

Originating application for judicial review

No of 2023

Federal Court of Australia

District Registry, Queensland District Registry

Division: Administrative Decisions (JUDICIAL REVIEW) Act 1977

Michael Thomas Holt

Applicant

XXXXXXXXXX

First Respondent

AFFIDAVIT

Michael Thomas Holt of [REDACTED], Queensland 4 [REDACTED], Australia solemnly and sincerely affirms and declares:

1. I am Michael Thomas Holt, and as a Subject of the King and former RAAF serviceman, Vietnam veteran, married twenty four years with two daughters, retired, I am entitled to the quiet and sure protection of his King, and the sacred Office the Sovereign holds under the Constitution.
2. I affirm this affidavit to support an application for a writ of prohibition arising from the actions of CDPP Federal Prosecutor [REDACTED] in procuring an arrest warrant against me, issued by a Judge of the County Court in Victoria, that without responsibility Judge [REDACTED] did on his own decision claim jurisdiction to have me arrested in breach of S 80 Constitution, transported from Queensland to Victoria and incarcerated for six days without trial.
3. I am a person who has spent the last few years studying law, concentrating on Constitutional law.
4. Prior to my arrest and incarceration, the following series of events took place. In August 2016 Victorian and Federal Police conducted pre-dawn raids (just as the Nazis did) on several homes of ordinary Australian people seeking evidence of crime, in direct contravention of the court decisions 1. Regina v Banner (1970) VR 240 at p 249 – the Full Bench of the Northern Territory Supreme Court, 2. Andrew Hamilton Vs Director of Public Prosecutions – Justice Stephen Kaye – Melbourne Supreme Court ruling – 25 November 2011, and Magistrate Duncan Reynolds – Melbourne – July 2013. Phillip Galea was the only one arrested as a result of those raids conducted under the pretext of the anti-terrorism laws.

5. Galea was subsequently convicted by the Supreme Court Melbourne in 2020 after being incarcerated without trial and held in solitary confinement in the intervening period since his arrest. As a result, Galea was denied his Human Rights under the International Covenant on Civil and Political Rights which is Schedule 2 to the Australian Human Rights Act 1986.
6. I, Michael Thomas Holt, wrote three articles and published them on my website, www.cirnow.com.au, as well as recording several podcasts to tell the Australian people about his plight in an effort to gain Galea his right to a trial in the speediest manner possible, as required under the Magna Carta “(34) The writ called precipe shall not in future be issued to anyone in respect of any holding of land, if a free man could thereby be deprived of the right of trial in his own lord’s court.”
7. My website cirnow.com.au is published with a notice in the footer stating: This website is operated under and in accordance with The Crimes Act 1914, S. 13 & 15F
8. In October 2019 I, Michael Thomas Holt, flew to Melbourne, as Galea had told me in a phone call that he had filed a request for 20 witnesses for the defence to be called to testify at his trial. I was one of those witnesses he requested to appear. However, Judge Elizabeth Hollingworth refused to allow any witnesses to appear in Galea’s defence, denying him his rights to due process under the law.
9. While I was in Victoria, I never went anywhere near the courtroom where Galea’s trial was being held, as I was told by his lawyer, Anthony Brand, that the judge had closed the court. Therefore, I never saw, nor knew about, a suppression order that Judge Hollingworth had posted on the door of the courtroom where Galea’s trial was in progress. Brand, Galea’s lawyer, did not mention to me while I was in Melbourne that Justice Hollingworth had issued a suppression order.
10. When I returned home to Queensland, I wrote an article about my experience in Victoria and named those involved in Galea’s case. I published it late in the evening, and early next morning I called his lawyer, Galea’s lawyer, to ask him to read the article to confirm that the facts were correct. That was when Anthony Brand told me that there was a suppression order forbidding anyone to publish anything about the Galea court case. On hearing that and understanding what it meant, I told him I would immediately delete the article, which I did. I also deleted the link to it on my Facebook page.
11. On August 1, 2020 several officers of the AFP raided my home using a Search Warrant issued by Supreme Court Justice E. Hollingworth, and Haydn Stjernqvist, the Maroochydore Court Magistrate who signed off on the Search Warrant for Maroochydore police to accompany the AFP. The police took various items of my personal property. **Exhibit A Property Seizure Record**
12. On 1 December 2020, I was served with a Charge-Sheet and Summons at the door of my abode at the time at 5 Bristlebird Circuit, Forest Glen Qld 4556. The package contained a cover letter from the CDPP, a copy of a charge sheet and summons issued by Supreme Court Justice [REDACTED], and a letter purporting to be a statement of facts from the AFP citing Case Officer Federal Agent [REDACTED].
13. On 21 December 2020 I appeared in a Webex court appearance at 9.15am. The hearing

was conducted by Magistrate **Simon Zebrowski**, Case number [L12927096], who confirmed my question to him that the court was sitting under Clause 5 of the Commonwealth of Australia Constitution Act 1901. However, after saying, "Yeah", he went on to state that he would 'talk about that later'. But he never did. Evidence of this is available in the court transcript. Due to the Kable Principle that the only court that can legitimately exercise the judicial power of the Commonwealth is a Chapter 3 Court constituted under S 79 of the Constitution, this magistrate **Simon Zebrowski** committed an error of law on the face of the record. He had no jurisdiction to commit me to trial without convening a Grand Jury first.

14. On 2 August 2021 I appeared by Webex video before Judge **Sarah Dawes** in the Victoria County Court. During my appearance, I asked that the trial be transferred to Queensland, as required by Section 80 of the Commonwealth of Australia Constitution Act, which states: "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."
15. Judge **Dawes** stated she could not do that, as they have no jurisdiction in Queensland. I asked the Judge why I was appearing in a Victorian court at all then? I also asked if the Court she was trying to drag me into would be convened under Clause 5 and Chapter 3 of the Commonwealth of Australia Constitution Act 1901. She stated, "That's a matter for you, Mr Holt. You are the person charged with an offence from Victoria, and the trial proceeds in Victoria. Whether you attend court or not is a matter for you, but you are at risk, having signed an undertaking of bail if you do not attend court, you are at risk of a warrant being issued for your arrest. Now it may be that pre-trial issues could be dealt with via Webex perhaps, but I would imagine that the trial itself before a jury, you would have to appear in person." I asked Judge **Dawes** if the court was convening under Clause 5 and Chapter 3. She answered, "No. The Victorian County Court runs under the Victorian County Court Act 1958, which is a legitimate way for these matters to proceed, as all charges proceed to trial in Victoria." By these statements Judge **Dawes** ignored the Kable Principle and the constitution, and the fact that this case is between a man from Queensland and the King in right of the State of Victoria. The only court that can legitimately exercise the judicial power of the commonwealth is a Chapter 3 Court constituted under S 79 of the Constitution, this magistrate Judge **Dawes** committed an error of law on the face of the record. She had no jurisdiction to commit me to trial without convening a Grand Jury first.
16. I signed the bail undertaking under duress. The alternative would have been to face arrest and incarceration pending trial in Victoria.
17. I also stated, "The problem I see is that under Section 106 of the Constitution, no one in Victoria had the right to remove the Constitution of Victoria in 1975 and replace it and still comply with Section 106. Therefore, the State of Victoria does not comply with the Commonwealth Constitution and it does not exist. The states are affected by Sections 106, 107, 108 and 109 of our Constitution and draw their authority from our constitution referentially.
18. Now, if you look at McGinty v The State of Western Australia HCA 48 of 1996, paragraph 17 there is no constitutional reason for this court to even exist.

19. 17. Section 106 of the Commonwealth [Constitution](#) reads:

"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."

This section has a dual operation. Its first operation is to prescribe what the new elements of the Federal polity - the States - shall be. When the people of the Australian Colonies were united in the Commonwealth of Australia by the proclamation made pursuant to Covering Clause 3 and those Colonies became Original States of the Commonwealth by operation of Covering Clause 6, the Colonies - the old constitutional entities - acquired a new constitutional status. They became States, as the text of [ss 107](#) and [108](#) shows, deriving their existence as States from the Commonwealth Constitution(30). Secondly, [s 106](#) conferred on the respective States substantially the Constitutions of the antecedent Colonies(31). The same Constitutions as had been conferred on the Colonies prior to 1 January 1901 were continued as the Constitutions of the respective States thereafter, subject to such modifications as were effected by the Commonwealth of Australia [Constitution](#) Act 1900 (Imp) and the [Constitution](#) of the Commonwealth. As Barwick CJ said in *New South Wales v The Commonwealth*(32):

"On the passage of the Imperial Act, those colonies ceased to be such and became States forming part of the new Commonwealth. As States, they owe their existence to the [Constitution](#) which, by [ss 106](#) and [107](#), provides their constitutions and powers referentially to the constitutions and powers which the former colonies enjoyed, including the power of alteration of those constitutions. Those constitutions and powers were to continue by virtue of the [Constitution](#) of the Commonwealth."

20. The judge replied, "That's your submission. **In my view** this court does have jurisdiction." Therefore, by Judge **Dawes** own admission, is it not true that all courts in Australia are private corporations with an Australian Business Number, and therefore they have conspired and attempted to pervert the course of justice by claiming they are not bound by Clause 5 of the Commonwealth of Australia Constitution Act 1901? No lower court judge is entitled to form a view in conflict with binding High Court precedent. In this respect both Judge **Dawes** and Judge **Bourke** have erred.
21. On 9 November 2021 I appeared by Webex call in the Melbourne County Court where much waffling was heard about how, due to the Covid "crisis", they cannot get me to court before a jury in Melbourne. I reminded the court that they have no jurisdiction and no right or authority to try me in a Victorian court as they are contravening the supreme law of our land, the Commonwealth of Australia Constitution Act 1901 S.80. I also reminded the court that I had filed a Judiciary Act 78B challenge that must be considered by all Federal and State Attorney Generals. Despite this, my statements were ignored.
22. On 30 November 2021 I appeared by Webex call before Judge **Gerard Mullaly** in the County Court. Before my appearance, I had filed a Form 78B, which is a Constitutional challenge to the court questioning its jurisdiction. All State and Federal Attorney Generals were required to respond to the challenge. They all declined to appear. Instead, they sent letters stating that they did not want to get involved.

23. Judge **Mullaly** asked the prosecution, "...has the Director (CDPP) considered that the proper venue being Victoria, the proper venue being Queensland, is that a matter that's been considered and you have an answer to the accused's proposition, or has it not been considered? The prosecution and the judge debated my request that the trial must be moved to Queensland, as that is required by Section 80 of the Constitution, which states, "80. 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."
24. On 5 September 2022 I declined to appear in the Melbourne County Court. Judge Michael **Bourke** acknowledged that I had challenged the jurisdiction of the court under S 80 Commonwealth of Australia Constitution Act 1900, and he adjourned the court overnight while he considered my challenge.
25. On 6 September 2022 I received what appeared to be a garbled transcript from the court, in which Judge **Bourke** stated that after consideration **he felt he did have jurisdiction** to order me to appear before him. He then agreed to a request by the Respondent **Grace Krütsch** a Federal Prosecutor employed by the CDPP that Judge **Bourke** issue an arrest warrant to force me to appear before him. Again, no lower court judge is entitled to form a view in conflict with binding High Court precedent.
26. On 19 October 2022 I was arrested outside my home by AFP and local police officers and detained in the Maroochydore watch house overnight. I was given a thin plastic sheet which did not protect me from the air-conditioned cold. Consequently, I suffered a very uncomfortable night sleeping on a thin vinyl covered mattress on top of a cement platform. I was given fast food, which I could not eat. I was not given any toilet paper, so I had to use the fast-food wrapper instead. The next day I was transported by air to Melbourne where I was incarcerated for six days without trial. On day six I appeared before Judge **Bourke** who ordered me released on bail for a surety of \$1,000. I asked if the State of Victoria would pay for my flight home since I had been kidnapped and taken there by force, but that request was refused. I had to pay my own way home.
27. In 1996, a full High Court in the case of *Kable v the DPP of State of New South Wales* (1996) H C A 24, a four-judge majority stated, as Gaudron J. states at 14: "Once the notion that the Constitution permits of different grades or qualities of justice is rejected, the consideration that State courts have a role and existence transcending their status as State courts directs the conclusion that Ch III requires that the Parliaments of the States not legislate to confer powers on State courts or authorise the State Courts to make Rules, which are repugnant to or incompatible with their exercise of the judicial power of the Commonwealth." Judges **Bourke** and **Dawes** both formed opinions contrary to binding High Court precedent that must be held unlawful.
28. During my research into this matter and other legal references, I came across a Transcript from the High Court on the 7th December 1995 that clarifies the rights of every Australian under S 79 Constitution as decided in the "Kable Principle" in 1996 to jury trial without exception, and that transcript is **Exhibit B The Kable Principle**
29. During my research I found this quote from a United States legal textbook first published

in 1962 on *The Judicial Process*, Oxford University Press Henry J. Abraham 1st Edition 1962 to 1979, **Quote:** “Certainly, the most controversial and at times the most fascinating role of the “courts” in the United States in general, and of the Supreme Court in particular, is the exercise of the power of judicial review. It is commonly viewed with equal amounts of reverence and suspicion. In its full majesty (Power under His Majesty in Australia) and range it is a power that the ordinary courts: i.e. those that are part of the formal judicial structure – of merely a handful of other countries in the world possess with varying degrees of effectiveness; among these are Australia, Brazil, Burma, Canada, India, Pakistan, and Japan, of whom most have federal systems of government. It is all but axiomatic that the practice would be found more readily in federal than in unitary states. Briefly stated, judicial review is the power of any court to hold unconstitutional and hence unenforceable any law, any official action based upon it, and any illegal action by a public official that it deems — upon careful, normally painstaking, reflection and in line with the canons of the taught tradition of the law as well as judicial self-restraint — to be in conflict with the Basic Law, in the United States its Constitution. In other words, in invoking the power of judicial review, a court applies the superior of two laws, which at the level of the federal judiciary of the United States signifies the Constitution instead of some legislative statute or some action of a public official allegedly or actually based upon it.

