

DISTRICT COURT OF QUEENSLAND

REGISTRY: Cairns

NUMBER:

Plaintiff:

AND

First Defendant:

Name

AND

Second Defendant

Name

AND

Third Defendant

Magistrates Court of *State*

STATEMENT OF CLAIM

This claim in this proceeding is made in reliance on the following facts:

1. By reference to S 5 Commonwealth of Australia Constitution Act 1900 this Act and the laws of the Commonwealth made under this Constitution shall be binding on the “courts judges and people” of every state notwithstanding anything in the laws of any State.
2. This fact means that all the laws passed by the Parliament of the Commonwealth under the Constitution become part of the Constitution and a failure to know and abide by them becomes a Commonwealth offence and by reference to S 43 Crimes Act 1914 the integrity of judicial proceedings throughout the Commonwealth is guaranteed by that enactment.
3. Further the International Covenant on Civil and Political Rights is a law of the Commonwealth and may be found as Schedule 2 to the Australian Human Rights Commission Act 1986 and as an element of an Offence against S 268:12 Criminal Code Act 1995 which makes binding the Articles 9 and 14 of the International Covenant on Civil and Political Rights on the “courts judges and people” of the Commonwealth.
4. It was “Ultra vires” the power of the States and Parliament of the Commonwealth to conspire together and to have enacted S.9 Australia Act 1986, to grant Sovereignty to the States to pass un-Constitutional Legislation, and put it beyond judicial review by the judicial power of the Commonwealth.
5. The Honourable District Court of Queensland in 1985, by S 15C Acts Interpretation Act 1901 when constituted as it is able to do with a jury and exercising Federal Jurisdiction under Ch III Constitution, has unlimited Judicial Review powers, and is not fettered by any monetary limit imposed by State Legislation.
- 6, By Article 14 International Covenant on Civil and Political Rights all persons are equal before the Law and to treat Australians as second-class citizens in their own country and subject them to

arbitrary Judgement is also an offence against S 268:12 Criminal Code Act 1995 which was enacted to give power to Australians to enforce the law of the Commonwealth when their civil and political rights are abused or ignored and the Police and State Authorities will not or are unwilling to act. This power is granted by S 15F Crimes Act 1914.

7. The *Name* Shire Council is a Statutory corporation created by the Local Government Act 2009 S 11, and it is, as a Body corporate, able to be sued and sue as such.

8. Prior to the Local Government Act 2009 Local Councils had the power to assess the cost of maintaining the roads, byways and supplying services to the Local Community, and dividing the cost based upon the unimproved value of all land within its boundaries and levying a Rate to cover that cost.

9. Shire Councils were originally constituted under the Local Authorities Act 1901 (reflecting the Federation of the States of Australia) as amended, and universally accepted as equitable and fair as provided by the Act.

10. The First Local Government Act was enacted in 1993 and an attempt was made to make them legitimate by referendum but it was not successful.

11. The plaintiffs, as set out in the Schedule for this action are all people who have legitimate concerns about the conduct of the *Name* Shire Council.

12. On *date*, the First Plaintiff in company with the other Plaintiffs as Witnesses attended the Magistrates Court of Queensland at *Place* and sought a judicial review of the authority of the *Name* Shire Council to take legal action to recover Rates when the Rates were only in arrears for *number* year(s) as they thought this unfair.

12. The judicial power of the Commonwealth was supposed to be established by Queen Victoria's Letters Patent 1900 instructions to the Governor General who was instructed to appoint deputies in every part of the Commonwealth and appoint all Judges, Magistrates and Justices of the Peace in the name of the said Queen Victoria.

13 In 1984 a Prime Minister named Bob Hawke purported to repeal that Queen Victoria's Letters Patent 1900 and substitute his own and instruct the Governor General to not execute and maintain the law of the Commonwealth or do his duty and appoint deputies in every part of the Commonwealth. In 2008 the year before the Local Government Act 2009 was enacted, one Kevin Rudd issued it again in gender-neutral language, but both documents were non-compliant with s 4 Commonwealth of Australia Constitution Act 1900 and are void ab initio as "ultra vires".

