IN THE MAGISTRATES' COURT OF VICTORIA
AT MELBOURNE **No** **of 2004**
BETWEEN

Brian William Shaw — Informant / Prosecutor
and

Major General Michael Jeffery — Defendant
and
Justice Winneke — Defendant
and
Justice Brooking — Defendant
and
Justice Charles — Defendant
and
Justice Buchanan — Defendant
and
Justice Chernov — Defendant
and
Master Cain — Defendant
and
Mr. Paul Coglan — Defendant
Director of Public Prosecutions

PRIVATE PROSECUTION

Date of Document: May 16, 2004
Filed on behalf of: Informant / Prosecutor
Prepared by: Brian Shaw
280 Leakes Road,
Truganina, 3030 Victoria

AFFIDAVIT

I, Brian, William Shaw Primary Producer of 280 Leakes Road, Truganina, 3030 in the State of Victoria do state and affirm the following:

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(1) Hansards Legislative Council, Parliament of Western Australia "Acts Amendment and Repeal (Courts and Legal Practice) Bill 2002" Hon Peter Foss,

At page 13154 Hon PETER FOSS:

(a) *"I believe that parts 5 and 8 are Ultra Vires the Act"*

(b) *"They reflect a totally different policy, which is to remove references to the Crown from every piece of Legislation one might like to mention"*

(c) *"It neither fits within the title nor the general purpose of the Bill"*

(d) *"I think it is defeated by two of our rules. It is outside the scope of the Bill"*

At page 13157 Hon PETER FOSS:

(a) *"Therefore Section 154 of the Supreme Court Act will now read (1) 'Her Majesty's Attorney General; I am pleased to see Her Majesty has not been removed even though the Crown has - [Shall be a Legal Practitioner to be appointed from time to time by the Governor and to hold office during the Governor's pleasure] The net result is to resolve any ambiguity of whether the Attorney General is in fact the Attorney General or whether the Attorney General is some body who is not qualified to be the Attorney General and should have been a Minister for Justice"*

(b) *"Obviously it is an admirable thing for the State of Western Australia to have an Attorney General who we know is an Attorney General when we might have some doubts about whether he is the Attorney General"*

At page 13158 Hon PETER FOSS:

(a) *"Members will see when we get to part 8 theat removing the word "Crown" and substituting*

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"State" is a very different concept altogether"

(b) *"That is because there is NO SUCH ENTITY AS THE STATE"*

(c) *"There is the concept of the Crown and the Right of the Commonwealth and of the Crown and the Right of the State"*

At page 13159 Hon PETER FOSS:

(a) *"THERE IS NO SUCH ENTITY AS THE STATE"*

(b) *"There is no capacity to distinguish between the Crown and the Right of the State"*

(c) *"We cannot simply substitute the 'State' for the 'Crown' we have to say that we mean both the Commonwealth Officer and the State Officer"*

(d) *"Everyone knows that there is a Parliment of Western Australia and that it comprises the Queen and the two houses"*

(e) *"We know exactly what the Rights of the Crown are"*

(f) *"I object to this part because some clauses throw up those problems because it is the objection to what happened at the last Referendum and a refusal to accept the outcome"*

(g) *"I object to it simply because I think we should accept the fact that the people of Australia including the people of Western Australia, for whatever reason voted 'NO' to a republic"*

(h) *"They voted that they preferred the present state of the Constitution under which we operate, which establishes a constitutional monarchy and appropriate checks and balances between various elements of the Executive and the Parliament and in which all the legal concepts are fully understood"*

(i) *"It is not for members to say that they do not agree with the people of Australia and Western Australia"*

(j) *"I can tell the Government right now that if it wants to get into this sort of nonsense without changing the Constitution, we will change it back. If it wants to get into this argy-bargy nonsense of changing titles and Acts, we will change them back. In many ways, this is a waste of the Parliament's time"*

(k) *"It is a self-indulgent piece of deception. He is trying to pretend that the referendum went another way. I have news for everybody here: it did not. We operate under a constitutional provision set by our Constitution that has been thoroughly endorsed by the people of Australia and Western Australia. I for one consider this name change an insult to the people of Western Australia"*

(l) *"We all know that this person is the solicitor of the Crown. He is not the solicitor of the State. Does this amendment mean that he must be called the state solicitor and that if I want to take a case to the High Court, I can say that he represents the State rather than the Crown"*

