IN THE HIGH COURT OF AUSTRALIA
SYDNEY REGISTRY

No. S197 of 2019

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

APPLICATION FOR REMOVAL

To: The Respondent
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 2016/383575 between Jane Doe & Ors v Shane Dowling.

Part I:

1.1 The matter be removed to the High Court of Australia.

1.2 The matter in the NSW Supreme Court 2016/299522 be stayed until this application is determined by the High Court of Australia.

1.3 Such further or other orders as the court thinks fit.

Shane Dowling
1/78b Ocean St, Bondi
Sydney, NSW 2026

Ph: 0411238704

Email: shanedowling@outlook.com.au

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 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.

2.4 Is the affidavit of one lawyer, who is being paid by the applicants to represent them, denying the alleged allegations in a defamation matter enough to justify interim suppression and non-publication orders. See ABC V O'Neill (HCA) 2006 and Lange v ABC (HCA) 1997.

2.5 Does a Supreme Court judge (Justice Clifton Hoeben) have the constitutional power and/or legal authority to hear a matter where a party to the matter (Shane Dowling) has done 4 months jail which was partially for calling Justice Clifton Hoeben a paedophile?

2.6 Can applicants have a defamation judgment in their favour if they provide no evidence at the final hearing?

2.7 Does the Australian constitution protect an Australian citizen's right to a fair trial free of perceived bias and/or actual bias.

2.8 Is a discussion and/or reporting on workplace relationships and/or sexual harassment in the environment of the current #MeToo movement protected as

political communication / qualified privelege as per 1997 High Court decision in Lange v ABC.

Part III:

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

3.1 On the 6th 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 8th 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.

3.3 On the 21st of December 2016 I published an article on my website titled "Seven CEO Tim Worner and Amber Harrison sex scandal statement in full" which had the following paragraphs:

The media release by former Seven employee Amber Harrison, which is below, detailing her sexual relationship with Seven West Media CEO Tim Worner is a powerful read on how some people abuse their positions of authority to satisfy their sexual needs. It is R-rated with some crude content attributed to Tim Worner which he has not denied.

*An example is one text that Seven West Media CEO Tim Worner sent to Amber Harrison which said: "I want to f**k you so badly. And I want you to deal with my super hard c**k right now."*

Fairfax Media are reporting: "Maurice Backburn associate Kelly Thomas noted Mr Worner's alleged conduct could not be restricted to his private life, with claims of sex during work hours and text messages to Ms Harrison allegedly saying his performance was "drug assisted"." (Click here to read more)

There are reports that Tim Worner has had sexual relationships with at least 4 other staff members at Seven which include an actress and on-air-host. I am

reliably told the actress is [redacted] and the on-air-host is [redacted]

3.4 On the 21st of December Jane Doe 1 and Jane Doe 2 instituted defamation proceedings, at an ex parte hearing before Justice Stephen Campbell, against me which has been paid for by Seven West Media. Initially Seven's lawyers Richard Keegan lied and said the applicants are paying for the proceeding themselves but after questions in the witness stand at a later date under oath Richard Keegan eventually told the truth. Justice Stephen Campbell issued suppression orders on the basis of one affidavit by lawyer Richard Keegan. There was no legal basis for the suppression orders and it was clearly in breach of the High Court judgment Australian Broadcasting Corporation v O'Neill [2006] HCA 46. They were also warned by Justice Campbell in 2016 at paragraph 23 of his judgment Jane Doe 1 and Jane Doe 2 v Dowling (No 2) [2016] NSWSC 1910 (23 December 2016):

"Finally of substance, and taking up what I have said about freedom of speech, it may be said by some that acceding to an application for an interim injunction in this case effectively decides the case and, having obtained interlocutory orders, ***the plaintiffs may have no incentive to continue the proceedings to trial.*** *That may be a legitimate expression of concern had it been articulated by someone in the position of the defendant had he taken the opp ortunity to appear in court to put his side of the story. I have taken this consideration into account in making my decision today. However, if the plaintiffs drag their feet in bringing on the case then the remedy is in the defendant's own hands.* ***If there is undue delay in bringing the matter to trial then the defendant's remedy is to apply for dissolution of the interim orders I have made or to apply for dismissal of the proceedings for want of prosecution."***

3.5 On the 2nd of February Jane Doe 1 and Jane Doe 2 instituted contempt proceedings against me for not deleting their names in the article published on the 20th December 2016. The key witness for Jane Doe 1 and Jane Doe 2 was Addisons Lawyer Richard Keegan.

3.6 On the 3rd 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 by the Prothonotary of the

NSW Supreme Court. The hearing for contempt was heard on the 4th of May 2017. The key witness for the Prothonotary was Addisons lawyer Richard Keegan.

3.7 On the 15th March 2017 I was found guilty of Contempt of Court in the Jane Doe & Ors v Shane Dowling matter. Justice Ian Harrison said I would not be going to jail.

3.8 On the 4th of May 2017 there was a hearing for the Prothonotary of the NSW Supreme Court v Shane Dowling contempt matter.

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3.9 On the 21th of June 2017 NSW Police raided my unit and took my computers.

3.10 On the 21st 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 6th of September 2016 to all the judges of the NSW Supreme Court. The police charge was withdrawn by the
20 CDPP on the 28th 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.

3.11 In June/July 2017 Seven Network and Seven West Media subpoenaed my computer and documents from the NSW Police and they copied my computer. I filed a Notice of Motion challenging the validity of the subpoena.

3.12 On the 10 of August 2017 I was sentenced to 4 months jail by Justice Ian Harrison for the contempt of court in the Jane Doe & Ors v Shane Dowling matter.

