To: Maitland Lawyers
level 10/530 Little Collins St
Melbourne, VIC, 3000

And

To: Peter W Lithgow
King Counsel
200 Queen St
Melbourne, Vic, 3000

And

To: Peter King
Queen Square Chambers
Sydney, NSW, 2000

By email

John@mailandlawyers.com.au

plithgow@vicbar.com.au

pking@qsc.com.au

Response To: **PROSECUTION'S PRE- HEARING INFORMATION** served by email on the 24th May 2023

Alleged Prosecution Of:
Rodney Norman **CULLETON**
Matter No: **(PE 40637/2022 & PE 40657/2022)**
Magistrates Court Perth Western Australia.

Hi John and Ors,

As you are aware, I am being pursued again by the ***AUSTRALIAN FEDERAL POLICE* (AFP) and *AUSTRALIAN FINANCIAL SECURITY AUTHORITY* (AFSA)** on what is believed to be an alleged complaint(s) laid by the Chief Legal Officer, Mr Andrew Johnson, acting as an agent for a corporation known as the *AUSTRALIAN ELECTORAL COMMISSION* **(AEC) ABN: 21 133 285 851 and a Corporate entity purporting to be doing business as SARAH MARSEGAGLIA (AFSA) not listed with ASIC.**
Both matters **(PE 40637/2022 & PE 40657/2022)** are being actioned as fresh proceedings in the **MAGISTRATES COURT OF WESTERN AUSTRALIA** and appear to be proceeding in the absence of the King's name, and without regard to my Conditional Appearance of 9th of November 2016 including, but not limited to, the non-personal service of a creditor's petition, pursuant to the Federal Court of Australia Rules (FCA).

Background and the law.
Primary Hearing
Matter No WAD 492/2016 Barker J sitting *non coram judice*

On the 21st of November 2016, I presented to the High Court of Australia whilst holding office as an elected Federal Senator for Western Australia. At this time, I was fully solvent having security of a government contract for Senatorship and as an Intellectual Property (IP) owner. During the proceedings on this date, The High Court of Australia proclaimed to be sitting as the Court of Disputed Returns. An alleged Creditor's Petition **without personal service** was purportedly used to enliven an Originating Process for commencement to an inferior Federal Court in the Western Australia District before a Registrar "Jan."
The alleged creditor is listed as a company with the AUSTRALIAN SECURITIES AN INVESTMENTS COMMISSION (ASIC) doing business as BALWYN NOMINEES PTY LTD ACN: 083207890 claiming to be a bona fide "like-for-like" creditor in the matter WAD 492/2016.

The FEDERAL COURT OF AUSTRALIA in the matter of WAD 492/2016, which I must reiterate, was **without lawful service of the creditors petition**, resulted in an inferior court with no power because it did not comply with the Bankrupcy Rules. See **rule 4.05**.
The Federal Court, on the 19th December 2016, only made findings of fact (which I denied) through the evidence of Sgt Scott that you were personally served with the Bankruptcy Notice. There was no appeal on this point within the 21 days during subsequent stay of the sequestration order due to Barker J sitting *non coram judice*. I was, of course, afforded procedural fairness in the opportunity to cross examine the process server, which I elected not to do, to avoid consenting to jurisdiction and forefooting my conditional appearance.
A bankruptcy notice can, pursuant to r.16.01 of the Federal Court Rules (FCR), be served in a variety of methodologies. Further, there is a wealth of caselaw confirming that when a person refuses to accept a document by way of service, it is sufficient to place it near the person and inform them they have been served.
However, as identified in conference with Queen's Counsel, a Creditors Petition must be personally served. There is a dichotomy between the Federal Court (Bankruptcy) Rules and the Federal Circuit Court Rules in that the latter expressly states that the Creditors Petition must be personally served. However, the s.52(1)(b) of the Bankruptcy Act and r.4.05 of the Federal Court (Bankruptcy) Rules are silent as to the method of service of a Creditors Petition but to say it must occur at least **5 days prior to the hearing**. I obtained QC/legal advice at the time, which stated the following:

"In my view, the Creditors Petition is an Originating Process (i.e. a document commencing the proceedings) which pursuant to r.10.01(3) states that service of the document must be by delivery."

