

**Volume 6 of 7**

**Exhibits**

**'BWS 107'**

**Pages 1154 to 1306**

IN THE HIGH COURT OF AUSTRALIA  
MELBOURNE REGISTRY

1154

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 /.....

107

'BWS 107'

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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 May Campbell  
Solicitor/Justice of the Peace

SHAW v FRAGAPANE  
NOMINEES

INCLUDING 'INTER SE' ISSUES

ORIGINAL JURISDICTION  
HIGH COURT ONLY.

High Court  
REFUSING TO HEAR.

1155

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

No 6890 of 1999

**BETWEEN:**

**Brian William Shaw & Ors**

**Applicant**

**And**

**G. FRAGAPANE Nominees Pty Ltd.  
(ACN 005 229 863)**

**First Respondent**

AFFIDAVIT

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**LEAVE TO AMEND**

**APPEAL ON A QUESTION OF LAW**

**Includes Inter Se Issues (Original Jurisdiction Only)**

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**Date of document:** August 2005

**Filed on behalf of:** Applicants

**Prepared by:** Brian W Shaw

280 Leakes Road.

Truganina. Victoria 3029.

 1/12

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

1. The matter 6890/1999 has now been six years in the Supreme Court system. It has never got to the stage of having a Statement of Claim accepted, on that basis, this matter has never been heard except for Injunction Applications and Statement of Claim hearings. Such hearings have accrued cost orders to the amount of \$13.000 (paid) and \$26.500 taxed 9<sup>th</sup> August 2005 by Master Bruce.
2. The original dispute was over a Share Farming land issue, the Share Farming Agreement, contains two clauses, clause 1 & 14 relating to any Act of Parliament and the Laws of the State of Victoria.
3. This matter came into the Victorian Supreme Court system under the blind assumption that
  - a. It would be a Jury matter
  - b. It would be heard justly
  - c. That the Supreme Court would be impartial
4. When this matter was first heard it was heard by Justice Warren in the Practice Court on an Injunction Application the Application failed, but, Justice Warren ordered the matter to proceed further to discover other issues.

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5. The second stage occurred when the matter came before Master Wheeler who declined to hear the matter, because of his disclosure that the matter involved Freemasonry and that he himself was a Freemason.
6. The matter was then transferred to Master Evans, the recent taxation hearing (9<sup>th</sup> August 2005) by Master Bruce contains a large portion of costs obtained via orders of Master Evans.
7. Master Evans was formally charged by Private Prosecution by Brian W Shaw, in the Melbourne Magistrates Court and rescued by the DPP's application; to date no Grand Jury Application has been filed relating to Master Evans
8. In full reliance upon clauses 1 & 14 of the Share Farming agreement and knowledge of the existence and purpose of Freemasonry, I, Brian William Shaw and Carmen Walter (Walter Matter) filed for a Grand Jury hearing concerning Freemasonry, before Five Judges of the Victorian Supreme Court (Court of Appeal), who refused to pass the matter through to Grand Jury.
9. A writ of Mandamus to the High Court concerning this refusal was sent back on the ground that the Judges were not Officers of the Commonwealth, but, the Criminal Code Act 1995 in the Schedule Dictionary under Commonwealth Judicial Officer, means at: (f)
  - a. *"A judge, justice, magistrate or other judicial officer of a court of a State or Territory who acts in the exercise of federal jurisdiction; or"*



3/12  
 JP

**b. LAW AND JUSTICE IN AUSTRALIA:  
ROOM FOR IMPROVEMENT**

**The Hon Justice Michael Kirby AC CMG**

*“The provisions of s 75(v) of the Constitution represent one of the few truly novel inventions of the founders. That paragraph permits any person claiming that an officer of the Commonwealth has acted in breach, or neglect, of jurisdiction and powers, to come directly to the High Court of Australia for relief under the constitutional writs.”*

- 10. During this period of time I had discovered that the current Governor General Mr Jeffrey, of the Commonwealth of Australia was also a Freemason.
- 11. With prior knowledge that all Freemasons must take an Oath / Obligation to join this organization, I personally charged the Governor General for Taking and Administering Unlawful Oaths under s.316 of the Crimes Act 1958 Victoria. The Public Prosecutors again came to the rescue. Accordingly a Grand Jury Application was lodged with the Victorian Supreme Court, (Court of Appeal), such Court has refused to hear the Application, to date
- 12. During the course of this Five Judges who heard the “Original Grand Jury Application” also had Private Prosecution Charges laid against them by myself under s.34 of the Crimes Act 1914 (Cth). These charges




4/12  
Margaret McCampbell JF

1158

were heard in the Melbourne Magistrates Court and again the Charges were rescued by the Public Prosecutors

13. Grand Jury Applications were lodged against the Five Judges concerned at the Supreme Court of Victoria (Court of Appeal). The Applications currently sit with the Supreme Court (Full Court) such Court refuses to hear the Applications
14. Because of the Judicial conduct of the Public Prosecutors relating to these matters both the Victorian Director of Public Prosecutions (Mr Coghlan) and Commonwealth Director of Public Prosecutions (Mr Bugg) have had Grand Jury Applications filed against them, with the Victorian Supreme Court (Court of Appeal), such Court refuses to hear the Applications
15. During the course of the matter 6890/1999, I tried to file a Writ against the Masonic Lodge of Victoria. This Writ was refused by the Prothonatary of Victoria Supreme Court. Such Writ remains a refused Writ to date.
16. Equally, the Prothonatary refused a Writ against the State of Victoria, on the ground that it contained similar matters to the refused Writ against the Masonic Lodge. This Writ also remains refused to date
17. During the course of the refusal discussions between myself and Prothonatary, I stated that I would make Application for Co-Joiners to the Original matter 6890/1999



5/12  


- 18. Master Bruce made an order that co-joiners be permitted into 6890/1999
  
- 19. On that basis the State of Victoria was co-joined inclusive of the Law Firm of Harwood Andrews, Geelong, Victoria
  
- 20. I included the State of Victoria as co-joiners for the following reasons
  - a. Clauses 1 & 14 of the Share Farming Agreement relates to any Act of Parliament and the Laws of the State of Victoria
  - b. The condition of the 1975 Victorian Constitution Act
  - c. The conduct of the Victorian Supreme Court
  - d. The existence and function of Freemasonry within the State of Victoria
  - e. The non-compliance by the State of Victoria and Victorian Supreme Court regarding s.316 of the Crimes Act 1958 Victoria
  - f. The purposeful intent of the Office of Public Prosecutions Victoria to break from the Queen evidenced within the Public Prosecutions Act Victoria at s.51.(3)
  
- 21. I included the Law Firm of Harwood Andrews, Geelong, as co-joiners for the following reasons
  - a. The Law Firm of Harwood Andrews included in the Contract of Sale the clause "*vacant position within 12 Months*", knowing that the Share Farming Agreement was in place with a 5 year lease and a 5 year option.



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Margaret Campbell JP



b. Pyramid Building Society began, in Geelong in 1959, under Vautin Andrews and Farrow. Andrews the Lawyer and Farrow the Accountant, under various company names, inclusive of Farrow Mortgages. During the period 1990/1991 the structure went into liquidation, such liquidation was governed by the Laws of the State of Victoria.

22. To my present knowledge within the State of Victoria, Building Societies are governed by the Building Society Act 1986 which is subordinate to the Friendly Societies Act 1996, overseen by the Registrar of the Friendly Societies. Today these Societies contain something like \$9.2 Billion in funds

23. To my present knowledge Friendly Societies still contain a Ten year tax free bond, such fact to my knowledge not discovered by the liquidation process overseen by Ferrier Hodgson

24. On 22<sup>nd</sup> March 2005, the Law Firm of Harwood Andrews Lawyers, Geelong, wrote to the plaintiffs, stating that they would be issuing a taxation summons for a taxation hearing seeking costs from orders of

a. Master Evans	22 November 2000
	16 February 2001
b. Master Kinks	7 September 2004
c. Justice Smith	20 September 2004
d. Court of Appeal	19 November 2004
Justice Phillips & Gillard	

7/12  
 Margaret M Campbell JP

For an amount of \$31.631.00

25. By plaintiff summons the Appellant in the matter 6890/1999 was heard in the Victorian Supreme Court, Practice Court, by Justice Mandie. Justice Mandie immediately struck the filed affidavit out, and ordered the affidavit removed from the Court file. Justice Mandie granted an adjournment until 23<sup>rd</sup> August 2005 for a new Affidavit to be filed and served. Once again costs were ordered against ourselves. The Application before Justice Mandie was an Application for a Stay of all costs orders, until the indictable issue discovered were dealt with according to Law

26. I state that private prosecution charges were laid against Master Evans & Kings plus Justice Smith inclusive of Grand Jury Applications against Master Kings and Justice Smith, relating to the wilful protection and concealment of the Grand Jury Application lodged by myself against Master Charles Wheeler (Recently Retired). These offences automatically activate criminal charges relating to Aiding / Abetting and Accessories, but, not limited to these charges. The demand for costs emanate from orders given by these individuals, Masters Evan, Kings and Justice Smith

27. On the basis of the adjournment by Justice Mandie, I requested by fax to Master Bruce that the taxation date of 9<sup>th</sup> August 2005, be adjourned off, this was refused



8/12  
Margaret Campbell JP

- 28. On 9<sup>th</sup> August, Graham Arnold from Arnold and Company legal costing showed up in Court to claim \$31,631.00 on advice from Harwood Andrews, Geelong, Victoria representing the defendants in 6890/1999 (First Respondents in this Application)
  
- 29. Master Bruce attended to hear the matter and acknowledged the filed objections to the taxation summons (32 Pages). Asked if I had any monetary objection to any items or other comments. I replied that this bill is claimed by fraud, in addition I have nine other points to state orally
  
- 30. The nine points I stated orally before Master Bruce were
  - a. Disclosure relating to Freemasonry Membership (Past or Present). This was answered to the negative
  - b. A stay of the Cost Orders was before Justice Mandie with an Adjournment date of 23<sup>rd</sup> August 2005
  - c. The objection to the cost hearing (32 Pages) also included the Grand Jury Applications from Master Charles Wheeler and Governor General Michael Jeffrey
  - d. Personal Interest by Master Bruce
  - e. Bias / Impartiality by Master Bruce
  - f. Indictable offences discovered additionally concern s.321 Crimes Act 1958 (Vic) and S.44 Crimes Act 1914 (Cth)
  - g. The Jurisdiction of the Supreme Court because of the legal condition of the 1975 Constitution Act revealed in the 32 page Objections to taxing



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Magistrate Campbell JP

- h. Question of Law are bound to be heard Judicially in accordance with s.23 of the Judiciary Act 1903 (Cth)
- i. "Inter Se" issues have been discovered during the course of this matter through the Victorian Supreme Court, but ignored such wilful blindness, voids all Hearings, Judgments and Cost Orders because of the Jurisdiction problem where "Inter Se" issues arise

31. Master Bruce permitted me to read various extracts from : [The Commonwealth of Australia v Kreglinger & Fernau (1926) VLR 310]

- a. Supreme Court out of Jurisdiction at 355/356
- b. Supreme Court no Jurisdiction at 364
- c. A distinct question of Inter Se at 354
- d. Limits Inter Se at 332
- e. S.40 (a) Judiciary Act 1903 at 340
- f. The cause was automatically transferred at 333/334
- g. If Valid, it precluded an Appeal at 334
- h. The Commonwealth & Others v Bank of New South Wales (1949) 79 CLR 497 (Privy Council) at 516/517

32. On the legal basis of these quoted matters, I state in this Affidavit that both Master Bruce and Justice Mandie were out of Jurisdiction and remain out of Jurisdiction inclusive of the Court of Appeal of Victoria, because there are Inter Se issues in this matter, a number of them. The law clearly states that where they are validly identified, they are

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 Mayan McCampbell  
 JP

automatically transferred into the Original Jurisdiction, no other Court has any Jurisdiction whatsoever

- 33. I state that the Affidavit in Support affirmed 21<sup>st</sup> July 2005 includes 6 volumes of exhibits. The Affidavit concerned in the Order of Justice Mandie 1<sup>st</sup> August 2005, this is marked "Exhibit 1"
- 34. I state that "Exhibit 2" is the objections to taxation summons filed and served for the taxation hearing 9<sup>th</sup> August 2005, before Master Bruce
- 35. I state that "Exhibit 3" is the attachment to the "Objections to the Taxation Summons" containing a Grand Jury Application for Master Charles Wheeler (retired)
- 36. I state that "Exhibit4" is the attachment to the "Objections to the Taxation Summons" containing a affidavit for the lodged Grand Jury Application of Governor General Michael Jeffrey
- 37. I state that this matter does involve /include /discover "Inter Se" issues and as such the Supreme Court of Victoria has no Jurisdiction whatsoever, but, is legally bound to transfer the "Inter Se" issues into the original Jurisdiction of the High Court. The Court matters mentioned at clause 31 of this affidavit states the Law clearly



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Affirmed by: Mr. Brian William Shaw



At ~~WERRIBEE~~ WERRIBEE in the State of Victoria

This 17<sup>th</sup> day of August 2005

Before me: Margaret Campbell JP

A JUSTICE OF THE PEACE FOR VICTORIA  
REG. No. 9924  
MARGARET MAY CAMPBELL  
7 MUIRHEAD CRES.  
WERRIBEE 3030

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

**No 6890 of 1999**

**BETWEEN:**

**Brian William Shaw & Ors**

**Applicant**

**And**

**G. FRAGAPANE Nominees Pty Ltd.  
(ACN 005 229 863)**

**First Respondent**

**EXHIBIT**

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Date of Document: 17 August, 2005  
Filed on behalf of: The Applicant  
Prepared by: Brian William Shaw

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This is the exhibit referred to and marked **Exhibit 1** in the affidavit of Brian William Shaw Affirmed on the 17 day of August, 2005 at Werribee in the State of Victoria.

Before me: 

A JUSTICE OF THE PEACE FOR VICTORIA  
REG. No. 9524  
MARGARET MAY CAMPBELL,  
7 MUIRHEAD CRES.  
WERRIBEE 3030

Exhibit 1. Affidavit in Support includes 6  
Volumes of Exhibits affirmed  
21<sup>st</sup> July 2005

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**IN THE SUPREME COURT OF VICTORIA AT MELBOURNE  
COMMON LAW DIVISION**

**No 6890 of 1999**

**BETWEEN:**

**Brian William Shaw & Ors**

**Applicant**

**And**

**G. FRAGAPANE Nominees Pty Ltd.  
(ACN 005 229 863)**

**First Respondent**

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**AFFIDAVIT IN SUPPORT**

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**Date of document:** 21<sup>st</sup> July 2005  
**Filed on behalf of:** Applicants  
**Prepared by:** Brian W Shaw  
280 Leakes Road.  
Truganina. Victoria 3029.



A handwritten signature in black ink, appearing to read 'Brian W Shaw'.

A handwritten signature in black ink, appearing to read 'Margaret Campbell' with a flourish at the end.



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

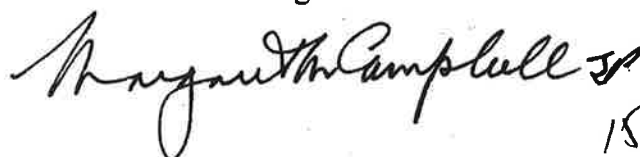
1. I state that my primary objections to the taxing of these purported cost orders are as follows

- a. The orders are obtained by Fraud, inclusive of Fraud on the Court, Fraud in the Factum, Intrinsic Fraud, Extrinsic Fraud, Criminal Fraud and Fraudulent concealment
- b. All Masters and Judges within the State of Victoria have a Personal Interest in this matter, either Masonically or Constitutionally

2. This affidavit clearly states and reveals that the imposition of the Court fees and Cost Orders before the matter is actually heard is a clear breach of Magna Carta, Chapter 29, such Law is enshrined into the Imperial Acts Application Act 1980 Victoria

3. I state that the removal of specific Legal Rights by Judicial Corruption is not only indictable, it is also a breach of the exact same Law of Magna Carta, Chapter 29

*"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 otherwise destroyed; nor will we pass upon him, nor condemn him, but by lawful Judgment 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."*



- 4. I state that s.321 of the Crimes Act 1958 Victoria is very specific in relation to a Primary Offender
- 5. The Office of the Full Court of the Victorian Supreme Court refuses to correctly file and lodge Grand Jury Applications. Such Applications revealing and discovering a large number of Indictable Offences specifically involving Masters, Judges and Prosecutors within the State of Victoria. In reality, concealing specific offences committed by various Judicial Officers, thereby hindering and Perverting the Course of Justice as stated in Statute and Common Law
- 6. I state that it is my Legal Right to File Private Prosecution charges within the State of Victoria, that, it is my Legal Right to have the matter heard according to Law in front of a Jury, that, it is my legal Right to have the matter heard in front of a Grand Jury (23), wherever or whenever circumstances these Legal Rights are interfered with
- 7. NSW Law Reform Commission  
NSW Discussion Paper 46 (2004)

**FEATURES OF TRIAL BY JURY**

2.8 The institution of trial by jury, although not without critics, has been regarded for centuries as a fundamental part of the administration of justice. *Its features are credited with helping to secure the protection of the community from the tyranny of absolutism and the*



*Angela M Campbell* SP  
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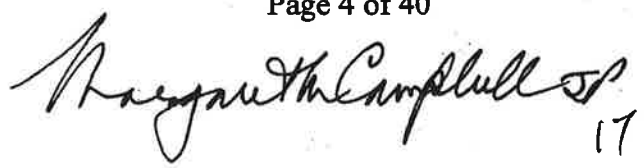
*self-interest of the powerful*, while reflecting democratic ideals and representing current social values and attitudes. The jury was probably introduced to England by the Normans, and comprised a group of men of the neighborhood who could provide answers on oath as to facts within their knowledge.<sup>36</sup> It evolved into an increasingly complex legal institution, and has come to be described in such heroic terms as “the bulwark of liberty, the shield of the poor from the oppression of the rich and powerful”.<sup>37</sup> While such lavish praise now seems exaggerated, the theory underpinning it is clear: *[T]he jury prevents the state from manipulating the strings of justice to its own ends* in cases having direct political significance; the jury prevents judges from imposing the views of the class of society from which they are drawn; the jury prevents liaison between judges and the police; and the jury prevents private citizens from exerting improper influence over judges.<sup>38</sup> The jury is thus a group of “ordinary” people, disinterested in the outcome of the trial, and *independent of powerful and influential social forces*.

36. D M Walker, *The Oxford Companion to Law* (Clarendon, Oxford, 1980) at 686.

37. *Ford v Blurton* (1922) 38 TLR 801 at 805 (Atkin LJ); see also Blackstone quoted in W R Cornish, *The Jury* (Penguin, Harmondsworth, 1970) at 138.

38. Cornish at 138.

8. I state that the Victorian Court System and Structure is under the Control of the Government / Religion of Freemasonry and as such is in direct breach of s.116 of the Commonwealth Constitution, such section

forbidding a test or Oath / Obligation to belong to a particular religion, in this instance / matter, the Religion and Government of Freemasonry

9. I state that as a Bible Believing Christian, that I place full and total legal reliance on the Preamble clause of the Commonwealth Constitution, which is a legally binding clause on all Courts and Judges within the Commonwealth of Australia under preamble clause 5. The specific clause that I refer to and rely upon is "*Humbly relying on the Blessing of Almighty God*". This is entirely Christian not Freemasonry

10. I state that page 287 of the Annotated Constitution of the Australian Commonwealth is the portion referring to "Humbly relying on the blessing of Almighty God" that it is very clear that the words "Supreme Being" were rejected in favour of "Almighty God"

11. I state that wherever the words or title "Supreme Being" is used that these words or title refer directly to the purported "god" of the Religion and Government of Freemasonry in direct opposition to Christianity reflected in the words *Almighty God*

12. I state that the matter before this Court 6890/1999, to date has not been heard in the primary breach

13. This affidavit is affirmed and lodged for two reasons:

- a. A directions order by Master Bruce 28<sup>th</sup> June 2005 in my absence (Supreme Court Hearing 28<sup>th</sup> June 2005 in Western

Australia). *"To file an affidavit of objection to the Bill to be taxed in the Taxation Summons"*

b. An affidavit lodged on behalf of an Application by myself for a stay on all current cost orders

14. I state that during my last appearance in the Court of Appeal Justice Phillips did ask myself if I would be prepared to leave aside the Constitutional issues, The Masonic issue and Jurisdiction issue in this matter (6890/1999) and return to the primary breach. My reply was to the effect that I would, but, the Court was asking myself to assent to a legal ambush on the basis that the other side was not interested in having the primary matter heard according to law. Their only intent was to obtain cost orders.

15. I state that these purported cost orders have been or attempted to be obtained by Fraud, in addition to an apparent agreed concealment of a large number of indictable offences

16. I state that the critical issues to be dealt with relating to this matter are Revealed / Discovered Indictable Offences, involving specific judicial officers revealed in either Criminal Charges and/or Grand Jury Applications

17. I state that I have personally filed Criminal Charges against the following individuals, including Grand Jury Applications lodged with the Full Court (Court of Appeal) Supreme Court, Victoria. Such Court

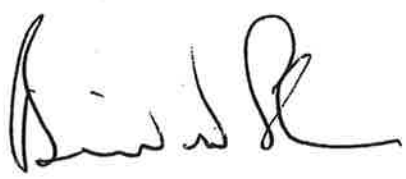


Margaret Campbell JP  
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refuses to hear the Applications, because of the evident fact that all Charges / Offences relate to Judicial Officers, protected by other Judicial Officers, thereby opening up and exposing each other to the evident offences of Accessories and Aiding and Abetting

**Grand Jury Application (Exhibits 16, 17 & 18)**

- a. Mr. Charles Wheeler, (filed 19.03.04)  
Master of the Supreme Court of Victoria
- b. Major General Michael Jeffrey (filed 28.05.04)  
Governor General of Australia
- c. Justice Robert Brooking (filed 28.05.04)  
A Judge of the Court of Appeal Victoria
- d. Justice Peter Buchanan (filed 28.05.04)  
A Judge of the Court of Appeal Victoria
- e. Justice Stephen Pendrill Charles (filed 28.05.04)  
A Judge of the Court of Appeal Victoria
- f. Justice Alex Chernov (filed 28.05.04)  
A Judge of the Court of Appeal Victoria
- g. Justice John Spence Winneke (filed 28.05.04)  
President Court of Appeal

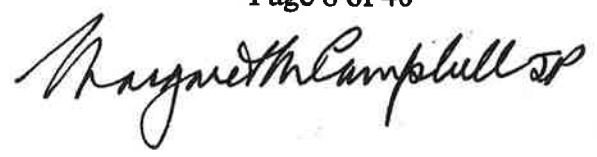


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- h. Mr. Philip L Cain (filed 28.05.04)  
Master of the Court of Appeal Victoria
- i. Mr. Paul Coghlan (filed 28.05.04)  
Director of Public Prosecutions Victoria
- j. Mr. Damian Bugg (filed 14.04.05)  
Director of Public Prosecutions Commonwealth
- k. Justice Thomas Smith (filed 16.12.04)  
A Judge of the Supreme Court of Victoria
- l. Master Kathryn King (filed 16.12.04)  
Master of the Supreme Court of Victoria
- m. Mr J McGinty  
Attorney General Western Australia  
(Sent by Registered Post 4<sup>th</sup> November 2004)

**Charges Heard (Melbourne Magistrates Court Victoria)**

- n. Mr. J Rutherford (**Exhibit 9**)  
Lawyer Geelong
- o. Mr. Evans (**Exhibit 13**)  
Grand Master Freemasonry Victoria



p. Mr David Ward (Exhibit 14)  
CEO ANZ Trustees

q. Master Evans (Exhibit 11)  
Master Supreme Court of Victoria

r. Mr Rob Hulls (Exhibit 12)  
Attorney General Victoria (13<sup>th</sup> July 2004)

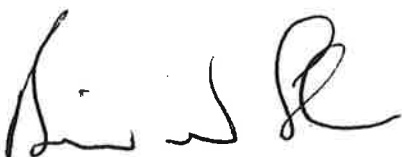
18. I state that on two separate occasions the Office of the Victorian Supreme Court has refused to accept any writ against the organization and structure of Freemasonry, resulting in a Grand Jury Application under s.354 Victorian Crimes Act 1958 heard October 2001 (Exhibit 1)

19. I state that before this particular hearing the Court made it very clear that there would be no Transcript of the Hearing made or distributed to the relevant individuals

20. I state where Grand Jury is concerned the Judges hearing the Application are legally shut out from entering into the evidence, they are confined specifically to the Offence relating to the existing Law at the time of the Offence

**McArdle V Lorne Campbell (Sept 1986)**

(c). "The Section (354) does not place upon the Full Court the task of examining the evidence. Nor of determining whether the





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prosecutor has established a true bill. The section bearing the interpretation, which was placed upon it many years ago, which has never been questioned by Parliament, gives the Full Court a limited role which is no more than we have described. It requires no more than an affidavit complying with the section, disclosing an indictable offence.”

