

BETWEEN

BRIAN WILLIAM SHAW

Applicant

- and -

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

Respondent

10

AFFIDAVIT IN SUPPORT

Stamped High Court Application
Shaw v G Fragapane Nominees Pty Ltd

Date of document: *✓* MAY 2013
Filed on behalf of: The Plaintiff
Prepared by: Brian Shaw
Address: C/- P.O.Box 800 Werribee
Victoria, 3030
No 8. Tel: 0487 195 522

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

That this affidavit exhibits a 25 page application for Special Leave to Appeal to the High Court from the order of Justices Nettle and Hansen made on 9th March 2012.

Exhibit is marked; **“Stamped High Court Application appealing order of Justices Nettle and Hansen”**.

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AFFIRMED BY: *Brian Shaw*

AT: *WERRIEBEE* IN THE STATE OF VICTORIA

THIS *5th* DAY OF MAY 2013.

BEFORE ME: *Margaret May Campbell*

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



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

No. S APCI 2013 0043

BETWEEN

BRIAN WILLIAM SHAW

Applicant

- and -

THE ANZ EXECUTORS and TRUSTEE COMPANY
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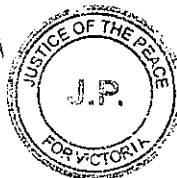
EXHIBIT

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

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Before me: Margaret May Campbell

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



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**“Stamped High Court Application appealing order of
Justices Nettle and Hansen”**

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL AND EQUITY DIVISION

No: 7640 of 2009

BETWEEN

BRIAN WILLIAM SHAW

and

ANZ EXECUTORS & TRUSTEE COMPANY LIMITED
(as Trustees of the Estate of JOHN WILLIAM SHAW, (deceased))

Defendant

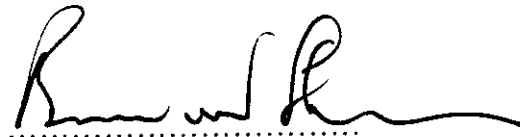
AFFIDAVIT
"STAMPED HIGH COURT APPLICATION"

Date of document: 27th July 2012
Filed on behalf of: Brian William Shaw
Prepared By: Plaintiff
C/o PO Box 800 Tel: No: 0487195522
Werribee Victoria 3030

I Brian William Shaw C/o PO Box 800 Werribee Victoria 3030 do state and affirm the following:

1. That the application for special leave to appeal in the High Court of Australia in matter No M36-2012, Shaw v G. Fragapane Nominees Pty Ltd, filed 10th April 2012, replaces the former affidavit concerning this application Exhibit is marked "STAMPED HIGH COURT APPLICATION"

Affirmed by

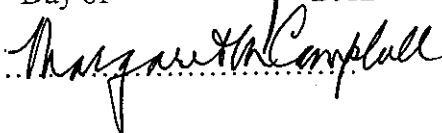


Brian Shaw

At ~~WARRIBEE~~ in the State of Victoria

This 27 Day of July 2012

Before me



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



**IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL AND EQUITY DIVISION**

No: 7640 of 2009

BETWEEN

BRIAN WILLIAM SHAW

and

**ANZ EXECUTORS & TRUSTEE COMPANY LIMITED
(as Trustees of the Estate of JOHN WILLIAM SHAW, (deceased))**

Defendant

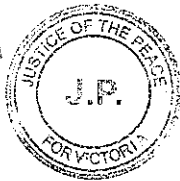
EXHIBIT

This is the exhibit referred to in the affidavit of Brian William Shaw affirmed on the
27...day of July 2012.

Before me.....

Margaret May Campbell

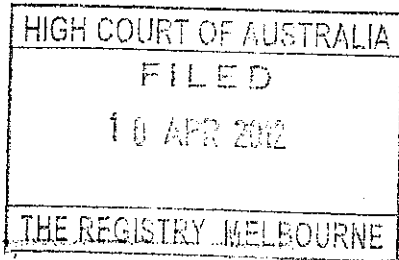
A JUSTICE OF THE PEACE FOR VICTORIA
Reg. No. 9924
Margaret May Campbell
7 Muirhead Cres, Werribee 3030



Description of Exhibit **STAMPED HIGH COURT APPLICATION**

BETWEEN
BRIAN WILLIAM SHAW & OTHERS
Applicants

And



G. FRAGAPANE NOMINEES PTY LD

(ACN 005 229 863)

First Respondent
ADAM TAMARA SHAW
BENJAMIN TON SHAW
Second Respondents

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Special Appeal.
APPLICATION FOR LEAVE TO ISSUE A PROCEEDING

Special
The Applicant applies for leave to Appeal from the whole of the judgement of the Court of Appeal (VIC) 9 March 2012, Justices Nettle and Hansen.

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GROUND

1. The Full Court of the Court of Appeal of the Supreme Court of Victoria

That on 9 March 2012 in the Court of Appeal Supreme Court of Victoria in Melbourne both Justices Hansen and Nettle refused to stand down when challenged.

The legal basis of the challenge involved:

A. Bias

B. Apprehension of Bias

C. A criminal offence involving section 34 of the *Crimes Act 1914* (CTH)

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Filed by Brian William Shaw
Of Post Office Box 800
Werribee Victoria 3030

Telephone 0487 195 522

Crimes Act 1914 (CTH)

Section 34 (1)(B)

Being a judge or Magistrate intentionally and perversely exercises Federal Jurisdiction in any matter in which he has a personal interest.

