**AFFIDAVIT**

**STATEMENT OF TRUTH**

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| --- | --- |
| AFFIANT: :First - Second: Family Name |  |
|  |  |
| Defendant(s):  |  |
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Filed by: :First-Second: Family Name, Defendant

Dated: 18th March, 2021

Prepared by: Mr. First-Second Family Name Ph: 0456 123 456
 Unit 10, 1 Main Street,
 Melbourne, VIC 3000
Email: abc@gmail.com

REF: 180321NFIBSABCVIC

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**Affidavit**for the Defence of the Trespass and Defamation & Counter - Claim

I, :First-Second: Family Name, of Unit 10, 1 Main Street, Melbourne, Victoria 3000, in this matter do state and affirm, that I am seeking in my defence to redress my alleged Un-Constitutional claims based on the serious ‘Question of Fact’ of the Trespass and Defamation, by the (Federal and/or State) Incorporated Agencies for an unlawful intervention order, from Constable BARRET, #543 321, under the invalid and unconstitutional ‘(FAMILY VIOLANCE) Act’, 2008, in direct contravention of the ‘Charter of Human Rights and Responsibilities Act’, 2006 (Vic) sections 5,6 & 10, arising from an alleged civil charge under section , the ‘(Family Violince act’, 2008 (Vic), that no member of the VICTORIA POLICE (Inc.) ABN: 63 446 481 493, did present the essential documents, the obligatory ‘Commercial Contract’, to comply with the Corporations Act, 2001, under the Administration of the Australian Securities and Investments Commission (ASIC) for the fraudulent & false charge against the Defendant, and this litigation, at the time of relying upon a current Statute Law – the ‘Charter of Human Rights and Responsibilities Act’, 2006 (Vic). The corporate entity, the MAGISTRATES COURT OF VICTORIA (Inc.) ABN: 32 790 228 959, is an exempt body under Schedule 1, the Ombudsman’s Act, 1973, and both together, the MAGISTRATES COURT of VICTORIA (INC.) and the VICTORIA POLICE (Inc.) are ‘Exempt Bodies’ under the latter Act, meaning, at Law, both entities are ‘Bodies Corporate’ and both are subject to and registered for Goods and Services Tax.

These two corporate entities must only engage with a Man or Woman, of living flesh and blood, who stands above each and every ‘person’, who was shamed and trespassed by the latter corporation, MUST present a Commercial Contract, to engage in trade and commerce, and CANNOT rely and depend upon any Statute Law, in the absence of the Constitutional Monarch, to prosecute and charge any Victorians, without breaching the ‘Charter of Human Rights and Responsibilities Act’, 2006 (Vic) at sections 5 & 6, without a Commercial Contract.

This MAGISTRATES COURT of VICTORIA (Incorporated), ABN: 32 790 228 959, Registered: 1st November, 1999, whereupon the following day, the United States Incorporated was removed from ‘Bankruptcy’, and this entity was Registered for Goods and Services Tax: 1st July, 2000, cannot operate with any ‘vested power and or authority’ to serve and adjudicate upon Equitable or Legal Rights to adjudicate on any legal action, for another incorporated entity – the ‘VICTORIA POLICE’ (Inc.) ABN: 63 446 481 and that I, :Nathan-James: Wyatt, A Free Man, Defendant in this proposed and now unconstitutional legal proceeding, do state and affirm on oath, under the King James I Holy Bible and Royally Assented Book of Law, that this affidavit is my truth, and my whole truth, and this is my true and correct statement and record at the time of certifying my Affidavit.