21. I state that the Full Court of the “*Supreme Court of Victoria revealed Prior intent to overturn the Byrne Armstrong Judgment*”, when they added two extra Judges to the original application to be heard by three Judges (Exhibit 2)
22. I state that on the day of the hearing without knowledge being afforded to myself. “*The Victorian Solicitor General was introduced to make the application to overturn the Byrne Armstrong Judgment (1899)*”, a binding precedent that has been relied upon for over 100 years of Victorian Law.
23. I state that the Five Judges who did hear the Application entered into the Evidence thereby creating a legal nullity at that point
24. I state that the five Judges outright refused any disclosure relating to Freemasonry
25. I state the exhibits involving the Victorian Constitution, in particular, the Reservation clause signed by Governor Winneke in 1975 relate directly to the President of the Court of Appeal, Justice Winneke , the

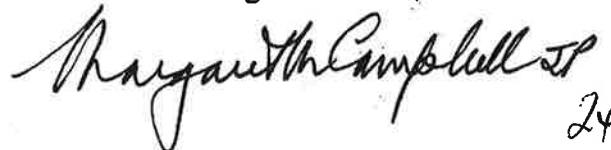
Son of Governor Winneke. In 1975 Governor Winneke purportedly "Reserved" the New Constitution Bill for the State of Victoria for Royal Assent, but, the "Bill" never left the State of Victoria  
**(Exhibit 15)**

26. I state that a writ of Mandamus (**Exhibit 3**) was lodged with the Melbourne Office of the High Court, relating to the matter (Grand Jury Applications), but, was refused on the "Purported Legal basis" that Five Judges of the Supreme Court of Victoria are not Officers of the Commonwealth, which is a total contradiction of the Schedule / Dictionary section of the Criminal Code Act 1995 Commonwealth, I equally state that Justice Kirby stated in relation to s.75 of the Commonwealth Constitution, the following:

**Law and Justice in Australia: Room for Improvement, The Hon Justice Michael Kirby AC CMG, Achievements of our Law**

"The provisions of s 75(v) of the Constitution represent one of the few truly novel inventions of the founders. That paragraph permits any person claiming that an officer of the Commonwealth has acted in breach, or neglect, of jurisdiction and powers, *to come directly to the High Court of Australia for relief under the constitutional writs*"

27. That, this Application and Affidavit to this Honourable Court is lodged on the legal basis that the Oaths of Freemasonry are unlawful oaths contrary *inter alia* to section 316 of the *Crimes Act* 1958, Victoria, and

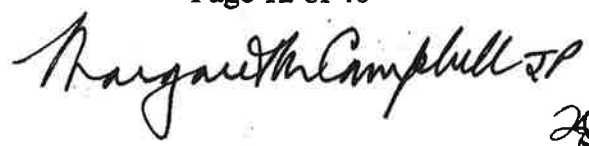
as such constitute an indictable offence, in addition to serious breach of Allegiance to known Law

28. Masonic Oaths, Blue Lodge

FREEMASONRY takes two directions. The first three degrees are termed the Blue Lodge; inclusive of the Entered Apprentice oath degree, the Fellow craft oath and degree, the Master Masons oath and degree, after which it branches into two specific arms termed the York Rite and Scottish Rite inclusive of Shiners, 32<sup>nd</sup> degree, Knights of Malta and Knights Templars.

a. 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 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)*

**b. MASONIC OATH - FELLOWCRAFT**

*In the presence of the grand geometrician of the universe, and of this worthy and worshipful lodge 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)*



c. 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)*

29. On 28 February 2002 indictable information was given to Detective Senior Sergeant M. Gilenane 17952, Criminal Investigation unit, Ballarat Police Department, Victoria concerning Master Wheeler,



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Master of the Supreme Court of Victoria. Master Wheeler is a high ranked Freemason who has taken a judicial oath and as such is bound by law to obey and administer the laws of the State of Victoria, whereas in the capacity of a Freemason, Master Wheeler has breached section 51 and 151 of the *Evidence Act* 1958 and the following sections of the *Crimes Act* 1958 in the State of Victoria:

3A. 6B. (2)(a), 6B.(4), 181, 182, 184, 314, 315, 316, 321, 321A.(2), 321B., 321M., 321O., 325, 325(6), 326(1), 363 and section 371.

30. THAT, it is noted and stated that it is legally impossible to take a judicial oath to administer and uphold law within the State of Victoria and to take and administer Masonic oaths swearing allegiance to Freemasonry above all other allegiances. This is in total breach of the law stated herein but not limited to this Affidavit. All breaches are indictable pursuant to State law. Masonic Oaths contradict Truth

- a. *I swear to tell the truth the whole truth*
- b. *I will always hele, conceal, and never reveal*

31. Freemasonry and their unlawful Masonic oaths open up a chain of indictable offences contrary to the *Crimes Act* 1958, Act No 6231/1958, in particular in breach of Sections 316, 314, 315, 321, 321A.(2), 321B., 321M., 321O., 323, 325, 3A., 6B.(2)(a), 6B(4), 371, 181, 182, 184, 325(6), 326(1) and section 363. Pursuant to the *Crimes Act* 1958 all breaches of such Act are indictable.



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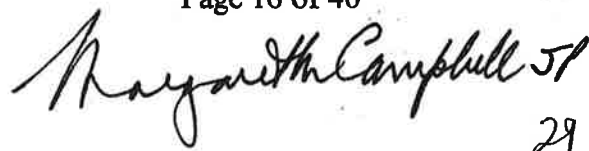
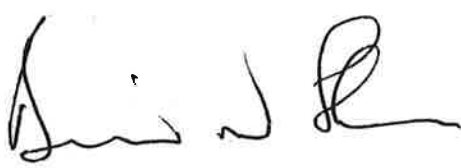
32. Crimes Act 1958, Section 422.

Procedure where facts proved on trial disclose more serious offence

(1) Where on the trial of a person for an indictable offence it appears that the facts in evidence amount in law to another indictable offence carrying a heavier penalty, he shall not for that reason be entitled to be acquitted of the offence charged and subject to sub-section (3), shall not be liable to be prosecuted afterwards for the other offence.

(2) Where on trial of a person on indictment or presentment for attempting to commit an offence or assault or other act preliminary to an offence it appears that the facts in evidence amount in law to the complete offence, the person shall not for that reason be entitled to be acquitted of the offence charged and subject to sub-section (3), shall not be liable to be prosecuted afterwards for the completed offence.

(3) Notwithstanding sub- section (1) and (2), in a case to which either of those sub-section applies the trial judge may if he thinks fit in his discretion discharge the jury from giving any verdict and direct the person to be presented for the other indictable



offence or the completed offence, as the case may be.

33. Treason constitutes a breach contrary to the *Crimes Act* 1958 and can briefly be defined as a 'breach of allegiance'.

34. The legal action is taken by right of access to the courts revealing indictable offences against the *Crimes Act* 1958, Victoria, Section 316 and other named sections. The *Crimes Act* 1958, Victoria, is current Statute Law in the State of Victoria by virtue of the *Constitution Act* 1855 purportedly overridden by the *Victorian Constitution Act* 1975. Such *Victorian Constitution* is bound to the *Commonwealth Constitution* by section 106 of the *Commonwealth Constitution*. The *Commonwealth Constitution* itself is bound to the Crown in England, in particular covering clause 5, *Commonwealth Constitution* and the *Judiciary Act* 1903 (CTH).

35. CRIMES ACT VICTORIA 1958: SECTION 316 (2)(a) (vii)  
"Not to reveal or discover any UNLAWFUL ASSOCIATION, SOCIETY OR CONFEDERACY or ANY ILLEGAL ACT done or to be done or ANY ILLEGAL OATH or ENGAGEMENT that may have been administered or tendered to or taken by himself or any other person or the import of any SUCH OATH or ENGAGEMENT.

36. THAT, the charges laid against Mr. Charles Wheeler are laid out in detail in the charge sheet in various sections, but, essentially they form three specific charges:



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- (i) The taking and administering of unlawful oaths
- (ii) Attempting to pervert the course of justice.
- (iii) Conspiracy to pervert the course of justice

37. THAT, Section 151 of the Evidence Act 1958 Victoria, states:

*"The taking of any extra-judicial oath that does not have jurisdiction or cognisance by or under some "Act" or "ordinance in force" shall be unlawful. Every Masonic member who has taken a judicial oath within the State of Victoria is in breach of this Section of the Evidence Act 1958, Victoria.*

38. EVIDENCE ACT 1958 SECTION 151:

**Abolition of extra-judicial oaths:**

*"It shall not be lawful for any person to administer or cause or allow to be received any oath or affidavit touching any matter or thing whereof such person hath not jurisdiction or cognisance by or under some "ACT" or "ordinance in force." (Portion of Section)*

*"It shall not be lawful"*

39. CRIMES ACT 1914 SECTION 34(1)(b)

*"Being a Judge or Magistrate, willfully and perversely exercises Federal jurisdiction in any matter in which he has personal interest,"*

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

40. CRIMES ACT 1914 SECTION 44

*"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 any indictable offence against the law of the Commonwealth or Territory, or will abstain from discontinue or delay any prosecution for any offence, or will withhold any evidence thereof,"*

*Shall be guilty of an offence Penalty: Imprisonment for 3 years.*

41. CRIMES ACT 1914 SECTION 43.

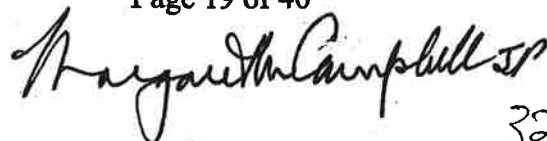
*"Any person who attempts, in any way not specifically defined in this Act, to obstruct, prevent, pervert, or defeat the course of justice in relation to the judicial power of the Commonwealth,"*

*Shall be guilty of an offence. Penalty: Imprisonment for 5 years.*

42. CRIMES ACT 1914 SECTION 42

*"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.*



43. CRIMES ACT 1958, VICTORIA SECTION 322E

*"Nothing in this Part shall be taken to affect directly or indirectly any matter of Law of practice applicable to treason or misprison of treason."*

44. CRIMES ACT 1958 VICTORIA SECTION 321M

*"A person who attempts to commit an indictable offence is guilty of the indictable offence of attempting to commit that offence."*

45. CRIMES ACT 1958 VICTORIA SECTION 325

*(1) "Where a person (in this Section called, "the principal offender") has committed a serious indictable offence, (in this Section called, "the principal offence") any other person who, knowing or believing the principal offender to be guilty of the principal offence or some other serious indictable offence without lawful authority, or reasonable excuse does any act with the purpose of impeding the apprehension, prosecution, conviction or punishment of the principal offender shall be guilty of an indictable offence."*

46. CRIMES ACT 1958, VICTORIA SECTION 326

*(1) "Where a person has committed a serious indictable offence, any other person who, knowing or believing that the offence, or some other serious indictable offence has been committed and*



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*that he has information which might be of material assistance in securing the prosecution or conviction of an offender for it, accepts any benefit for not disclosing that information, shall be guilty of a summary offence and liable to level 8 imprisonment.*  
Penalty: 1 year maximum)

(3) *“For the purpose of this section a person shall be deemed to accept a benefit if he accepts or agrees to accept any benefit or advantage, or the promise of any benefit or advantage, either to himself or to another, whether or not the benefit or advantage is in money or money’s worth.*

(4) *“A person convicted of an offence against sub-section (1) shall be liable:*

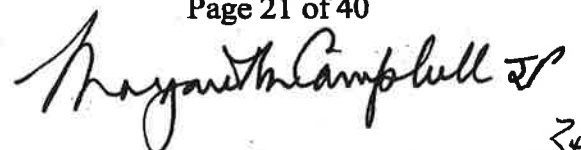
(a) *If the principle offence is one for which the penalty is Level 1 imprisonment (life) to Level 3 imprisonment (20 years maximum)*

47. CRIMES ACT 1958, VICTORIA SECTION 323

*“A person who aids, abets, counsels or procures the commission of an indictable offence may be tried, indicted or present and punished as a principal offender.*

48. COMMONWEALTH CONSTITUTION ACT - SECT 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*

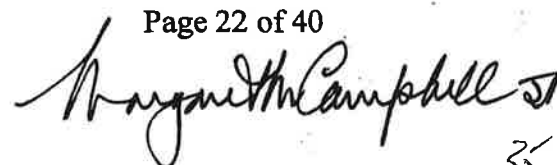
**49. Justice Murphy (Section 80)**

Australian Institute of Criminology Seminar Proceedings no. 11 1986

**Extracts**

a. *"I construe s.80 as prohibiting the Parliament from withdrawing issues of fact on which liability to a criminal penalty or to a particular maximum penalty depends from the jury's determination when any offence against a law of the Commonwealth is tried on indictment."*

b. *"Most members of the Australian Parliament are unaware that they have a special personal interest in these questions. The trial of serious offences without a jury is especially dangerous for the. Section 44 of the Constitution provides 'that any person who 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 shall be incapable of being chosen or of sitting as a Senator or a member of the House of Representatives'".*



- c. *“Quick and Garran, using American authority, state that the words 'by jury' in s.80 'guarantees not merely the form of trial by jury, but all the substantial elements of trial by jury, as they exist at common law”*
- d. *“The main threat is erosion of trial by jury by legislatures, especially state legislatures”.*
- e. *“Trial by jury is a valuable part of the criminal justice system. Its retention is necessary if there is to be continuing respect for the law. In Australia, as elsewhere, we live in an age when freedom is being rapidly diminished. Our freedoms are too precious to be left to the discretion of legislators and judges. The safeguard of the people's freedom is the people themselves. The means by which they can preserve freedom from unjust laws and from injustice within the law is by their participation through the jury in the administration of justice. In the future the extent to which the jury system is used will be a clear measure of freedom in our society”.*

**50. COMMONWEALTH CONSTITUTION ACT - SECT 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



(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.

51. Scottish Rite 33<sup>rd</sup> Degree Oath and Ritual (Portion)

*“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 33<sup>rd</sup> 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.”*

(Extract from the book, “The Deadly Deception” Pg 104, co-authored by Jim Shaw and Tom McKenney describing portion of the ritual and oath of allegiance required by members attaining the 33<sup>rd</sup> Degree of Freemasonry in the Scottish Rite of Freemasonry in the United States of America.)



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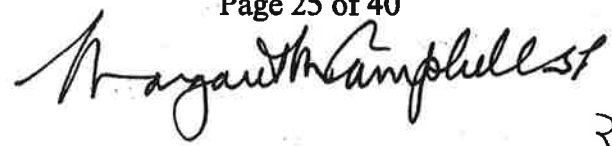
52. BYRNE and ARMSTRONG VLR. Vol xxv, 126, 1899.

“An application for a Grand Jury under Sec 389 of the Crimes Act 1890 may be made ex parte and upon the applicant complying with the requirements of that Section the Full Court has no discretion but is bound to grant a rule directing the Sheriff to summon a Grand Jury.”  
*(So held, per, Madden CJ. William, Holroyd and a'Beckett, JJ. Hodges and Hood, JJ, dissenting.)*

The words: “*The Full Court has no discretion but is bound to grant a rule*”, did bind the Full Court but in the year 2001, the Full Court did not consider itself bound, which is the reason why the Victorian Solicitor General was introduced into the matter with prior intent to overrule the Byrne/Armstrong judgment, a binding precedent judgment that had been relied upon for over 100 years of Victorian Law. It was overruled to protect Freemasonry from being placed in front of a Grand Jury. Such intent is still happening and evident with each Application and refusal to file service and process. In all the Grand Jury Applications mentioned herein

53. Campbell v McArdle 1986, unreported (Grand Jury Vic)

*“I should add that we also had an application from Mr. Flanagan, who appears for the Attorney-General, which was in substance to offer the services of the Attorney-General to the Court as amicus curiae. For reasons similar to those, which apply to the application on behalf*





*of the defendant, the Court does not feel disposed at present to invite the Attorney-generals counsel to address us. We shall accordingly proceed with the matter ex-parte and consider the one matter which I earlier reserved, viz whether the affidavits disclose indictable offences."*

54. GRAND JURY: CRIMES ACT 1958: SECTION 354.

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

(In re Davies & Millidge Supreme Court VLR. Vol xix)

55. Regina v Lord Chancellor, ex parte Witham QB (1998) at page 575

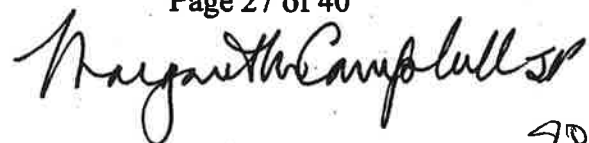
- a. *The order of 1996 is ultra-vires. The Lord Chancellor in that it is in breach of legislative intent that access to the courts is not to be denied save by clear words in a Statute.*
- b. *Every civilised system of Government requires that the State should make available to all its citizens a means for the just and peaceful settlement of disputes*

*between them as to their respective legal rights that means provided are Courts of Justice to which every citizen has a Constitutional right of access in the role of a Plaintiff to obtain the remedy to which he claims to be entitled in consequence of an alleged breach of his legal or equitable rights by some other citizen or defendant.*

- c. *It is a principle of our law that every citizen has a right of unimpeded access to a court.*
- d. *Lord Wilberforce said that rules, which did not comply with that principle, would be ultra-vires.*
- e. *A citizen's right to unimpeded access could only be taken away by express enactment.*
- f. *There can be no balancing of the interests of Justice against the cost to public funds.*

56. ATT-GENERAL VIC v THE C'WEALTH 146 CLR 629 1980

- a) *"Neither a State nor the Federal Government can openly or secretly, participate in the affairs of any religious organizations or groups and vice versa."*



b) *"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 the public life by denying to every denomination any advantage from getting control of public policy or the public purse."*

57. ATT-GENERAL VIC v THE C'WEALTH 146 CLR 633 1980

*"Section 80 (trial by jury) and Section 116 are among the very few Guarantees of Freedom in the Constitution."*

58. *THAT, the Masonic rank and order, known as "The Shriners" requires either Masonic membership in the Knights Templars or in the 32<sup>nd</sup> degree of the Scottish rite. To be a "Shriner" is and remains today, a Masonic oath to serve the Muslim cause, bound by a Masonic oath to Allah in "Mecca in the Middle East", such Oath / Allegiance would breach the Commonwealth Constitution statement of "Almighty God" and section 116 of said Constitution*

***OBLIGATION / OATH***

*"...In willful violation whereof may I incur the fearful penalty of having my eyeballs pierced to the center with a three-edged 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"])

59. The Religion of Freemasonry

a. *"I consider freemasonry is a significantly organized school of mysticism to be entitled to be called a religion...Freemasonry... taught that each man can, by himself, work out his own conception of god and thereby achieve salvation..."*

(J.S.M. Ward, Freemasonry: Its Aims & Ideals, Pg.185)

b. *"I boldly avere that freemasonry is a religion, yet it no way conflicts with any other religion, unless that religion holds that no one outside its portals can be saved."*

(J.S.M. Ward, Freemasonry: Its Aims & Ideals, Pg.187)

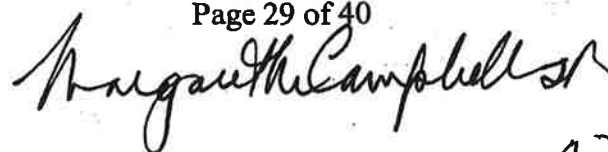
c. *"The religion of Masonry is cosmopolitan, universal..."*

(Albert G. Mackey, An Encyclopedia of Freemasonry and Its Kindred Sciences, vol. 1 (Chicago: Masonic History Company, 1921), 301)

d. *"Masonry...is the universal, eternal, immutable religion...."*

(Albert Pike, 219)

e. *"Everything in Masonry has reference to God, implies God, speaks of God, points and leads to God. Not a degree, not a*



*symbol, not an obligation, not a lecture, not a charge but finds its meaning and derives its beauty from God the Great Architect, in whose temple all Masons are workmen."*

(Joseph Fort Newton, *The Religion of Masonry* (Richmond: Macoy, 1969), 58-59)

Their god Is The god Of Islam, Hinduism, Buddhism, etc.

*"God is known as "the nameless one of a hundred names."*

(Henry Wilson Coil, "A Comprehensive View of Freemasonry," Richmond: Macoy Publishing, 1973, p. 192.)

*"For Masonry knows, what so many forget, that religions are many, but religion is one...therefore, it [Masonry] invites to its altar men of all faiths, knowing that, if they use different names for 'the nameless one of a hundred names,' they are yet praying to the one God and Father of all."*

(Joseph Fort Newton, "The Great Light in Masonry" (title of the section containing: "The Words of a Great Masonic Divine: The Bible and Freemasonry," in *The Holy Bible: The Great Light in Masonry* (Nashville: A. J. Holman, 1940)

*"God is equally present with the pious Hindu in the temple, the Jew in the synagogue, the Mohammedan in the mosque, and the Christian in the church."*

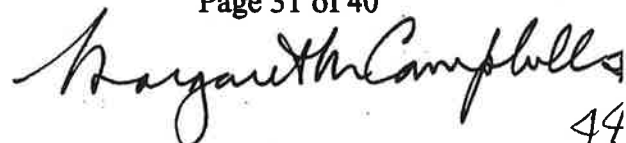
(Albert Mackey, "Mackey's Revised Encyclopedia of Freemasonry," Richmond: Macoy Publishing, 1966, 1:409-410.)

**60. Victorian Constitution Act 1855****Clause xxiv**

*"If any Member of the Legislative Council or Legislative Assembly shall, for One entire Session thereof, without the Permission of the said Council or Assembly, as the Case may be, fail to give his Attendance in such Council or Assembly, or shall take any Oath or make any Declaration or Acknowledgment of Allegiance, Obedience, or Adherence to any Foreign Prince or Power, or adopt any Act whereby he may become a Subject or Citizen of any Foreign State or Power, or shall become bankrupt or an Insolvent Debtor, within the Meaning of the Laws in force within Victoria relating to Bankrupts or Insolvent Debtors, or shall become a Public Defaulter, or be attainted of Treason, or be convicted of Felony or any infamous Crime, or become non compos mentis, his Seat in the said Council or Assembly, as the Case may be, shall thereby become vacant".*

**61. Victorian Constitution Act 1855****Clause xxxii**

*"No Member either of the Council or of the Assembly shall be permitted to sit or vote therein respectively until he shall have taken and subscribed before the Governor, or before some Person authorized by the Governor in that Behalf, the Oath set forth in the Schedule hereunto annexed marked C.; and every Person authorized by Law to make an Affirmation instead of making an Oath may make such Affirmation in every Case in which an Oath is herein required to be taken".*



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**62. Victorian Constitution Act 1855**

**Oath of Allegiance (Schedule C)**

*"I do sincerely promise and swear, that I will be faithful and bear true Allegiance to Her Majesty Queen Victoria, as lawful Sovereign of the United Kingdom of Great Britain and Ireland, and of this Colony of Victoria. So help me GOD"*

**63. COMMONWEALTH CONSTITUTION - 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."*

**64. 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.*



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## 65. Constitutional Questions

### a. Section 80

The words and intent of section 80 of the Commonwealth Constitution specifically refer to "*Indictment*", such can only be obtained by Crown Prosecutors ~~or~~ by Grand Jury.

To have the matter heard by a Grand Jury for such Indictment is both a Legal Right and Constitutional Right, on that basis, is it lawful for "Primary Offenders" to halt, hinder or suppress such Rights?

**(Original Jurisdiction Determination)**

### b. Section 116

I have stated that Freemasonry is a Religion and as such requires / demands a test, in the form of specific Oaths / Allegiances to the Religion and Organization of Freemasonry, and as such would or would not be a breach of section 116 of the Constitution

**(Original Jurisdiction Determination)**

### c. Section 44

I state that the Government and Religion of Freemasonry is a Foreign Power and as such is in breach of Section 44(i)

**(Original Jurisdiction Determination)**

### d. Preamble "Almighty God"

I state that the words "Almighty God" refer to the "God" of the Old and New Testament, and as such is the Judeo / Christian belief



as stated in the Profession of Faith set out in the 1688 Bill of Rights (Statutes at Law Vol 9) in direct conflict and contradiction with the words "Supreme Being" relating to the Religion of Freemasonry, not Christianity  
**(Original Jurisdiction Determination)**

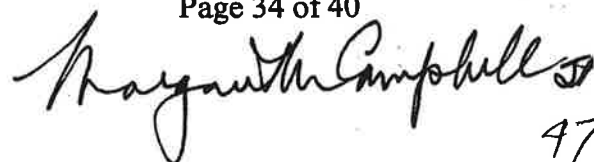
**e. Governor General**

Currently the Governor General has a lodged Grand Jury Application at the Victorian Supreme Court, Purportedly; the originating charges were taken over and withdrawn by the Commonwealth Director of Public Prosecutions who is appointed by the same Governor General under the Director of Public Prosecutions Act (Commonwealth)

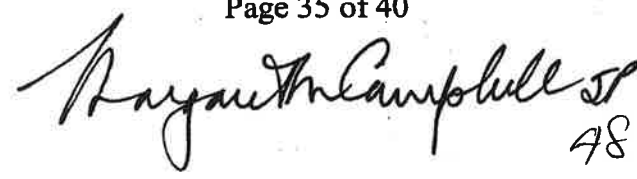
- i. Does this breach or suppress the legal Right contained in section 354 Crimes Act 1958 Victoria?
- ii. Does it interfere with the obtaining of an indictment in accordance with section 80 Commonwealth Constitution

**(Original Jurisdiction Determination)**

f. With consideration to the evident legal fact that the Governor General appears in some twenty odd sections of the Constitution, does this give the Governor General immunity from Private Prosecution for having two separate allegiances, one to Her Majesty, Her Heirs and Successors, the other to the Government and Religion of Freemasonry?



