

Form 12 – Application for a constitutional or other writ

Note: see rule 25.01.1.

IN THE HIGH COURT OF AUSTRALIA

BRISBANE REGISTRY

BETWEEN: Michael Thomas of the family Holt
 Plaintiff/Self Represented
 and
 The King Elizabeth Hollingworth
 First Defendant Fourth Defendant
 Stuart Young Meryl Sexton
 Second Defendant Fifth Defendant
 Stephen John Gageler Michael Bourke
 Third Defendant Sixth Defendant

APPLICATION FOR A CONSTITUTIONAL OR OTHER WRIT

The plaintiff applies for the relief set out in Part I below on the grounds set out in Part II below

Part I: The Plaintiff asks the High Court for a Writ of Certiorari to correct errors in law by two County Court Melbourne judges, namely Judge Michael Bourke and Judge Meryl Sexton, and Supreme Court Judge Elizabeth Hollingworth, and issue a declaratory order declaring the International Covenant on Civil and Political Rights is now and always has been a part of the Australian Constitution since 1980.

Part II: The Prerogative Writ of Certiorari sought that was rejected by Justice Gageler on 2 June 2023 was to have the High Court supervise the conduct of the courts in Victoria and have them comply within the International Covenant on Civil and Political Rights, a valid law of the Commonwealth. A Supreme Court judge cannot make a suppression order that directly contradicts Articles 14 and 19(2) of the International Covenant on Civil and Political Rights.

Part III: The matter should be remitted to the Federal Court of Australia or the Senate which is the equivalent of the House of Lords for assessment of penalties under 15F Crimes Act 1914 with a direction that S 40 and 41 Federal Court of Australia Act be applied. The Plaintiff’s Application for a Prerogative Writ concerns a Constitutional matter pertaining to Sections 79 and 80 of the Constitution, as well as the Federally


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mandated law the International Covenant on Civil and Political Rights that can only be decided by the High Court or the Senate. Menzies (a Liberal and a Lawyer), allowed the High Court in 1952 to enact Order 58 Rule 4 sub-rule 3, High Court Rules 2004 by Rule 6.07 (1) (2) and (3) removing supervision by the High Court of the Supreme Courts of the States, this was continued and this ultra vires Rule was used by Stuart Young and Justice Gageler against me.

Part IV: The charge against the Plaintiff instigated by Justice Elizabeth Hollingworth of contravening a suppression order was issued contrary to Constitution S 80 and the International Covenant on Civil and Political Rights Article 19(2) by the Commonwealth Director of Public Prosecutions. The Plaintiff is asking the High Court or the Senate to issue the Certificate under the Schedule of the Judiciary Act 1903, and direct the Federal Court of Australia or the Senate to assess the amount and award the penalties the Plaintiff is entitled to receive for performing that public service under the laws of the Commonwealth. Without “as of right” Prerogative Writs we have no Rule of Law.

The Australian Federal Police and the Commonwealth Director of Public Prosecutions after 1979, in direct contravention of their duty under S 8 Australian Federal Police Act 1979, must provide Commonwealth policing to protect members of the Commonwealth of Australia from unfair intimidation and arrest. Instead, they have been employed to issue a charge against me in direct contravention of the Constitution and International Covenant on Civil and Political Rights. In my case, the AFP has been derelict in their duty, and harassed, arrested and detained me for a total of six days without trial on the orders of Victorian Judge Michael Bourke who arbitrarily repealed the Constitution S 80 and as a result the AFP blindly followed his orders instead of upholding the law as written

Reference Page 13 Line 18: S 8 Application of Colonial Boundaries Act. This clarifies the effect of the Kable Principle and S 79 Constitution by reference to S 15AB Acts Interpretation Act 1901 extrinsic material.

Without a jury there is no court of Judicature (NOTE: see S 79 Constitution below) and all legislation since 1900 that precludes jury trial (State or Federal) and enforces an unjust judgment without consent, is unlawful, and always has been. (See S 2 Judiciary Act 1903 verbatim below).

Reference Page 14 Line 12: By S 118 Constitution: Recognition of laws & c. of States. Since the Australian Courts Act 1828 was not repealed by the Australia Act 1986, the State of Australia is deemed to be a colony at law, and the Act provides: *“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”*, The Senate is the Legislative Council of the Commonwealth and it with the Governor-General has the duty to apply Queen Victoria’s Letters Patent 1900 and restore the Rule of Law to the


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respective former colonies whose power was curtailed by the Commonwealth of Australia Constitution Act 1900 and Constitution.

Reference Page 14 Line 16: S 9 Australia Act 1986; The Parliament of the Commonwealth has delegated the Judicial Power of the Commonwealth to the High Court and Federal Court of Australia and State Courts, but State Courts and the Australian Judiciary generally are no longer suitable recipients of the Judicial Power of the Commonwealth because they do not comply with the provisions from the Judicature Act cited in Annexure Part VIII, and are in contempt of the Parliament of the Commonwealth in every way.

Reference Page 15 Line 01: S 71 Constitution: Judicial power and Courts; In effect since 1986 and S 9 Australia Act 1986 the Commonwealth of Australia Constitution Act 1900 has been repealed in every State including the Commonwealth and Rules of Court made by un-elected Commonwealth Public Officials and un-elected State Officials have replaced the Law of the Commonwealth made by the Parliament of the Commonwealth, resulting in widespread, and systematic, and endemic corruption.

Reference Page 15 Line 09: S 72 (ii) Constitution; In effect without a referendum this emasculated the Parliament of the Commonwealth and High Court and ended the Federation, and no member of the Bar Association in any State and no Judge in Court has been prepared to hold it unlawful. The Nationality Act and Citizenship Act 1948 abolished the words “subject” that appears in the Judiciary Act 1903 and substitutes “citizens”, and makes the Subjects of the King in any State chattels in the eyes of the law.

Reference Page 15 Line 16: S 75: Original Jurisdiction of the High Court; This repeals by Rules of Court by Judges in Victoria the Commonwealth of Australia Constitution Act 1901.

Based upon S 6 Supreme Court Act 1970 the Rules of Court of the High Court have been used to prevent this inconsistency being argued before the Federal Supreme Court to be called the High Court, and a State of Anarchy has replaced the Monarchy and His subjects and the Rule of Law implicit in it. No Barrister or Solicitor registered in the Supreme Court of any State has brought this forward, but Senator Culleton did in the Senate and was destroyed for it.

Reference Page 16 Line 08: S 23: Decision in case of difference of opinion; The International Covenant on Civil and Political Rights is a treaty incorporated into the Common Law of Australia not applied in the Courts with Judges in the State of Victoria with dire consequences for every State.

Reference Page 16 Line 13: Acts Interpretation Act 1901 S 15A; This does not enable the vesting of federal Jurisdiction in a State Court with a Judge or Magistrate.


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Reference Page 15 Line 25: S 77 (i, ii and iii Constitution.); The Parliament of the United Kingdom has prescribed three justices in S 71 Constitution for the Federal Supreme Court, and every court must have judges, plural, to deal with any Subject of the King in any matter.

Reference Page 16 Line 01: Judiciary Act 1903; As a preliminary question, The High Court should remit back for retrial any application for a retrial lodged when any decision of the lower Court has been made by a Judge or Magistrate, including deciding under Almighty God on its own jurisdiction. This is what Judges Hollingworth, Bourke and Sexton did, and the Magistrate who committed me for trial.

Reference Page 16 Line 31: S 38 Matters in which the jurisdiction of the High Court is exclusive; On an application under this Form 12 it must have three Justices at least decide whether to file or not to file the application and give reasons in open court. It was repealed by Whitlam in 1973.

Reference Page 17 Line 04: S 44. Remittal of matters by High Court to other courts; This is from the Judicature Act 1873 (Imp) and must be clarified by examining the entire Judicature Act 1873.

Reference Page 17 Line 11: S 58 Suits against a State in matters of federal jurisdiction; The International Covenant on Civil and Political Rights is a treaty and part of the Constitution under S5 Commonwealth of Australia Constitution Act 1900.

Reference Page 17 Line 25: JUDICIARY ACT 1903 - SECT 68; In effect repealing or disallowing all Citizenship Acts.

