

IN THE HIGH COURT OF AUSTRALIA  
SYDNEY REGISTRY

No. S145 of 2019

BETWEEN:

Shane Dowling  
Applicant

and



Seven Network (Operations) LIMITED  
First Respondent  
Seven West Media Limited  
Second Respondent

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### APPLICATION FOR REMOVAL

To: The Respondent  
20 Attn: Martin O'Connor – Addisons Lawyers – Level 12 / 60 Carrington  
St Sydney 2000

The applicant applies for an order under section 40 of the *Judiciary Act* 1903 removing the whole of the cause now pending in the Supreme Court of NSW which is proceeding number 2017/116771 between Seven Network (Operations) Limited and Seven West Media Limited v Shane Dowling.

#### Part I:

The matter be removed to the High Court of Australia.

Such further or other order as the court thinks fit.

30 **Part II:**

[A concise statement of the constitutional or other question.]

2.1 Does the NSW Supreme Court have the constitutional power and/or legal authority to hear a matter that has evidence before the court the 18 NSW Judicial Officers are paedophiles or suspected paedophiles and judicial bribery allegations.

2.2 Does the NSW Supreme Court have the constitutional power and/or legal authority to hear a matter that has evidence before the court that is only before the

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court because of a malicious complaint that Chief Justice Tom Bathurst ordered senior court staff to make to the NSW Police and Commonwealth Director of Public Prosecutions (CDPP).

2.3 Are SLAPP lawsuits (Strategic Lawsuit Against Public Participation) legal in Australia as this is a blatant SLAPP Lawsuit and is part of numerous other SLAPP lawsuits by Kerry Stokes and his associated companies.

**Part III:**

*[A brief statement of the factual background to the application.]*

10 3.1 On the 6<sup>th</sup> of September 2016 I sent an email to all the judges of the Supreme Court of NSW accusing 15 judges, 2 registrars and 1 magistrate of being paedophiles or suspected paedophiles and raising allegations of judicial bribery.

3.2 On the 8<sup>th</sup> of September 2016 I published the 6/9/16 email on my website "Kangaroo Court of Australia" as part of an article titled "Paedophile priest gets 3 months jail for raping 3 boys by NSW Supreme Court's Justice Hoeben" which is still on my website and no one has ever complained about it.

20 3.3 On the 3<sup>rd</sup> of February 2017 I verbally repeated part of the 6/9/16 email and article in court and I was charged with contempt of court. The hearing for contempt was heard on the 4<sup>th</sup> of May 2017.

3.4 On the 21<sup>th</sup> of June 2017 NSW Police raided my unit and took my computers.

30 3.5 On the 21<sup>st</sup> of June 2017 the NSW Police charged me in relation to the 6/9/16 email with the crime of breaching section 474.17 of the Criminal Code: "using a carriage service to menace, harass, or cause offence". Unknown to me, in September 2016 Chief Justice Tom Bathurst ordered senior court staff (CEO and Principle Registrar Chris D'Aeth and The Prothonotary Rebel Kenna) to have the police charge me for the email I sent on the 6<sup>th</sup> of September 2016 to all the judges of the NSW Supreme Court. The police charge was withdrawn by the CDPP on the 28<sup>th</sup> of March 2018 which was the date the hearing was meant to be. It was obviously withdrawn because it was malicious and protected political communication as per the 1997 High Court of Australia precedent *Lange v ABC*.

3.6 In June/July 2017 Seven Network and Seven West Media subpoenaed my computer and documents from the NSW Police and they copied my computer.

3.7 I filed a Notice of Motion challenging the validity of the subpoena.

3.8 On the 22<sup>nd</sup> of August 2018 I was sentenced to 18 months jail with a non-parole period of 13 months for the above contempt charge. I appealed and the sentence was reduced to 4 months fixed.

10 3.9 On the 13<sup>th</sup> of September 2018 Justice Rees tried to bully and intimidate me to have a hearing for my notice of motion regarding the validity of Seven Network and Seven West Media's subpoena for my computer. I refused to participate as I was not in a position to properly representant myself as I was in jail. The bullying by Justice Rees included having jail staff threaten me which I assume was after they were threatened by Justice Rees or her staff.

3.10 On the 7<sup>th</sup> of December 2018, while I was still in jail, Justice Rees handed down a judgment and dismissed my Notice of Motion and gave Seven access to the copy of my computer. Justice Rees was well aware that Seven West Media  
20 and their owner Kerry Stokes have multiple SLAPP lawsuits against me and access to the computer would be used for all those lawsuits.

3.11 I was released from jail on the 21<sup>st</sup> of December 2018 and I filed an appeal against Justice Rees decision. I was refused a fee waiver by the registrar and they took over 4 weeks to notify me because they said the email was accidentally left in the draft box and not sent. I appealed the decision against the fee waiver refusal and at this date I have never heard back from the court and Seven and Kerry Stokes lawyers have now had access to the copy of my computer.

30 3.12 I was before Registrar Leonie Walton on the 11<sup>th</sup> of March 2019 and she was very bullying in her manner against me. She refused to stand down from hearing the matter based on perceived bias given the content of evidence before the court and she should have at least referred the matter to the duty judge which she did not.

**Part IV:**

*[A brief statement of the applicant's argument in support of the removal.]*

10 4.1 NSW judges should not hear the matter given the evidence before the court in this matter which includes unchallenged allegations by me that 18 NSW judicial officers are paedophiles or suspected paedophiles. The evidence also includes unchallenged allegations Chief Justice Tom Bathurst is a paedophile. There is also documented evidence before the court that NSW Judges took bribes totaling \$2.2 million from the Australian mafia which was reported by Fairfax Media and the ABC's Four Corners program in 2015. The \$2.2 million bribe was confirmed as being a fact by Justice David Davies in court in December 2015.

4.2 Seven should never have been allowed to subpoena my computer from the police especially given the malicious police charge was dropped. The fact that Seven have now had access to a copy of my computer, for all their court cases against me, has totally tainted the court cases.

20 4.3 This matter is directly associated with the High Court of Australia matter s22/2019 which I have filed an Application for Special Leave to Appeal and both matters should be heard together.

**Part V:**

*[Any reasons why an order for costs should not be made in favour of the respondent in the event that the application is refused.]*

Seven West Media and Seven Network have abused the legal system over and over again since 2014 running numerous SLAPP lawsuits against me.

30 **Part VI:**

*[A list of the authorities on which the applicant relies, identifying the paragraphs at which the relevant passages appear.]*

Lange v Australian Broadcasting Corporation [1997] HCA 25, (1997) 189 CLR 520  
R v Magistrates' Court at Lilydale; Ex parte Ciccone [1973] VR 122  
Ebner v The Official Trustee in Bankruptcy [2000] HCA 63

**Part VII:**

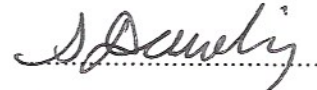
*[The particular constitutional provisions, statutes and statutory instruments applicable to the questions the subject of the application set out verbatim. If more than one page in length, this Part should be attached as an annexure.]*

Common Law as per the precedents in the above authorities.

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Dated: 8/5/19

9/5/19 *sd*



~~[Applicant or the legal practitioner]~~  
representing the applicant]

To: The Respondent

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**TAKE NOTICE:** Before taking any step in the proceedings you must, within **14 DAYS** after service of this application, enter an appearance in the office of the Registry in which the application is filed, and serve a copy on the applicant.

The Applicant is represented by:

*[Firm name, address for service, telephone and facsimile numbers and email address]*

or

The Applicant's address for service is:

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