- g. When the Parliament of the State of Victoria enacted the 1975 Victorian Constitution Act, did it have the power, authority and jurisdiction to repeal the 1855 Victorian Constitution Act, an Act legally belonging to the Imperial Parliament?
- h. Was the 1855 Victorian Constitution Act actually repealed at all in England?
- i. Did the purported repeal of the 1855 Victorian Constitution Act by Victorian Politicians amount to an Act of Treason or Fraud?
- j. When the Parliament of the State of Victoria participated in the Australia Act 1986 under section 51(xxxviii) did it find its purported authority to do so, in the 1855 Victorian Constitution Act or the 1975 Victorian Constitution as they both appear to be in operation at the same time
- k. England was purportedly ruled to be a "Foreign Power" in the Sue v Hill matter, High Court, on that same assumed basis with consideration that all Masonic Warrants come from the "Mother Lodge of England" why then is not the assumed ruling of Sue v Hill applicable to Freemasonry, being the secret right arm of England, therefore the defacto cousin or product of England, such country already a "Foreign Power" in full breach of the entire Commonwealth Constitution and Victorian Constitution



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1201.

66. I state that all Judicial Officers within the State of Victoria attempting to deal with this matter (6890 / 1999) either in cost orders against ourselves or by refusing to Judicially attend to the revealed Indictable Offences, expose themselves to section 44 of the Crimes Act 1914

**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.*

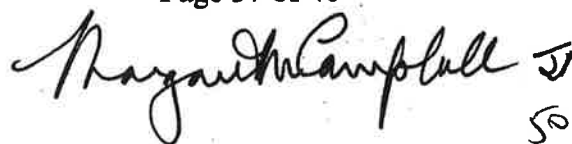
67. I state that the Grand Jury Application plus the Exhibit list heard October 2001 is **Exhibit 1**

68. I state that **Exhibit 2** is the submissions lodged by the State of Victoria for Grand Jury Application heard October 2001

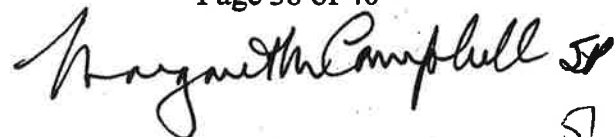
69. I state that **Exhibit 3** is a copy of the Writ of Mandamus lodged with the High Court, August 2002



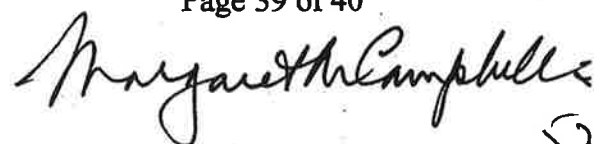
70. I state that Various quotes from Grand Jury Authorities are included herein at **Exhibit 4**
71. I state the Affidavit of Angelo Bonola in included herein at **Exhibit 5**
72. I state that the Anglican Synod at Sydney resolution concerning Freemasonry is **Exhibit 6**
73. I state that the legal notice to all Victorian Supreme Court Judges is **Exhibit 7**
74. I state that the affidavit affirmed by myself 20<sup>th</sup> July 2005 Re: Mr J Rutherford is **Exhibit 8**
75. I state that **Exhibit 9** is a copy of the charge and summons for Mr Rutherford
76. I state that **Exhibit 10** is a copy of correspondence from Harwood Andrews seeking \$31.631.00
77. I state that **Exhibit 11** is a copy of the charges and summons for Mr Ewan Evans. Master Victorian Supreme Court
78. I state that **Exhibit 12** is the notice of order made by Magistrate Melbourne Magistrates Court relating to Mr Rob Hulls Attorney General for Victoria

  
50

79. I state that **Exhibit 13** is a copy of the charge and summons for Mr John Evans, Grand Master Freemasons, Victoria
80. I state that **Exhibit 14** is a copy of the charge and summons for Mr David Ward: CEO ANZ Trustees
81. I state that **Exhibit 15** is a copy of three documents relating to the Victorian Constitution, 1854, 1855, 1975
82. I state that **Exhibit 16** is the volume containing four Grand Jury Applications relating to Jeffrey, Wheeler, Coghlan and McGinty
83. I state that **Exhibit 17** is the volume containing six Grand Jury Applications relating to Justice Winneke, Justice Charles, Justice Chernov, Justice Buchanan, Justice Brooking, Master Philip Cain
84. I state that **Exhibit 18** is the Grand Jury Applications relating to Justice Smith and Master King
85. I state that **Exhibit 19** is the Grand Jury Application relating to Mr Damian Bugg, Commonwealth Director of Public Prosecutions
86. The exhibits are:
1. Grand Jury Application 2001 (plus exhibit list)
  2. Submissions, State of Victoria, Grand Jury Application (2001)
  3. Writ of Mandamus, High Court (August 2002)
  4. Grand Jury Authorities (Vic)



5. Angelo Bonola Affidavit
6. Anglican Sydney Synod (Freemasonry)
7. Legal Notice all Victorian Supreme Court Judges
8. Affidavit of B W Shaw, re: J Rutherford and Harwood Andrews
9. Charge and Summons, Mr. J Rutherford
10. Letter from Harwood Andrews seeking \$31,631.10
11. Charge and Summons, Mr Ewan Evans,  
Master, Victorian Supreme Court
12. Notice of Order made Mr. Rob Hulls  
Attorney General Victoria
13. Charge and Summons, Mr John Evans  
Grand Master Freemasons Victoria
14. Charge and Summons, Mr. David Ward. CEO ANZ Trustees
15. Victorian Constitution Bill 1854 & Acts, 1855: 1975
16. Four Grand Jury Applications
  - a. Governor General Jeffrey
  - b. Master Charles Wheeler
  - c. Mr Paul Coghlan
  - d. Mr McGinty
17. Six Grand Jury Applications
  - a. Justice Winneke
  - b. Justice Charles
  - c. Justice Chernov
  - d. Justice Buchanan
  - e. Justice Brooking
  - f. Master Philip Cain
18. Two Grand Jury Applications



- a. Master King
- b. Justice Smith

19. Grand Jury Application Mr Damian Bugg.

Affirmed by: Mr. Brian William Shaw

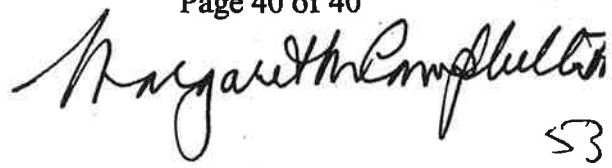


At Werribee in the State of Victoria

This 21<sup>st</sup> day of July 2005

Before me: Margaret M Campbell JP

A JUSTICE OF THE PEACE FOR VICTORIA  
 REG. No. 9924  
 MARGARET MAY CAMPBELL  
 7 MUIRHEAD CRES.  
 WERRIBEE 3030



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

**No 6890 of 1999**

**BETWEEN:**

**Brian William Shaw & Ors**

**Applicant**

**And**

**G. FRAGAPANE Nominees Pty Ltd.  
(ACN 005 229 863)**

**First Respondent**

**EXHIBIT**

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Date of Document: **17 August, 2005**

Filed on behalf of: **The Applicant**

Prepared by: **Brian William Shaw**

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This is the exhibit referred to and marked **Exhibit 2** in the affidavit of Brian William Shaw Affirmed on the **17** day of August, 2005 at Werribee in the State of Victoria.

Before me: *Margaret Campbell JP*

A JUSTICE OF THE PEACE FOR VICTORIA  
REG. No. 9924  
MARGARET MAY CAMPBELL  
7 MUIRHEAD CRES.  
WERRIBEE 3030

**Exhibit 2. Objections to Taxation  
Summons 9<sup>th</sup> August 2005**



OBJECTIONS TO TAXATION SUMMONS

- Part A. The Victorian Constitution
- Part B. Freemasonry
- Part C. Grand Jury
- Part D. Imperial Acts Application Act 1980 (Vic)
- Part E. Indictable Offences
- Part F. Fraud / Bias
- Part G. Constitutional Questions

Part A. The Victorian Constitution

1. The essential and critical issue for determination in the matter concerns the authority and legal ownership of the Victorian Constitution
2. There are three essential documents involving and concerning the Victorian Constitution specifically the Document of March 1854, the Document of July 1855 and the Document of 1975.
3. The 1854 document contained 71 clauses and a signature page, signed by the Speaker of the Legislative Council, certifying the Bill, plus the signature of the Clerk of the Legislative Council, additionally the signature of Lieutenant Governor La Trobe, signed at Government Offices Melbourne 25<sup>th</sup> March 1854. The Lieutenant Governor La Trobe reserved the Bill for Royal Assent in England with the words

*“In the name and on behalf of Her Majesty, I reserve this Bill for the signification thereof at Her Majesty’s pleasure”*

4. Legislative Council Letter Parliament House Melbourne, 27<sup>th</sup> June 1994 from Wayne Tunnecliffe, acting Clerk of the Legislative Council to myself.  
States:

*"Dear Mr. Shaw*

*I refer to your letter of 23 June concerning the original signed copy of the 1854 Constitution Bill.*

*I am sorry that I am unable to help you as to the Bill's whereabouts. No original material from the first Legislative Council from 1851 to 1856 is kept at Parliament House and we are unaware of it being stored in any other location.*

*Unlike the present Joint Standing Orders, which require one of the signed copies of original Bills to be retained at Parliament House, the Standing Orders of the first Legislative Council contained no similar requirement. It is therefore possible that there was only one signed copy of the 1854 Constitution Bill which would have been transported to the United Kingdom for Her Majesty's assent and we have no knowledge of its present whereabouts. Perhaps the State Historian may have some knowledge of the system which prevailed at that time and I suggest that you contact him. I regret that I appear to be unable to help you further; however, if there is some way that I can assist please do not hesitate to contact me again".*

5. Foreign and Commonwealth Office, Letter Miss E. J. McPherson, Edward Watts Building, Records Branch, Library and Records Department Hanslope Park Hanslope Milton Keynes, England To myself 1<sup>st</sup> September 1994  
States:

*"Please refer to your letter of 12 July asking for assistance in tracking down a copy of the Victoria Constitution Bill of 1854 bearing Queen Victoria's royal assent.*

*I have examined the copy of the bill deposited by the Colonial Office in the Public Record office, but regret that in common with all the other bills in the volume, it does not have a royal signature. A photocopy of the final page with the signatures of the Speaker and Clerk of the Legislative Council and the Lieutenant Governor is enclosed.*

*I have consulted the House of Lords Records Office where copies of United Kingdom acts bearing the royal assent are held but they do not have any acts of the Victorian legislature. There was no Victoria Constitution Act passed by the British parliament in 1854.*

*I am sorry to send you such a disappointing. Reply".*

6. Victorian Legislative Council letter to myself 19<sup>th</sup> June 1996, From Wayne Tunnecliffe, Clerk Assistant  
States:

*"Dear Mr. Shaw,  
Thank you for your letter of 12 June 1996 requesting copies of documents relevant to Victoria's Constitution Act 1854. The Parliament of Victoria does not hold the Constitution Act 1854 that was signed by Her Majesty Queen Victoria. As noted in my previous correspondence (7 June 1996) the Constitution Act 1854 was an Act of the Imperial Parliament. While drafted and prepared as a Bill of Victoria's Legislative Council, it was an Act neither of that body nor of the Parliament of Victoria. If the original document has survived, it is almost certainly located in England. It was for that reason that in July 1994 I suggested, on the advice of the British Consulate-General, that you seek further information from the Foreign and Commonwealth Affairs Office at Whitehall. Nor does the Parliament of Victoria hold Imperial Parliament documents relevant to the amendment and passage of the Constitution Act 1854 in England. Again, subject to the proviso that any such documents have survived, they will be held in England. I can advise that some material relevant to the transmission and introduction of the Constitution Act 1854 to Victoria is stored at the Public Record Office, Laverton. VPRS 2599 comprises 82 boxes of material relevant to the activities of the first Legislative Council for the period 1851-56. Unit No. 521 includes the formal Message of Assent of Her Majesty to Victoria's Constitution Act. I emphasise that this is the Message, and not the original signed Act. It is further understood that various copies of the Constitution Act 1854 may be found in this Unit. It is believed that the copies are in a draftsman's hand. It is not known whether the Queen's signature on these documents is an original or a copy. This material comprises the only items relevant to Victoria's first Constitution known to the Parliament of Victoria. Material located at the Public Record Office at Laverton is closed to general public access. Should you wish to examine the documents, it will be necessary for you to seek formal approval from the Legislative Council. Please address such correspondence to Dr Ray Wright, Senior Parliamentary Officer, in the Legislative Council. He will then arrange to*

*have the relevant Unit transferred from Laverton to Parliament House”.*

- 7. Victorian Legislative Council Letter Parliament House Melbourne, 6<sup>th</sup> November 1996 from Dr. Ray Wright, Senior Parliamentary Officer to myself.

States:

*“Dear Mr Shaw,*  
*Thank you for your letter of 27 September 1996 to Mr Wayne Tunnecliffe concerning the whereabouts of the signed copy of the Royal Assent to Victoria's Constitution.*  
*Your request follows earlier inquiries by telephone and through the mail - -dated 17 June 1994, 23 June 1994, 29 June 1994, 8 May 1996, 27 May 1996, 5 June 1996 and 12 June 1996 — seeking information on the location of the original signed Constitution Act 1854, seeking a signed copy of the Act and, now, seeking a signed copy of the Royal Assent.*

*The Legislative Council is unable to help you further with your inquiries. As has been emphasised in earlier correspondence, the Legislative Council does not hold the material you seek, if material of any kind relevant to your request was held by this Department, you would have been so informed. Such information and understanding as the Council does possess have now been furnished to you. The Department is unable to offer any further suggestions or assistance on this matter additional to that already given to you”.*

- 8. Department of the Legislative Council Parliament House Melbourne, Victoria letter to myself from Wayne Tunnecliffe Clerk Assistant 23<sup>rd</sup> June 1998

States:

*“Dear Mr Shaw*  
*I refer to your letter of 2 June 1998 in which you seek an update on the whereabouts of the signed copy of the Royal Assent to Victoria's Constitution.*  
*In response, I have to advise that the position is unchanged since our last letter to you in November 1996.*  
*I regret that the Department is unable to offer any further assistance to you on this matter”.*

9. Department of the Legislative Council letter to myself from Wayne Tunnecliffe Clerk Assistant 22<sup>nd</sup> December 1998  
States:

*"Dear Mr. Shaw  
I refer to your letter of 3 December.  
In your letter you ask me to detail our efforts to locate the signed copy of Victoria's Constitution. However, I am not exactly sure what details you are seeking. This department has on 6 occasions between 27 June 1994 and 23 June 1998 written to you in response to your requests for information concerning the whereabouts of the document and as it is not in our possession we have been unable to help you. On this occasion, I can only reiterate our previous advice to you that we are unable to assist you further".*

10. Department of the Legislative Council Parliament House Melbourne, Victoria letter 16 July 2001 to myself from Felicity Murphy Manager Papers Office  
States:

*"Dear Mr Shaw  
Re: Victorian Constitution Act 1975  
Thank you for your letter of 5 March 2001.  
Please find attached a copy of the Royal Assent version of the Victorian Constitution Act 1975. This is the copy of the Bill, which was passed by the Parliament of Victoria, certified by the Clerk of the Parliaments, and given the Royal Assent by the Governor on behalf of the Monarch. The House of Commons Hansard records show no record of debate in relation to the Victorian Constitution Act of 1975".*

11. Email Transmission to Mr McDougall 22/27 April 2002 from Ms K.V.Bligh, archivist House of Lords Record Office (The Parliamentary Archives) London England  
States:

*"Dear Mr McDougall  
Thank you for your email of 22 April.  
According to the Chronological Table of Statutes, the Victoria Constitution Act 1855 (18 & 19 Vie c 55) is still wholly in force. There is not even any mention of a partial repeal".*

12. The Records of Parliament by Maurice Bond Clerk of the Records in the House of Lords at page 7 under the Original Acts

States:

*"No Original Acts have had seals appended; nor, since 1603, have any sovereigns signed them".*

13. Between the period 1854 and 1855, when the original bill from Victoria arrived in England, a number of clauses were removed, additionally one clause was altered. This happened at the hand of Lord Russell at the Colonial Office. The Document / Bill presented to the House of Commons, May 10 1855 was not the Document / Bill signed and certified by Victorians in Melbourne in March 1854.
14. House of Commons, May 10 1855, Hansard Records States at 379 Victoria Government Bill
  - a. Lord JOHN RUSSELL moved for leave to bring in a Bill to enable Her Majesty to assent to a Bill, *as amended*, of the Legislature of Victoria, "to establish a constitution in and for the colony of Victoria."
  - b. In 1850 a Bill was passed, giving to the Legislative Councils of the Australian Colonies power to frame new Constitutions for themselves. Under that statute the Legislative Council of Victoria had passed a Bill, the preamble of which recited that power had been given it to do so by the statute of 1850, but; then the Bills passed by the Legislative Council overleaped and transcended the powers contained in the Act of 1850, presuming to repeal numerous Imperial statutes, and also to invest the Council with a great many powers which it did not now possess, and which nothing but an Act of Parliament could confer upon it, while it likewise in many respects altered the relation of the Legislative Council to the Imperial Legislature.
  - c. Certain limited powers having been granted to the Legislative Council, it ought to have confined itself strictly within its authority;
  - d. The House was therefore asked, in fact, to give validity to a law which the Legislative Council had no authority to make and which Her Majesty had no power to agree to.
  - e. The Legislative Council of Victoria having passed an Act which it had no power to pass, and then sent it home to be

made valid, The Noble Lord (Lord John Russell) did not approve of certain portions of this Colonial Act, and thought it not advisable to adopt them, and therefore, he had amended the Colonial Act by striking out those objectionable portions of it and inserting others in their place, and then he asked Parliament to enable Her Majesty to Assent, not to the Act which the Colonial Legislative had adopted, but another one which the Noble Lord had devised.

- f. An Act when thus altered was no longer the same measure, but must be regarded as an entirely new one, and therefore the Act now proposed to be Legislated could not be considered as the Bill that was passed by the Legislative Council of Victoria.
- g. As the Noble Lord had amended this Act, he presumed that the House of Commons could also amend it.
- h. That Bill might also be coupled with another making such concessions to the Legislative as the Legislative had assumed to itself without the Authority of Parliament.
- i. The other course would be to do in substance – namely, to sweep away the machinery of enabling Her Majesty to assent to a Bill which the Colonial Legislative had never passed, and to legislate directly on the subject.
- j. He protested against the plan of passing a Bill to enable Her Majesty to assent, not to a Bill that had been passed by the Legislative of Victoria but to another and a different Bill which, even had it been passed by that Legislative, had been Passed by it **ultra vires**.
- k. The Hon Gentleman was quite correct in stating that the enactments of the Legislative of Victoria were **ultra vires**, that they interfered with certain Imperial Acts, and that they touched upon matters which were strictly within the province of Her Majesty and Parliament.
- l. The Bill, therefore, although it would certainly not contain all that the Legislative of Victoria had proposed, would not contain anything to which it had not given its assent, and thus, in his opinion, would be within the powers given by

Parliament to the Australian Colonies to form Constitutions for themselves.

m. The passing of a Bill to enable Her Majesty to assent to a portion and not the whole of the Bill of the Colonial Legislature was a course, which, in his opinion, was open to very great doubt. As he understood the Law, a Bill sent to that House from Colonies must be assented to in its entirety and not partially.

n. Mr. Adderley said, he was quite opposed to the introduction of the Bill, as it was not the Bill of the Colonial Legislature, but a **new Bill altogether**.

15. The specific number of clauses that were removed by Lord Russell from the original 1854 document are eight clauses, additionally one clause was altered, the remainder of the clauses remained in the document, the altered clause from the Original document is clause (1) the removed clauses from the original document are clauses, XXXVII (37), XXXVIII (38), XXXIX (39), XL (40), XLI (41), XLII (42), XLIII (43), LI (51), eight clauses removed, one clause altered, inclusive of the **removal of the signature page**.

16. Clause 1. 1854.

There shall be established in Victoria instead of the Legislative Council now subsiding one Legislative Council and one Legislative Assembly to be severally constituted in the manner hereinafter provided and Her Majesty shall have power by and with the advice and consent of the said Council and Assembly to make Laws in and for Victoria in all cases whatsoever and all such laws passed by the said Council and Assembly and assented to by Her Majesty or in Her Majesty's name by the Governor of Victoria subject nevertheless as to Bills so assented to by the Governor to the provision for disallowance hereinafter contained.

Clause 1. 1855.

It shall be lawful for Her Majesty in Council to assent to the said reserved Bill, so amended as aforesaid, and contained in the Schedule to this Act annexed, anything in the said



specified Acts of Parliament, or any other Act, Law, or Usage, to the contrary in anywise notwithstanding.

Clause 37. XXXVII.1854.

Every Bill which shall have been passed by the Council and Assembly whether with or without amendments as aforesaid shall be presented for Her Majesty's Assent to the Governor and in the case of any Bill which according to the provisions hereof may be reserved for the signification of Her Majesty's pleasure the Governor shall subject to such Instructions as may from time to time be given in that behalf by Her Majesty Her Heirs or Successors declare according to his discretion that he assents to such Bill in Her Majesty's name or that he withholds Her Majesty's Assent or that he reserves such. Bill for the signification of Her Majesty's pleasure thereon but in the case of all other Bills which, shall be presented for Her Majesty's Assent to the Governor he shall according to his discretion declare whether he assents in the name of Her Majesty to such Bill or dissents therefrom.

Clause 38. XXXVIII.1854.

The following Bills may in the discretion of the Governor be reserved for the signification of Her Majesty's pleasure or having been assented to by the Governor in Her Majesty's name may be afterwards disallowed by Her Majesty within the period herein specified that is to say:

1. Bills relating: to the allegiance of the Inhabitants of the Colony of Victoria to Her Majesty's Crown.
2. Bills relating to the Naturalization of Aliens.
3. Bills relating to Treaties between the Crown and any Foreign Power.
4. Bills relating to Political intercourse and communications between the Colony of Victoria and any Officer of a Foreign Power or Dependancy
5. Bills relating to the employment command and discipline of Her Majesty's Sea and Land Forces within the Colony of Victoria and whatever relates to the Defence from Foreign

- Aggression including the command of the  
Municipal Militia and Marine.
6. Bills relating the Crime of High Treason  
And also
  7. Bills relating to the Law of Divorce.

Clause 39. XXXIX.1854.

Whenever any such Bill shall have been presented for Her Majesty's assent to the Governor and shall by such Governor have been assented in Her Majesty's name the Governor shall by first convenient opportunity transmit to one of Her Majesty's Principal Secretaries of state an authentic copy of such Bill so assented to and it shall be lawful at any time within one year after such Bill shall have been so received by the Secretary of State for Her Majesty by Order in Council to declare Her disallowance of such Bill and such disallowance being signed by the Governor to the Legislative Council and Legislative Assembly of the said Colony by Speech or Message or by Proclamation in Government Gazette shall make void and annul the same from and after the day of such signification.

Clause 40. XL.1854

No Bill which shall be reserved for the signification of Her Majesty's pleasure thereon shall have any force or authority within Victoria until the Governor shall signify either by Speech or Message to the Council and Assembly or by Proclamation published in the Government Gazette that such Bill has been laid before Her Majesty in Council and that Her Majesty has been pleased to assent to the said Bill and no Bill which shall be so reserved as aforesaid shall have any force or authority in Victoria unless Her Majesty's Assent thereto shall have been so signified as aforesaid within the space of one year from the day on which such Bill shall have been presented for Her Majesty's Assent to the Governor as aforesaid.

Clause 41. XLI.1854

In either of the cases mentioned in the last two preceding clauses an entry shall be made in the Journals of the said Council and Assembly or every such speech message or proclamation and a duplicate thereof duly attested shall be delivered to the Registrar of the Supreme Court or other proper officer to be kept among the records of the said Colony.

Clause 42. XLII.1854

Whenever any question shall arise as to the right of the governor to reserve any Bill for the signification of Her Majesty's pleasure thereon or as to the right of Her Majesty to disallow any such Bill the same shall be determined by the Judicial Committee of the Privy Council and in no other manner except by the consent of the Council and Assembly of Victoria and such question shall be stated in a joint Address to Her Majesty in Her Privy Council by the said Council and Assembly Provided that all such Bills shall be absolutely in absolutely in abeyance pending any such determination and that they shall afterwards according to the decision of the Judicial Committee in each case be submitted for the signification of Her Majesty's pleasure thereon or remitted to Victoria for the exercise as aforesaid of the Governor's discretion.

