

BETWEEN:



Shane Dowling  
Applicant

and

Jane Doe 1  
First Respondent  
Jane Doe 2  
Second Respondent  
Jane Doe 3  
Third Respondent  
Jane Doe 4  
Fourth Respondent

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Reply

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**Urgency - SLAPP Lawsuit – Part of 4 SLAPP Lawsuits against me as in effect confirmed by the Court of Appeal in the Capilano Honey v Dowling matter - Playing with my life for years and the lives of others who are on the end of SLAPP Lawsuits being abused in NSW Courts - Part of the #MeToo movement that needs input by the High Court of Australia - Public interest – Journalist being denied natural justice, journalist’s privilege undermined, harassed, bullied and jailed by the Court / Government.**

Richard Keegan lies and deceives right throughout his response on behalf of the Jane Does. Nowhere in Richard Keegan’s response does he refer or supply any evidence by the 4 Jane Doe’s as there isn’t any which shows it’s a blatant SLAPP lawsuit. One example is Richard Keegan lies at page 9 number 38 (17 May 2019) of his affidavit where he says that Justice Hoeben has struck out my application to have the matter dismissed for want of prosecution. He did not even hear the application. Justice Hoeben set it down for the same day as the hearing on the 26<sup>th</sup> of August 2019 which in effect makes my application a waste of time which Justice Hoeben knew.

The first questions the High Court of Australia needs to have answered is how does a matter that was instituted in December 2016 be in a position over 2 ½ years later where the applicants have filed no evidence except hearsay evidence by their lawyer Richard Keegan. That is how SLAPP Lawsuits works.

The SLAPP lawsuit routine is working the same way in this matter as it did in the Munsie v Dowling matter which was Kerry Stokes, Ryan Stokes and their lawyer Justine Munsie suing me. They had the court issue wide-ranging non-publication

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and suppression orders, had the court strike our my defences and then showed up to the final hearing and told the court they did not need to file any evidence. They argued that because they had my defences knocked out and had interim non-publication and suppression orders they did not need to file any evidence. The SLAPP Lawsuit strategy that I have just explained shows up in the Munsie v Dowling (No 10) [2018] NSWSC 709 where the applicants had no evidence to support their claim at the final hearing. Hearsay evidence is allowed at the interlocutory stage of proceedings but not at the final hearing, so the court has in effect legalised hearsay evidence in the Munsie matter which is what they want to do again in the Jane Doe matter.

This is a case where a journalist, (me) Shane Dowling, has gone to jail based on hearsay evidence supplied by a lawyer who is being paid by Kerry Stokes's Seven West Media and at a time when the Chief Justice of the Supreme Court of NSW has ordered senior court staff to have me jailed. This is shown in the police witness statement of Chris D'Aeth who is the CEO and Principle registrar of the Supreme Court of NSW.

The reason the NSW Supreme Court judges run SLAPP lawsuits is because they know they have protection to do so by the High Court of Australia and its judges.

In Jane Doe's response they quote the 2003 High Court precedent *Bienstein v Bienstein* and say words to the effect of "that the High Court would have no benefit of any judicial reasoning in the court below". That's a lie because Justice Ian Harrison handed down 2 judgments when he stitched me up for 4 months jail in 2017 and Justice Lucy McCallum dissected the case when she handed down a judgment reviewing the suppression orders.

### **Background information**

Kerry Stokes and his companies such as Seven West Media and Capilano Honey are using the Supreme Court of NSW as a business tool to help conceal and facilitate corrupt business practices and putting the lives of the public at risk.

I am a journalist and have published the website Kangaroo Court of Australia since 2011 which specializes in judicial corruption and political corruption. On the 6<sup>th</sup> of September 2016 I sent an email to all the judges of the NSW Supreme Court, and published an article on the 8<sup>th</sup> of September 2016 with the email as part of the article, accusing 15 judges, 2 registrars and 1 magistrate of being paedophiles or suspected paedophiles and raising judicial bribery allegations such as the \$2.2 million that the Australia mafia bribed NSW Judges as reported in 2015 by the ABC's Four Corners program and Fairfax Media.

Unknown to me at the time the NSW Supreme Court's Chief Justice Tom Bathurst directed senior court staff to make a complaint about the email firstly to the NSW police and then the Commonwealth Director of Public prosecutions who then passed the complaint onto the federal police for further investigation. No action at the time was taken by them as it was clearly protected as political communication.