14. Further a Magistrate in Queensland is obliged to take an Oath of Allegiance to the Sovereign, and that Sovereign was Her Majesty Elizabeth the Second the then lawful Sovereign of the United Kingdom and an heir of Queen Victoria. Queen Victoria and Her Majesty Elizabeth the Second were each required to take the Oath in the Statute 1 Will and Mary C 6 (Coronation Oath) (1688) and that Oath by Queen Victoria's Letters Patent 1900 binds all Judges and Magistrates and Justices of the Peace in the Commonwealth.

15. The Magistrates Court of Queensland is a Corporate Court with a Judge as defined in S. 2 Judiciary Act 1903 (Cth) and the Magistrate is bound by S, 79 Constitution as one of the "courts judges and people" of the Commonwealth, and when exercising jurisdiction over a dispute involving land had a duty to decline to exercise jurisdiction and refer the matter to a court with

judges as required by the “Kable Principle”. This proceeding is an Appeal against the Judgment of 2nd December 2022 by S 2 Judiciary Act 1903 (Cth) definition of Appeal.

16. On that day, the Magistrate gave arbitrary judgement to the *Name* Shire Council in the sum of *\$amount* and by doing so offended the laws of the Commonwealth applying to his Commission as a Magistrate for the benefit of the second defendant.

17. By s 42 and 43 of the Acts Interpretation Act 1954 (Q) the action for a penalty is part of the law of Queensland and it is provided by S 80 Judiciary Act 1903 (Cth) that the Common Law is to govern the conduct of such proceedings⁴, and by S 82 Judiciary Act 1903 (Cth) the District Court of Queensland is a proper venue for such a suit.

18. Since the *Name* Shire Council used a licenced lawyer as their representative, and as a condition of that person’s licence, the conduct of the case, in case of negligence, will be subject to a claim on the insurance the lawyer is obliged to have.

19. The Parliament of the Commonwealth has provided a formula for calculating the liquidated penalties that accrue under S 4B Crimes Act 1914 as follows:

The prescribed penalty is expressed in years for the maximum term of imprisonment in months. Each month attracts 5 penalty units, each penalty unit is presently \$222. For a Corporation, the penalty is five times that for an individual.

The plaintiff (s) claim the following relief:

The Penalty due from Magistrate *Name*:

Breach of S 43 Crimes Act 1914 (10 years imprisonment)	\$133,200
Breach of S 268:12 Criminal Code Act 1995 (17 years imprisonment)	\$226,400.
Total:	\$359,600

Breach by Mareeba Shire Council under S 11.2 Criminal Code Act 1995

Breach of S 43 Crimes Act 1914 (10 years imprisonment)	\$133,200
Breach of S 268:12 Criminal Code Act 1995 (17 years imprisonment)	\$226,400
Multiplied by five times:	\$ 1,798,000

Magistrates Court of Queensland (corporate Penalty)	\$1,798,000
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Total:	\$3,955,600
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In the event the matter is contested and the Plaintiffs elect a jury trial.

Signed for the Plaintiffs

Description: First Plaintiff

NOTICE AS TO DEFENCE

Your defence must be attached to your notice of intention to defend. NOTICE UNDER RULE 150(3)ⁱ

The plaintiff claims:

\$.....

\$..... for interest; and

\$.....for costs of issuing the claim and this statement of claim.

The proceeding ends if you pay those amounts before the time for filing your notice of intention to defend ends. If you are in default by not filing a notice of intention to defend within the time allowed, the plaintiff is entitled to claim additional costs of \$....., costs of entering judgment in default.

Schedule of Plaintiffs.

1 etc

iThis notice is to be included if the plaintiff's claim is for a debt or liquidated demand only.