S 68 Judiciary Act 1903 probably exceeds the legislative competence of the Parliament of the Commonwealth in the light of S 15A Acts Interpretation Act 1901, as it allows a prohibited function that is summary arbitrary jurisdiction to be exercised and a Judge in Court referred to in S 2 Judiciary Act 1903 and not judges in court as required in S 79 Constitution.

Reference Page 23 Line 12: S 4K Crimes Act 1914; The Dictionary of the Criminal Code Act 1995 defines such ‘any person’ as a Commonwealth Public Official in (r) and (n) of that definition.

The Criminal Code Act 1995 in defining the word Covenant in its Dictionary when used, thus:
“Covenant” means: the International Covenant on Civil and Political Rights, a copy of which may be found as Schedule 2 to the Australian Human Rights Commission Act 1986.

Note: the word “court” used in this section is not used with a Capital letter, so it must be a court that complies with S 79 and 80 Constitution, and no Judge in Court can impose such penalties, but only the collective mind of a jury or a plea of guilty.


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Reference Page 21 Line 19: S 80.1 Criminal Code Act 1995; The States attack their citizens with arbitrary fines and forfeitures and imprisonment imposed without due process of law.

When legislation is enacted by a State that grants absolute power to an individual, to put in train the physical force (exerted by an armed force – the police) to carry out an arbitrary Order of a Judge in Court on behalf of a State it is an offence against this enactment of the Parliament of the Commonwealth and applies to the Subjects of the King unlucky enough to live in such a State.

The Nationality and Citizenship Act 1948 stripped the then King of His subjects and made the Subjects of the King in the Commonwealth into State owned chattels called “citizens”.

In 1951 the Communist Party Case, contested by the Commonwealth, was decided against the Commonwealth. The Commonwealth persuaded the High Court (probably using S 71A Judiciary Act 1903) to make a Rule of Court allowing a Registrar and Judge to deny the so-called citizens jurisdiction of the High Court to the citizens of the Commonwealth, and take away the existing right to approach the leading Court representing the King in the Commonwealth as of right by His subjects. That Rule: Order 58 Rule 4 subrule 3 High Court Rules 1952 reads as follows: Cannot be downloaded.

Reference Page 22 Line 02: S 42 Crimes Act 1914; On its face that Rule is a Crime against S 42 and 43 Crimes Act 1914 and S 80.1 Criminal Code Act 1995. S 268:12 Criminal Code Act 1995. S 268:12 Criminal Code Act 1995 is cited below.

Reference Page 24 Line 28: Lord Bacon, Francis Bacon, Viscount Saint Alban; The English Constitution, was the subject of a speech by Lord Chatham in the House of Lords “In the case of John Wilkes” on the 9th January 1770. It is legislated as the Statute 1 Will and Mary (Coronation Oath) 1688 (C 6). A copy of it may be found by an internet search engine. This Oath was taken by Prime Minister Albanese at the coronation of King Charles III.

Reference Page 25 Line 14: S 16 Acts Interpretation Act 1901; The use of the Royal Plural words We, Ourselves, and Us, indicates that the King exercises power on behalf of Almighty God, and is not just a person but a Corporation Sole, comprised as the Holy Ghost or Holy Spirit is of Father, Son and Holy Ghost, the central concept of Protestant Christianity, repugnant to the Roman Catholic Church.

The States have been operating under a treasonous disloyalty to the Sovereign of S 16 Acts Interpretation Act 1901 since 1903 when the “autochthonous expedient” (see Gaudron J. in the citation above on the “Kable Principle”) was implemented to frustrate the Queen Victoria’s Letters Patent 1900.

THE PREROGATIVE WRIT


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Perhaps the most destructive act ever foisted on the people of Australia was the granting to a Judicial Registrar or Deputy Registrar of the High Court of the power to apply ex-parte, (that is without Notice to the applicant or an opportunity to be heard) to a single High Court Justice for an arbitrary order to deny the issue of the Prerogative Writ by the Federal Supreme Court to be called the High Court.

This was caused by the promulgation in 1952 of Order 58 Rule 4 subrule 3 High Court Rules 1952, and the dereliction of duty by the High Court of Parliament for allowing it to happen.

These individuals, the Justices of the High Court, are almost worshipped as Gods by the legal profession, but in fact are the most destructive and elitist group of people in the whole Commonwealth. Because the very highest Court of the Commonwealth is corrupted, all lower courts are corrupted as well.

There are said to be 1500 members of the National Judicial College of Australia and they are all the beneficiaries of the greatest protection racket of all time.

This protection racket is run by the Commonwealth Director of Public Prosecutions whose salary exceeds \$700,000 annually, and was instituted in 1983, to protect the systematic destruction of the Rule of Law by the Australian Judiciary. The end of democracy was started in 1952 to prevent Judicial activism, but was not so bad as to be endemic, because the right to jury trial still existed in what Justice Gaudron called the "autochthonous expedient" in her written judgment in the "Kable Principle" case in 1996.

"Autochthonous" is an adjective used to indicate that something has its origin or is native to a particular place or region.

"Expedient" means a means of attaining an end, especially one that is convenient but possibly improper or immoral.

The "autochthonous expedient" was the immoral and convenient subterfuge used to maintain the separate State Judiciaries and leave the control and admission of legal practitioners with State Supreme Courts, when Queen Victoria's Letters Patent 1900 directed that they all be Commonwealth Judiciaries and supervised by the Governor-General. In other words; a fraud.

The rich businessmen, corporations, and power brokers in the Commonwealth and their lawyer servants in the Parliament of the Commonwealth persuaded the First Parliament of the Commonwealth to continue with a fractured and divided Australia by enacting the Judiciary Act 1903 and High Court Procedure Act 1903 and in it giving a single High Court Justice absolute power, which has corrupted them absolutely.

Sections 71, 78 and 79 of the Commonwealth of Australia Constitution Act 1900/01 absolutely prohibit this absolute power to be vested in one individual, but it is no doubt profitable for an individual with a high salary


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to give benefits to his/her employer the State, over the people of the Commonwealth. This has allowed widespread and systematic abuse of the civil and political rights of their “citizens” by States.

We, the People of the Commonwealth of Australia, deliberately did not create an aristocracy, but the lawyers made one out of their number, anyway.

An atheist barrister, in a moment of candour, admitted to one of my colleagues that the office of barrister was only a step on the road to becoming a Judge. To become a Judge a person has to take the Oath of Allegiance to the King, an oath they immediately break the first day they sit without a jury.

The Prerogative Writ was the mechanism to ensure honesty and integrity in the Judiciary. All Judges and Magistrates are Judiciary, and all are without moral authority, and if the Prerogative Writ was in effect, they would have to uphold the civil and political rights of the people who are Subjects of the King.

As it is, the National Judicial College of Australia is a closed shop union, and should rightfully be called: MABO = Money Available Barristers Only. This union, infesting all British-based jurisdictions, is the same cancer that destroyed the Roman Empire.

The Golden Rule is that he who has the gold, rules.

By His Statute 1 Will and Mary (Coronation Oath) 1688 (C 6) which He must take, the King Charles III submits to the Bible as the ultimate Rules of Court, and to refuse to issue them the Prerogative Writs when requested is both blasphemy, and treason.

Prime Ministers who do not accept Almighty God as Sovereign, do not last long usually. Ben Chifley was swiftly replaced when in 1948 he stripped the Subjects of the King of the Royal Protection, and in 2008 when John Howard confirmed it in the Australian Citizenship Act 2007, he lost his seat and government. Harold Holt disappeared without trace. A Federal Court of Australia Judge who thundered that GOD HAS NO PLACE IN MY COURT, died for no apparent reason soon after.

Since 1948 the Commonwealth has been a fractured and destroyed entity with a head that has been corrupted. These corrupted institutions, seven on the High Court and 54 on the Federal Court of Australia, are now no longer a court with judges (a jury), but arbitrary Courts with a single Judge (capital ‘J’) assuming an unlawful authority over the People of the Commonwealth. These Judges are making and issuing warrants to arrest people in absolute breach of the Commonwealth of Australia Constitution Act 1900 and Constitution and Queen Victoria’s Letters Patent 1900.

The Prerogative Writ of Habeas Corpus is no longer to be trusted when the new Chief Justice of the High Court is guilty of refusing the Prerogative Writ, not in open court but in the Star Chamber established by the High Court Rules 2004.


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The Federal Star Chamber, constituted by a single Priest of the Law, is now the norm.