The fresh complaint relies on an "alleged Bankruptcy" made in the absence of a personally served creditor's petition by an [1]inferior court on the 19th December 2016. The prosecution

[1] [1] *Where there is a disregard of or failure to observe the conditions, whether procedural or otherwise, which attend the exercise of jurisdiction or govern the determination to be made, the judgment or order may be set aside and avoided by proceedings by way of error,*

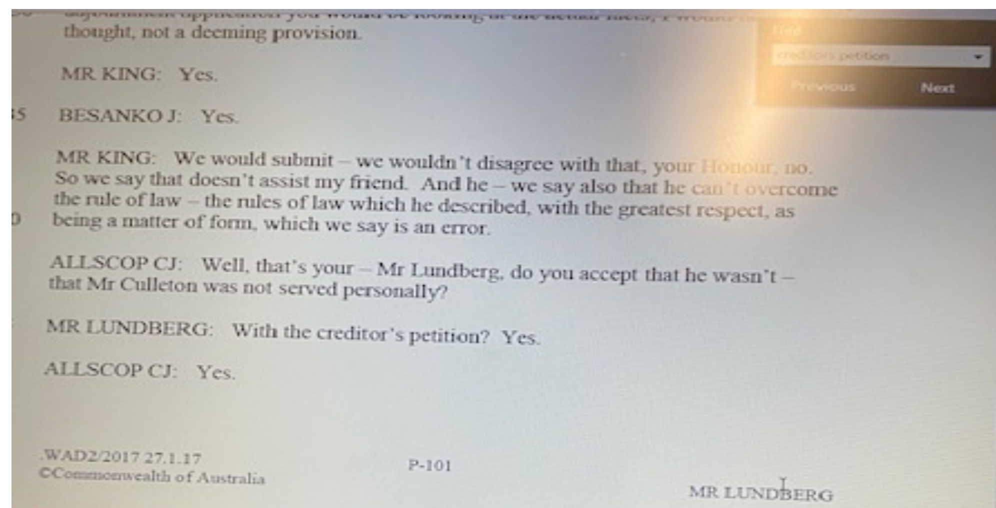
would need to prove *mens rae* to overcome the findings of the High Court (Kabel)**(HCA).** Also, recent findings of the Full Court of the Federal Court **(FCFC)** Hrycenko [2022] FCAFC 152 (9 September 2022) ruled "in the absence of personal service of a Creditor's Petition etc..." See para 126 of that judgement;

> *126 "There is, however, a critical distinction between a superior court and an inferior court concerning the authority belonging to a judicial order that is made without jurisdiction. A judicial order of an inferior court made without jurisdiction has no legal force as an order of that court. One consequence is that failure to obey the order cannot be a contempt of court."*

No personal service of a creditors petition was lawfully served (within 5 days) prior to any of the hearings in the matters WAD 492/2016 and WAD2/2017. Registrar Jan and Barker J. attended *non corum judice* and appeared to apply the "slip rule" without judicial authority in an attempt to overcome the unlawful defect.

> *"certiorari, or appeal. But, if there be want of jurisdiction, then the matter is coram non judice. It is as if there were no judge and the proceedings are as nothing. They are void, not voidable (Cp. The Case of the Marshalsea)."*

I have obtained an extract from the transcript at page 100-110 in the matter WAD2/2017 being the appeal to where it is admitted by Mr LUNDBERG, acting for the alleged creditor in the proceedings, declaring to DOWSETT J, BESANKO J and ALLSOP CJ that no personal service of the Creditors Petition was effective at law. Furthermore, no order was obtained for substituted service to allow for electronic service to a federal government server (senator Culleton) and to culleton00099@gmail.com which is not my email address.



thought, not a deeming provision.

MR KING: Yes.

