

AFFIDAVIT

NUMBER 38.

ELECTION PETITION

SHAW v

WARWICK

GATLEY.

HEARD

ON THE PAPERS

By

JUSTICE GARDNER.

ACCOMPANYING AFFIDAVIT (38)

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 Defendant

ELECTION PETITION  
SHAW v W. GATREY  
BY CIVE  
Signed 27.1.2015

Date of Document:	September 2016 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:-

- I STATE THAT THIS AFFIDAVIT EXHIBITS THE ELECTION PETITION LODGED BY MYSELF AGAINST MR. WARWICK GATREY
- I STATE THAT BOTH GOVERNOR CHERNOB AND WARWICK GATREY ARE PRINCIPAL TO CRIMINAL OFFENCES ON THE TERRITORY

Brian Shaw  
McLennan

//

3. I STATE THAT MY PAGES 2/3  
NUMEROUS INDIVIDUALS DID HAVE  
NOTICE AND KNOWLEDGE, BUT, ELECTED  
TO CONCEAL THE EVIDENT FACTS.
4. KATE DANIEL IS MENTIONED AS PAGE 3/8
5. JUSTICE Mc DONALD IS MENTIONED AS  
PAGE 4.
6. THE FACTS RELIED ON ARE AT PAGE 7.
7. INQUIRY OF JUSTICE GORDON (SUPERIOR COURT)  
ALL HAVE CONCERNED THE OFFENCES DISCOVERED.

AFFIRMED BY:

Bennett

AT:

GISBORNE

THIS FOURTEENTH DAY OF SEPTEMBER, 2016.

DECEMBER <sup>BY</sup> CME

BEFORE ME:

C. M. Clemson

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

BRIAN WILLIAM SHAW  
Petitioner

BETWEEN:

MR WARWICK GATELY  
VICTORIAN ELECTORAL COMMISSIONER  
VICTORIAN ELECTORAL COMMISSION (VEC)  
Respondent

**ELECTION PETITION**

1. This Petition is lodged under the *Common Informers (Parliamentary Disqualifications) Act 1975*.

Because of the interlocking election writs issued by Governor Alex Chernov for and on behalf of the State of Victoria, specifically the recent State election writs for the Legislative Assembly and Council but, prior to this election the issue of the Senators writ under the Senate provisions of the Constitution of the Commonwealth of Australia.

2. The Petition is lodged into the Supreme Court of the State of Victoria into the Court of Disputed Returns in relation to the most recent State election conducted by the Victorian Election Commission by writs issued on 4 November 2014 under the hand of the current Governor for the State of Victoria Alex Chernov. For the general election of eighty-eight members of the Legislative Assembly and forty members of the Legislative Council.
3. The writs were issued to Mr Warwick Gately the Electoral Commissioner for the Victorian Electoral Commission. Mr Gately formerly worked for the Western Australian Electoral Commission in the State of Western Australia.
4. This Petition states that the purported election was called and conducted on invalid election writs compounding into criminal election writs.
5. The Petition states that the election of the candidate Mary-Anne Thomas into the State Seat of Macedon; Electorate office situated at 9 Goode Street Gisborne in the State of Victoria is a result obtained by fraud, both civil and criminal but not limited to Mary-Anne Thomas.

6. The following people were informed by registered post prior to the election.

	<b>Reg. post #</b>
A. Mary-Anne Thomas	515250748010
B. Joanne Duncan	515617003011
C. Donna Petrovich	515617001017
D. Amanda Millar	515617002014
E. Palmer United Party Clive Palmer	515250653017
F. Mr Warwick Gately Victorian Electoral Commission	515617035012
G. Victoria Electoral Commission Warwick Gately Glenda Frazer Steve Kennedy	515908417015
H. Daniel Andrews	515617034015
I. Mr Denis Napthine	515617033018
J. Liberal Party (Vic) The President	515617032011
K. Australian Labor Party The President	515617031014
L. Rise Up Australia Party Daniel Nalliah	515810649016
M. Rise Up Australia Party Daniel Nalliah	515617004018
N. Geoff Shaw	515617005015

O. Herald Sun 515905724017  
Damian Johnston  
James Campbell  
Terry McCann

P. Jeanne Pratt 515908427014  
"Raheen"

7. Joanna Ryan 60705676324093  
Federal – Lalor

Senator Madigan 60705676322099

Rick Muir 60705676341090  
60604658076094

Clive Palmer 60104787091090

8. Prior to the State election

A. Documents revealing electoral fraud were hand delivered to the voting centre for Macedon situated at 17 Goode Street Gisborne (Early Voting Centre) and were accepted by the Voting Centre Senior Person Kate Daniel who made a verbal undertaking to forward the documents to the Victoria Electoral Commission main office.