30. In the United States, which will serve as the chief subject in this treatment of judicial review, this highly significant instrument of power is theoretically possessed by every court, no matter how (page 252) high or low on the judicial ladder. Although admittedly unlikely, it is thus not impossible for a judge in a low-level court of one of the fifty states to declare a federal law unconstitutional! Such a decision would quite naturally at once be appealed to higher echelons for review and almost certain reversal, but the possibility does exist.
31. Conscious of the nature and purpose of federalism and the need to permit legislative bodies to act in accordance with their best judgment, no matter how unwise that may well be at times, courts are loathe to invoke the judicial veto. Yet their power to do so, especially that of the Supreme Court of the United States, serves as an omnipresent and potentially omnipotent check upon the legislative branches of government.” **End of quote.**
32. It is a religious right deeply enshrined in the common law, to make a prayer to a court with judges as granted in S 79 Constitution and have the Holy Spirit or Holy Ghost decide whether the prayer should be answered. It is religious persecution in the meaning of S 268 :20 Criminal Code Act 1995 (Cth) to refuse a request for jury trial.
33. My further research discloses that the Decision on the 14th September 1996 was supported by four of the six judges and is binding by Sections 2 and 23 Judiciary Act 1903, **Exhibit C Sections 2, 23 Judiciary Act 1903**
34. The Kable decision is important because it makes a failure to abide by S71, 79 and 80 Constitution an indictable Offence against Sections 42 and 43 Crimes Act 1914 (Cth) which makes it a ten-year imprisonment offence to conspire and attempt to pervert the course of justice in respect of the judicial power of the Commonwealth, and since the Kable Decision there is only One Judicial Power in the Commonwealth represented by Queen Victoria's Letters Patent 1900 instituting the Office of Governor General, **Exhibit**

D Queen Victoria's Letters Patent 1900 instituting the Office of Governor General

35. Breach of Statute law has always been an indictable offence and the integrity of the judicial power is protected by S 13 and S 15F Crimes Act 1914 and Part III of the Crimes Act 1914 (Cth) which includes S 42, 43 and 44. **Exhibit E Crimes Act 1914 S 13**
36. This is urgent because I, Michael Thomas Holt, was held in prison for six days on an illegal order by Michael [REDACTED], a Judge of the County Court of Victoria, and he did in breach of Article 14 of the International Covenant on Civil and Political Rights, order me held without trial and on an arbitrary order by a State Public Official, in breach of Article 9 (5) of the Covenant, and as a result I, Michael Thomas Holt, am entitled to compensation as set out below.
37. The right to jury trial is further reinforced by S 268:12 Criminal Code Act 1995 (Cth) which makes binding on the "courts, judges and people" the provisions of Article 9 of the International Covenant on Civil and Political Rights which bans arbitrary judgments, and Article 14 which extends to civil litigants the same right to jury trial as a serious offender gets under S 80 Constitution by declaring as a binding order of the Parliament of the Commonwealth that all persons are equal before the law.
38. The Commonwealth of Australia was formed after a Referendum, and a Governor General was appointed by the Queen Victoria's Letters Patent 1900 to execute and maintain the Laws of the Commonwealth under S 61 Constitution, but lawyers in the Commonwealth immediately sabotaged that appointment by claiming States' Rights, when the entire Commonwealth was one State with every State subject to the Commonwealth of Australia Constitution Act 1900 and Queen Victoria's Letters Patent 1900. **Exhibit F Commonwealth of Australia Constitution Act 1900 S. 61**
39. In 1984 a High Court decision, University of Wollongong V Metwally, was decided and the Parliament of the Commonwealth enacted it as law in Acts Interpretation Act 1901 (Cth) S 15C which gives a State Court when exercising Federal Jurisdiction unlimited power within the Constitution by order of the Parliament of the Commonwealth. **Exhibit G Acts Interpretation Act 1901 (Cth) S 15C**
40. In 1984 the then Prime Minister, a BOB HAWKE, sabotaged the Commonwealth of Australia Constitution Act 1900 that includes Queen Victoria's Letters Patent 1900 by purporting to repeal the said Letters Patent and substituting his own Letters Patent, emasculating the Office of Governor General and making the Governor General a lap dog of whatever Political Party was in power at the time. The Queen did not get the advice of the Privy Council as required by S 4 of the Commonwealth of Australia Constitution Act 1900, and so by 15A Acts Interpretation Act 1901 (CTH) the later Letters Patents are void. **Exhibit H Acts Interpretation Act 1901 - Sect 15a**
41. In 2008 another Labor Prime Minister, one Kevin Rudd, reissued the forged Letters Patent of BOB HAWKE in the name of Her Majesty Elizabeth the Second, and he had no right whatsoever to sully Her reputation in such a way without a referendum, nor ignore the requirement to consult with Her Privy Council under S 128 Constitution, **Exhibit I Forged Letters Patent of BOB HAWKE & Kevin Rudd**
42. State Politicians have usurped the power of the Sovereign of S 16 Acts Interpretation Act

1901 (Cth) and created State Queens in every State and used that purported power to run riot and willfully steal from and cheat the people of every State, when everyone is entitled to the protection of the Sovereign who is obliged to take the Oath in the Statute of 1 Will and Mary C6 (Coronation Oath) (1688) before assuming office, and is not and can never be subservient to the Roman Catholic Church in Rome. This enactment is **Exhibit J Oath in the Statute of 1 Will and Mary C6 (Coronation Oath) (1688)**

43. Since the sabotage of the Governor General by both BOB HAWKE and Kevin Rudd the highest court of judicature in the Commonwealth with 227 elected judges complying with S 79 Constitution is the Parliament of the Commonwealth, and its laws are binding on the “courts, judges and people of every State notwithstanding anything in the laws of any State”.
44. I, Michael Thomas Holt, am aware of these shortcomings and because I have not been afraid to air my views and stand to protect my rights, have been imprisoned without trial as an interstate political prisoner for six days starting the 20th October 2022.
45. The entity COMMONWEALTH OF AUSTRALIA is a corporation with an Australian Business Number ABN 98 724 451 651
<https://abr.business.gov.au/ABN/View?abn=98724451651> – with its own business constitution and has no contract with the living flesh and man Michael Thomas Holt.
46. The entity STATE OF VICTORIA is a corporation with an Australian Business Number ABN 054558619 – <https://www.abr.business.gov.au/ABN/View/57505521939> – with its own business constitution and has no contract with the living flesh and man Michael Thomas Holt.
47. The entity of the STATE OF VICTORIA - PARLIAMENT OF VICTORIA is a corporation with Australian Business Number ABN 57 505 521 939
<https://www.abr.business.gov.au/ABN/View/57505521939> – with its own business constitution and has no contract with the living flesh and man Michael Thomas Holt.
48. The entity of the MAGISTRATES COURT VICTORIA is a corporation with an Australian Business Number ABN 32 790 228 959 doing business as the DEPARTMENT OF JUSTICE AND COMMUNITY SAFETY --
<https://abr.business.gov.au/ABN/View?abn=32790228959> – with its own business constitution and has no contract with the living flesh and man Michael Thomas Holt.
49. Section 24 of the Australian Courts Act 1828 is still in force, and has not been repealed, evidenced in **Exhibit K The Australian Courts Act 1828 S24**
50. The Laws of England are explained by two individuals, namely Blackstone and Holdsworth as follows: Blackstones Commentaries on the Laws of England Vol 3 Page 160, supported by A HISTORY OF ENGLISH LAW by Sir William Holdsworth KC DCL Hon LLD, Volume X that both state that: “For it is part of the contract entered into by all mankind who partake of the benefits of society to submit in all points to the municipal constitutions and local ordinances of the state of which each individual is a member. Whatever the law orders any one to pay that becomes instantly a debt which he has beforehand contracted to pay.”

51. It is an ancient right dating from 1400, and evidenced by a Statute in force in the Australian Capital Territory called the FREE ACCESS TO COURT ACT 1400 Sections 4 and 5, Every person shall be in peace:
4. All his liege people and subjects may freely and peaceably, in his sure and quiet protection, go and come to his courts to pursue the laws or defend the same without disturbance or impediment of any. And;
5. Full justice to be done. Full justice and right to be done as well to the poor as to the rich in his courts aforesaid, to be able to get any sentence of imprisonment judicially reviewed.
52. By S 118 Constitution, full faith and credit must be given throughout the Commonwealth to the laws and public Acts and Records and the judicial proceedings of every State.
53. The existence and continuation of the Feigned issue, continued by S 11 Supreme Court Act of 1991 (Queensland) means that if the respondents want to deny any of the contents of this, my Affidavit, then a question of fact arises, and if they do not consent to discontinuing the charge against Michael Thomas Holt in the County Court Melbourne, and the apportionment of compensation, the existence of a ban on arbitrary judgments of imprisonment that the amount of compensation Michael Thomas Holt is entitled to must be appropriated by a jury as a feigned issue and a Form in the Schedule to the Judiciary Act 1903 issued to both the State of Victoria and the Commonwealth, as both are equally culpable, as **Exhibit L Supreme Court of Queensland Act of 1991 S 11, IOL Petroleum Vs O'Neil 1996 NSW**
54. This means that a Properly constituted court with judges as required by Sections 71, 79 and 80 Constitution, or by consent, has equal power with the Parliament of the Commonwealth and may nullify any decision by any State or Federal Government or any servant thereof, that does not comply with the binding contract of record that is Our Constitution and the laws made under it. This is evidenced by the definition of Appeal in S 2 Judiciary Act 1903 where Court and Judge are both capitalised and coupled with the word "any", as **Exhibit M Commonwealth of Australia Constitution Act Sections 71, 79 and 80**
55. [REDACTED] and [REDACTED] are responsible for the actions of their CDPP staff members.
56. Michael Thomas Holt notified Commissioner Reece Kershaw of the Australian Federal Police (AFP) on 6 September 2022 that [REDACTED] was likely to ask AFP to execute an arrest warrant and that such warrant was likely to be illegal. Commissioner Kershaw ignored the notice, thus incurring liability for the actions of his officers for breaching S 142:2 Criminal Code Act 1995 (Cth), **Exhibit N Letter to Commissioner Reece Kershaw Australian Federal Police, 6 September 2022**
57. On 23 September 2022 I, Michael Thomas Holt, sent a Notice to Rectify a Fundamental Error to the Governor General, His Excellency The Honourable David Hurley AC DSC, stating by S 24F Crimes Act 1914 (Cth) "it is not unlawful to point out in good faith errors in the Administration of the Commonwealth, and I can find no evidence that section has been repealed, and even if it has, that repeal would be illegal." I politely requested His Excellency to contact the King to end this fraud on the "courts, judges, and people" of the Commonwealth and have him reinstate the Letters Patent given to us by

Queen Victoria. The Governor General ignored my petition, thus rendering him culpable and liable for his actions breaching S 142:2 Criminal Code Act 1995 (Cth), **Exhibit O Letters to The Governor General His Excellency The Honourable David Hurley AC DSC, dated 23 September 2022, and 11 November 2022**

58. In 1914 the Parliament of the Commonwealth enacted the Crimes Act 1914 (Cth) and in Part III of that Act enacted S 42, 43 and 44 to ensure the integrity of every court in the Commonwealth. Further, to ensure the Parliament of the Commonwealth is not incompetent and impotent it enacted the law of penalties into the Laws of the Commonwealth by S 4B Crimes Act 1914 (Cth) and provided a formula to calculate the liquidated penalty for breaching Commonwealth law.

- a) That formula is the term of imprisonment in years multiplied by the number of months in a year, namely Twelve months.
- b) Ten years imprisonment accrues for a breach of S 42 and S 43 Crimes Act 1914 (Cth) which occurs whenever S 79 or S 80 Constitution is not strictly applied. Ten years is 120 months, and each month is five penalty units, so ten years attracts 600 penalty units and that is mandated at \$275.00 per penalty unit at the present time, by 600 penalty units and equals \$165,000 for any individual who sits as a Judge in Court without judges, as set out in the definition of Appeal in S 2 Judiciary Act 1903.
Exhibit P Crimes Act S 42, 43, 44

- c) Each month attracts five penalty units, so seventeen years under Section 268:12 Criminal Code Act 1995 works out at 1,020 penalty units and each liquidated penalty unit is currently \$275.00. So, imprisonment or other severe deprivation of physical liberty enforceable under 268:12 Criminal Code Act 1995 (Cth) attracts a liquidated penalty of \$280,500 for a breach of 268:12 Criminal Code Act 1995 (Cth), and once 268:12 Criminal Code Act 1995 (Cth) is infringed the victim can claim persecution and that activates 268:20 Criminal Code Act 1995 (Cth) and another seventeen years imprisonment.

59. Further, the political entity that the said Judge [REDACTED] works for, namely the STATE OF VICTORIA as an incorporated entity, attracts five times that penalty and is liable as if it were a Subject of the King by S 64 Judiciary Act 1903, and is enforceable by action of law and accruing at \$4,445,000 per day for six days is \$22,225,000 each for the State of Victoria and for the political entity that aided, abetted, counselled, and procured the Warrant. The same penalty applies to the Commonwealth.

60. Liquidated Penalties applying to [REDACTED] and Judge [REDACTED]: The penalties applicable to individuals and Bodies corporate arising out of the Victorian Court case leveled against me are as follows:

Individual Penalty: 17x12x5 268 :12 Criminal Code Act 1995 (Cth) 17 years imprisonment.

The Liquidated Penalty is calculated as:

$17 \times 12 \times 5 = 1020$ penalty units x \$275.00	\$280,500
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Same for 268 :20 Criminal Code Act 1995 (Cth)	\$280,500
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S 42 and 43 Crimes Act 1914 10 years' imprisonment

The Liquidated Penalty is calculated as:

10x12x5 =600 penalty units	\$165,000
S 42 catches the lawyers and Judge involved, and s 43 catches the lawyers and judge (each)	\$330,000
Individual Total per day	\$891,000
Times Six days:	\$5,346,000
Bodies Corporate: Commonwealth x 5	\$4,445,000
State of Victoria	\$4,445,000
Times Six days (each)	\$22,225,000

61. Breach of duty by the Governor General and Commissioner Reece Kershaw: S 4.3 Criminal Code Act 1995 (Cth) states that an omission to perform a duty can be an offence.
 (b) the law creating the offence impliedly provides that the offence is committed by an omission to perform an act that there is a duty to perform by a law of the Commonwealth, a State or a Territory, or at common law.
62. Both the Governor General and Commissioner Australian Federal Police have a duty to execute and maintain the Laws of the Commonwealth, and a failure to do so is a species of fraud causing a detriment to the plaintiff, their employer and the public at large. After Notice, they both had a duty to act. They have therefore committed the crime of Abuse of Public Office as set out here.

142.2 Abuse of Public Office

(1) A Commonwealth public official commits an offence if:

(a) the official:

- (i) exercises any influence that the official has in the official's capacity as a Commonwealth public official; or
- (ii) engages in any conduct in the exercise of the official's duties as a Commonwealth public official; or
- (iii) uses any information that the official has obtained in the official's capacity as a Commonwealth public official; and

(b) the official does so with the intention of:

- (i) dishonestly obtaining a benefit for himself or herself or for another person; or
- (ii) dishonestly causing a detriment to another person.

Penalty: Imprisonment for 5 years.

63. The Governor General and Commissioner Australian Federal Police both have a public duty not to allow the administration of Government to be stolen by imposters, and it is dishonest not to act on a written complaint. The Plaintiff is entitled to expect the utmost diligence from both, and their failure to prevent the detriment suffered by the plaintiff, is a cause of action.

The Liquidated Penalty: 5 years is 300 Penalty units as a liquidated penalty is \$82,500.

64. Every voting individual in Australia is a Commonwealth Entity who delegates their

authority to Members of the House of Representatives and Senators, but by S 34AB Acts Interpretation Act 1901 (Cth) each individual retains the power to enforce the Laws of the Commonwealth evidenced by S 13 and 15F Crimes Act 1914

65. The reason I am being persecuted by Justice ██████████ is that I objected to the fact that she closed the court in which she was presiding, preventing me from giving exculpatory evidence on behalf of Phillip ██████████ to the jury of twelve women, and ██████████ was therefore denied a fair trial, breaching The Criminal Code Act 1995 S 268:12 and 268:20, and S 43 Crimes Act 1914. **Exhibit Q Criminal Code 1914 268:12 and 268:20, and Articles 9 and 14 International Covenant of Political Rights**

65. By s 42 and 43 Acts Interpretation Act 1954 (Q) this civil right is absolute in Queensland. **Exhibit R Acts Interpretation Act 1954 (Q) S 42 and 43**

66. Section 2 Judiciary Act 1903 Defines Appeal as an application for a New Trial, and any application to review or call in question the decision of any Court or Judge, and if the High Court is not amenable to any other Appeal, I appear to be entitled under the Alien Tort Statute 1789 (United States) to engage a lawyer in Washington DC or Honolulu, Hawaii, and sue the Defendants in tort and collect a substantial sum of money under what is called assumpsit. In the United States of America lawyers work on contingency fees.

67. The Alien Tort Statute, originally enacted as section 9 of the Judiciary Act of 1789, grants the district courts original jurisdiction over “any civil action by an alien for a tort only, committed in violation of the law of nations or a treaty of the United States.” In 1980 the United States Court of Appeals for the Second Circuit breathed new life into these little-used and somewhat mysterious provisions. The case was *Filartiga v. Pena-Irala*, in which a Paraguayan family brought suit against a former Paraguayan police chief for the torture and death of one of its members. The court upheld federal jurisdiction under the Alien Tort Statute. Finding state torture to be a violation of “modern international law,” it pronounced itself willing to enforce this law even as between aliens whenever personal jurisdiction could be obtained over the defendant.