1. I state that I am **a living soul** and come from unconditional love, **fear is my enemy which I conquer with love.**
2. I state that in my **DEFENCELESSNESS MY SAFETY LIES**, I have nothing to defend, I have done no wrong, I do not fear evil deeds which have been bestowed upon me.
3. I state that I stand under the only true laws, from **Almighty God, for All Men, and they can be found in the King James Holy Bible, 1611 Version**, which not only contains the only Ten Laws for All Men, but the King James Holy Bible is a Law Book, Royally Assented by King James I, of Scotland, and later Great Britain.
4. The contents of this affidavit are true and correct, and I make it knowing that a person making a **FALSE AFFIDAVIT MAY BE PROSECUTED FOR THE OFFENCE OF PERJURY**, and
5. The contents being of **FACT AND LAW**, this affidavit is now a **QUESTION OF FACT** and if not rebutted will require a **JURY TRIAL IN A CHAPTER III COURT.**

**COUNTER – CLAIM AND PROPOSED COURT ORDERS:**

1. I state for the court and for the record that I will present my counter – claim to the MAGISTRATES COURT of VICTORIA (INC.), and once I make my counter - claim, if the litigant, as per the brief notices, including the Taxation Invoice, also known as an ‘Infringement Notice’, served upon me from the incorporated entity known only as ‘VICTORIA POLICE (INC.)’ cannot rebut and or challenge my counter – claim, I will seek that the court enforce my proposed orders for Damages – Trespass and Defamation, for the maximum sum of **$100,000 from the entity known as ‘VICTORIA POLICE’.** The entity is in breach of Trespass of the ‘Charter of Human Rights and Responsibilities Act’, 2006 (VIC), and that this court case be removed from and **struck – out** from the records entirely, for the simple fact ‘VICTORIA POLICE’ (INC.) does not have the vested power and authority to charge and arrest any Elector of the Constitutional State – ‘Victoria’ – under all Constitutional Laws – without a commercial contract.

Further, I make the claim that **No Utility** can prevail after acceptance of this ‘Statement of Truth’.

**THE PLAINTIFF AND DEFENDANT AND THE LEGISLATION:**

1. I state for the court and for the record that this hearing can only proceed in a Chapter III Constitutional Court, under the Australian Flag, which grants the vested power and authority of the laws of England to be exercised in this court, and all those persons and entities that are entering this court with the express authority and right under the –

**Constitution Act, 1975 (VIC), at section 3**, -

**‘All the Laws of England to Administer justice in Victoria’,**

Exhibit ML – 01

1. I state for the court and for the record that as the court jurisdiction of the Chapter III Court will be invoked, under the Constitution Act, 1975 (VIC), this court now engages and entertains, from section 3, the second State Constitution, the **‘Imperial Acts Application Act’, 1922 (VIC)** which has never and cannot ever be, repealed, and this engages the fact that any person ‘acting like a lawyer’, which may include a prosecutor, may comply with section 88, the Imperial Acts Application Act’, 1922 (VIC), ‘Oath of Allegiance required to practice law in the State of Victoria,

Exhibit ML - 02

1. I state for the court and for the record that following a Freedom of Information Request from the Attorney General – The ‘State of Victoria’ (Inc.), The Hon. Jillian Hennessy MP, a letter of response was received from the Deputy Secretary and Chief Counsel, the ‘Department of Justice and Community Safety’ (Inc.) – Mr. Samuel Porter, 2nd July, 2020, which stated clearly, at the second paragraph –

**“The (AEC) National Referendum held in 1999 about whether Australia should become a republic was defeated. Australia remains a constitutional monarchy under the Constitution of Australia. This outcome did not require former Victorian Attorney – General Robert Hulls to change our form of government.”**

This Exhibit confirms that the court may only proceed as a Chapter III Constitutional Court, and may only be heard under the Laws and the vested power granted by Her Majesty, Queen Elizabeth II, Queen of the United Kingdom and of the Commonwealth, Defender of the Faith, of which the Commonwealth of Australia remains a member – nation to this day,

