

Rescinded 10 May 2013

SUPREME COURT OF VICTORIA

COURT OF APPEAL

S APCI 2013 0043

BRIAN WILLIAM SHAW

Applicant

v

ANZ EXECUTORS & TRUSTEE COMPANY  
LTD (AS TRUSTEES OF THE ESTATE OF  
JOHN WILLIAM SHAW, DECEASED)

Respondent

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JUDGES: NETTLE and NEAVE JJA  
WHERE HELD: MELBOURNE  
DATE OF HEARING: 10 May 2013  
DATE OF JUDGMENT: 10 May 2013

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APPLICATION ON SUMMONS

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<u>APPEARANCES:</u>	<u>Counsel</u>	<u>Solicitors</u>
For the Applicant	Appeared in person	
For the Respondent	Mr R C Wells	Aitken Partners

NETTLE JA:

1           This is an application for leave to appeal against interlocutory orders of  
Habersberger J.

2           In addition to the written submissions advanced by the applicant in support  
of the application, the applicant has today also raised, orally, two further matters for  
consideration. First, he contended that I am biased and should not sit on the  
application because I sat as a member of this Court in two previous appeals in other  
matters in which he was a litigant. Secondly, he has applied *ore tenus* for removal of  
all matters at present before this Court to the High Court pursuant to s 40 of the  
*Judiciary Act 1903* (Cth).

3           In the circumstances, we think that we should reserve our decision in order to  
consider the arguments advanced by the applicant, both in his extensive written  
outlines and affidavits and also today in the course of his oral submissions.

4           Bearing in mind, however, the nature of the matter and its history, we shall  
strive to be in a position to give judgment at some time during the next week, of  
which time the parties will be notified in advance.

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