BESANKO J: Yes.

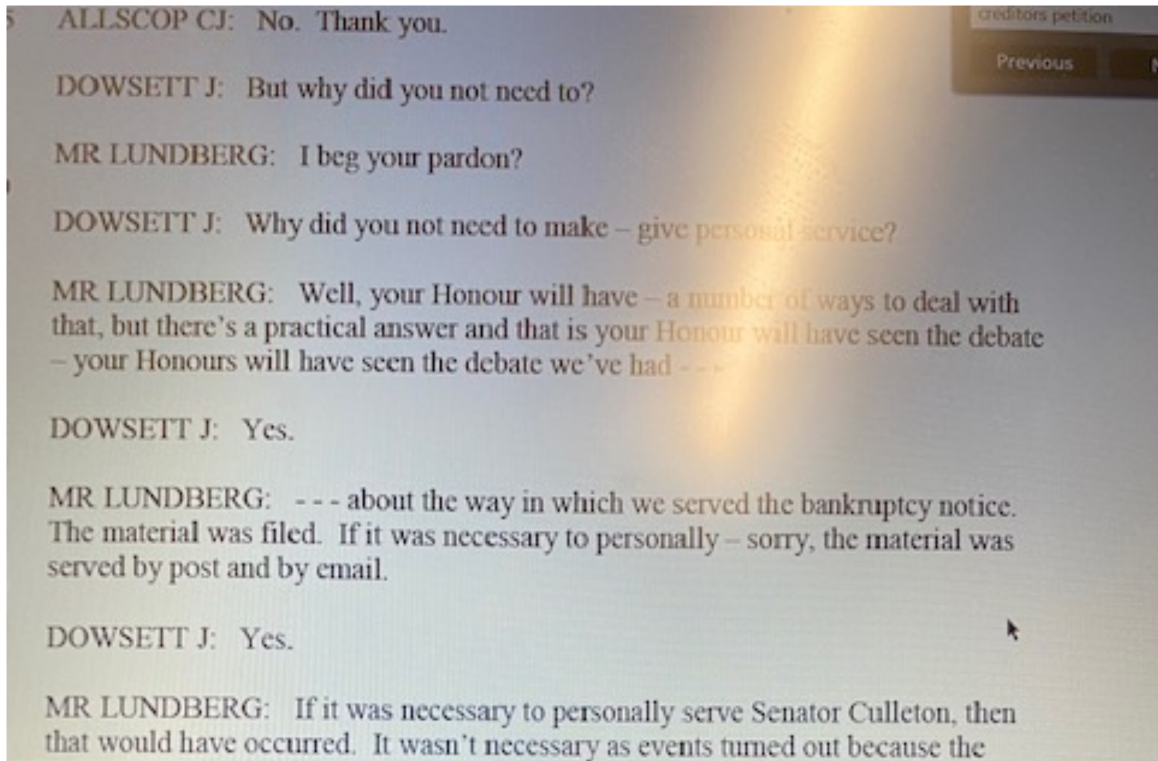
MR KING: We would submit – we wouldn't disagree with that, your Honour, no. So we say that doesn't assist my friend. And he – we say also that he can't overcome the rule of law – the rules of law which he described, with the greatest respect, as being a matter of form, which we say is an error.

ALLSCOP CJ: Well, that's your – Mr Lundberg, do you accept that he wasn't – that Mr Culleton was not served personally?

MR LUNDBERG: With the creditor's petition? Yes.

ALLSCOP CJ: Yes.

.WAD2/2017 27.1.17 ©Commonwealth of Australia P-101 MR LUNDBERG



ALLSCOP CJ: No. Thank you.

DOWSETT J: But why did you not need to?

MR LUNDBERG: I beg your pardon?

DOWSETT J: Why did you not need to make – give personal service?

MR LUNDBERG: Well, your Honour will have – a number of ways to deal with that, but there's a practical answer and that is your Honour will have seen the debate – your Honours will have seen the debate we've had - - -

DOWSETT J: Yes.