68. Assumpsit in the United States is an assumption drawn from received English Law that a person has contracted to obey the law as made and is liable for the prescribed penalty if he or she breaks the law. This is set out in Blackstone's Commentaries.

WITH JUST CAUSE AND WITHOUT VEXATION

.....
Michael Thomas Holt
Deponent

Sworn by the above-named deponent, all rights reserved

At

on before me

The contents of this affidavit are true, except where they are stated on the basis of information and belief, in which case they are true to the best of my knowledge.

I understand that a person who provides a false matter in an affidavit commits an offence.

List of Exhibits

Exhibit	Description of Document	Date	Page No.
A	Property Seizure Record issued by AFP	08 January 2020	3
B	The Kable Principle		4
C	Sections 2 and 23 Judiciary Act 1903		8
D	Queen Victoria's Letters Patent 1900		10
E	Crimes Act 1914 S 13		13
F	Commonwealth of Australia Constitution Act 1900 S61		14
G	Acts Interpretation Act 1901 S15c		15
H	Acts Interpretation Act 1901 S15a		16
I	Forged Letters Patent of BOB HAWKE		17
J	Oath in the Statute of 1 Will and Mary C6		20
K	Crimes Act S 42-43-44		22
L	The Australian Courts Act 1828 S24		25
M	Supreme Court of Queensland Act of 1991 S 11, IOL Petroleum Vs O'Neil 1996 NSW		26
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SUPREME COURT OF QUEENSLAND

REGISTRY: Brisbane
NUMBER: 15372/22

Applicant:

Michael Thomas Holt

AND

Respondent:

Grace Krütsch

CERTIFICATE OF EXHIBIT

Bound and marked A – R are the exhibits to the affidavit of *Michael Thomas Holt* affirmed 8 June 2023.

.....
Deponent

.....
Witness
(*Description of witness*)

Exhibit A Property Seizure Record issued by AFP 08 January 2020



Property Seizure Record

No. M 419612

Use of a Property Seizure Record is governed by the AFP National guideline on property and exhibits

PROMIS No.: 5908006 Warrant issued: (Y/N) Y PROMIS seizure #: _____

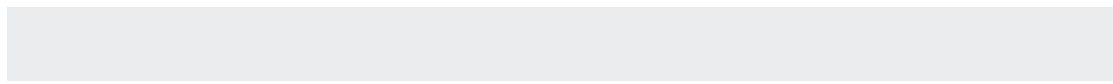
Date search/seizure: 08/01/2020 Time of search/seizure: 09:04 to 10:12

Premises searched/seized from location: 5 BRISTLEBIRD CIRCUIT, FOREST GLEN QLD 4556 suspect name: MICHAEL THOMAS HOLT DOB: 11/08/1947

Item number	Complete description of item seized	Specific location of item	Time located	Member	Seal no.
BP.08JAN2020.001	1 x APPLE IPAD IN BLACK CASE	HANDLED TO POLICE BY MICHELLE HOLT	09:22	O'BRIEN	556903
BP.08JAN2020.002	1 x BLACK LENOVO LAPTOP PC WITH 2 x BLACK PORTABLE HARD DRIVES + POWER CABLE	STUDY / OFFICE	09:24	O'BRIEN	556905
BP.08JAN2020.003	ASSORTMENT OF HANDWRITTEN DOCUMENTS, LETTERS, ENVELOPES	STUDY / OFFICE	09:28	O'BRIEN	556904
BP.08JAN2020.004	1 x RED IPHONE MODEL A1784	HANDLED TO POLICE BY MICHAEL HOLT	10:04	O'BRIEN	556906

Warrant holder	Property officer	Owner or other person*	Exhibit registrar to complete
I certify that the property described above was seized from the above premises OR from the possession of the above named person. Signature: Name: (Print) <u>N. O'BRIEN</u> Rank/number: <u>DNA 54715</u> Date: <u>08/01/2020</u> Team: <u>QJCT - MUI</u>	I certify that the property described above was seized from the above premises OR from the possession of the above named person. Signature: Name: (Print) <u>B. MILNE</u> Rank/number: <u>AFP 21675 (S/C)</u> Date: <u>08/01/2020</u> Team: <u>QJCT REISBANK</u>	I certify that I am the owner/occupier/person* named above or other person representing the owner/occupier of the premises or person named above present at the time the property described was seized. The property has been correctly described and I have received a copy of this record. Signature: Name: (Print) <u>MICHAEL HOLT</u> Date: <u>8/1/20</u>	I certify that I have received the property listed above in accordance with the AFP National guideline on property and exhibits. Signature: _____ Name: (Print) _____ Rank/number: _____ Date: _____ Location: _____

1. Original (White copy) for Case Officer/file 2. Duplicate (Pink copy) for exhibit registry file 3. Triplicate (Green copy) for person from whom property seized * Cross out whichever is not applicable Page 1 of 1 AFP594 (10/16)



Deponent

Witness

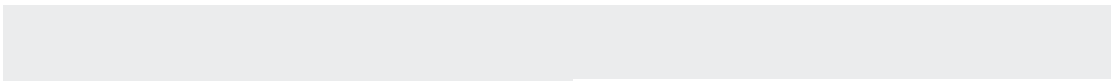


Exhibit B The Kable Principle

The Kable Principle: *Kable V DPP of New South Wales (1996) 96/027*

This Extract is taken from the 64 pages of this decision;

Kable V DPP of New South Wales (1996) 96/027

Four Judges out of six constitutes a binding majority.

Toohy J: (Judge 3)

The Supreme Court of New South Wales was required, at first instance and on appeal, to determine questions arising under the Constitution. In those circumstances s 39(2) of the Judiciary Act, read with s 77(iii) of the Constitution, conferred jurisdiction on the Supreme Court to determine those questions. Section 71 of the Constitution ensured that the judicial power of the Commonwealth was engaged in those circumstances.

20 To the extent that they are invested with federal jurisdiction, the federal courts and the courts of the States exercise a common jurisdiction (136). It follows that in the exercise of its federal jurisdiction a State court may not act in a manner which is incompatible with Ch III of the Commonwealth Constitution.

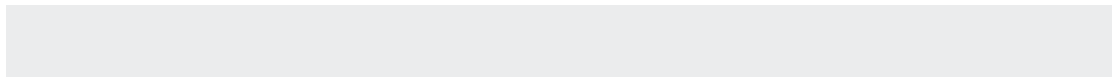
32. However the Act is invalid by reason of the incompatibility with Ch III of the Commonwealth Constitution that its implementation produces. If the Act operated on a category of persons and a defence to an application for a preventive detention order was confined to a challenge that the criteria in s 5(1) had not been met, different questions might arise. In that situation the judicial power of the Commonwealth might not be involved; that is something on which it is unnecessary to comment. But here the judicial power of the Commonwealth is involved, in circumstances where the Act is expressed to

operate in relation to one person only, the appellant, and has led to his detention without a determination of his guilt for any offence. In that event validity is at issue, not simply the reach of the Act in a particular case.

Gaudron J: Judge 4.

2. Several arguments were advanced in favour of the appellant's contention.

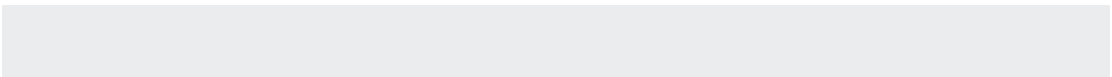
I need deal with one only, namely, that Ch III of the Constitution impliedly prevents the Parliament of a State from conferring powers on the Supreme Court of a State which are repugnant to or inconsistent with the exercise by it of the judicial power of the Commonwealth.



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Deponent

Witness



11. If Ch III requires that State courts not exercise particular powers, the Parliaments of the States cannot confer those powers upon them. That follows from covering cl 5, which provides that the Constitution is "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 from s 106, by which the Constitution of each State is made subject to the Australian Constitution.

12. Were they free to abolish their courts, the autochthonous expedient, more precisely, the provisions of Ch III which postulate an integrated judicial system would be frustrated in their entirety. To this extent, at least, the States are not free to legislate as they please.

McHugh J. Judge 5.

21. In the case of State courts, this means they must be independent and appear to be independent of their own State's legislature and executive government as well as the federal legislature and government. Cases concerning the States, the extent of the legislative powers of the States and the actions of the executive governments of the States frequently attract the exercise of invested federal jurisdiction. The Commonwealth government and the residents and governments of other States are among those who litigate issues in the courts of a State. Quite often the government of the State concerned is the opposing party in actions brought by these litigants. Public confidence in the exercise of federal jurisdiction by the courts of a State could not be retained if litigants in those courts believed that the judges of those courts were sympathetic to the interests of their State or its executive government.

25: But under the Constitution the boundary of State legislative power is crossed when the vesting of those functions or duties might lead ordinary reasonable members of the public to conclude that the State court as an institution was not free of government influence in administering the judicial functions invested in the court.

30: But the most significant of them is that, whilst imprisonment pursuant to Supreme Court order is punitive in nature, it is not consequent upon any adjudgment by the Court of criminal guilt. Plainly, in my view, such an authority could not be conferred by a law of the Commonwealth upon this Court, any other federal court, or a State court exercising federal jurisdiction. Moreover, not only is such an authority non-judicial in nature, it is repugnant to the judicial process in a fundamental degree.

32. However the Act is invalid by reason of the incompatibility with Ch III of the Commonwealth Constitution that its implementation produces. If the Act operated on a category of persons and a defence to an application for a preventive detention order was confined to a challenge that the criteria in s 5(1) had not been met, different

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questions might arise. In that situation the judicial power of the Commonwealth might not be involved; that is something on which it is unnecessary to comment. But here the judicial power of the Commonwealth is involved, in circumstances where the Act is expressed to

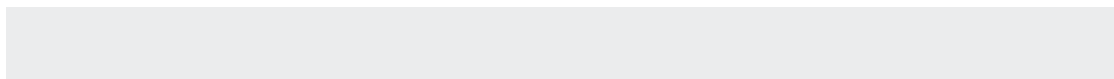
operate in relation to one person only, the appellant, and has led to his detention without a determination of his guilt for any offence. In that event validity is at issue, not simply the reach of the Act in a particular case.

Gummow J: Judge 6.

13. The appellant points to the particular characteristics of the provision made by the Constitution for the federal judicial power, which were identified by Deane J in *Re Tracey; Ex parte Ryan* (231). His Honour said: "The power to adjudge guilt of, or determine punishment for, breach of the law, the power to determine questions of excess of legislative or executive power and the power to decide controversies about existing rights and liabilities all fall within the concept of judicial power. The Executive Government cannot absorb or be amalgamated with the judicature by the conferral of non-ancillary executive functions upon the courts. Nor can the Executive itself exercise judicial power and act as prosecutor and judge to punish breach of law by executive fiat or decree. The guilt of the citizen of a criminal offence and the liability of the citizen under the law, either to a fellow citizen or to the State, can be conclusively determined only by a Ch III court acting as such, that is to say, acting judicially. For its part, the Parliament cannot legislate either to destroy the entrenched safeguards of Ch III or to itself assume the exercise of judicial power."

15. The final steps in the appellant's submissions are as follows. First, the structure of the Australian Constitution, especially Ch III, does not permit of an Australian judiciary exercising the judicial power of the Commonwealth but divided into two grades, an inferior grade, namely the possessors of invested federal jurisdiction who are subject to the imposition and receipt of incompatible functions under State law, and a superior grade, comprising this Court and other federal courts which are not subject to the imposition and receipt of such functions whether pursuant to Commonwealth or State law. The second step is that the Constitution, and especially Ch III, assumes and requires, at least as regards the Supreme Courts of the States, an institutional integrity of the State court structure which may not be undermined by the reposition in them of authorities and powers of the nature of those in the Act.

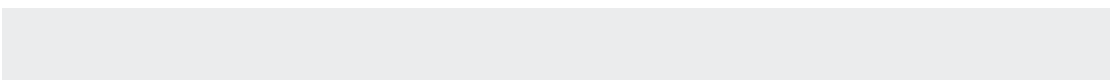
60. The expedient provided for in s 77(iii) would be frustrated if there were no system of State courts to provide these substitute tribunals as repositories of the judicial power of the Commonwealth. Federal jurisdiction could not be invested in a State body which was not a "court" within the meaning of s 77(iii) (270).



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Deponent

Witness



64. There may be some uncertainty as to the range of statutes (Imperial and local), instruments, conventions and practices which together, or only in some limited fashion, comprise the Constitution of a State as it existed at the establishment of the Commonwealth (272). It is unnecessary to resolve any such uncertainties at this stage. That is because the Constitution, in the relevant sense, of the colony of New South Wales undoubtedly included the Imperial statute, the New South Wales Constitution Act 1855 (Imp) (273). Section 1 thereof authorised the Crown to assent to the Bill set out in Sched

1 which had been passed by the then New South Wales Legislative Council. Clause 42 of the scheduled Bill stated:

"All the Courts of Civil and Criminal Jurisdiction within the said Colony and all Charters legal Commissions Powers and Authorities and all Officers judicial administrative or ministerial within the said Colony respectively except in so far as the same may be abolished altered or varied by or may be inconsistent with the provisions of this Act or shall be abolished, altered or varied by any Act or Acts of the Legislature of the Colony or other competent authority shall continue to subsist in the same form and with the same effect as if this Act had not been made."

S 38 preserved the commissions of the present judges of the Supreme Court of the colony. **With the coming of federation, the effect of the new Constitution was to render the Supreme Court as it stood at the establishment of the Commonwealth, the Supreme Court of the State of New South Wales.** But that transmutation was effected "subject to the Constitution" (274).

74. However, in my view, the issue in the present case is best resolved by recourse to the proposition that the Constitution itself is rendered, by covering cl 5, binding on the courts, judges and people of every State notwithstanding anything in the laws of any State. The particular characteristics of the Supreme Court against detraction from which, or impairment of which, by the Act the appellant complains, are mandated by the Constitution itself. Of course, the effect of the constitutional mandate is the protection of the Commonwealth judicial power as and when it may be invested. But the vice from which the Act suffers is not removed by the operation of s 109 upon inconsistent laws. It is removed by the operation of the Constitution itself.

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Deponent

Witness

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Exhibit C Sections 2 and 23 Judiciary Act 1903

JUDICIARY ACT 1903 - SECT 2

Interpretation

In this Act, unless the contrary intention appears:

"AGS" has the meaning given by [section 55J](#).

"Appeal" includes an application for a new trial and any [proceeding](#) to review or call in question the [proceedings](#) decision or jurisdiction of any [Court](#) or Judge.

"Cause" includes any [suit](#), and also includes criminal [proceedings](#).

"Chief Justice" includes a [Justice](#) for the time being performing the duties and exercising the powers of the [Chief Justice](#).

"Defendant" includes any person against whom any relief is sought in a [matter](#) or who is required to attend the [proceedings](#) in a [matter](#) as a [party](#) thereto.

"examination and commitment for trial on indictment" includes commitment for trial on indictment.

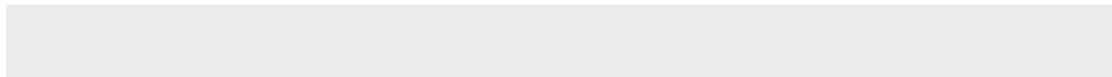
"Judgment" includes any [judgment](#) decree [order](#) or sentence.

"Justice" means a [Justice](#) of the High [Court](#) and includes the [Chief Justice](#).

"legal practitioner" means a person entitled, under an Act or a law of a [State](#) or [Territory](#), to practise as one of the following:

- (a) a [legal practitioner](#);
- (b) a barrister;
- (c) a solicitor;
- (d) a barrister and solicitor.

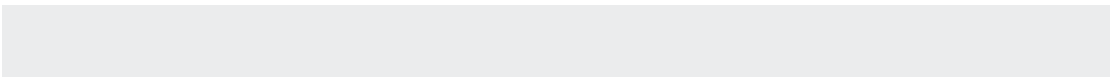
"Matter" includes any [proceeding](#) in a [Court](#), whether between parties or not, and also any incidental [proceeding](#) in a [cause](#) or [matter](#).



