

AFFIDAVIT

NUMBER 37.

CONSTITUTIONAL

AND LEGAL NOTICE

SHAW v Mc Binny
DAMIAN BUBB

CACV 83 - 2005

WESTERN

AUSTRALIA.

ACCOMPANYING AFFIDAVIT (37)

IN THE COUNTY COURT OF VICTORIA AT MELBOURNE AP-16-1957

IN THE MATTER of an application under section 54 of the Vexatious Proceedings Act 2014

BETWEEN

THE ATTORNEY GENERAL FOR THE STATE OF VICTORIA Plaintiff

And

BRIAN WILLIAM SHAW CONSTITUTIONAL NOTICE (WA) Defendant

SHAW- Mc BINTY AND DAMIAN BULL.

| | | | |
|---------------------|---|------------------|-----|
| Date of Document: | September 2016 ^{one} 14 DECEMBER | Solicitors Code: | N/A |
| Filed on behalf of: | The Applicant | Telephone: | |
| Prepared by: | Brian William Shaw | DX: | N/A |
| | | Ref: | N/A |

I, Brian William Shaw, c/- of PO Box 800 Werribee Victoria do state and affirm the following:-

1. I STATE that this AFFIDAVIT EXHIBIT A IS FULL CONSTITUTIONAL NOTICE (JUDICIARY ACT 1903 S. 78 B)

2. COURT of APPEAL (WA) MATTER NO CACV 83 - 2005

AFFIRMED BY Brian W Shaw AT GISBORNE

DATE 14.12.2016

WITNESSED Clemson

CARMEL CLEMSON JP
3/84 HAMILTON STREET
GISBORNE 3437
JUSTICE OF THE PEACE FOR VICTORIA
REG. NO 12356

//.

SUPREME COURT OF WESTERN AUSTRALIA
COURT OF APPEAL

NO.: *CACV* 83 OF 2005
Notice 78B

BETWEEN

Brian William Shaw

Appellant

And

Attorney General Mr J McGinty

First Respondent

And

Mr Damian Bugg

Second Respondent

Commonwealth Director of Public Prosecutions

Constitutional Notice

Plus Legal Notice

1. The appellant gives notice that the proceeding involves a matter under the Constitution or involving its interpretation within the meaning of section 78 B of the Judiciary Act 1903
2. The nature of the matter is Quasi-Criminal involving collusion, corruption, fraud and common-law treason
3. The criminal element arises in this civil matter, because of the existence and involvement of Freemasonry in the Government of Western Australia, inclusive of the Courts, Parliament and Church within the State of Western Australia

4. Freemasonry, and all members belonging to Freemasonry or "the Masonic Lodge" or "Lodge" or "craft", serve the occult organisation known as the "Illuminati" to achieve a new world order
5. All and every member of Freemasonry, or Illuminati, is bound to the organisation and the aims/plans by secret oaths (termed obligations).
6. Within the State of Western Australia. The taking and administering of any "unlawful oath" is an indictable offence at section 48 of the West Australian Criminal Code 1913, penalty is 7 years jail
7. Freemasonry, more specifically, the Illuminati is a Foreign Power, operating in and controlling State Governments, including the Commonwealth Government, involving all arms of Government, Executive, Legislative and Judicial. In addition to "The Church"
8. The organisational structure of Freemasonry/Illuminati, is organised into numerous ranks and titles and separated into various rites such as the York Rite, the Scottish Rite, the Memphis Rite, but not limited to these.
9. Entry into Freemasonry/Illuminati is via what is termed, "the Blue Lodge." comprising, three specific rites and rituals termed the Entered Apprentice Degree, the FellowCraft Degree and the Master Mason degree. All these degrees require the compulsory taking of an oath/obligation, administered by fellow masons, already bound by such oaths/obligations.
10. The law of England, inherited into Australia, inclusive of all the States, is Christian. Not Catholic, nor Muslim nor Jewish, but Christian, evidenced by the Profession of Faith, volume 9 and 1688.

