

TO
Mr Damian BUGG
Commonwealth Director Public Prosecutions
4 Marcus Clarke Street
Canberra ACT 2601

13th December 2006

**Reply to Commonwealth Director of Public Prosecutions by the Informant /
Prosecutor under Private Prosecution**

Dear Mr Bugg

You are a named defendant in this instance, with a specified group of people both State and Commonwealth who have attempted to set up a “*Defacto Republic*” in the former State of Western Australia, to asset strip Western Australia for yet unknown corporations and individuals

The legal discovery needs to be done via a State Jury Trial in the State of Western Australia (the offending State) in accordance with section 80 of the Commonwealth Constitution Act 1900 the (Principal Act) herein quoted

“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.”

The evidence of Treason is self evident. The “*Acts Amendment and Repeal Courts and Legal Practice Act 2003 WA*” is the principal portion of the evidence, in particular, **Parts 5 (State Solicitors) and Part 8 (Amendments about the Crown)**

The evidence relating to Major Michael Jeffrey, the current Governor General (a Committed Freemason) is also self evident by the article produced in the journal “*Freemasonry Victoria*”

The evidence in relation to the content and intent of the Oaths/ Obligations both taken and administered by Freemasons is also self evident, these are specified in the Grand Jury Applications and Affidavits filed /lodged with the Full Court (Court of Appeal) against Mr. Jeffrey and Mr. Charles Wheeler a retired Master of the Supreme Court Victoria

All Masonic Oaths/ Obligations are unlawful indictable breaches of sections 316 Crimes Act Victoria, Section 48 Criminal Code Western Australia

The Allegiance in Freemasonry (The Foreign Allegiance) is not to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors, (The Known Allegiance) rather, the Masonic Allegiance is to the Supreme Grand Council of the 33rd Degree ((Foreign Allegiance)

COMMONWEALTH 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

The indictable offences of Treason and misprision of Treason can only be “indicted” by Grand Jury according to Law

Byrne V Armstrong (1899) 25 VLR 126

“That section contemplates an ex parte application founded upon an affidavit disclosing an indictable offence, and that a justice has refused to commit. The court has no discretion once those conditions are complied with. Section 386 shows that so far as Treason is concerned it must be prosecuted by indictment. The Attorney General could not start such a prosecution. It must be by grand jury.” (at 126)

In relation to Treason even if you were to become honest and to honour your Oath of Office (the **True Allegiance**) and actually did your job, you would have to obtain “**The Indictment**” via Grand Jury

Currently the Full Court (Court of Appeal) Supreme Court of Victoria is treating all lodged Grand Jury Applications “*with Contempt*”. This statement is inclusive of the entire staff working in the office of the Court of Appeal at 450 Lt Bourke St Melbourne

Their conduct does amount to “*Attempting to Pervert the Course of Justice*” in relation to the Judicial Power of the Commonwealth

The Masonic Oath / Obligation for the First Oath/ Obligation compulsory for entry into Freemasonry is included here, it is termed the Entered Apprentice Oath/ Obligation and is one of many such occult, unlawful oaths/obligations that needs to be both taken and administered by every Masonic Adherent

MASONIC OATH / OBLIGATION – 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)

The Law of England

It is clearly understood in Law that the Laws of England contains Christianity, the history books and laws books are specific, the profession of faith in Jesus Christ, is easy to identify, but, the law and intent in Freemasonry, because it is under Masonic

Oaths / Obligations/ Allegiances, to “*Conceal and never Reveal*”, is much harder to identify, but, the Masonic degree “*The Shriners*” does create a very clear threat to the Security of the Commonwealth of Australia and would be a clear and unconstitutional breach of section 116 of the Commonwealth Constitution Act 1900, and the Preamble. All three (3) quoted herein

COMMONWEALTH CONSTITUTION ACT - SECT 116

Commonwealth not to legislate in respect of religion

The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

MASONIC OBLIGATION / OATH SHRINERS

“...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”])

COMMONWEALTH CONSTITUTION ACT – PREAMBLE

WHEREAS the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the Constitution hereby established:

And whereas it is expedient to provide for the admission into the Commonwealth of other Australasian Colonies and possessions of the Queen: Be it therefore enacted by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

The law of England, in particular, the Coronation Oath, the Bill of Rights 1688 and the Act of Settlement 1700 were placed into legal position to protect and to guard England and the Commonwealth of Australia under Almighty God, personified, in the Person of Jesus Christ (Christianity), agreed to at Federation (“*Humbly Relying on the Blessing of Almighty God*”) in total opposition and contradiction to the “*Supreme Being*” declared in Freemasonry