Clause 43. XLIII.1854

It shall be lawful for Her Majesty with the advice of Her Privy Council or under Her Majesty's Signet and Sign Manual through one of Her Principal Secretaries of State from time to time to convey to the Governor such instructions as to Her Majesty shall seem meet for the guidance of such Governor in the exercise of the powers hereby vested in him of assenting to or dissenting from or for reserving for the signification or Her Majesty's pleasure Bills to be passed by the said Legislative Council and Legislative Assembly and so that such instructions do not in any way fetter the Governor's discretion in giving or refusing Her

Majesty's Assent to Bills of mere local or municipal concernment

Clause 51. LI .1854

In case at any time hereafter the Legislative Houses of the said Colony of Victoria of the Colony of New South Wales of the Colony of Van Diemen's Land or of the Colony of South Australia shall petition Her Majesty to alter the Boundaries of the said Colonies or any of them so as to transfer to any of such Colonies a portion of the territories comprised in the other of them it shall be lawful for Her Majesty by any Order to be made with the advice of Her Privy Council to alter the Boundaries in pursuance of the prayer of any such petition or in such other manner as Her Majesty with such advice shall think fit. Provided that no alteration shall take place in the boundaries of any such Colony unless the assent of the Colony losing any portion of its territory by such alteration shall be expressed, in some Legislative provision of such Colony.

17. The second Document contains specific limiting and binding legal conditions within the main portion of the second Document of July 1855.
- a. *"An act to enable Her Majesty to assent to a bill, as amended, to establish a Constitution in and for the Colony of Victoria"*.
  - b. *"And whereas it is not competent to Her Majesty to assent to the said reserved Bill without the Authority of Parliament for that Purpose:"*
  - c. *"And whereas a Copy of the said Bill, as amended as aforesaid, is set forth in the Schedule (1.) to this Act:"*
  - d. *"It shall be lawful for Her Majesty in Council to assent to the said reserved Bill, so amended as aforesaid, and contained in the Schedule to this Act annexed, anything in the said specified Acts of Parliament, or any other Act, Law, or Usage, to the contrary in anywise notwithstanding"*.

e. *"It shall be lawful for the Legislature of Victoria to make Laws altering or repealing all or any of the Provisions of the said reserved Bill, in the same Manner as any other Laws for the good Government of the said Colony, subject, however, to the Conditions imposed by the said reserved Bill on the Alteration of the Provisions thereof in certain Particulars until and unless the said Conditions shall be repealed or altered by the Authority of the said Legislature"*.

f. Clause LX (60) of the second document 1855 which was clause LXVIII (68) of the original document 1854 States:

*"The Legislature of Victoria, as constituted by this Act, shall have full Power and Authority from Time to Time, by any Act or Acts, to repeal, alter, or vary all or any of the Provisions of this Act, and to substitute others in lieu thereof: Provided, that it shall not be lawful to present to the Governor of said Colony for Her Majesty's Assent any Bill by which an Alteration in the Constitution of the said Legislative Council, or Legislative Assembly, or in the said Schedule hereunto annexed marked D., may be made, unless the Second and Third Readings of such Bill shall have been passed with the Concurrence of an absolute Majority of the whole Number of the Members of the Legislative Council and of the Legislative Assembly respectively : Provided also, that every Bill which shall be so passed shall be reserved for the Signification of Her Majesty's Pleasure thereon"*.

g. The latter portion binds the Crown, Governor and Parliament

*"Provided also, that every Bill which shall be so passed shall be reserved for the Signification of Her Majesty's Pleasure thereon"*.

18. In 1975 when the Victorian Parliament took it upon themselves, under Governor Winneke to enact a new Constitution for the State of Victoria, they purported to repeal the former Constitution of July 1855 and give royal assent to the new document, by setting into the document the reservation clause, but not sending the document to England for Royal Assent, via both houses of Parliament in England

in accordance with the binding clause and condition contained in the preamble of the July 1855 Bill/Act.

***“And whereas it is not competent to Her Majesty to assent to the said reserved Bill without the Authority of Parliament for that Purpose:”***

- 19. The Victorian Parliament in 1975, under Governor Winneke did not have authority or Jurisdiction to repeal the former Constitution of the State of Victoria. That Authority and Jurisdiction belongs only in England because of the Amendments to the Original Constitution Bill of March 1854.
- 20. The removal of certain clauses relating to royal assent authority, took away any purported authority and jurisdiction for the Victorian Colony to grant to itself a Royal Assent on a bill requiring reservation, The Victorian Parliament, under Governor Winneke Fraudulently alluded to repealing the former Constitution, because England now states that the 1855 Constitution Act was never repealed and is still now wholly in force.

House of Lords Record Office (The Parliamentary Archives)  
London England States:

*“According to the Chronological Table of Statutes, the Victoria Constitution Act 1855 (18 & 19 Vie c 55) is still wholly in force. There is not even any mention of a partial repeal”.*

**Part B. Freemasonry**

- 21. The 1855 Constitution Act states in Clause 24

*“If any Member of the Legislative Council or Legislative Assembly shall, for One entire Session thereof, without the Permission of the said Council or Assembly, as the Case may be, fail to give his Attendance in such Council or Assembly, or shall take any Oath or make any Declaration or Acknowledgment of Allegiance, Obedience, or Adherence to any Foreign Prince or Power, or adopt any Act whereby he may become a Subject or Citizen of any Foreign State or Power, or shall become bankrupt or an Insolvent Debtor, within the Meaning of the Laws in force within Victoria relating to Bankrupts or Insolvent Debtors, or shall become*

*a Public Defaulter, or be attainted of Treason, or be convicted of Felony or any infamous Crime, or become non compos mentis, his Seat in the said Council or Assembly, as the Case may be, shall thereby become vacant."*

22. Masonic Oaths, both taken and administered have no lawful authority by consent of voting Victorians, accordingly they are unlawful oaths to a Foreign Power in breach of Section 316 Crimes Act 1958 Act/No 6231/1958, additionally clause 24 1855 Constitution Act Victoria.

**CRIMES ACT VIC 1958 - SECT 316**

**Unlawful oaths to commit treason, murder etc.**

(1) Every person who-

- (a) administers or is present at and consents to the administering of any oath or engagement in the nature of an oath purporting to bind the person who takes it to commit treason or murder; or
- (b) takes any such oath or engagement not being compelled to do so; or
- (c) induces or attempts to induce any person to take any such oath or engagement-

shall be guilty of an indictable offence, and shall be liable to level 5 imprisonment (10 years maximum).

(2) Every person who-

- (a) administers or is present at and consents to the administering of any oath or engagement in the nature of an oath purporting to bind the person who takes it to act in any of the ways following (that is to say):-
  - (i) to engage in any mutinous or seditious enterprise;
  - (ii) to commit any indictable offence other than treason or murder;
  - (iii) to disturb the public peace;
  - (iv) to be of any association society or confederacy formed for the purpose of doing any such act as aforesaid;
  - (v) to obey the order 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;

- (vi) not to inform or give evidence against any associate confederate or other person;
- (vii) not to reveal or discover any unlawful association society or confederacy or any illegal act done or to be done or any illegal oath or engagement that may have been administered or tendered to or taken by himself or any other person or the import of any such oath or engagement; or
- (b) takes any such oath or engagement not being compelled to do so; or
- (c) induces or attempts to induce any person to take any such oath or engagement-

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

(3) A person who takes any such oath or engagement as is mentioned in the last two preceding sub-sections cannot set up as a defence that he was compelled to do so unless within fourteen days after taking it or if he is prevented by actual force or sickness within fourteen days after the termination of such prevention he declares by information on oath before some member of the Executive Council or a magistrate or if he is on actual service in Her Majesty's forces by sea or land either by such information or by information to his commanding officer the whole of what he knows concerning the matter, including the person or persons by whom and in whose presence and the place where and the time when the oath or engagement was administered or taken.

(4) A person who has been tried and convicted or acquitted on a charge of any of the offences mentioned in this section shall not be afterwards prosecuted upon the same facts for treason or for failing when he knows that any person intends to commit treason to give information thereof with all reasonable despatch to a magistrate or use other reasonable endeavours to prevent the commission of the crime.

23. Masonic Oaths and Allegiances are oaths taken and administered to a Foreign Power, as such they are in breach of Section 44 (i) of the Commonwealth Constitution and possibly Section 44 (ii) of the Commonwealth Constitution.

**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

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

- 24. Masonic Oaths and Allegiance are in direct breach of open and transparent law, as such are Treachery to the Constitution, in breach of Section 24AA Crimes Act 1914.

*(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*

- 25. Masonic Oaths are unlawful occultic and unknown to the Non – Mason Public

**a. Entered Apprentice or First-Degree Obligation.**  
**(Portion)**

*I, \_\_\_\_\_, in the presence of the G.A.O.T.U., (Great Architec Of The Universe) and of this worthy and worthshipful Lodge of Ancient, Free and Accepted Masons, regularly assembled and properly dedicated, of my own free will and accord, do hereby and here on, most solemnly and sincerely promise and swear that I will always hele, conceal and never reveal any part or parts, point or points of the secrets or mysteries of, or belonging to Free and Accepted Masons in Freemasonry, which may heretofore have been known by, shall now, or may at any future period be communicated to me, unless it be to a true and lawful Brother or Brethren, and not even to him or them until after due trial, strict examination, or a full conviction that he or they are*

worthy of that confidence, or in the body of a Lodge Just perfect and regular.

**b. Installation of Most Wise Sovereign (M.W.S.). 18<sup>th</sup>. (Portion)**

*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.*

**c. VOW Of Profession (Portion)**

*That I will shun all lewdness and improper works of the flesh: That I will assist my Brethren Knights of the Temple with the Sword, with advice, with necessaries and with influences; and will prefer them always and everywhere to any not connected with the Soldiery of the Temple: That I will submit myself to the rules, laws, decrees, and all other acts of the Order of Knights Templar now having their Chief Seat in Scotland:*

**d. Royal Ark Mariner Degree Obligation (Portion)**

*All this I solemnly promise and swear, under no less a penalty than that of having ... (4)... (Than that my ribs be broken, and that I be Overpowered With Drowning by the Waters, and swept from off the face of the earth). So - help - me The Great Commander Of The Universe, and keep me steadfast in the due performance of the same.*

*This obligation is intended to bind the candidate in greater bondages of the cabletow or noose in the same way as in the first degree in the blue lodge.*

*The candidate has bound himself to a new set of bondages to his supreme architect, Satan, which are transmitted, together with the curses to his wife and family down through generation to generation until broken.*

- 26. The Shriner Oath is an Oath to serve the Muslim Agenda (Portion)

*In wilful violation whereof may I incur the fearful penalty of having my eyeballs pierced to the centre with a three edge 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 livid plague, and may Allah, the god of Arab Moslem and Mohammedan, the god of our fathers, support me to the entire fulfilment of the same. Amen! Amen! Amen!*

- 27. The unlawful condition of the 1975 Victorian Constitution Act combined with Masonic Politicians places a legal light on the validity of the Victorian Parliament passing the Australia Act in 1986.

**PART C. GRAND JURY**

- 28. During October 2001, the Full Court of the Supreme Court of Victoria heard an Application by myself and Carmen Walter for a Grand Jury Application concerning the Oaths of Freemasonry, I make the following points.

- a. The original Application to the Full Court was for three Judges.
- b. The Full Court of three Judges discovered that the Byrne / Armstrong Judgment VLR 1899 Vol XXV consisting of six Judges (two dissenting) outranked the October 2001 Application, another two Judges were added and an additional two files were requested.
- c. Even though the Application is Ex-Parte, the Solicitor General for Victoria intervened and made Application to overturn the Byrne / Armstrong matter of 1899.
- d. The Full Court cannot enter into the evidence of the matter, that Jurisdiction and Authority is reserved solely for the 23 men of Grand Jury.
- e. The Full Court can only address the charge.

- f. But, because the Full Court entered into the evidence some of which concerned the Victorian Constitution Act of 1975, the President of the Court of Appeal, (Full Court) President Winneke is the Son of the Governor at the time of the 1975 Victorian Constitution Act, Governor Winneke, and former Chief Justice Supreme Court of Victoria.
- g. All five Judges sitting in Federal Jurisdiction refused any disclosure when required, such refusal is a breach of Section 34.B Crimes Act 1914 Commonwealth.
- h. No transcript was made available.

29. The conclusions based on the Outline of Submissions are

- a. The State of Victoria enacted the Victorian Constitution Act 1975 unlawfully
- b. The State of Victoria has permitted the organization of Freemasonry to introduce a foreign set of Laws and Oaths Unlawfully
- c. Grand Jury is 23 men, not five Judges hearing their own matter the matter must be reheard according to law.

**PART D. IMPERIAL ACTS VICTORIA 1980**

30. Magna Carta, Chapter 29

“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 otherwise destroyed; nor will we pass upon him, nor condemn him, but by lawful Judgment 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.”

31. Imperial Acts Application Act 1980 ( Victoria)

Division 2-Habeas Corpus [1640] 16 Charles I c. X An Act for the regulating of the privy council, and for taking away the court commonly called the star-chamber. Whereas by the great charter many times confirmed in parliament, it is enacted, *That no freeman shall be taken or imprisoned, or disseised of his freehold or liberties or free customs, or be outlawed or exiled or otherwise destroyed, and that the King will not pass upon him, or condemn him; but by lawful judgement of his peers, or by the law of the land:*

(2) and by another statute made in the fifth year of the reign of King Edward the Third, it is enacted, That no man shall be attached by any accusation, nor

forejudged of life or limb, nor his lands, tenements, goods or chattels seized into the King's hands, against the form of the great charter and the law of the land:

(3) and by another statute made in the five and twentieth year of the reign of the same King Edward the Third, it is accorded, assented and established, That none shall be taken by petition or suggestion made to 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 proceeds made by writ original at the common law, and that none be put out of his franchise or freehold, unless he be duly brought in to 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:

(4) and by another statute made in the eight and twentieth year of the reign of the same King Edward the Third, it is amongst other things enacted, That no man of what estate or condition forever he be, shall be put out of his lands or tenements, nor taken, nor imprisoned, nor disinherited, without being brought in to answer by due process of law:

(5) and by another statute made in the two and fortieth year of the reign of the said King Edward the Third, it is enacted, 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 be done to the contrary, it shall be void in law, and holden for error:

(6) and by another statute made in the six and thirtieth year of the same King Edward the Third, it is amongst other things enacted, That all pleas which shall be pleaded in any courts before any of the King's justices, or in his other places, or before any of his other ministers, or in the courts and places of any other lords within the realm, shall be entered and enrolled in Latin:

(7) and whereas by the statute made in the third year of King Henry the Seventh, power is given to the chancellor, the lord treasurer of England for the time being, and the keeper of the King's privy seal, or two of them, calling unto them a bishop and a temporal lord of the King's most honourable council, and the two chief justices of the King's bench and common pleas for the time being, or other two justices in their absence, to proceed as in that act is expressed, for the punishment of some particular offences therein mentioned:

(8) and by the statute made in the one and twentieth year of King Henry the Eighth, the president of the council is associated to join with the lord chancellor and other judges in the said statute of the Third of Henry the Seventh mentioned:

(9) but the said judges have not kept themselves to the points limited by the said statute, but have undertaken to punish where no law doth warrant, and to make decrees for things having no such authority, and to inflict heavier punishments than by any law is warranted.

II. And for as much as all matters examinable or determinable before the said judges, or in the court commonly called the star-chamber, may have their proper remedy and redress, and their due punishment and correction, by the common law of the land, and in the ordinary course of justice elsewhere:

(2) and forasmuch as the reasons and motives inducing the erection and continuance of that court do now cease:

(3) and the proceedings, censures and decrees of that court, have by experience been found to be an intolerable burthen to the subjects, and the means to

introduce an arbitrary power and government:

(4) and forasmuch as the council-table hath of late time assumed unto itself a power to intermeddle in civil causes and matters only of private interest between party and party, and have adventured to determine of the estates and liberties of the subject, contrary to the law of the land and the rights and privileges of the subject, by which great and manifold mischiefs and inconveniencies have arisen and happened, and much uncertainty by means of such proceedings hath been conceived concerning mens rights and estates; for settling whereof, and preventing the like in time to come.

III. **Be it ordained** and enacted by the authority of this present parliament, That the said court commonly called the star-chamber, and all jurisdiction, power and authority belonging unto, or exercised in the same court, or by any of the judges, officers or ministers, thereof, be from the first day of August in the year of our Lord God one thousand six hundred forty and one, clearly and absolutely dissolved, taken away and determined:

(2) and that from the said first day of August neither the lord chancellor, or keeper of the great seal of England, the lord treasurer of England, the keeper of the King's privy seal, or president of the council, nor **any bishop, temporal lord, privy counsellor or judge, or justice whatsoever**, shall have any power or authority to hear, examine or determine any matter or thing whatsoever, in the said court commonly called the star-chamber, or to make, pronounce or deliver any judgement, sentence, order or decree, or to do any judicial or ministerial act in the said court:

(3) and that all and every act and acts of parliament, and all and every article, clause and sentence in them, and every of them, by which any jurisdiction, power or authority is given, limited or appointed unto the said court commonly called the star-chamber, or unto all or any of the judges, officers or ministers thereof, or for any proceedings to be had or made in the said court, or for any matter or thing to be drawn unto question, examined or determined there, shall for so much as concerneth the said court of star-chamber, and the power and authority thereby given unto it, be from the said first day of August repealed, and absolutely revoked and made void.

IV. And be it likewise enacted, That the like jurisdiction now used and exercised in the court before the president and council in the marches of Wales:

(2) and also in the court before the president and council established in the northern parts:

(3) and also in the court commonly called the court of the duchy of Lancaster, held before the chancellor and council of that court:

(4) and also in the court of exchequer of the county palatine of Chester, held before the chamberlain and council of that court:

(5) the like jurisdiction being exercised there, shall from the said first day of August one thousand six hundred forty and one, be also repealed and absolutely revoked and made void; any law, prescription, custom or usage, or the said statute made in the third year of King Henry the Seventh, or the statute made in one and twentieth of Henry the Eighth, or any act or acts of parliament heretofore had or made, to the contrary thereof in any wise notwithstanding:

(6) and that from henceforth no court, council or place of judicature, shall be erected, ordained, constituted or appointed within this realm of England, or

dominion of Wales, which shall have, use or exercise the same or the like jurisdiction as is or hath been used, practised or exercised in the said court of star-chamber.

**V. Be it likewise declared and enacted by authority of this present parliament, That neither his Majesty, nor his privy council, have or ought to have any jurisdiction, power or authority, by English bill, petition, articles, libel or any other arbitrary way whatsoever, to examine or draw into question, determine or dispose of the lands, tenements, hereditaments, goods or chattels of any of the subjects of this kingdom, but that the same ought to be tried and determined in the ordinary courts of justice, and by the ordinary course of the law.**

VI. And be it further provided and enacted, That if any lord chancellor, or keeper of the great seal of England, lord treasurer, keeper of the King's privy seal, president of the council, bishop, temporal lord, privy counsellor, judge or justice whatsoever, shall offend, or do any thing contrary to the purport, true intent and meaning of this law, then he or they shall for such offence forfeit the sum of five hundred pounds of lawful money of England unto any party grieved, his executors or administrators, who shall really prosecute for the same, and first obtain judgement thereupon, to be recorded in any court of record at Westminster, by action of debt, bill, plaint or information, wherein no essoin, protection, wager of law, aid prayer, privilege, injunction or order of restraint, shall be in any wise prayed, granted, or allowed, nor any more than one imparlance:

(2) and if any person against whom any such judgement or recovery shall be had as aforesaid, shall after such judgement or recovery offend again in the same, then he or they for such offence shall forfeit the sum of one thousand pounds of lawful money of England unto any party grieved, his executors or administrators, who shall really prosecute for the same, and first obtain judgement thereupon, to be recorded in any court of record at Westminster, by action of debt, bill, plaint or information, in which no essoin, protection, wager of law, aid prayer, privilege, injunction or order of restraint shall be in any wise prayed, granted or allowed, nor any more than one imparlance:

(3) and if any person against whom any such second judgement or recovery shall be had as aforesaid, shall after such judgement or recovery offend again in the same kind, and shall be thereof duly convicted by indictment, information, or any other lawful way or means, that such person so convicted shall be from thenceforth disabled, and become by virtue of this act incapable ipso facto, to bear his and their said office and offices respectively:

(4) and shall be likewise disabled to make any gift, grant, conveyance, or other disposition of any of his lands, tenements, hereditaments, goods or chattels, or to take any benefit of any gift, conveyance or legacy to his own use.

VII. And every person so offending shall likewise forfeit and lose unto the party grieved, by any thing done contrary to the true intent and meaning of this law, his treble damages which he shall sustain and be put unto by means or occasion of any such act or thing done, the same to be recovered in any of his Majesty's

courts of record at Westminster, by action of debt, bill, plaint or information, wherein no ession, protection, wager of law, aid prayer, privilege, injunction or order of restraint, shall be in any wise prayed, granted or allowed, nor any more than one imparlance.

VIII. And be it also provided and enacted, That if any person shall hereafter be committed, restrained of his liberty, or suffer imprisonment, by the order or decree of any such court of star-chamber, or other court aforesaid, now or at any time hereafter, having or pretending to have the same or like jurisdiction, power or authority to commit or imprison as aforesaid:

(2) or by the command or warrant of the King's majesty, his heirs or successors, in their own person, or by the command or warrant of the council board, or of any of the lords or others of his Majesty's privy council:

(3) that in every such case every person so committed, restrained of his liberty, or suffering imprisonment, upon demand or motion made by his counsel, or other employed by him for that purpose, unto the judges of the court of King's bench or common pleas, in open court, shall without delay, upon any pretence whatsoever, for the ordinary fees usually paid for the same, have forthwith granted unto him a writ of habeas corpus, to be directed generally unto all and every sheriff, gaoler, minister, officer or other person in whose custody the party committed or restrained shall be:

(4) and the sheriff, gaoler, minister, officer or other person in whose custody the part so committed or restrained shall be, shall at the return of the said writ, and according to the command thereof, upon due and convenient notice thereof given unto him, at the charge of the party who requireth or procureth such writ, and upon security by his own bond given, to pay the charge of carrying back the prisoner, if he shall be remanded by the court to which he shall be brought, as in like cases that been used, such charges of bringing up and carrying back the prisoner to be always ordered by the court, if any difference shall arise thereabout, bring or cause to be brought the body of the said party so committed or restrained unto and before the judges or justices of the said court from whence the same writ shall issue, in open court:

(5) and shall then likewise certify the true cause of such his detainer or imprisonment, and thereupon the court, within three court days after such return made and delivered in open court, shall proceed to examine and determine whether the cause of such commitment appearing upon the said return be just and legal, or not, and shall thereupon do what to justice shall apertain, either be delivering, bailing or remanding the prisoner:

(6) and if any thing shall be otherwise wilfully done or omitted to be done by any judge, justice, officer or other person afore-mentioned, contrary to the direction and true meaning hereof, that then such persons so offending shall forfeit to the party grieved his treble damages, to be recovered by such means, and in such manner as is formerly in this act limited and appointed for the like penalty to be sued for and recovered.

IX. Provided always, and be it enacted, That this act and the several clauses therein contained shall be taken and expounded to extend only to the court of star-chamber:

(2) and to the said courts holden before the president and council in the marches of Wales:



- (3) and before the president and council in the northern parts:
- (4) and also to the court commonly called the court of the duchy of Lancaster, holden before the chancellor and council of that court:
- (5) and also in the court of exchequer of the county palatine of Chester, held before the chamberlain and council of that court:
- (6) and to all courts of like jurisdiction to be hereafter erected, ordained, constituted or appointed as aforesaid, and to the warrants and directions of the council board, and to the commitments, restraints and imprisonment of any person or persons made, commanded or awarded by the King's majesty, his heirs or successors, in their own person, or by the lords and others of the privy council, and every one of them.

X. And lastly, provided, and be it enacted, That no person or persons shall be sued, impleaded, molested or troubled for any offence against this present act, unless the party supposed to have so offended shall be sued or impleaded for the same within two years at the most after such time wherein the said offence shall be committed.

- 32. Section 4 Supreme Court Act 1986, which purports to abolish the distinction between Court and Chambers, has become a vehicle for fraud, insofar as it purports to create a Star Chamber, where Costs orders may be made, with a view to preventing causes coming before the Court, by exhausting the financial resources of the litigants before the court.
- 33. It is a fundamental part of the Australian Constitution that Her Majesty ELIZABETH THE SECOND is the Chief Executive Officer of Australia by virtue of Section 61 Australian Constitution and every public official whatsoever exercising power, on behalf of any Government created by the Australian Constitution is one of Her Privies.
- 34. Also a fundamental part of the Australian Constitution is section 118, which picked up and made Australian Law, on the 9<sup>th</sup> July 1900, the English Constitutional enactments binding on Her Majesty Queen Victoria.
- 35. Despite the purported repeal by the English Parliament of Section 14 Magna Carta, I reproduce it here, as it was in force in Victoria in 1900.  
 [14] A Freeman shall not be amerced for a small fault, but after the manner of the fault; and for a great fault after the greatness thereof, saving to him his contenment; and a Merchant likewise, saving to him his Merchandise; and any other's villain than ours shall be likewise amerced, saving his wainage, if he falls into our mercy. **And none of the said amerciements shall be assessed, but by the oath of honest and lawful men of the vicinage.** Earls and Barons shall not be amerced but by their Peers, and after the manner of their offence. No man of the Church shall be amerced after the quantity of his spiritual Benefice, but after his Lay-tenement, and after the quantity of his offence.
- 36. Amerciements are defined as a pecuniary punishment for an offence in respect of which the offender stood in the court of his lord, whether the king or a subject, at the mercy (*a merci in misericordia*) of the lord. The amount of an amerciament appears to have been originally arbitrary, but gradually the amount became fixed

by custom in many cases; and after Magna Carta the law was that a freeman should, except where the amount was fixed be amerced only according to his means, being assessed or affected by his peers. Earl Jowitt A DICTIONARY OF ENGLISH LAW (1959) Sweet and Maxwell London.