11. The Profession of Faith, found in volume 9 of the 1688 Bill of Rights, at page 23 states.

Statutes at Large Volume 9
1st Will & Mary to 8th Will III
At Page 23 1688 Bill of Rights

And shall subscribe a profession of their Christian Belief in these words

“I, Profess faith in God the Father, and in Jesus Christ his Eternal Son, the True God, and in the Holy Spirit, One God Blessed for Eternal, and do acknowledge the Holy Scriptures of the Old and New Testament to be given by Divine Inspiration”

12. The statement placed into the Commonwealth Constitution of 1900 state's the words, "*humbly relying on the blessing of Almighty God*", refers to Almighty God as revealed in the Old and New Testament. It is not a reference to "**The Supreme Being of Freemasonry**", nor, "**to Allah of the Muslims.**" Nor, to "Mary or Peter of the Catholics." The reference refers to Almighty God, as Father of our Lord Jesus Christ, exactly as professed in 1688, and included into the Commonwealth Constitution Act 1900

13. The secret agenda of **Freemasonry/Illuminati** is to infiltrate all structures of Government and destroy the Christian Faith and trust in "**Almighty God**" ultimately, to substitute with their law of the "**New World Order**"

14. The founder of the Illuminati (**Adam Weishapt**) stated:

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

(Source Book: “The Committee of 300 by J Coleman.)

15. The Entered Apprentice Degree

Masonic oath/obligation

Taken into semi darkened room, during a Masonic ritual, semi naked, blindfolded, rope around neck and knife at heart. (Video evidence has been submitted in addition to former Mason's Affidavits). The other two oaths are taken in a similar condition.

a. MASONIC OATH/OBLIGATION.

ENTERED APPRENTICE (Blue Lodge)

*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/OBLIGATION.

FELLOWCRAFT (Blue Lodge)

*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/OBLIGATION

MASTER MASON (Blue Lodge)

*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)*

16. Old Testament (False Oaths/Obligations: Curse)

a. (Zechariah 5:3-4).

“Then said he unto me, This is the curse that goeth forth over the face of the whole earth: for every one that stealeth shall be cut off as on this side according to it; and every one that sweareth shall be cut off as on that side according to it. I will bring it forth, saith the LORD of hosts, and it shall enter into the house of the thief, and into the house of him that sweareth falsely by my name: and it shall remain in the midst of his house, and shall consume it with the timber thereof and the stones thereof”.

b. (Zechariah 8:16-17)

"These are the things that ye shall do; Speak ye every man the truth to his neighbor; execute the judgment of truth and peace in your gates: And let none of you imagine evil in your hearts against his neighbor; and love no false oath: for all these are things that I hate, saith the LORD."

New Testament (Oaths/Obligations: Forbidden)

c. (Matthew 5:33-37)

"Again, ye have heard that it hath been said by them of old time, Thou shalt not forswear thyself, but shalt perform unto the Lord thine oaths: But I say unto you, Swear not at all; neither by heaven; for it is God's throne: Nor by the earth; for it is his footstool: neither by Jerusalem; for it is the city of the great King. Neither shalt thou swear by thy head, because thou canst not make one hair white or black. But let your communication be, Yea, yea; Nay, nay: for whatsoever is more than these cometh of evil"

d. (James 5:12)

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

17. Section 48.1(g) Criminal Code 1913 (WA)

(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.