The Criminal Issues are

1. Treason (breach of allegiance or foreign allegiance)
2. Misprison of Treason (concealment of such Treason or refusal to prosecute such Treason)
3. The taking and administering of unlawful oaths/obligations
4. Serious Breaches of the Trade Practices Act 1974 in Western Australia but not limited to Western Australia
5. The illegal and unlawful removal of “*Her Majesty, Her Heirs, Her Successors, Her Subjects*” from specific law
6. The illegal and unlawful removal of the “*Crown*” from specific law
7. The complete and total failure to incorporate or register the illegal State of Western Australia at ASIC, (Australian Securities and Investment Commission)
8. The unlawful and illegal direct involvement of the “*Commonwealth*” a Foreign Corporation registered in Washington DC (CIK Code 0000805157) with the State of Western Australia to attack Her Majesty Queen Elizabeth The Second, Her Heirs, Her Successors and Her Subjects in the Overt Act of Treason, titled, “*Acts Amendment and Repeal Courts and Legal Practice Act 2003 WA*”
9. The unlawful change of Style and Title of Her Majesty, Queen Elizabeth, The Second, Her Heirs, Her Successors and Her Subjects in breach of Section 2 of the Royal Style and Titles Act 1973, by the Overt Act of Treason, titled, “*Acts Amendment and Repeal Courts and Legal Practice Act 2003 WA*”

In normal law (Rule of Law) you would have to take over these private prosecution charges and conduct the trial on my behalf, but, because of the legal fact that you and your office “*the Commonwealth*” are principal offenders to Treason, you now seek to take over and strike out, because the charges expose the Treason and your direct

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involvement in the Treason. For this reason you and your office are estopped from taking over and/or striking out these private prosecution charges

Your “*Office*” is left in a legal dilemma, support and protect your Treason, or, prosecute you and other defendants or be discovered as offenders

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.

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.

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.

CRIMINAL CODE ACT 1995 –SECT 11

11.2 Complicity and common purpose

(1) A person who aids, abets, counsels or procures the commission of an offence by another person is taken to have committed that offence and is punishable accordingly.

Statute Law penalty for Treason is Life Imprisonment; the same penalty applies for the Concealment of Treason. The specific law is found in the Criminal Code Act 1995; section 80 "*Security of the Commonwealth*"

Treason: consists of a "*Breach of Duty of Allegiance*", which the subject owes to the Sovereign and which binds him at all times and in all places
[Rex v Casement 1917 1KB 98 at 114]

Misprision of Treason: is the concealment of such Treason

The Foreign Allegiance mentioned is the Allegiance to the Supreme Council of Freemasonry above all other Allegiances in Constitutional breach of section 44(i) of the Commonwealth Constitution Act 1900

The taking and administering of unlawful oaths, involves and concerns section 316 of the Crimes Act 1958 Victoria, Section 48 of the Criminal Code Act 1913 WA and Section 44(i) and (ii) of the Commonwealth Constitution Act 1900

Section 44(ii) of the Commonwealth Constitution Act 1900 deals with Treason, plus other indictable offences

Section 49 of the Commonwealth Constitution Act 1900 deals with the legal and constitutional link to the House of Commons in England and contains the major Law of England, consisting of Magna Carte, Habeus Corpus, Statue of Monopolies, The Petition of Rights 1628, The Bill of Rights 1688, plus the Act of Settlement 1700
All UK legislation carried by inherent Law into Australia

"*The Commonwealth plus yourself*" have clearly agreed together and formulated a planned systematic attack using the Parliament of Western Australia, in addition to "*every Law Court in the Commonwealth*" to silently and unlawfully attack the

Constitution of Western Australia in addition to the Supreme Constitution, the Constitution of the Commonwealth of Australia and "*The People*" of such Constitution (termed electors)

The actual intent and purpose eventually came to the legal surface when the Overt Act of Treason, titled "*Acts Amendment and Repeal Courts and Legal Practice Act 2003 WA*" appeared in the Western Australian Parliament

The Commonwealth and State of Western Australia "*are co-joined*" in legal terms "*co-conspirators*" in this particular Act of Treason, by the addition "*and intent*" of the words "*State or the Commonwealth*", in the overt Act of Treason

"*Treason*" is the most serious indictable offence that any individual can be charged with; the concealment of such Treason is the twin offence (*Misprison of Treason*)

The original and continuing "*Agreement*" for Federation to occur was between the People, the Colonies and the Monarch of England under the Crown herein quoted

"WHEREAS *the people* of New South Wales, Victoria, South Australia, Queensland, and Tasmania, humbly relying on the *blessing of Almighty God*, have agreed to unite in *one indissoluble* Federal Commonwealth *under the Crown* of the *United Kingdom* of Great Britain and Ireland, and under the Constitution hereby established:"

Eight Agreements

- i. The agreement of the People of Australia
- ii. Their reliance on the Blessing of Almighty God
- iii. The Purpose to Unite
- iv. The Character of the Union – Indissoluble
- v. The Form of Union – A Federal Commonwealth
- vi. The Dependence of the Union – Under the Crown
- vii. The Government of the Union – Under the Constitution
- viii. The Expediency of Provision for admission of other Colonies as States