 Exhibit ML – 03

1. I state for the court and for the record that no Statute Laws are valid in this case, and hold any standing, since the incomplete and disabled ‘Constitution Act’, 1975 (VIC), was purportedly passed and permitted by the ’Parliament of Victoria – State of Victoria’ (Inc.), on the 18th November, 1975, without receiving the ‘Royal Assent’, as the Constitution Act, 1975 (VIC) was only ever ‘Reserved for Her Majesty’s Pleasure’, under Governor Henry Winneke, and **never receiving the Royal Assent, the vested power and or authority, status to be passed into legislation**, conferring the Question of Fact, that there only stands one State Constitution, that being the Constitution Act, 1855 (VIC), which was created and drawn by the Parliament of Great Britain, for and on behalf of the Colony of Victoria, under Her Majesty, Queen Victoria. This now remains irrefutable in law that the ‘State of Victoria’ (Inc.) can only lawfully operate under the Constitution Act, 1855 (Imp).
2. I state for the court and for the record that as a result of item #5, the purported and disabled passage of the Constitution Act, 1975 (VIC), officially and completely nullifying and voiding the Australia Act, 1986, created eleven years later, which relied and depended upon the Australia Acts (Requests) Act, 1985 (VIC) also passed under the name of the **‘Queen of Australia’**, a privately registered name along with the **‘King of Australia’**, incorporated under the ASIC Registered – Pecker Maroo Pty Ltd., at Noosaville, Qld., the registered owners of the names – the ‘**Queen of Australia**’ and the ‘**King of Australia**’, in which commercial contracts must be presented, for the VICTORIA POLICE (Inc.) to trespass upon Crown Imperial Land, in order to engage in trade and commerce with the Imperial Crown – which failed to be delivered.

Exhibit ML - 04

1. I state for the court and for the record that the MAGISTRATES COURT of VICTORIA (Inc.) is a trading name under the incorporated –

**DEPARTMENT OF JUSTICE AND COMMUNITY SAFETY –**

**ABN: 32 790 228 959,** and,

Is an ‘Exempt Body’, and outside the STATE OF VICTORIA (INC.), meaning this entity cannot be investigated by the Ombudsman’s Office, meaning this entity is, at Schedule 2, the Ombudsman’s Act, 1973, (A Constitutional and Royally Assented State Law), is an incorporated entity.

The MAGISTRATES COURT of VICTORIA (Inc.) cannot lawfully hear such a case and the VICTORIA POLICE (Inc.) cannot lawfully prosecute and or litigate such a case, relying upon the Corporations Act, 2001, and this case now becomes ‘null and void’ of its own making, and cannot proceed in the absence of the Imperial Crown within the purported court room, and the Plaintiff relying upon - **Her Majesty, Queen Elizabeth II**, and her Royally Assented Laws.

Exhibit ML - 05

1. I state for the court and for the record that VICTORIA POLICE is a trading name under the incorporated –

**POLICE DEPARTMENT (Inc.) ABN: 63 446 481 493**,

 Exhibit ML – 06

Is an ‘Exempt Body’, and outside the STATE OF VICTORIA (Inc.), meaning this entity cannot be investigated by the Ombudsman’s Office, meaning this entity is, at Schedule 2, the Ombudsman’s Act, 1973, A Constitutional and Royally Assented State Law, directly and explicitly excludes –

**VICTORIA POLICE at Item #1**, and,

**The OFFICE of THE GOVERNOR, at Item #2**, and,

a **Victorian Court at Item #7**,

at page 128, The Ombudsman’s Act, 1973 (VIC) No. 8414 of 1973, and,

cannot lawfully or Constitutionally hear a subject engaging and relying upon the Constitutional Law – the ‘**Constitution Act**’, 1975 (VIC), which has NOT been Royally Assented under Her Majesty, Queen Elizabeth II, Queen of the United Kingdom and the Commonwealth.

1. I state for the court and for the record that it is alleged that **VICTORIA POLICE (Inc.) ABN: 63 446 481 493** must provide a commercial contract, under the **Corporations Act, 2001**, to interfere and conduct any and all trade and commerce, with an Elector of the State of Victoria, on truly Imperial Crown Land, without an Oath of Allegiance to the rightful Constitutional Monarch –

**Her Majesty, Queen Elizabeth II, Queen of the United Kingdom and of the Commonwealth, Defender of the Faith,**

**>EACH MAN & WOMAN’s PERSONAL ACCOUNT**

1. I state for the court and for the record that on the (date), I exercised my Human and Constitutional Rights, and attended a public rally at (location), with a large number of people from all over my city.