MR LUNDBERG: - - - about the way in which we served the bankruptcy notice. The material was filed. If it was necessary to personally – sorry, the material was served by post and by email.

DOWSETT J: Yes.

MR LUNDBERG: If it was necessary to personally serve Senator Culleton, then that would have occurred. It wasn't necessary as events turned out because the

I attach an abstract of section 3.4 showing evidence of a letter dated 10th November 2016, KING WOOD MALLENSON to Stephen Parry. The letter (see Annexure 1) at (3.4) states the following:

3.4 Service of the Creditor's Petition on Senator Culleton

We have provided the creditor's petition to Senator Culleton by way of email and registered post, and no doubt he is aware of its existence and the hearing date. To date, we have been unable to serve the creditor's petition on Senator Culleton personally. We will however continue attempts to effect service upon Senator Culleton in a lawful manner.

DEFENCE

Prior to filing the Conditional Appearance in 2016, I was aware of the ruling of the full bench concerning the KABLE matter. This case has been unanimously upheld in Hrycenko v Hrycenko [2022] FCAFC 152 (9 September 2022). I have included abstract details of this ruling below:

HIGH COURT OF AUSTRALIA

FRENCH CJ,
HAYNE, CRENNAN, KIEFEL, BELL, GAGELER AND KEANE JJ

STATE OF NSW APPELLANT

AND

GREGORY WAYNE KABLE RESPONDENT

State of NSW v Kable
[2013] HCA 26
5 June 2013
S352/2012

As evidenced on page three of this letter and attached in the supporting documents, I filed a Conditional Appearance (without waiver of my rights and/or consent to jurisdiction) at the Perth Registry on the 9th November 2016. At no time was the jurisdiction of the Federal Court of Australia established by the Federal Court to lawfully determine an outcome.

Considering due process of law, Registrar 'Jan' proceeded *non coram judice,* thereby creating an inferior court by failing in his duty to protect the court from scrutiny. Furthermore, Registrar 'Jan' neglected to uphold justice. see Kable 2012 and **Hrycenko v Hrycenko (by his legal representative Hycenko) [2022] FCAFC 152 (9 September 2022).**

1) *"There are two primary questions raised by those grounds. First, can a sequestration order be validly made in the absence of a subsisting creditor's petition? Second, if the answer to the first question is no, can that invalidity be cured by an order made under the slip rule to retrospectively enliven the creditor's petition?"*

"See 4 to 8

4. *As to the first question, it seems clear enough that a bankruptcy court is not authorised or empowered to make a sequestration order in the absence of a creditor's petition."* (Emphasis Added).

RWC8.

Notice of appearance
CONDITIONAL on Receiving Court Documents
And
A hearing date compatible with the Sittings of the Senate

Federal Circuit Court of Australia
Registry: Western Australia

In the matter of Culleton

Respondent

Address for service

The Respondent gives notice that the respondents address for service is:

Place:

Email: Senator.Culleton@aph.gov.au

CONSTITUTIONAL MANDATORY STEPS AS A CROWN OFFICER:

On the 1st December 2016, I filed a Senate Motion(163) in order to enliven the jurisdiction of the Parliament to have all alleged s44 matters dealt with pursuant to the Constitution (s22,23 and 47 Constitution)

On the 19th December 2016, I again conditionally attended the Federal Court seeking an adjournment due to *inter alia i.e.* the non-service of the Creditors Petition. The failure to address matters referred to above concludes that Barker J. was also without power, sitting *non-coram judice* continuing in an **inferior court**. See below proceedings and admission at point 93 and 94 of his judgement.