The overt Act of Treason, titled, "*Acts Amendment and Repeal Courts and Legal Practice Act 2003 WA*", was introduced into the Western Australian Parliament, by Mr James McGinty under a subterfuge of a need to repeal and reform the Legal Practice Act 1893 WA

Introduced into the Western Australian Parliament, the long title stated"

A Bill for an Act

- i. To Repeal the Legal Practice Act 1893
- ii. To make Amendments as a consequence of that Repeal, and the enactment of the Legal Practice Act 2002
- iii. For purposes related to that Repeal and those Amendments: and
- iv. To make other Amendments relating to Legal Practice

Under subsection (iv) "*other amendments*" parts 5 & 8 were introduced silently

A Part 5: Amendments relating to State Solicitor and saving provisions

B Part 8: Amendments about the Crown

Recorded in Hansard Western Australia (Council: 13154) is the statement that Peter Foss made when the Bill was introduced

"I believe that Part 5 and 8 are *ultra vires* the Act"

Peter Foss was well qualified to make this statement in the Western Australian Parliament apparently a qualified Queens Counsel and a former Attorney General of Her Majesty, what, Peter Foss omitted to say, but, should have said was:

"If you continue with Parts 5 and 8 you will invite Treason charges against all of us for this Overt Act"

I state in this reply to your correspondence that the originating and driving force behind this attack on our Constitution, is "*International Freemasonry*" a foreign power operating within our legal framework

In English and Australian Freemasonry the promise or oath of allegiance is to “*the Supreme Grand Council of 33rd degree*”, sitting in Supreme Grand Council at their Grand East in London, for England and Wales and their dependencies of the British Crown

The Masonic oath of allegiance “*is treason*”

Act of Settlement 1700 and Bill of Rights 1688

The real intent and purpose of the attack launched out of Western Australia by agreement with “*the Commonwealth*” is to attack and destroy the Act of Settlement 1700 and the Bill of Rights 1688

Scotland

The Parliament of Scotland in December 1999 after looking at ways to amend, repeal or alter the Act of Settlement 1700 resolved as follows:

“That the Parliament believes that the discrimination contained in the Act of Settlement has no place in our modern society, expresses its wish that those discriminatory aspects of the Act be repealed, and affirms its view that Scottish society must not disbar participation in any aspect of our national life on the grounds of religion, recognizes that amendment or repeal raises complex constitutional issues, and that is a matter “reserved to UK Parliament””

Amendment or Repeal

The Acts involved needing amendment or repeal are:

- The Bill of Rights 1688
- The Coronation Oath Act 1688
- The Scotland Act 1707
- The Princess Sophia’s Precedence Act 1711
- The Royal Marriages Act 1899
- The Union of Ireland Act 1800
- The Accession Declaration Act 1910
- The Regency Act 1937

Monarch is the Head of the Church

Written into all English law, since the European Reformation is the legal fact that their King (or Queen) is head of the Church (Church of England) not for purpose of discharging any spiritual function, but because the Church is the National Church, and as such is built into the fabric of their State. "*The Crown itself is held*" on condition that the holder should be in communion with the Church of England as by law established.

House of Lords UK

The Crown appoints the Great Officers of the Church, and of these the Bishops are not only Administrators and Judges of Ecclesiastical Law, but constitute the Lords Spiritual in the House of Lords.

The Trial 1688

In 1688 the then King of England attempted to usurp the established Laws of England. Seven Bishops of the Church of England opposed him. The resultant trial in the House of Lords caused the King to abdicate the throne and flee to France. The result of the jury trial placed William and Mary on the throne of England after promising to enact the Bill of Rights 1688 (which is inherent law at section 49 of the Commonwealth Constitution)

Hallbury's Laws of England 4th edition Vol 8, Paragraph 848 states:

848: Assent of Parliaments to alterations.

"Any alteration by Parliament in the law touching the succession to the Throne would, except perhaps in their case of Canada, and Australia, be ineffective to alter their Succession to the Throne in respect of, and in accordance with the law of any other independent member of the Commonwealth which was within Her Majesty's Dominions at the time of such alteration, unless the alterations were effected by Legislation expressly reciting the request and consent of the member concerned. Constitutional convention therefore requires that the Assent of the Parliament of each Member of the Commonwealth within Her Majesty's Dominions be obtained in respect of any such alteration in the Law"

The conclusion is that it might also be necessary, by the Statute of Westminster 1931 to obtain the consent of the Commonwealth on any alteration to succession to the Throne

Canada

In *O'Donohue v. Canada*, 2003 CanLII 41404 (ON S.C.), 109 C.R.R. (2d) 1
Justice LeBel stated at:

“23] The “office of the Queen” is such a fundamental part of our constitutional structure that amendments to the Constitution in respect of that office require the unanimous consent of the federal and provincial governments (see s. 41(a) of the Constitution Act, 1982)”

Applying that reasoning to the present case it is clear that Canada's structure as a Constitutional Monarch and the principle of sharing the British Monarch are fundamental to our Constitutional Framework, in light of the Preamble's clear statement that we are to share the Crown with the United Kingdom, it is automatic that the rules of succession for the Monarch must be shared and be in symmetry with those of the United Kingdom and other Commonwealth Countries. One cannot accept the Monarch, but, reject the legitimacy or legality of the rules by which this Monarch is selected

Halbury's Laws of England 4th Edition Volume 6 Paragraph 817 (Note 5)

*“In respect of Canada and Australia Sovereignty is declared to reside in
“The Crown of United Kingdom of Britain and Ireland”*

[British North America Act 1867 Preamble Commonwealth of Australia
Constitution Act 1900 Preamble) CF Para 819 Note 2 Post) and references to
the Queen in the Commonwealth Constitution Act 1900 extend to Her
Majesty's Heirs and Successors in the Sovereignty of the United Kingdom *S2

COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT - CLAUSE 2

Act to extend to the Queen's successors

The provisions of this Act referring to the Queen shall extend to Her Majesty's heirs and successors in the sovereignty of the United Kingdom.

At Part 8, "*Amendments about the Crown*" in the Overt Act of Treason, titled, "*Acts Amendment and Repeal Courts and Legal Practice Act 2003 WA*" the following sections attack "*Her Majesty*" and/or Her heirs Her Successors and **Her Subjects**

The Attack on Her Majesty

Section 122 (6): by the words:

Schedule 1 is amended by deleting "*our Sovereign Lady Queen Elizabeth the Second, Her Heirs and Successors*" in the 2 places where it occurs and in each place inserting instead — "The State of Western Australia"

Section 123 (4): by the words:

Section 584(14) is amended by deleting "*Her Majesty*" and inserting instead — "the State".

Section 123 (11): by the words:

Section 720 is amended by deleting "*Queen*" and inserting instead — "State".

Section 125 (3): by the words:

Section 10(1) is amended by deleting "*in Her Majesty's name*" and inserting instead — "under the Public Seal of the State".

Section 125 (4): by the words:

Section 11(1) is amended by deleting "*Her Majesty*" and inserting instead — "the Governor".

Section 125 (5): by the words:

Section 18A (1) is amended by deleting "*in Her Majesty's name*" and inserting instead — "under the Public Seal of the State".

Section 125 (6): by the words:

Section 18A (3) is amended by deleting “*in Her Majesty’s name*” and inserting instead — “under the Public Seal of the State”.

Section 125 (7): by the words:

Section 24(1) is amended by deleting “*in Her Majesty’s name*” and inserting instead — “under the Public Seal of the State”.

Section 125 (8): by the words:

The Schedule is amended by deleting “*our Sovereign Lady Queen Elizabeth the Second Her Heirs and Successors*” in the 2 places where it occurs and in each place inserting instead — “the State of Western Australia”.

Section 126 (2): by the words:

Schedule 1 item 1 is amended by deleting “*Her Majesty Queen Elizabeth the Second, Her heirs and successors*” in each place where it occurs and in each place inserting instead — “ the State of Western Australia ”.

Section 130 (3): by the words:

Section 9(1) is amended by deleting “*Her Majesty*” and inserting instead — “the Governor”.

Section 130 (9): by the words:

Section 119 is amended by deleting “*to Her Majesty or any of her subjects, or other persons entitled in like manner as subjects*”.

Section 130 (10): by the words:

Section 154(1) is amended by deleting “*Her Majesty’s*” and inserting instead — “The”.

Section 130 (12): by the words:

The Second Schedule is amended by deleting "*our Sovereign Lady Queen Elizabeth the Second, Her Heirs and successors*" and inserting instead — "the State of Western Australia".

Proclamation and Enactment (the words) The Overt Act (WA)

"I, the Governor (John Sanderson) acting under Section 2 of the Acts Amendment and Repeal (Courts and Legal Practice) Act 2003, and with the advice and consent of the Executive Council, fix 1st January 2004 as the day on which that Act comes into operation given under my hand and Public Seal of the State on 23rd December 2003 by command of the Governor J.A. McGinty, Attorney General

God Save the Queen"

Assent: Proclamation: Enactment: The Overt Act (WA)

This Overt Act of treason, titled, "*Acts Amendment and Repeal Courts and Legal Practice Act 2003 WA*" was assented to 4th December 2003, proclaimed 23rd December 2003 and purportedly enacted 1st January 2004 by Governor Sanderson and Attorney General J McGinry, both men assuming the role and Office of "Her Majesty" illegally

The Constitution Act 1889 WA

Part III A The Governor

Section 50 Office of Governor

(1) The Queen's representative in Western Australia is the Governor who shall hold office during Her Majesty's pleasure. (Not the Reverse)

(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)*".