At page 13160 Hon PETER FOSS:

(a) *"The fact is that the definition will change from being accurate - that is, an officer who represents the Crown -to an inaccurate description that he is an officer who represents the State. He will not represent the State. If this Parliament wants him to assist it, he will say that he will not do it because he acts for the Government and for the Crown. If the Opposition wants him to represent it, he will not do it because he acts for the Government and for the Crown. If we asked him to assist us, I can tell members what his answer would be and I can tell members who his client would be. His client would not be the State; it would be the Crown. If any body is the State, it is this Parliament. This Parliament, including the upper House, the lower House and the*

Crown, is a darned sight more the State than is the Attorney General. The Attorney General seems to think that he is the State"

(b) *"The reality is that the Crown Solicitor will not represent the State; he will represent the Government of the State of Western Australia. He will represent the Crown"*

(c) *"The reality is that the Crown Solicitor is the principal solicitor to the Crown. That is why he is called the Crown Solicitor"*

(d) *"It is flying in the face of a clear decision by the people of Australia and Western Australia that they did not want a change.*

At pages 13160 / 13162 Hon PETER FOSS
Clauses 121 to 127

(a) *"A different point arises in these clauses. Last time we were generally dealing with a person's name, changing "Crown Solicitor" to "State Solicitor"; here we are not. We are dealing with a supposed entity - the Crown. All the arguments I raised apply. It starts to show up if we look at clause 121. The effect of making the change is to lose the concept which is understood and which has been defined and which works in our law. Once the word "Crown" is taken out and "State" is put in, the Commonwealth is excluded. The law understands the concept of the Crown in right of the State and the Crown in right of the Commonwealth. They are the same entity, but they are divisible. There is an enormous amount of law about that and we can see that in a number of places. We see that in clauses 122(2) and (4). Clause 122(6) is another one. Clauses 122(3) and (5) are getting into a slightly different thing altogether, by deleting "the Crown in the right of", and ending up with "State". Clause 122(6) gets a bit messy. It states -. . . 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 ".
I have my doubts whether that is a correct legal entity, but the search and find facility has been used in some word processing document and every time this terrible word has come up, it has been removed, but we are fiddling with different concepts. Clause 123(5) amends section 609 of the Criminal Code by deleting "Crown" and inserting instead "State or the Commonwealth", because we cannot put in the word "State" - it is the State or the Commonwealth - and frequently the word "Crown" will refer to the Crown in right of the State and in right of the Commonwealth. We will put in the words "State or the Commonwealth". No-one knows what those things are in terms of this particular concept. Clause 123(6) inserts "prosecutor" instead of "Crown". Yes, the concept has been changed fairly significantly, because the person who will be doing the prosecuting instead of the Crown has been put in to prosecute in the name of the State. Subclause (6)(b) states -.
. . by deleting "Crown" and inserting instead -" State or the Commonwealth, as the case may be, ".
Subclause (7) states -" State or the Commonwealth, as the case may be, ".

(b) *"Subclause (11) is interesting because it substitutes "State" for "Queen".*

(c) *"Generally speaking, most of these are substituting an unknown, undefined, uncategorised concept of "the State" for "the Crown", to which I object because, quite apart from anything else, it is not the State that will be doing these things; it will be the Crown - the Executive. Make no mistake, we will not get a look in on this one. This is something that has been done by the Executive.*

(2) "Acts Amendment and Repeal (Courts and Legal Practice) Act 2003"
Part 8 Amendments about the Crown

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Section 124
Director of Public Prosecutions Act 1991 Amended

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

(3) "Acts Amendment and Repeal (Courts and Legal Practice) Act 2003"
Part 8 Amendments about the Crown

Section 122
Childrens Court of Western Australia 1988 Amended

(4) Section 32(2)(a)(i) is amended by deleting "Crown" and inserting instead -
"State"

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

(6) 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."

(4) "Acts Amendment and Repeal (Courts and Legal Practice) Act 2003"
Part 8 Amendments about the Crown

Section 123
The Criminal Code Amended

(1) The amendments in this section are to The Criminal Code.* (*Reprinted as at 9 February 2001 as the Schedule to the Criminal Code appearing as Appendix B to the Criminal Code Compilation Act 1913.
For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p.89 and Acts Nos. 3,6,8 and 27 of 2002.)