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Deponent

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"*Plaintiff*" includes any person seeking any relief against any other person by any form of [proceeding](#) in a [Court](#).

"*Suit*" includes any action or original [proceeding](#) between parties.

And:

JUDICIARY ACT 1903 - SECT 23

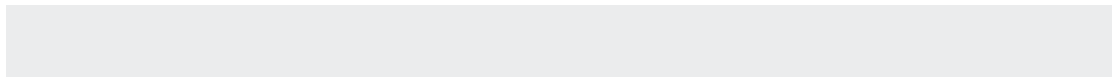
Decision in case of difference of opinion

(1) A Full [Court](#) consisting of less than all the [Justices](#) shall not give a decision on a question affecting the constitutional powers of the [Commonwealth](#), unless at least three [Justices](#) concur in the decision.

(2) Subject to the last preceding [subsection](#), when the [Justices](#) sitting as a Full [Court](#) are divided in opinion as to the decision to be given on any question, the question shall be decided according to the decision of the majority, if there is a majority; but if the [Court](#) is equally divided in opinion:

(a) in the case where a decision of a [Justice](#) of the High [Court](#) (whether acting as a [Justice](#) of the High [Court](#) or in some other capacity), a decision of a Supreme [Court](#) of a [State](#) or [Territory](#) or a Judge of such a [Court](#), a decision of the Federal [Court](#) of [Australia](#) or a Judge of that [Court](#) or a decision of the Federal Circuit and Family [Court](#) of [Australia](#) (Division 1) or a Judge of that [Court](#) is called in question by [appeal](#) or otherwise, the decision [appealed](#) from shall be affirmed; and

(b) in any other case, the opinion of the [Chief Justice](#), or if he or she is absent the opinion of the Senior [Justice](#) present, shall prevail.



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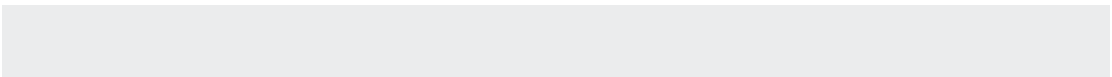


Exhibit D Queen Victoria's Letters Patent 1900 instituting the Office of Governor General

BEGIN TRANSCRIPT

Queen Victoria's Letters Patent 1900

VICTORIA by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith, Empress of India **To all to whom these Presents shall come Greeting.**

Whereas, by an Act of Parliament passed on the ninth day of July One thousand nine hundred, in the Sixty fourth year of Our reign, intituled "An Act to constitute the Commonwealth of Australia," it is enacted that "it shall be lawful for the Queen," with the advice of the Privy Council, to declare by Proclamation that, on and after a day therein appointed, not being later than one year after this passing of this Act, the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, and also, if Her Majesty is satisfied that the people of Western Australia have agreed thereto, of Western Australia, shall be united in a Federal Commonwealth under the name of the Commonwealth of Australia. But the Queen may, at any time after Proclamation, appoint a Governor General for the Commonwealth:"

And whereas We did on the seventeenth day of September One thousand nine hundred, by and with the advice of Our Privy Council declare by proclamation that, on and after the first day of January One thousand nine hundred and one, the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania and also Western Australia, should be united in a Federal Commonwealth under the name of the Commonwealth of Australia:

And whereas by the said recited Act certain powers, functions, and authorities were declared to be vested in the Governor General: And whereas We are desirous of making effectual and permanent provision for the office of Governor General and Commander in chief in and over Our said Commonwealth of Australia, without making new Letters Patent on each demise of the said office.

Now know ye that We have thought fit to constitute, order, and declare, and do by these presents constitute order, and declare, that there shall be a Governor General and Commander in Chief (hereinafter called the Governor General) in and over Our Commonwealth of Australia (hereinafter called Our said Commonwealth), and that the person who shall fill the said office of Governor General shall be from time to time appointed by Commission under Our Sign Manual and Signet. And we do hereby authorize and command Our said Governor General to do and execute, in due manner,

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Deponent

Witness

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all things that shall belong to his said command, and to the trust We have reposed in him, according to the several powers and authorities granted or appointed him by virtue of “The Commonwealth of Australia Constitution Act, 1900,” and of these present Letters Patent and of such Commission as may be issued to him under Our Sign Manual and Signet, and according to such Instructions as may from time to time be given to him under Our Sign Manual and Signet, or by Our Order in Our Privy Council, or by Us through one of Our Principal Secretaries of State, and to such laws as shall hereafter be in force in Our said Commonwealth.



II. There shall be a Great Seal of and for Our said Commonwealth which Our said Governor General shall keep and use for sealing all things whatsoever that shall pass the said Great Seal. Provided that until a Great Seal shall be provided the Private Seal of Our said Governor General may be used as the Great Seal of the Commonwealth of Australia.

III. The Governor General may constitute and appoint, in Our name and on Our behalf, all such Judges, Commissioners, Justices of the Peace, and other necessary officers and Ministers of Our said Commonwealth, as may be lawfully constituted or appointed by Us.

IV. The Governor General, so far as We Ourselves lawfully may, upon sufficient cause to him appearing, may remove from his office, or suspend from the exercise of the same, any person exercising any office of Our said Commonwealth, under or by virtue of any ---- Commission or Warrant granted, or which may be granted, by Us in Our name or under Our authority.

[PAGE ONE ENDS HERE]

V. The Governor General may on Our behalf exercise all powers under the Commonwealth of Australia Constitution Act, 1900, or otherwise in respect of the summoning, proroguing, or dissolving the Parliament of Our said Commonwealth.

VI. And whereas by “The Commonwealth of Australia Constitution Act 1900,” it is amongst other things enacted, that we may authorise the Governor General to appoint any person or persons, jointly or severally, to be his Deputy or Deputies within any part of Our Commonwealth, and in that capacity to exercise, during the pleasure of the Governor General such powers, and functions of the said Governor General as he thinks fit to assign to such Deputy or Deputies, subject to any limitations expressed or directions given by Us:

Now We do hereby authorise and empower Our said Governor General subject to such limitations and directions as aforesaid, to appoint any person or persons, jointly

[Redacted signature area]

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Deponent

Witness

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or severally, to be his Deputy or Deputies within any part of Our said Commonwealth of Australia, and in that capacity to exercise, during his pleasure, such of his powers and functions, as he may deem it necessary or expedient to assign to him or them: Provided always, that the appointment of such a Deputy or Deputies shall not affect the exercise by the Governor General himself of any power or function.

VII. And We do hereby declare Our pleasure to be that, in the event of the death, incapacity, removal, or absence of Our said Governor General out of Our said Commonwealth, all and every the powers and authorities herein granted to him shall until Our further pleasure is signified therein, be vested in such person as may be appointed by Us under Our Sign Manual and Signet to be Our Lieutenant Governor of Our said Commonwealth: or if there shall be no such Lieutenant Governor in Our said Commonwealth, then in such person or persons as may be appointed by Us under Our Sign Manual and Signet to administer the Government of the same. No such powers or authorities shall vest in such Lieutenant Governor, or such other person or persons, until he or they shall have taken the oaths appointed to be taken by the Governor General of Our said Commonwealth, and in the manner provided by the Instructions accompanying these Our Letters Patent.

VIII. And We do hereby require and command all Our Officers and Ministers, Civil and Military, and all other the inhabitants of Our said Commonwealth to be obedient, aiding, and assisting unto Our said Governor General, or, in the event of his death, incapacity, or absence, to such person or persons as may, from time to time, under the provisions of these Our Letters Patent, administer the Government of Our said Commonwealth.

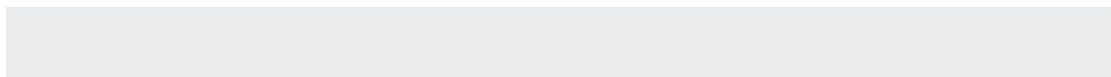
IX. And We do hereby reserve to Ourselves Our heirs and successors, full power and authority from time to time to revoke, alter, or amend these Our Letters Patent as to Us or them shall seem meet.

X. And We do further direct and enjoin that these Our Letters Patent shall be read and proclaimed at such place or places as Our said Governor General shall think fit within Our said Commonwealth of Australia.

In witness whereof We have caused these Our Letters to be made Patent **Witness** Ourselves at Westminster the twenty ninth day of October in the sixty fourth year of Our reign.

By Warrant under the Queen's Sign Manual
Muir Mackenzie

TRANSCRIPTION ENDS



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Deponent

Witness

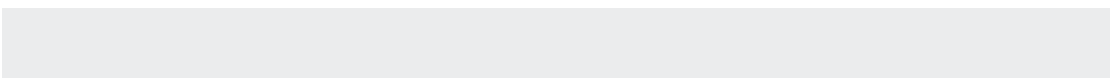


Exhibit E Crimes Act 1914 S 13, 15F

**CRIMES ACT 1914 - SECT 13
Institution of proceedings in respect of offences**

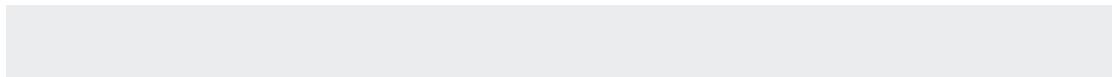
Unless the contrary intention appears in the Act or regulation creating the offence, any person may:

(a) institute proceedings for the commitment for trial of any person in respect of any indictable offence against the law of the Commonwealth; or

(b) institute proceedings for the summary conviction of any person in respect of any offence against the law of the Commonwealth punishable on summary conviction.

**CRIMES ACT 1914 - SECT 15F
Civil rights not affected**

Nothing in this Act shall affect the right of any person aggrieved by any act or omission which is punishable as an offence against this Act to institute civil proceedings in any court in respect of such act or omission.



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Deponent

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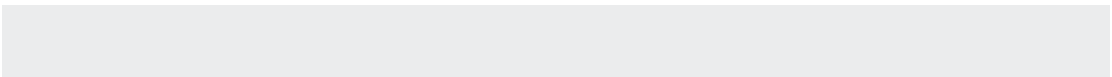
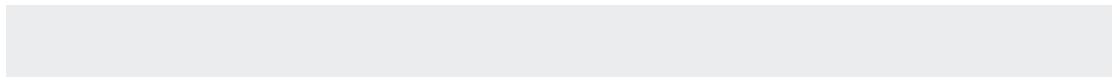


Exhibit F Commonwealth of Australia Constitution Act 1900 S 61

Chapter II – The Executive Government

61. 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.



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Deponent

Witness

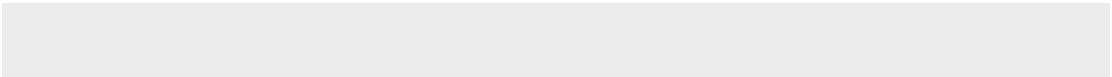


Exhibit G Acts Interpretation Act 1901 Sect 15c

ACTS INTERPRETATION ACT 1901 SECT 15C

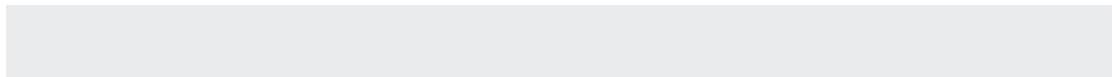
Jurisdiction of courts

Where a provision of an Act, whether expressly or by implication, authorises a civil or criminal proceeding to be instituted in a particular court in relation to a matter:

(a) that provision shall be deemed to vest that court with jurisdiction in that matter;

(b) the jurisdiction so vested is not limited by any limits to which any other jurisdiction of the court may be subject; and

(c) in the case of a court of a Territory, that provision shall be construed as providing that the jurisdiction is vested so far only as the Constitution permits.



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Deponent

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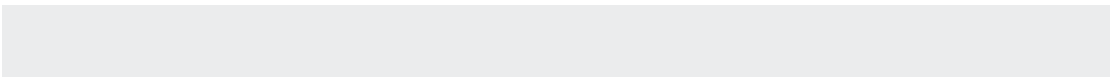
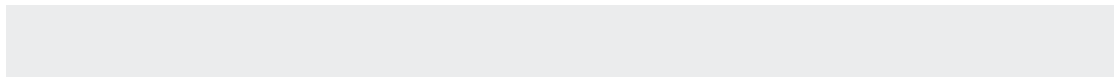


Exhibit H Acts Interpretation Act 1901 Sect 15a

Construction of Acts to be subject to Constitution

Every Act shall be read and construed subject to the Constitution, and so as not to exceed the legislative power of the Commonwealth, to the intent that where any enactment thereof would, but for this section, have been construed as being in excess of that power, it shall nevertheless be a valid enactment to the extent to which it is not in excess of that power.



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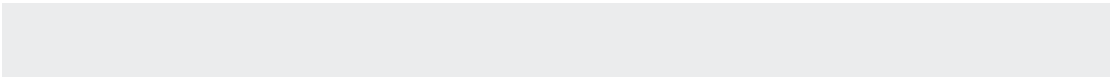


Exhibit I Forged Letters Patent of BOB HAWKE & Kevin Rudd

ELIZABETH R

Letters Patent Relating to the Office of Governor-General of the Commonwealth of Australia ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth Greeting:

WHEREAS, by the Constitution of the Commonwealth of Australia, certain powers, functions and authorities are vested in a Governor-General appointed by The Queen to be Her Majesty's representative in the Commonwealth:

AND WHEREAS, by Letters Patent dated 21 August 1984, as amended, provision was made in relation to the office of Governor-General:

AND WHEREAS, by section 4 of the Constitution of the Commonwealth, the provisions of the Constitution relating to the Governor-General extend and apply to the Governor-General for the time being, or such person as The Queen may appoint to administer the Government of the Commonwealth:

AND WHEREAS We are desirous of revising the provisions relating to the office of Governor-General and for persons appointed to administer the Government of the Commonwealth:

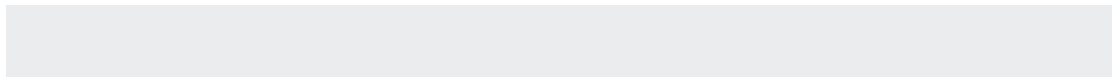
NOW THEREFORE, by these Letters Patent under Our Sign Manual and the Great Seal of Australia – I. We revoke the Letters Patent dated 21 August 1984, as amended.

II. We declare that –

- (a) the appointment of a person to the office of Governor-General shall be during Our pleasure by Commission under Our Sign Manual and the Great Seal of Australia; and
- (b) before assuming office, a person appointed to be Governor-General shall take the Oath or Affirmation of Allegiance and the Oath or Affirmation of Office in the presence of the Chief Justice or another Justice of the High Court of Australia.