The Judges and Magistrates of Australia have reverted to the situation prior to 1640 when Star Chambers were abolished forever by the Habeas Corpus Act 1640. The National Judicial College of Australia is the College of the Star Chamber.

In every State there are prisoners imprisoned without due process or a fair trial. The Arbitrary Judges are aided and abetted by arbitrary Judicial Registrars and Deputy Registrars who are negligently and unlawfully destroying the absolute check on un-democratic tyranny set out in this annexure that guarantees as of right jury trial and access to a court with judges from the local area represents, and which should be guarded and preserved by Judges and Magistrates, but at present is not.

These individuals have one thing in common. They are all graduates from Universities or Law Schools, the Seminaries of Satan, funded by the States that are actually the greatest fraud industry on the planet.

The so-called Doctrine of Parliamentary Supremacy taught in these Seminaries of Satan are actually hotbeds of Communism, and with nine so-called Parliaments in the Commonwealth they cannot all be supreme.

The individuals that pretend to be the Highest Judges in the Land are in fact simply opportunists with no moral authority, and they are part of a dodgy and very corrupt industry intent on stealing all property and converting it to their own use or the use of favoured individuals or corporations.

The money enshrined in Section 115 Constitution does not exist anymore, and the fraud industry has to have a Light Infantry (armed police) in breach of Section 114 Constitution to ensure the fiat currency finds its way into their salary-paying bosses coffers (state governments).

Aiding and abetting these control freaks is an army in uniform, armed and dangerous, and without sufficient training in the law, raised by each State, who before 1948 never wore guns in public and were very much part of their community, and did not have to have gates and surveillance on their places of business. None of this would have happened if the Sovereign who represents Almighty God was up to the job.

The majority vote in the Voice referendum expressed the desire of the people of the Commonwealth to continue with the Protestant Christian Commonwealth of Australia Constitution Act 1900 under the Statute 1 Will and Mary (Coronation Oath) 1688 (C 6), under the Crown of England, flawed as it may be, which represents Almighty God and the New Testament of the Holy Bible.

Dissatisfaction with the “autochthonous expedient” as explained by Gaudron J. in the "Kable Principle" decision, a dodgy and State based corruption of the “courts judges and people” and course of justice in


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respect of the Judicial power of the Commonwealth by special interest groups, in force since Queen Victoria's Letters Patent 1900 was ignored, which has resulted in an application by me, Michael Thomas of the family Holt, to be prepared for the High Court, but its preparation has exposed its flaws and sabotage since 1903 and 1952 of the High Court by its members, that the High Court needs to address in the interests of National Unity.

Part V: In August 2023 a Stuart Young, Deputy Registrar of the High Court, assessed my Application for a Prerogative Writ and decided to make an ex-parte application to a Single Justice of the High Court in Chambers and obtained an order from Justice Stephen Gageler to refuse to issue the said Writ, thereby within the meaning of restrain, (the act of restraining or the state of being restrained) used in Section 80.1 Criminal Code Act 1995 as an unauthorised delegate of King Charles III (unauthorised because the Parliament of the Commonwealth cannot legislate outside The Commonwealth of Australia Constitution Act 1901 and Constitution), and is constrained from delegating to a Single Justice of the High Court the Judicial Power of the Commonwealth.

It is in everyone's interest that the Application for a Prerogative Writ be issued for a Constitutional Writ that was obstructed by Deputy Registrar Stuart Young and Justice Gageler and the provisions of the International Covenant on Civil and Political Rights Article 19(2) and Constitution S 80 that are elements of S 268:12 and S 268:20 Criminal Code Act 1995 are applied to my circumstances. No one is above the law, and rules of court cannot be made in open defiance of Part III of the Crimes Act 1914 without attracting consequences.

Part VI: The Plaintiff is a seventy-six-year-old Vietnam Veteran, Gold Card EDS number QSS13588, living on a pension without any other means of support, and is therefore entitled to be heard in the High Court without incurring any costs. The Plaintiff contends that he has been the target of judges with malicious intent to harm him without sufficient legal reason, and this has caused me great financial hardship as I was forced to travel under duress to Melbourne on two separate occasions at my expense to appear in the Melbourne County Court. The Plaintiff has also been diagnosed with cancer and as he is aged seventy-six it is impossible for him to pay an order for costs.

Part VII: Kable v the Director of Public Prosecutions of New South Wales [1996] HCA24. Toohey J. (Judge 3) 20, 32; Gaudron J. Judge 4. 2. 12; R v Davison [1954] HCA 46 Dixon and McTiernan J J. 3; Webb J at 4 4. Fullager J 8; Taylor J 10.

Part VIII: See Annexure

Dated 11 December 2023


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Michael Thomas of the family Holt
Plaintiff

To: The Defendants

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| The King | Elizabeth Hollingworth |
| First Defendant | Fourth Defendant |
| Stuart Young | Meryl Sexton |
| Second Defendant | Fifth Defendant |
| Stephen Gageler | Michael Bourke |
| Third Defendant | Sixth Defendant |

TAKE NOTICE: Before taking any step in the proceeding you must, within **14 DAYS** from service of this application enter an appearance and serve a copy on the plaintiff.

The Plaintiff is self-represented.


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IN THE HIGH COURT OF AUSTRALIA
BRISBANE REGISTRY

APPLICATION FOR A CONSTITUTIONAL OR OTHER WRIT

Part VIII

Annexure

Australian Courts Act 1828. 9 Geo 4 C 83

24 Laws of England to be applied in the administration of justice. 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.

PART 13—PROVISIONS FROM JUDICATURE ACT 1876

Provisions from the Supreme Court Act 1995 (Q) S 259. See S 118 Constitution below.

Duty of judge and jury 259. (1) It shall be the duty of a jury to answer any question of fact that may be left to them by the presiding judge at the trial. (2) But nothing herein or in any rule of court contained shall take away or prejudice the right of any party to any action to have the questions submitted and left by the judge to the jury with a proper and complete direction to the jury upon the law and as to the evidence applicable to such questions. Still in force in Queensland by S 11 Supreme Court act of 1991 as saved.


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COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT -
SECT 2.

Act to extend to the Queen's successors.

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

S 5 Commonwealth of Australia Constitution Act 1900

Operation of the Constitution and laws.

This Act and all laws made by the Parliament of the Commonwealth under the Constitution shall be binding on the “courts judges and people” of every State and of every part of the Commonwealth notwithstanding anything in the laws of any State; the State of Victoria and every State needs to remember this.

S 8 Application of Colonial Boundaries Act.

After the passing of this Act the Colonial Boundaries Act, 1895, shall not apply to any colony which becomes a State of the Commonwealth; but the Commonwealth shall be taken to be a self-governing colony for the purposes of that Act.

S 259 Supreme Court Act 1995 reproduced above.

S 34AB Acts Interpretation Act 1901 reads as follows: Effect of Delegation

General

(1) Where an Act confers power on a person or body (in this section called the *authority*) to delegate a function, duty or power:

(a) the delegation may be made either generally or as otherwise provided by the instrument of delegation;

(b) the powers that may be delegated do not include that power to delegate;

(c) a function, duty or power so delegated, when performed or exercised by the delegate, shall, for the purposes of the Act, be deemed to have been performed or exercised by the authority;

(d) a delegation by the authority does not prevent the performance or exercise of a function, duty or power by the authority; and

(e) if the authority is not a person, section 34A applies as if it were.


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S 6 Supreme Court Act 1970 (NSW) **Inconsistency with rules.**

Any Act in force immediately before the commencement of this Act which is inconsistent with the rules shall be superseded to the extent of such inconsistency and while such inconsistency continues to exist.

By S 118 Constitution: Recognition of laws & c. of States.

Full faith and credit shall be given throughout the Commonwealth to the laws, the Public Acts and records, and the judicial proceedings of every State.

S 9 Australia Act 1986;

State laws not subject to withholding of assent or reservation.

(1) No law or instrument shall be of any force or effect insofar as it purports to require the Governor of a State to withhold assent from any Bill for an act of the State that has been passed in such manner and form as may from time to time be required by law made by the Parliament of the State.

(2) No law or instrument shall be of any force or effect in so far as it purports to require the reservation of any Bill for an Act of a State for the signification of Her Majesty's pleasure thereon.

S 128 Constitution: Mode of altering the Constitution.

