

**TO THE HONOURABLE MR JUSTICE MICHAEL BLACK
THE CHIEF JUSTICE OF THE FEDERAL COURT OF AUSTRALIA
JUDGES' CHAMBERS
305 WILLIAM STREET,
MELBOURNE VIC, 3000**

**BY FACSIMILE TRANSMISSION
FAX No: 8600 3731**

May, 2000

Dear Sir,

**GEORGE BIRITZ – V – NATIONAL AUSTRALIA BANK LIMITED
APPLICATION TO FEDERAL COURT OF AUSTRALIA No VG 7513 of 1998**

**IN THE MATTER OF: COMPLAINT AGAINST JUSTICE NORTH
AND JUSTICE MARSHALL**

I, Erika Biritz who currently resides at 1 TWOHIG COURT, DANDENONG NORTH, 3175 in the state of Victoria before implementing my further actions against the Federal Court of Australia, which is to achieve the most comprehensive and credible outcome for restoring the faith and lives of my family, I have been placed into the situation where I find it necessary to briefly outline the following matters and relevant facts in order to draw it to the attention of the Honourable Chief Justice of the Federal Court.

On 13 July, 1998 Mr George Biritz made an Application under Federal Court No VG 7513 of 1998 pursuant of ORDER 35 RULE 7, SUBRULE 2(B).

The Applicant sought to set aside a Sequestration Order made against his estate on 22 July, 1997 which has been procured by Fraud on behalf of National Australia Bank Limited (ACN 004 044 937).

In support of the Application the following were submitted to the Federal Court:

The National Australia Bank did not have any legal capacity or status to commence Bankruptcy proceedings for an alleged sum of \$4,910 as at no time the material obtained or held a Final judgement or a Final order oblige the Applicant to pay the sum of \$4,910 or any sum whatsoever. See Principal requirement pursuant of the Bankruptcy Act 1966, s.40(1)(g).

The bank did not enter an order under rule 62.7(2) "for the payment of taxed costs", nor obtain an order under rule 62.45(3). Therefore the bank cannot in any legal sense be capable to being characterized as a judgement creditor.

Russell Kennedy Solicitors on behalf of the National Australia Bank generated a bundle of fraudulent Federal Court documents including a Sequestration Order under proceeding No. VG 7371 of 1997. The Bankruptcy Notice and a Creditor's Petition however is bearing an entirely different proceeding no. VN 2655 of 1996.

Under the sequestration order no. VG 7371 of 1997 the Federal Court of Australia could not have issued proceedings as from the 16th day of December, 1996, because the Bankruptcy Administration had been Amended.

The Official Trustee during the course of Application proceedings admitted to the court in writing, that they were not involved in the preparation of the documents (Bankruptcy Notice, Creditor's Petition etc.)

Furthermore:

The Creditor's Petition was invalid because –

- (a) the Bank had not obtained a judgement against the applicant on 7 December, 1995;
- (b) wrongly asserted that the applicant was indebted to the Bank pursuant to a judgement;
- (c) wrongly described the Bank as a judgement creditor;
- (d) failed to disclose the source of the Quantification of the sum of \$4,910.

Further and alternatively, the Creditor's Petition was invalid because it asserted an act of bankruptcy (1 January 1997) within the 14 day period which the applicant had to comply with the Bankruptcy Notice. The Applicant was allegedly served with the Bankruptcy Notice on 18th December, 1996.

In the alternative, the Petition was invalid and of no effect because GARRY RAYMOND TIBBALLS had no authority pursuant of the Power of Attorney to execute or sign a Creditor's Petition.

The Sequestration Order which not associated with ancillary documentation pursuant of the bankruptcy procedures on no. VG 7371 of 1997, contained too many technical errors on the document which made it impossible to believe that these documents could have originated from the Federal Court. On the original order, it is clearly shown that even the name of the Registrar, who allegedly made the order has been altered by erasure. The typed name "S. AGNEW" can be read underneath the handwritten name "P. Seccombe" as the name of the Registrar.

In accordance with Federal Court Form 152, order 77, subrule 21 (2), the Sequestration order procured on behalf of the Respondent is obviously another document entirely.

After almost 2 years when the fraudulent Sequestration order was in place against the estate of George Biritz and 8 months of unnecessary delays in the Applicants case, which should have taken no more than 15 minutes consideration, Justice North made an order which accordingly the Respondent had to account by 5 p.m. 21 April, 1999 for all the sale proceeds of the Biritz personal properties being credited with the bank. The properties were situated and the amounts are as follows:

3-5 Paxton Drive, Glen Waverley	\$ 460,000
41 Kembia Street, Cheltenham	\$ 710,000
39 Kembia Street, Cheltenham	\$ 390,000
Unit 92 Accapulco, Surfers Paradise	\$ 250,000
Lot 54 Springvale Road, Keysborough (the Biritz family matrimonial home)	\$1,060,000

The Respondent breached Justice North's order by failing to comply with it and committed contempt of Court.