(2) Each of the provisions in the Table to this subsection is amended by deleting 'Crown" in each place where it occurs and in each case inserting instead -

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"prosecutor."

Table

s.577 (2 places)	s.632A
s.616(1)	s.646
s.617A	s.651A(5)
s.618(3)	

(3) Section 581 is amended by deleting 'Crown" in the 2 places where it occurs and in each place inserting instead -
"State."

(4) Section 584(14) 9s amended by deleting "Her Majesty" and inserting instead -
"the State".

(5) Section 609 is amended by deleting 'Crown" and inserting instead -
"State or the Commonwealth."

(6) Section 628 is amended as follows:
(a) by deleting "Crown" in the first and third places where it occurs and in each place inserting instead -
"prosecutor."
(b) in paragraph (2) by deleting "Crown" and inserting instead -
"State or the Commonwealth, as the case may be,"

(7) Section 633 is amended by deleting "Crown" and inserting instead -
"State or the Commonwealth, as the case may be,"

(8) Section 637 is amended by deleting "counsel for the Crown" in the 4 places where it occurs and in each place inserting instead -
"prosecutor."

(9) Section 693A(4) is amended by deleting "Crown" and inserting instead -
"State."

(10) Section 701(2) is amended by deleting "for the Crown thereon."

(11) Section 720 is amended by deleting "Queen" and inserting instead -
"State."

(12) Section 729(3) is amended by deleting "Crown" in the 3 places where it occurs and in each place inserting instead - "prosecution."

(13) Section 746(1) is amended as follows:
(a) by deleting "prosecution" and inserting instead - "State,"
(b) by deleting "Crown" and inserting instead - "State"

(14) Section 746A(4) is amended by deleting "Crown" and inserting instead -
"State"

(5) "Acts Amendment and Repeal (Courts and Legal Practice) Act 2003" Part 8 Amendments about the Crown

Section 125
District Court of Western Australia Act 1969 Amended

(1) The amendments in thsi section are to the Disctrict Court of Western Australia Act 1969*
(*Reprinted as at 19 January 2001.
For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p.103 and Act No.23 of 2002.)

(2) Section 6 is amended as follows:
(a) in the definition of "action" by deleting "by the Crown"
(b) in the definition of "cause" by deleting "by the Crown"

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

(4) Section 11(1) is amended by deleting " Her Majesty" and inserting instead -
"the Governor"

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

(6) Section 18A(3) is amended by deleting "in Her Majesty's name" and inserting instead -
"under the Public Seal of the State"

(7) Section 24(1) is amended by deleting "in Her Majesty's name and inserting instead -
"under the Public Seal of the State"

(8) 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"

(6) "Acts Amendment and Repeal (Courts and Legal Practice) Act 2003"
Part 8 Amendments about the Crown

Section 126
Family Court Act 1997 Amended

(1) The amendmenets in this section are to the Family Court Act 1997*
(*Act 40 of 1997.
For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p.124 and Acts Nos.3 and 25 of 2002.)

(2) 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"

(7) "Acts Amendment and Repeal (Courts and Legal Practice) Act 2003"
Part 8 Amendments about the Crown

Section 127
Juries Act 1957 Amended

(1) The amendments in this section are to the Juries Act 1957*. (Reprinted as at 3 July 2000.)

(2) Section 38(1) is amended by deleting "those prosecuting gfor the Crown" and inserting instead -
"the prosecution"

(3) Section 52(1) is amended by deleting "Crown" and inserting instead -
"prosecution"

(8) "Acts Amendment and Repeal (Courts and Legal Practice) Act 2003"
Part 8 Amendments about the Crown

Secton 128
Justices Act 1902 Amended

(1) The amendments in this section are to the Justices Act 1902* (*Reprinted as at 8 October 2001.
For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p.193 and Act No.27 of 2002.)

(2) Section 154A(1) is amended by deleting "Crown" in the 2 places where it occurs and in each place inserting instead -
"State"

(3) Section 154A(3) is amended by deleting "Crown" and inserting instead -
"State"

(4) Section 206D is amended by deleting "Crown" and inserting instead -
"State"

(9) "Acts Amendment and Repeal (Courts and Legal Practice) Act 2003"
Part 8 Amendments about the Crown

Section 129
Local Courts Act 1904 Amended

(1) The amendments in this section are to the Local Courts Act 1904*

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(*Reprinted as at 12 January 2001.)