Penalty – 2 years imprisonment

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2. **The removal of Her Majesty Queen Elizabeth II**

The presiding judicial officers (Hansen J and Nettle J) took no judicial notice of the constitutional fact that specific laws have been altered and or amended involving the removal of Her Majesty Queen Elizabeth II, Her Heirs, Successors and subjects inclusive of the Crown of the United Kingdom and Allegiance.

3. **The Acts (Overt Acts) are**

A. *Public Prosecution Act 1994 (VIC)*

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Section 51(3)

B. *Courts and Tribunals Legislation (Further Amendment) Act 2000 (VIC)*

Purpose plus part 2

C. *Acts Amendment and Repeal (Courts and Legal Practice) Act 2003 (WA)*

Parts 5 and 8

D. *Land Act 1994 (QLD)*

Chapter 8, part 7A (Brigalow Corporation substitutes Crown)

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4. **The Discovered Attack**

This particular litigation (Shaw v Fragapane) both reveals and discovers a concerted organised attack upon the Constitution of the Commonwealth of Australia by the concealed erosion of respective State Constitutions, which is the

principal reason why statutory State Referendums have been omitted and concealed from the Electorate at both State and Commonwealth level.

5. **Chief Justice Marilyn Warren**

70 The current Chief Justice of the Supreme Court of Victoria is Marilyn Warren J, who was the primary judge in an Injunction application when the Shaw / Fragapane litigation first came into the Court in **September 1999**. All revealed and discovered indictable offences have been concealed by Marilyn Warren J. and others. The matter also revealed the International and Australian organisation of Freemasonry, in particular the criminal oaths and allegiance of Freemasonry demanded by the organisation to be taken by every member. Since September 1999 up to and inclusive of the present date (September 1999 - April 2012) officers of the Supreme Court of Victoria, in particular Chief Justice Marilyn Warren and President Chris Maxwell have not permitted any Grand Jury Process against International and Australian Freemasonry (with the **fraudulent hearing** of October 2001 being the exception). The concealing of
80 an indictable offence by the Court of Appeal is an indictable offence and voids the judgement of Nettle J and Hansen J.

6. **The law of Treason**

1) **Treason is a "Breach of Allegiance"**

- a. *The King v Casement* [Kings Bench (1917) 1K.B. 98 at 114]
- b. *Sykes v Director of Public Prosecutions* [House of Lords (1962) AC 528]

2) ***Criminal Code Act 1995 (CTH)***

The Security of the Commonwealth section 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 Treason with the intention of allowing him or her to escape punishment of apprehension.**

(b) knowing that another person intends to commit treason, does NOT inform a constable of it within a reasonable time or use other reasonable endeavours to prevent the commission of the offence.

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Penalty: Imprisonment for life.

7. **Judges Nettle, Hansen and Dodds-Streeton**

Both judges Nettle J and Hansen J knew that the overt Acts named in this application interfered with the Constitution of the State of Victoria and Constitution Act 1900 of the Commonwealth of Australia but disregarded the constitutional ramification and exercised Federal Jurisdiction intentionally and perversely with personal interest. The personal interest involved the concealment of all Grand Jury applications involving Supreme Court judicial officers as Defendants inclusive of Justice Dodds-Streeton, whilst sitting at the Court of Appeal of the Supreme Court of Victoria.

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8. **The Concealment by the Court of Appeal**

The following Judges of the Court of Appeal of the Supreme Court of Victoria have sat on matters involving Brian Shaw (Applicant) but have concealed the legal and constitutional matters that a large number of Grand Jury Applications are pending at the same court of law. It must be concluded that these Judges have agreed together to Attempt to Pervert the Course of Justice.

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- a. **President Maxwell, Justices Ashley (withdrew) and Nettle**
- b. **Justices Nettle and Dodds-Streeton (14 March 2008)**
- c. **President Maxwell and Justice Buchanan (4 February 2011)**
- d. **Justice Nettle and Hansen (9 March 2012)**

The concealing of an indictable offence by the Court of Appeal is an indictable offence and as such voids the judgement / decision of Justice Nettle and Hansen on 9 March 2012.

9. **Justice Hansen and R Hulls**

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Justice Hansen was the presiding judge in the Supreme Court hearing that declared myself a vexatious litigant (17 May 2007, No 9997 of 2006) whilst overlooking the fact that the Applicant Mr R Hulls Attorney General Victoria was in fact a Grand Jury defendant on three separate applications before the civil matter was heard. The Grand Jury applications remain pending for “**want of prosecution**” by the Full Court of the Supreme Court of Victoria under President Chris Maxwell and Chief Justice Marilyn Warren. The concealing of an indictable offence by the Court of Appeal is an indictable offence and voids the judgement of Nettle J and Hansen J.

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10. **Judges Nettle and Dodds-Streeton**

Justice Nettle on 14 March 2008 was one of the presiding judges with Justice Dodds-Streeton at the appeal to Justice Hansen’s decision (17 May 2007, No 9997 of 2006).

