

## AFFIDAVIT OF DION GEORGE BIRITZ

Application under Section 78 (b) Judicial Act 1903 of the Constitution of the Commonwealth

For the perusal of the Attorney – General of the Commonwealth of Australia and all others TO WHOM IT MAY CONCERN.

I, Dion George Biritz, who currently reside at the address being known as 21 B Wilkinson Road, Sunshine in the State of Victoria 3020 Australia, student at the University of Melbourne (Bachelor of Science / Bachelor of Engineering, BsC/BE-Mech), MAKE OATH and SAY as follows:

1. I am a beneficiary of the estate of the late Mr. George Biritz, my father who past away on 27 August 2007. I have been instructed and duly authorized by all other beneficiaries to make this affidavit which I intend to do so within my own personal knowledge and belief unless otherwise expressly stated to the contrary.
2. I have been personally placed into a situation where I find it necessary and essential to bring this matter to the urgent and immediate attention of the Attorney – General of the Commonwealth of Australia.
3. On 13 July 1998, under Federal Court proceeding VG 7513 of 1998, my father the late George Biritz made an application pursuant of Federal Court Order 35, Rule 7, Subrule 2(b), against the National Australia Bank, herein after referred to as “NAB”.
4. The Applicant sought inter alia to have a Sequestration Order, which was operating against his personal estate, be set aside by the Federal Court on the grounds that it was affected by fraud.
5. My father, in support of his application relied on facts, based upon admissible material evidences to substantiate his entitlement for the relief that he sought against the NAB. At no relevant time material, nor any time whatsoever, had the NAB obtained a Final Order or Final Judgment against the estate of Mr. George Biritz, pursuant of Section 40 1(g) of the Bankruptcy Act 1966.
6. After almost 2 years when the fraudulently procured Sequestration Order was in place against the estate of Mr. George Biritz, and 8 months of unnecessary delays in his application the Honourable Justice North on 12 April 1999 made among other things, the following order:
  - (a) “By 5pm on 21/4/99 the Respondent is to file and serve any affidavits which it intends to rely, restricted to the issue of crediting the Biritz account with proceedings of Sale of certain properties.”

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This document prepared by:  
On behalf of:

Mr. DION GEORGE BIRITZ  
THE APPLICANTS

21B Wilkinson Road,  
Sunshine, Victoria 3020  
Australia  
2<sup>nd</sup> day of January 2008

Date of this Document:

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7. Mr. George Biritz personal assets were as follows;
- (1) Property described in Certificate of Title Volume 9433 Folio 093, situated and being known as 41 Kembla Street, Cheltenham in the State of Victoria.
  - (2) Property described in Certificate of Title Volume 8859 Folio 960, situated and being known as 39 Kembla Street, Cheltenham in the State of Victoria.
  - (3) Property described in Certificate of Title Volume 9370 Folio 492, situated and being known as 3-5 Paxton Drive, Glen Waverly in the State of Victoria.
  - (4) Property described in Certificate of Title Volume 6245 Folio 11, situated and being known as Unit 92 Accapulco Building, Surfers Paradise in the State of Queensland.
  - (5) Property described in Certificate of Title Volume 9507 Folio 768, situated and being known as Lot 54 Springvale Road, Keysborough in the State of Victoria (Biritz Family Matrimonial Home).

All five properties have been effectively sold by the NAB without any legal capacity or statue to do so, but as to date of making this my affidavit I the said Dion George Biritz wish to state that there is no accounting delivered by the NAB into the whereabouts of the Sales Proceeds.

8. When my father moved the court with a further motion, the Honourable Justice North took a drastic turn in the applicant's proceedings and disqualified himself from the case, as he submitted to the court that he is a shareholder of the NAB.

In my personal view, judges ought to sit in a judicial capacity as decision makers ensuring that justice not only be done, but should manifestly and undoubtedly be seen to be done, and not to sit on a case for an extensive period of time only to have a direct pecuniary interest in the outcome of the proceedings.