III. We declare that – (a) the appointment of a person to administer the Government of the Commonwealth under section 4 of the Constitution of the Commonwealth shall be during Our pleasure by Commission under Our Sign Manual and the Great Seal of Australia;

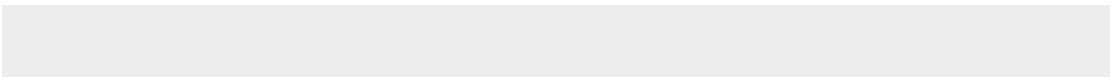
- (b) the powers, functions and authorities of the Governor-General shall, subject to this Clause, vest in any person so appointed from time to time by Us to administer the Government of the Commonwealth only in the event of the



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Deponent

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absence out of Australia, or the death, incapacity or removal of the Governor-General for the time being, or in the event of the Governor-General having absented himself or herself temporarily from office for any reason;

(c) a person so appointed shall not assume the administration of the Government of the Commonwealth –

(i) in the event of the absence of the Governor-General out of Australia - except at the request of the Governor-General or the Prime Minister of the Commonwealth;

(ii) in the event of the absence of the Governor-General out of Australia and of the death, incapacity or absence out of Australia of the Prime Minister of the Commonwealth - except at the request of the Governor-General, the Deputy Prime Minister or the next most senior Minister of State for the Commonwealth who is in Australia and available to make such a request;

(iii) in the event of the death, incapacity or removal of the Governor-General, or in the event of the Governor-General having absented himself or herself temporarily from office for any reason - except at the request of the Prime Minister of the Commonwealth; or

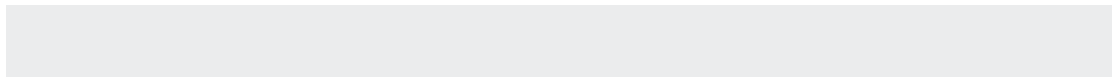
(iv) in the event of the death, incapacity or removal of the Governor-General, or in the event of the Governor-General having absented himself or herself temporarily from office for any reason, and of the death, incapacity or absence out of Australia of the Prime Minister of the Commonwealth - except at the request of the Deputy Prime Minister or the next most Senior Minister of State for the Commonwealth who is in Australia and available to make such a request;

(d) a person so appointed shall not assume the administration of the Government of the Commonwealth unless he or she has taken on that occasion or has previously taken the Oath or Affirmation of Allegiance and the Oath or Affirmation of Office in the presence of the Chief Justice or another Justice of the High Court of Australia;

(e) a person so appointed shall cease to exercise and perform the powers, functions and authorities of the Governor-General vested in him or her when a successor to the Governor-General has taken the prescribed oaths or affirmations and has entered upon the duties of his or her office, or the incapacity or absence out of Australia of the Governor-General for the time being has ceased, or the Governor-General has ceased to absent himself or herself from office, as the case may be; and

(f) for the purposes of this clause, a reference to absence out of Australia is a reference to absence out of Australia in a geographical sense but does not include absence out of Australia for the purpose of visiting a Territory that is under the administration of the Commonwealth of Australia.

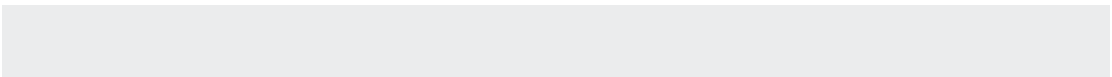
IV. In pursuance of section 126 of the Constitution of the Commonwealth of



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Australia –

(a) We authorise the Governor-General for the time being, by instrument in writing, to appoint any person, or any persons jointly or severally, to be his or her deputy or deputies within any part of the Commonwealth, to exercise in that capacity, during the Governor-General’s pleasure, such powers and functions of the Governor-General as he or she thinks fit to assign to that person or those persons or them by the instrument, but subject to the limitations expressed in this clause; and

(b) We declare that a person who is so appointed to be deputy of the Governor-General shall not exercise a power or function of the Governor-General assigned to him or her on any occasion – (i) except in accordance with the instrument of appointment;

(ii) except at the request of the Governor-General or the person for the time being administering the Government of the Commonwealth that he or she exercise that power or function on that occasion; and

(iii) unless he or she has taken on that occasion or has previously taken the Oath or Affirmation of Allegiance in the presence of the Governor-General, the Chief Justice or another Justice of the High Court of Australia or the Chief Judge or another Judge of the Federal Court of Australia or of the Supreme Court of a State or Territory of the Commonwealth.

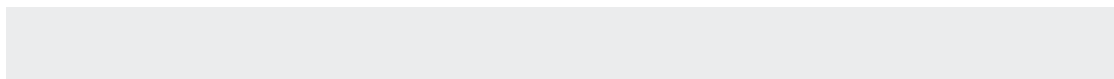
V. . For the purposes of these Letters Patent –

(a) a reference to the Oath or Affirmation of Allegiance is a reference to the Oath or Affirmation in accordance with the form set out in the Schedule to the Constitution of the Commonwealth of Australia; and

(b) a reference to the Oath or Affirmation of Office is a reference to an Oath or Affirmation swearing or affirming well and truly to serve Us, Our heirs and successors according to law in the particular office and to do right to all manner of people after the laws and usages of the Commonwealth of Australia, without fear or favour, affection or ill will.

VI. We direct that these Letters Patent, each Commission appointing a Governor-General or person to administer the Government of the Commonwealth of Australia and each instrument of appointment of a deputy of the Governor-General shall be published in the official gazette of the Commonwealth of Australia.

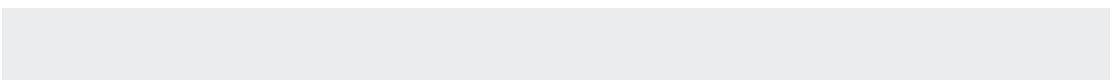
VII. We further direct that these Letters Patent shall take effect without affecting the efficacy of any Commission or appointment given or made before the date hereof or of anything done in pursuance of any such Commission or appointment, or of any oath or affirmation taken before that date for the purpose of any such Commission or appointment.



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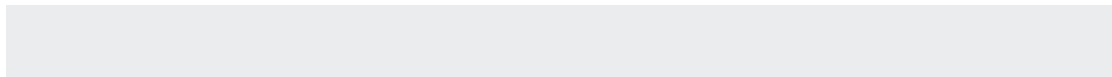
Witness



VIII. We reserve full power from time to time to revoke, alter or amend these Letters Patent as We think fit.

Given at Our Court at Balmoral Castle on 21 August 2008 By Her Majesty's
Command,
Kevin Rudd

Prime Minister L.S.



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Deponent

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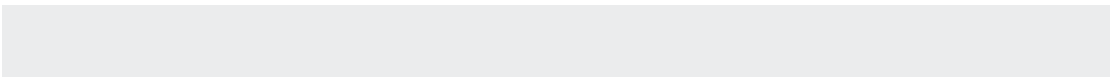


Exhibit J Oath in the Statute of 1 Will and Mary C6 (Coronation Oath) (1688)

**Coronation Oath Act 1688
1688 CHAPTER 6 1 Will and Mary**

An Act for Establishing the Coronation Oath.

Oath heretofore framed in doubtful Words.

Whereas by the Law and Ancient Usage of this Realme the Kings and Queens thereof have taken a Solemne Oath upon the Evangelists at Their respective Coronations to maintaine the Statutes Laws and Customs of the said Realme and all the People and Inhabitants thereof in their Spirituall and Civill Rights and Properties But forasmuch as the Oath itselpe on such Occasion Adminstred hath heretofore beene framed in doubtfull Words and Expressions with relation to ancient Laws and Constitutions at this time unknowne To the end therefore that One Uniforme Oath may be in all Times to come taken by the Kings and Queens of this Realme and to Them respectively Adminstred at the times of Their and every of Their Coronation.

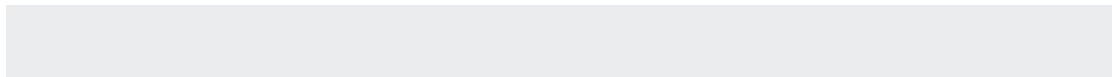
Modifications etc. (not altering text)

C1 Short title given by [Statute Law Revision Act 1948 \(c. 62\)](#), **Sch. 2**

II Oath hereafter mentioned to be adminstred, by the Archbishop of Canterbury, &c. May it please Your Majesties That the Oath herein Mentioned and hereafter Expressed shall and may be Adminstred to their most Excellent Majestyes King William and Queene Mary (whome God long preserve) at the time of Their Coronation in the presence of all Persons that shall be then and there present at the Solemnizeing thereof by the Archbishop of Canterbury or the Archbishop of Yorke or either of them or any other Bishop of this Realme whome the King's Majesty shall thereunto appoint and who shall be hereby thereunto respectively Authorized which Oath followeth and shall be Adminstred in this Manner That is to say,

III Form of Oath and Administration thereof.

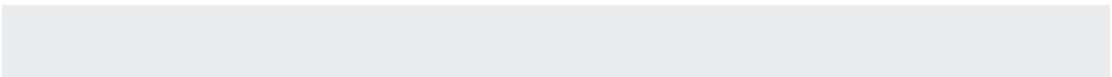
The Arch-Bishop or Bishop shall say,



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Will You solemnly Promise and Sweare to Gouverne the People of this Kingdome of England and the Dominions thereto belonging according to the Statutes in Parlyament Agreed on and the Laws and Customs of the same?

The King and Queene shall say,

I solemnly Promise soe to doe.

Arch Bishop or Bishop,

Will You to Your power cause Law and Justice in Mercy to be Executed in all Your Judgements.

King and Queene,

I will.

Arch Bishop or Bishop.

Will You to the utmost of Your power Maintaine the Laws of God the true Profession of the Gospell and the Protestant Reformed Religion Established by Law? And will You Preserve unto the Bishops and Clergy of this Realme and to the Churches committed to their Charge all such Rights and Priviledges as by Law doe or shall appertaine unto them or any of them.

King and Queene.

All this I Promise to doe.

After this the King and Queene laying His and Her Hand upon the Holy Gospells, shall say,

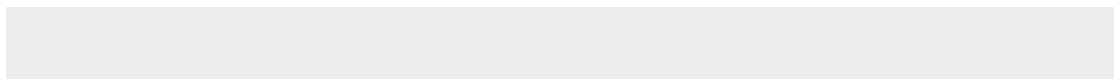
King and Queene

The things which I have here before promised I will performe and Keepe Soe help me God.

Then the King and Queene shall kisse the Booke.

IV Oath to be adminstered to all future Kings and Queens.

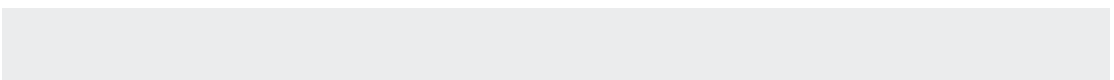
And the said Oath shall be in like manner Adminstred to every King or Queene who shall Succeede to the Imperiall Crowne of this Realme at their respective Coronations



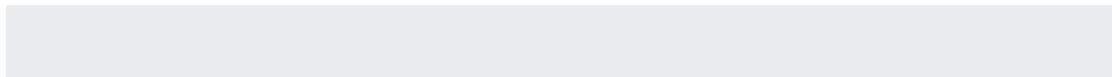
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Deponent

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by one of the Archbishops or Bishops of this Realme of England for the time being to be thereunto appointed by such King or Queene respectively and in the Presence of all Persons that shall be Attending Assisting or otherwise present at such their respective Coronations Any Law Statute or Usage to the contrary notwithstanding.



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Deponent

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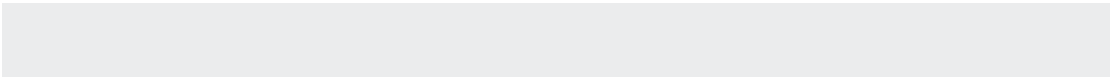


Exhibit K Crimes Act S 42, 43, 44

**CRIMES ACT 1914 - SECT 42
Conspiracy to defeat justice**

(1) A person commits an [offence](#) if:

(a) the person conspires with another person to obstruct, to prevent, to pervert or to defeat the course of justice in relation to a judicial power; and

(b) the judicial power is the judicial power of the Commonwealth.

[Penalty](#): Imprisonment for 10 years.

(2) Absolute liability applies to the [paragraph](#) (1)(b) element of the [offence](#).

Note: For absolute liability, see section 6.2 of the *Criminal Code* .

(3) For a person to be guilty of an [offence](#) against [subsection](#) (1):

(a) the person must have entered into an agreement with one or more other persons; and

(b) the person and at least one other [party](#) to the agreement must have intended to obstruct, prevent, pervert or defeat the course of justice pursuant to the agreement; and

(c) the person or at least one other [party](#) to the agreement must have committed an overt act pursuant to the agreement.

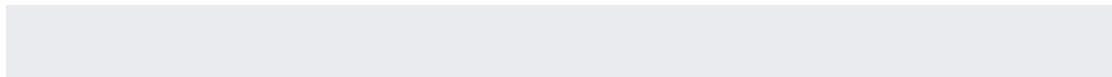
(4) A person may be found guilty of an [offence](#) against [subsection](#) (1) even if:

(a) obstructing, preventing, perverting or defeating the course of justice pursuant to the agreement is impossible; or

(b) the only other [party](#) to the agreement is a body corporate; or

(c) each other [party](#) to the agreement is a person who is not criminally responsible; or

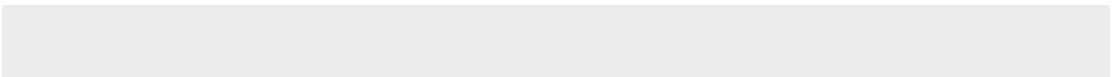
(d) subject to [subsection](#) (5), all other parties to the agreement have been acquitted of the [offence](#).



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Deponent

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(5) A person cannot be found guilty of an [offence](#) against [subsection](#) (1) if:

(a) all other parties to the agreement have been acquitted of such an [offence](#);
and

(b) a finding of guilt would be inconsistent with their acquittal.

(6) A person cannot be found guilty of an [offence](#) against [subsection](#) (1) if, before the commission of an overt act pursuant to the agreement, the person:

(a) withdrew from the agreement; and

(b) took all reasonable steps to prevent the obstruction, prevention, perversion or defeat.

(7) A [court](#) may dismiss a charge of an [offence](#) against [subsection](#) (1) if the [court](#) thinks that the interests of justice require the [court](#) to do so.

(8) Section 11.1 of the *Criminal Code* does not apply to an [offence](#) against [subsection](#) (1).

And;

CRIMES ACT 1914 - SECT 43
Attempting to pervert justice

(1) A person commits an [offence](#) if:

(a) the person attempts to obstruct, to prevent, to pervert or to defeat the course of justice in relation to a judicial power; and

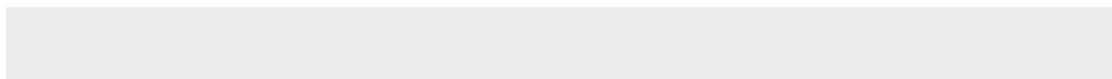
(b) the judicial power is the judicial power of the Commonwealth.

[Penalty](#): Imprisonment for 10 years.

(2) Absolute liability applies to the [paragraph](#) (1)(b) element of the [offence](#).

Note: For absolute liability, see section 6.2 of the *Criminal Code* .

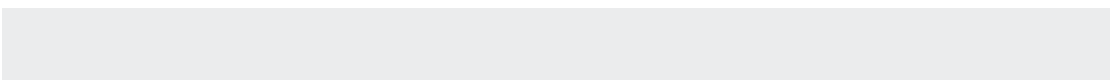
(3) For the person to be guilty of an [offence](#) against [subsection](#) (1), the person's [conduct](#) must be more than merely preparatory to the commission of



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Deponent

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the [offence](#). The [question](#) whether [conduct](#) is more than merely preparatory to the commission of the [offence](#) is one of fact.

(4) A person may be found guilty of an [offence](#) against [subsection](#) (1) even if [doing](#) the [thing](#) attempted is impossible.

And;

CRIMES ACT 1914 - SECT 44
Compounding offences

(1) A person (the *first person*) commits an [offence](#) if:

(a) the first person:

(i) asks for, receives or obtains any [property](#), or benefit, of any kind for himself or herself or another person; or

(ii) agrees to receive or to obtain any [property](#), or benefit, of any kind for himself or herself or another person; and

(b) the first person does so upon an agreement or understanding that the first person will:

(i) compound or conceal an [offence](#); or

(ii) abstain from, discontinue or delay a prosecution for an [offence](#); or

(iii) withhold [evidence](#) of an [offence](#); and

(c) the [offence](#) referred to in [paragraph](#) (b) is an [indictable offence](#) against a law of:

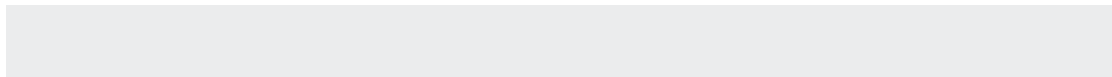
(i) the Commonwealth; or

(ii) a [Territory](#).