When the Applicant moved the court with a further motion Justice North took a drastic turn in the proceedings and disqualified himself from the case, as he submitted that he is a shareholder of the National Australia Bank.

There is no question to be tried any further by the Court. Undoubtedly the Applicant had a cross-claim far in excess of the Bank's claim and in equity the Bank's claim should not be able to be enforced prior to the applicant's claim being determined. This denial of natural justice is serious.

Unless Justice North wishes to establish that for 8 months while sitting on a case he was involved with one of the parties by virtue of his shareholding and had a direct pecuniary interest in the outcome of proceedings in a Fraud Application being brought against the National Australia Bank, and got caught by the principal of the High Court Rules that nobody may be judge in his own cause (NEMO JUDEX IN SUA CAUSA).

Then only one conclusion remains:

Corruption has grown so wide spread and sophisticated that it threatens to undermine the very fabric of society.

Obviously a bribe to the right person would enable the Respondent not to lose this lawsuit. Furthermore, at times a bribe may provide a convenient means of avoiding punishment. Corrupt people turn a blind eye to the suffering that their corruption inflicts on others, and they justify bribery simply because they benefit from it. And when those who extort bribes or pay them to gain an unfair financial advantage on the expenses of my family, I will make sure they do not go unpunished. It is considered that Justice North directly or indirectly was involved in a sustained and systematic course of criminal conduct which involved deliberate dishonesty, deception, artifice and concealment to the detriment of the Biritz family.

When the proceeding was referred to Justice Marshall, I presented to the Court, that my husband Mr Biritz was medically certified as a sufferer of depression, being a direct result of court appearances, which were forced upon him. I also sought personally leave in the case as an aggrieved and interested party to the matters to be allowed to prosecute the application, but Justice Marshall refused a leave on the grounds that I am not a lawyer.

Unfortunately however that does not disqualify myself as a mother of 3 young aged children from my continuous responsibilities and duties to struggle for daily basic needs in an attempt to support my family.

The family who was made penniless and homeless by the National Australia Bank.

The consequences have become catastrophic. As far as Justice Marshall's involvement is of concern, it must be remembered the High Court's fundamental importance is that justice should not only be done, but should manifestly and undoubtedly be seen to be done. Justice must be rooted in confidence; and confidence is destroyed when right-minded people go away thinking, "The judge was biased".

I wish to draw attention to the fact that the circumstances were such, that there was a real danger of bias in the sense that the decision maker unfairly regarded with favour, the case of a party to the issue under consideration, and the circumstances are such that they must inevitably shake public confidence in the integrity of the administration of justice if Justice Marshall's decision is to be allowed to stand.

The nature of the interest is such that public confidence in the integrity of administration of justice requires the Honourable Chief Justice of the Federal Court of Australia to correct the situation by reconsidering the matter on its merits, and in fact affirm the decrees by ordering the Sequestration Order which was procured by Fraud against the estate of George Biritz on 22 July, 1997 to be set aside, as it was sought by the Applicant pursuant of ORDER 35, RULE 7 SUBRULE 2 (B) in case no. VG 7513 of 1998. "Judicial Ethics, Legal Ethics and Professional Responsibility" should also be remembered. Please note hereby, that failure to comply with this request will result in my family no longer being able to be silent suffers and tolerate denial of rightful natural justice.

The prosecution of Justice North and Justice Marshall will be demanded immediately by the High Court. And there will be no stone unturned to ensure that this case will also be aired in the Federal Parliament, as my family in the current circumstances have been forced to accept a Social Security pension as the only source of income, which is in direct conflict with the Commonwealth polices. There is no doubt in my mind that the Government would be convinced that a proper accountable code of conduct be legislated to ensure that these improper individual actions do not escape impunity.

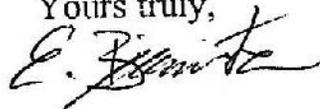
The publication of this case will be packaged to demonstrate to all avenues of the media, the horrific cost to my Hungarian migrant family who had prospered in this country by using our skills and then how that same successful family was down trodden by those who maintain their superior position in society by utilising fraudulent actions.

The objective of the publication of this case is to gather positive public opinion, and demonstrate the greed, web of deceit, the need for legislative reforms, and to ensure that the community at large is protected from people in positions of public trust, especially those who abuse their powers, by evil injustices against the victim for their personal gain and how the judiciary rubber stamped these injustices.

As a separate matter I wish to advise that a Criminal Judiciary has been informed in regard of this case to ensure that my family no longer has to tolerate any further threats, harassment's and intimidation's to be silent.

The ancillary documentation for the Honourable Chief Justice's perusal will be forwarded by registered mail directed to the Judges' Chambers.

Yours truly,



E. Biritz