11. **Justice Dodds-Streeton a Grand Jury Defendant**

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Justice Dodds-Streeton was challenged on the day (14 March 2008) when it was pointed out that Justice Dodds-Streeton was sitting in the same court that a Grand Jury Application was sitting awaiting hearing involving Justice Dodds-Streeton the Defendant for a criminal breach of section 34 *Crimes Act 1914* (CTH) filed / lodged by Carmen Walter (National Australia Bank v Walter & others), Justice Dodds-Streeton presiding judge and Barrister Muktar QC representing the National Australia Bank Ltd., the latter now being Associate Justice at the Supreme Court Victoria (also **concealing the true facts**). The concealing of an indictable offence by the Court of Appeal is an indictable offence and voids the judgement / decision of Nettle J and Hansen J. From 9 March 2012.

12. **Judges Nettle and Dodds-Streeton**

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Justice Nettle on 14 March 2008 took no judicial notice when it was pointed out that he was sitting on the bench with a Grand Jury Defendant (namely Dodds-

Streeton J). The concealing of an indictable offence by the Court of Appeal of the Supreme Court of Victoria is an indictable offence.

13. **Ten Grand Jury Applications, for each judge**

170 Within the week of the hearing presided over by Nettle J and Dodds-Streeton J (14 March 2008) a number of individuals present in the court filed / lodged Grand Jury Applications / Affidavits into the criminal jurisdiction of the Full Court of the Supreme Court Victoria against both Justices Nettle and Dodds-Streeton. The individuals are Mr Darren Latham, Mr Wayne Glew, Mr Kim Shadbolt, Mr Clive Willis-Jones, Mr Andrew Bonola, Mr Stewart Ropata, Mr Rangi Ropata, Mr Calvin Tipene, Mr Max Wilson, Mr Peter Ridout. Each application / affidavit was lodged on the legal test of a fair minded lay observer sitting in the body of the court (14 March 2008). The applications remain pending for “**want of prosecution**” by the Full Court of the Supreme Court of Victoria under President Chris Maxwell and Chief Justice Marilyn Warren, but have been concealed by the Court of Appeal of the Supreme Court of Victoria and as such voids the judgement / decision of Justices Nettle J and Hansen J

14. **The Criminal Activity (Court of Appeal of the Supreme Court of Victoria and High Court of Australia**

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Justices Hansen, Nettle and Dodds-Street and other judicial officers are directly involved in criminal breaches of the following law:

Criminal offences currently being committed by officers of the High Court and Supreme Court of Victoria are:

A. The criminal offence of Treason

B. The criminal offence of Misprison of Treason

C. Conspiracy to Defraud

D. The criminal offence of Personal Interest

(Crimes Act 1914 (CTH) section 34

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E. Concealing serious offences for benefit Crimes Act 1958 (VIC) section

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F. Compounding offences – concealing The Grand Jury applications / affidavits for 54 Defendants plus a number of other Grand Jury Applications/Affidavits relating to Justice Nettle and Dodds-Streeton and others

(Crimes Act 1914 (CTH) Section 44

G. Others not limited to these offences

H. The concealing of an indictable offence by the Court of Appeal is an indictable offence and such voids the judgement / decision of Nettle J and Hansen J.

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15. President Chris Maxwell and Justice Buchanan

On 4 February 2001 President Chris Maxwell sat at the bench of the Full Court of the Court of Appeal of the Supreme Court of Victoria with Justice Buchanan hearing the Appeal in the matter of Shaw v Attorney General (Victoria). Justice Buchanan is and remains a Grand Jury Defendant but this evident fact was totally ignored by the President of the Court of Appeal Chris Maxwell J. There is a 31 page transcript in evidence in addition to the private prosecution affidavit stamped by the Magistrate's Court of Victoria during May 2004 in addition to the actual Grand Jury Application which has been sitting at the Full Court of the Court of Appeal of the Supreme Court of Victoria since May 2004 (2004-2012). President Chris Maxwell and Justice Buchanan agreed together to attempt to pervert the course of justice.

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16. The concealed writ of Mandamus

Prior to the hearing held on 9 March 2012 I was informed in writing that I had a right to write to the Court and explain any purported delay in proceedings in the civil matter. **The reply included the full contents of a Writ of Mandamus** which is included into the documents that will be filed into this matter. – The sitting judicial officers (Nettle J and Hansen J) ignored the contents of the Writ of Mandamus filed / lodged with the Full Court of the Supreme Court Victoria on 2 September 2010 (19 months ago). The Writ of Mandamus has been concealed by both President Chris Maxwell and Chief Justice Marilyn Warren.

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The content of the Writ of Mandamus is factual evidence that the Court of Appeal is attempting to pervert the course of justice.

17. **Judges Nettle, Hansen, Dodds-Streeton, Kaye and Daly, Treason**

230 This particular litigation (Shaw v Fragapane) specifically concerns Justices Nettle, Dodds-Streeton, Hansen and Kaye, as well as Associate Justice Daly, all officers of the Supreme Court of Victoria for concealing indictable offences involving fellow officers of the Supreme Court of Victoria, in **particular the criminal offence of Treason, Criminal Code Act 1995 (CTH) section 80**. The criminal activity voids the judgement / decision by Justices Nettle and Hansen.

