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Subject: Corrupt conduct by Attorney-General Mark Speakman, Chief Justice Bathurst and Justice Clifton Hoeben

Dear Premier Gladys Berejiklian, Attorney-General Mark Speakman, Chief Justice Tom Bathurst and Justice Clifton Hoeben

I spent 4 months in jail last year for contempt of court for calling Justice Clifton Hoeben a paedophile and registrar Christopher Bradford a suspected paedophile and known bribe taker when I was in court on the 3rd of February 2017. I have further court matters including a defamation matter known as Capilano Honey v Shane Dowling and Justice Clifton Hoeben is currently acting as the defamation list judge and the matter was set down before him for directions last Friday (22/3/19).

I asked Justice Hoeben to stand down from hearing the matter based on perceived bias and he refused.

I also pointed out to Justice Hoeben that 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 an email I sent in September 2016 to all the judges of the NSW Supreme Court accusing 15 judges, 1 magistrate and 2 registrars of being paedophiles or suspected paedophiles and also raising judicial bribery allegations. The email included calling Justice Hoeben a paedophile and I published an article in September 2016 titled "Paedophile priest gets 3 months jail for raping 3 boys by NSW Supreme Court's Justice Hoeben" with the email in the article. ([Click here to read the article](#))

The article is still on my website and no one has ever complained, and the police never asked me to take down the article even though it was part of their brief of evidence so everyone was aware of the article. The NSW police charged me in June 2017 in relation to the email for breaching section 474.17 of the Criminal Code: "using a carriage service to menace, harass, or cause offence". The Commonwealth Director of Public Prosecutions took over the prosecution and dropped the charge in March 2018 as it was frivolous, vexatious and malicious. This is further grounds why Justice Hoeben should not be hearing any matters involving me and why an interstate judge needs be appointed to hear any matters involving me.

I asked Justice Hoeben if he had been contacted by the police in relation to the email police charge, as the police told me they would be contacting everyone named in the email but Justice Hoeben refused to answer and said words to the effect "I won't be answering any questions like that". Why wouldn't he? I can only assume he did speak to the police in relation to my published allegation that he is a known paedophile and this is another reason why he shouldn't be hearing matters involving me.

The reason I was in court on Friday (22/3/19) before Justice Hoeben was because Justice Lucy McCallum refused to have 2 matters set down for directions as she said she was no longer the defamation list judge and she told me I had to contact Justice Hoeben. This was odd as Justice McCallum and her associate were aware of why I was in jail and they should have set the matters down, not refer me to Justice Hoeben.

Be that as it may, I contacted Justice Hoeben on the 7/2/19 but he ignored my email where I said "I am writing to request that the Capilano Honey v Shane Dowling (2016/299522) and the Jane Doe v Shane Dowling (2016/383575) matters be set down ASAP for urgent directions". In that email I also asked for an interstate judge. (See attached email)

This left me with no choice but to file a Notice of Motion to have the matter set down which I did. The motion focuses on criminal contempt charges against Capilano Honey, CEO Ben McKee and their lawyers which includes barristers Sandy Dawson SC and Monique Cowden and lawyers Richard Keegan, Martin O'Connor and Alexander Latu and they are all individually named as respondents and face possible jail time.

At the directions hearing (22/3/19) Justice Hoeben made it very clear he was in the hip pocket of Capilano Honey and their lawyers. Capilano Honey and their lawyers had no legal representation for the contempt charges and barrister Sandy Dawson asked for a 2-week adjournment to get legal representation for Capilano Honey, himself and the other lawyers charged as they will all require lawyers to represent them. Justice Hoeben gave them until the 3rd of May which is over 5 weeks. I argued against 5 weeks as it is way too long as the average person would only get 2 or 3 weeks to organize a lawyer but Justice Hoeben said that was the next available time he had.

