

ACCOMPANYING AFFIDAVIT

(No 6)<sup>A</sup>

IN THE COUNTY COURT OF VICTORIA AT MELBOURNE AP-\_\_-\_\_

IN THE MATTER of an application under section 54 of the **Vexatious Proceedings Act 2014**

BETWEEN

THE ATTORNEY GENERAL FOR THE STATE OF VICTORIA

Plaintiff

And

BRIAN WILLIAM SHAW

Defendant

AFFIDAVIT NO 6.<sup>A</sup> EIGHT DEFENDANT

Date of Document: 17 September 2016  
Filed on behalf of: The Applicant  
Prepared by: Brian William Shaw

Solicitors Code: N/A  
Telephone:  
DX: N/A  
Ref: N/A

0487195522.

I, Brian William Shaw, c/- of PO Box 800 Werribee Victoria do state and affirm the following:-

1. I STATE THAT THIS AFFIDAVIT  
EXHIBITS VARIOUS ITEMS AND ISSUES  
IN ONE EXHIBIT - SPECIFICALLY  
EIGHT DEFENDANT (MAY 2004)  
FORMER GOVERNOR MAX CHURCHMAN  
QUESTION OF FINE KNIGHT OF ST JOHN OF JERUSALEM  
THE 1540 UK STATUTE BAN  
TREASON - THE CONSTITUTION  
CRIMINAL CODE ACT 1995. CHAPTER 5. (80.1)  
MURPHY & CAMPBELL 1/2

IN THE MAGISTRATES' COURT OF VICTORIA  
AT MELBOURNE  
BETWEEN

No of 2004

Brian William Shaw  
and

Informant / Prosecutor

Major General Michael Jeffery  
and

Defendant

Justice Winneke  
and

Defendant

Justice Brooking  
and

Defendant

Justice Charles  
and

Defendant

Justice Buchanan  
and

Defendant

Justice Chernov  
and

Defendant

Master Cain  
and

Defendant

Mr. Paul Cogan  
Director of Public Prosecutions

Defendant



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PRIVATE PROSECUTION

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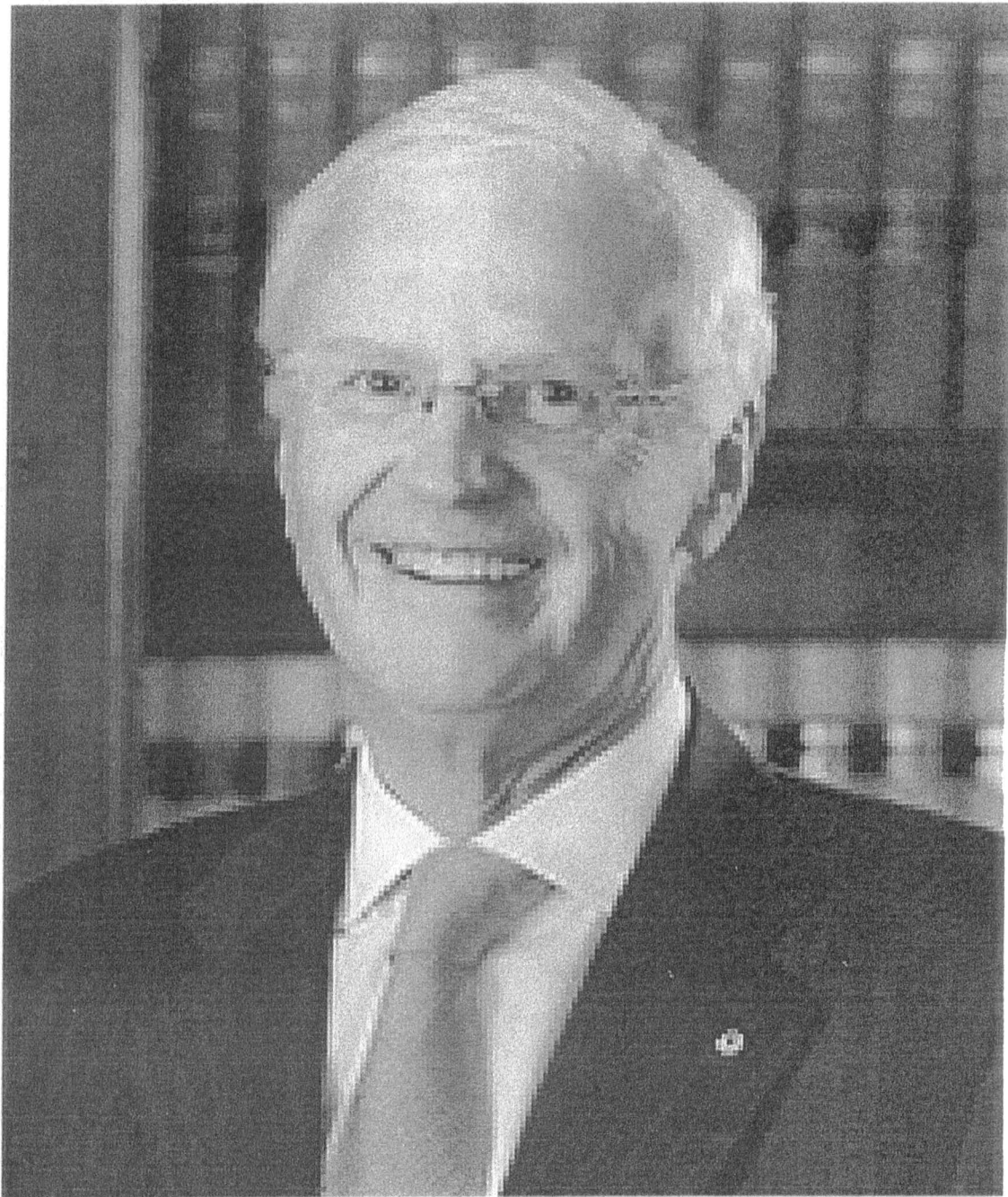
Date of Document: May 16, 2004  
Filed on behalf of: Informant / Prosecutor  
Prepared by: Brian Shaw  
280 Leakes Road,  
Truganina, 3030 Victoria