18. **The five Judges of the Full Court of the Court of Appeal of the Supreme Court of Victoria**

240 The said Shaw / Fragapane matter lead to a Grand Jury application seeking to indict Freemasonry Victoria during October 2001. The application was brought before **5 judges namely President Winneke J, Chernov J, Charles J, Buchanan J and Brooking J**. The application was refused. All 5 judges were consequently charged by private prosecution evidenced by a 29 page affidavit dated 19 May 2004 and stamped by the Magistrate's Court of Victoria. Grand Jury applications / affidavits were filed / lodged into the Criminal Jurisdiction of the Full Court of the Supreme Court Victoria, where they remain pending since **May 2004**. Chief Justice Marilyn Warren and President Chris Maxwell have concealed the Grand Jury hearings involving these 5 fellow judges. The concealing of an indictable offence by the Court of Appeal is an indictable offence and voids the judgement of Nettle J and Hansen J. (May 2004 – 2012)

250 19. **Justice Alex Chernov**

During May 2004 the former **Court of Appeal Judge Mr Alex Chernov J** was criminally charged and a Grand Jury Application / Affidavit was lodged into the criminal jurisdiction of the Full Court of the Supreme Court of Victoria relating to **Chernov J as Defendant**. Such application remains pending but has been concealed by Chief Justice Marilyn Warren and President Chris Maxwell.

Resulting from such concealment **Mr Alex Chernov is the current Governor of the State of Victoria.** The concealing of an indictable offence by the Court of Appeal is an indictable offence and voids the judgement / decision of Nettle J and Hansen J. (2004 – 2012)

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20. Supreme Court of Victoria Judicial Officers

The following judicial officers of the Supreme Court of Victoria remain Defendants of pending Grand Jury applications in the State of Victoria

- a. **John Winneke (Former President of the Court of Appeal)**
- b. **Justice Brooking (Court of Appeal)**
- c. **Justice Charles (Court of Appeal)**
- d. **Justice Buchanan (Court of Appeal)**
- e. **Justice Chernov (Court of Appeal)**
- f. **Philip Cain (Registrar of Court of Appeal)**
- g. **Justice Dodds-Streeton**
- h. **Justice Nettle**
- i. **Associate Justice Ewan Evans**
- j. **Associate Justice Kathryn Kings**
- k. **Justice Thomas Smith**
- l. **Charles Wheeler (former Master of the Supreme Court and member of the supreme council of Freemasonry)**

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Within Victoria the Court of Appeal of the Supreme Court Victoria refuses to hear the Grand Jury Applications and have concealed their existence.

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21. Governor and Attorney General

On 1 January 2004 the Western Australian Governor and Attorney General removed Her Majesty Queen Elizabeth II from the stated law within Western Australia effectively destroying every jurisdiction and Parliament within the Commonwealth of Australia as founded in the Constitution Act of 1900 creating Federation therewith implicating every Governor inclusive **of the Governor**

290 **General and Prime Ministers in the criminal** offence of Treason (**Breach of Allegiance – Common Law**), thereby voiding the judgement of Nettle J and Hansen J. The concealing of an indictable offence by the Court of Appeal is an indictable offence and voids the judgement / decision of Nettle J and Hansen J. (2004 – 2012)

22. **Grand Jury Applications (54)**

300 The presiding judicial officers (Hansen J and Nettle J) took no notice of the judicial fact that no less than **54 Grand Jury applications** are lodged in the Criminal Jurisdiction of the Full Court of the Supreme Court involving the former Governor General Michael Jefferey, seven **High Court Judges**, the former Director of Public Prosecution Commonwealth, Mr Damian Bugg, the former Director of Public Prosecution Victoria, Mr Paul Coghlan (now Supreme Court judge), Attorney Generals of the Commonwealth and States, a number of Victorian Supreme Court Judges / Masters, inclusive of the Chief Magistrate of Victoria, Mr Ian Gray. Such Grand Jury applications all remain pending for “**want of prosecution**” by the Full Court of the Supreme Court of Victoria under President Chris Maxwell and Chief Justice Marilyn Warren. The concealing of an indictable offence by the Court of Appeal is an indictable offence and as such voids the judgement / decision of Justice Nettle and Hansen on 9 March 2012.

310 23. **Mr Damian Bugg**

On 15 December 2006 the former Commonwealth Director of Public Prosecutions, Mr Damian Bugg, at the Melbourne Magistrate’s Court did agree with the Chief Magistrate Mr Ian Gray and the Victorian Director of Public Prosecutions Mr Paul Coghlan, to **conceal an act of Treason**. Accordingly Mr Bugg was charged by private prosecution returnable to the Magistrate’s Court Melbourne on 29 January 2007 after which a Grand Jury application / affidavit was filed / lodged into the Criminal Jurisdiction of the Full Court of the Supreme Court Victoria naming Mr Damian Bugg, where it remains pending since January 2007. The Grand Jury application has been concealed by Chief Justice

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Marilyn Warren and President Chris Maxwell. The concealing of an indictable offence by the Court of Appeal is an indictable offence and voids the judgement of Nettle J and Hansen J. (2007 – 2012).