Justice Hoeben also set down on the 3rd of May Capilano Honey's Notice of Motion they filed last year to have my defence struck out. I pointed out that Capilano's Notice of Motion is only in relation to Capilano CEO Ben McKee's defamation case against me. I said to Justice Hoeben that Capilano Honey have sued me for injures falsehood and there is a reverse onus of proof, so they are required to file evidence to prove their claim and they have not done so for over 2 ½ years. I said that evidence that Capilano filed to get dodgy suppression orders and a super-injunction in 2016 was ridiculed as hearsay evidence, second hand hearsay evidence and non-existent evidence by a unanimous decision by the Court of Appeal in a judgment in October 2018. ([Click here to read the judgment](#)) I asked Justice Hoeben to issue orders for Capilano Honey to file their evidence but he refused.

Justice Hoeben only set down Capilano's Notice of Motion for a 2-hour hearing even though I asked for a full day. Justice Hoeben did this on the instructions of Capilano Honey's barrister Sandy Dawson who argued that he would only be 20 minutes and it should only be a 2 hour hearing so Justice Hoeben could personally hear it.

Breach of the Barrister Rules and Solicitor Rules

The only lawyers at the hearing on Friday the 22/3/19 were barrister Sandy Dawson and lawyers Richard Keegan and Alexander Latu. All three have been charged with criminal contempt for trying to destroy evidence and attempting to interfere with a witness etc. ([Click here to see the details](#)) Under the Barrister Rules and Solicitor Rules as soon as they become aware that they will be a material witness in a matter they have to stop representing the client. They are well aware of this and Justice Hoeben should not have allowed Sandy Dawson to represent Capilano Honey on that day even though he only asked for an adjournment to get legal counsel for Capilano Honey, Ben McKee and the others charged. They had 2 weeks to get lawyers as I filed the criminal contempt charges on the 8/3/19 and they could have found a lawyer to show up for the direction hearing. The exact section of the Legal Profession Uniform Law Australian Solicitors' Conduct Rules **2015** is:

27 Solicitor as material witness in client's case

27.1 In a case in which it is known, or becomes apparent, that a solicitor will be required to give evidence material to the determination of contested issues before the court, the solicitor may not appear as advocate for the client in the hearing.

Disturbingly, Justice Hoeben said it was ok for barrister Sandy Dawson to represent himself for the criminal contempt charge and has also allowed Sandy Dawson to represent Capilano Honey in their Notice of Motion on the 3rd of May. That's not how the Barrister Rules and Solicitor Rules work. Sandy Dawson is now a material witness as he was also been charged with criminal contempt and should no longer have any dealings representing Capilano Honey and their CEO Ben McKee. And once again this shows that Justice Hoeben is in Capilano Honey's hip pocket.

I instituted the criminal contempt charges by filing a Notice of Motion but Justice Hoeben said to Sandy Dawson that it should have been instituted by a summons. Sandy Dawson replied that is correct in relation to the lawyers as they are not applicants in the matter. It is not for Justice Hoeben to give legal advice to Sandy Dawson from the bench and just proves his blatant bias. I pointed out that even if correct the criminal contempt charges against Capilano Honey and CEO Ben McKee can proceed as they are parties to the matter and if I need to file and serve a summons for criminal contempt charges against the barristers and lawyers then I will look at adding further applicants such as Capilano Honey shareholders Kerry Stokes and Albert Tse. The reality is that Justice Hoeben was doing nothing more than trying to assist Capilano Honey and Sandy Dawson to use a technicality to delay and/or avoid criminal contempt charges.

Underlying all this is the fact that I filed an application for Special Leave to Appeal to High Court of Australia in relation to the 4 months jail I did last year in relation to calling Justice Hoeben a paedophile in court. One of the issues that will be argued in the High Court is whether or not Justice Hoeben is a paedophile and whether or not me calling

him a paedophile in court is protected by the implied freedom of political communication as per the Australian constitution. This is another reason why Justice Hoeben should not be hearing any matter involving me and an interstate judge should be appointed to hear my matters.

Attorney-General Mark Speakman and Chief Justice Tom Bathurst are well aware of the issues and have done nothing so I expect you to do something Premier Berejiklian Please respond ASAP.

Regards

Shane Dowling
[Kangaroo Court of Australia](#)