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AFFIDAVIT

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

Margaret Campbell JP 1/29



**Alex Chernov**

Governor - State of Victoria

ISSUED THE STATE SENATES WRIT  
UNDER SECTION 12 COMMONWEALTH CONSTITUTION  
AFFIRMS THE CRIMINAL REMOVAL OF  
HIS MAJESTY IN WESTERN AUSTRALIA.

## A QUESTION OF FACT IS FOR A JURY DETERMINATION

### A Question of Fact

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

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



Source: [www.gg.gov.au/events/governor-victoria-investiture](http://www.gg.gov.au/events/governor-victoria-investiture)

### **Governor of Victoria investiture 30 October 2011**

At Government House in Melbourne, the Governor-General, as Prior, invested the Governor of Victoria, His Excellency Mr Alex Chernov AO, as Deputy Prior of the Order of St John for the State of Victoria. Mrs Elizabeth Chernov was invested as a Dame of Grace.

### **1540. STATUTE by HENRY 8th BANNING KNIGHTS of St JOHN.**

" The Lords spiritual and temporal, and the Commons in this present Parliament assembled, having credible knowledge that divers and sundry the King's subjects, called Knights of the Rhodes, otherwise called Knights of St John's, otherwise called Friars of the Religion of St John of Jerusalem in England, and of a like house being in Ireland, abiding in the parts of beyond the sea, and having as well out of this realm, as out of Ireland, and other the King's dominions, yearly great sums of money for maintenance of their livings, have unnaturally, and contrary to the duty of their allegiance, sustained and maintained the usurped power and authority of the Bishop of Rome, lately usurped and practised within this realm, and other the King's Dominions (2) and have not only adhered themselves to the said Bishop, being common enemy to the King our Sovereign Lord, and to this his realm, untruly upholding, knowledging, and affirming maliciously and traiterously the same Bishop to be Supreme, and chief head of Christ's Church by God's holy word, intending thereby to subvert and overthrow the good and godly laws and statutes of this realm, their natural country, made and grounded by authority of Holy Church, by the most excellent wisdom, policy, and goodness of the King's majesty with the whole assent and consent of the realm, for the abolishing, expulping and utter extinction of the said usurped power and authority". (Portion.)

## TREASON AND MISPRISION OF TREASON

Treason is: *The element required for the Criminal Offence of Treason is*

*A Breach of duty of  
Allegiance*

Misprision of Treason: *The element required is*

*is the concealment or Keeping  
Secret of any Treason by a person*

Precedent law and authority

R v Casement 1917 1 Kings Bench 98 at 114

# Criminal Code Act 1995

## Chapter 5

### The security of the Commonwealth

#### 80.1 Treason

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

(b) knowing that another person intends to commit treason, does not inform a constable of it within a reasonable time or use other reasonable endeavours to prevent the commission of the offence.