24. **Port Arthur, Tasmania**

This particular Ground is placed into this matter because it further relates to Mr Damian Bugg when he was Director of Public Prosecutions in Tasmania during 28 April 1996 when at the Port Arthur massacre 35 people were shot dead and another 22 people injured. Mr Bugg **concealed the following** facts from the People of Australia as did the Media and Tasmanian police:

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ii. Broad Arrow Cafe

In less than 1 minute 20 people were shot dead. 19 out of 20 were shot by single gun shots to the head fired from the right hip of the shooter.

12 other people were wounded and 32 people in total with 29 bullets.

iii. The exit door (emergency exit door) was rendered inoperative in the week prior the massacre.

iv. In less than 30 minutes at 6 different Crime Scenes at Port Arthur 35 people were shot dead and another 22 wounded in addition to 2 vehicles being disabled by what is termed “Beirut Triple”

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v. The shooter fired from the right hip and was deadly accurate showing the professional skill of a combat war veteran and marksman.

vi. Martin Bryant, the alleged perpetrator, is in fact left handed with a mental capacity of a teenager.

vii. After the massacre Bryant was locked in solitary confinement for 39 days prior to being interviewed by 2 Tasmanian Police Officers, Detective Inspectors Warren and Paine. Bryant refused to admit going to the Port Arthur site on 28 April 1996.

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- viii. Bryant was then locked back into solitary confinement for 120 days after which he purportedly entered guilty pleas to all counts.

This Ground for application for leave to Appeal is placed into this High Court Appeal specifically for **Grand Jury work relating to Mr Damian Bugg** and the office of Public Prosecutions and its **officers for the States of Victoria, Tasmania and Western Australia and the Commonwealth of Australia.**

25. **Chief Magistrate Ian Gray**

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The Chief Magistrate of Victoria, Mr Ian Gray stated in open court on 15 December 2006 when 28 Defendants were before the Court on various criminal charges exposing Treason (breach of Allegiance) and the concealment of such **Treason (Misprison of Treason):**

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

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Mr Ian Gray was a criminal Defendant in the Magistrate’s Court of Victoria on 29 January 2007 after which a Grand Jury Application was lodged into the Full Court of the Court of Appeal of the Supreme Court of Victoria, where it remains pending but concealed by the officers of the Court of Appeal. Mr Ian Gray is still the Chief Magistrate of Victoria (2007 – 2012)

26. **Public Prosecutors**

The following public prosecutors of the Commonwealth and State have been formally charged returnable to the Magistrate’s Court Melbourne, but purported delegated authority to halt the presentment and indictment thereby activating the criminal offence of *Attempting to pervert the course of justice in addition to Misprison of Treason* and implicating the actual delegate into the criminal offence.

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- a. **Damian Bugg (retired)**
- b. **Paul Coghlan (Now Supreme Court Judge)**
- c. **Darren Renton**

d. Robert Cock

Their respective Grand Jury Applications are at the Full Court of the Court of Appeal of the Supreme Court of Victoria, but remain concealed by officers of the Court of Appeal.

27. Former Governor General (Mr M Jeffery)

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During May 2004 Major General Michael Jeffery, the Governor General of the Commonwealth of Australia at the time was charged by private prosecution returnable to the Magistrate's Court of Victoria (May 2004) after which a Grand Jury Application / Affidavit was lodged into the criminal jurisdiction of the Full Court of the Supreme Court of Victoria where it remains pending but concealed by the Chief Justice Marilyn Warren and President Chris Maxwell. The concealing of an indictable offence by the Court of Appeal is an indictable offence and voids the judgement / decision of Nettle J and Hansen J. (2004 – 2012).

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28. Mr Paul Coghlan

During May 2004 the **Director of Public Prosecutions Mr Paul Coghlan** was charged by private Prosecution returnable to the Magistrate's Court Melbourne after which Grand Jury Application / Affidavit was lodged into the Full Court of the Supreme Court of Victoria where it remains pending Grand Jury but concealed by the Chief Justice Marilyn Warren and President Chris Maxwell. Mr Paul Coghlan in the interim has been **promoted into the position of a Supreme Court Judge**. The concealing of an indictable offence by the Court of Appeal is an indictable offence and voids the judgement / decision of Nettle J and Hansen J. (2004 – 2012)

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29. November 2002 (Victoria)

In relation to Mr Paul Coghlan the former Director of Public Prosecution of Victoria and now a Supreme Court judge the first Grand Jury Application involving Mr Coghlan was filed / lodged into the criminal jurisdiction of the Full

Court of the Supreme Court of Victoria on **20 November 2002** where it remains pending (**2002 – 2012**) but concealed by the Chief Justice Marilyn Warren and President Maxwell. The concealing of an indictable offence by the Court of Appeal is an indictable offence and voids the judgement / decision of Nettle J and Hansen J.

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30. **Mr R Hulls**

On 26 February 2006 Full Court of the Court of Appeal of the Supreme Court Victoria stamped and accepted the filing of a Grand Jury Application relating to and involving **Mr R Hulls, the former Attorney General of Victoria**, where it remains pending (**2006 – 2012**) but concealed by the Chief Justice Marilyn Warren and President Chris Maxwell. The concealing of an indictable offence by the Court of Appeal is an indictable offence and voids the judgement / decision of Nettle J and Hansen J. (2006 -2012)

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31. **Mr Charles Wheeler**

A further Grand Jury Application dated 19 March 2004 was lodged into the criminal jurisdiction of the Full Court of the Supreme Court of Victoria naming Mr Charles Wheeler, a former Master of the Supreme Court of Victoria, as **Defendant because of his membership in Freemasonry** and the compulsory oaths and conflicting allegiance in relation to the laws of the State of Victoria in particular section 316 of the *Crimes Act 1958* (VIC). The lodged Grand Jury Application remains pending but concealed by the Chief Justice Marilyn Warren and President Chris Maxwell. The concealing of an indictable offence by the Court of Appeal is an indictable offence and voids the judgement / decision of Nettle J and Hansen J. (2004 – 2012).