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3.13 On the 22nd of August 2018 I was sentenced to 18 months jail with a non-parole period of 13 months for the contempt charge in the Prothonotary of the Suprem Court of NSW v Shane Dowling matter. I appealed and the sentence was reduced to 4 months fixed.

3.14 On the 13th 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.

3.15 On the 7th 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 and their owner Kerry Stokes have multiple SLAPP lawsuits against me and access to the computer would be used for all those lawsuits.

3.16 I was released from jail on the 21st 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 accidently 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.

3.18 I emailed Justice Lucy McCallum on the 6/2/19 to have 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. Her associate responded and said that Justice Clifton Hoeben was now the Defamation List judge and I needed to contact him.

3.19 I emailed Justice Clifton Hoeben on the 7/2/19 to have 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. Jutsice Hoeben ignored the email.

3.20 I was before Registrar Leonie Walton on the 11th of March 2019 for the Seven Network and Seven West Media matter 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.

3.21 I emailed the Layer acting for the Jane Does Richard Keegan and asked: "Can you explain why you and your clients have failed to progress the Jane Doe & Ors v Shane Dowling matter." He refused to respond although he responded to emails regarding Capilano Honey matter and the Seven West Media matter.

3.22 I emailed the Jane Doe applicants directly as I had no choice as their lawyer Richard Keegan would not respond. Once I did that Richard Keegan responded and said he was waiting for the listing dates for final heaing which meant he had been waiting since August 2018 which is a blatant lie as it only takes a matter of minutes to get hearing dates.

3.23 When the Capilano Honey matter and Munsie v Dowling matter were in court on Friday the 3/5/19 I asked Justice Hoeben to list the Jane Doe matter but he refused and said I would need to email his associate which I did on the 5/5/19.

3.24 I was emailed by Justice Hoeben's associate to say that the Jane Doe matter was listed for directions on the 17/5/19.

3.25 At the 17/5/19 directions I asked the Jane Doe matter be struck out for want of prosecution. The applicants wanted the matter set down for final hearing which Justice Hoeben did for the 26th and 27th of August 2019 and also set my application to have the matter struck out for want of prosecution on the same date which means my application will be a waste of time. Why did I have to wait 3 mo0nths to have an application heard? I also asked for interrogatories and discovery and Justice Hoeben said that application can also be heard at the final hearing. I pointed out that it was a joke as because if it was granted it would the final hearing would need to be adjourned. After being embarrassed in front of all the lawyers and barristers in the room Justice Hoeben agreed for me to file draft interrogatories and discovery.

3.26 Justice John Sackar was defamation list judge on the 14th of June and heard my application for interrogatories and discovery. I asked Justice Sackar to recuse

himself as he was the original judge who heard the Seven v Amber Harrsion matter and Justice Sackar is good friends with Bruce McWilliam and has study with his wife. Mr McWilliam is the General Council for Seven West Media and is instructing the lawyers in all the matters against me.

Justice Sackar refused to recuse himself and refused to allow me interrogatories and discovery. At this point Justice Sacker has not published his judgment.

3.27 The applicants and court have refused to have the matter set down before a jury.

Perceived bias and real bias by Justice Clifton Hoeben

3.28 Justice Hoeben's refusal to recuse himself from this matter scandalizes the court given I did 4 months jail last year because I was found guilty for calling Justice Clifton Hoeben a paedophile, calling Registrar Christopher Bradford a suspected paedophile and known bribe-taker and breaching 2 suppression orders because I wrote about the contempt charge. Justice Tom Bathurst has had justice Clifton Hoeben dealing with 3 associated matters and he has refused to stand down from those matters where there is clear perceived bias and real bias.

3.29 This matter was before Justice Clifton Hoeben on the 17th of May where there was clear perceived bias and real bias.

Part IV:

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

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 This is a SLAPP lawsuit and it's time that the High Court of Australia stepped in and put a stop to SLAPP lawsuits.

4.3 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. They also have access to my computer for the Jane Doe matter.

4.4 The applicants, even if they were defamed which they haven't been, are clearly not entitled to suppression orders and non publication orders which they have had since December 2016 and NSW Supreme Court judges are abusing the law aiding SLAPP lawsuits

4.5 This matter is directly associated with the High Court of Australia matter S145/2019 and S162/2019.

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.*]

Jane Doe & Ors have failed to prosecute their matter in a timely manner and it should be dismissed for want of prosecution.

"Finally of substance, and taking up what I have said about freedom of speech, it may be said by some that acceding to an application for an interim injunction in this case effectively decides the case and, having obtained interlocutory orders, ***the plaintiffs may have no incentive to continue the proceedings to trial.*** *That may be a legitimate expression of concern had it been articulated by someone in the position of the defendant had he taken the opp ortunity to appear in court to put his side of the story. I have taken this consideration into account in making my decision today. However, if the plaintiffs drag their feet in bringing on the case then the remedy is in the defendant's own hands.* ***If there is undue delay in bringing the matter to trial then the defendant's remedy is to apply for dissolution of the interim orders I have made or to apply for dismissal of the proceedings for want of prosecution."***

Part VI:

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

Australian Broadcasting Corporation v O'Neill [2006] HCA 46

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

Jane Doe 1 and Jane Doe 2 v Dowling (No 2) [2016] NSWSC 1910 (23 December 2016)

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.

Dated: 26/6/19

S. Dowling

[*Applicant*]

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

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's address for service is:

Shane Dowling – 1/78b Ocean St, Bondi. Sydney NSW 2026
Ph: 0411238704
Email: shanedowling@outlook.com.au