This Constitution shall not be altered except in the following way.

The proposed law for the alteration thereof must be passed by an absolute majority of each House of the Parliament and not less than two not more than six months after its passage through both Houses the proposed law shall be submitted in each State and Territory to the electors qualified to vote for the election of members of the House of Representatives

Ch III Constitution

S 71 Constitution: Judicial power and Courts. The Judicial Power of the Commonwealth shall be vested in a Federal Supreme Court to be called the High Court of Australia and in such other 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 (in other words, a minimum of three).

S 72 (ii) Constitution. Judges appointment tenure and remuneration.

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


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- (i) Shall be appointed by the Governor in Council.
- (ii) Shall not be removed except by the Governor in Council in the same session, **praying** for such removal on an address from both Houses of Parliament on the grounds of proven misbehaviour or incapacity.

S 75: Original Jurisdiction of the High Court

in all matters--

- (i) Arising under any treaty;
- (iii) In which the Commonwealth is a party or a person suing or being sued on behalf of the Commonwealth is a party
- (iv) Between States or between residents of different States or between a State and a resident of another State

The High Court shall have original jurisdiction.

S 77 (i, ii and iii Constitution.)

- (i) Defining the jurisdiction of any federal court other than the High Court
- (ii) Defining the jurisdiction of any federal court shall be exclusive of that which belongs to or is invested in the courts of the States.
- (iii) Investing any court of a State with federal jurisdiction.

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

Judiciary Act 1903

S 2 Definitions; Appeal: Includes an application for a new trial and any application to review or call in question the proceedings decision or jurisdiction of any Court or Judge.

S 3 Judiciary Act 1903 repealed in Act No 216 of 1973 had mandated a minimum of five Justices to form a quorum of the High Court.

S 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.


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Acts Interpretation Act 1901 S 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.

Judiciary Act 1903

S 32: Complete relief to be granted.

The High Court in the exercise of its original jurisdiction, in any cause or matter before it whether originated in the High Court or removed into it from another Court it, shall have power to grant and shall grant, either absolutely or on such terms and conditions as are just, all such remedies whatsoever as any of the parties thereto are entitled in respect of any legal or equitable claim properly brought forward by them respectively in the cause or matter, so that as far as possible all matters in controversy between the parties regarding the cause of action may be completely and finally determined and all multiplicity of legal proceedings concerning such matters may be avoided.

S 38 Matters in which the jurisdiction of the High Court is exclusive.

(a) Matters arising under any treaty.

S 39B (1A) (b) Judiciary Act 1903 Original Jurisdiction of the Federal Court of Australia
Arising under the Constitution or involving its interpretation.

S 44. Remittal of matters by High Court to other courts.

(2) Where a matter referred to in S 38 (a) (b) (c) or (d) is pending in the High Court the High Court may on application of a party or of the High Court own motion, remit the matter to the Federal Court of Australia or any court of a State or territory.

(4) The High Court may remit a matter or any part of a matter under this section without an oral hearing.

S 58 Suits against a State in matters of federal jurisdiction.

Any person making any claim against a State whether in contract or in tort, in respect of which the


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High Court has original jurisdiction, or can have original jurisdiction conferred upon it, may bring a suit against the State in the Supreme Court of the State or (if the High Court has Original jurisdiction in the matter) in the High Court.

S 60: In a suit against a State brought in the High Court the High Court may grant an injunction against the State and persons acting under the authority of the State and may enforce the injunction against all such officers and persons, and its Officers

S 64 Rights of Parties; In any suit to which the Commonwealth or a State is a party, the rights of parties shall, as nearly as possible, be the same, and judgment may be given and costs awarded on either side, as in a suit between subject and subject

JUDICIARY ACT 1903 - SECT 68

Jurisdiction of State and Territory courts in criminal cases

(1) The laws of a [State](#) or [Territory](#) respecting the arrest and custody of offenders or persons charged with offences, and the procedure for:

(a) their summary conviction; and

(b) their [examination and commitment for trial on indictment](#); and

(c) their trial and conviction on indictment; and

(d) the hearing and determination of [appeals](#) arising out of any such trial or conviction or out of any [proceedings](#) connected therewith;

10 and for holding accused persons to bail, shall, subject to this section, apply and be applied so far as they are applicable to persons who are charged with offences against the laws of the [Commonwealth](#) in respect of whom jurisdiction is conferred on the several [courts](#) of that [State](#) or [Territory](#) by this section.

(2) The several [Courts](#) of a [State](#) or [Territory](#) exercising jurisdiction with respect to:

(a) the summary conviction; or

(b) the [examination and commitment for trial on indictment](#); or

(c) the trial and conviction on indictment;

20 of offenders or persons charged with offences against the laws of the [State](#) or [Territory](#), and with respect to the hearing and determination of [appeals](#) arising out of any such trial or conviction or out of any [proceedings](#) connected therewith, shall, subject to this section and to section 80 of the


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Constitution, have the like jurisdiction with respect to persons who are charged with offences against the laws of the [Commonwealth](#).

(4) The several [Courts](#) of a [State](#) or [Territory](#) exercising the jurisdiction conferred upon them by this section shall, upon application being made in that behalf, have power to [order](#), upon such terms as they think fit, that any [information](#) laid before them in respect of an offence against the laws of the [Commonwealth](#) shall be amended so as to remove any defect either in form or substance contained in that [information](#).

(5) Subject to [subsection](#) (5A):

10 (a) the jurisdiction conferred on a [court](#) of a [State](#) or [Territory](#) by [subsection](#) (2) in relation to the summary conviction of persons charged with offences against the laws of the [Commonwealth](#); and

(b) the jurisdiction conferred on a [court](#) of a [State](#) or [Territory](#) by virtue of [subsection](#) (7) in relation to the conviction and sentencing of persons charged with offences against the laws of the [Commonwealth](#) in accordance with a provision of the law of that [State](#) or [Territory](#) of the kind referred to in [subsection](#) (7);

is conferred notwithstanding any limits as to locality of the jurisdiction of that [court](#) under the law of that [State](#) or [Territory](#).

20 (5A) A [court](#) of a [State](#) on which jurisdiction in relation to the summary conviction of persons charged with offences against the laws of the [Commonwealth](#) is conferred by [subsection](#) (2) may, where it is satisfied that it is appropriate to do so, having regard to all the circumstances, including the public interest, decline to exercise that jurisdiction in relation to an offence against a law of the [Commonwealth](#) committed in another [State](#).

(5B) In [subsection](#) (5A), [State](#) includes [Territory](#).

(5C) The jurisdiction conferred on a [court](#) of a [State](#) or [Territory](#) by [subsection](#) (2) in relation to:

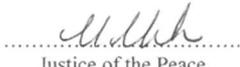
(a) the [examination and commitment for trial on indictment](#); and

(b) the trial and conviction on indictment;

30 of persons charged with offences against the laws of the [Commonwealth](#), being offences committed elsewhere than in a [State](#) or [Territory](#) (including offences in, over or under any area of the seas that is not part of a [State](#) or [Territory](#)), is conferred notwithstanding any limits as to locality of the jurisdiction of that [court](#) under the law of that [State](#) or [Territory](#).

(6) Where a person who has committed, or is suspected of having committed, an offence against a law of the [Commonwealth](#), whether in a [State](#) or [Territory](#) or elsewhere, is found within an area of waters in respect of which sovereignty is vested in the Crown in [right](#) of the [Commonwealth](#), he or she may be arrested in respect of the offence in accordance with the provisions of the law of any [State](#) or [Territory](#) that would be applicable to the arrest of the offender in that [State](#) or [Territory](#) in respect of such an offence committed in


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that State or Territory, and may be brought in custody into any State or Territory and there dealt with in like manner as if he or she had been arrested in that State or Territory.

10 (7) The procedure referred to in subsection (1) and the jurisdiction referred to in subsection (2) shall be deemed to include procedure and jurisdiction in accordance with provisions of a law of a State or Territory under which a person who, in proceedings before a court of summary jurisdiction, pleads guilty to a charge for which he or she could be prosecuted on indictment may be committed to a court having jurisdiction to try offences on indictment to be sentenced or otherwise dealt with without being tried in that court, and the reference in subsections (1) and (2) to **any such trial or conviction** shall be read as including any conviction or sentencing in accordance with any such provisions.