On the 3<sup>rd</sup> of February 2017 I repeated a small part of the email in court and initial steps were taken by the court to charge me with contempt. The court put wide-

ranging suppression orders on what I said and who I said it about. In April 2017 contempt proceedings were instituted for me calling Justice Clifton Hoeben a paedophile and Registrar Christopher Bradford a suspected paedophile and known bribe-taker on the 3<sup>rd</sup> of February 2017 and for breaching suppression orders for articles I published telling people why I had been charged with contempt of court. A hearing was held on the 4<sup>th</sup> of May 2017.

10 On the 2<sup>nd</sup> of February 2017 lawyers paid for by Seven West Media instituted contempt of court proceedings against me for breaching dodgy suppression orders issued in the Jane Doe & Ors v Shane Dowling matter which has been instituted against me in December 2016 for naming a well-known Channel 7 actress and a well-known Channel 7 on air host. A hearing was held a few weeks later and I was found guilty. Barrister Kieran Smark suggested that I should be jailed but Justice Ian Harrison said I wouldn't be jailed. Justice Ian Harrison was one of the judges that I name as a paedophile in the email sent on the 6<sup>th</sup> of September 2016 and which is still published on my website. Justice Ian Harrison obviously had a change of mind because he later jailed me.

20 During the course of the hearing on the 4<sup>th</sup> of May 2017, as part of my defence, I raised the fact that I had sent the email on the 6<sup>th</sup> of September 2016 making the same criminal allegations against 18 judicial officers and no action had been taken and no one had ever complained and that the email was still published on my website.

Justice Helen Wilson reserved her judgment and orders were made to file and serve a notice of a constitutional matter to all the Attorney-Generals.

30 On the 21<sup>st</sup> of June 2017 the NSW police raided my unit and took my computers after a complaint from the same people who were prosecuting me for contempt of court. That being the Prothonotary of the NSW Supreme Court Rebel Kenna and the then Crown Solicitor Lea Armstrong. That night (21/6/17) I was charged by the NSW Police with section 474.17 of the CRIMINAL CODE ACT 1995. Using a carriage service to menace, harass or cause offence. The charge was later dropped because it was frivolous and vexatious and what I said was political communication as per the 1997 High Court of Australia precedent Lange v ABC.

40 The following week Seven West Media subpoenaed my computer from the police. Seven West Media had never filed and served a Notice of Motion nor was there a hearing. I find this very disturbing as I am now told by Equities Registrar Leonie Walton that the only way I can get discovery in by filing a Notice of Motion with a supporting affidavit and that it will be set down for hearing.

I went to court to fight the handing over my computer. I went before the registrar in the morning wanted the subpoena quashed but he wouldn't. So, I went before the Duty Judge who was Justice Lucy McCallum and myself and lawyers for Seven West Media argued most of the day and I got my computer back. But the court and Seven West Media had snuck the computer out during the hearing and copied it. Justice McCallum published a judgment with most of the details. I continued to seek to get the copy of my computer in the court's possession back.

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On the 3<sup>rd</sup> of August 2017 Justice Wilson found me guilty of contempt of court.

On the 10<sup>th</sup> of August 2017 Justice Ian Harrison sentenced me to 4 months jail for breaching the dodgy suppression orders in the Jane Doe & Ors v Shane Dowling matter. That matter is still afoot and gone nowhere.

While I was in jail Seven West Media continued to go to court ex-parte and get court orders against me and to serve me court documents and have the matters dealt with while I was in jail.

- 10 In March 2018 the Commonwealth Director of Public prosecutions withdrew the police charge. The NSW police tried to prosecute me, but a Magistrate basically told them to get lost and that it had to be prosecuted by the CDPP. The same CDPP who had refused to charge me when the complaint had been sent to them in September 2016.

On the 22<sup>nd</sup> of August 2018 Justice Helen Wilson jailed me for 18 months with a non-parole period of 13 months for the contempt charges. I appealed and it was dropped to a fixed sentence of 4 months.

- 20 While I was in jail (September 2018) Justice Rees bullied and threatened myself and prison staff and stitched me up and ruled that Seven West Media could get a copy of my computer with no regards to natural justice or journalistic privilege.

I was released from jail on the 21<sup>st</sup> December 2018.