I was approached by VICTORIA POLICE (INC.) and I was asked to produce my identification. I produced my Drivers Licence under duress as I did not know how to respond that I had a right to request a copy of the Commercial Contract from VICTORIA POLICE (INC.).

1. I state for the court and for the record that the ‘person’ from VICTORIA POLICE (INC.) wrote an ‘Infringement Notice’, which I later understood to be also known as a ‘Tax Invoice’, as VICTORIA POLICE (INC.) is a registered corporation at ASIC, which can be found at ABN Lookup.
2. I state for the court and for the record that I noticed other people also receiving these ‘tax invoices’, based upon a Directive, from a non – elected public service official – the Chief Health Officer, that Face Masks to be worn in public.
3. I state for the court and for the record that I responded to the VICTORIA POLICE (INC.) that I would challenge this unfair and unlawful ticket at the courts, based on the clear fact this ticket is a clear violation of the Charter of Human Rights and Responsibilities Act, 2006, at sections 5 & 6.
4. I state for the court and for the record that as a result of section 5, the Charter of Human Rights and Responsibilities Act, 2006, that this section directly engages the International Law – the ‘International Covenant on Civil and Political Rights’, signed in 1980 by the Commonwealth of Australia, at the United Nations. This ticket is now clearly a breach of Articles 16, 17, 18 & 19 of this UN Treaty.
5. I state for the court and for the record that this now engages my Constitutional Rights, at section 109. The Commonwealth Constitution Act, 1900 (Cth), ‘Inconsistency of Laws’, where the Commonwealth Constitution is the founding Law, also called the Birth Certificate of the Nation known as the ‘Commonwealth of Australia’

Exhibit ML – 7

**THE POLICE DEPARTMENT (VIC):**

1. I state for the court and for the record that the VICTORIA POLICE (Inc.) is a registered incorporated entity, at the Australian Business Register – ABN Lookup, as being –

**ABN details**

**Entity name: POLICE DEPARTMENT (VIC)**

**ABN 63 446 481 493**

**ABN status: Active from 01 Nov 1999**

**Entity type: State Government Entity**

**Goods & Services Tax (GST): Registered from 01 Jul 2000**

**Main business location: VIC 3008**

**Trading name(s)**

**Trading name From**

**VICTORIA POLICE 28 Mar 2000**

1. I state for the court and for the record that in a case of the VICTORIA POLICE, the trading name of POLICE DEPARTMENT (VIC), in a case at the same court house, the MAGISTRATES COURT of VICTORIA (Inc.) unsuccessfully prosecuted by Luke Marerhofer, on the 27th August, 2019, the case: **J11067481**, where upon Magistrate Wakeling could NOT make orders, in the light of the Facts presented by Defendant Mr. S Marotta, that both the MAGISTRATES COURT of VICTORIA (Inc.) and the POLICE DEPARTMENT (VIC) are both ‘Exempt Bodies’ and outside of the authority to be prosecuted within the Ombudsman’s Act, 1973, meaning in law, both the **MAGISTRATES COURT OF VICTORIA and the POLICE DEPARTMENT (VIC) are BOTH INCORPORATED ENTITIES**, and operate under the Administration of the Australian Federal Government Corporate Regulator –

**Australian Securities & Investments Commission (ASIC).**

1. I state for the court and for the record that the specific purpose of this, my ‘Statement of Truth’, is to clarify the question -
*‘Does an incorporated entity – the POLICE DEPARTMENT (VIC) trading as VICTORIA POLICE (Inc.), have any intention, implied or otherwise, to comply with the Corporations Act, 2001, and enter into this court today, a Commercial Contract, which complies with Federal Law, or else accept a Counter – Claim for Damages for the wrongful charges on this Defendant, on the 13th September, 2020, for the maximum figure for a –*