(8) Except as otherwise specifically provided by an Act passed after the commencement of this subsection, a person may be dealt with in accordance with provisions of the kind referred to in subsection (7) notwithstanding that, apart from this section, the offence would be required to be prosecuted on indictment, or would be required to be prosecuted either summarily or on indictment.

(9) Where a law of a State or Territory of the kind referred to in subsection (7) refers to indictable offences, that reference shall, for the purposes of the application of the provisions of the law in accordance with that subsection, be read as including a reference to an offence against a law of the Commonwealth that may be prosecuted on indictment.

20 (10) Where, in accordance with a procedure of the kind referred to in subsection (7), a person is to be sentenced by a court having jurisdiction to try offences on indictment, that person shall, for the purpose of ascertaining the sentence that may be imposed, be deemed to have been prosecuted and convicted on indictment in that court.

(11) Nothing in this section excludes or limits any power of arrest conferred by, or any jurisdiction vested or conferred by, any other law, including an Act passed before the commencement of this subsection.

S 69 (2A) (b) Judiciary Act 1903 Indictments: Nothing in Subsection (1) Affects or shall be taken to affect the power of a **Special Prosecutor**, to prosecute by indictment in his or her own name indictable offences against the Laws of the Commonwealth.

S 71A Judiciary Act 1903 reads as follows; Trial of indictable offence without preliminary examination

(1) Notwithstanding anything contained in this Part, or any provision of any law of a State or Territory, the Attorney-General of the Commonwealth may file an indictment for any indictable offence against the laws of the Commonwealth in

a) the High Court; or


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- (b) if the Federal Court of Australia has jurisdiction to try a person for the offence—that Court; or
 - (c) the Supreme Court of a State or Territory;
- without examination or commitment for trial.

S 13 Crimes Act 1914 appoints “any person” to be a **Special Prosecutor**, in these words:

Institution of proceedings in respect of offences:

Unless the contrary intention 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

(b) S 13 (b) must be read out by S 15C Acts Interpretation Act 1901 as summary conviction offends Article 9 International Covenant on Civil and Political Rights as arbitrary and vests absolute power in a single Judge in Court (see S 2 Judiciary Act 1903 above) that has corrupted some of them absolutely.

S 268:12 Criminal Code Act 1995 says: 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; (This is the International Covenant on Civil and Political Rights) and

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

Penalty: Imprisonment for 17 years.

Strict liability applies to Paragraph (1) (b)

In the High Court Rules 2004 that rule was superseded by Rule 6.07.1.2 and 3 and the replacement rule reads:

Refusal to issue or file a document

6.07.1 If a writ, application, rule other document appears to a Registrar on its face to be an abuse of the process of the Court, to be frivolous, vexatious, or to fall outside the jurisdiction of the Court, the Registrar may seek the direction of a Justice.


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6.07.2 The Justice may direct the Registrar not to issue or file the document, without the leave of a Justice first had and obtained by the party seeking to issue or file the Document.

6.07.3 An application for leave for the Registrar to issue, or for leave to file, a document that is subject to the direction of a Justice under Subrule 6.07.2 (a) must be in Form 31, (b) Must not be served on anyone unless the Court or a Justice otherwise orders.

S 80.1 Criminal Code Act 1995 reads as follows:

Treason:

(1) A person commits an offence if:

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

Penalty: Imprisonment for life. (25 years)

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

(a) Receives or assists another person who, to his/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 offense.

Penalty: Imprisonment for life. (25 years)

S 42 Crimes Act 1914 reads: 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 respect of the Judicial power and

(b) the judicial power the Judicial Power of the Commonwealth

Penalty; Imprisonment for ten years

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

S 43 Crimes Act 1914 reads: 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.


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

Penalty: Imprisonment for ten years.

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

S 4B Crimes Act 1914 reads as follows: Pecuniary penalties – natural persons and bodies corporate.

(1) A provision of a Law of the Commonwealth relating to indictable offences or summary offences shall, unless the contrary intention appears, be deemed to refer to bodies corporate as well as to natural persons.

(2) Where a natural person is convicted of an offence against a Law of the Commonwealth punishable by imprisonment only, the court may, if the contrary intention does not appear, impose instead of, or in addition to, a penalty of imprisonment, a pecuniary penalty not exceeding the number of penalty units calculated using the formula:

Term of Imprisonment x 5

Where

“**Term of Imprisonment**” is the maximum term of imprisonment expressed in months, by which the offence is punishable. |

(2A) Where a natural person is convicted of an offence against a Law of the Commonwealth in respect of which a court may impose a penalty of imprisonment for life, the court may, if the contrary intention does not appear and the court thinks it appropriate in all the circumstances, impose instead of, or in addition to, a penalty of imprisonment, a pecuniary penalty not exceeding 2,000 penalty units. (A penalty unit is presently \$275.00 – 2,000 penalty units is \$550,000)

(3) Where a body corporate is convicted of an offence against a Law of the Commonwealth impose a pecuniary penalty not exceeding an amount equal to five times the amount of the maximum pecuniary penalty that could be imposed by the court on a natural person convicted of the same offence.

S 4K Crimes Act 1914 reads as follows: Continuing and multiple offences:

(1) Where under a Law of the Commonwealth, an act or thing is required to be done within a particular time, then, unless the contrary intention obligation to do that act or thing continues, notwithstanding that the period has expired or the time has passed, until the act or thing is done.

(2) Where a refusal or failure to comply with a requirement referred to in subsection (1) is an offence against a Law of the Commonwealth, a person commits an offence in respect of each day


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during which the person refuses or fails to comply with the requirement, including the day of a conviction for any such offence or any later day.

CORONATION OATH

The Statute is 1 Will & Mary C 6 (Coronation Oath) (1688) and may be found in Halsburys Statutes of England Vol 4 Constitutional law. Section 3.

Will you solemnly promise and sweare to governe 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 or Queen shall say: I solemnly promise soe to doe.

Archbishop or bishop,

Will you to your power cause law and justice in mercy to be executed in all your judgments

King and Queene

I will

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 to the bishops and clergy of this realme and to the churches committed to their charge all such rights and privileges as by law doe or shall appertaine unto them or any of them.

King and Queen

All this I promise to doe.

After this the King and Queen laying His and Her hand on the Holy Gospells shall say,

King and Queene

The things which I have here promised I will performe and keep,

Soe Help me God.

Then the King and Queene shall kiss the booke.

In Queen Victoria’s Letters Patent 1900 the power and authority of the Governor-General to execute the will of Queen Victoria was set out in these terms. When Queen Victoria’s reign ended Her Queen Victoria’s Letters Patent 1900 lived after Her. It materially states:

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.


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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.

Lord Bacon, Francis Bacon, Viscount Saint Alban, also called (1603–18) Sir **Francis**

Bacon, (born January 22, 1561, York House, London, England—died April 9, 1626, London), lord chancellor of England (1618–21). A lawyer, statesman, philosopher, and master of the English tongue, said: in an essay on The Judicature {Ch III Constitution)

“First, for the causes of parties that sue. There be (saith the Scripture) that turn judgment, into wormwood; and surely there be also, that turn it into vinegar; for injustice maketh it bitter, and delays make it sour. The principal duty of a judge is to suppress force and fraud; whereof force is the most pernicious, where it is open, and fraud when it is closed and disguised. Add thereto contentious suits, which ought to be spewed out, as the surfeit of courts. A judge ought to prepare his way to a just sentence, as God useth to prepare his way, by raising valleys and taking down hills; so when there appeareth on either side a high hand, violent persecution, cunning advantages taken by combination, power, great counsel, then the virtue of a judge seen, to make inequality equal, that he may plant his judgment on an even ground. Qui fortiter emungit, elicit sanguinem, and where the wine press is hard wrought, it yields a harsh wine, that tastes of the grape stone. Judges must beware of harsh constructions. And strained inferences, **for there is no worse torture, than torture of laws**. Specially in case of laws penal, they ought to have care that that was meant for terror, be not turned into rigor; that they bring not upon the people, that shower of which the Scripture speaketh, Pluet super eos laqueos; for penal laws pressed are a shower of snares upon the people. Therefore, let penal laws, if they have been sleepers of long, or if they be grown unfit for the present time, be by a wise judge confined in the execution: Judicus officium est, ut res, ita tempora rerum, etc. In causes of life and death, judges ought (as far as the law permitted) in justice to remember mercy; and to cast a severe eye on the example, but a merciful eye upon the person.”