18. Government House, the residence of the Governor of the State of Western Australia, situated in St Georges Terrace, Perth, is in actual fact, a "Masonic Temple" witnessed or evidenced by the Masonic Cornerstone in the north-east corner of the temple.
19. Across the road, is the Anglican Church Cathedral a fertile recruiting ground for all people especially legal people, desiring to join Freemasonry in Western Australia, the various Egyptian Obelisks around Perth, add to the situation

20. Concerning the law of England, the legal and historical enemy of "Biblical Christianity" is and remains the Church of Rome, evidenced by the contents of the 1688 Bill of Rights and 1700 Act of Settlement, such law, excludes Catholics from Crown and Succession, for the simple historical fact, that the Church of Rome did hunt and kill all and any who had access to "**Scripture**", rather than "**Traditional Dogma or Doctrine.**"
21. Historically, the Crusades into the Holy Land were not "Christian Crusades" they were in fact, "Catholic Crusades" and as such, the Church of Rome, created two secret arms of Freemasonry, the Knights of St John of Jerusalem (or Knights Malta) and the Knights Templars, still in existence today.
22. Historically, in the 13th century, the Church of Rome, the original founder of the Knights Templars, outlawed the Knights Templars, confiscated all property that they could obtain belonging to Templars and executed (burnt at the stake), Templars, including the Grandmaster at the time, Jacques de Molay.
23. Historically and legally in 1540 English statute law banned the Knights of St John of Jerusalem from England, as part of the European uprising against the Church of Rome's domination of Europe, and methods of subjection to such domination
24. Historically, the European Reformation separated "Biblical Christianity" from the Church of Rome, legally by Statute Law establishing the Church of England (the Anglican Church) during the same period, as the reformation
25. The Counter Reformation against Biblical Christianity was immediately commenced and continues today, using the secrecy demanded by Freemasonry/Illuminati.
26. By inherent legal continuum Section 49 of the Commonwealth Constitution of 1900, contains the **1688 Bill of Rights** and the **Act of Settlement 1700**. Such

Section (S.49) can only be removed or altered by activating Section 128 of said Constitution

27. Freedom of religion is contained in Section 116 of the Commonwealth Constitution. Also included is a binding condition, **that is**, no test, oath/obligation, be applied.
28. Section 116 is breached by the **Secret Religion of Freemasonry**, on the simple fact that Freemasonry does apply a compulsory test or **oath/obligation**, to join their ranks, but, at the same time state that:
"We are not a religion, but members must acknowledge a supreme being."
This is religion. The religion of Freemasonry bound by oaths/obligations, amounting to a **test**
29. The current Governor General, Mr Jeffrey is a self-confessed Freemason, additionally was the former Governor of Western Australia, is also a trained soldier and currently the Head of all Armed Forces within the Commonwealth of Australia.
30. As a Freemason Mr Jeffrey, both serves and obeys all orders, ethics, oaths/obligations and laws emanating via Freemasonry/Illuminati lodges or meetings.
31. Mr Jeffrey currently has a Grand Jury Hearing Application lodged at the Full Court of the Supreme Court Victoria for this offence of taking an unlawful oath/obligation
32. The current Attorney General of the State of Western Australia, Mr McGinty also has a filed Grand Jury Application sitting at the Full Court of the Victorian Supreme Court in relation to specific Indictable Offences.

33. The Commonwealth Director of Public Prosecutions Mr Damian Bugg also has a filed Grand Jury Application at the Full Court of the Victorian Supreme Court in relation to the concealment of and failure to prosecute these offences

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.

34. Section 44 of the Commonwealth Constitution concerns Senators and House of Representatives, people being disqualified if they serve a "**Foreign Power.**"
35. Freemasonry/Illuminati is a Foreign Power, operating within the Commonwealth of Australia, protected by the Courts and Judges, who refuse to give any orders relating to "discovery" in particular, the "Justice Lodge" in the State of Western Australia.

COMMONWEALTH CONSTITUTION ACT - SECT 5
Operation of the Constitution and laws

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

36. On January 1, 2004, the Parliament of the State of Western Australia, enacted an Act signed by Mr McGinty, Attorney General and Mr Sanderson, Governor, titled, The Acts Amendment and Repeal Courts and Legal Practice Act 2004 (WA), such Act is ultra vires, in addition to being a subverted attack on the

Monarch of the Constitution, State and Commonwealth, in addition to the Crown.
Forbidden by statute law contained Section 49 of the Commonwealth Constitution

37. Section 73.2 (e) of the West Australian Constitution states:

(2) A Bill that —

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 —

38. Section 73.2 (f) of the West Australian Constitution states:

*(f) the second and third readings of the Bill shall have been passed with the concurrence of an **absolute majority** of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly, respectively; and*

39. Section 73.2 (g) of the West Australian Constitution states:

*(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.