***Damages claim of $100,000 for Trespass and Defamation?***

1. I state for the court and for the record that I will enter into my evidence why I can substantiate my Counter – Claim for Damages, from the Victoria Police ‘Oath of Allegiance’, made under the Constitutional Law, the Police Regulation Act, 1958, (VIC), under Her Majesty, Queen Elizabeth II, Queen of the United Kingdom and of the Commonwealth, including Australia, which includes and accompanies the Principles adopted by the British Police in 1829, for Law Enforcement, at –

*item 7 – ‘To maintain at all times a relationship with the public that gives reality to the historic tradition that the Police are the public and the public are the Police; the Police being only members of the public, who are paid to give full-time attention to duties which are incumbent on every citizen, in the interests of community welfare and existence’.*

 Exhibit ML - 08

1. I state for the court and for the record that VICTORIA POLICE (Inc.), the trading name of the Police Department (Inc.), now –

DOES NOT HAVE - Equitable and or Legal Rights,

to trespass upon an Elector of Victoria, without first producing a commercial contract, and relying upon a Constitutional Law of the State, to falsely charge a ‘Living Man’, of good standing, on Crown Land, who was peacefully and respectfully paying his respects to Australians who fought for our country’s freedom, by exercising the Defendant’s Freedom of Expression Rights, maintains any ‘Equitable and or Legal Rights’, to originate a motion of litigation into any court in Australia, and, VICTORIA POLICE (Inc.) it is now alleged by this statement of fact, does not possess any written consent and authorised permission from the Federal Regulators to operate their commercial entity, without a contract, and the Defendant will make the request for the court to seek the Plaintiff to present this document, and will make issue of a subpoena, if so required, from the litigant, the legal person, the accuser, known simply as –

**‘VICTORIA POLICE’, and the Accuser – Constable C. Smith #654 123**.

1. I state for the court and for the record that I, :First-Second: Family Name, that I will invoke my Rights under the State Statute Law, without the Royal Assent, however, this law provides that my Rights are not abrogated or minimised under –

**sections 5, 6, ‘Charter of Human Rights and Responsibilities Act’, 2006 (VIC),**

Which section 5 invokes the International Law (the United Nations – International Covenant on Civil and Political Rights, 1980 (ICCPR)) and the Commonwealth Constitution Act, 1900 (Cth), as my State Rights, against a known Corporation, known as VICTORIA POLICE (Inc.), who are now in breach of the –

‘Charter of Human Rights and Responsibilities Act’, 2006 (VIC) at section 6, ‘Corporations do NOT HAVE HUMAN RIGHTS,

without first presenting a commercial contract to engage in trade and commerce on Crown Land, protected by Constitutional Law, breaching Trespass, by a registered corporation, under Federal Laws.

1. I state for the court and for the record that the Defendant will submit with this statement of truth, the Exhibit known as :First-Second: Family Name, for the description of the events of the day.

Exhibit ML - 09

1. I state for the court and for the record that The Defendant will submit with this statement of truth, the Exhibit known as ‘Freedom of Information Request’ – REF No: 2020/21-44, in essence, the Request of the Department of Premier and Cabinet did respond that a –

“request for a true copy of the instrument(s) providing vested power for the Melbourne Magistrates Court to act as a judicature according to the Commonwealth of Australia Constitution Act, 1900 (Cth) section 71, and in keeping with section 109”,

 and the response was given –

***“The Department undertook a thorough and diligent search for documents however no documents relevant to your request were identified.”***

Exhibit ML - 10

1. I state for the court and for the record that, -

**THE CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT, 2006 (VIC)**

Is now engaged and invoked into this Chapter III Constitutional Court, I state for the court and for the record that I, now activate and reserve my exclusive – ‘Constitutional and Human Rights’, under the Constitution of the Commonwealth, 1900, (Cth), under the jurisdiction of the ‘Supreme Court Act’, 1958 (Vic) to obtain and seek legal protection under the – ‘Australian Human Rights Commissioner’, Mr. Edward Santow, who MUST engage and activate the International Treaty, ratified by Australia, 13th August, 1980, the –

**‘International Covenant on Civil and Political Rights’, 13th August, 1980,**

found at – section 5, the ‘Charter of Human Rights and Responsibilities Act’, 2006 (Vic).