37. Jowitt: p 507. Neither party was entitled to costs at common law. In 1606, a statute 4 Jac 1, c 3 gave costs to a successful defendant. A Court must give respect to the Habeas Corpus Act 1640 (16 CAR 1 c 10) (IMP) and not award costs unless the jury sanctions the order. The current fraudulent practice of seeking costs on an interlocutory basis, only arises after the *Supreme Court Act 1986*, Section 4, and the purported re-creation of a Star Chamber, where a judge can arbitrarily award costs. The fraud of interlocutory costs orders is then usually pursued to bankruptcy, and that usually in practical terms, is the equivalent of an indulgence being given to one party, not to have to answer in Court for an alleged infringement of the law.
38. The use of this scheme, is and has been illegal since 1914, when the *Crimes Act 1914* Section 43 made it a criminal offence, to attempt, in any way not specially defined in this act, to pervert, prevent, obstruct or defeat the course of justice in respect of the Judicial power of the Commonwealth.
39. Her Majesty ELIZABETH THE SECOND on behalf of God Almighty, holds the radical title to all freehold land in Australia notwithstanding that its physical presence is in any of the states.
40. It is to Her Majesty ELIZABETH THE SECOND that the plaintiff appeals, for justice, and since Her Majesty ELIZABETH THE SECOND is Chief Executive Officer of the Commonwealth of Australia all Courts whatsoever that make judgments against Australians must issue warrants in Her name.
41. Since 2001, the Parliament of the Commonwealth has asserted Sovereignty in the name of Her Majesty ELIZABETH THE SECOND over every government of every State by the enactment of the *Criminal Code Act 1995*. In its Dictionary, it has defined every entity established by or under a law of the Commonwealth, as a Commonwealth authority, and further defined the State of Victoria as a Commonwealth entity.
42. In 1996, in *Kable V DPP of New South Wales (1996) 96/027* the High Court stated that the states cannot abolish their formerly established Supreme Court to make them anything other than a Court of Judicature.
43. Combining Chambers and Court, does not continue the Supreme Court as a Court of judicature.
44. The Australian Government Solicitor in a note to the Australian Constitution as an Overview: on the Separation of Powers says The separation of powers between the Judicature, on one hand and the Parliament and the Executive on the other is strict.

45. Section 4 Supreme Court Act 1986, merges executive and judicial powers, in a delegate of Her Majesty ELIZABETH THE SECOND, and that is not permitted.
46. The Separation of Powers, enacted into the Magna Carta, (1623-4) James 1 C3 (Statute of Monopolies) ss1 and 6, Habeas Corpus Act 1640 (16 CAR 1 c 10) (IMP) and adopted by section 118 Australian Constitution has its roots in the Bible, and the teachings of Christianity, which was and remains the State religion, by virtue of Section 116 Australian Constitution.
47. The Separation of Powers, is taught to Christians, by the gospel of John, Chapter 5, verses 22 and 23, For the Father ( Her Majesty ELIZABETH THE SECOND) judgeth no man, but hath committed all judgment to the Son. That all men should honour the Son, even as they honour the Father. He that honoureth not the Son, honoureth not the Father that hath sent Him. The gospel of Matthew in Verse 7, prohibits individuals merging the power to judge with the power to administer judgments, and in Matthew 18 Verse 20, Christians are taught that where two or three are gathered together in my name ( Jesus Christ) there am I in the midst of them.
48. The Parliament of the Commonwealth commences each day of sittings, with the Lord's prayer from Matthew 6, Verses 9- 13. It recognises that Anglican Protestant Christianity, is the State Religion, and Her Majesty ELIZABETH THE SECOND represents God Almighty, as Sovereign. The Supreme Court, the court of the Supreme Being, becomes a place of worship, where a subject of Her Majesty ELIZABETH THE SECOND prays to God Almighty, for relief, when his fellow subject is unreasonable. The judgment is given to a jury, in the name of Jesus Christ, who is the judge guiding the jury.
49. For the above reasons the making of a Costs Order at an interlocutory hearing, is an offence against the enacted Statutes of the Commonwealth of Australia, being prohibited by Section 43 *Crimes Act 1914* and now made clear, by the *Criminal Code Act 1995* and its definitions. All the courts judges and people of every State are bound by this law, notwithstanding anything in the laws of any State, by S 5 Commonwealth of Australia Constitution Act 1900 and the oath of allegiance to Her Majesty ELIZABETH THE SECOND taken by all her Australian subjects.

#### PART E. INDICTABLE OFFENCES

50. Freemasonry and their unlawful Masonic oaths open up a chain of indictable offences contrary to the *Crimes Act 1958*, Act No 6231/1958, in particular in breach of Sections 316, 314, 315, 321, 321A.(2), 321B., 321M., 321O., 323, 325, 3A., 6B.(2)(a), 6B(4), 371, 181, 182, 184, 325(6), 326(1) and section 363. Pursuant to the *Crimes Act 1958* all breaches of such Act are indictable.
51. CRIMES ACT VICTORIA 1958: SECTION 316 (2)(a) (vii)

*"Not to reveal or discover any UNLAWFUL ASSOCIATION, SOCIETY OR CONFEDERACY or ANY ILLEGAL ACT done or to be done or ANY ILLEGAL OATH or ENGAGEMENT that may have been administered or tendered to or*

taken by himself or any other person or the import of any SUCH OATH or ENGAGEMENT.

52. THAT, Section 151 of the Evidence Act 1958 Victoria, states:

"The taking of any *extra-judicial oath* that does not have jurisdiction or cognisance by or under some "Act" or "ordinance in force" *shall be unlawful*. Every Masonic member who has taken a judicial oath within the State of Victoria is in breach of this Section of the Evidence Act 1958, Victoria.

53. **EVIDENCE ACT 1958 SECTION 151:**  
**Abolition of extra-judicial oaths:**

*"It shall not be lawful for any person to administer or cause or allow to be received any oath or affidavit touching any matter or thing whereof such person hath not jurisdiction or cognisance by or under some "ACT" or "ordinance in force."* (Portion of Section)  
*"It shall not be lawful"*

54. **CRIMES ACT 1914 SECTION 34(1)(b)**

"Being a Judge or Magistrate, willfully and perversely exercises Federal jurisdiction in any matter in which he has personal interest,"  
*Shall be guilty of an offence. Penalty: Imprisonment for 2 years.*

55. **CRIMES ACT 1914 SECTION 44**

"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 any indictable offence against the law of the Commonwealth or Territory, or will abstain from discontinue or delay any prosecution for any offence, or will withhold any evidence thereof,"  
*Shall be guilty of an offence Penalty: Imprisonment for 3 years.*

56. **CRIMES ACT 1914 SECTION 43.**

"Any person who attempts, in any way not specifically 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.*

57. **CRIMES ACT 1914 SECTION 42**

"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.*

**58. CRIMES ACT 1958, VICTORIA SECTION 322E**

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

**59. CRIMES ACT 1958 VICTORIA SECTION 321M**

“A person who attempts to commit an indictable offence is guilty of the indictable offence of attempting to commit that offence.”

**60. CRIMES ACT 1958 VICTORIA SECTION 325**

(1) “Where a person (in this Section called, “the principal offender”) has committed a serious indictable offence, (in this Section called, “the principal offence”) any other person who, knowing or believing the principal offender to be guilty of the principal offence or some other serious indictable offence without lawful authority, or reasonable excuse does any act with the purpose of impeding the apprehension, prosecution, conviction or punishment of the principal offender shall be guilty of an indictable offence.”

**61. CRIMES ACT 1958, VICTORIA SECTION 326**

(1) “Where a person has committed a serious indictable offence, any other person who, knowing or believing that the offence, or some other serious indictable offence has been committed and that he has information which might be of material assistance in securing the prosecution or conviction of an offender for it, accepts any benefit for not disclosing that information, shall be guilty of a summary offence and liable to level 8 imprisonment.

*Penalty: 1 year maximum)*

(3) “For the purpose of this section a person shall be deemed to accept a benefit if he accepts or agrees to accept any benefit or advantage, or the promise of any benefit or advantage, either to himself or to another, whether or not the benefit or advantage is in money or money’s worth.

(4) “A person convicted of an offence against sub-section (1) shall be liable:  
(a) If the principle offence is one for which the penalty is Level 1 imprisonment (life) to Level 3 imprisonment (20 years maximum)

62. **CRIMES ACT 1958, VICTORIA SECTION 323**

"A person who aids, abets, counsels or procures the commission of an indictable offence may be tried, indicted or present and punished as a principal offender.

63. **COMMONWEALTH CONSTITUTION ACT - SECT 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"*

64. **COMMONWEALTH CONSTITUTION ACT - SECT 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
- (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.

**PART F. FRAUD / BIAS**

a. "Fraud Vitiates Everything"

Chun Teong Tou v Musgrove  
Aust' Law Times Vol X Sept 1888 (at 82)

b. "The Appearance of Bias vitiates the Judgment"  
Livesey v The New South Wales Bar Ass' 1983  
151 CLR 288 (at 289)

c. "A man must not be a Judge in his own cause"  
Dickason v Edwards 10 CLR 243 (at 243)

d. **JUDICIARY ACT 1903 - SECT 23**  
**Decision in case of difference of opinion**

(1) A Full Court consisting of less than all the Justices shall not give a decision on a question affecting the constitutional powers of the Commonwealth, unless at least three Justices concur in the decision.

**PART G. CONSTITUTIONAL QUESTIONS**

**65. Section 80**

The words and intent of section 80 of the Commonwealth Constitution specifically refer to "Indictment", such can only be obtained by Crown Prosecutors of by Grand Jury.

To have the matter heard by a Grand Jury for such Indictment is both a Legal Right and Constitutional Right, on that basis, is it lawful for "Primary Offenders" to halt, hinder or suppress such Rights?

**(Original Jurisdiction Determination)**

**66. Section 116**

I have stated that Freemasonry is a Religion and as such requires / demands a test, in the form of specific Oaths / Allegiances to the Religion and Organization of Freemasonry, and as such would or would not be a breach of section 116 of the Constitution

**(Original Jurisdiction Determination)**

**67. Section 44**

I state that the Government and Religion of Freemasonry is a Foreign Power and as such is in breach of Section 44(i)

**(Original Jurisdiction Determination)**

**68. Preamble "Almighty God"**

I state that the words "Almighty God" refer to the "God" of the Old and New Testament, and as such is the Judeo / Christian belief as stated in the Profession of Faith set out in the 1688 Bill of Rights (Statutes at Law Vol 9) in direct conflict and contradiction with the words "Supreme Being" relating to the Religion of Freemasonry, not Christianity

**(Original Jurisdiction Determination)**

**69. Governor General**

Currently the Governor General has a lodged Grand Jury Application at the Victorian Supreme Court, Purportedly; the originating charges were taken over and withdrawn by the Commonwealth Director of Public Prosecutions who is appointed by the same Governor General under the Director of Public Prosecutions Act (Commonwealth)

i. Does this breach or suppress the legal Right contained in section 354 Crimes Act 1958 Victoria?

ii. Does it interfere with the obtaining of an indictment in accordance with section 80 Commonwealth Constitution

**(Original Jurisdiction Determination)**

70. With consideration to the evident legal fact that the Governor General appears in some twenty odd sections of the Constitution, does this give the Governor General immunity from Private Prosecution for having two separate allegiances,

one to Her Majesty, Her Heirs and Successors, the other to the Government and Religion of Freemasonry?

- 71. When the Parliament of the State of Victoria enacted the 1975 Victorian Constitution Act, did it have the power, authority and jurisdiction to repeal the 1855 Victorian Constitution Act, an Act legally belonging to the Imperial Parliament?
- 72. Was the 1855 Victorian Constitution Act actually repealed at all in England?
- 73. Did the purported repeal of the 1855 Victorian Constitution Act by Victorian Politicians amount to an Act of Treason or Fraud?
- 74. When the Parliament of the State of Victoria participated in the Australia Act 1986 under section 51(xxxviii) did it find its purported authority to do so, in the 1855 Victorian Constitution Act or the 1975 Victorian Constitution as they both appear to be in operation at the same time
- 75. England was purportedly ruled to be a "Foreign Power" in the Sue v Hill matter, High Court, on that same assumed basis with consideration that all Masonic Warrants come from the "Mother Lodge of England" why then is not the assumed ruling of Sue v Hill applicable to Freemasonry, being the secret right arm of England, therefore the defacto cousin or product of England, such country already a "Foreign Power" in full breach of the entire Commonwealth Constitution and Victorian Constitution
- 76. **Attachments are**
  - A. Grand Jury Application Master Wheeler
  - B. Grand Jury Application Governor General Mr. Jeffrey

Filed by: Brian W Shaw  
280 Leakes Road.  
Truganina. Victoria 3029.

5<sup>th</sup> August 2005



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

**No 6890 of 1999**

**BETWEEN:**

**Brian William Shaw & Ors**

**Applicant**

**And**

**G. FRAGAPANE Nominees Pty Ltd.  
(ACN 005 229 863)**

**First Respondent**

**EXHIBIT**

**Date of Document:** 17 August, 2005  
**Filed on behalf of:** The Applicant  
**Prepared by:** Brian William Shaw

**This is the exhibit referred to and marked Exhibit 3 in the affidavit of  
Brian William Shaw Affirmed on the 17 day of August, 2005 at  
Werribee in the State of Victoria.**

**Before me:** Margaret M Campbell JP

A JUSTICE OF THE PEACE FOR VICTORIA  
REG. No. 9924  
MARGARET MAY CAMPBELL  
7 MUIRHEAD CRES.  
WERRIBEE 3030

**Exhibit 3: Grand Jury Application for  
Master Charles Wheeler**

1289.

IN THE SUPREME COURT OF VICTORIA  
FULL COURT; CRIMINAL JURISDICTION

No: of 2004

IN THE MATTER of the Crimes Act 1958

And

IN THE MATTER of an Application by

Brian William Shaw

APPLICATION

TAKE NOTICE that the Full Court of the Supreme Court will be moved on the Day of 2004 at am by the Applicant for the following Orders pursuant to Section 354 of the Crimes Act 1958, the Applicant have disclosed

Indictable offence/offences against:

Mr. Charles Wheeler  
Master of the Supreme Court of Victoria

And that a Court has declined or refused to commit the alleged offender, namely: Mr. Charles Wheeler

1. The Sheriff is ordered to summons a Grand Jury to appear at a Court to be holden at a time and place determined by the Court in

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accordance with the provision of Section 354 of the Crimes Act 1958 (Vic) to attend at such Court at that time and place to inquire present do and execute all things which on the part of the Queen shall then and there be commanded of them.

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

DATED The 19<sup>th</sup> day of March, 2004

This Application is filed by Brian W Shaw



## AFFIDAVIT

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

1. THAT, the Application to this Honourable Court is lodged on the legal basis that the Oaths of Freemasonry are unlawful oaths contrary *inter alia* to section 316 of the *Crimes Act* 1958, Victoria, and as such constitute an indictable offence.

2. Masonic Oaths, Blue Lodge

FREEMASONRY takes two directions. The first three degrees are termed the Blue Lodge; inclusive of the Entered Apprentice oath degree, the Fellow craft oath and degree, the Master Masons oath and degree, after which it branches into two specific arms termed the York Rite and Scottish Rite inclusive of Shiners, 32<sup>nd</sup> degree, Knights of Malta and Knights Templars.

a. 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 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)*

b. MASONIC OATH - FELLOWCRAFT

*In the presence of the grand geometrician of the universe, and of this worthy and worshipful lodge 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*




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*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)*

c. 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*

*R. Style*  
 RODNEY STYLE  
 Justice of the Peace  
 WA 9146

*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)*

3. On 28 February 2002 indictable information was given to Detective Senior Sergeant M. Gilenane 17952, Criminal Investigation unit, Ballarat Police Department, Victoria concerning Master Wheeler, Master of the Supreme Court of Victoria. Master Wheeler is a high ranked Freemason who has taken a judicial oath and as such is bound by law to obey and administer the laws of the State of Victoria, whereas in the capacity of a Freemason, Master Wheeler has breached section 51 and 151 of the *Evidence Act* 1958 and the following sections of the *Crimes Act* 1958 in the State of Victoria:

3A., 6B.(2)(a), 6B.(4), 181, 182, 184, 314, 315, 316, 321, 321A.(2), 321B., 321M., 321O., 325, 325(6), 326(1), 363 and section 371.

4. THAT, it is noted and stated that it is legally impossible to take a judicial oath to administer and uphold law within the State of Victoria and to take and administer Masonic oaths swearing allegiance to Freemasonry above all other allegiances. This is in total breach of the

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law stated herein but not limited to this Affidavit. All breaches are indictable pursuant to State law. Masonic Oaths contradict Truth

- a. *I swear to tell the truth the whole truth*
- b. *I will always hele, conceal, and never reveal*

5. Freemasonry and their unlawful Masonic oaths open up a chain of indictable offences contrary to the *Crimes Act* 1958, Act No 6231/1958, in particular in breach of Sections 316, 314, 315, 321, 321A.(2), 321B., 321M., 321O., 323, 325, 3A., 6B.(2)(a), 6B(4), 371, 181, 182, 184, 325(6), 326(1) and section 363. Pursuant to the *Crimes Act* 1958 all breaches of such Act are indictable.

6. Crimes Act 1958, Section 422.

Procedure where facts proved on trial disclose more serious offence

(1) Where on the trial of a person for an indictable offence it appears that the facts in evidence amount in law to another indictable offence carrying a heavier penalty, he shall not for that reason be entitled to be acquitted of the offence charged and subject to sub-section (3), shall not be liable to be prosecuted afterwards for the other offence.

(2) Where on trial of a person on indictment or presentment for attempting to commit an offence or assault or other act preliminary to an offence it appears that the facts in evidence amount in law to the complete offence, the person shall not for that






reason be entitled to be acquitted of the offence charged and subject to sub-section (3), shall not be liable to be prosecuted afterwards for the completed offence.

(3) Notwithstanding sub-section (1) and (2), in a case to which either of those sub-section applies the trial judge may if he thinks fit in his discretion discharge the jury from giving any verdict and direct the person to be presented for the other indictable offence or the completed offence, as the case may be.

- 7. Treason constitutes a breach contrary to the *Crimes Act* 1958 and can briefly be defined as a '*breach of allegiance*'.
- 8. The legal action is taken by right of access to the courts revealing indictable offences against the *Crimes Act* 1958, Victoria, Section 316 and other named sections. The *Crimes Act* 1958, Victoria, is current Statute Law in the State of Victoria by virtue of the *Constitution Act* 1855 purportedly overridden by the *Victorian Constitution Act* 1975. Such *Victorian Constitution* is bound to the *Commonwealth Constitution* by section 106 of the *Commonwealth Constitution*. The *Commonwealth Constitution* itself is bound to the Crown in England, in particular covering clause 5, *Commonwealth Constitution* and the *Judiciary Act* 1903 (CTH).



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9. CRIMES ACT VICTORIA 1958: SECTION 316 (2)(a) (vii)

*“Not to reveal or discover any UNLAWFUL ASSOCIATION, SOCIETY OR CONFEDERACY or ANY ILLEGAL ACT done or to be done or ANY ILLEGAL OATH or ENGAGEMENT that may have been administered or tendered to or taken by himself or any other person or the import of any SUCH OATH or ENGAGEMENT.*

10. THAT, the charges laid against Mr Charles Wheeler are laid out in detail in the charge sheet in various sections, but, essentially they form three specific charges:

- (i) The taking and administering of unlawful oaths
- (ii) Attempting to pervert the course of justice.
- (iii) Conspiracy to pervert the course of justice

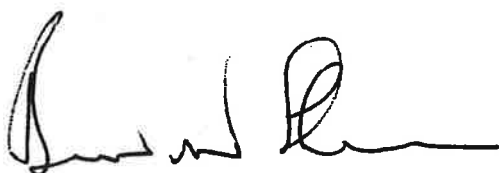
11. THAT, Section 151 of the Evidence Act 1958 State of Victoria, states:

*“The taking of any extra-judicial oath that does not have jurisdiction or cognisance by or under some “Act” or “ordinance in force” shall be unlawful. Every Masonic member who has taken a judicial oath within the State of Victoria is in breach of this Section of the Evidence Act 1958, Victoria.*

12. EVIDENCE ACT 1958 SECTION 51:

**Abolition of extra-judicial oaths:**

*“It shall not be lawful for any person to administer or cause or allow to be received any oath or affidavit touching any matter or thing*



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Justice of the Peace  
WA.9146

*whereof such person hath not jurisdiction or cognisance by or under some "ACT" or "ordinance in force." (Portion of Section)*

***"It shall not be lawful"***

**13. CRIMES ACT 1914 SECTION 34(1)(b)**

*"Being a Judge or Magistrate, willfully and perversely exercises Federal jurisdiction in any matter in which he has personal interest,"*

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

**14. CRIMES ACT 1914 SECTION 44**

*"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 any indictable offence against the law of the Commonwealth or Territory, or will abstain from discontinue or delay any prosecution for any offence, or will withhold any evidence thereof,"*

Shall be guilty of an offence Penalty: Imprisonment for 3 years.

**15. CRIMES ACT 1914 SECTION 43.**

*"Any person who attempts, in any way not specifically 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.



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Justice of the Peace

16. CRIMES ACT 1914 SECTION 42

*"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.

17. CRIMES ACT 1958, VICTORIA SECTION 322E

*"Nothing in this Part shall be taken to affect directly or indirectly any matter of Law of practice applicable to treason or misprison of treason."*

18. CRIMES ACT 1958 VICTORIA SECTION 321M

*"A person who attempts to commit an indictable offence is guilty of the indictable offence of attempting to commit that offence."*

19. CRIMES ACT 1958 VICTORIA SECTION 325

(1) *"Where a person (in this Section called, "the principal offender") has committed a serious indictable offence, (in this Section called, "the principal offence") any other person who, knowing or believing the principal offender to be guilty of the principal offence or some other serious indictable offence without lawful authority, or reasonable excuse does any act with the purpose of impeding the apprehension, prosecution, conviction or punishment*



*of the principal offender shall be guilty of an indictable offence."*

20. CRIMES ACT 1958, VICTORIA SECTION 326

- (1) *"Where a person has committed a serious indictable offence, any other person who, knowing or believing that the offence, or some other serious indictable offence has been committed and that he has information which might be of material assistance in securing the prosecution or conviction of an offender for it, accepts any benefit for not disclosing that information, shall be guilty of a summary offence and liable to level 8 imprisonment.*

Penalty: 1 year maximum)

- (3) *"For the purpose of this section a person shall be deemed to accept a benefit if he accepts or agrees to accept any benefit or advantage, or the promise of any benefit or advantage, either to himself or to another, whether or not the benefit or advantage is in money or money's worth.*
- (4) *"A person convicted of an offence against sub-section (1) shall be liable:*

*(a) If the principle offence is one for which the penalty is Level 1 imprisonment (life) to Level 3 imprisonment (20 years maximum)*

21. CRIMES ACT 1958, VICTORIA SECTION 323

*"A person who aids, abets, counsels or procures the commission of an indictable offence may be tried, indicted or present and punished as a principal offender.*



  
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22. COMMONWEALTH CONSTITUTION ACT - SECT 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*

23. COMMONWEALTH CONSTITUTION ACT - SECT 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
- (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.

24. Scottish Rite 33<sup>rd</sup> Degree Oath and Ritual (Portion)

*"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 33<sup>rd</sup> 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."*

(Extract from the book, "The Deadly Deception" Pg 104, co-authored by Jim Shaw and Tom McKenney describing portion of the ritual and



RODNEY STYLE  
Justice of the Peace  
1982-2003

oath of allegiance required by members attaining the 33<sup>rd</sup> Degree of Freemasonry in the Scottish Rite of Freemasonry in the United States of America.)

25. BYRNE and ARMSTRONG VLR. Vol xxv, 126, 1899.

“An application for a Grand Jury under Sec 389 of the Crimes Act 1890 may be made *ex parte* and upon the applicant complying with the requirements of that Section the Full Court has no discretion but is bound to grant a rule directing the Sheriff to summon a Grand Jury.”  
*(So held, per, Madden CJ. William, Holroyd and a’Beckett, JJ. Hodges and Hood, JJ, dissenting.)*

The words: “*The Full Court has no discretion but is bound to grant a rule*”, did bind the Full Court but in the year 2001, the Full Court did not consider itself bound, which is the reason why the Victorian Solicitor General was introduced into the matter with prior intent to overrule the Byrne/Armstrong judgment, a binding precedent judgment that had been relied upon for over 100 years of Victorian Law. It was overruled to protect Freemasonry from being placed in front of a Grand Jury. Such intent is still happening and evident with each Application and refusal to *file service and process*.