[Penalty](#): Imprisonment for 3 years.

(2) Absolute liability applies to the [paragraph](#) (1)(c) element of the [offence](#).

Note: For absolute liability, see section 6.2 of the *Criminal Code*.



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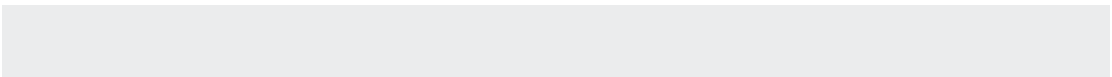
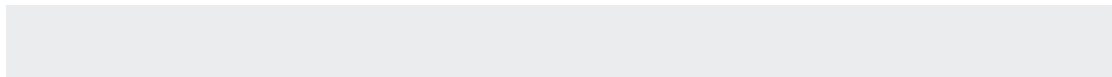


Exhibit L The Australian Courts Act 1828 S24

24. Laws of England to be applied in the administration of justice. Governor and Council may declare such laws to be in force and limit and modify them. In the meantime, the courts shall decide as to the application of such laws in the colonies. Provided also, that all laws and statutes in force within the realm of England at the time of the passing of this Act (not being inconsistent herewith, or with any charter or letters patent or order in council which may be issued in pursuance hereof), shall be applied in the administration of justice in the courts of New South Wales and Van Diemen's Land respectively, so far as the same can be applied within the said colonies; and, as often as any doubt shall arise as to the application of any such laws or statutes in the said colonies respectively, it shall be lawful for the governors of the said colonies respectively, by and with the advice of the legislative councils of the said colonies respectively, by ordinances to be by them for that purpose made, to declare whether such laws or statutes shall be deemed to extend to such colonies, and to be in force within the same, or to make and establish such limitations and modifications of any such laws and statutes within the said colonies respectively as may be deemed expedient in that behalf: Provided always, that in the meantime and before any such ordinances shall be actually made, it shall be the duty of the said supreme courts, as often as any such doubts shall arise upon the trial of any information or action, or upon any other proceeding before them, to adjudge and decide as to the application of any such laws or statutes in the said colonies respectively. Laws and statutes in force in England at the time of passing of this Act (so far as not inconsistent with laws or statutes in force in Queensland) are made directly applicable so far as they can be applied in Queensland by s. 20 of the Supreme Court Act of 1867, title SUPREME COURT. The laws of New South Wales in force at the time when the Constitution Act of 1867, p. 729 post, came into operation were continued in force in Queensland by s. 33 of that Act. Similar provision had been made by c. 20 of the Order in Council of 6 June 1859, empowering the Governor of Queensland to make laws for Queensland. That clause was repealed by the Repealing Act of 1867, s.2 (not reprinted).



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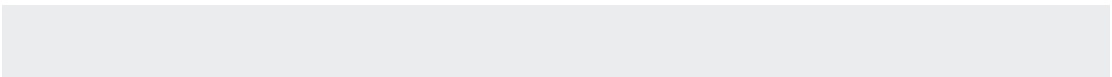


Exhibit M Supreme Court of Queensland Act of 1991 S 11, IOL Petroleum Vs O'Neil 1996 NSW

SUPREME COURT OF QUEENSLAND ACT 1991 - SECT 11

Effect of repeal of Supreme Court Act 1995

11 Effect of repeal of Supreme Court Act 1995

(1) The repeal of the *Supreme Court Act 1995* (the "**1995 Act**") does not affect the jurisdiction of the Supreme Court that may have been derived from the *1995 Act* or any of the *Act s* referred to in the *1995 Act* and the Supreme Court retains all the jurisdiction and power that may have been derived from the *1995 Act* or any of the *Act s* referred to in the *1995 Act*.

(2) The repeal of the *1995 Act* does not affect anything done or suffered under the provisions of the *1995 Act* before the repeal.

(3) The repeal of the *1995 Act* does not affect the validity or consequences of anything done or suffered, or any right, title, obligation or liability already acquired, accrued or any remedy or proceeding in relation to the thing, right, title, obligation or liability.

(4) The repeal of the *1995 Act* does not affect any principle or rule of law or equity or revive jurisdiction.

(5) This section does not limit the operation of the [Acts Interpretation Act 1954](#), [section 20](#).

IOL PETROLEUM LTD v JOHN O'NEILL & ORS

2334/94

THURSDAY 29 AUGUST 1996

THE SUPREME COURT OF NEW SOUTH WALES EQUITY DIVISION

YOUNG J

JUDGMENT

HIS HONOUR: This is an application by the plaintiff by notice of motion that the proceedings be tried with a jury.

These proceedings were commenced in the Equity Division in 1994 for orders resulting from alleged loss to the plaintiff as a result of the activities of the first, second and third defendants in a corporate joint venture. It is alleged that the fourth defendant, the State Bank of New South Wales, is also liable to the plaintiff because

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[Redacted signature area]

of its involvement in those activities. As the Registrar was having difficulty getting the case ready for trial, it was referred to me for case management and has been in my list for that purpose for about ten months.

The plaintiff's application for a jury is resisted by the first, second and fourth defendants, the third defendant not appearing.

Mr McQuillen, for the plaintiff, urges trial by jury for two basic reasons. The first is that in an issue of fraud, or perhaps generally, jury trial is the sacred bulwark of the nation and is to be preferred to other methods of trial. The second is that the flavour of ss 85 to 89 of the Supreme Court Act makes it clear that the judge has a discretion as to the mode of trial and further indicates that, with any fraud matters, trial by jury may be a preferable course.

The submissions based on the history of juries seem to have derived from what the Court of Appeal said when dealing with a Common Law judge's order of his own motion to deny a trial by jury in a hospital negligence case; **Pambula District Hospital v Herriman** (1988) 14 NSWLR 387. As Mr Russell, for the fourth defendant, has pointed out that case is no real guide to the present because the court was there dealing with the situation where there was a right to a jury at Common Law in the circumstances that had happened. However, Kirby P does at pp 394-397 trace through in outline the history of jury trials and Blackstone's phrase "sacred bulwark of a nation" occurs at the top of p 395.

The argument of history does not appeal to me very much at all. The potted version given by Kirby P in the **Pambula** case does not, nor was it intended to, deal with the full history of the system.

At Common Law the civil jury as we now know it evolved through a series of accidents of history. In the middle ages trial was by God not by man, and thus by ordeal or by compurgation until and indeed even after the writ of trespass came into being in about 1250. That writ provided for a superior method of trial in the eyes of more progressive thinkers, namely by the men of the locality certifying what the facts were to the Commissioner of oyer and terminer or nisi prius, who was sent out to the country to inquire into the matter. The writ to the local sheriff provided that all those local men who knew something about the matter were to come into Westminster, unless before (nisi prius) a Commissioner visited the area in the meantime. The Commissioners of nisi prius were sent out into the locality two by two during the vacations between law terms. The Commissioners may or may not have been judges of the court where the suit was pending.

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Initially the Commissioners found out from the local inhabitants what the truth was, answered the question in issue for trial and awarded the postea to the successful party. At the beginning of the next term the Court in Banc then considered what judgment should be given.

As time went on the jury changed from being a group of witnesses to impartial triers of fact; the watershed being **Bushell's** case in (1670) Vaughan 135; 124 ER 1006. However, the theory was still the same. A Common Law action was divided into three parts, (a) ascertainment of the issues for trial in Westminster; (b) the trial at nisi prius before a Commissioner and a jury in the country where the event had happened; and (c) judgment before the Court in Banc in Westminster.

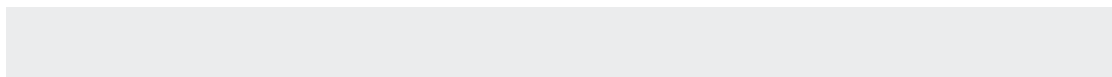
In New South Wales trial by jury was introduced in principle by the New South Wales Act of 1823 9 George IV, chapter 96, but initially juries were military assessors and it was not until the Act 8 Victoria IV in 1844 that civil juries of four were introduced as we now know them in New South Wales.

It would seem that four were selected because there was a very limited number of free citizens of appropriate qualifications who could serve on a jury. Thereafter, until the coming in of the Supreme Court Act, the jury was the ordinary method of trial at Common Law.

However, it must be remembered that the way in which the jury system worked at Common Law up until 1972 was much the same as it worked in England last century. First, issues for trial were produced. This was by the pleading system introduced by the rules of Hilary term 1834, which were adopted in New South Wales, of the plaintiff putting out his story (called "count" after the French word "conte", a little story) in recognisable legal form in a document called a declaration, to which the defendant would then put on a plea.

With certain exceptions, such as pleas of abatement and pleas requiring novel assignment by the plaintiff, the plea was either a confession and avoidance or a traverse. If it was a traverse the replication joined issue and would produce a question to which a jury could answer yes or no. If the plea was a confession and avoidance then either in the replication there would be a traverse and then there could be a joinder of issue in the rejoinder, or else somewhere along the line a traverse would be produced, which would allow the jury to find yes or no to a particular question.

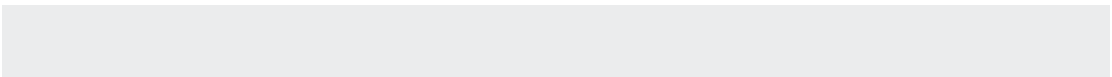
The pleadings were then reproduced into a document called "Issues for Trial". In England and Australia last century these were then put in the saddlebag of the judge going on circuit. However, in more modern times, whether by trial at nisi prius or whether in the Supreme Court in King Street, Sydney, they were merely put at the



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Deponent

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front of the court file, but that was the only document which the judge at nisi prius had when he was trying the matter with a jury. The jury then returned an answer yes or no, though if there was a damages trial and the plaintiff succeeded it also fixed the amount of damages.

The Supreme Court of New South Wales by the Third Charter of Justice was given all the power of the Court of Chancery, as well as the Common Law courts and the Ecclesiastical courts.

In the 1840s provision was made for a primary judge in Equity. It must be remembered that at that stage when there is a reference to the Supreme Court it meant the Supreme Court in Banc. A single judge could not sit by himself, except as a Commissioner of nisi prius, oyer and terminer or general gaol delivery. However, the Act was amended so that the power of all the judges sitting in Banc was delegated to the primary judge in Equity, later called the Chief Judge in Equity, to deal with the Equity suits that arose within the court.

Thus from 1842 onwards trials of fact at Common Law were dealt with by juries at a hearing presided over by a Commissioner of nisi prius, though in New South Wales invariably this was a judge, and trials in Equity were dealt with under the fact-finding power of the Full Court by its delegate the primary judge.

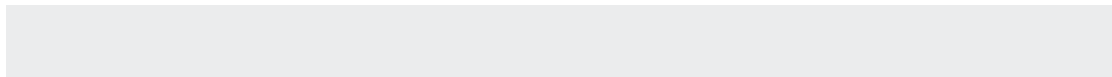
Although in New South Wales the Commissioner at Common Law was a judge who sat with a jury, on the famous occasion when Milner Stephen, J died in chambers in 1939 after the jury had retired, another judge, Pitt AJ, was able to take the jury's verdict without there being any mistrial. This showed that the judge was really not part of the fact-finding process at all.

When the procedure in Equity was consolidated into the Equity Act of 1901, as a result of the activities of the Commissioners for Law Reform in the last five years of the nineteenth century, the rule was set out in s 51 of the Equity Act 1901, which was the consolidation of previous legislation, that:

"The evidence to be used at the hearing of any suit (in Equity) shall be taken before the judge sitting in open court without a jury."

However, there was power for the judge to order a jury.

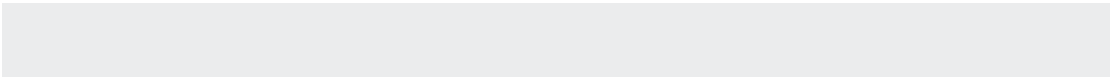
As far as my researches go, no jury has actually sat in Equity since 1904 and that a jury actually sat then I have on purely anecdotal evidence.



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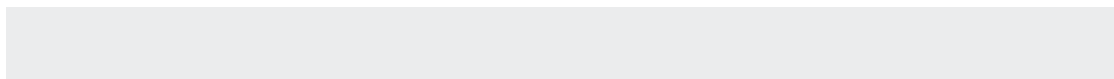
In **Goodsell v National Bank of Australasia** (1889) 6 WN (NSW) 55 the then Chief Judge in Equity ordered that there be a trial by jury and seemed to consider that if there was a question of fact of sufficient importance it was appropriate to order trial by jury. However, in **Sullivan v The English Scottish and Australian Bank Ltd** (1904) 5 SR (NSW) 52 Walker J considered that that case was not sufficiently reported to have him convinced that the then Chief Judge was laying down some general rule and although Walker J's inclination was to let the jury have the responsibility of deciding the case rather than himself, he thought that where the application for jury was opposed the party applying to make out a case that a jury should be granted in Equity bore the onus and he had to show some good reason why the normal form of trial should be departed from. As far as my researches go that was the last time when the matter was actually considered in Equity in New South Wales.

So far as England is concerned, the last reported example which I can find of a trial by jury in Equity is **Evan v Merthyr Tydfil UDC** [1899] 1 Ch 241. In that case Romer J had ordered that an issue of fact, which was specified in his order, be tried before a special jury at Swansea. The matter does seem to involve the right of commons in that part of Wales. Why his Lordship ordered a trial by jury in that case is not reported.

It must also be remembered that prior to 1875 or a little before that date the fact-finding process in Equity was extremely limited. Mostly the evidence was in a written form, which was presented to the Lord Chancellor or the Master of the Rolls by a Six Clerk having put together the affidavits from statements of the witnesses. The Six Clerks seemed to be a sort of combination of Registrar in Equity and solicitors. There was no cross-examination and so the procedure was just not suitable for deciding contested issues of fact. Thus, the practice grew up in Equity of having the parties put up a feigned issue at Common Law.

According to **Blackstone** (1857 ed vol 3 p 523), feigned issues were borrowed from the *sponsio judicialis* of the Roman Law. Feigned issues were employed not only to try disputed facts arising in equity proceedings, but also, by consent, to determine other disputed questions of fact without the formality of pleading.

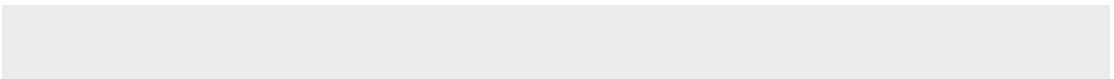
The procedure for trying a feigned issue was that the plaintiff would bring an action at law and declare, fictitiously, that he had a wager of [sterling]5 with the defendant that the fact that needed to be proved was true. He averred that this fact was true so that he was entitled to the [sterling]5. By his plea, the defendant admitted the feigned wager but traversed the allegation of fact. Issue would thus be joined and a question framed which the jury could answer yes or no. Feigned issues were previously dealt with under the General Legal Procedure Act, 1902, and, when that Act was repealed by the Supreme Court Act 1970, feigned issues were considered to be abolished.



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However, in New South Wales there has never been any need for a special procedure in Equity because the primary judge has never been limited by the fact-finding machinations of the Six Clerks. We never had the equivalent of the Six Clerks or the Sixty Clerks in New South Wales and judges in Equity have been able to hear and decide matters of fact just as any other judge. The need, accordingly, for questions of fact to go out to Common Law juries was very much more limited in New South Wales than it was in England last century. When it did happen, it happened by way of feigned issue.