FEDERAL COURT OF AUSTRALIA

Balwyn Nominees Pty Ltd v Culleton [2016] FCA 1578

File number:	WAD 492 of 2016
Judge:	**BARKER J**
Date of judgment:	23 December 2016

"**REASONS FOR JUDGMENT**
BARKER J:

1. Before the Court is a creditor's petition filed by Balwyn Nominees Pty Ltd, the ***petitioning creditor***, seeking the making of a sequestration order against the estate of Rodney Norman Culleton, the ***respondent debtor***, of 51 Fourth Avenue East, Maylands, Perth, Western Australia, who is described in the petition as a businessman.
2. Under s 43 of the ***Bankruptcy Act** 1966* (Cth), this Court has jurisdiction, on a petition presented by a creditor, to make a sequestration order against the estate of a debtor, where..

93. "In any event, the appearance entered by him plainly cures any technical want of service, should it exist, in these circumstances. See R 10.11 of the Federal Court Rules.
94. The suggestion that the appearance was "conditional" is not established. It is difficult to see, in any event, how an appearance to a creditor's petition can be conditional. The jurisdiction of the Court to deal with a creditor's petition under s 43 of the Bankruptcy Act is not in issue, and not open to question."

Barker J., acting as Justice, relied on an Affidavit made at the commencement of WAD 492/2016. The affidavit mentioned above, of Mr McMahon, was not personally served on me as I was attending to electoral matters before Chief Justice French of the High Court, sitting as the Court of Disputed Returns. See Service of creditor's petition documents (rule 4.05 of the Bankruptcy Rules)

> *"Federal Court of Australia (Bankruptcy Information Sheet 1) 9.1. A petition (and accompanying documents referred to in rule 4.05) must be served personally (by hand) on the debtor unless an order for substituted service or deemed service has been obtained from the Court. More information on applying for a substituted service order can be found in Bankruptcy Information Sheet 3. The requirements for personal service of an originating document or a document starting legal proceedings are set out in rules 8.06, 10.01 and 10.12 of the Court Rules."*

As per the Bankrupcy Rules above (s 9.1) the affidavit of Mr McMahon does not cure the non-personal service of the creditors petition, nor was there a Court Order for Substituted Service provided for in his Affidavit. This was expressed by Barker J. at point 82 to 86 of his non-lawful judgement;

82. *"A question has been raised by the respondent debtor whether R 4.05 has been satisfied. It relevantly provides that, unless the Court otherwise orders, which it has not in this case, at least five days before the date fixed for the hearing of the creditor's petition, the applicant creditor must serve on the respondent debtor the creditor's petition; a copy of the affidavit or affidavits verifying the petition required by s 47(1) of the Bankruptcy Act; if applicable, a copy of the affidavit required by R 4.04(1)(a) of the Bankruptcy Rules; if applicable, a copy of the affidavit of service of the bankruptcy notice required by R 4.04(1)(b) of the Bankruptcy Rules; and a copy of any consent to act as trustee, filed under s 156A of the Bankruptcy Act."…*
83. *By his affidavit made 21 November 2016, Mr McMahon, a solicitor employed by the solicitors for the petitioning creditor in the proceeding, states that on 19 October 2016 he sent all these relevant documents, including the creditor's petition, to the respondent debtor by email by way of service…*
84. *Mr McMahon said they were also sent to the respondent debtor at an address recently used by him on Court documents filed with both the Federal Court of Australia in proceeding WAD450/2016 and the Supreme Court of Western Australia, Court of Appeal CACV130/2013. On 19 October 2016, the documents sent by email had been filed but not stamped. On 20 October 2016, Mr McMahon says that he sent those same documents again by email to the respondent debtor, by way of service, the documents at that point having been both filed and stamped.*
85. *The email of 19 October 2016 was sent to the following email addresses: culleton…@gmail.com; Senator.Culleton@aph.gov.au. I have chosen not to put in the full detail of the first email address in the event that it is confidential and so to protect privacy. I have not done the same in respect of the second one as it is obviously a publicly available address at Parliament House in Canberra. The second email sent on 20 October 2016 was sent to those same email addresses.*
86. *On 18 November 2016, the respondent debtor filed a notice of appearance in the proceeding. It stated:*
Rodney Norman Culleton of 51 Fourth Avenue Maylands 6051 the Respondent appears.
87. *He gave his address for service at a place in Collins Street, West Perth as well as the following email address: Senator.Culleton@aph.gov.au."*