26. ATT-GENERAL VIC v THE C’WEALTH 146 CLR 629 1980

- a) *“Neither a State nor the Federal Government can openly or secretly, participate in the affairs of any religious organizations or groups and vice versa.”*
- b) *“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 the public life by denying to every denomination any advantage from getting control of public policy or the public purse.”*

27. ATT-GENERAL VIC v THE C’WEALTH 146 CLR 633 1980

*“Section 80 (trial by jury) and Section 116 are among the very few Guarantees of Freedom in the Constitution.”*



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Justice of the Peace  
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28. THAT, the Masonic rank and order, known as "The Shriners" requires either Masonic membership in the Knights Templars or in the 32<sup>nd</sup> degree of the Scottish rite. To be a "Shriner" is and remains today, a Masonic oath to serve the Muslim cause, bound by a Masonic oath to Allah in Mecca in the Middle East

**OBLIGATION / OATH**

"...In willful violation whereof may I incur the fearful penalty of having my eyeballs pierced to the center with a three-edged 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"])

29. THAT, the Application to this Honourable Court is lodged on the legal basis that the Oaths of Freemasonry are unlawful oaths contrary *inter alia* to section 316 of the Crimes Act 1958, Victoria, and as such constitute an indictable offence.

30. Campbell v McArdle 1986, unreported (Grand Jury Vic)

*"I should add that we also had an application from Mr. Flanagan, who appears for the Attorney-General, which was in substance to offer the services of the Attorney-General to the Court as amicus curiae. For reasons similar to those, which apply to the application on behalf of the defendant, the Court does not feel disposed at present to invite the Attorney-generals counsel to*



*R. Style*  
RODNEY STYLE  
Justice of the Peace



*address us. We shall accordingly proceed with the matter ex-parte and consider the one matter which I earlier reserved, viz whether the affidavits disclose indictable offences."*

31. GRAND JURY: CRIMES ACT 1958: SECTION 354.

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

(In re Davies & Millidge Supreme Court VLR. Vol xix)

32. Regina v Lord Chancellor, ex parte Witham QB (1998) at page 575

*A. The order of 1996 is ultra-vires. The Lord Chancellor in that it is in breach of legislative intent that access to the courts is not to be denied save by clear words in a Statute.*

*B. Every civilised system of Government requires that the State should make available to all its citizens a means for the just and peaceful settlement of disputes between them as to their respective legal rights that means provided are Courts of Justice to which every citizen has a Constitutional right of access in the role of a Plaintiff to obtain the remedy*



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Justice of the Peace  
WA 9146

to which he claims to be entitled in consequence of an alleged breach of his legal or equitable rights by some other citizen or defendant.

- C. It is a principle of our law that every citizen has a right of unimpeded access to a court.
- D. Lord Wilberforce said that rules, which did not comply with that principle, would be ultra-vires.
- E. A citizen's right to unimpeded access could only be taken away by express enactment.
- F. There can be no balancing of the interests of Justice against the cost to public funds.

Affirmed by Brian William Shaw



At...CLOVERDALE.....in the State of Western Australia

This 19<sup>th</sup> Day of March, 2004

Before me:.....



RODNEY STYLE  
Justice of the Peace  
WA 9146

1256

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

No 6890 of 1999

**BETWEEN:**

**Brian William Shaw & Ors**

**Applicant**

**And**

**G. FRAGAPANE Nominees Pty Ltd.  
(ACN 005 229 863)**

**First Respondent**

**EXHIBIT**

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Date of Document: 17 August, 2005  
Filed on behalf of: The Applicant  
Prepared by: Brian William Shaw

---

This is the exhibit referred to and marked **Exhibit 4** in the affidavit of Brian William Shaw Affirmed on the 17 day of August, 2005 at Werribee in the State of Victoria.

Before me: Margaret M Campbell SP

A JUSTICE OF THE PEACE FOR VICTORIA  
REG. No. 9924  
MARGARET MAY CAMPBELL  
7 MUIRHEAD CRES.  
WERRIBEE 3030

**Exhibit 4. Affidavit for the lodged Grand  
Jury Application of Governor  
General Michael Jeffrey**

IN THE SUPREME COURT OF VICTORIA  
FULL COURT – CRIMINAL JURISDICTION

No of 2004

IN THE MATTER of the *Crimes Act 1958*

And

IN THE MATTER of an Application by  
Brian William Shaw

AFFIDAVIT OF B. W. SHAW


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Date of Document: May 27, 2004  
 Filed on behalf of: The Applicant  
 Prepared by: Brian William Shaw

---

I, Brian William Shaw of 280 Leakes Road, Truganina in the State of Victoria state and affirm the following: -

1. Mr. Michael Jeffrey is the current Governor General of Australia bound by known Oath of Office and Allegiance, to the Sovereign and the Law
2. Mr. Michael Jeffrey is also a committed Freemason bound by Certain Masonic Oaths and Allegiance to a unknown power.



Margaret Campbell JP <sup>1</sup>/<sub>10</sub> 1076

- 3. Mr. Michael Jeffrey was the Governor of the State of Western Australia during the period 1993/2000.
- 4. In November 1994 Mr. Jeffrey joined Freemasonry in Western Australia and took the Entered Apprentice Oath of Freemasonry to join.

**Masonic Constitution (Portion)**

**THE GRAND LODGE OF WESTERN AUSTRALIA OF ANTIENT FREE AND ACCEPTED MASONS INCORPORATED**

**RECOGNISED DEGREES**

The Association shall not practise any Degree of Freemasonry other than those of Entered Apprentice, Fellow Craft, and Master Mason, and shall not recognise any other Degrees, save those of the Honourable Degree of Mark Master Mason, and the degrees of the Supreme Order of the Holy Royal Arch.

**5. 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.*



Margaret M Campbell SP <sup>2</sup>/<sub>10</sub> 108

*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)*

**6. CRIMINAL CODE - SECT 48 (1) WA**

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

**7. CRIMINAL CODE - SECT 48 (1) (g) WA**

**Other unlawful oaths to commit offences**

(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.



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**8. CRIMES ACT 1958 - SECT 316 (2) (a) (vii) VICTORIA**

**Unlawful oaths to commit treason, murder etc.**

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

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

**9. CRIMES ACT 1958 - SECT 316 (2) (a) VICTORIA**

**Unlawful oaths to commit treason, murder etc.**

(2) Every person who-

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

**10. MASONIC OATH - FELLOWCRAFT**

*In the presence of the grand geometrician of the universe, and of this worthy and worshipful lodge of fellow craft Freemasons, regularly held, assembled, and properly dedicated, of my own free will and*



4/10 1989  
Margaret Campbell

*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)*

**11. 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*



*Reginald Campbell 5/10*



*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)*

**12. Governor General Mr. Michael Jeffrey (The Charges)**

- a. The Defendant was present at and consented to the Administering of an Oath and Engagement in the nature of an Oath purporting to bind the person who takes it to commit Treason and Murder Victorian Crimes Act 1958 Section 316 (1) (a)
- b. The Defendant was present at and consented to the Administering of an Oath and Engagement in the nature of an Oath purporting to bind the person who takes it to act in breach of the Crimes Act Victoria 1958 Section 316 (2)(a)(ii)
- c. The Defendant by taking Unlawful Oaths has attempted to pervert the Course of Justice. Crimes Act 1914 Section 43 (1)




- d. The Defendant by taking Unlawful Oaths has attempted to Pervert the Course of Justice. Victorian Crimes Act 1958 Section 321M
- e. The Defendant by permitting and consenting to an Unlawful and Alternative set of Law, Oaths, Rules and Allegiances has by intent and sabotage attempted to overthrow the Constitution of the Commonwealth. Crimes Act 1914 Section 24AA (1)(a)(i)
13. When Mr. Michael Jeffrey joined Freemasonry he was the Governor of the State of Western Australia and as such offended the Law of the State of Western Australia by taking and administering of Unlawful Oaths while Governor (Criminal Code WA Section 48), but, when Mr. Jeffrey became the current Governor General of the Commonwealth of Australia, he carried his Indictable Offence from the State of Western Australia into the Commonwealth of Australia, involving an offence against the Law of the Commonwealth.
14. The State of Western Australia is bound by Section 106 of the Commonwealth Constitution and as such is subject to the Constitution of the Commonwealth of Australia until such time as the Electors choose otherwise, any other demise, trick, deception or attempted alteration of the structure and Allegiance that would seek to break the legal agreed structure, of the Commonwealth Constitution without the informed consent of the Electors, would be a breach of Section 128 of the Commonwealth Constitution.



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15. The Allegiance that Freemasonry demands is total Allegiance to Freemasonry, accordingly all members must take and are bound by Illegal, Unlawful, Occult Masonic Oaths taken according to Ritual with others present, to witness and consent to. **Three Masonic Oaths are included in this Affidavit**
16. In the case or matter of the current Governor General Mr. Michael Jeffrey he has chosen to have or embrace two opposing sets of Law, Oaths and Allegiances, a tragic circumstance considering the position that he currently occupies as Governor General of the Commonwealth of Australia, the highest Office in the land
17. The correct manner to handle this Illegal Masonic issue is by a Trial of the Issue, but to date every attempt has been made to hinder, halt and suppress the Court Room exposure of the Oaths and Agenda of Freemasonry, leaving no other option other than Criminal Charges
18. Accordingly these particular charges have been laid against Mr Michael Jeffrey These Charges now find, after completing the usual lower level attempted legal cover up and suppression, their way to a Grand Jury hearing with only one more hurdle to overcome, the Full Court of the Supreme Court of Victoria.
19. I state one more hurdle concerning the Full Court, because this Court has had one particular Grand Jury Application for a considerable time and refuses to file the application let alone hear the Application.



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The Application has been refused because the Offender is Mr Charles Wheeler, a current Master of the Victorian Supreme Court. Mr. Wheeler is also a committed Freemason, getting paid a salary by Victorians to Administer the Law of the State of Victoria, But, in reality bound by another Law and Oath, in exactly the same way and manner that the current Governor General is bound, both men are committing Indictable Offences in High Offices. The Full Court of the Supreme Court of the State of Victoria would be hearing their own Master's Indictment which is the sole reason for the refusal to file and accept the Application.

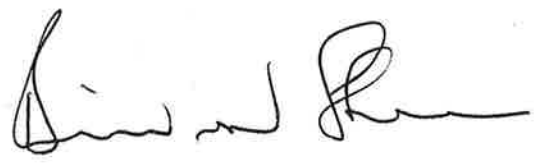
20. THE COMMONWEALTH CONSTITUTION - SECT 80

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.*

21. Exhibited to this Affidavit

- Exhibit GG1 Masonic Article
- Exhibit GG2 Masonic Constitution WA
- Exhibit GG3 Certified Extracts Magistrates Court
- Exhibit GG4 Section 354 Crimes Act Victoria 1958
- Exhibit GG5 Three Masonic Oaths
- Exhibit GG6 Charge and Summons



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1266.

Affirmed by Brian William Shaw



At.....WERRIBEE.....in the State of Victoria

This <sup>MC</sup> 28<sup>th</sup> Day of May 2004

Before me:.....Margaret May Campbell JP

A JUSTICE OF THE PEACE FOR VICTORIA  
REG. No. 9924  
MARGARET MAY CAMPBELL  
7 MUIRHEAD CRES.  
WERRIBEE 3030

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1267

IN THE SUPREME COURT OF VICTORIA No of 2004  
FULL COURT - CRIMINAL JURISDICTION

IN THE MATTER of the *Crimes Act 1958*  
And

IN THE MATTER of an Application by  
Brian William Shaw

**EXHIBIT**

*JK MC*

Date of Document: May 27, 2004

Filed on behalf of: The Applicant

Prepared by: Brian William Shaw

This is the exhibit referred to and marked **GG 1** in the affidavit of Brian William Shaw  
Affirmed on the *MC 27<sup>th</sup>* day of May at Werribee in the State of Victoria.

Before me: *Margaret Campbell JP*

**Masonic Article**

A JUSTICE OF THE PEACE FOR VICTORIA  
REG. No. 9924  
MARGARET MAY CAMPBELL  
7 MUIRHEAD CRES.  
WERRIBEE 3030

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## New Governor General a committed Freemason

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.

"Freemasonry fundamentally teaches morality, self knowledge and an approach to life to make a brother a better man within himself," he said.

"It reinforces the family responsibilities of its members, while supporting an ethical and compassionate

consideration for others in the community, business and society in general. It also promotes charity.

"This is no doubt due to the calibre and good character of the men it has attracted to its ranks."

Bro. Jeffery has a long and enviable military record and was awarded the Military Cross for courageous action and the South Vietnamese Cross of Gallantry.

Today he sees the battle being for the future of our youth, an area in which Freemasons should become involved.

"In order to maintain a societal code of ethical behaviour, we need to provide



Governor General Bro. Maj.-Gen. Michael Jeffrey and his wife, Marlena

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JAM119

role models who promote good moral behaviour," he said.

"A strong and sustained relationship with at least one adult with an even temperament and the ability to evoke positive responses can help even high-risk youth from falling off the rails.

"Freemasons are one such group of people who can have a profound impact in the lives of many young people."

Bro. Jeffery and his wife Marlena have four

adult children and four grandchildren. Two sons, Craig and David, are serving army officers.

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

**By WBro David Hudleston, WAC.**

*\* WBro Hudleston assisted Bro. Jeffery in researching and developing speeches during his term as Governor of WA. He is a Past Master of Wadjemup Lodge 322, WAC.*

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IN THE SUPREME COURT OF VICTORIA No of 2004  
FULL COURT - CRIMINAL JURISDICTION

IN THE MATTER of the *Crimes Act 1958*  
And

IN THE MATTER of an Application by  
Brian William Shaw

**EXHIBIT**

*Mc 28th*

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Date of Document: May 27, 2004  
 Filed on behalf of: The Applicant  
 Prepared by: Brian William Shaw

---

This is the exhibit referred to and marked **GG 2** in the affidavit of Brian William Shaw  
 Affirmed on the *27<sup>th</sup>* day of May at Werribee in the State of Victoria.  
*Mc 28th*

Before me: *Margaret May Campbell JP*

**Masonic Constitution WA**

A JUSTICE OF THE PEACE FOR VICTORIA  
 REG. No. 9924  
 MARGARET MAY CAMPBELL  
 7 MUIRHEAD CRES.  
 WERRIBEE 3030

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**THE GRAND LODGE OF WESTERN  
AUSTRALIA OF ANTIENT FREE AND ACCEPTED MASONS  
INCORPORATED**

**CONSTITUTION**

**1. NAME**

The name of the Association is "The Grand Lodge of Western Australia of Antient Free and Accepted Masons Incorporated" (hereinafter called "The Association").

**2. INTERPRETATION**

In this Constitution and any Rules and Regulations thereunder unless the context otherwise requires:—

"The Act"— means the Freemasons' Property Act, 1956.

"Board of General Purposes"— means the Board of General Purposes constituted under clause 25 hereof.

"Board of Directors"— means the Board of Directors constituted under clause 10 hereof.

"Building Fund"— means the Building Fund referred to in clause 19 hereof.

"Communication"— means a meeting referred to in clause 23 hereof.

"Constituent Lodge"— means a Lodge constituted whether before or after the date of incorporation under the authority of and owing allegiance to The Association.

"Date of incorporation"— means the date upon which The Association was incorporated pursuant to the Associations Incorporation Act 1987.

"Deputy Grand Master"— means the Deputy Grand Master of The Association.

"Finance Director"— means the Finance Director elected or appointed under clause 10 hereof.

"Freemason"— means a member of a Constituent Lodge or a member of another Lodge recognised by The Association.

"Freemasonry"— means a system of public and private morality and charity described and taught by antient ritual.

"Freemasons Homes for the Aged"— means The Grand Lodge of Western Australia Freemasons Homes For the Aged Incorporated.

"Fund of Benevolence"— means the Fund of Benevolence referred to in clause 18 hereof.

"General Meeting"— means a meeting under clause 12 hereof.

"Grand Lodge"— means a ceremonial meeting of The Association conducted in accordance with the Antient Rites and Customs and shall include Communications, Grand Installations, Grand Proclamations, pursuant to this Constitution and Regulations.

"Grand Master"— means the Grand Master of The Association referred to in clause 22 hereof.

"Grand Officer"— means a Grand Officer of The Association referred to in clause 23 hereof.

"Grand Secretary"— means the Grand Secretary appointed under clause 15 hereof.

"Lodge"— means a number of Freemasons associated together and operating as one Masonic body under a warrant issued by The Association or any other Grand Lodge recognised by The Association.

"Masonic real property"— means real property that is or has been used exclusively or in part for the purposes of a Masonic ceremonial meeting place in Western Australia and is owned by, held in the name of, held in trust by, held as nominee for, or held in the name

of a corporation principally controlled by, a person or persons within or associated with The Association.

"Member"— means a member of The Association.

"Nominations Committee"— means the Nominations Committee constituted under clause 11 hereof.

"Past Grand Officer"— means a Freemason who has been a Grand Officer or who has had that status conferred on him by the Grand Master.

"Past Master"— means a Freemason who has been Master of a Lodge.

"Regulations"— means regulations made under clause 26 hereof.

### 3. OBJECTS

The objects of The Association are:—

3.01 To pursue the objects of Freemasonry being:

- (1) to teach and encourage both a public and private morality by supporting the standards and morals on which public life as well as private conduct should be based;
- (2) to practise public charity and philanthropy (including where necessary, mutual support for members and their families) by recognising and responding to the needs of the whole human community;
- (3) to promote both interest in and support for society and its institutions, by participating openly and actively in the life of the community.

3.02 To extend every kind of aid, help, relief, support, assistance, charity and benevolence, whether financial or otherwise, to a person, lodge, association, institution or organisation in any kind of need or necessity, whether associated with Freemasonry or not.

3.03 In the course of pursuing the objects stated in clauses 3.01 and 3.02:-

- (1) to control, regulate and promote the practice of Freemasonry in the State of Western Australia;
- (2) to provide facilities for the practice of Freemasonry;
- (3) to warrant Lodges;
- (4) to assume control as from the date of incorporation of the assets and liabilities of The Grand Lodge of Western Australia of Antient Free Homes for the Aged Incorporated;
- (5) to take over the assets of any Constituent Lodge which becomes defunct, or otherwise so requests.

### 4. POWERS

The powers of The Association are:

4.01 To establish funds for the purposes specified in Clause 3.02 hereof and for educational bursaries, scholarships and prizes.

4.02 To hold all property not specifically entrusted to a separate trustee or trustees and not being held by "Trustees of a Lodge" under the Act and in place of the trustees of the existing unincorporated association known as The Grand Lodge of Western Australia of Antient Free and Accepted Masons, and to act as trustee of trust funds not being held under The Act.

4.03 To take on lease, exchange, receive by way of gift, purchase or otherwise acquire any lands whatsoever or any interest in lands, buildings, easements or property real or personal which may from time to time be required for the purposes of or conveniently used in connection with any of the objects and to sell, demise, lease, let on hire, mortgage, encumber, give in exchange or deal

with or dispose of the same or any part or parts thereof from time to time, and to grant easements in through over or upon any land and to acquire easements and other rights over any other land.

- 4.04 To enter into any contract to build, erect, construct, repair, renovate, maintain, alter, add to, extend, convert, demolish or rebuild any building or buildings.
- 4.05 To raise or borrow money upon such terms and in such manner and upon such securities as it shall think fit, and to secure the same or the repayment or performance of any debt, liability contract or engagement incurred or to be entered into by in any way and in particular by the issue of debentures or debenture stock or by giving mortgages, charges, or securities and to purchase, pay off or redeem any such securities.
- 4.06 To levy fees and dues from Constituent Lodges.
- 4.07 To invest and deal with its moneys in such manner as may from time to time be determined.
- 4.08 To hire, employ, appoint, remove, retire, superannuate or dismiss servants, workers, caretakers, clerks, managers, bankers, agents, auditors and others and to determine their wages, salaries or other remuneration, gratuities or pensions and conditions of service.
- 4.09 To draw, make, accept, endorse, discount, execute, and issue promissory notes, bills of exchange, bills of lading, warrants, debentures and other negotiable or transferable instruments.
- 4.10 To investigate and decide all matters of a Masonic nature or pertaining to Freemasonry or an individual Freemason or relating to a Constituent Lodge.
- 4.11 To do all such acts, matters and things and enter into all contracts and other arrangements whether legally binding or otherwise being incidental to or conducive to its objects.

**5. EXERCISE OF POWERS**

The powers of The Association are to be exercised by the Board of Directors, except for those described in Clause 4.10 which shall be exercised by the Grand Master and the Board of General Purposes.

**6. NON-PROFIT**

The Association shall not carry on any activity for the purposes of profit or gain to individual members of The Association and its funds shall be applied—

- (1) in the case of benevolent funds or other funds held upon specific trusts or for specific purposes for those trusts or purposes;
- (2) in all other cases for the carrying out of the objects of The Association.

The property and income of The Association shall be applied solely towards the promotion of the objects or purposes of The Association and no part of that property or income may be paid or otherwise distributed, directly or indirectly, to members of The Association, except in good faith in the promotion of those objects or purposes.

**7. RECOGNISED DEGREES**

The Association shall not practise any Degree of Freemasonry other than those of Entered Apprentice, Fellow Craft, and Master Mason, and shall not recognise any other Degrees, save those of the Honourable Degree of Mark Master Mason, and the degrees of the Supreme Order of the Holy Royal Arch.

**8. CONSTITUENT LODGES**

All Lodges on the register of The Grand Lodge of Western Australia of Antient Free and Accepted Masons at the date of incorporation and all further Lodges subsequently warranted by The Association, shall be Constituent Lodges of The Association.

**9. MEMBERSHIP**

- 9.01 Every Freemason who is a member of a Constituent Lodge shall ipso facto be a member of The Association.
- 9.02 Each constituent Lodge shall from time to time prescribe the annual and other membership fees, entrance fees and other amounts payable by its members and shall maintain a register of its members.
- 9.03 Every Lodge shall remit for each member half yearly an amount as determined from time to time by the Board of Directors, except that if any member is a member of more than one Lodge, contributions in respect of such member shall be payable only by the first of such Lodges on the register of The Association. Such dues shall not be payable in respect of a member who has been awarded the Fifty-year Jewel and who is an honorary member of his Lodge.
- 9.04 The Grand Secretary shall on behalf of The Association keep and maintain in an up to date condition a register of the members of The Association and their postal or residential addresses.

**10. BOARD OF DIRECTORS**

10.01 Subject to the provisions of this Constitution, the affairs of The Association shall be the exclusive responsibility of the Board of Directors, which is authorized to exercise the powers of The Association and to delegate the day-to-day management to the Grand Secretary, with the exception of the care and regulation of the practice of Freemasonry by members and Constituent Lodges pertaining to all matters of ceremony and ritual (as detailed in the Regulations) for which the Board of General Purposes shall have responsibility;

- 10.02 The Board of Directors shall consist of:
  - (1) Three directors each elected for a term of three years or appointed under Clause 10.09, except that in the case of the first election after this clause takes effect one of the directors, to be determined by lot, shall only hold office for a term of two years and another, also to be determined by lot, shall only hold office for a term of one year.
  - (2) A finance director elected for a term of three years or appointed under Clause 10.09.
  - (3) the Chairman of the Board of Management of Freemasons Homes for the Aged who, while he holds that position, shall be an ex officio member of the Board of Directors.
  - (4) A member of the Board of General Purposes, other than the Grand Master, who shall be appointed by the Grand Master and shall be an ex-officio member of the Board of Directors.

The term of office of each director elected under paragraphs (1) and (2) above shall commence at the conclusion of the Annual General Meeting that follows their election and finish at the conclusion of the Annual General Meeting in the third year after that, and in the second year and the first year in the case of the directors who hold office

for only two years and one year respectively following the first election under paragraph (a) above.

10.03 At the first Board meeting following the Annual General Meeting the members of the Board of Directors shall elect a Chairman of the Board of Directors from amongst those persons specified in Clause 10.02 (1) and (2).

10.04 Subject to Clause 10.05, a member of The Association is eligible for election to membership of the Board of Directors under Clause 10.02 (1) or (2) only if:

(1) a nomination in accordance with paragraph (2) below is given to the Grand Secretary not later than 5.00pm on the 30<sup>th</sup> day of June preceding the Annual General Meeting.

(2) a nomination is in writing and contains:

(a) the name of the proposer, who must be a member eligible to vote in The Association;

(b) the name of the member nominated, who must be a member of The Association and the position for which he is being nominated;

(c) details of the nominee's experience and qualifications to serve in that position, with reference to the criteria published by the Board of Directors under Clause 11.04;

(d) the signatures of the nominator and the nominee;

10.05 Clause 10.04 does not apply to or in relation to a retiring member of the Board of Directors who has notified the Grand Secretary in writing by 5.00pm on the 30<sup>th</sup> day of June preceding the Annual General Meeting that he nominates for re-election to the same position on the Board of Directors.

10.06 The Grand Secretary shall ensure that all nominations received by him under Clause 10.04 are given to the Nominations Committee immediately following the date specified in Clause 10.04(1).