Indeed, in New South Wales the feigned issue was, so far as reported cases show, used not for fact-finding in equity, but to try facts where a statute referred a problem to the Full Court or where facts needed to be found for the Full Court to consider whether it would make a prerogative writ absolute. See **Re Rundle** (1894) 11 WN (NSW) 159 (Stamp Duties Act); **Ex parte Saunders** (1900) 16 WN (NSW) 166 (Real Property Act); **Ex parte Keegan** (1907) 24 WN (NSW) 72 (Public Works Act) and **Ex parte Rae; Re Hartigan** (1940) 40 SR (NSW) 438 (Mandamus under Government Railways Act).

One of the reasons why the feigned issue was adopted was that it is necessary to isolate questions for a jury. At Common Law, as I have said, that question was isolated by the procedure laid down in the rules we got from England, being the rules of Hilary term 1834. The feigned issue procedure picked up those rules or else special orders could be made under s 11 of the General Law Procedure Act.

Accordingly, I do not really consider that Mr McQuillen's excursus into history assists him because since 1842 these questions have ordinarily been heard by a judge sitting alone in Equity or in the Equity Division.

Looking at the Statute, the general rule is that there should be trial by judge alone. In Common Law there is an exception where fraud is involved, but the Statute limits this to Common Law trials. The flavour of the Statute is there however.

I consider that the submission of Mr McClellan QC, who appeared with Mr McGovern for the first and second defendants, is correct, that that provision is there not for the benefit of plaintiffs who attack someone else's character, but rather for the benefit of a person whose character is attacked to have a chance of vindication by a jury of his or her peers on the subject matter of that attack. That is why s 88 deals with a seemingly heterogeneous list of fraud, defamation, false imprisonment and seduction. The provision as to breach of promise of marriage has been superseded by Commonwealth legislation prohibiting such actions.

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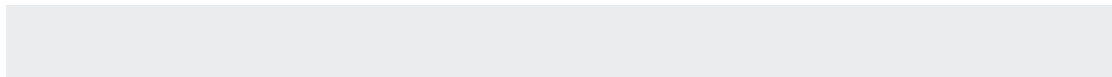
Mr McClellan QC says that there is no discretion to order trial by jury in Equity. I reject that submission. However, it seems to me that when considering whether to exercise the discretion the judge takes into account the fact that the normal method of trial is by judge alone, and he also takes into account the sort of factors mentioned by Mr Russell, for the fourth defendant, namely, length of trial by judge compared with trial by jury, the cost, the fact that commercial factual matters are involved and that the factual matters are complex.

Mr McClellan QC's response to that is that judges at Common Law and in criminal trials are constantly directing juries on complex matters of fact and that the **Pambula Hospital** case shows that these are really irrelevant considerations.

I know that judges do have to direct juries on complex matters, but I think the general feeling in the legal profession is that despite the quality of the judges who do that direction, the trial by jury of such issues is second best.

Accordingly, I do not consider that there is sufficient reason to grant trial by jury and the notice of motion filed by the plaintiff on 23 August 1996 is dismissed with costs.

I now have to consider what directions should be made to get the trial ready for hearing.



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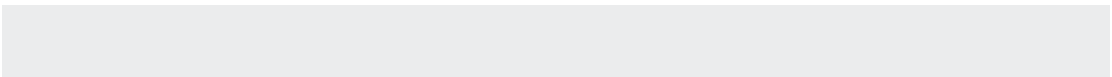


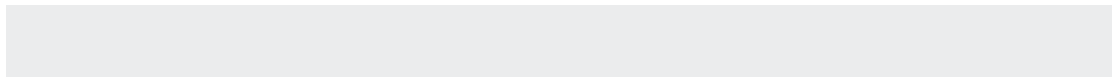
Exhibit N Commonwealth of Australia Constitution Act Sections 71, 79 and 80

Chapter III – The Judicature

71. 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.

79. The federal jurisdiction of any court may be exercised by such number of judges as the Parliament prescribes.

80. 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.



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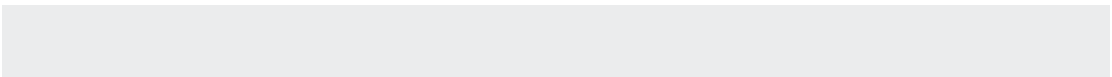


Exhibit O Letter to Commissioner Reece Kershaw Australian Federal Police, 6 September 2022

From:
Michael Thomas Holt
2/11 Undara Street, Maroochydore,
Qld 4558
Ph: 0466 119 458
Email. mthomholt@gmail.com

TO:
Commissioner Reece Kershaw
Australian Federal Police
Edmund Barton Building
Kings Avenue
Barton ACT 2600, Canberra

6 September 2022

NOTICE OF POSSIBLE INVOICE

Dear Commissioner,

By S. 8 Australian Federal Police Act 1979 it is your duty to execute and maintain the laws of the Commonwealth in exactly the same way as the Governor General ought to do so. We have an out-of-control element of the Australian Federal Police conspiring within the meaning of S. 42 Crimes Act 1914, to have an imbecile Judge of the County Court of Victoria issue a warrant for my arrest after determining that he had jurisdiction derived from the Queen in Right of Victoria to ignore S .79 and 80 The Commonwealth of Australia Constitution Act 1900, and S. 268 Criminal Code Act 1995 (Cth).

The Australian Federal Police is no more entitled to execute an illegal warrant than a garbage collector. Any warrant issued by a Judge in Court is and has been illegal, since 2002 when 268 :12 Criminal Code Act 1995 (Cth) was enacted into law, even if the enacting words to do so, namely the Parliament of Australia enacts no longer comply with the words required by the Constitution. Before October 1990 the words

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

After S. 9 of the Australia Act 1986 the State of Victoria created a fictitious Queen in right of Victoria and this Judge thinks that a fictitious Queen can grant him power in this fictitious Queen’s name to determine his own jurisdiction. The Crown in Right of Victoria cannot exist in law by reference to S. 15A Acts Interpretation Act 1901 (Cth). If you accept the warrant the Victoria County Court are seeking tomorrow, I will have no option but to issue an invoice to you to pay the prescribed penalty for executing a non-legal warrant. You get a large salary so should be able to meet it.

There are serious Constitutional issues in play here, and the prosecutors thinking they are cleverer than they are, are seeking to ignore them. The “Kable Principle” means that NO JUDGE can determine his own jurisdiction: Only a court with judges can. It is only fair that I draw your attention in good faith to the criminal misconduct they are seeking to have your Australian Federal Police get involved in.

I enclose two videos recently available on the you tube channel. You should watch them if you are to do your job properly.

<https://www.youtube.com/watch?v=xqVO0NHHy0E>

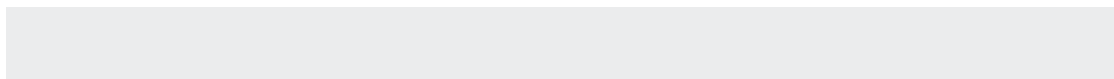
<https://www.youtube.com/watch?v=LvZrzhOIP7E>

Blackstones Commentaries on the English Law Voi 3 P 160

For it is part of the original contract, entered into by all mankind who partake the benefits of society, to submit in all points to the municipal constitutions and local ordinances of the state, of which each individual is a member. Whatever therefore the law orders any one to pay, that becomes instantly a debt, which he has beforehand contracted to discharge.

By the contract governing civilised society namely the Commonwealth of Australia Constitution Act 1900, and the enactment by the Parliament of the Commonwealth of the Criminal Code Act 1995 S. 268:12 and Crimes Act 1914 of Section 43 and the formula for converting seventeen and ten years imprisonment respectively into a liquidated sum, is defined in S. 4B of the Crimes Act 1914. You are deemed to know the law and would be willfully offending S. 79 Constitution and the “Kable Principle” by assuming the Judicial power of the Commonwealth and assuming a Judge in Victoria can issue an Interstate Warrant on the expectation that you would action it.

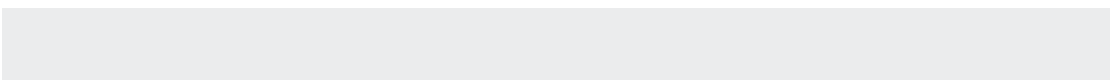
Please consider carefully.



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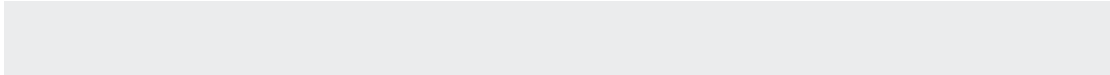
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Yours in the utmost
of good faith



Michael-Thomas:
Holt



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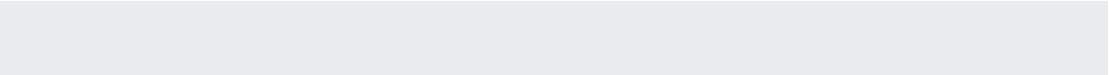


Exhibit P Letters to The Governor General His Excellency General the Honourable David Hurley AC DSC, dated 23 September 2022, and 11 November 2022

23 September 2022

From:
Michael Thomas Holt
2/11 Undara Street
Maroochydore
Qld 4558

The Governor General
His Excellency General the Honourable David Hurley AC DSC
Government House
Dunrossil Drive
Yarralumla ACT 2600

By S 24F Crimes Act 1914 (Cth) it is not unlawful to point out in good faith errors in the Administration of the Commonwealth, and I can find no evidence that section has been repealed, and even if has, that repeal would be illegal.

Notice to Rectify a Fundamental Error

Be Informed that on the 24th August 1984 a charlatan Prime Minister signing his name as BOB HAWKE, not his legal name, promulgated and published a forged Letters Patent instructing the Governor General to disregard the Letters Patent given with the Commonwealth of Australia Constitution Act 1900 to the Governor General, and to follow instructions given by him in the name of the late Queen. This Charlatan committed an Act of Treachery and a Breach of his Oath of Office which was to owe true allegiance to Her Majesty Elizabeth the Second, our then Sovereign, by stealing the Commonwealth of Australia and diverting it to the use of a Company registered in the United States of America in Washington DC.

In Force in 1984 was S 24AA Crimes Act 1914 (Cth) the crime of treachery, and to Her eternal sorrow, and in breach of the Statute of 1 Will and Mary C6 (Coronation

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Oath) (1688) the then Governor General on behalf of the Queen allowed this sabotage of the Commonwealth of Australia Constitution Act 1900 to occur, bringing Her Majesty Elizabeth the Second into disrepute in the Commonwealth of Australia. By repealing the 1900 Letters patent while not being of the Royal Family or abiding the Statute of 1 Will and Mary C6 (Coronation Oath) (1688), the said Prime Minister has caused every Government since 1984 to be illegitimate and unlawful, and defiled your High Office.

You are politely requested to contact the King to end this fraud on the “courts, judges, and people” of the Commonwealth and have him reinstate the Letters Patent given to us by Queen Victoria. The 1984 Letters Patent has established a de-facto republic and each and every officer who has served under it is illegitimate. Should you fail to do so, then consequences will follow.

Yours in the utmost
of good faith



Michael Thomas
Holt

TAX INVOICE NO GG-0001

Notes:

Quasi Contract

24AA. (1) A person shall not-

(a) do any act or thing with intent-

(i) to overthrow the Constitution of the Commonwealth by revolution or sabotage; or

(ii) to overthrow by force or violence the established government of the

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Commonwealth, of a State or of a proclaimed country; or

(b) within the Commonwealth or a Territory not forming part of the Commonwealth-

(i) levy war, or do any act preparatory to levying war, against a proclaimed country;

(ii) assist by any means whatever, with intent to assist, a proclaimed enemy of a proclaimed country; or

(iii) instigate a person to make an armed invasion of a proclaimed country.

(2) Where a part of the Defence Force is on, or is proceeding to, service outside the Commonwealth and the Territories not forming part of the Commonwealth, a person shall not assist by any means whatever, with intent to assist, any persons-

(a) against whom that part of the Defence Force, or a force that includes that part of the Defence Force, is or is likely to be opposed; and

(b) who are specified, or included in a class of persons specified, by proclamation to be persons in respect of whom, or a class of persons in respect of which, this sub-section applies.

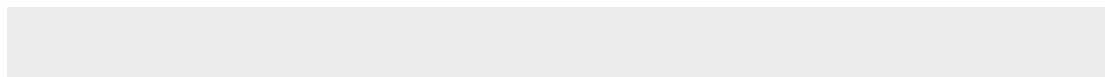
(3) A person who contravenes a provision of this section shall be guilty of an indictable offence, called treachery.

Penalty: Imprisonment for life

Every aspect of our lives from cradle to grave are governed by contracts. Most of these contracts are quasi contracts. A quasi contract is a contract which an individual has no control over, which is imposed irrespective of the will of the person concerned. Included in these quasi contracts are all Acts of Parliament and the implied moral norms that people are usually required to abide.

But in order to establish a society with divisions and different classes of people, certain classes of people have made quasi contracts that are oppressive and discriminatory against any person or individual who would challenge the terms of the quasi contracts made for them.

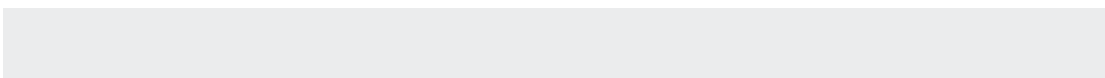
Under Roman occupation and Roman Law, the Civil Code as it was called and installed and enforced throughout continental Europe, everything was forbidden unless it was permitted.



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Under English Common Law in force in England, Australia and the United States everything was permitted unless forbidden, and gradually since 1900, the European system has been grafted onto the Common Law, and a bastard has been created. That bastard was created by the Parliament of the United Kingdom, when it decided it was Almighty God and subject to no higher law than it made itself. In Australia we have Son of the United Kingdom Parliament created in nine separate jurisdictions all thinking they are Almighty God when in fact they are not and can never be Almighty God.

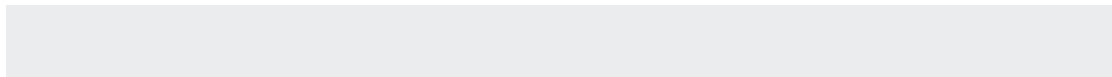
The ultimate quasi contract is the New Testament given as law by Jesus Christ for the benefit of all who would be free. It is the basis of the United Kingdom Common Law, and its supremacy is and has been under challenge in the United Kingdom and Australia since 1860, when the forces of evil, decided to create another aristocracy. An aristocracy based on personal wealth. To do this they have had to destroy the common law and hide the impact of quasi contract law.

In quasi contract law there cannot be any superior law to that of the New Testament. From 1295 and the Magna Carta and its enactment into written law, the principles of the New Testament have governed the British Common Law. The ultimate sanction imposed by the New Testament was eternal damnation. The freedom given by the New Testament is embodied in the Magna Carta. No one can be deprived of his or her freedom except by the judgment of the Holy Ghost under the Common Law. No one can be deprived of the gifts of Almighty God except by the Holy Ghost under the Common Law, and no Parliament can make laws that overrule the law of Almighty God under the Common Law.

It has been said on numerous occasions that any law in breach of the Constitution is invalid or inoperative. That is because the Constitution under which we are entitled to be free, is the paramount law, and by quasi contract, its terms overrule all the terms in any personal contract and any law made by any Parliament constituted under its provisions. The New Testament is incorporated into that quasi contract by making the Queen, who represents Almighty God the Sovereign who rules over us on behalf of Almighty God and is herself subject to the provisions of the New Testament by her very own quasi contract. The quasi contract she submitted to in order to become Sovereign, and become Queen, is the New Testament Gospels and whenever a law is made contrary to the principles of the New Testament Gospels, that law is in conflict with a superior quasi contract and inoperative.

