

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

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AFFIDAVIT IN SUPPORT

Australian Electoral Commission
Julia Gillard and Form 60

Date of document: 5 MAY 2013
Filed on behalf of: The Plaintiff
Prepared by: Brian Shaw
Address: C/- P.O.Box 800 Werribee
Victoria, 3030
No 1. 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:

1. That this affidavit exhibits the Australian Electoral Commission Form 60 containing the disqualification question.

“I am not by virtue of Section 44 of the Constitution incapable of being chosen or of sitting as a member of the House of Representatives.

2. That contained in the Form 60 is a declaration stating;

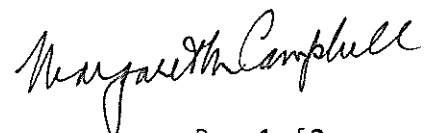
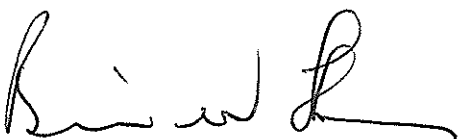
“I am qualified under the Constitution and the Laws of the Commonwealth to be elected as a member of the House of Representatives.

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3. Commonwealth Constitution Section 44(ii) States;

“**Any person attainted of treason** shall be incapable of being chosen or of sitting as a Senator or a member of the House of Representatives.”

4. That the charge and summons issued out of the Magistrates Court at Melbourne returnable on 29 January 2007, the defendant Julia Gillard was presented to the High Court defended by the Director of Public Prosecutions, Mr Damian Bugg who made application not to present.



40 5. That on the 29th January 2007 when the Court declined to present the statute right to have the matter presented to a Grand Jury of 23 Electors for indictment purposes only was activated. The right existed at Section 354 Crimes Act 1958 (Victoria) and reads as follows;

Crimes Act 1958 (Victoria)

Section 354. Indictments

50 *Upon the application of any person supported by an affidavit disclosing an indictable offence and either that the same has been committed by some body corporate or that a court has declined or refused to commit or hold to bail the alleged offender or that no presentment was made against him at the court at which the trial would in due course have taken place, or upon the application of the Director of Public Prosecutions, it shall be lawful for the Full Court to order the Juries Commissioner to summon a grand jury to appear at a court to be holden at a time and place to be mentioned in the order; and upon receipt of such order the Juries Commissioner shall summon not less than twenty-three men to attend at such court at the time and place aforesaid to inquire present do and execute all things which on the part of the Queen shall then and there be commanded of them, and such men shall be taken from the jury roll of the jury district in which such place is situate and at the time and place aforesaid the said Juries Commissioner shall bring into court the said order with the name, occupation and date of birth of every grand juror written on a panel signed by him and sealed with his seal of office and shall deliver the said panel to the proper officer of the said court, who shall in open court call aloud the names of the grand jurors on the said panel one after another, and the twenty-three men so first drawn and appearing or if twenty-three men shall not appear such of them as do appear not being less than twelve men shall be the grand jury and shall be sworn and act as such accordingly: Provided always that every such order shall be delivered to the Juries Commissioner ten days before the day on which the indictment is intended to be preferred.*

60 6. That on the same day, 29th January 2007 with a small group of witnesses the declined presentment was lodged at the office of the Full Court (Court of Appeal) Supreme Court, 450 Little Bourke Street Melbourne, where the Grand Jury application still remains, pending hearing.

70 7. That Officers and Judges of the Supreme Court of Victoria inclusive of Officers and Judges of the Supreme Court of Western Australia are concealing all Grand Jury applications either filed or lodged at the Victorian Supreme Court.

8. That on the 1st January 2004, the Government of Western Australia enacted an Act, that is a primary Act of Treason against Her Majesty Queen Elizabeth the Second and the people and Electors of the Commonwealth of Australia. The overt Act is named in the criminal charge.

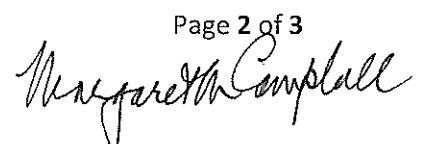
That at Section 130 of such overt Act the following happens;

“Acts Amendment and Repeal Courts and Legal Practices Act 2003”

80 **Section 130. Supreme Court Act 1935 amended**

(1) The amendments in this section are to the *Supreme Court Act 1935* *.



Page 2 of 3


- (3) Section 9(1) is amended by deleting “Her Majesty” and inserting instead — “ **the Governor** ”.
- (4) Section 15(1) is amended by deleting “**Royal Arms**” and inserting instead — “ **armorial bearings of the State** ”.
- (9) Section 119 is amended by deleting “**to Her Majesty or any of her subjects**, or other persons entitled in like manner as subjects”.
- (12) 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** ”.

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9. That the criminal offence of Treason is “breach of allegiance”.

10. That the words of the criminal charge on the accused, Julia Gillard for Grand Jury Jurisdiction are as follows;

The words of the criminal charge are:

“On 1st January 2004, the Government of Western Australia at Perth, Western Australia, inclusive of the Executive Legislature and Judicial arms, in agreement with "the Commonwealth", did enact an overt Act, titled, "Acts Amendment and Repeal Courts and Legal Practice Act 2003 WA".

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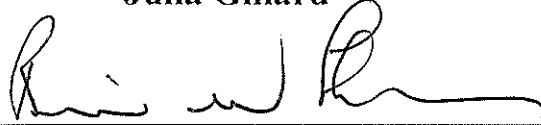
By such enactment an Act of Treason was committed.

Such Treason has been concealed by the defendant, since the date of enactment up to and inclusive of the present date.”