(2) Section 3 is amended in the definition of "Minister" by deleting "Crown" and inserting instead -
"State"

(10) "Acts Amendment and Repeal (Courts and Legal Practice) Act 2003"
Part 8 Amendments about the Crown

Section 130 Supreme Court Act 1935 Amended

(1) The amendments in this section are to the Supreme Court Act 1935*
(*Reprinted as at 9 February 2001
For subsequent amendments see 2001 Index to Legislation of Western Australia, Table 1, p.370 and Act No.23 of 2002)

(2) Section 4 is amended as follows:
(a) in the definition of "Action" by deleting "by the "Crown"

(b) in the definition of "Cause" by deleting "by the "Crown"

(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"

(5) Section 37(2) is repealed and the following subsection is inserted instead -
"

(2) Nothing in this section shall alter the practice in proceedings in relation to the prerogative and criminal jurisdiction of the Court.

(6) Section 50(1) is amended by deleting "by the Crown"

(7) Section 51(1) is amended by deleting "by the Crown"

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(8) Section 56(1) is amended by deleting "by the Crown"

(9) Section 119 is amended by deleting "to Her Majesty or any of her subjects, or other persons entitled in like manner as subjects".

(10) Section 154(1) is amended by deleting "Her Majesty's and inserting instead -
"The "

(11) Section 154(3),(4),(5) and (6) are each amended by deleting "Crown" in each place where it occurs and in each place inserting instead -
"State"

(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"

(11) COMMONWEALTH CONSTITUTION ACT - SECT 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.

(12) COMMONWEALTH CONSTITUTION ACT - SECT 5
Operation of the Constitution and laws [see Note 3]

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.

(13) COMMONWEALTH CONSTITUTION ACT - SECT 6
Definitions

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The Commonwealth shall mean the Commonwealth of Australia as established under this Act.
The States shall mean such of the colonies of New South Wales, New Zealand, Queensland, Tasmania, Victoria, Western Australia, and South Australia, including the northern territory of South Australia, as for the time being are parts of the Commonwealth, and such colonies or territories as may be admitted into or established by the Commonwealth as States; and each of such parts of the Commonwealth shall be called *a State* .
Original States shall mean such States as are parts of the Commonwealth at its establishment.

(14) COMMONWEALTH CONSTITUTION ACT - SCHEDULE

OATH
I, *A.B.* , do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law.
SO HELP ME GOD!

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

(15) JUDICIARY ACT 1903 - SECT 48
Crown to be bound

This Part binds the Crown in right of the Commonwealth of each of the States of the Northern Territory and of Norfolk Island

(16) PUBLIC PROSECUTIONS ACT 1994 (VICTORIA)
Act No. 43/1994
Version incorporating amendments as at 28 April 2004

1. General Information
Minister's second reading speech-
Legislative Assembly: 21 April 1994
Legislative Council: 25 May 1994
The long title for the Bill for this Act was "A Bill to provide for the appointment of a Director of Public Prosecutions, a Chief Crown Prosecutor, Crown Prosecutors and a Solicitor for Public Prosecutions, to require that certain decisions be made by the Director of Public

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Prosecutions only after obtaining the advice of a Committee, to make fresh provision with respect to the manner of dealing with certain contempts of court, to establish an Office of Public Prosecutions and a Committee for Public Prosecutions, to repeal the **Director of Public Prosecutions Act 1982**, to amend the **Constitution Act 1975**, the **County Court Act 1958** and the **Crimes (Criminal Trials) Act 1993** and make consequential amendments to certain other Acts and for other purposes.".

(17) CONSTITUTION ACT 1975 - SECT 85 (VICTORIA)

Powers and jurisdiction of the Court

(5) A provision of an Act, other than a provision which directly repeals or directly amends any part of this section, is not to be taken to repeal, alter or vary this section unlessxii-

(a) the Act expressly refers to this section in, or in relation to, that provision and expressly, and not merely by implication, states an intention to repeal, alter or vary this section; and

(b) the member of the Parliament who introduces the Bill for the Act or, if the provision is inserted in the Act by another Act, the Bill for that other Act, or a person acting on his or her behalf, makes a statement to the Council or the Assembly, as the case requires, of the reasons for repealing, altering or varying this section; and

(c) the statement is so made-

(i) during the member's second reading speech; or

(ii) after not less than 24 hours' notice is given of the intention to make the statement but before the third reading of the Bill; or

(iii) with the leave of the Council or the Assembly , as the case requires, at any time before the third reading of the Bill.