1. I state for the court and for the record that, due to the unlawful and illegal charging, under a Constitutional Law, now engages -

**THE CRIMES ACT, 1958 (Vic) ‘Obtaining financial gain by deception’,**

1. I state for the court and for the record that -

Litigation with –

**NO COMMERCIAL CONTRACT,** from **VICTORIA POLICE (Inc.),** and

**NO DEBT or FINE OR CHARGE OR TAX,** is applicable, and,

**NO CASE TO PLEAD IN ANY AUSTRALIAN COURT!!!,** creates the Question of Fact this case must be struck from the records, as in the S. Marotta case.

1. I state for the court and for the record that I will rely and depend upon the –

**‘Victoria Police Manual – Policy Rules – Professional and Ethical Standards’,**

in which I allege VICTORIA POLICE (Inc.) has breached their own Professional and Ethical Standards Manual, by breaching the ‘Charter of Human Rights and Responsibilities Act’, 2006 at sections 5 & 6.

**CONCLUSION:**

In the absence and failure of the Commissioner of VICTORIA POLICE (Inc.) Mr. Shane Patton, who cannot be Constitutionally appointed by the purported Governor of the STATE OF VICTORIA (Inc.), I make the Counter Claim that the Plaintiff known as ‘VICTORIA POLICE’ (INC.), on the Brief, does not have ANY LEGAL STANDING to litigate on behalf of the corporation, known and assumed to be – VICTORIA POLICE (INC.), and must furnish and provide all legal documents, to comply with the Corporations Act, 2001, and I will reserve my right to propose Court Orders for Damages for the wrongful charges, without presenting a Commercial Contract, on Imperial Crown Land, protected by Estate in Fee Simple, under the Constitutional Monarch – Her Majesty, Queen Elizabeth II, Queen of the United Kingdom and of the Commonwealth, to summons any Elector of the State of Victoria, and this case now becomes the basis of Perjury, by the Unconstitutional Prosecutor, who must provide a Notice of section 88, the Imperial Acts Application Act, 1922 (Vic), to proceed, in that the Defendant has –
**‘No Contract’**, and there is
**‘No Debt’**, resulting in –
**‘No Case to Plead’**,
as the jurisdiction of the SUPREME COURT OF VICTORIA (Inc.) by the Supreme Court Act, 1958 (Vic) is a Royally Assented Law, under the Constitutional Monarch, and ALL VICTORIAN COURTS MUST operate under –
the **Laws of England’** as per the above **Supreme Court Act, 1958 (VIC),** for the State of Victoria, which now engages my access to the –
**‘Bill of Rights’, 1688 (Imp),** and all protections under this Imperial Act, and the potential for any future litigation, by the incorrect Plaintiff/Applicant has a *low prospect of success* in the absence of all of the above documents and contracts to be presented into this Constitutional Chapter III Court.

My Counter – Claim for Damages in my proposed Court Orders is for the maximum permitted under State Law - $100,000

The contents being of FACT AND LAW, this affidavit is now a QUESTION OF FACT and if not rebutted will require a JURY TRIAL IN A CONSTITUTIONAL CHAPTER III COURT.

The contents of this affidavit may/must be taken into evidence and;

* 1. I state that, an un-rebutted affidavit stands as Truth in Law, and
	2. I state that, an un-rebutted affidavit becomes Judgment in Law, and
	3. I state that an un-rebutted affidavit becomes a Question of Fact.

The affiant states all the facts and exhibits stated herein are true and correct to the best of his knowledge, not just correct but true and certain, admissible to a jury as evidence, and if called upon as a witness, will testify to its veracity and honour.

Sworn by

:First-Second: Family Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

on 18th Day, March, 2021, at Melbourne

in the presence of:

Witness: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_