Penalty: Imprisonment for life.







# STATUTE (UK)

1540

## KING HENRY THE EIGHT KNIGHTS OF St. JOHN of JERUSALEM

### The United Kingdom THE BANNING Of The Religion of St John of Jerusalem Operating in ENGLAND and IRELAND

" The Lords spiritual and temporal, and the Commons in this present Parliament assembled, having credible knowledge that divers and sundry the King's subjects, called Knights of the Rhodes, otherwise called Knights of St John's, otherwise called Friars of the Religion of St John of Jerusalem in England, and of a like house being in Ireland, abiding in the parts of beyond the sea, and having as well out of this realm, as out of Ireland, and other the King's dominions, yearly great sums of money for maintenance of their livings, have unnaturally, and contrary to the duty of their allegiance, sustained and maintained the usurped power and authority of the Bishop of Rome, lately usurped and practised within this realm, and other the King's Dominions (2) and have not only adhered themselves to the said Bishop, being common enemy to the King our Sovereign Lord, and to this his realm, untruly upholding, acknowledging, and affirming maliciously and traitorously the same Bishop to be Supreme, and chief head of Christ's Church by God's holy word, intending thereby to subvert and overthrow the good and godly laws and statutes of this realm, their natural country, made and grounded by authority of Holy Church, by the most excellent wisdom, policy, and goodness of the King's majesty with the whole assent and consent of the realm, for the abolishing, expulsing and utter extinction of the said usurped power and authority". ( Portion.)

# CONSTITUTION OF THE COMMONWEALTH OF AUSTRALIA 1900

## SECTION 47

### **Disputed elections**

Until the Parliament otherwise provides, any question respecting the qualification of a senator or of a member of the House of Representatives, or respecting a vacancy in either House of the Parliament, and any question of a disputed election to either House, shall be determined by the House in which the question arises.

# CONSTITUTION OF THE COMMONWEALTH OF AUSTRALIA 1900

## SECTION 44 Disqualification

Any person who:

(i) is under any acknowledgment of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power; or

(ii) is attainted of treason, or has been convicted and is under sentence, or subject to be sentenced, for any offence punishable under the law of the Commonwealth or of a State by imprisonment for one year or longer; or

(iii) is an undischarged bankrupt or insolvent; or

(iv) holds any office of profit under the Crown, or any pension payable during the pleasure of the Crown out of any of the revenues of the Commonwealth; or

(v) has any direct or indirect pecuniary interest in any agreement with the Public Service of the Commonwealth otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons;

shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives.

# CONSTITUTION OF THE COMMONWEALTH OF AUSTRALIA 1900

## SECTION 12

### Issue of writs

The Governor of any State may cause writs to be issued for elections of senators for the State. In case of the dissolution of the Senate the writs shall be issued within ten days from the proclamation of such dissolution.

## SECTION 32

### Writs for general election

The Governor-General in Council may cause writs to be issued for general elections of members of the House of Representatives.

After the first general election, the writs shall be issued within ten days from the expiry of a House of Representatives or from the proclamation of a dissolution thereof.

# CONSTITUTION OF THE COMMONWEALTH OF AUSTRALIA 1900

## SECTION 80 .

### **Trial by jury**

The trial on indictment of any offence against any law of the Commonwealth shall be by jury, and every such trial shall be held in the State where the offence was committed, and if the offence was not committed within any State the trial shall be held at such place or places as the Parliament prescribes.



# CRIMINAL CODE ACT 1995

## Chapter 5 -- The security of the Commonwealth

### Part 5.1 -- Treason and urging violence

#### Division 80 -- Treason and urging violence

##### 80.1A Definition of *organisation*

In this Division: "*organisation*" means:

- (a) a body corporate; or
- (b) an unincorporated body;  
whether or not the body is based outside Australia,  
consists of persons who are not Australian citizens, or is  
part of a larger organisation.

#### Subdivision B -- Treason

##### 80.1 Treason

- (2) A person commits an offence if the person:
  - (a) receives or assists another person who, to his or her knowledge, has committed an offence against this Subdivision (other than this subsection) with the intention of allowing him or her to escape punishment or apprehension; or
  - (b) knowing that another person intends to commit an offence against this Subdivision (other than this subsection), does not inform a constable of it within a reasonable time or use other reasonable endeavours to prevent the commission of the offence.

**Penalty: Imprisonment for life.**

*480*