S 16 Acts Interpretation Act 1901 states thus: References to the Sovereign:

In any Act references to the Sovereign reigning at the time of the passing of such Act, or to the Crown, shall be construed as references to the Sovereign for the time being.


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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.

The use of the Royal Plural words, We Ourselves, and Us, indicates that the King exercises power on behalf of Almighty God, and is not just a person but a Corporation Sole, comprised as the Holy Ghost or Holy Spirit is of Father, Son and Holy Ghost, the central concept of Protestant Christianity, repugnant to the Roman Catholic Church.

The States have been operating under a treasonous disloyalty to the Sovereign of S 16 Acts Interpretation Act 1901 since 1903 when the "autochthonous expedient" (see Gaudron J. in the citation above on the "Kable Principle") was implemented to frustrate the Queen Victoria's Letters Patent 1900.

In 1984 the Queen Victoria's Letters Patent 1900 was supposedly repealed and it was retired to the Commonwealth Archives. However, its text survives in electronic form and is available for download here:

<https://cirnow.com.au/the-secret-of-queen-victorias-letters-patent/>

Section 115 Constitution prohibits anything but gold and silver being legal tender in the Commonwealth.

In the Old Testament of the Holy Bible the Royal Prerogative of Almighty God is to own all gold and silver (Haggai Chapter 2 verse 8) that His will be done on earth as it is in heaven (Matthew 6 Verse 9-13 as said in the Parliament of the Commonwealth), and this means that the creation of Fiat Currency is atheism.


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S 78 Judiciary Act 1903 reads thus; Notice to Attorneys-General

Where a cause pending in a federal court including the High Court (and the High Court of Parliament) or in a court of a State or Territory, involves a matter arising under the Constitution or involving its interpretation, it is the duty of the court not to proceed in the case unless and until the court is satisfied that on notice of the cause, specifying the nature of the matter has been given to the Attorneys General of the Commonwealth and the States, and a reasonable time has elapsed since the giving of the notice for consideration of the Attorneys General of the question of intervention in the proceedings or removal of the cause to the High Court.

HALSBURY'S STATUTES OF ENGLAND

46 Edward III AD 1372

80. Lawyers and Sheriffs excluded from Parliament

WHEREAS men of the law who follow divers businesses in the king's courts on behalf of private persons, with whom they are, do procure and cause to be brought into parliament many petitions in the name of the commons, which in no wise relate to them, but only the private persons with whom they are engaged; also sheriffs who are common officers for the people, and ought to be abiding in their office, for the doing right to every one, are named, and have heretofore been and returned to parliament knights of the shires, by the same sheriffs; it is accorded and assented in this parliament, that hereafter no man of the law following business in the king's court, nor any sheriff for the time that he is sheriff, be returned nor accepted knights of the shires; nor that they who are men of the law and sheriffs now returned to parliament have any wages; but the king willeth that knights and sergeants of the most worthy of the county be hereafter returned knights in parliament; and that they be elected in full county.

End of Part VIII.


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IN THE HIGH COURT OF AUSTRALIA
BRISBANE REGISTRY

BETWEEN: Michael Thomas of the family Holt
 Plaintiff
 and
 The King Elizabeth Hollingworth
 First Defendant Fourth Defendant
 Stuart Young Meryl Sexton
 Second Defendant Fifth Defendant
 Stephen Gageler Michael Bourke
 Third Defendant Sixth Defendant

AFFIDAVIT

1. I, Michael Thomas of the family Holt, a living, breathing, flesh and blood man, currently domiciled at [REDACTED] Street, Maroochydore, Queensland 4558, a retired seventy six year old Vietnam Veteran EDA Gold Card QSS [REDACTED] on service and disability pensions, father of two daughters, and loving husband of my wife of 24 years, say on Oath as follows:
2. The Judiciary Act 1903 S 2 Definition of Appeal – Appeal includes an application for a new trial and any proceedings to review or call in question the proceedings, decisions, or jurisdictions of any Court or Judge.
3. The reason I have joined Justice Gagelar and Deputy Registrar Stuart Young is because had they granted the Prerogative Writ I originally applied for, the High Court would have dealt with this at the first instance.
4. Justice Elizabeth Hollingworth conducted the trial of Phillip Galea in open contempt of the International Covenant on Civil and Political Rights, a practice that is unfortunately too common in Australia and I seek the High Court to grant a remedy. She ordered me charged for contravening her suppression order that resulted in my arrest and six-day imprisonment.

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5. The Appellant was charged by the Commonwealth Department of Public Prosecutions Melbourne with contravening a Supreme Court Melbourne suppression order. I, Michael Thomas the living man, have told the CDPP, the AFP and the Melbourne County Court that they have no jurisdiction under Constitution S 80 and the International Covenant on Civil and Political Rights Article 19(2), as I was a resident in Queensland at the time of the act of publishing the article, and I continue as a resident of Queensland, and I did the act of publishing the article in Queensland in good faith that my right to do so was protected by the International Covenant on Civil and Political Rights 19(2) and the Constitution S 80.

10 6. The International Covenant on Civil and Political Rights Article 19(2) states, “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.” We are all born with this inalienable right, and the International Covenant on Civil and Political Rights was signed into federal law by the government in 1980 to guarantee that it would never interfere with our inalienable rights.

20 7. Because the Judges Michael Bourke and Meryl Sexton decided that they can ignore the Commonwealth of Australian Constitution Act 1901 and the International Covenant on Civil and Political Rights and take it upon themselves to interpret the law as they see fit, my civil and political rights have been trampled on and denied. I was arrested and imprisoned for six days without trial because I refused to appear in their County Court, believing I was not in their jurisdiction under Constitution S 80, and as I believed I had an absolute right to publish the article, as protected under the International Covenant on Civil and Political Rights 19(2).

30 8. Section 80 Constitution 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.” The suppression order was issued by a Victorian Judge in the State of Victoria. The order was posted only on the door of the courtroom where a trial was underway. The Applicant was never served with a copy of the suppression order. The image that was presented as evidence during my trial sent to me by Neil Erikson should never have been admitted into the trial. There was no provable


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legal way for the Applicant to know about the order, or to understand that it applied to me.

9. In addition, my right to live my life without fear of arbitrary arrest and imprisonment as guaranteed by the Magna Carta, the English Bill of Rights 1689, the Constitution, and 268:12 Criminal Code Act 1995 which creates a 17-year criminal offence for denying Articles 9 and 14 of the International Covenant on Civil and Political Rights have been denied, and this has had a negative impact on my mental and physical health, and the mental health of my wife and children. The law is supposed to protect the innocent, and I have always maintained that I am innocent of the charge levelled against me, because even though I did publish the article I did so because I have an absolute inalienable right that I was born with to express myself in any way, shape or form I wish, provided I do no harm. This was further guaranteed by the International Covenant on Civil and Political Rights, which is enshrined in Federal law. The Commonwealth Director of Public Prosecutions never proved any harm against anyone. They simply accused me of publishing an article contravening a Supreme Court Victoria suppression order. But the Judges have interpreted the Constitution to suit their own agenda.

10. I have recently been diagnosed with prostate cancer and I believe this is a direct result of the mental torture inflicted on me for the past four years since I was charged and informed that the penalty is a possible five years imprisonment. I have harmed no one, and to be accused in this manner after living a blameless life without ever incurring a criminal record is a travesty of justice.

11. In 1980 the government signed the State of Australia to the International Covenant on Civil and Political Rights. This Covenant was confirmed as law in 1986 as Schedule 2 to the Australian Human Rights Commission Act 1986, and further confirmed as Australian law in S 268:12 Criminal Code Act 1995 and S 268:20 Criminal Code Act 1995. These two statutes make it a seventeen years imprisonment Offence to make Rules of Court that contradict the International Covenant on Civil and Political Rights which incorporates the Principles of Christianity into the law all people are entitled to enjoy in common, the Common Law.

12. Rule 6.0.7.3 High Court rules 2004, offends S 71 and S 79 Constitution, and Article 9 International Covenant on Civil and Political Rights because they purport to confer on a Justice the power to arbitrarily deny the right to approach God Almighty in a court


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constituted in accordance with the Gospels with the Holy Spirit or Holy Ghost present as a supernatural judge of right and wrong, and they merge the administrative power of the Commonwealth with the judicial power of the Commonwealth.