COMMON LAW MISPRISON OF TREASON

11. That this affidavit exhibits the actual charge form and words, the Form 60 (Candidate Brian Shaw) signed off by Kate Chamberlain at Werribee, Victoria, plus criminal law relating to the statute law offence of treason.

110 Exhibit is marked; **“Julia Gillard”**

AFFIRMED BY: 

AT: WERRIBEE IN THE STATE OF VICTORIA

THIS 5th DAY OF MAY 2013.

BEFORE ME: 

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

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- and -

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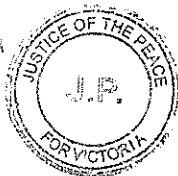
EXHIBIT

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

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Before me: Margaret M Campbell

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



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“Julia Gillard”



Nomination of a Member of the House of Representatives



Information on this form is collected under the provisions of the Commonwealth Electoral Act 1918
Please read the notes on page 1 before completing this form

form **60**

If completing by hand please write clearly and use BLOCK LETTERS and black or blue ink

To the Divisional Returning Officer for Division of LALOR Candidate of If applicable

1. Your name(s) as they appear on the Commonwealth Electoral Roll or, if not enrolled, the name(s) under which you are qualified to enrol

Family name SHAW
Given name(s) BRIAN WILLIAM

2. I wish my given name(s) to appear on the ballot paper as above, tick the box OR

3. Do you have silent enrolment on the Commonwealth electoral roll?
Yes You are not required to disclose your residential address → Go to Question 4
No Please complete your residential address details

280 LEAKS ROAD
TRUGANINA State VIC Postcode 3029

Do you authorise the AEC to release this address to the public? Yes No

4. Postal address OR

If same as residential address provided above, tick the box

PO Box 800 (EIGHT HUNDREDS)
WERRIBEE State VIC Postcode 3030

Do you authorise the AEC to release this address to the public? Yes No

5. Contact details

The nomination form will be displayed publicly at the declaration of nominations.

Which contact details do you authorise the AEC to release to the public? Please indicate by ticking either the Yes or No box on each line.

Phone BH (03) 9394 1116 Yes No
AH () Yes No
Fax (03) 9394 1116 Yes No
Mobile 0457457979 Yes No
Email election2010@elijahschallenger.net Yes No

6. Occupation and Gender FARMER Male Female Unknown

7. I have been endorsed by a registered political party
Yes Name of registered political party
No I request that the word 'Independent' be printed on the ballot paper adjacent to my name Yes No

CANDIDATE STATEMENT AND DECLARATION – Please read the statement on page 1 carefully before signing the nomination form.

I, the candidate named above state that I am an Australian citizen by:

Birth Date of birth 13.03.47
Place of birth WERRIBEE VIC.

Naturalisation Date citizenship granted

Other means Details

- and I declare that:
- I am qualified under the Constitution and the laws of the Commonwealth to be elected as a Member of the House of Representatives.
 - I am not, and do not intend to be, a candidate in any other election to be held on the same day as the election to which the above nomination relates.
 - I consent to act as a Member of the House of Representatives for the above Division if elected.
 - I wish my given name(s) to appear on the ballot paper in the form shown at Question 2 above.

I am at least 18 years of age Yes No
I am an elector or qualified to be an elector Yes No
I am not, by virtue of section 44 of the Constitution, incapable of being chosen or of sitting as a Member of the House of Representatives (see page 1*) Yes No

Signature of candidate: Brian Shaw
Date: 28.7.2010

AEC use only

Normination received	29.7.10	10:15 am	Initials	Ky	Agent form received? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	DRD	Kaye Chandler
Candidate details entered into E.L.M.S.	29.7.10	11:00 am	Initials	Ky	Sent to FAD		

Charge and Summons

(Bring this with you to Court)

*original charge
29 January 2007*

TO THE DEFENDANT	
Ms Julia Gillard MP Shop 2, 36 Synnot Street Werribee Vic 3030	
<input type="checkbox"/>	

M <input checked="" type="checkbox"/>	F <input type="checkbox"/>	Co <input type="checkbox"/>	Date of Birth / /
Registration No		State	
Licence No		State	

You have been Charged with an offence against the Law
Read both pages to see what you must do

Details of the charges against you

What is the charge? **1** On 1st January 2004, the Government of Western Australia at Perth, Western Australia, inclusive of the Executive Legislature and Judicial arms, 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

Under what Law? State Act Other-specify C'wealth Reg

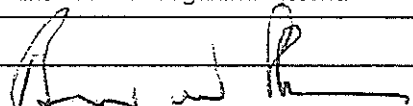
Act or Regulation No. Common Law Section or Clause (Full Ref) Misprison of Treason

Type of offence Summary offence (you should go to Court) Indictable offence (you must go to Court)

Are there more charges? No Yes -see "Continuation of charges" attached

Informant Brian W Shaw

Agency and Address 280 Leakes Road Truganina Victoria

Informant Signature  Phone No. 09 93941116

Date

Where will the case be heard?


Where you must go The "Magistrates' / Childrens' Court of Victoria at Melbourne

Address 233 William Sreet Melbourne Victoria

When Time *10am* Day *29th* Month *January* Year *2007*

Details about this summons

Issued at MELBOURNE Date *29 JAN 2007*

Issued by Signature  Registrar Magistrate Other

Charge filed at MELBOURNE Date *29 JAN 2007*

Criminal Code Act 1995

Chapter 5

The security of the Commonwealth

80.1 Treason

(2) A person commits an offence if the person:

(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.

Penalty: Imprisonment for life.

Criminal Code Act 1995

Chapter 5

The security of the Commonwealth

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 or apprehension; or

Penalty: Imprisonment for life.