(18) PUBLIC PROSECUTIONS ACT 1994 - SECT 49 (VICTORIA)

Supreme Court-limitation of jurisdiction

It is the intention of this section to alter or vary section 85 of the

Constitution Act 1975 to the extent necessary to prevent the Supreme Court from-

(b) entertaining any proceeding in which a verdict returned by a jury on a trial on presentment or an order made by a court on or in connection with such a verdict is sought to be challenged, appealed against, reviewed, quashed or called in question on the ground that the making of the presentment was dependent on the making of a special decision and that the procedures prescribed by this Act with respect to the making of special decisions had not been complied with in relation to that special decision; or

(c) entertaining any application by a person for an order in the natureof prohibition, certiorari or mandamus or for a declaration or injunction or for any other relief in respect of a verdict returned by a jury on a trial on presentment or an order made by a court on or in connection with such a verdict on the ground referred to in paragraph (b).

(19) PUBLIC PROSECUTIONS ACT 1994 - SECT 51 (VICTORIA) Transitional provisions

(3) On the commencement of this sub-section the office of Prosecutor for the Queen is abolished and any holder of that office goes out of office.

(20) PUBLIC PROSECUTIONS ACT 1994 - SECT 22 (VICTORIA) Functions of Director

(1) The functions of the Director are-

(a) to institute, prepare and conduct **on behalf of the Crown**, proceedings in the High Court, Supreme Court or County Court in respect of any indictable offence;

(21) PUBLIC PROSECUTIONS ACT 1994 - SECT 22 (VICTORIA) Functions of Director

(1) The functions of the Director are-

(b) if he or she considers it desirable to do so-

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(ii) to take over and conduct any proceedings in respect of any summary or indictable offence, other than proceedings in respect of an indictable offence that are consequent on a finding of a grand jury under section 354 of the Crimes Act 1958

(22) CRIMES ACT 1958 - SECT 354 (VICTORIA)
Indictments

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.

(23) CRIMES ACT 1958 - SECT 357 (VICTORIA)
Discharge of persons under committal for indictable offence

(1) The Attorney-General or the Director of Public Prosecutions may, in respect of any person imprisoned under committal for trial for an indictable

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offence, grant at any time a certificate in the form of Schedule 4 addressed to the Judges of the Supreme Court or any one of them.

(2) The Judges or Judge to whom the certificate is addressed must, by warrant in the form of Schedule 5, order and direct the sheriff or officer in charge of the prison in whose custody the person imprisoned is, to discharge him or her from imprisonment in respect of the offence mentioned in the warrant, immediately and without fee or reward.

(24) CRIMES ACT 1958 - SECT 351 (VICTORIA)
Mode of prosecution

All treasons and misprisions of treason shall be prosecuted by indictment only, and all other indictable offences may be prosecuted by indictment or by presentment as hereinafter directed.

(25) CRIMES ACT 1958 - SECT 322E (VICTORIA)
Treason and misprision of treason not affected

Nothing in this Part shall be taken to affect directly or indirectly any matter of law or practice applicable to treason or misprision of treason.

(26) CRIMES ACT 1958 - SECT 8 (VICTORIA)
Petit treason

Every offence which before the twenty-seventh day of June in the year of our Lord One thousand eight hundred and twenty-eight would have amounted to petit treason shall be deemed to be murder only; and all persons guilty in respect thereof whether as principals or as accessories shall be dealt with indicted tried and punished as principals and accessories in murder.

(27) CRIMES ACT 1958 - SECT 316 (VICTORIA)
Unlawful oaths to commit treason, murder etc.

(1) Every person who-

(a) administers or is present at and consents to the administering of any oath or engagement in the nature of an oath purporting to bind the

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person who takes it to commit treason or murder; or

shall be guilty of an indictable offence, and shall be liable to level 5 imprisonment (10 years maximum).

(2) Every person who-

(a) administers or is present at and consents to the administering of any oath or engagement in the nature of an oath purporting to bind the person who takes it to act in any of the ways following (that is to say):-

(ii) to commit any indictable offence other than treason or murder;

(vii) 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; or

(28) CRIMES ACT 1958 - SECT 326 (VICTORIA)
Concealing offences for benefit

(1) Where a person has committed a serious indictable offence any other person who, knowing or believing that the offence, or some other serious indictable offence , has been committed and that he has information which might be of material assistance in securing the prosecution or conviction of an offender for it, accepts any benefit for not disclosing that information shall be guilty of a summary offence and liable to level 8 imprisonment (1 year maximum).