The letter of KING WOOD & MALLENSON (KWM) (extract at page 4 above) post-dates the Mc Mahon emails on the 19th and 20th October 2016, confirming non-personal service of the Creditors Petition as at the 10th November 2016. (see 3.4 letter KWM dated 10th November 2016 at Annexure 1). Second witness to non-personal service was confirmed at the Appeal Hearing WAD2 January 2017 by lawyers acting for the alleged creditor. See next paragraph and page 3 and 4 above
Furthermore, the Affidavits of Mc Mahon are futile on three grounds;

1) Does not overcome the letter dated the 10th November 2016 as stated above;
2) Culleton00099@gmail.com and Senator.Culleton@aph.gov.au. is not a personal email address of mine;
3) No order for substituted service exists.

The appeal of WAD 2/2017 was also without power and subsequently avoided the importance of following rules of personal service at the following points:

101. *As we understand it, none of these submissions in the form they are now raised were raised before the primary judge. A variation of the first argument was raised, but not the precise argument now raised. We have reached the clear view that each submission should be rejected on the merits and we*

do not need to consider whether the appellant should be permitted to raise points on appeal which were not raised before the primary judge, including whether, had they been raised, any defects might have been cured by evidence.

102. *As to the first submission, we note that before the primary judge the appellant raised an issue as to whether the respondent had established that the appellant had been served with the creditor's petition and other documents referred to in r 4.05 of the Rules. The issue was raised in that general way and without any identification of the form of service required in the case of a creditor's petition. The primary judge found that the appellant was actually in receipt of the creditor's petition and other documents and had been served in accordance with the Rules (at [92]). His Honour went on to say that, in any event, the appellant had filed a Notice of Appearance and that cured any "technical want of service". He referred to r 10.11 of the Federal Court Rules (at [93]).*

103. ***The issue raised by the appellant on the appeal was whether he had been served personally with the creditor's petition. The respondent accepted that a respondent to a creditor's petition had to be served personally and that the appellant in this case, although "served" by email and mail in mid to late October 2016, had not been served personally with the creditor's petition.***

It is clear, by the findings of the Full Court of the Federal Court (FCFC) 8th September 2022 **Hrycenko v Hrycenko** (and Kabel) the matter of WAD 492/2016 was an Inferior Court "**without power**." See the following point of the 2022 finding which reinforces the Kabel judgement: It is clear from these decisions that no slip rule can be applied to cure the non-service of a creditors petition. As stated at 126 of this judgement;

> ***126 "There is, however, a critical distinction between a superior court and an inferior court concerning the authority belonging to a judicial order that is made without jurisdiction. A judicial order of an inferior court made without jurisdiction has no legal force as an order of that court. One consequence is that failure to obey the order cannot be a contempt of court."***

QUESTION:
Is BALWYN NOMINEES PTY LTD a bone fide creditor?

The answer is NO. See the unsafe judgement of DCJ CURTHOYS, *DELIVERED* 24th *OCTOBER* 2013, which BALWYN NOMINEES PTY LTD relied on:

> *DAKIN FARMS PTY LTD -v- ELITE GRAINS PTY LTD [No 2] [2013] WADC 160*
>
> ***CORAM :*** *CURTHOYS DCJ*
>
> ***HEARD :*** *15-26 JULY 2013*
>
> ***DELIVERED :*** *24 OCTOBER 2013*

Paragraph 9 of CURTHOY'S Judgement:

> *"The Culletons wished to acquire more land to expand their farming operation so as to produce more oats. They became aware that Rathgar was available for sale and sought to buy it. The Culletons sought to finance the acquisition of Rathgar using the income generated by Elite Grains. The Culletons entered into an agreement with Dakin Farms to lease and then purchase Rathgar".*

FOR THE RECORD: The Culletons have never entered into any contract with BALWYN NOMINEES PTY LTD as lessor, to lease (and then) purchase the lands of Rathgar, east of the Albany Hwy in the Shire of Williams in the Upper Great