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32. **Victoria Law Firms**

The following law firms within Victoria have knowledge of the attack upon the respective Constitution but have concealed the attack.

- a. **Harwood Andrews Lawyers, Geelong, Victoria (formerly Andrews Backhouse, in particular Mr J Rutherford)**
- b. **Aitken Partners, William Street Melbourne**
- c. **Legal Rite (in liquidation**

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33. **Barristers and Solicitors in Victoria**

The following Barristers and Solicitors within Victoria have knowledge of the attack upon the respective Constitutions but have concealed the matter

- a. **John Walsh (Norfolk Island)**
- b. **Dermott Dann QC**
- c. **Robert Starry**
- d. **Theo Alexander**
- e. **J Rutherford**
- f. **Ross Delahunty**

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34. **Law Clerks, Melbourne Victoria**

All law clerk firms operating via the Bar Association of the State of Victoria have been informed in writing to advise all Barristers on their respective lists in relation to the discovered attack upon the respective Constitutions and laws of the Commonwealth of Australia. All law clerk firms have concealed the attack.

35. **The Age Reporter (Court Reporter)**

The Court room reporter for the Age newspaper is Mr Steve Butcher who has followed the same non-disclosure strategy of the Victorian Judiciary.

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“Do not inform the Public of what has happened to the Law”

36. **Justice Kaye and James Rutherford (Geelong)**

In the reasons for judgement given by Justice Kaye on 11 October 2007 (6890 of 1999) the primary judge concealed the fact that the lawyer from the law firm of **Harwood Andrews, Geelong Victoria, Mr J Rutherford** has been charged by

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private prosecution returnable to the Melbourne Magistrates Court after which a Grand Jury application was filed / lodged into the criminal jurisdiction of the Full Court of the Supreme Court of Victoria, where it remains pending, but concealed by the President Chris Maxwell and Chief Justice Marilyn Warren.

37. **Former Governor General M Jeffery**

The former Governor General Major General M Jeffery, the former Governor of Western Australia and decorated war veteran, is a **Grand Jury Defendant**, but the officers of the Full Court of the Court of Appeal of the Supreme Court of Victoria have concealed the Grand Jury application over a period of 8 years (2004 – 2012). The concealing of an indictable offence by the Court of Appeal is an indictable offence and voids the judgement of Nettle J and Hansen J.

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38. **Attorney Generals**

The following Attorney Generals operating within the Commonwealth of Australia, either out of office or presently in office or retired, all remain Defendants in pending Grand Jury hearings in Victoria. But such Grand Jury applications have been concealed by officers of the Full Court of the Court of Appeal of the Supreme Court of Victoria. The concealing of an indictable offence by the Court of Appeal is an indictable offence and voids the judgement of Nettle J and Hansen J.

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- a. **Mr R Hulls (Victoria)**
- b. **Mr P Ruddock (Commonwealth)**
- c. **Mr J McGinty (Western Australia)**
- d. **Mr K Shine (Queensland)**
- e. **Mr S Stirling (Northern Territory)**
- f. **Mr M Atkinson (South Australia)**
- g. **Mr S Corbell (Australian Capital territory)**
- h. **Ms S Kornis (Tasmania)**
- i. **Mr R Debus (New South Wales)**

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39. **Gillard – Beazley and Howard**

Three Commonwealth Politicians were formally charged returnable to the Magistrate’s Court. All remain pending Grand Jury Application, but have been concealed by officers of the Full Court of the Court of Appeal of the Supreme Court of Victoria since 2006 (2006 – 2012)

- a. **Ms Julia Gillard PM (29 January 2007)**
- b. **Mr John Howard (15 December 2006)**
- c. **Kim Beazley (15 December 2006)**

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40. **Mr Peter Ryan MP (Victoria)**

Mr Peter Ryan (Police Minister, Victoria) was personally handed the two charge sheets relating to and involving both the former Attorney General of Victoria, Mr R Hulls and the current Prime Minister, Ms Julia Gillard, in his office at the Victoria Parliament House in Melbourne. Mr Peter Ryan has concealed these charges from the Electorate and the members of Parliament in his official capacity as Police Minister.

41. **Victorian Police**

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The Victorian Police over a long period of time have concealed the criminal offence of Treason (Breach of Allegiance) in every situation where they have been present in a court room when the offence has explicitly been revealed. The principal offenders come from the Police Prosecutors Division of the Sunshine Magistrate’s Court, but not limited to this Court within Victoria.