And;

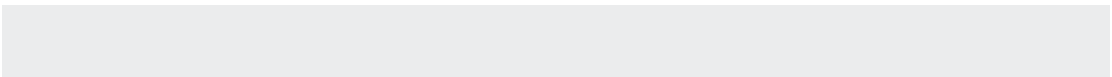
11 November 2022



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Deponent

Witness



From:
Michael Thomas Holt
2/11 Undara Street
Maroochydore
Qld 4558

The Governor General
His Excellency General the Honourable David Hurley AC DSC
Government House
Dunrossil Drive
Yarralumla ACT 2600

Dear Sir,

On the 24th of September 2022, I drew to your attention the sabotage of the Constitution and your office by BOB Hawke in 1984 and by Kevin Rudd in 2008. Your failure to act upon that advice could be classified as treason under S 80.1 Criminal Code Act 1995 (Cth).

Subdivision B--Treason
80.1 Treason

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

(a) causes the death of the Sovereign, the heir apparent of the Sovereign, the consort of the Sovereign, the Governor-General or the Prime Minister; or

(b) causes harm to the Sovereign, the Governor-General or the Prime Minister resulting in the death of the Sovereign, the Governor-General or the Prime Minister; or

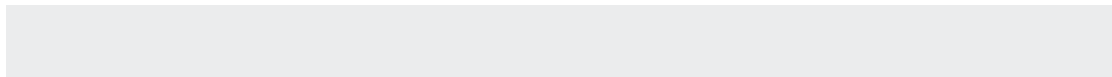
(c) causes harm to the Sovereign, the Governor-General or the Prime Minister, or imprisons or restrains the Sovereign, the Governor-General or the Prime Minister; or

(d) levies war, or does any act preparatory to levying war, against the Commonwealth; or

(g) instigates a person who is not an Australian citizen to make an armed invasion of the Commonwealth or a Territory of the Commonwealth.

Penalty: Imprisonment for life.

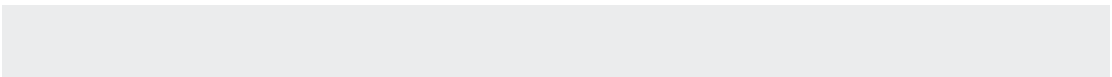
The repeal of Queen Victoria's Letters Patent 1900 in effect killed the Sovereign and made the Governor General impotent as far as administering the Commonwealth is concerned allowing terrorists to infiltrate every State and turning the States into



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extortion-levying racketeer organisations. Your Office has been sabotaged from the very beginning. You had the power under Queen Victoria's Letters Patent 1900 to appoint deputies to every part of every State to execute and maintain the Constitution and Laws of the Commonwealth. This was not done and as nature abhors a vacuum that vacuum has been filled by imposters. By S 15A Acts Interpretation Act 1901 (Cth) you are required to remove the repeal of Queen Victoria's Letters Patent 1900 from the Statutes of the Commonwealth and restore the rule of law. By Queen Victoria's Letters Patent 1900 those Deputies should all be Justices of the Peace and be present to act in the name of the King in every part of the Commonwealth.

We require an answer in seven days from this advice or we will start to implement the international Law of Commerce against yourself personally.

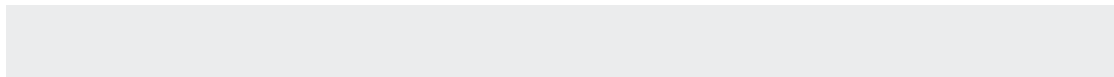
By S 24F Crimes Act 1914 (Cth) it is not unlawful to point out in good faith errors in the Administration of the Commonwealth, and I can find no evidence that section has been repealed, and even if it has that repeal would be illegal.

NOTICE TO RECTIFY A FUNDAMENTAL ERROR

Be Informed that on the 24th August 1984 a charlatan Prime Minister named BOB HAWKE promulgated and published a forged Letters Patent instructing the Governor General to disregard the Letters Patent given with the Commonwealth of Australia Constitution Act 1900 to the Governor General and follow instructions given by him in the name of the late Queen. This Charlatan committed an Act of Treason and a Breach of his Oath of Office which was to owe true allegiance to Her Majesty Elizabeth the Second our then Sovereign, by stealing the Commonwealth of Australia and diverting it to the use of a Company registered in the United States of America in Washington DC.

In Force in 1984 was S 24AA Crimes Act 1914 (Cth) the crime of treachery, and to Her eternal sorrow, and in breach of the Statute of 1 Will and Mary C6 (Coronation Oath) (1688) the then Governor General on behalf of the Queen allowed this sabotage of the Commonwealth of Australia Constitution Act 1900 to occur, bringing Her Majesty Elizabeth the Second into disrepute in the Commonwealth of Australia. By repealing the 1900 Letters patent while not being of the Royal Family or abiding by the Statute of 1 Will and Mary C6 (Coronation Oath) (1688), the said Prime Minister has caused every Government since 1984 to be illegitimate and unlawful and defiled your High Office.

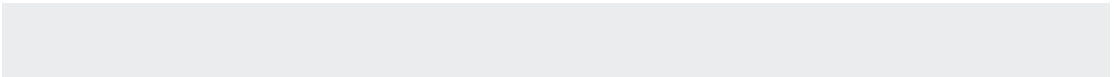
TAX INVOICE NO: GG-0001



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Deponent

Witness



Notes:

Quasi Contract

24AA. (1) A person shall not-

(a) do any act or thing with intent-

(i) to overthrow the Constitution of the Commonwealth by revolution or sabotage; or

(ii) to overthrow by force or violence the established government of the Commonwealth, of a State or of a proclaimed country; or

(b) within the Commonwealth or a Territory not forming part of the Commonwealth-

(i) levy war, or do any act preparatory to levying war, against a proclaimed country;

(ii) assist by any means whatever, with intent to assist, a proclaimed enemy of a proclaimed country; or

(iii) instigate a person to make an armed invasion of a proclaimed country.

(2) Where a part of the Defence Force is on, or is proceeding to, service outside the Commonwealth and the Territories not forming part of the Commonwealth, a person shall not assist by any means whatever, with intent to assist, any persons-

(a) against whom that part of the Defence Force, or a force that includes that part of the Defence Force, is or is likely to be opposed; and

(b) who are specified, or included in a class of persons specified, by proclamation to be persons in respect of whom, or a class of persons in respect of which, this sub-section applies.

(3) A person who contravenes a provision of this section shall be guilty of an indictable offence, called treachery.

Penalty: Imprisonment for life.

Quasi-Contracts

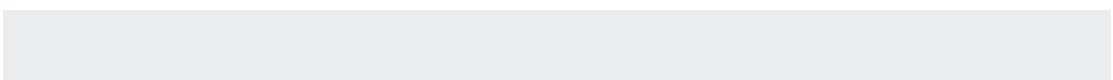
Every aspect of our lives from cradle to grave is governed by contracts. Most of these contracts are Quasi-contracts. A quasi-contract is a contract that an individual has no control over, which is imposed irrespective of the will of the person concerned. Included in these quasi-contracts are all Acts of Parliament and the implied moral norms that people are usually required to abide by.



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But in order to establish a society with divisions and different classes of people certain classes of people have made quasi-contracts that are oppressive and discriminatory against any person or an individual who would challenge the terms of the quasi-contracts made for them.

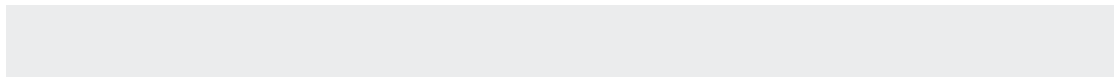
Under Roman occupation and Roman Law, the Civil Code as it was called and installed and enforced throughout continental Europe, everything was forbidden unless it was permitted. Under English Common Law is in force in England, Australia and the United States everything was permitted unless forbidden, and gradually since 1900, the European system has been grafted onto the Common Law, and a bastard has been created. That bastard was created by the Parliament of the United Kingdom, when it decided it was Almighty God and subject to no higher law than it made itself. In Australia we have Son of the United Kingdom Parliament created in nine separate jurisdictions all thinking they are Almighty God when in fact they are not and can never be Almighty God.

The ultimate quasi-contract is the New Testament given as law by Jesus Christ for the benefit of all who would be free. It is the basis of the United Kingdom Common Law, and its supremacy is and has been under challenge in the United Kingdom and Australia since 1860, when the forces of evil, decided to create another aristocracy. An aristocracy based on personal wealth. To do this they have had to destroy the common law and hide the impact of quasi-contract law.

In quasi-contract law, there cannot be any superior law to that of the New Testament. From 1295 and the Magna Carta and its enactment into written law, the principles of the New Testament have governed the British Common Law. The ultimate sanction imposed by the New Testament was eternal damnation.

The freedom given by the New Testament is embodied in the Magna Carta. No one can be deprived of his or her freedom except by the judgment of the Holy Ghost under the Common Law. No one can be deprived of the gifts of Almighty God except by the Holy Ghost under the Common Law, and no Parliament can make laws that overrule the law of Almighty God under the Common Law.

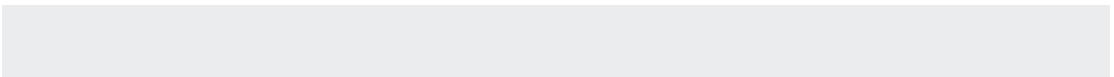
It has been said on numerous occasions that any law in breach of the Constitution is invalid or inoperative. That is because the Constitution under which we are entitled to be free, is the paramount law, and by quasi-contract, its terms overrule all the terms in any personal contract and any law made by any Parliament constituted under its provisions. The New Testament is incorporated into that quasi-contract by making the Queen, who represents Almighty God the Sovereign who rules over us on behalf of Almighty God and is herself subject to the provisions of the New Testament by her very own quasi-contract. The quasi-contract she submitted to in order to become Sovereign and become Queen, is the New



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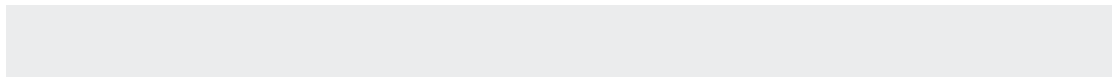
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Testament Gospels and whenever a law is made contrary to the principles of the New Testament Gospels, that law is in conflict with a superior quasi-contract and inoperative.

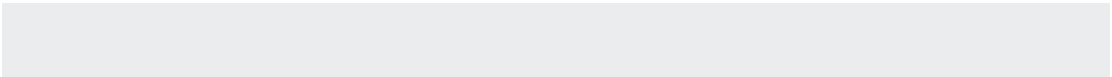
In quasi-contract law there cannot be any superior law to that of the New Testament. From 1295 and the Magna Carta and its enactment into written law, the principles of the New Testament have governed the British Common Law. The ultimate sanction imposed by the New Testament was eternal damnation. The freedom given by the New Testament is embodied in the Magna Carta. No one can be deprived of his or her freedom except by the judgment of the Holy Ghost under the Common Law. No one can be deprived of the gifts of Almighty God except by the Holy Ghost under the Common Law, and no Parliament can make laws that overrule the law of Almighty God under the Common Law. It has been said on numerous occasions that any law in breach of the Constitution is invalid or inoperative. That is because the Constitution under which we are entitled to be free, is the paramount law, and by quasi contract, its terms overrule all the terms in any personal contract and any law made by any Parliament constituted under its provisions. The New Testament is incorporated into that quasi contract by making the Queen, who represents Almighty God the Sovereign who rules over us on behalf of Almighty God and is herself subject to the provisions of the New Testament by her very own quasi contract. The quasi contract she submitted to in order to become Sovereign, and become Queen, is the New Testament Gospels and whenever a law is made contrary to the principles of the New Testament Gospels, that law is in conflict with a superior quasi contract and inoperative.



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**Exhibit Q Criminal Code 1914 268:12 and 268:20, and Articles 9 and 14
International Covenant of Political Rights**

CRIMINAL CODE ACT 1995 - SCHEDULE The

S 268.12 Crime against humanity--imprisonment or other severe deprivation of physical liberty

(1) A person (the *perpetrator*) commits an offence if:

(a) the perpetrator imprisons one or more persons or otherwise severely deprives one or more persons of physical liberty; and

(b) the perpetrator's conduct violates article 9, 14 or 15 of the Covenant; and

(c) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

Penalty: Imprisonment for 17 years.

And;

S 268.20 Crime against humanity--persecution

(1) A person (the *perpetrator*) commits an offence if:

(a) the perpetrator severely deprives one or more persons of any of the rights referred to in paragraph (b); and

(b) the rights are those guaranteed in articles 6, 7, 8 and 9, paragraph 2 of article 14, article 18, paragraph 2 of article 20, paragraph 2 of article 23 and article 27 of the Covenant; and

(c) the perpetrator targets the person or persons by reason of the identity of a group or collectivity or targets the group or collectivity as such; and

(d) the grounds on which the targeting is based are political, racial, national, ethnic, cultural, religious, gender or other grounds that are recognised in paragraph 1 of article 2 of the Covenant; and

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(e) the perpetrator's conduct is committed in connection with another act that is:

(i) a proscribed inhumane act; or

(ii) genocide; or

(iii) a war crime; and

(f) the perpetrator's conduct is committed intentionally or knowingly as part of a widespread or systematic attack directed against a civilian population.

Penalty: Imprisonment for 17 years.

(2) Strict liability applies to:

(a) the physical element of the offence referred to in paragraph (1)(a) that the rights are those referred to in paragraph (1)(b); and

(b) paragraphs (1)(b) and (d).

And;

International Covenant of Political Rights

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

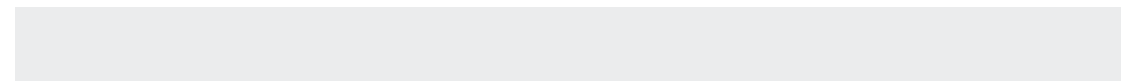
Article 9

1. States Parties shall afford one another the greatest measure of assistance in connection with criminal proceedings brought in respect of any of the offences referred to in article 4, including the supply of all evidence at their disposal necessary for the proceedings.

2. States Parties shall carry out their obligations under paragraph 1 of this article in conformity with any treaties on mutual judicial assistance that may exist between them.

And;

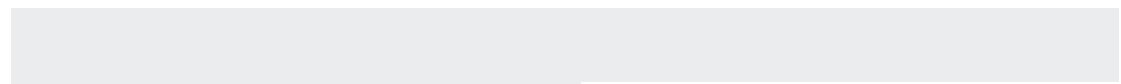
Article 14



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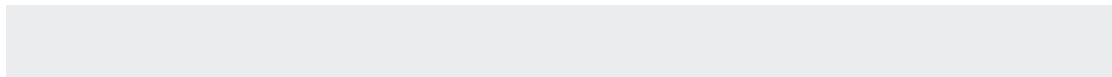
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1. Each State Party shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependants shall be entitled to compensation.

2. Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law.



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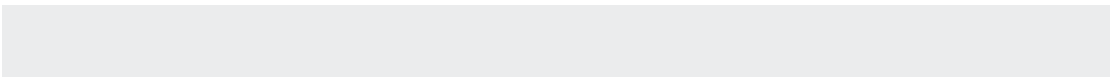


Exhibit R Acts Interpretation Act 1954 (Q) S 42 and 43

S 42 Any person may prosecute etc.

Any person may take a proceeding for the imposition or enforcement of a penalty, or the making of a forfeiture order, under an Act.

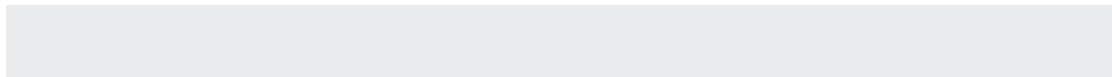
S 43 Appropriation of penalties

(1) The following rules apply to an amount recovered because of the imposition of a penalty or the making of a forfeiture order—

- (a) any part of the amount that is ordered under subsection (2) to be paid to the party prosecuting must first be paid to the party;
- (b) the remaining part of the amount must then be paid to the consolidated fund.

(2) The court that imposes the penalty, or makes the forfeiture order, may order that not more than half of the amount recovered be paid to the party prosecuting.

(3) Subsection (2) does not apply if the party prosecuting is prosecuting as an officer or employee of the State or an officer of the public service.



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