The Constitution Act 1889 WA

Section 73 (2) States under 7 sections:

2) A Bill that —

- (a) Expressly or impliedly provides for the abolition of or alteration in the office of Governor; or
- (b) Expressly or impliedly provides for the abolition of the Legislative Council or of the Legislative Assembly; or
- (c) Expressly or impliedly provides that the Legislative Council or the Legislative Assembly shall be composed of members other than members chosen directly by the people; or
- (d) Expressly or impliedly provides for a reduction in the numbers of the members of the Legislative Council or of the Legislative Assembly; or
- (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* —“
- (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
- (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.* “

Two Binding Conditions (Omitted by the Overt Act)

1. Section 73.2 (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“

2. Section 73.2(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.”

That is why you are a named defendant in this particular Treason Trial, the concealment of such treason by any attempt to take over and withdraw any and all indictable charges relating to or connected to this Treason will be addressed Judicially

The illegal Australia Act

During the period 1984/1986, *“the Hawke era”* illegal Letters Patent involving the Governor General and Governors were created, but, in Western Australia, New South Wales and Queensland their respective Constitutions contained Elector Referendum requirements that were entirely omitted

Such State Elector Referendum requirements would have automatically activated a Commonwealth Referendum under Section 128 of the Commonwealth Constitution

Australia Act 1986

Section 6: states:

Notwithstanding sections 2 and 3(2) above, a law made after the commencement of this Act by the Parliament of a State respecting the constitution, powers or procedure of the Parliament of the State shall be of no force or effect unless it is made in such manner and form as may from time to time be required by a law made by that Parliament, whether made before or after the commencement of this Act.

Three State Parliaments, Western Australia, New South Wales and Queensland contain binding manner and form requirements, regardless of and in addition to the manner and form requirement at Section 128 of the Commonwealth Constitution Act 1900

Accordingly the Australia Act 1986 is *ultra vires* in particular, relating to Section 14 of the Australia Act, such section amends Sections 50& 51 of the Constitution Act of Western Australia, but Section 50 and/or 51 must abide by Section 73 of the Constitution of Western Australia *or* the resultant legislation would be void

All Politicians in Western Australia have contributed to the Overt Act of Treason by doing nothing of a legal consequence available to them via Section 73(6) of the Western Australia Constitution Act, such section states:

“Any person entitled to vote at a general election of members of the Legislative Assembly is entitled to bring proceedings in the Supreme Court for a declaration, injunction or other remedy to enforce the provisions of this section either before or after a Bill of a kind referred to in subsection (2) is presented for assent by or in the name of the Queen.”

All Commonwealth Politicians from Western Australia are caught in Law by Misprison of treason, which is the Concealment of Treason

All Commonwealth Politicians currently sitting in the Commonwealth Parliament with the Western Australian Commonwealth Politician’s are attainted of treason by concealing the Treason

Commonwealth of Australia Constitution Act - Section 44

Disqualification

Any person who:

- (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

Treason and Misprison of Treason

To restate what "*Treason is*"

Treason is a Breach of Allegiance

In Law, specifically the Crimes Act 1958 Victoria, Treason is revealed at Section 9A, 322E and Section 545 with Section 547 plus Section 80 of the Criminal Code Act 1995 Commonwealth, in addition to the Common Law

JUDICIARY ACT 1903 - SECT 80

Common law to govern

So far as the laws of the Commonwealth are not applicable or so far as their provisions are insufficient to carry them into effect, or to provide adequate remedies or punishment, the common law in Australia as modified by the Constitution and by the statute law in force in the State or Territory in which the Court in which the jurisdiction is exercised is held shall, so far as it is applicable and not inconsistent with the Constitution and the laws of the Commonwealth, govern all Courts exercising federal jurisdiction in the exercise of their jurisdiction in civil and criminal matters.

Treason and /or Misprison of Treason

a) Treason

"Treason consists of a Breach of duty of Allegiance which the Subject owes to the Sovereign and which binds him at all times and in all places"

[Rex v Casement 1917, 1 KB 98 at 114]

b) Concealment of Treason

"It was allowed it was felony and so included misprison etc. as a result of this case. It was held that every treason or felony included misprison. The King used to take advantage of this Rule in case of treason, so that, if the man did not deserve the death penalty, he was indicted only with "misprison of treason". Now concealment of treason was itself treason"

[Sykes v Directors of Public Prosecutions, All England Law Reports, 1961 3 ALLER 33 (at 36)]

c) Misprison

“This is properly when anyone learns or knows, that another has committed treason or felony, and he does not choose to denounce him to the King or his Council, or to any Magistrate, but conceals the offence: This is Misprison”