13. The right to lodge a prayer with a body that can access the supernatural, a law higher than any man-made law, is a fundamental human right, evidenced by the last few words of the Lord's Prayer recited by the Parliament of the Commonwealth as the Principles of Christianity every day it sits. "Thy will be done on earth as it is in Heaven, for thine (God Almighty) is the Kingdom, the Power and the Glory forever and ever amen". To stand
10 between God Almighty and his people is the foulest sin called blasphemy. Both Melbourne County Court Judges Bourke and Sexton may well be consigned to the rigours of eternal damnation, but before that they must be held accountable for their transgressions against my rights.

14. It is NOT the will of God Almighty that His Kingdom be administered by blasphemers, but in accordance with his Holy Commands set out in the Holy Bible. The Star Chamber, administered by a Priest of the Roman Catholic Church under King Charles I was abolished in 1640 by the Habeas Corpus Act 1640. An eleven-year republic was established when Charles I was executed, but it was soon found to be an abomination and ended in 1660 with
20 the restoration of Charles II, and unless King Charles III and his heirs and assigns return to the Rule of Law established by the Holy Bible his fate may well be the same. Ultimately, the will of the People always reigns supreme.

15. By Queen Victoria's Letters Patent 1900 the Judges and Magistrates of Australia are the King's assigns, and that Letters Patent cannot be repealed without a referendum. Only the Governor General, properly appointed by the King, has the authority to appoint Judges and Magistrates. The Judges and Magistrates of the County and Supreme Courts of Victoria are not appointed by the King, and therefore they have no authority. I questioned the jurisdiction of the County Court when I appeared before Judge Sexton and asked her if the court was
30 convened under Clause 5 of the Commonwealth of Australian Constitution Act 1901. She refused to give a straight answer, saying instead that we could assume that it was properly convened. Assumptions are worthless in a court of law.


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16. I have NOT been given a chance to put the argument that God Almighty is the actual Sovereign being to the Supreme Court and King Charles III is only His earthly representative, in which the issues I have presented to the Supreme Court Melbourne Appeals Court have not yet been addressed. But God Almighty actually has provided an avenue for Judicial Review by His tribunal, a jury, and God Almighty will not be mocked by any mortal.

17. I appeal to the High Court to review my case and find that I have been unconstitutionally treated, and my rights denied under the International Covenant on Civil and Political Rights. I ask that the High Court dismiss the charge against me and award me full damages according to the law, or remit the matter to the Federal Court of Australia with directions for a jury trial in the state of Queensland, as required by Constitution S 80, if the respondent wishes to contest the matter.

18. The principles underlying our system of justice are set out in **Exhibit MH1 – Principles underlying our System of Justice**

19. Supreme Court Registrar Todd Smith is not authorised to make a decision to deny my appeal to the court. And he has completely misunderstood the purpose of my appeal, which is to ask the court to adjudicate whether to move for a new trial in Queensland, as required by Constitution S 80, or to dismiss my case completely on the grounds of the International Covenant on Civil and Political Rights Article 19(2). Todd Smith appears to be under the mistaken impression that I am appealing against the sentence passed on me in the County Court Melbourne. Supreme Court – Court of Appeal Rejection Email is appended as **Exhibit MH2 – Supreme Court – Court of Appeal Rejection Email**

20. **Exhibit MH3 -- Rejection by Justice Stephen Gageler 2 June 2023**

21. After reading the OPEN COURTS ACT 2013, the Court should note a serious flaw in the Act which states at S 21(2) that an order may be made to apply anywhere in Australia. S 31(a) requires an order to be published on the door of the courtroom where a trial is taking place, and S 31(b) only states, “in another conspicuous place where notices are usually posted at the place where the court or tribunal is being held.” Therefore, an order issued by a Melbourne court cannot reasonably expect to be seen and read by someone living in another

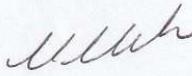

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Deponent


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Justice of the Peace
Michel Weber J.P. (Qual)

state. This flaw could be remedied by adding a requirement for the court to publish the order in public media in each state.

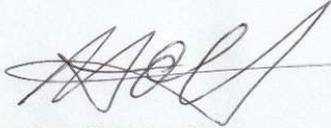
SWORN by the deponent
at Maroochydore in Queensland
on 11 December 2023

Before me: **Michel Weber J.P. (Qual)**


[name and qualification of
witness administering oath]



C/- JP Branch
Lvl 6/154 Melbourne Street
South Brisbane
Ph: 1300 301 147
E: jp@justice.qld.gov.au


[signed by Appellant Applicant
Michael Thomas of the family Holt]


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Deponent


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Justice of the Peace
Michel Weber J.P. (Qual)

IN THE HIGH COURT OF AUSTRALIA
BRISBANE REGISTRY

Affidavit of Michael Thomas Holt Sworn on 11 December 2023

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Deponent

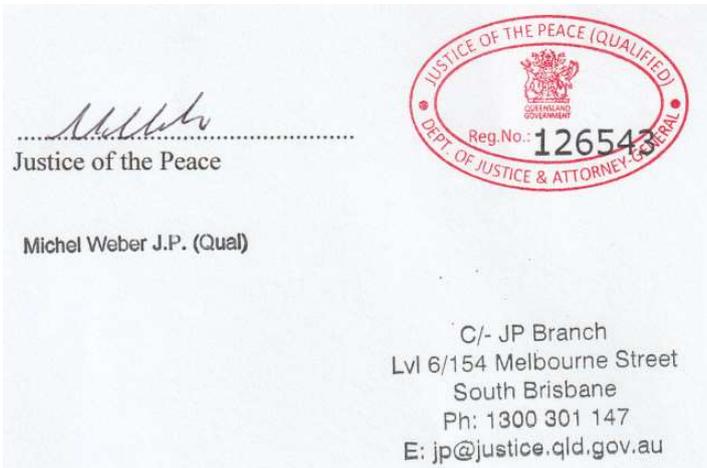

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Justice of the Peace
Michel Weber J.P. (Qual)

IN THE HIGH COURT OF AUSTRALIA
BRISBANE REGISTRY

EXHIBIT MH1 – Principles underlying our System of Justice

10 This is the exhibit marked **EXHIBIT MH1 – Principles underlying our System of Justice** produced and shown by Michael Thomas of the family Holt at the time of swearing his affidavit this 11 December 2023

Before me



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Deponent


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Justice of the Peace
Michel Weber J.P. (Qual)

EXHIBIT MH1 – Principles underlying our System of Justice

1. All courts lower than the High Court of Australia have become an extension of the Governor in Council of S 62 Constitution since 1979, and they are therefore an administrative organisation and not a lawfully constituted court as required by Chapter III of the Commonwealth of Australia Constitution Act 1901. They have had their jurisdiction defined in many ways that are prohibited by S 77 (i.) Constitution and therefore they have allowed absolute corruption to become endemic. The “courts judges and people” of the Commonwealth cannot allow this abomination to continue at the top of the Judicial Power of the Commonwealth. For edification of this statement refer to Jowitts Dictionary of English Law page 1339.

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2. A petition to the court is a written statement addressed to the court setting forth facts on which the petitioner bases a prayer for remedy or relief.

3. All Applications to any court are in fact prayers, and evidence the separation of powers between the state and the Church. The courts are essentially places where the power of God, through the King is applied to everyday problems, and are the place where prayer has its necessary and practical application. For a Christian, he must have a congregation to pray to for relief, and the congregation to which he prays has been the jury since 1873 and the Judicature Acts. When a jury comes together and is sworn to judge their fellow Man they become for a Christian, the fulfilment of his belief in Jesus Christ recorded in the words of Jesus Christ himself, which is reported by Matthew at 18 Verse 20 of the King James version of the Holy Bible. For *Where two or three are gathered together in my name there am I in the midst of them.*

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4. Between 1600 and 1640, a merger of Church and State occurred and administrative courts exercising the states’ powers to execute judgments were established. They proved such a disaster that the Habeas Corpus Act 1640. 16 Car 1 c10. was enacted, to prevent it ever happening again.

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5. Ancient law has always bound the laws of the state and the people, and continues to do so today. No Judge can set aside ancient law without the approval of the People at law.