10.07 If the number of persons nominated for election to the Board of Directors exceeds the vacancies available:

(1) The Grand Secretary shall forward by post to every member of The Association not later than 28 days before the date fixed for the holding of the Annual General Meeting

(a) a ballot paper showing the full names of the candidates nominated and listed in the order as shall be decided by lot to be drawn by the Grand Secretary in the presence of one of the candidates selected by him;

(b) an envelope marked 'Ballot Paper - Election of Board of Directors'; and

(c) another envelope addressed on the front to the Grand Secretary and with the following declaration printed on the back: 'Grand Lodge - Election of Board of Directors'. I declare I am a member of The Grand Lodge of Western Australia of Antient Free and Accepted Masons Incorporated and that I have not previously voted at this election.

Signature:.....

Full Name (Block Letters):.....

At the same time the Grand Secretary shall advise each member of the brief details of the curriculum vitae which shall comprise of no more than one hundred and fifty words prepared or approved by the nominee, and whether or not the nominee has been approved by the Nominations Committee pursuant to Clause 11.

- (2) The ballot shall be open forthwith upon the posting of the ballot papers as aforesaid and shall close at 5.00 pm on the day, 10 days before the day fixed for the holding of the Annual General Meeting.
- (3) The Grand Secretary or such other person as the Board of Directors
- (4) Each member desiring to vote shall do so on and by the ballot paper forwarded to him as aforesaid by placing an 'X' in the space provided against the name of the candidate he prefers. In the case of the first election under clause 10.02 (1) each member shall be entitled to place an 'X' in the space provided against the names of the three candidates he prefers.
- (5) Having marked his ballot paper in accordance with the provisions of (4) above, the member shall place it without any other matter in the envelope marked 'Ballot Paper - Election of Board of Directors', seal the envelope and then place it in the envelope addressed to the Grand Secretary and marked 'Grand Lodge - Election of Board of Directors' on the back. That envelope shall then be sealed and signed in accordance with (1) (c) above and forwarded to the Grand Secretary.
- (6) The Grand Secretary shall, as each envelope marked 'Grand Lodge - Election of Board of Directors' is received up to the closing time specified for the ballot:
  - (a) check the name of the member who has made the declaration with the master register of members of The Association;
  - (b) open each envelope on which the declaration has been signed; and
  - (c) place the envelope marked 'Ballot Paper - Election of Board of Directors' unopened in a ballot box marked "Board of Directors".

Provided that if there is any doubt as to the authenticity of any signature or the eligibility of any member to vote the Grand Secretary shall investigate the matter and decide whether or not the signature is authentic or the matter is otherwise in order and his decision thereon shall be final.

- (7) If a member marks his ballot paper otherwise than provided in (4) above his vote shall not be counted in the election unless the returning officer is of the opinion that the ballot paper clearly indicates the intention of the voter and in writing certifies the ballot paper as being acceptable.
- (8) Each candidate for an election may, if he so desires, appoint a member as a scrutineer to be present during the counting of votes. The appointment if made shall be in writing on the prescribed form and shall include the full name of the member to be appointed, his rank and the name(s) and number(s) of the Lodge(s) of which he is a member. The form duly signed by the candidate shall be submitted to the

returning officer prior to the commencement of the count and shall be signed by the scrutineer and the returning officer at that time.

- 10.08 The counting of the votes cast shall be done in accordance with the procedures laid down in the "First Past the Post" system prescribed by the Australian Electoral Commission.
- 10.09 If the number of persons nominated for election to a position does not exceed the vacancy available then the Grand Secretary shall declare that each of such persons have been elected to that position. If the number of persons nominated for a position on the Board of Directors is less than the vacancy available, or if a member of the Board of Directors dies, resigns or is disqualified then the Board of Directors may appoint a member to fill such a vacancy as provided by clause 10.15.
- 10.10 All members of the Board of Directors, whether elected or appointed under Clause 10.09, shall be eligible for further election to the Board of Directors.
- 10.11 The Grand Secretary shall be required to attend all meetings of the Board of Directors as an observer.
- 10.12 The Grand Master shall be entitled to attend and speak at all meetings of the Board of Directors.
- 10.13 A person who is an elected member of either the Board of General Purposes or the Board of Management of Freemasons Homes for the Aged is disqualified from being an elected member of the Board of Directors.
- 10.14 The Board of Directors may at any time appoint committees and shall determine the membership, duties and powers of such committees. All such committees shall report to and be subject to the direction of the Board of Directors. Each such committee shall have power to invite to any of its meetings for the purpose of consultation any person possessed of special knowledge.
- 10.15 Vacancies
- (1) If any elected member of the Board of Directors shall resign, die or in the opinion of the Board of Directors become permanently incapacitated from acting or become disqualified or his seat become vacant, as hereinafter provided, the vacancy shall be filled by an appointment by the Board of Directors and the member so appointed to fill such vacancy shall hold the position only for the remainder of the period for which his predecessor was elected or appointed. If the number of members of the Board of Directors is less than the number fixed under this Constitution as a quorum of the Board of Directors the continuing members may still act for the purpose of increasing the number of members of the Board of Directors to that number.
  - (2) If any elected member shall absent himself from three meetings of the Board of Directors without valid reason (of which the Board of Directors shall be the sole judge) his seat upon the Board of Directors shall thereupon become vacant by reason of such absence and the vacancy shall be filled as hereinbefore provided.

## 11. NOMINATIONS COMMITTEE

- 11.01 The members of the Nominations Committee shall initially be appointed by the Board of General Purposes. After the Board of Directors has been elected, the members of the Nominations Committee shall be appointed, and may also be removed, by the Board of Directors. A member of the Nominations

Committee does not have to be a member of The Association, but must not be a member of the Board of General Purposes nor a nominee for election to the Board of Directors nor a nominee for election to the Board of Management of Freemasons Homes for the Aged.

11.02 There shall be not less than three nor more than five members of the Nominations Committee.

11.03 The Nominations Committee shall assess whether or not it considers each nominee for election to the Board of Directors to be sufficiently experienced and qualified to serve in the position on the Board of Directors for which they have been nominated.

11.04 The Board of Directors shall publish the criteria against which the Nominations Committee will assess each nominee for the position for which they have been nominated prior to nominations being invited for each election.

11.05 Upon receipt of each nomination from the Grand Secretary under Clause 10.06, the Nominations Committee shall interview and assess the nominee against the criteria published by it under Clause 11.04.

11.06 If the Nominations Committee decides that a nominee is sufficiently experienced and qualified to serve in the position on the Board of Directors for which they have been nominated then it shall advise the Grand Secretary in writing that such nominee has been endorsed by it. The Grand Secretary shall then advise the nominee in writing of that decision.

11.07 If the Nominations Committee decides that a nominee is not sufficiently experienced and qualified to serve in the position on the Board of Directors for which they have been nominated then:

- (1) the Nominations Committee shall advise the Grand Secretary in writing of the reasons for it so deciding;
- (2) the Grand Secretary shall forward that advice to the nominee and give the nominee the opportunity for a period of 14 days to provide further information in writing to endeavour to persuade the Nominations Committee to change its decision;
- (3) the Grand Secretary shall forward to the Nominations Committee any further information received from the nominee under paragraph (b) above;
- (4) the Nominations Committee shall assess further information supplied to it under paragraph (3) above and review whether or not the nominee is sufficiently experienced and qualified to serve in the position on the Board of Directors for which they have been nominated and advise the Grand Secretary in writing whether or not the nominee has been endorsed by it. The Grand Secretary shall advise the nominee in writing of that decision.
- (5) A nominee who has not been endorsed by the Nominations Committee shall be entitled to either withdraw his nomination or to continue with his nomination as an unendorsed nominee.

11.08 The Nominations Committee shall also assess whether or not it approves as being sufficiently experienced and qualified each person which the Board of Directors proposes to appoint to the Board of Management of Freemasons Homes for the Aged under clause 21 of this Constitution. The Nominations Committee shall base its decision on whether or not to approve the appointment of each such person on their demonstrated business skills and



experience appropriate to the business and operations of Freemasons Homes for the Aged.

## 12. MEETINGS

- 12.01 (1) The Chairman of the Board of Directors shall preside at all general meetings of The Association and of the Board of Directors. In his absence from a meeting the members present shall elect a chairman for that meeting.
- (2) The chairman of a meeting shall have a deliberative as well as a casting vote.
- 12.02 A minute book shall be kept and proper entries made therein of all business transactions of every general meeting of The Association and of the Board of Directors.
- 12.03 At any general meeting of The Association or of the Board of Directors a declaration by the chairman of the meeting that a resolution has been carried or carried by a particular majority, or lost and an entry to that effect in the book containing the minutes of the meeting shall be conclusive evidence of the fact, without proof of the number or proportion of the votes recorded in favour of or against that resolution.
- 12.04 At every general meeting of The Association and of the Board of Directors every member shall have one vote. Except where specified otherwise in this Constitution, questions at all meetings of The Association and of the Board of Directors shall be determined by the majority of members present and voting.
- 12.05 Any member may move any motion in a general meeting of The Association provided that (except in the case of motions for the adoption of reports or procedural or purely formal motions) notice in writing shall have been given to the Board of Directors through the Secretary not later than the thirtieth day of June preceding the date of the meeting, unless in the case of any motion not relating to a decision of the Board of Directors the Board shall have resolved that the proposed motion is scandalous, irregular or not within the cognizance of The Association.
- 12.06 General Meetings of The Association:
- (1) The Annual General Meeting of members of The Association shall be held on the last Thursday in the month of October each year PROVIDED that when in the opinion of the Chairman of the Board of Directors it is desirable he may determine:
- (a) that the meeting be held on a day not being more than thirty five days before or after that hereinbefore prescribed and
- (b) that a meeting be adjourned to another day within the period of time hereinbefore stated.
- (2) The business to be transacted at the Annual General Meeting shall be:
- (a) To receive and if thought fit accept the minutes of the previous meeting as a true and correct record.
- (b) To receive and act upon reports and recommendations from the Board of Directors.
- (c) To receive and if thought fit adopt the financial statements of The Association and the report of the auditor thereon.
- (d) To deal with any motion notice of which has been given in accordance with Clause 12.05.

- (3) A special general meeting of The Association may be convened by the Grand Master or the Chairman of the Board of Directors at any time and shall be convened by the Chairman of the Board of Directors (or in his absence the Secretary) on the receipt of a requisition for a meeting signed by at least one hundred members of The Association.
- (4) The time and place of all general meetings shall be determined by the Chairman of the Board of Directors (or in his absence the Secretary) PROVIDED that in the case of a requisitioned meeting it shall be held within a period of sixty days from the requisition being received under Clause 12.06 (3).
- (5) At least fourteen days' notice in writing shall be given of all general meetings.
- (6) A quorum for a general meeting of The Association shall be fifty members.

12.07 Meetings of the Board of Directors:

- (1) The Board of Directors shall meet monthly at a time date and place to be determined by the Chairman of the Board of Directors (or in his absence the Grand Secretary). Provided that
  - (a) the Chairman of the Board of Directors (or in his absence the Grand Secretary) shall have power to cancel a meeting if there is insufficient business; and
  - (b) the Board of Directors shall meet at least once every two months.
- (2) A special meeting of the Board of Directors may be called at any time by the Chairman of the Board of Directors (or in his absence the Grand Secretary) or on receipt of a requisition signed by at least five members of the Board of Directors.
- (3) The Board of Directors shall have the power to regulate its own procedures at its meetings.
- (4) At least five days' notice in writing of all meetings of the Board of Directors shall be given to members of the Board.
- (5) Four members of the Board of Directors shall constitute a quorum.
- (6) A resolution in writing authorized by all members of the Board of Directors shall be as valid and effectual as if it had been passed at a meeting of the Board of Directors duly convened and held. Any such resolution may consist of separate authorizations by one or more members of the Board of Directors.

12.08 Communication Meetings

- (1) Grand Lodge shall meet half yearly at the times and in the manner prescribed in the Regulations to consider matters relating to the practice of Freemasonry in Western Australia and each such meeting shall be known as a Communication and not less than 14 days written notice thereof shall be given to all members.
- (2) The Grand Master, or, in his absence, the Deputy Grand Master or in his absence the member of The Association present who is senior in rank, shall preside at all Communications and shall have a deliberative and a casting vote.
- (3) The procedure for Communications shall be prescribed by The Regulations and the business to be considered shall be decided by the Board of General Purposes.

- (4) All members shall be entitled to attend speak and vote at Communications.
- (5) Resolutions of Communications shall be binding on all members.
- (6) Notwithstanding the provisions of Clause 12.08 (3) hereof any member may move any motion in a Communication relating to a matter relating to the practice of Freemasonry in Western Australia provided that (except in the case of motions for the adoption of reports or procedural or purely formal motions) not less than two calendar months prior notice in writing shall have been given to the Board of General Purposes unless in the case of any motion not relating to a decision of the Board of General Purposes the Board shall have resolved that the proposed motion is scandalous, irregular or not within the cognizance of Grand Lodge.

**12.09 Service of Notice of Meetings**

Any notice of a meeting served by post shall be deemed to have been received by the member to whom it is addressed on the day when in the ordinary course of post it would have been delivered at the address to which it was sent.

**13. DISTRIBUTION OF MINUTES**

**13.01 The Association**

A copy of the minutes of the preceding general and Communication meetings of The Association shall be sent at least fourteen days before each subsequent meeting to the Secretary of each Lodge holding a warrant issued by The Association. A copy shall also be forwarded to any member of The Association who in writing requests the same not later than sixty days after the meeting.

**13.02 The Board of Directors**

A copy of the minutes of the preceding meeting of the Board of Directors shall be sent to each member of the Board of Directors at least five days before each subsequent meeting.

**14. REPORTS OF THE BOARD OF DIRECTORS TO MEETINGS OF THE ASSOCIATION**

The Board of Directors shall submit a report in writing to each general meeting of The Association.

**15. THE GRAND SECRETARY**

15.01 The Grand Secretary shall be appointed by the Board of Directors and invested by The Grand Master as prescribed in regulation 5.1 and shall hold office during the pleasure of the Board of Directors.

15.02 The Grand Secretary shall be the Chief Executive Officer of The Association.

15.03 The Grand Secretary shall have custody of all books, documents, records and registers of The Association.

15.04 The Grand Secretary shall be responsible for ensuring that The Association complies with all requirements of The Associations Incorporation Act 1987, including the inspection by members of The Association of the records and documents of The Association that they are entitled to inspect under that Act.

**16. COMMON SEAL**

The Association shall have a common seal which shall be affixed to such documents as are issued or executed with the authority of the Board of Directors. The common seal shall remain in the custody of the Grand Secretary who shall affix it only by

authority of the Board of Directors in the presence of any two members of the Board of Directors who shall sign as witnesses to the use of the common seal.

**17. ACCOUNTS**

**17.01 Moneys of The Association**

All moneys belonging to The Association (and not invested in accordance with clause 17.3 hereof) shall be deposited in such manner as shall from time to time be determined by the Board of Directors shall be held in the name of The Association.

**17.02 Financial Year**

The financial year of The Association shall commence on 1st July and terminate on the 30<sup>th</sup> June next following.

**17.03 Board of Directors May Invest The Association's Funds**

Any of the funds of The Association may be invested by the Board of Directors in any security or manner in which trustees are authorised to invest trust funds by the Law of Western Australia for the time being regulating investments by trustees.

**17.04 Audit**

All accounts of or incidental to the carrying on of The Association shall be audited annually by an auditor, or auditors, or firm of auditors, appointed by the Annual General Meeting and shall be presented to the next Annual General Meeting.

**18. FUND OF BENEVOLENCE**

**18.01 There shall be a Fund of Benevolence administered and applied the Board of**

Directors as trustee under the powers given to it by the Trust Deed dated **XXX** known as the Grand Lodge Fund of Benevolence Trust and which is public and separate from all other funds administered by The Association and conforms with the requirements of the federal Commissioner of taxation in relation to charitable trusts and funds.

**18.02 Under the Trust Deed, the trustee may apply property and income of the trust to Grand lodge for the provision of relief for the persons in necessitous circumstances. All such property and income (hereinafter referred to as the Fund) so applied shall be dealt with by the board of Directors in accordance with this clause.**

**18.03 The Fund shall comprise the assets of the Fund of Benevolence and the Widows, Orphans and Aged Freemasons Fund [with the exception of the Cottage Homes Fund] of the Grand Lodge of Western Australia of Antient Free and Accepted Masons as at the date of the commencement of operation of these regulations.**

**18.04 The Fund shall be devoted solely for the provision or relief to persons in necessitous circumstances [whether or not such persons may be Freemasons or the widows, or children of Freemasons and for such charitable purposes as the Board of General Purposes may determine from time to time.**

**18.05 Education Grants**

(1) The Board of Directors shall each year allocate from the Fund of Benevolence an amount to be expended for the provision of for persons in necessitous circumstances. Such education grants may be granted to cover:—

- (a) the later years of secondary education;
- (b) post secondary education at any institution approved by the Board;

- (2) The Board of general Purposes shall at its meeting held in November each year appoint an Education grant Selection Committee consisting of members of the Association who are qualified in educational matters and shall determine the terms of reference of the committee.
- (3) The Board of general purposes shall from time to time, on the advice of the Education Grant Selection Committee, establish criteria for the awarding of education grants and the conditions to apply to such education grants.
- (4) The Board of General Purposes shall not be under any obligation to award any educational grant in any year if in its opinion there shall not be an applicant who qualifies for a scholarship or is of sufficient merit to warrant assistance.
- (5) The Board of directors shall be responsible for administering educational grants set up as a result of legacies bequeathed to The Association prior to the coming into operation of these Regulations.

18.06 Applications for Relief

- (1) An application for relief shall be made in the form from time to time prescribed by the Board of General Purposes.
- (2) An application for relief shall be accompanied by a report and recommendation signed by the Grand Almoner or the Master and Wardens of a Lodge.

18.07 Emergency Relief

In an emergency the Grand Master or in his absence the Deputy Grand Master may grant emergency relief up to an amount not exceeding \$5,000 in any period of twelve months.

18.08 Interested Member not to Vote

A member of the Board of General Purposes shall not at any time vote upon an application for relief in favour of a person to whom he is related or a Freemason, or widow of a Freemason, who is or was a member of a Lodge to which he himself belongs. Such member may be heard on the merits of the application but must withdraw whilst the Board adjudicates upon the case.

19. LODGE BUILDINGS

19.01 Building Fund

- (1) There shall be a Building Fund and all property both real and personal by this Constitution and the Regulations incorporated therein shall be kept separate from all other funds of The Association and shall be used solely for all or any of the purposes and the Board of Directors is hereby empowered to carry out all or any such purpose, viz.—
  - (a) the acquisition of lands of any tenure for purposes of Masonic ceremonial meetings;
  - (b) the erection of new buildings, the rebuilding or alterations of or additions to or otherwise improving any existing buildings used or to be used wholly or mainly for purposes of Masonic ceremonial meetings;
  - (c) maintaining, cleaning, repairing, renovating or ventilating buildings used or to be used wholly or mainly for purposes of Masonic ceremonial meetings;
  - (d) equipping and furnishing any building used wholly or mainly for purposes of Masonic ceremonial meetings and the maintenance, repair, renovation and replacement of such equipment and furnishings;

- (e) payment of rates, taxes, insurance, electric current and all other outgoings relating to the lands hereinbefore referred to and any buildings thereon;
  - (f) payment of interest payable on any moneys borrowed for any of the purposes of the Building Fund either from outside sources or by transfer on loan from any other fund of The Association and repayment of moneys so borrowed;
  - (g) any other purpose or purposes ancillary to any of the matters aforesaid;
  - (h) in payment of all reasonable costs, charges and expenses of and incidental to the administration of the Building Fund; and
    - (i) make grants or loans to Lodges or other owners of buildings used or to be used wholly or mainly for purposes of Masonic ceremonial meetings to assist with the cost of erecting, maintaining, altering, repairing, renovating or ventilating such buildings and determine the conditions applicable to such grants or loans provided that moneys standing to the credit of the Building Fund or any part of such moneys may be loaned to any charitable or other funds of or established by The Association or under the control of its Trustees for such term with or without interest and otherwise upon such terms and conditions as the Board of Directors may think fit.
- (2) All payments from the Building Fund shall be authorised by the Board of Directors.
- (3) The Building Fund shall consist of the following property—
- (a) all moneys and other property both real and personal which immediately prior to this provision coming into operation comprised or stood to the credit of the Building Fund as heretofore established;
  - (b) all contributions, gifts and payments of whatever description and from whatsoever source received or receivable by or on behalf of The Association to or for the purposes of the Building Fund;
  - (c) all income derived from time to time from all or any assets of the Building Fund;
  - (d) all contributions to the Building Fund received by The Association;
  - (e) all moneys (if any) which by this Constitution or The Regulations are to be applied to or for the purposes of the Building Fund;
  - (f) all moneys and other property which the Board of Directors from time to time may appropriate to or for the purposes of the Building Fund.
- (4) Each Lodge shall contribute half yearly for each of its members to the Building Fund an amount to be determined from time to time by the Board of Directors PROVIDED THAT if any member is a member of more than one Lodge contributions in respect of such member shall be payable only by the first of such Lodges on the register of The Association AND THAT this provision shall not apply to an Honorary Member under Regulation 8.70 or to a Lodge of Research constituted under Regulation 8.84.

#### 19.02 Sale of Interest in Masonic Real Property

- (1) No member or Lodge shall be party, either directly or indirectly, to offering for sale, selling, leasing, encumbering or otherwise disposing of any interest in

Masonic real property without first obtaining the consent in writing of the Board of Directors.

- (2) The Master of any Lodge shall report to the Grand Secretary any involvement by his Lodge or a member thereof to his knowledge in the intended selling, leasing or encumbering or otherwise disposing of any interest in Masonic real property.
- (3) The proceeds of any such disposition shall be deposited in the Building Fund Account of The Association.
- (4) The Board of Directors shall ensure that any interest received on such deposit will be applied to the cumulative value of such deposit.
- (5) The Board of Directors shall retain the deposit for the purpose of improvements to existing or acquisition of new buildings with preference being given to buildings in the area from where the proceeds were derived. If at some future date a subordinate Lodge or other Masonic body (Hall Company, Corporation, Unincorporated Body, Registered Company) that has deposited proceeds with the Building Fund and seeks to establish a new Masonic Centre or Masonic meeting place and those proceeds have not already been expended on behalf of that Lodge or Masonic body for alterations, repairs or the building of another Masonic Centre or Masonic meeting place the Board of Directors may grant an equivalent amount together with interest earned towards the construction or purchase of a new centre.
- (6) If the Lodge making the deposit surrenders its Warrant, is wound up or otherwise ceases to exist, all such money shall be used only in the manner prescribed in this Constitution and Regulations for the purposes of the Building Fund.
- (7) The Board of Directors may exempt a member or members from the operation of this provision upon such terms as the Board of Directors may determine from time to time in its unfettered discretion.

**20. TRUSTEES**

- 20.01 The members of the Board of Directors from time to time shall be the Trustees of The Association within the meaning of the Act and for all other relevant purposes.
- 20.02 The Trustees shall exercise all powers conferred upon them by the Act in accordance with the directions of the Board of Directors.

**21. APPOINTMENTS TO THE BOARD OF MANAGEMENT OF FREEMASONS HOMES FOR THE AGED**

The Board of Directors shall appoint two persons to the Board of Management of Freemasons Homes for the Aged, one of whom is to have financial and accounting expertise PROVIDED THAT each such person must be a member of The Association and must be approved by the Nominations Committee as being sufficiently experienced and qualified to serve in that position.

**22. GRAND MASTER**

22.01 The Grand Master shall be -

- (a) the principal ceremonial officer of Grand Lodge;
- (b) the public spokesman for The Association; and
- (c) ex officio a member of all committees of the Board of Directors.

22.02 The Grand Master shall have the ample power and authority possessed by Grand Masters of Grand Lodge prior to the date of incorporation to determine all matters affecting the practice and control of Freemasonry in Western Australia subject only to this Constitution and Regulations and any decision of a Communication or the Board of General Purposes or the Board of Directors.

22.03 The Grand Master who shall be a Past Master shall be elected annually as prescribed by the Regulations but shall not be entitled to hold office for more than five consecutive years.

22.04 In the event of the Grand Master being the Governor of the State of Western Australia he may appoint a Pro Grand Master who shall exercise all the powers during his term of office.

**23. GRAND OFFICERS**

23.01 In addition to the Grand Master the Grand Officers of the Association shall comprise such other Grand Officers as may from time to time be prescribed by The Regulations.

23.02 The duties applicable to each Grand Office, the qualifications required of the appointee thereto, the tenure and method of appointment or election thereto shall be prescribed by The Regulations.

**24. POWERS OF ACTING GRAND OFFICERS**

24.01 Where a specific power is entrusted to the Grand Master by the Constitution or Regulations thereunder, in his absence, it shall be exercisable in order of precedence by the Deputy Grand Master, the Senior Grand Warden and the Junior Grand Warden.

24.02 Every member who, pursuant to this Constitution or Regulations thereunder, presides or acts in Grand Lodge or in any Constituent Lodge, or on any board or committee, for or in the place of any officer or member who is absent from the meeting, shall, while so presiding or acting, have all the rights, powers, duties, authority and privileges of the officer or member whose substitute he is, or in whose place he presides or acts; he shall enforce all rules and regulations, and his acts while so presiding or acting shall have the same validity in all respects as those of such officer or member.