[Sykes v Directors of Public Prosecutions, All England Law Reports, 1961 3 ALLER 33 (at 38)]

d) Chief Justice Sir Matthew Hale (1670)

“By what hath been said touching misprison of treason we may easily collect what is the crime of misprison of felony, namely, that it is the concealing of a felony which a man knows, but never consented to, for if he consented, he is either principal or accessory in the felony and consequently guilty of misprison of felony and more”

[Sykes v Directors of Public Prosecutions, All England Law Reports, 1961 3 ALLER 33 (at 39)]

e) Failure or Refusal

“Misprison requires nothing active. The failure or refusal to disclose the felony is enough”

[Sykes v Directors of Public Prosecutions, All England Law Reports, 1961 3 ALLER 33 (at 341)]

f) A Question of Fact

“In my opinion, therefore, misprison of felony is today an indictable misdemeanour at common law, and a person is guilty of a crime if, knowing that a felony has been committed, he conceals his knowledge from those responsible for the preservation of the peace be they Constables or Justice, within a reasonable time and having a reasonable opportunity is, “a question of fact for a jury” and also whether the knowledge that he has is so definite that it ought to be disclosed”

[Sykes v Directors of Public Prosecutions, All England Law Reports, 1961 3 ALLER 33 (at 46)]

g) Facts and Knowledge

“If facts are within his knowledge that would materially assist in the detection and arrest of a felon, he must disclose them as it is a duty he owes to the State”

[Sykes v Directors of Public Prosecutions, All England Law Reports, 1961 3 ALLER 33 (at 36)]

Public Interest Disclosure Act 2003 (WA)

This particular Act in Western Australia grants Judicial Immunity to any person disclosing a Public Interest matter, but, at section 4 of the Act, the following words appear *“This Act binds the Crown in Right of the State”* but, in Part 8 of the Overt Act of Treason *“The Crown in Right of”* is deleted from specific Acts within Western Australia

Section 122 Children's Court of Western Australia Act 1988 amended by

(3) Section 19E is amended by deleting *"the Crown in the right of"*.

(5) Section 32(4) is amended in the definition of "public authority" by deleting *"the Crown in right of"*.

The Declaration of War

Section 130 Supreme Court Act 1935 amended

(4) Section 15(1) is amended by deleting "Royal Arms" and inserting instead — “armorial bearings of the State ”.

The Removal of the Crown

With full respect to the original binding *“Agreement”*, clearly stated in the preamble of the Commonwealth of Australia Constitution Act 1900, *“Under the Crown”* the following Western Australia Acts in Part 8 of the Overt Act of Treason have removed the Crown: *“Acts Amendment and Repeal Courts and Legal Practice Act 2003 WA”*

Part 8: Amendments about the Crown

Section 121 Bail Act 1982 amended "*Crown*" is removed at:

Subsection (3), 9 times and Subsection (4)

Section 122 Children's Court of Western Australia Act 1988 amended

"*Crown*" is removed at Subsections (2) and (4)

Section 123 The Criminal Code amended "*Crown*" is removed at Subsections

(2), 7 times, (3), (5) (6 A & B), (7), (9), (10), (12), 3 times, (13B), and (14)

Section 124 Director of Public Prosecutions Act 1991 amended

(2) Section 10(1)(a) is amended by deleting "*Crown*" and inserting instead "State"

Section 125 District Court of Western Australia Act 1969 amended

"*Crown*" is removed at subsection (2) A and B

Section 127 Juries Act 1957 amended

Subsection (3) Section 52(1) is amended by deleting "*Crown*" and inserting instead "Prosecution"

Section 128 Justices Act 1902 amended subsection (2) 2 times, (3) (4)

"*Crown*"

Section 129 Local Courts Act 1904 amended (2) Section 3 is amended in the

definition of "Minister" by deleting "*Crown*" and inserting instead, "State"

Section 130 Supreme Court Act 1935 amended

Subsections 2 (A) (B), (6), (7), (8), (11) 4 times "*Crown Removed*"

Shaw v Cock

Your correspondence to myself reveals Shaw v Cock. Mr Cock is the current Director of Public Prosecutions in Western Australia, but, Section 124 of Part 8 of the Overt Act of Treason, titled, "*Acts Amendment and Repeal Courts and Legal Practice Act*

2003 WA” amends the Director of Public Prosecutions Act 1991 WA by removing ,
“*The Crown*” and inserting instead “The State”. This is Treason

You are a Public Prosecutor in the Commonwealth of Australia, so is Mr Cock (a
Public Prosecutor) within Western Australia, your agreement with Mr Cock is
evident, Part 8 “Amendments about the Crown” is very clear and self evident that Part
8 involves the participation of *both State of Western Australia* and “*The
Commonwealth*”

DIRECTOR OF PUBLIC PROSECUTIONS ACT 1991 WA - SECT 10

General principles relating to functions

(1) The functions of the Director —

- (a) are performed on “*behalf of the Crown*” but may be performed in the
name of the office of the Director;
- (b) do not affect any right that a person has to bring or conduct any
proceedings, unless the Director takes over those proceedings under this Part.