- I received a harassing visit from the NSW police on the (15/5/19) and the complaint seems to have been made by staff at the NSW Supreme Court. Although the complaint could have come from the High Court of Australia given I had visited there a few days before to film a video and then I published an article on the 11/5/19 titled "High Court of Australia's Justice Keane and Justice Edelman caught protecting their bribe-taking and paedophile judicial mates."
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There is a huge public interest in having this matter removed to the High Court of Australia and below are some of the reasons and evidence to support this point.

1. In both the Capilano Honey and Jane Doe applications for removal to the High Court of Australia they have only had a junior lawyer Richard Keegan respond as no barrister or serious lawyer wants to put their name on it given how scandalous their responses are. In the Seven matter at least, they had Kieran Smark SC signed off on the response. This needs close scrutiny by the High Court as it scandalises the High Court of Australia.
  2. This matter has been going for over 2 1/2 years with no direct evidence filed by the applicants. Only hearsay evince by their Richard Keegan who was found by the Court of Appeal to have lied and deceived the court in the Capilano Honey v Dowling matter.
  3. In Jae Doe's submissions they say there have been no finding of facts in the matter. That is a total lie. The suppression orders and non-publication, that undermine the 2006 High Court precedent ABC v O'Neill, shows that findings of fact have in effect been made which the High Court should find very disturbing given the suppression and non-publication orders where issued solely based on hearsay evidence by lawyers Richard Keegan.
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4. In Jane Doe's submissions they also say that pleadings and the filing of evidence still has to be completed. That is correct and supports my claim that is Jane Doe's claim is a SLAPP lawsuit the same as the other lawsuits against me. After more than 2 ½ years they have filed no direct evidence by the applicants to support their claim.
5. The Jane Doe matter is the same as the Capilano Honey v Dowling matter where in the Court of Appeal judgment on the 3<sup>rd</sup> of October 2018 they pointed out that Capilano Honey had since October 2016 to file and serve evidence to support the particulars of the Injurious Falsehood claim but had failed to do so. They have now had another 8 months to file the particulars to support the claim and have again failed to do so.
6. In Jane Doe's submissions they say I can appeal any judgment, but they know I cannot afford an appeal and that the registrar is refusing me fee waivers to appeal which is proven in emails.
7. On the 15<sup>th</sup> of May I was visited by 4 NSW police officers at my residence in what can on only be described as a harassing, threatening and menacing visit as there was no legal basis for the visit. The average person would see this as clear perceived bias.
8. I was jailed in 2018 for 4 months because I was found guilty of calling Justice Clifton Hoeben of the NSW Supreme Court a paedophile and Registrar Christopher Bradford a suspected paedophile and known bribe-taker. The average person would see this as clear perceived bias.
9. Malicious, frivolous and vexatious police charge that was dropped after they gave a copy of my computer to Seven West Media.
10. Denied journalist's privilege. My journalist rights to protecting my sources where even raised by Seven's barrister but then totally ignored because I was in jail on the above-mentioned free speech / political communication charge in relation to judicial corrupt allegations.
11. 4 SLAPP lawsuits against me assisted by judges being biased in favor of Kerry Stokes and Seven West Media.
12. Lies and deception by the lawyers and barrister as per Capilano Honey Ltd v Dowling (No 2) [2018] NSWCA 217 (3 October 2018)
13. On the 3<sup>rd</sup> of May 2019 at a hearing Justice Hoeben had 5 Court Sheriffs in court to try and intimidate me and on the 17<sup>th</sup> of May Justice Hoeben had 4 Court Sheriffs in court to try and intimidate me. See an article I published on the 22/5/19 titled: "NSW Police harass journalist Shane Dowling after another malicious complaint from Australian judges"
14. Justice Hoeben refused to recuse himself from my matters even though I was jailed, in part, for calling him a paedophile. He failed to mention that in his written judgment.
15. Justice Hoeben has threatened me with jail over 10 times while have been in court this year which is blatant bullying.
16. None of the judicial officers have ever denied the allegations I have made.
17. I have been on the receiving end of a massive attack from the NSW Supreme Court, its judges and staff. That alone shows perceived bias at scandalous levels and the court should have appointed interstate judges on its own accord to deal with all my matters.

Dated: 23<sup>rd</sup> of July 2019.....   
Shane Dowling - Applicant