**25. BOARD OF GENERAL PURPOSES**

25.01 Subject to this Constitution and the resolution of any Communication the Board of General Purposes shall have the care and regulation of the practice of



Freemasonry by members and Constituent Lodges pertaining to all matters of ceremony and ritual

25.02 All instructions and directions of the Board of General Purposes relating to the practice of Freemasonry shall be obeyed and observed by all members and Constituent Lodges.

25.03 The Board of General Purposes shall consist of:

- (1) the Grand Master who shall be its Chairman;
- (2) the Deputy Grand Master, appointed pursuant to the Regulations, who shall be its Deputy Chairman;
- (3) the Senior Grand Warden, appointed pursuant to the Regulations;
- (4) the Junior Grand Warden, appointed pursuant to the Regulations;
- (5) three elected members who shall each hold office for a term of three years, except that in the case of the first election after this Clause takes effect one of the elected members, to be determined by lot, shall only hold office for a term of two years and another, also to be determined by lot, shall only hold office for a term of one year;

And notwithstanding sub-clause (1) hereof, the Grand Master may delegate his powers and responsibilities as Chairman of the Board of General Purposes to any other member of the Board of General Purposes. The term of office of each Board member elected under paragraph (5) above shall commence at the conclusion of the Annual Communication Meeting that follows their election and finish at the conclusion of the Annual Communication Meeting in the third year after that, and in the second year and the first year in the case of the Board members who hold office for only two years and one year respectively following the first election under paragraph (5) above.

25.04 Vacancies

- (1) If any elected member of the Board of General Purposes shall resign, die or in the opinion of the Board of General Purposes become permanently incapacitated from acting or become disqualified or his seat become vacant, as hereinafter provided, the vacancy shall be filled by an appointment by the Grand Master and the member so appointed to fill such vacancy shall hold the position only for the remainder of the period for which his predecessor was elected or appointed.
- (2) If any elected member shall absent himself from three consecutive meetings of the Board of General Purposes without valid reason (of which the Board of General Purposes shall be the sole judge) his seat upon the Board of General Purposes shall thereupon become vacant by reason of such absence and the vacancy shall be filled as hereinbefore provided.

25.05 Mode of Election of Members of the Board of General Purposes

- (1) The mode of election of elected members of the Board of General Purposes shall be prescribed by the Regulations.
- (2) A nomination of a candidate for election to the Board of General Purposes shall not be valid if prior to the date of election the candidate has or will have served as an elected member of the Board of General Purposes for a continuous or aggregate period of twelve years unless he has ceased to be a member of the Board of General Purposes for a period of not less than two years immediately preceding the date of election.

**25.06 Disqualification**

A person who is an elected member of either the Board of Directors or the Board of Management of Freemasons Homes for the Aged is disqualified from being an elected member of the Board of General Purposes.

**25.07 Quorum**

Five members shall constitute a quorum of the Board of General Purposes.

**25.07 Observers**

The Grand Secretary and the Grand Registrar appointed pursuant to The Regulations may, during their terms of office, attend all meetings of the Board of General Purposes as observers.

**26. REGULATIONS**

**26.01** The Board of General Purposes may from time to time pursuant to Clause 26.02 introduce, amend or repeal regulations, which are not inconsistent with this Constitution, for the regulation of the practice of Freemasonry by The Association and the conduct of Constituent Lodges and members and in particular without derogating from the generality thereof the following purposes:

- (1) To create such Grand Offices as it deems fit and to define the powers and duties of the holders;
- (2) To provide for the appointment or election of Grand Officers and appoint boards or committees and to delegate to them such powers as it sees fit;
- (3) To discipline, suspend or remove a Lodge from the Register of The Association and to discipline or expel a Freemason;
- (4) To prescribe the conditions under which Constituent Lodges may continue to operate and new Lodges may be warranted;
- (5) To prescribe the ritual, dress and regalia and all matters relating to the practice of Freemasonry by Constituent Lodges;
- (6) To provide for consolidation and amalgamation of Constituent Lodges
- (7) To create District Grand Lodges;
- (8) To carry out the charitable and benevolent functions of The Association or create organisations for that purpose within budgets and financial controls set by the Board of Directors.

And may from time to time amend or repeal any of such regulations PROVIDED that any member may, provided he shall have given at least two calendar months prior notice in writing to the Board, move in a Communication that any regulation prescribed by the Board be disallowed or amended or repealed.

**26.02** Subject to Clause 26.03, changes to the Regulations under Clause 26.01 can only be made by a resolution passed by a majority of not less than three-fourths of the members of the Board of General Purposes present and voting at a meeting of the Board of General Purposes of which not less than fourteen days notice (including notice of the motion) has been given to all members of the Board of General Purposes.

**26.03** Changes to the Regulations can be made by a resolution passed at a Communication, notice of which has been given to the Board of General Purposes at least two calendar months prior to the Communication.

26.04 All changes to the Regulations must be communicated by the Grand Secretary to the secretary of each Constituent Lodge within 45 days of being made, with an instruction to communicate it to the members of the Lodge.

**27. AMENDMENT OF THE CONSTITUTION**

27.1 Notice of any proposal to amend or alter or add to the Constitution shall be submitted in writing to the Grand Secretary at least two months prior to the general meeting at which it is to be considered.

27.2 Details of the proposal to amend or alter or add to the Constitution shall be included in the notice convening the meeting at which the proposal is to be considered.

27.3 An amendment or alteration of or addition to the Constitution shall not take effect unless it is carried by not less than three-fourths of the members present and voting.

**28. WINDING UP**

28.1 The Association may be wound up voluntarily whenever a notice of motion to that effect, of which at least twenty-one days' notice has been given to all members, has been duly passed by a majority of three-fourths of the members present and voting at a meeting of The Association called to consider the notice of motion.

28.2 If upon the winding-up or dissolution of The Association there remains after satisfaction of all its debts and liabilities any property whatsoever the same shall not be paid to or distributed amongst the members of The Association but shall be given or transferred by The Association for the purposes or objects set out in clause 3 hereof or any of them or if this is not possible shall be transferred to a charitable fund or funds of a kind listed in item 4.1.1 Section 30-45 (1) of the Income Tax Assessment Act 1997 to be decided at a meeting of The Association or failing that by a judge of the Supreme Court of Western Australia.

**29. NOTICE TO COMMISSIONER OF TAXATION**

Notice of any amendment to or alteration of or addition to the constitution or of the fact that The Association has been wound up, dissolved or become defunct shall be given to The Federal Commissioner of Taxation.

1289

IN THE SUPREME COURT OF VICTORIA No of 2004  
FULL COURT - CRIMINAL JURISDICTION

IN THE MATTER of the *Crimes Act 1958*  
And

IN THE MATTER of an Application by  
Brian William Shaw

**EXHIBIT**

*Mc 28th*

Date of Document: May 27, 2004

Filed on behalf of: The Applicant

Prepared by: Brian William Shaw

This is the exhibit referred to and marked **GG 3** in the affidavit of Brian William Shaw  
Affirmed on the *27<sup>th</sup>* day of May at Werribee in the State of Victoria.  
*Mc 28th*

Before me: *Margaret M Campbell JP*

**Certified Extracts Magistrates Court**

A JUSTICE OF THE PEACE FOR VICTORIA  
REG. No. 9924  
MARGARET MAY CAMPBELL  
7 MUIRHEAD CRES.  
WERRIBEE 3030

## CERTIFIED EXTRACT

1290

Magistrates' Court of Victoria at MELBOURNE

made the following entries

in the register on the 17th day of May 2004

Case Number	S01024880	
Charge Number	1	
Informant, Plaintiff, Complainant or Applicant	SHAW, BRIAN	
Defendant/Respondent	JEFFERY, MICHAEL	D.O.B:
Law before the Court	CHARGE AND SUMMONS	Fees:
Nature of Charge or Civil Proceeding	Defendant at EAST MELBOURNE from 1/11/1994 to 30/4/2004 did commit a breach of Act 6231.316 UNLAWFUL OATH RE TREASON/MURDER	

COURT ORDER

truckout.  
Reason(s):  
WITHDRAWN

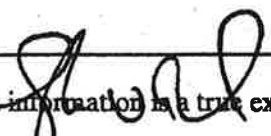
J POPOVIC  
MAGISTRATE

PG 1

marks No Plea Taken  
MS PRIDE

I am a registrar of the Magistrates' Court of Victoria and I certify that in my opinion this information is a true extract from the register of the court at the abovementioned location.

Dated at MELBOURNE this 24th day of May 2004

  
STEPHEN RECK  
Deputy Registrar  
Magistrates' Court of Victoria  
233 William St. Melbourne

1291.

**CERTIFIED EXTRACT**

Magistrates' Court of Victoria at MELBOURNE

made the following entries

in the register on the 17th day of May 2004

Case Number	S01024880	
Charge Number	2	
Informant, Plaintiff, Complainant or Applicant	SHAW, BRIAN	
Defendant/Respondent	JEFFERY, MICHAEL	D.O.B:
Law before the Court	CHARGE AND SUMMONS	Fees:
Nature of Charge or Civil Proceeding	Defendant at EAST MELBOURNE from 1/11/1994 to 30/4/2004 did commit a breach of Act 6231.316.2.A.II PRES AT/CONSENT OATH-COMMIT INDICT OFFEN	

COURT ORDER

Withdrawal.  
Reason(s):  
WITHDRAWN

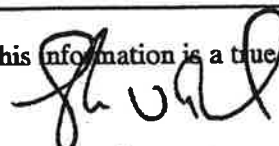
J POPOVIC  
MAGISTRATE

PG 1

Remarks No Plea Taken  
MS PRIDE

I am a registrar of the Magistrates' Court of Victoria and I certify that in my opinion this information is a true extract from the register of the court at the abovementioned location.

Dated at MELBOURNE this 24th day of May 2004



STEPHEN RECK  
Deputy Registrar  
Magistrates' Court of Victoria  
233 William St. Melbourne

REGISTRAR OF THE MAGISTRATES' COURT

140

## CERTIFIED EXTRACT

1292.

Magistrates' Court of Victoria at MELBOURNE

made the following entries

in the register on the 17th day of May 2004

Case Number	S01024880		
Page Number	3		
Informant, Plaintiff, Complainant or Applicant	SHAW, BRIAN		
Defendant/Respondent	JEFFERY, MICHAEL	D.O.B:	
Law before the Court	CHARGE AND SUMMONS	Fees:	
Nature of Charge or Civil Proceeding	Defendant at EAST MELBOURNE from 1/11/1994 to 30/4/2004 did commit a breach of Act CCRI.43 ATTEMPT TO PERVERT JUSTICE		

COURT ORDER

Check-out.  
Person(s):  
HDRAWN


J POPOVIC  
MAGISTRATE

PG 1

Remarks No Plea Taken  
MS PRIDE

I am a registrar of the Magistrates' Court of Victoria and I certify that in my opinion this information is a true extract from the register of the court at the abovementioned location.

Dated at MELBOURNE this 24th day of May 2004

  
STEPHEN RECK  
Deputy Registrar  
Magistrates' Court of Victoria  
233 William St. Melbourne

REGISTRAR OF THE MAGISTRATES' COURT

141

## CERTIFIED EXTRACT

1293.

Magistrates' Court of Victoria at MELBOURNE

made the following entries

in the register on the 17th day of May 2004

Case Number	S01024880	
Page Number	4	
Complainant, Plaintiff, Plaintiff or Applicant	SHAW, BRIAN	
Defendant/Respondent	JEFFERY, MICHAEL	D.O.B:
Charge before the Court	CHARGE AND SUMMONS	Fees:
Nature of Charge or Civil Proceeding	Defendant at EAST MELBOURNE from 1/11/1994 to 30/4/2004 did commit a breach of Act 6231.321M ATT. PERVERT COURSE OF PUBLIC JUSTICE	

COURT ORDER

Withdrawn.  
Person(s):  
HDRAWN

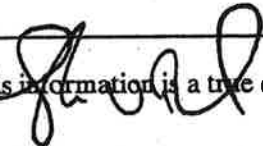
J POPOVIC  
MAGISTRATE

Page 1

Remarks No Plea Taken  
MS PRIDE

I am a registrar of the Magistrates' Court of Victoria and I certify that in my opinion this information is a true extract from the register of the court at the abovementioned location.

Dated at MELBOURNE this 24th day of May 2004

  
STEPHEN RECK  
Deputy Registrar  
Magistrates' Court of Victoria  
233 William St. Melbourne

REGISTRAR OF THE MAGISTRATES' COURT



**CERTIFIED EXTRACT**

1294

Magistrates' Court of Victoria at MELBOURNE

made the following entries

in the register on the 17th day of May 2004

Case Number	S01024880	
Charge Number	5	
Informant, Plaintiff, Complainant or Applicant	SHAW, BRIAN	
Defendant/Respondent	JEFFERY, MICHAEL	D.O.B:
How before the Court	CHARGE AND SUMMONS	Fees:
Nature of Charge or Civil Proceeding	Defendant at EAST MELBOURNE from 1/11/1994 to 30/4/2004 did commit a breach of Act CCRI24AA TREACHERY	

COURT ORDER

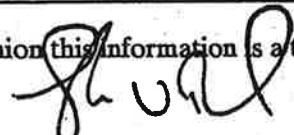
truckout.  
 Defendant(s):  
 HDRAWN

**J POPOVIC  
 MAGISTRATE**

PG 1  
 Remarks No Plea Taken  
 MS PRIDE

I am a registrar of the Magistrates' Court of Victoria and I certify that in my opinion this information is a true extract from the register of the court at the abovementioned location.

Dated at MELBOURNE this 24th day of May 2004



**STEPHEN RECK**  
 Deputy Registrar  
 Magistrates' Court of Victoria  
 233 William St. Melbourne  
 REGISTRAR OF THE MAGISTRATES' COURT

143

1295

IN THE SUPREME COURT OF VICTORIA No of 2004  
FULL COURT – CRIMINAL JURISDICTION

IN THE MATTER of the *Crimes Act 1958*  
And

IN THE MATTER of an Application by  
Brian William Shaw

**EXHIBIT**

MC 28th

Date of Document:	May 27, 2004
Filed on behalf of:	The Applicant
Prepared by:	Brian William Shaw

This is the exhibit referred to and marked **GG 4** in the affidavit of Brian William Shaw  
Affirmed on the MC 27th day of May at Werribee in the State of Victoria.

Before me: Margaret M Campbell JP

**Section 354 Crimes Act Victoria 1958**

A JUSTICE OF THE PEACE FOR VICTORIA  
REG. No. 9924  
MARGARET MAY CAMPBELL  
7 MUIRHEAD CRES.  
WERRIBEE 3030

144

**CRIMES ACT 1958 - SECT 354****Indictments**

Upon the application of any person supported by an affidavit disclosing an indictable offence and either that the same has been committed by some body corporate or that a court has declined or refused to commit or hold to bail the alleged offender or that no presentment was made against him at the court at which the trial would in due course have taken place, or upon the application of the Director of Public Prosecutions, it shall be lawful for the Full Court to order the Juries Commissioner to summon a grand jury to appear at a court to be holden at a time and place to be mentioned in the order; and upon receipt of such order the Juries Commissioner shall summon not less than twenty-three men to attend at such court at the time and place aforesaid to inquire present do and execute all things which on the part of the Queen shall then and there be commanded of them, and such men shall be taken from the jury roll of the jury district in which such place is situate and at the time and place aforesaid the said Juries Commissioner shall bring into court the said order with the name, occupation and date of birth of every grand juror written on a panel signed by him and sealed with his seal of office and shall deliver the said panel to the proper officer of the said court, who shall in open court call aloud the names of the grand jurors on the said panel one after another, and the twenty-three men so first drawn and appearing or if twenty-three men shall not appear such of them as do appear not being less than twelve men shall be the grand jury and shall be sworn and act as such accordingly:

Provided always that every such order shall be delivered to the Juries Commissioner ten days before the day on which the indictment is intended to be preferred.

(2) Discharge without Prosecution

1297

IN THE SUPREME COURT OF VICTORIA No of 2004  
FULL COURT – CRIMINAL JURISDICTION

IN THE MATTER of the *Crimes Act* 1958  
And

IN THE MATTER of an Application by  
Brian William Shaw

**EXHIBIT**

MC 2812

---

Date of Document: May 27, 2004  
 Filed on behalf of: The Applicant  
 Prepared by: Brian William Shaw

---

This is the exhibit referred to and marked **GG 5** in the affidavit of Brian William Shaw  
 Affirmed on the 27<sup>th</sup> day of May at Werribee in the State of Victoria.

MC 2812

Before me:

*Margaret M Campbell JP*

**Three Masonic Oaths**

A JUSTICE OF THE PEACE FOR VICTORIA  
 REG. No. 9924  
 MARGARET MAY CAMPBELL  
 7 MUIRHEAD CRES.  
 WERRIBEE 3030

146

**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 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)

MASONIC OATH – FELLOWCRAFT

In the presence of the grand geometrician of the universe, and of this worthy and worshipful lodge 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)

### 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)

1301

IN THE SUPREME COURT OF VICTORIA No of 2004  
FULL COURT – CRIMINAL JURISDICTION

IN THE MATTER of the *Crimes Act 1958*  
And

IN THE MATTER of an Application by  
Brian William Shaw

**EXHIBIT**

Date of Document:	May 27, 2004
Filed on behalf of:	The Applicant
Prepared by:	Brian William Shaw

This is the exhibit referred to and marked **GG 6** in the affidavit of Brian William Shaw  
Affirmed on the <sup>27<sup>th</sup></sup> day of May at Werribee in the State of Victoria.

Before me: Margaret Campbell JP

**Charge and Summons**

A JUSTICE OF THE PEACE FOR VICTORIA  
REG. No. 9924  
MARGARET MAY CAMPBELL  
7 MUIRHEAD CRES.  
WERRIBEE 3030

150



# Charge and Summons

(Bring this with you to Court) ORIGINAL

## TO THE DEFENDANT

Governor General Michael Jeffery  
 Government House, Dunrossil Drive,  
 Yarralumla ACT

Postcode

M	F	Co.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of Birth
/ /

Registration No.	State

Licence No.	State

You have been charged with an offence against the law.  
 Read both pages to see what you must do.

## Details of the charge against you

What is the charge?

1 The defendant at various locations between November / 1994 up to and inclusive of April 2004 at 78 Terrace Rd., Perth. WA., 137 Burswood Road, Burswood WA and X 300 Albert St., East Melbourne Vic. The defendant was present at and consented to the administering of an oath and engagement in the nature of an oath purporting to bind the person who takes it to commit treason/murder

Under what law?

State  Act  Other-specify  
 C'wealth  Reg. Act or Regulation No. Section or Clause (Full Ref.)  
 Crimes Act 1958 316(1)(A)

Type of offence

Summary offence (You should go to Court)  Indictable offence (You must go to Court)

Are there more charges?

No  Yes - see "Continuation of Charges" attached

Informant

Brian W. Shaw

Agency and Address

280 Leakes Road, Truganina Victoria

Informant Signature



Phone No.

Date 16.4.2004

## Where will the case be heard

Where you must go

The \*Magistrates' / Childrens' Court of Victoria at MELBOURNE

Address

233 William St MELBOURNE

Phone No.

When

Time 10.00 Day 17 Month MAY Year 2004

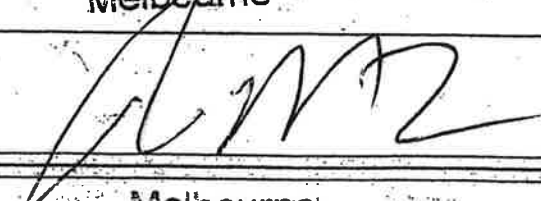
## Details about this summons

Issued at

Melbourne

Date 16 APR 2004

Issued by (Signature)



Registrar  
 Magistrate  
 Prescribed Person

Charge filed at

Melbourne

Date 16 APR 2004 15

# CONTINUATION OF CHARGES

Defendant Copy - Bring this with you to Court

Person Charged Governor General Michael Jeffery	Page No 2
---	-----------

2 The defendant at (see Charge 1) was present at and consented to the administering of an oath and engagement in the nature of an oath purporting to bind the person who takes it to act in breach of Crimes Act 1958 Vic 316(2)(ii) that is to commit an indictable offence

<input checked="" type="checkbox"/> State <input type="checkbox"/> C'Vealth	<input checked="" type="checkbox"/> Act <input checked="" type="checkbox"/> Reg	<input type="checkbox"/> Other - Specify	Act or Regulation No. Crimes Act 1958	Section or Clause (Full Ref.) 316(2)(A)(ii)
--	--	--	--	--

Summary Offence (You should go to Court but you must go if you are on bail)  Indictable Offence (You must go to Court)

3 The defendant by oath has agreed to obey orders/commands of a 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

<input checked="" type="checkbox"/> State <input type="checkbox"/> C'Vealth	<input checked="" type="checkbox"/> Act <input checked="" type="checkbox"/> Reg	<input type="checkbox"/> Other - Specify	Act or Regulation No. Crimes Act 1958	Section or Clause (Full Ref.) 316(2)(A)(V)
--	--	--	--	---

Summary Offence (You should go to Court but you must go if you are on bail)  Indictable Offence (You must go to Court)

Are there more charges?  No  Yes - see Page No. 3

Informant Brian W. Shaw

Agency and Address 280 Leakes Road Truganina Victoria Phone 9394 1116

Informant Signature 	Registrar Signature 
---	---

Charge filed at Melbourne Date Melbourne

- Charge 2 & 3 at the following locations:
- a) 78 Terrace Rd., Perth WA
  - b) 137 Burswood Road, Burwood WA and
  - c) 300 Albert St., East Melbourne Vic

16 APR 2004

# CONTINUATION OF CHARGES

Defendant Copy - Bring this with you to Court

Person Charged <u>Governor General Michael Jeffery</u> <i>Between Nov 1994 to Apr 2004</i>	Page No <u>4</u>
---	------------------

6. The defendant by taking unlawful oaths has attempted to pervert the course of justice.

3

<input type="checkbox"/> State	<input checked="" type="checkbox"/> Act	<input type="checkbox"/> Other - Specify	Act or Regulation No.	Section or Clause <small>(Full Ref.)</small>
<input checked="" type="checkbox"/> C>Wealth	<input checked="" type="checkbox"/> Reg		Crimes Act 1914	43(I)

Summary Offence (You should go to Court but you must go if you are on bail)  Indictable Offence (You must go to Court)

7. The defendant by taking unlawful oaths has attempted to pervert the course of justice.

4

<input checked="" type="checkbox"/> State	<input checked="" type="checkbox"/> Act	<input type="checkbox"/> Other - Specify	Act or Regulation No.	Section or Clause <small>(Full Ref.)</small>
<input type="checkbox"/> C>Wealth	<input checked="" type="checkbox"/> Reg		Crimes Act 1958	321M

Summary Offence (You should go to Court but you must go if you are on bail)  Indictable Offence (You must go to Court)

Are there more charges?  No  Yes - see Page No. 3

Informant Brian W. Shaw

Agency and Address 280 Leakes Road, Truganina Victoria Phone 9394 1116

Informant Signature  Registrar Signature 

Charge filed at Melbourne Date 16 APR 2004

34. Charge 6 & 7 at the following locations:

78 Terrace Rd., Perth WA

b) 137 Burswood Road, Burswood WA and

c) 300 Albert St., East Melbourne Vic

# CONTINUATION OF CHARGES

Defendant Copy - Bring this with you to Court

Person Charged <u>Governor General Michael Jeffery</u>	Page No <u>6</u>
--	------------------

10. The defendant without lawful excuse, contained within the oath/ engagement has made a threat to inflict serious injury on that other person or any other person.

<input checked="" type="checkbox"/> State <input checked="" type="checkbox"/> Wealth	<input checked="" type="checkbox"/> Act <input checked="" type="checkbox"/> Reg	<input type="checkbox"/> Other - Specify	Act or Regulation No. Crimes Act 1914	Section or Clause (Full Ref.) 24AA(1)(A)(i)
---	--	--	--	--

Summary Offence (You should go to Court but you must go if you are on bail)  Indictable Offence (You must go to Court)

11. <sup>BETWEEN NOV 1994 TO APRIL 2004</sup> The defendant by permitting and consenting to an unlawful and alternative set of law, oaths, rules and allegiances has by intent and sabotage attempted to overthrow the Constitution of the Commonwealth.

<input checked="" type="checkbox"/> State <input checked="" type="checkbox"/> Wealth	<input checked="" type="checkbox"/> Act <input checked="" type="checkbox"/> Reg	<input type="checkbox"/> Other - Specify	Act or Regulation No. Crimes Act 1914	Section or Clause (Full Ref.) 24AA(1)(A)(i)
---	--	--	--	--

Summary Offence (You should go to Court but you must go if you are on bail)  Indictable Offence (You must go to Court)

Are there more charges?  No  Yes - see Page No. 3

Informant Brian W. Shaw

Agency and Address 280 Leakes Road, Truganina Victoria Phone 9394 1116

Informant Signature  Registrar Signature 

Charge filed at Melbourne Date 16 APR 2004

Charge ~~10~~ <sup>5</sup> & 11 at the following locations:

- a) 78 Terrace Rd., Perth WA
- b) 137 Burswood Road, Burswood WA and
- c) 300 Albert St., East Melbourne Vic.

ALL CHARGES OCCURRING BETWEEN NOV 1994 TO APRIL 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

1306

#### 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.**