9. When the application was referred to the Honourable Justice Marshall the court was presented with a medical certificate that Mr. George Biritz is suffering from depression as a direct result of court appearances forced upon him by the Respondent. As an aggrieved and interested party to the proceedings, my mother sought personal leave in the case to be allowed to prosecute the application, but Justice Marshall refused the leave on the grounds that he would not listen to someone who is not a lawyer.
10. Following the rather unusual termination of the proceedings a written request was made on 2 August 1999 by Mr. George Biritz to the Honourable Justice Marshall for the production of the court order to be used for the purpose of an appeal. Instead of forwarding the order Justice Marshall prepared a written response indicating that his honour will not publish nor produce any such court order.

Such denial is a very serious violation of basic rights from appeal for rightful natural justice and uncompromisingly unconstitutional in a democratic society.

Now produced and shown to be marked with the letters "DGB 1" is a true copy the Judges' Chambers Letter dated 2 August 1999.

Notwithstanding the catastrophic consequences, my father's medical depression has lead to an advanced stage of cancer, which has spread into a secondary bone cancer, and unfortunately resulted in his passing.

It has come to my understanding that as an ordinary member of the public I do not posses any right to bring these matters which arise under the constitution before the High Court, Judicial Act 1903 Section 78 (b) authorizes the Attorney – General to intervene in such matters.

In order to rectify this manifest injustice, the nature of the interest is such that public confidence in the integrity of the administration of justice requires the Attorney – General of the Commonwealth of Australia with its statutory obligations to correct the situation by reconsidering the matter on its merits and in fact do all act to achieve affirming the decrees by a termination of the sequestration order which is affected by fraud against the estate of the late Mr. George Biritz.



SWORN BY THE DEPONENT

Dion George Biritz

This 7 Day of January 2008

At ~~Sunshine~~ in the State of Victoria

Melbourne



BEFORE ME

\*\*\*\*\*  
COURTNEY DAVIE  
AN OFFICER ACTING WITH THE  
AUTHORITY OF THE REGISTRAR  
FEDERAL COURT OF AUSTRALIA  
305 William Street  
MELBOURNE VIC 3000

# EXHIBIT "DGB 1"

Application under section 78 B, Judicial Act 1903 of the Constitution of the Commonwealth.

For the perusal of the Attorney – General of the Commonwealth of Australia and all others TO WHOM IT MAY CONCERN.

## EXHIBIT "DGB 1"

This is the exhibit marked with the letters "DGB 1" referred to in the Affidavit of DION GEORGE BIRITZ sworn at Melbourne on the 7 day of January 2008.

Before Me: .....



COURTNEY DAVIE  
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FEDERAL COURT OF AUSTRALIA  
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SEQUESTRATION ORDER  
IN THE FEDERAL COURT OF AUSTRALIA  
VICTORIA DISTRICT REGISTRY  
GENERAL DIVISION

VG7371/97

RE: GEORGE BIRITZ

Debtor

EX PARTE: NATIONAL AUSTRALIA BANK LIMITED  
(ACN 004 044 937)

Petitioning Creditor

ORDER

Registrar Making Order: P. Seccombe

Date of Order: 22 July 1997

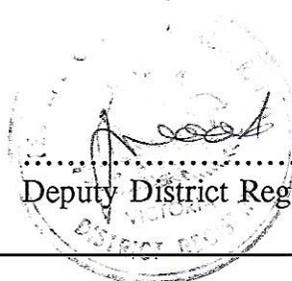
Where Made: Melbourne

THE COURT ORDERS THAT:

1. A Sequestration Order be made against the estate of the debtor, George Biritz.
2. The Petitioning Creditor's costs, of and incidental to the petition, be taxed and paid in accordance with the statute.

Date of Commission of Act of Bankruptcy: 1 June 1997

Date Entered: 22 July 1997



Deputy District Registrar

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Russell Kennedy  
Solicitors  
DX 494  
Melbourne  
Ref: Mr Manly 437740