(5) The compounding of an offence other than treason shall not be an offence otherwise than under this section.

(6) In this section, "serious indictable offence" has the same meaning as it has in section 325.

(29) CRIMES ACT 1958 - SECT 325 (VICTORIA)
Accessories

(6) In this section, "serious indictable offence" means an indictable offence

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which, by virtue of any enactment, is punishable on first conviction with imprisonment for life or for a term of five years or more.

(30) CRIMES ACT 1958 - SECT 325 (VICTORIA)
Accessories

(1) Where a person (in this section called "the principal offender") has committed a serious indictable offence (in this section called "the principal offence"), any other person who, knowing or believing the principal offender to be guilty of the principal offence or some other serious indictable offence, without lawful authority or reasonable excuse does any act with the purpose of impeding the apprehension, prosecution, conviction or punishment of the principal offender shall be guilty of an indictable offence.

31. CRIMES ACT 1958 - SECT 323 (VICTORIA)
Abettors in indictable offences triable as principal offenders

A person who aids, abets, counsels or procures the commission of an indictable offence may be tried, indicted or presented and punished as a principal offender.

(2) Abettors in Offences Punishable Summarily

32. CRIMES ACT 1958 - SECT 324 (VICTORIA)
Abettors in summary offences triable as principal offenders

A person who aids, abets, counsels or procures the commission of an offence which is by this Act punishable on summary conviction either for every time of its commission or for the first and second time only shall be liable for every first, second or subsequent offence of aiding, abetting, counselling or procuring to the same punishment as a principal offender.

(3) Accessories

33. CRIMES ACT 1958 - SECT 321 (VICTORIA)
Conspiracy to commit an offence

(1) Subject to this Act, if a person agrees with any other person or persons

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that a course of conduct shall be pursued which will involve the commission of an offence by one or more of the parties to the agreement, he is guilty of the indictable offence of conspiracy to commit that offence.

34. CRIMES ACT 1958 - SECT 321A (VICTORIA)
Agreements to commit offences outside Victoria

(2) Where all parties to an agreement are outside Victoria when it is made, section 321 shall apply in relation to it if, but only if, that agreement is to pursue a course of conduct which, if the agreement is carried out in accordance with their intentions, will necessarily amount to or involve the commission of an offence against a law in force in Victoria.

35. CRIMES ACT 1958 - SECT 321B (VICTORIA)
As to consequences of acquittal of co-conspirators

It is hereby declared that the conviction of a conspirator whether tried together with or separately from another alleged conspirator or other alleged conspirators may stand notwithstanding that the other alleged conspirator or conspirators is are or may be acquitted unless in all the circumstances of the case the conviction is inconsistent with the acquittal of the other alleged conspirator or conspirators.

36. CRIMES ACT 1958 - SECT 321F (VICTORIA)
Abolition of certain offences of conspiracy at common law

(2) Nothing in sub-section (1) shall affect the offence of conspiracy at common law so far as it relates to conspiracy to cheat and defraud and conspiracy to defraud.

(4) A presentment at the Supreme Court or the County Court of a person for an offence of conspiracy to cheat and defraud or conspiracy to defraud shall not be made without the approval of the Director of Public Prosecutions or of a person authorized by the Director of Public Prosecutions to give approval for the purposes of this sub-section.

37. CRIMES ACT 1958 - SECT 321M (VICTORIA)

Margaret McCampbell SC 21/2

Attempt

A person who attempts to commit an indictable offence is guilty of the indictable offence of attempting to commit that offence.

38. COMMONWEALTH CONSTITUTION ACT - SECT 1

Legislative power

The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the Queen, a Senate, and a House of Representatives, and which is hereinafter called *The Parliament* , or *The Parliament of the Commonwealth* .

39. C'WEALTH CONSTITUTION ACT - SECT 2 (Part1)

Governor-General

A Governor-General appointed by the Queen shall be Her Majesty's representative in the Commonwealth, and shall have and may exercise in the Commonwealth during the Queen's pleasure, but subject to this Constitution, such powers and functions of the Queen as Her Majesty may be pleased to assign to him.