Southern. Furthermore, no lease was ever registered on the certificate of title over the lands known as Rathgar.
Mr Lester and his son Adrian Lester have not hidden the underlying agenda and their goal to obtain the Intellectual Property (IP) of Australian Keg Company (Grain Keg concept);

a) No contract exists between RODNEY NORMAN CULLETON and BALWYN NOMINEES PTY LTD for leasing land arrangements;
b) BALWYN NOMINEES, being the second respondent, is not registered for GST;
c) In order to settle the claim, a tax component would have needed to be withheld. The order of DCJ CURTHOYS did not make provision for this due to this information being withheld from the court by BALWYN NOMINEES PTY LTD;
d) BALWYN NOMINEES PTY LTD unlawfully claimed a contract with the Culletons in a court that proceeded without observing the absence of like-for-like being a clear attempt to plunder the IP of Auskeg
e) BALWYN NOMINEES PTY LTD has at all times refused payment to settle the alleged lease;
f) Richard Lester has publicly claimed to have spent in excess of $1.6million in legal fees over an alleged $205,000.00 inclusive of G.S.T

farmonline

Rod Culleton farmer litigation boast was red flag for Dick Lester

Colin Bettles @ColinJBettles 3 Feb 2017, 5:02 p.m. Politics

SHARE TWEET

Former Wesfarmers director Dick Lester explains why he took legal action valued at over $1.6 million to make his one-time farm neighbor Rod Culleton bankrupt.

Note: The above recording was recorded by a third party with consent of Rodney Norman Culleton. Click on speaker icon.

FINAL POINTS:

As stated above and to reiterate for it's overwhelming importance, it is clear from the findings of the HCA (Kabel) and further upheld (firmly established by two or more witnesses) in the recent findings of the FCFC in **Hrycenko v Hrycenko (by his legal representative Hycenko) [2022] FCAFC 152 (9 September 2022) at point 5**
https://www.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/FCAFC/2022/152.html

*"By the presentation of a creditor's petition, a creditor applies to a bankruptcy court for a sequestration order. The petition is an application for a sequestration order to be made against the debtor. It may only be presented if the conditions specified in s 44 of the Bankruptcy **Act** 1966 (Cth), including the existence of an act of bankruptcy, are satisfied. Section 47 of the Act requires that the creditor's petition be verified by affidavit. Section 52 of the Act provides that at the hearing of the creditor's petition the court may make a sequestration order if, inter alia, it is satisfied of the "matters stated in the petition".*

6. *The jurisdiction to make a sequestration order is conferred by s 43 of the Act which is headed "Jurisdiction to make sequestration orders". Relevantly, s 43(1) of the Act provides that "the [c]ourt may, on a petition presented by a creditor, make a sequestration order against the estate of the debtor" (emphasis added).*

……there is the position of the Trustee who has acted, doubtless in good faith, upon the sequestration order. The Trustee should be heard. It may be necessary to make consequential orders to "untangle and unravel" the position of the parties and the Trustee pursuant to s 35A(6) of the Federal Court of Australia Act 1976(Cth)"
: Robson (as former trustee of the bankrupt estate of Samakopoulos) v Body Corporate for Sanderling at Kings Beach CTS 2942 (2021) 286 FCR 494; [2021] FCAFC 143.

1. *"The factual existence of jurisdictionally flawed orders of inferior courts can raise conceptual difficulties. It is sometimes difficult to determine what consequences flow from a decision that is void, invalid, vitiated or without legal effect. On one view there may be none. Dixon J in Parisienne Basket Shoes Pty Ltd v Why";* and
2. *"Where there is a disregard of or failure to observe the conditions, whether procedural or otherwise, which attend the exercise of jurisdiction or govern the determination to be made, the judgment or order may be set aside and avoided by proceedings by way of error, certiorari, or appeal. But, if there be want of jurisdiction, then the matter is coram non judice. It is as if there were no judge and the proceedings are as nothing. They are void, not voidable (Cp. The Case of the Marshalsea).*