42. **Judges Kirby and Callinan (High Court of Australia)**

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During the course of the Shaw / Fragapane litigation in 2006 two judges of the High Court, namely **Justice Kirby and Justice Callinan** declined Leave to Appeal but in so doing concealed a large number of serious indictable offences.. Accordingly both judges were charged by Private Prosecution returnable to the Magistrate’s Court Melbourne on **25 September 2006** after which Grand Jury Applications / Affidavits were lodged into the Full Court of the Supreme Court

of Victoria where they where it remains pending but concealed by the Chief Justice Marilyn Warren and President Chris Maxwell. The concealing of an indictable offence by the Court of Appeal is an indictable offence and voids the judgement / decision of Nettle J and Hansen J.

43. **Five High Court Judges**

550 During January 2007 the other 5 High Court Judges namely **Chief Justice Anthony Gleeson, Justice William Gummow, Justice John Heydon, Justice Kenneth Hayne and Justice Susan Crennan** were charged by private prosecution returnable to the Magistrate's Court Melbourne on 29 January 2007 after which Grand Jury Applications / Affidavits were lodged into the Full Court of the Supreme Court of Victoria for each Defendant where they remain pending but concealed by the Chief Justice Marilyn Warren and President Chris Maxwell. The concealing of an indictable offence by the Court of Appeal is an indictable offence and voids the judgement / decision of Nettle J and Hansen J. (2007 – 2012).

The wording of the charges concerning the 5 High Court Judges is as follows:

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“On 1 January 2004, the Government of Western Australia at Perth, WA, inclusive of the Executive, Legislative and Judicative in agreement with “The Commonwealth” did enact an overt Act titled *Acts Amendment and Repeal Courts and Legal Practice Act 2003 (WA)*. By such enactment an act of Treason was committed. Such Treason has been concealed by the Defendant since the date of enactment up to and inclusive of the present date.”

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The Common Law charge of Misprison of Treason also applies. Both criminal offences carry penalty of life imprisonment. The existence of such criminal charges and Grand Jury applications has been concealed by the Chief

Justice Warren and President Maxwell. The concealing of an indictable offence by the Court of Appeal is an indictable offence and voids the judgement / decision of Nettle J and Hansen J.

44. **High Court Defendants**

The following judicial officers of the High Court remain Defendants in pending Grand Jury Applications:

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- a. **Anthony Murray Gleeson (former Chief Justice)**
- b. **John Dyson Heydon**
- c. **William Montague Charles Gummon**
- d. **Susan Maree Crennan**
- e. **Kenneth Madison Hayne**
- f. **Michael Kirby**
- g. **Ian Callinan**

Within Victoria the Court of Appeal of the Supreme Court Victoria refuses to hear the Grand Jury Applications and have concealed their existence.

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45. **County Court Victoria**

The following judges of the County Court of Victoria have knowledge of the Criminal offences of Treason (breach of Allegiance) and Misprison of Treason, but have concealed the revealed criminal actions:

- a. **Justice Hannah (29 October 2010)**
- b. **Justice Sexton (17 February 2012)**

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46. **Magistrates (Victoria)**

The following Magistrates have concealed the criminal offences of Treason (breach of Allegiance) and the existence of lodged Grand Jury Applications at the of the Full Court of the Court of Appeal of the Supreme Court of Victoria:

- a. **Charles Hoslbury (Sunshine, 11 February 2010)**

b. **Angela Bolger (Werribee, 15 February 2010)**

c. **Magistrate Hubble (Sunshine)**

47. **Joanna Duncan and Athol Guy (Victoria)**

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The current State politicians for the Macedon Electorate is **Joanna Duncan** (Gisborne Victoria, 42,000 electors), who stated that she would not be informing her electorate of the removal of the Crown of the United Kingdom nor of the criminal charge on the Australian Labor Party member, the current **Prime Minister, Ms Julia Gillard**. **Mr Athol Guy**, a former State Politician returned all documents and effectively concealed the criminal offences from the People and the Electorate.

48. **Removal of Allegiance (Western Australia)**

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On January 2004 The Parliament of Western Australia removed the Crown of the United Kingdom inclusive of her Majesty Queen Elizabeth, her Heirs and Successors and Subjects inclusive of the removal of the Statutory Allegiance and substituted either State or Commonwealth inclusive of substituting the Governor for the Queen **thereby voiding the Governor's Writ under section 12 of the Commonwealth Constitution 1900**. The flow on constitutional effect is that the purported power and jurisdiction of the Court of Appeal of the Supreme Court of Victoria is also voided inclusive of the judgement / decision of Justices Nettle and Hansen.

49. **Three Prime Ministers (Howard, Rudd and Gillard)**

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The constitutional effect of the overt act out of Western Australia purportedly enacted 1 January 2004 means that John Howard, Kevin Rudd and Julia Gillard PM have been presiding in the capacity or office as Prime Ministers illegally and have by **fraud concealed this fact** from the Electorate in the same manner as the officers of the High Court and the Supreme Court of Victoria have concealed the criminal offence of Treason (Breach of Allegiance) accordingly the purported judgement / decision of Nettle J and Hansen J is void in law.

50. **The Inter se issue**

640 The Inter se issue stems from section 74 of the *Commonwealth Constitution* and is interlocked with section 22 and 23 of the *Judiciary Act 1903* (CTH). There was no Referendum held to alter or remove section 74 from *the Constitution* accordingly section 74 remains valid. The Inter Se issue deprives the Victorian Supreme Court of its jurisdiction and the matter is automatically removed into the High Court of Australia.