B. On the actual day of the election the same person Kate Daniel made the same verbal undertaking after additional documents were handed to Kate Daniel at the Election Office District of Macedon.

9.

A. Over a number of years legislation has been introduced and enacted into respective Parliaments using Attorney-Generals, Governors and Governor-Generals to enable the passage and enactment, such legislation enacted and acted upon contrary to the respective Constitutions of the States and Commonwealth of Australia.

B. The respective legislation did require elector approval by referendum but this statutory and mandatory requirement was omitted thereby creating invalidity and activating criminal activity against the elector/electorate.

REFUSED.

C. On the 10 November 2014 in the Practice Court of the Supreme Court of Victoria Justice McDonald ~~referred~~ an application to file and serve criminal process by private prosecution on 110 named Defendants involving and including in Victoria Governor Alex Chernov, Warwick Gately (VEC), Daniel Andrews, Denis Napthine, the twelve Victorian Senators, Robert Clark, Mr R. Hulls, Joanne Duncan, Geoff Shaw, Peter Ryan, Daniel Nalliah, Glenda Frazer (VEC), Steve Kennedy (VEC), Brendan Facey (Sheriff) to mention a few of the 110 Defendants before Justice McDonald on 10 November 2014. The refusal activated the election date of 29 November 2014. The criminal charge was and remains in relation to each individual named and in respect of Justice McDonald any additional criminal charge under Section 34 *Crimes Act 1914 (Commonwealth)*.

## 10. The Common Law

Charge and Offence

Fraud at Common Law

“The accused in the period from 1 January 2004 up to and inclusive of present time, in the State of Victoria, an original State within the Commonwealth of Australia, did with deliberate intent conceal and has continued to fraudulently conceal from the electorate (the voters) the unlawful and illegal removal of the statutory Oath of Allegiance to Queen Elizabeth the Second and substitution of the Governor of Western Australia in the place of the Queen and subsequent removal of the Crown without the statutory referendums after the enactment of the overt Act titled “Acts Amendment and Repeal (Courts and Legal Practice) Act” within the Commonwealth of Australia.”

11. The writs for the State election were issued on the 4 November 2014, the criminal issues were before the Supreme Court (Justice McDonald) on 10 November 2014, the close of Rolls was 11 November 2014, final nomination was 14 November 2014, and Election Day was 29 November 2014.

12.

- A. The Supreme Court of the State of Victoria, in particular specific officers of such Court have concealed the real facts over a period of years.
- B. The Federal Court has concealed the real facts.
- C. The High Court has concealed the real facts.
- D. The Magistrates Court of Victoria has concealed the real facts.

- E. All Attorney-Generals have concealed the real facts.
- F. The Governor-Generals and State Governors and Premiers have concealed the real facts.
- G. All Public Prosecutors, State and Commonwealth, have concealed the real facts.
- H. The Prothonotary and staff at the office of the Supreme Court of Victoria continue to demand money with each Application, even though the documents reveal serious indictable offences committed by officers of such court.

#### Return of Writs

The writs for the Legislative Council and Assembly were returned to Governor Alex Chernov on the 18 December 2014.

#### Entitlement to File

The Petitioner is entitled to file this Petition being a Victorian and a registered voter in the State of Victoria (Macedon) in addition to a registered voter in the Commonwealth of Australia, formerly Lalor now McEwen.

#### Statement of Facts

On the 4 November 2014 the current Governor of the State of Victoria did order writs to be issued for the Victorian Electorate to vote for people to represent them in the Legislative Council and Assembly sitting in the parliament of the State of Victoria.

#### Notice of Election

The Clerk of the Executive Council Yvette Carisbrooke did give notice of the issue of the respective writs by the Governor Alex Chernov.

Date of Issue	4 November 2014
Date for close of Rolls	11 November 2014
Final Nomination Day	14 November 2014
Election Day	29 November 2014
Return of writs	19 December 2014



## The Election

1. Total number of Victorian electors enrolled to vote was 3,806,301.
2. A large number of voters did vote prior to the polling date either by the services of Australia Post or Early Polling Centres, the essence of the Rigoni Petition but in relation to Australia Post this would involve postal fraud when the real facts are revealed.