"attempt to cloak the Court with jurisdiction [which is] beyond the power of the slip rule": Al Maha Pty Ltd v Huajun Investments Pty Ltd (2018) 365 ALR 86; [2018] NSWCA 245"

CONCLUSION:
To avoid a Malicious Prosecution and/or Tort, I ask the Prosecutor to provide me the evidence of personal service of a Creditors Petition to Rodney Norman Culleton, as a private individual, not the CORPORATE SOLE, to overcome the evidence (presumption) of the Void Order made in the Inferior Court on 21st of November 2016 and the 19th of December 2016. Furthermore, I have made enquiries with the following department over the standing and prosecutorial powers of the prosecutor due to the Australian Governments failure to create a Royal Styles and Title Act for the King of Australia;

Australian Government

Attorney-General's Department

"Our ref: FOI23/154; CM 23/6473 Your ref: YESHUA956
3 April 2023

Freedom of information request FOI23/154 - Decision letter

The purpose of this letter is to give you a decision about your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act) which you submitted to the Department of the Prime Minister and Cabinet (PMC) and which was transferred under s 16 to the Attorney-General's Department (the department).

Your request

You made an FOI request to PMC on 7 March 2023 in the following terms

I seek the law made by the Parliament of the Commonwealth under the Constitution, binding on all the courts, judges and people of every State and every part of the Commonwealth for the valid creation of a title for the King to adopt in relation to Australia and its Territories.

I seek the document or instrument containing the enumerated head of power to create the Act known as the Royal Styles and Titles, made under the constitution, binding on all the courts, judges and people of every State and every part of the Commonwealth.

On 8 March 2023 the department accepted transfer of your request from PMC. On 20 March 2023 the department acknowledged your request.

A decision for your request is due by 6 April 2023.

My decision

I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to freedom of information requests made to the department.

In making my decision, I have taken the following into account:

- the terms of your request
- advice provided to me by officers with responsibility for matters to which your request relates
- the provisions of the FOI Act, and
- the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act

(the Guidelines).

3-5 National Circuit, Barton ACT 2600 Telephone (02) 6141 6666 www.ag.gov.au ABN 92 661 124 436

Section 24A of the FOI Act relevantly provides that an agency or Minister may refuse a request for access to a document if all reasonable steps have been taken to find the document and the agency is satisfied that the document:

- is in the agency's possession but cannot be found, or
- does not exist"

If this evidence is not provided within three days from the date of this letter, it will be taken to not exist. This will give cause for an uplift to the to the High Court of Australia for remedy and to dismiss the prosecutions in the interest of justice.

Furthermore, I believe Mr Richard Denis Lester and his Son Adrian Lester must face court and answer charges for their continued actions resulting in the unlawful removal of Rodney Norman Culleton from the Senate. The unjust removal resulted in a theft against the people of Western Australia as legitimate victims of this corruption and conspiratorial conduct.

The Senatorship stolen as a result of this unconscionable behaviour prevented from me returning to Parliament which I believe was the ultimate agenda of these individuals and their associates.

REFERENCES:

Al Maha Pty Ltd v Huajun Investments Pty Ltd (2018) 365 ALR 86; [2018] NSWCA 245

Federal Circuit Court of Australia Act 1999 (Cth) s 8;

Federal Circuit and Family Court of Australia Act 2021 (Cth) s 10.

Pelechowski v The Registrar, Court of Appeal (NSW) (1999) 198 CLR 435 at [27], Gaudron, Gummow and Callinan JJ; *Attorney-General (NSW) v Mayas Pty Ltd* (1988) 14 NSWLR 342 at 347, McHugh J and *New South Wales v Kable* (2013) 252 CLR 118; [2013] HCA 26 (***Kable***) [56],

Federal Circuit Court of Australia Act 1999 (Cth) s 8;

Federal Circuit and Family Court of Australia Act 2021 (Cth) s 10.