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Deponent


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Justice of the Peace

Michel Weber J.P. (Qual)

6. In 1970, the Parliament of the State of New South Wales moved again to merge Church and State and the *Supreme Court Act 1970, Australia Act 1986(s 9), Federal Court of Australia Act 1976 (s 39)* purported to establish a State Church to which all must go with their prayers and pray to a single Judge who is bound to refuse relief.

7. Until such time as a congregation is had, and the Parliament of the Commonwealth is such a congregation of people from throughout the Commonwealth has the power to set the number of persons who must congregate, to exercise the Holy power of judgment granted to it in Section 79 Constitution, and until such time as the whole congregation is consulted by a referendum, the creation of arbitrary courts constituted by one man or woman acting as a Judge are illegal and have no jurisdiction over the men and women of the Commonwealth of Australia. There is no Judicature until a jury is sworn, (Jowitt Dictionary of English Law p 1029) **Jurare est Deum in testemvocare et est actus divini cultus** (To swear is to call God to witness and is an act of divine worship) no Superior Court of Record is formed. No congregation, there is no church or court unless and until a jury is called to divine worship, and no court has jurisdiction over any other man or woman. So says the Common Law of God Almighty.

8. The word Supreme coupled with Court, means that when a congregation is gathered in that court, then it rules Supreme even over Parliament. It rules Supreme because Jesus Christ is within its congregation, and judgment is given by Our Living God to us through his Son, and no one else.

9. May this message set you free. God save the King


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Deponent


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Justice of the Peace

Michel Weber J.P. (Qual)

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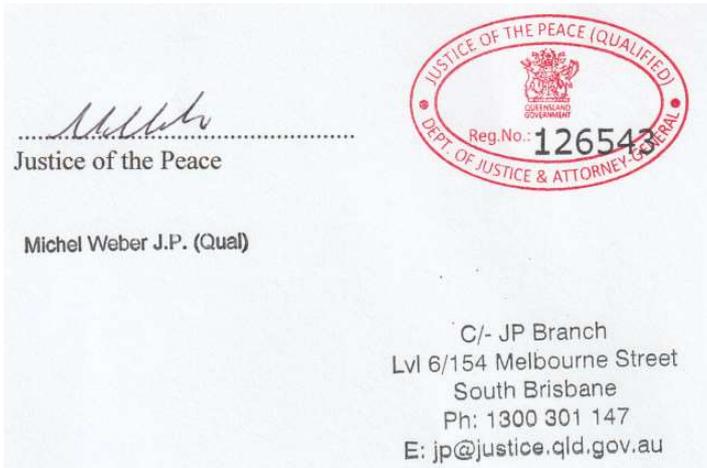
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IN THE HIGH COURT OF AUSTRALIA
BRISBANE REGISTRY

EXHIBIT MH2 – Supreme Court – Court of Appeal Rejection Email

This is the exhibit marked **MH2 – Supreme Court – Court of Appeal Rejection Email** produced and shown by Michael Thomas of the family Holt at the time of swearing his affidavit on 11 December 2023

10 Before me




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Deponent


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Justice of the Peace
Michel Weber J.P. (Qual)

EXHIBIT MH2 – Supreme Court – Court of Appeal Rejection Email

Subject: Supreme Court – Court of Appeal Rejection Email

from: **Supreme Court-Court of Appeal Registry** <coaregistry@supcourt.vic.gov.au>
to: "mthomholt@gmail.com" <mthomholt@gmail.com>,
"General.Melbourne@cdpp.gov.au" <General.Melbourne@cdpp.gov.au>
cc: Todd Smith <todd.smith@supcourt.vic.gov.au>
date: Nov 23, 2023, 2:52 PM
subject: HOLT, Michael Thomas - S EAPCR 2023 0161
mailed-by: supcourt.vic.gov.au
signed-by: supcourt.vic.gov.au

Supreme Court – Court of Appeal Rejection Email

Dear parties,

I refer to Mr Holt's application for leave to appeal against conviction.

The Judicial Registrar understands that Mr Holt has contended in the County Court that his conviction appeal should be determined by the Court of Appeal before his sentencing. The Registrar also understands that Mr Holt has filed a notice of a Constitutional matter under section 78B of the *Judiciary Act 1903* in the County Court.

While the Court of Appeal has jurisdiction to hear and determine a conviction appeal prior to sentence, that jurisdiction will only be exercised where the interests of justice dictate it should. Such cases will necessarily be of an exceptional nature. The general practice is to hear and determine an appeal against conviction after the offender has been sentenced (see *R v De Marchi* [1983] 1 VR 619 attached).


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Deponent


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Justice of the Peace
Michel Weber J.P. (Qual)

On the material presently available, the Judicial Registrar does not consider the interests of justice dictate that Mr Holt's conviction appeal be heard and determined prior to sentencing.

Mr Holt, if you wish to make an application that your conviction appeal be heard and determined before your sentencing, you must file a written application seeking that order and any supporting material with the Court of Appeal registry. Such an application may be made using a general application in Form 6-1D with such modification as necessary (see template attached). This will enable the respondent to your appeal to file and serve its material on that issue before that application is considered by the Court. You are directed to do that by no later than **4.00 pm on 7 December 2023**.

You are also directed to file a copy of your notice under section 78B with the Court of Appeal registry by **4.00 pm on 7 December 2023**.

Kind regards,

Todd

Todd Smith

Senior Lawyer

Court of Appeal – Supreme Court of Victoria

Email: todd.smith@supcourt.vic.gov.au

Web: www.supremecourt.vic.gov.au

Parties and practitioners are reminded to copy coaregistry@supcourt.vic.gov.au into all correspondence sent to Court of Appeal registry lawyers.


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Deponent

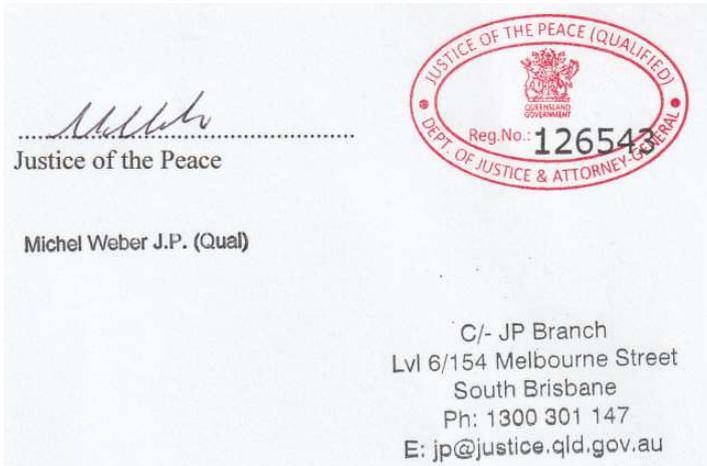

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Justice of the Peace
Michel Weber J.P. (Qual)

IN THE HIGH COURT OF AUSTRALIA
BRISBANE REGISTRY

EXHIBIT MH3 – Rejection by Justice Stephen Gageler 2 June 2023

10 This is the exhibit marked **EXHIBIT MH3 – Rejection by Justice Stephen Gageler 2 June 2023**
produced and shown by Michael Thomas of the family Holt at the time of swearing his affidavit
this 11 December 2023

Before me



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Deponent

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Justice of the Peace
Michel Weber J.P. (Qual)

EXHIBIT MH3 – Rejection by Justice Stephen Gageler 2 June 2023

IN THE HIGH COURT OF AUSTRALIA
BRISBANE REGISTRY

BETWEEN:

Pursuant to Rule 6.07.2 of the *High Court Rules* 2004 I direct the Registrar to refuse to issue or file this document without the leave of a Justice first had and obtained by the party seeking to issue or file it.


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Justice of the High Court of Australia
Dated 2nd of June 2023

Michael Thomas Holt
Plaintiff
and
Michael Bourke
First Defendant
and
Grace Krütsch
Commonwealth Department of Public Prosecutions
Second Defendant

APPLICATION FOR A CONSTITUTIONAL OR OTHER WRIT

10 The plaintiff applies for the relief set out in Part I below on the grounds set out in Part II below

Part I: That the proceedings by the Second Defendant against the Plaintiff, a resident of the State of Queensland that were commenced in the Federal Jurisdiction of the County


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Deponent


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Justice of the Peace
Michel Weber J.P. (Qual)