40. Section 2.(1) (2) (3) of the West Australian Constitution states:

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

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

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

41. Section 50 of the West Australian Constitution states:

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

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

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

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

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

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

42. Section 51 of the West Australian Constitution states:

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

43. Section 73.2 (g) of the West Australian Constitution is the direct **responsibility of Members of Parliament** to observe and protect to ensure full legal participation of the electorate in any Bill affecting sections 2, 3, 4, 50, 51 and 73

44. The Acts Amendment and Repeal Courts and Legal Practice Act 2003 (WA) did affect sections 2, 50, 51 and 73 of the Western Australian Constitution, but, failed to abide by the constitutional conditions set down in Constitutional Law creating *Inter Se* issue

45. Legal reliance cannot be placed on the Australia Act 1986 because section 14 of such Act amended/altered sections 50 and 51 of the Western Australian Constitution, but, in so doing **failed to abide by the conditions** set out in the Constitution at section 73 (1) (2) (3) (4) (5).

46. Accordingly, the Australia Act is ultra vires, in the light of this revealed legal fact.
(*Inter Se*).

47. The Australia Act being ultra vires, concerning the West Australian Parliament's failure to abide by section 73.2 (g) of their Constitution reactivates the "**former legal right**" to go direct from the West Australian Supreme Court to the Privy Council in England. (*Inter Se*)

48. *Inter Se* issues can only be legally dealt with in the original jurisdiction of the High Court, no other court, inclusive of the Supreme Court Court of Appeal, has any jurisdiction whatsoever to legally hear or determine *inter se* issues.

49. Accordingly, the registrar of the WA Court of Appeal has been requested in writing to transfer the matter into the High Court, copy of letter is enclosed with this notice

50. Section 76 of the Commonwealth Constitution states:

COMMONWEALTH CONSTITUTION ACT - SECT 76
Additional original jurisdiction

The Parliament may make laws conferring original jurisdiction on the High Court in any matter:

- (i) arising under this Constitution, or involving its interpretation;
- (ii) arising under any laws made by the Parliament;
- (iii) of Admiralty and maritime jurisdiction;
- (iv) relating to the same subject-matter claimed under the laws of different States.

51. Section 42 Crimes Act 1914 states:

CRIMES ACT 1914 - SECT 42
Conspiracy to defeat justice

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

Penalty: Imprisonment for 5 years.

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

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

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

52. Section 43 Crimes Act 1914 States:

CRIMES ACT 1914 - SECT 43

Attempting to pervert justice

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

Penalty: Imprisonment for 5 years.

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

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

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

53. Section 44 Crimes Act 1914 States:

CRIMES ACT 1914 - SECT 44

Compounding offences

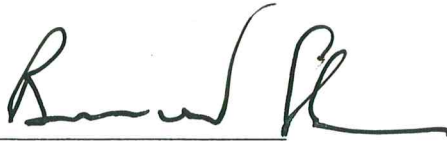
Any person who asks receives or obtains, or agrees to receive or obtain, any property or benefit of any kind for himself or any other person, upon any agreement or understanding that he will compound or conceal any indictable offence against the law of the Commonwealth or a Territory, or will abstain 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.

54. This notice is both a Constitutional Notice (78B), additionally, a legal notice, (referred to clause 2. In this notice)

Filed by:

Brian W Shaw:

A handwritten signature in black ink, appearing to read 'Brian W Shaw', written over a horizontal line.

280 Leakes Road Truganina Victoria 3030

& 12 Thompson Street Ascot WA 6104

Enclosed is a copy of the letter to Registrar Court of Appeal WA