- a. *Pirrie v McFarlane* (1925) 36 CLR 170, Knox CJ at clauses 4 and 9
- b. *Pirrie v McFarlane* (1925) 36 CLR 170, Isaacs J at clause 7(1) and 8(3)
- c. *Pirrie v McFarlane* (1925) 36 CLR 170, Higgins J at clause 9
- 650 d. *Pirrie v McFarlane* (1925) 36 CLR 170, Starke J at clause 3 and 8
- e. *Flint v Webb* (1907) 4 CLR 1178 at 1180, 1182, 1183 and 1187
- f. *The Commonwealth of Australia v Kreglinger* (1926) VLR 310 at 332/334, 340, 354 and 364

Accordingly because of the Inter Se issue and required statutory procedure under the *Judiciary Act 1903* the Supreme Court was deprived of jurisdiction.

51. **The Fraud of the Australia Act (Nine Frauds)**

660 In submitting this Application I will make it very clear at the beginning what the difference is between the Constitution of the Commonwealth of Australia and the Corporation of the Commonwealth of Australia The Constitution was granted to the people by Queen Victoria

The Corporation is the ruling entity that owns, runs and controls the City of London which is not subject to nor under any law of the Monarch of England

This is the First Fraud.

Prior to Federation in 1900 Australia was divided into Colonies, after Federation the Colonies became States, but, each State was subject to the Constitution Prior to the Australia Act any bill either State or Commonwealth touching a

670 Constitutional issue had to be reserved for Royal Assent involving the Two Houses of Parliament back in England in the process
By 1984 the International Socialist movement specifically the Fabian Socialist had succeeded in getting Mr R Hawke elected as Prime Minister of Australia.

The Second Fraud

680 In a 1996 Senate Standing Committee paper titled "*Aspects of Section 44*" Professor Blackshield submitted a paper to the committee which stated that Mr Hawke may have a case to answer in relation to Section 44 of the Commonwealth Constitution Act 1900 in that at the time of being Prime Minister Mr Hawke was also a Honorary Citizen of Israel

The Third Fraud

Prior to the actual enactment of the Australia Act 1986 new "Letters Patent" were issued, it appears that the signature to the new Letters Patent signed at Balmoral in Scotland in 1984 was Mr R Hawke

The Fourth Fraud

690 To avoid having to send the Australia Act to a Constitutional referendum Mr Hawke and the Six Premiers involved decided to use section 51 (xxxviii) of the Commonwealth Constitution

The Fifth Fraud

By using Section 51 not Section 128 this activated State Request Acts and as such under their State Constitutions, Elector approval had to be sought prior to any Royal Assent being granted.

The Sixth Fraud

In Western Australia. section 73 of their State Constitution
(2) A Bill that -

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(e) expressly or impliedly in any way affects any of the following sections of this Act, namely - sections 2,3,4, 50, 51 and 73, shall not be presented for assent by or in the name of the Queen unless -

(g) the Bill has also prior to such presentation been approved by the electors in accordance with this section, and a Bill assented to consequent upon its presentation in contravention of this subsection shall be of no effect as an Act.

In Queensland, section 53 of their State Constitution

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53.(1) A Bill that expressly or impliedly provides for the abolition of or alteration in the office of Governor or that expressly or impliedly in any way affects any of the following sections of this Act namely- sections 1 , 2, 2A, 11A, 118; and this section 53 shall not be presented for assent by or in the name of the Queen unless it has first been approved by the electors in accordance with this section and a Bill so assented to consequent upon its presentation in contravention of this subsection shall be of no effect as an Act.

In New South Wales, section 7 of their State Constitution

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

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

The Seventh Fraud

Within the Australia Act 1986 section 14 amends the Western Australian Constitution by amending section 50 and 51, but, these particular sections are bound to elector consent and approval at section 73 of the Western Australia Constitution

The Eighth Fraud

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Within the Australia Act 1986 section 13 amends the Queensland Constitution by amending section 11A and 118, but, these particular sections are bound to elector consent and approval at section 53 of the Queensland Constitution

The Ninth Fraud

After the purported enactment of the Australia Act 1986 "Reservation of Bills" for Royal Assent stopped and Royal Assent to Constitutional amendments operated within

Australia after 198d without any knowledge of the electorate, that "Primary Fraud" had occurred in relation to The Constitution of the Commonwealth of Australia as opposed to the Corporation of the Commonwealth of Australia operating via the Corporation of the City of London

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ORDERS SOUGHT

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1. That Leave be granted.
2. That the matter be referred back to the Full Court of the Court of Appeal of the Supreme Court of Victoria for immediate Grand Jury process.

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10TH APRIL 2012.

[Handwritten signature]

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To: ~~The Respondent~~ *THE FIRST RESPONDENT*

G Fragapane Nominees Ltd
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766 Duncan's Road
Werribee South, VIC 3030

C/O Harwood Andrews Lawyers
70 Gheringhap Street
Geelong, VIC 3220

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

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

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To *SECOND RESPONDENTS.*

*ADAM JAMES SHAW
BENJAMIN JON SHAW*

ADDRESS FOR SERVICE

*PO BOX 800 WERRIBEE 3030. VIC.
By REGISTERED MAIL,*

27/25