## Facts relied upon to dispute the Election

1. The election was called and conducted by fraud.
2. The Governor Alex Chernov, the Commissioner Warwick Gately inclusive of the Victorian Electoral Commission collectively committed fraud on the Victorian electorate with deliberate intent because of prior knowledge.
3. On the 1 January 2004 the Governor, John Sanderson of the State of Western Australia removed the Queen and substituted himself creating invalidity and at the same time serious indictable offences and concealed this fact from the State electors inclusive of the Commonwealth electors.
4. The enactment to this criminal act was signed by the then Governor John Sanderson and co-signed by the Attorney –General Mr James McGinty on 1 January 2004.
5. The overt Act did commit the following indictable offences but not limited to these offences.
  - A. Fraud
  - B. Treason (Breach of Allegiance)
  - C. Misprision of Treason (Concealment)
  - D. Compounding offences
6. The overt Act committed in the State of Western Australia involving the Governor General, all State Governors and all Attorney Generals in the legal liability of principals to the criminal act/offence and as such involves Alex Chernov (Governor) and Warwick Gately (Western Australia/Victoria) in serious indictable offences voiding their respective Grants of Power to issue election writs or writ.
7. During May 2004 Alex Chernov was presented to the Magistrates Court in the State of Victoria at Melbourne with seven Defendants, all Defendants inclusive of Alex Chernov remain pending grand jury process, but this fact has been concealed.

## Facts relied on to dispute election

1. Alex Chernov did not exercise a valid Constitutional Grant of Power to issue the writs.
2. Alex Chernov remains a Defendant pending grand jury.
3. Alex Chernov was a former Supreme Court Judge and in such capacity was one of the five judges who heard a Grand Jury Application (2001) in relation to Freemasonry Victoria specifically the compulsory requirement to take Masonic Oaths for membership.

Such Oaths in particular, the Oaths for Blue Lodge, do breach Section 316 *Crimes Act 1958* Victoria.

4. The five judges in 2001 entered into the evidence and in such breach did void the hearing and reinstated the legal right for a new hearing based on law existing in 2001.
5. Alex Chernov was knighted in the Masonic capacity of Knights of St John of Jerusalem and as such Deputy Prior for the State of Victoria otherwise titled Knights of Malta or Knights of Justice thereby voiding all election writs involving the signature and/or person of Alex Chernov.
6. The person who knighted Alex Chernov into the Masonic Order of Knights of St John of Jerusalem was the former Governor General Quentin Bryce, a former Governor of the State of Queensland, herself a member of the Order.
7. Both Quentin Bryce and Alex Chernov signed and issued election writs involving the State of Victoria for the Commonwealth election but, both are Knights of St John of Jerusalem.

## Result affected

The result was obtained by fraud

1. Criminal fraud
2. Constitutional fraud
3. Fraud on the elector

Fraud voids the election.

Relief

1. The reinstatement of the original Grand Jury Application heard by the Full Court Supreme Court of Victoria (five judges) during October 2001 for the right to present the facts to a grand jury (23 electors), in particular all relevant law and authorities in position prior to the 2001 hearing.
2. A jury trial sitting in criminal jurisdiction to hear the facts in relation to a specific delay in the valid prosecution of such offenders presented to the Magistrates Court of Victoria over a period of years after which grand jury hearings were applied for, but concealed by respective judicial officers, State and Commonwealth politicians and others.

Or in the alternative:


3. The hearing of this Election Petition by a sitting civil jury chosen from the electoral roll.
4. A free copy of each day's transcript supplied to the Respondent at the close of each day.
5. The determination of the correct jurisdiction and forum for the issues disclosed in this action.
6. An order for discovery of relevant documents in particular the signed document of Mr Tony Abbott removing himself from United Kingdom Citizenship and/or subject in relation to the contents of Section 44 of the Commonwealth Constitution and the High Court judgement *Sue v Hill*.
7. Liberty to apply.
8. Damages.
9. Costs reserved.

DATED: 27. 1. 2011




Brian William Shaw  
Petitioner

Witness 1 Signature:

  
Full Name: MICHAEL CHRISTOPHER GREEN  
Occupation: BARRISTERS CLERK  
Address: 205 WILLIAM ST  
MELBOURNE.

Witness 2 Signature:

  
Full name: CHRISTOPHER PATERSON  
Occupation: Registrar  
Address: Magistrates' Court of Victoria  
233 William St. Melbourne