Section 124 Director of Public Prosecutions Act 1991 amended

Section 10.1 now reads

- (a) are performed on “*behalf of the State*” but may be performed in the name
of the office of the Director

Director of Public Prosecutions Act 1991 WA

Section 3 Interpretation

“Offence”(a) (b) (c)

- (a) against a law of this State;
- (b) against a law of the Commonwealth but limited to an offence to which particular
proceedings relate where the Director is authorised to bring or conduct those
proceedings; and
- (c) against a law of the *United Kingdom* if the offence is *triable* in this State;

The portion stating at (c)

“Against *a law of the United Kingdom if the offence is triable in this State*”

Introduces “The Offence” that you and Mr Cock have agreed to commit against the Constitution of the Commonwealth, *a Law of the United Kingdom*, in agreement with the People, The States and the Monarchy of the United Kingdom, evidenced by the Preamble plus clauses 1-8, plus the Schedule “*The Schedule states*”

**COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT
SCHEDULE**

Schedule Oath

OATH

I, , do swear that I will be faithful and bear *true allegiance* to Her Majesty Queen Elizabeth, Her heirs and successors according to law.

SO HELP ME GOD!

Schedule Affirmation

AFFIRMATION

I, , do solemnly and sincerely affirm and declare that I will be faithful and bear *true allegiance* to Her Majesty Queen Elizabeth, Her heirs and successors according to law.

**DIRECTOR OF PUBLIC PROSECUTIONS ACT 1983 (CTH)
SCHEDULE**

OATH

I, *Damian Bugg*, do swear that I will *be faithful* and bear *true allegiance* to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law and that I will well and truly serve Her in *the office of*

So help me God!

AFFIRMATION

I, *Damian Bugg*, do solemnly and sincerely promise and declare that I will *be faithful* and bear *true allegiance* to Her Majesty Queen Elizabeth the Second, Her Heirs and Successors according to law and that I will well and truly serve Her in *the office of*

“Treason” is a breach of Allegiance

You and your fellow Commonwealth Public Prosecutors are bound by law to your allegiance, but, you have co-joined with the Government of Western Australia and Mr McGinty to purportedly permit him (McGinty) to substitute himself (McGinty) for Her Majesty Queen Elizabeth II

Supreme Court Act 1935 WA, used to say:

Section 154 Attorney General

(1) “Her Majesty’s “Attorney General shall be a practitioner as defined by the Legal Practitioners Act 1893 to be appointed from time to time by the Governor, and to hold office during the Governors Pleasure

Sue Walker, a Western Australian Politician and current lawyer stated in the Western Australian Parliament (Hansard) that Mr McGinty (Attorney General WA) had not finished his articles,

Christopher M Doogan Chief Executive and Principal Registrar of the High Court of Australia by letter dated 15th February 2005 admitted that James Andrew McGinty is not on the Roll of Practitioners maintained by the High Court

Supreme Court Act 1935 WA, after the Overt Act: (now reads)

Section 154 Attorney General

(1) “The” Attorney General (Mr McGinty) shall be a legal “practitioner”, to be appointed from time to time by the Governor, and to hold office during the Governor's pleasure

But,

Subsection (2) Section 154 States

(2) The Attorney General shall be the “legal representative of the Crown” in the Supreme Court, and shall have, exercise, and enjoy all the powers, authorities, and privileges usually appertaining and belonging to the like “office in England.”

A Summation

The purported Attorney General of Western Australia Mr J McGinty (No Articles) introduces a Bill to update the Legal Practitioners Act 1893 (WA) but, adds Parts 5 & 8 to such a Bill, throws out Her Majesty and substitutes himself with the assistance and agreement of yourself and your office and Government (*the Commonwealth*) and Governor of Western Australia inclusive of the Government of Western Australia

All of you bound by your own Oaths and /or Affirmation specifying “*True Allegiance*” but, in truth and fact involved in a “*treacherous plot to create a coup*” using all three arms of Government, Executive, Legislative and Judicial, effectively destroying the separation of powers and impartiality and fracturing any purported jurisdiction or authority that the Supreme Court of Western Australia would presume to have in relation to a legally constituted Court exercising Federal Jurisdiction as a Chapter III Court , under the Commonwealth Constitution

You (A named defendant) plus all Prosecutors within the Commonwealth of Australia by failing to discover and prosecute this particular Treason discovered emanating out of Western Australia are all primary offenders to Treason, accordingly your purported powers under your Act are void, in particular section 9 of your Act (Powers of Director)

There was never a Grant of Power under the Commonwealth Constitution Act 1900 (The Supreme Act) for you or your “*delegated office*” to commit Treason or fail to reveal Treason or fail to Prosecute Treason.