40. COMMONWEALTH CONSTITUTION ACT - SECT 42

Oath or affirmation of allegiance

Every senator and every member of the House of Representatives shall before taking his seat make and subscribe before the Governor-General, or some person authorised by him, an oath or affirmation of allegiance in the form set forth in the schedule to this Constitution.

41. COMMONWEALTH CONSTITUTION ACT - SECT 58

Royal assent to Bills

When a proposed law passed by both Houses of the Parliament is presented to the Governor-General for the Queen's assent, he shall declare, according to his discretion, but subject to this Constitution, that he assents in the Queen's name, or that he withholds assent, or that he reserves the

law for the Queen's pleasure.

42. COMMONWEALTH CONSTITUTION ACT - SECT 59

Disallowance by the Queen

The Queen may disallow any law within one year from the Governor-General's assent, and such disallowance on being made known by the Governor-General by speech or message to each of the Houses of the Parliament, or by Proclamation, shall annul the law from the day when the disallowance is so made known.

43. COMMONWEALTH CONSTITUTION ACT - SECT 61

Executive power

The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen's representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth.

44. COMMONWEALTH CONSTITUTION ACT - SECT 62

Federal Executive Council

There shall be a Federal Executive Council to advise the Governor-General in the government of the Commonwealth, and the members of the Council shall be chosen and summoned by the Governor-General and sworn as Executive Councillors, and shall hold office during his pleasure.

45. COMMONWEALTH CONSTITUTION ACT - SECT 64

Ministers of State

The Governor-General may appoint officers to administer such departments of State of the Commonwealth as the Governor-General in Council may establish.

Such officers shall hold office during the pleasure of the Governor-General. They shall be members of the Federal Executive Council, and shall be the Queen's Ministers of State for the Commonwealth.

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Ministers to sit in Parliament

After the first general election no Minister of State shall hold office for a longer period than three months unless he is or becomes a senator or a member of the House of Representatives.

46. COMMONWEALTH CONSTITUTION ACT - SECT 67

Appointment of civil servants

Until the Parliament otherwise provides, the appointment and removal of all other officers of the Executive Government of the Commonwealth shall be vested in the Governor-General in Council, unless the appointment is delegated by the Governor-General in Council or by a law of the Commonwealth to some other authority.

47. COMMONWEALTH CONSTITUTION ACT - SECT 68

Command of naval and military forces

The command in chief of the naval and military forces of the Commonwealth is vested in the Governor-General as the Queen's representative.

48. COMMONWEALTH CONSTITUTION ACT - SECT 70

Certain powers of Governors to vest in Governor-General

In respect of matters which, under this Constitution, pass to the Executive Government of the Commonwealth, all powers and functions which at the establishment of the Commonwealth are vested in the Governor of a Colony, or in the Governor of a Colony with the advice of his Executive Council, or in any authority of a Colony, shall vest in the Governor-General, or in the Governor-General in Council, or in the authority exercising similar powers under the Commonwealth, as the case requires.

49. COMMONWEALTH CONSTITUTION ACT - SECT 71

Judicial power and Courts

The judicial power of the Commonwealth shall be vested in a Federal

Supreme Court, to be called the High Court of Australia, and in such other federal courts as the Parliament creates, and in such other courts as it invests with federal jurisdiction. The High Court shall consist of a Chief Justice, and so many other Justices, not less than two, as the Parliament prescribes.

50. COMMONWEALTH CONSTITUTION ACT - SECT 72

Judges' appointment, tenure, and remuneration

The Justices of the High Court and of the other courts created by the Parliament:

(i) shall be appointed by the Governor-General in Council;

51. COMMONWEALTH CONSTITUTION ACT - SECT 126

Power to Her Majesty to authorise Governor-General to appoint deputies

The Queen may authorise the Governor-General to appoint any person, or any persons jointly or severally, to be his deputy or deputies within any part of the Commonwealth, and in that capacity to exercise during the pleasure of the Governor-General such powers and functions of the Governor-General as he thinks fit to assign to such deputy or deputies, subject to any limitations expressed or directions given by the Queen; but the appointment of such deputy or deputies shall not affect the exercise by the Governor-General himself of any power or function.

52. 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

(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.

53. COMMONWEALTH CONSTITUTION ACT - SECT 80

Trial by jury

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.

