the powers conferred by this Our Commission include any further powers that may in future be assigned to the Governor-General in accordance with section 2 of the Constitution of the Commonwealth of Australia.

Given at our Court

at Buckingham Palace

on twenty-ninth of July, 2003

By Her Majesty's Command,

(John Howard)

Prime Minister

**37.15. AUSTRALIA ACT 1986
OATH OF OFFICE**

I, PHILIP MICHAEL JEFFERY, do swear that I will well and truly serve Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law, in the office of Governor General of the Commonwealth of Australia, and I will do right to all manner of people after the laws and usages of the Commonwealth of Australia, without fear or favour, affection or ill will. SO HELP ME GOD!

(Philip Michael Jeffery)

Sworn, declared and subscribed by the above named Philip Michael Jeffery at Canberra in the Australian Capital

(Murray Gleeson)
*Chief Justice of
Australia*

Territory before me on 11 August 2003

37.16. AUSTRALIA ACT 1986
OATH OF ALLEGIANCE

I, PHILIP MICHAEL JEFFERY, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth the Second, Her heirs and successors according to law. SO HELP ME GOD!

(Philip Michael Jeffery)

Sworn, declared and subscribed by the above named Philip Michael Jeffery at Canberra in the Australian Capital Territory before me on 11 August 2003

(Murray Gleeson)
Chief Justice of
Australia

37.17. THE CONSTITUTION - CHAPTER I SECT 42
Oath or affirmation of allegiance

Every senator and every member of the House of Representatives shall before taking his seat make and subscribe before the Governor-General, or some person authorized by him, an oath or affirmation of allegiance in the form set forth in the schedule to this Constitution.

37.18. THE CONSTITUTION - CHAPTER I SECT 46
Penalty for sitting when disqualified

Until the Parliament otherwise provides, any person declared by this Constitution to be incapable of sitting as a senator or as a member of the House of Representatives shall, for every day on which he so sits, be liable to pay the sum of one hundred pounds to any person who sues for it in any court of competent jurisdiction.

**37.19. COMMONWEALTH OF AUSTRALIA CONSTITUTION
ACT - SECT 44
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
- (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
- (iii) is an undischarged bankrupt or insolvent; or
- (iv) holds any office of profit under the Crown, or any pension payable during the pleasure of the Crown out of any of the revenues of the Commonwealth; or
- (v) has any direct or indirect pecuniary interest in any agreement with the Public Service of the Commonwealth otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons;

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

But subsection (iv) does not apply to the office of any of the Queen's Ministers of State for the Commonwealth, or of any of the Queen's Ministers for a State, or to the receipt of pay, half pay, or a pension, by any person as an officer or member of the Queen's navy or army, or to the receipt of pay as an officer or member of the naval or military forces of the Commonwealth by any person whose services are not wholly employed by the Commonwealth.

37.20. COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 60

Signification of Queen's pleasure on Bills reserved

A proposed law reserved for the Queen's pleasure shall not have any force unless and until within two years from the day on which it was presented to the Governor-General for the Queen's assent the Governor-General makes known, by speech or message to each of the Houses of the Parliament, or by Proclamation, that it has received the Queen's assent.

- 38. The State of Western Australia, First Named Defendant and the State of Victoria did agree together to embrace and enact the Australia Act 1986 by the use of paragraph 51 (xxxviii) of the Commonwealth Constitution, even though the Constitutional breach of Section 60 of the Constitution by State of Victoria in enacting the Victorian Constitution of 1975 made that particular Act of Victoria Unlawful

PARTICULARS

38.1. GOVERNOR WINNEKE ROYAL ASSENT RESERVATION CLAUSE VICTORIAN CONSTITUTION ACT 1975 - SECT 12

Exercise by the Governor of powers given to and reservation in favour of Her Majesty

Where in and by any grant or lease from the Crown or deed or document any exception or reservation is made in favour of or any power is given to Her Majesty or Her Majesty her heirs and successors, the Governor may on behalf of Her Majesty or Her Majesty her heirs and successors take the benefit and advantage of any such exception or reservation and may exercise any such power in the same manner as Her Majesty or Her Majesty her heirs and successors might have done.

38.2. COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 51 (xxxviii)

Legislative powers of the Parliament

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:

- (xxxviii) the exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States directly concerned, of any power which can at the establishment of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australasia;

38.3. CONSTITUTION ACT WA 1889 - SECT 73 (3)
Legislature as constituted by this Act empowered to alter any of its provisions

- (3) On a day fixed by the Governor by Order in Council, being a day not sooner than 2 months, and not later than 6 months, after the passage through the Legislative Council and the Legislative Assembly of a Bill of a kind referred to in subsection (2), **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 Electoral Act 1907.

38.4. COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - SECT 128
Mode of altering the Constitution

This Constitution shall not be altered except in the following manner:

The proposed law for the alteration thereof must be passed by an absolute majority of each House of the Parliament, and not less than two nor more than six months after its passage through both Houses the proposed law shall be **submitted in each State and Territory to the electors qualified to vote for the election** of members of the House of Representatives.

- 39. The Legal Practitioners Board in the State of Western Australia, First Named Defendant, have agreed by implied silence to permit the Second Named Defendant to introduce and use contradictory and unlawful Oaths and Allegiances into the Legal Fraternity, in contrast and contradiction to known and authorised Oaths and Allegiances approved and passed by the Parliament of the State of Western Australia
- 40. This action seeks and confirms the sanctuary confirmed and approved by the Whistleblowers Act Western Australia

PARTICULARS

40.1. PUBLIC INTEREST DISCLOSURE ACT 2003 WA

3. Interpretation

“public interest information” means information that tends to show that, in relation to its performance of a public function (either before or after the commencement of this Act), a public authority, a public officer, or a public sector contractor is, has been, or proposes to be, involved in—

1 ✓

- (a) improper conduct;
- (b) an act or omission that constitutes an offence under a written law;

“public officer” means —

- (a) a Minister of the Crown;
- (b) a Parliamentary Secretary appointed under section 44A of the *Constitution Acts Amendment Act 1899*;
- (c) a member of either House of Parliament;
- (d) a judicial officer;

6. Liability of person disclosing unaffected

A disclosure of public interest information under this Act by a person does not affect that person's liability for anything to which the information relates.

14. Reprisal an offence

(1) A person must not take or threaten to take detrimental action against another because anyone has made, or intends to make, a disclosure of public interest information under this Act.

Penalty: \$24 000 or imprisonment for 2 years.

(2) A person who—

(a) attempts to commit an offence created by subsection (1) or

(b) intending that an offence created by subsection (1) be committed, incites another person to commit that offence, commits an offence.

Penalty: \$24 000 or imprisonment for 2 years.

A handwritten signature in cursive script, followed by a horizontal flourish consisting of two parallel lines with a small upward curve in the middle.

CRIMINAL CODE ACT 1995

Chapter 5 -- The security of the Commonwealth

Part 5.1 -- Treason and urging violence

Division 80 -- Treason and urging violence

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80.1A Definition of *organisation*

In this Division: "*organisation*" means:

(a) a body corporate; or

(b) an unincorporated body;

whether or not the body is based outside Australia, consists of persons who are not Australian citizens, or is part of a larger organisation.

Subdivision B -- Treason

80.1 Treason

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

- (a) receives or assists another person who, to his or her knowledge, has committed an offence against this Subdivision (other than this subsection) with the intention of allowing him or her to escape punishment or apprehension; or
- (b) knowing that another person intends to commit an offence against this Subdivision (other than this subsection), 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.