There is no evidence (any Act) whatsoever that grants you “*the power*” to break your “*Oath/Affirmation of Allegiance*” and to co-join with conspirators to Treason. You have totally violated the trust, but, on the other hand, revealed your intent and purpose fully assisted by the Magistrates Court of Victoria (Magistrate Randazzo- Named Defendant)

COMMONWEALTH CONSTITUTION ACT - CLAUSE 2

Act to extend to the Queen's successors

The provisions of this Act referring to the Queen shall extend to Her Majesty's heirs and successors in the sovereignty of the United Kingdom.

AUSTRALIA ACT 1986 - SECT 7

Powers and functions of Her Majesty and Governors in respect of States

- (1) Her Majesty's representative in each State shall be the Governor.*
- (2) Subject to subsections (3) and (4) below, all powers and functions of Her Majesty in respect of a State are exercisable only by the Governor of the State.*
- (3) Subsection (2) above does not apply in relation to the power to appoint, and the power to terminate the appointment of, the Governor of a State.*
- (4) While Her Majesty is personally present in a State, Her Majesty is not precluded from exercising any of Her powers and functions in respect of the State that are the subject of subsection (2) above.*
- (5) The advice to Her Majesty in relation to the exercise of the powers and functions of Her Majesty in respect of a State shall be tendered by the Premier of the State.*

AUSTRALIA ACT 1986 Section 51 (xxxviii)

An Act to bring constitutional arrangements affecting the Commonwealth and the States into conformity with the status of the Commonwealth of Australia as a sovereign, independent and federal nation

WHEREAS the Prime Minister of the Commonwealth and the Premiers of the States at conferences held in Canberra on 24 and 25 June 1982 and 21 June 1984 agreed on the taking of certain measures to bring constitutional arrangements affecting the Commonwealth and the States into conformity with the status of the Commonwealth of Australia as a sovereign, independent and

federal nation:

AND WHEREAS in pursuance of paragraph 51 (xxxviii) of the Constitution the Parliaments of all the States have requested the Parliament of the Commonwealth to enact an Act in the terms of this Act:

BE IT THEREFORE ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

COMMONWEALTH CONSTITUTION ACT - SECT 51

Legislative powers of the Parliament

The Parliament shall, subject to this Constitution, have power to make laws for the peace, order, and good government of the Commonwealth with respect to:

(xxxviii) the exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States directly concerned, of any power which can at the establishment of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australasia;

The Legal and Constitutional Fraud

The purported Australia Act, using the Monarch, the United Kingdom Parliament, the Commonwealth Parliament, the Parliaments of all States concerned all instigated by the then Prime Minister (Hawke) plus the Premiers of the States all omitted one material legal and constitutional fact, in the fraud, "*The People*" of the original agreement, were entirely omitted, thereby leaving the Australia Act 1986, a dead legal relic, but, purportedly granting the use of "*New Letters Patent*" which are unlawful

AUSTRALIA ACT 1986 - SECT 15

Method of repeal or amendment of this Act or Statute of Westminster

(1) This Act or the Statute of Westminster 1931, as amended and in force from time to time, in so far as it is part of the law of the Commonwealth, of a State or of a Territory, may be repealed or amended by an Act of the Parliament of the Commonwealth passed at the request or with the concurrence of the Parliaments of all the States and, subject to subsection (3) below, only in that manner.

(2) For the purposes of subsection (1) above, an Act of the Parliament of the Commonwealth that is repugnant to this Act or the Statute of Westminster 1931, as amended and in force from time to time, or to any provision of this Act or of that Statute as so amended and in force, shall, to the extent of the repugnancy, be deemed an Act to repeal or amend the Act, Statute or provision to which it is repugnant.

(3) Nothing in subsection (1) above limits or prevents the exercise by the Parliament of the Commonwealth of any powers that may be conferred upon that Parliament by any alteration to the Constitution of the Commonwealth made in accordance with section 128 of the Constitution of the Commonwealth after the commencement of this Act.

The attachments to this letter are:

1. Part 8 Amendments about the Crown
2. Summation if each named defendant (28)
3. Masonic Picture of the Governor General
4. Grand Jury Application + Affidavit concerns Major General Michael Jeffrey it filed 28th May 2004 at the Full Court of the Supreme Court Victoria for a Grand Jury Hearing (Such Application is Suppressed)
5. Affidavit by Brian Shaw in relation to Mr Maley the former Grand Master Freemasonry WA

A full copy of this correspondence including the attachments are lodged with the Magistrates Court of Victoria

For Now

Brian Shaw

29/29.