54. COMMONWEALTH CONSTITUTION ACT - SECT 106

Saving of Constitutions

The Constitution of each State of the Commonwealth shall, subject to this Constitution, continue as at the establishment of the Commonwealth, or as at the admission or establishment of the State, as the case may be, until altered in accordance with the Constitution of the State.

55. CONSTITUTION ACT 1889 - SECT 73 WA

Legislature as constituted by this Act empowered to alter any of its provisions

(3) On a day fixed by the Governor by Order in Council, being a day not sooner than 2 months, and not later than 6 months, after the passage through the Legislative Council and the Legislative Assembly of a Bill of a kind referred to in subsection (2), the question for the approval or otherwise of the Bill shall be submitted to the electors qualified to vote for the election of members of the Legislative Assembly according to the provisions of the Electoral Act 1907

(6) 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.

56. **CONSTITUTION ACT 1889 - SECT 75 WA**

Interpretation

For the purposes of this Act —

"Her Majesty" means, when not repugnant to the context, Her Majesty, her heirs and successors.

"Governor in Council" means the Governor acting with the advice of the Executive Council.

57. **I State the following**

(a) **Freemasons take Oaths that have no Act of Parliament authorizing such Oaths**

(b) **Freemasons take Unlawful Oaths thereby breaching their known Allegiance to the Sovereign, Crown, Country, State and people**

(c) **Freemasons have taken control of the Courts and have activated their agenda and law, protected by State and Commonwealth Offices of Public Prosecutions.**

(d) **The current Governor General is a commited Freemason currently under two conflicting Oaths of Allegiance**

(e) **Victorian Supreme Court Masters are Freemasons currently protected from prosectution by Supreme Court Judges and DPP's**

(f) **One application for Grand Jury hearing concerning Master Charles Wheeler, Master Supreme Court Victoria, has been repeatedly blocked by Master Phillip Cain (Registrar Court of Appeal, Supreme Court) the matter has been refiled for application.**

(g) **There is a Supreme Court email address for Dinner arrangments for "Freemasons in Law" run by Mr Terry Bates, Associate to Justice Ormiston Supreme Court, Appeal Judge**

58. CRIMINAL CODE ACT 1995

- SECT 11.1 Attempt

(1) A person who attempts to commit an offence is guilty of the offence of attempting to commit that offence and is punishable as if the offence attempted had been committed.

59. CRIMINAL CODE ACT 1995

- SECT 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.

60. CRIMINAL CODE ACT 1995

- SECT 11.3 Innocent agency A person who:

(a) has, in relation to each physical element of an offence, a fault element applicable to that physical element; and

(b) procures conduct of another person that (whether or not together with conduct of the procurer) would have constituted an offence on the part of the procurer if the procurer had engaged in it;

is taken to have committed that offence and is punishable accordingly.

61. CRIMINAL CODE ACT 1995

- SECT 11.5 Conspiracy

(1) A person who conspires with another person to commit an offence punishable by imprisonment for more than 12 months, or by a fine of 200 penalty units or more, is guilty of the offence of conspiracy to commit that offence and is punishable as if the offence to which the conspiracy relates had been committed

62. CRIMINAL CODE ACT 1995

- SECT 11.6 References in Acts to offences

(1) A reference in a law of the Commonwealth to an offence against a law of the Commonwealth (including this Code) includes a reference to an offence against section 11.1 (attempt), 11.4 (incitement) or 11.5 (conspiracy) of this Code that relates to such an offence.

(2) A reference in a law of the Commonwealth (including this Code) to a particular offence includes a reference to an offence against section 11.1 (attempt), 11.4 (incitement) or 11.5 (conspiracy) of this Code that relates to that particular offence.

(4) In particular, an express reference in a law of the Commonwealth to:

(a) an offence against, under or created by the Crimes Act 1914; or

(b) an offence against, under or created by a particular provision of the Crimes Act 1914; or

(c) an offence arising out of the first-mentioned law or another law of the Commonwealth; or

63. Hebrews Chapter 11.24

By faith Moses, when he was come to years, refused to be called the son of Pharaoh's daughter.

Affirmed by Brian William Shaw:

At: Werribee in the State of Victoria

This: 16th day of May 2004

Before me: Margaret M Campbell JP

A JUSTICE OF THE PEACE FOR VICTORIA
REG. No. 9924
MARGARET MAY CAMPBELL
7 MUIRHEAD CRES.
WERRIBEE 3030

29/29.