

# IN THE HIGH COURT OF AUSTRALIA

Registry : Brisbane  
No : B17/2014

BETWEEN :

**Applicant : Peter Markan**

AND :

**Respondent : Crime and Misconduct Commission**

RE: Appeal CA 9591 of 2013

SC No 4516 of 2013

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## WRITTEN CASE

### Part I:

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1. Although this Application is in the personal matter it highlights the fundamental problem with oligarchical arrangements in legal system in Queensland/Australia and the corruption, rottenness and depravity of the feudal anglo pseudo 'legal' system which passed it's 'use by date'.

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2. In this case I am raising several issues of disregard for laws and human, civil and political rights of Queensland residents.

Such conduct appears to be prevalent way among Queensland judiciary when administering 'justice' and due to 'immunity' is practically un-punishable.

a. 'Judges', Margaret A McMurdo, Robert Gotterson, Philip Morrison acknowledged, accepted and admitted that they are illegitimate imposters, therefore they stopped functioning as judges under any recognizable legal principles.

b. Supreme Court of Queensland deprived me the access to justice by failing to provide legitimate judges to hear the case.

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c. Margaret A McMurdo, Robert Gotterson, Philip Morrison choose voluntarily to listen to my issues I have with 'Crime and Misconduct Commission' as private citizens, therefore they abandoned the authority to make any legally binding decisions.

d. By publishing on 01.04.2014 bizarre fictitious 'judgement' in this matter, those 3 individuals, at the time - private citizens, choose to abuse their ability to access Supreme Court physical resources and they impersonated judicial officers – which, are the criminal offences under sections 96 and 97 of Criminal Code Act 1899 which is THE LAW.

e. The 'judgement' is in reality just a grotesque obscenity of the rule of law, looking at the fact that all the statements and declarations I made in Court have not been legally challenged nor contradicted by CMC lawyers therefore, according to law, they became VALID EVIDENCE in Court but nevertheless they were 'rejected' and the 'judgement' in favour of CMC was made. This is the evidence of - Lawyers Mafia at work, racist attitude, discrimination and vilification of people who are not lawyers and not of anglo origin and who represent themselves in courts; and denial of the protection by law to those people.

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APPLICANT'S Written Case  
High Court of Australia  
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## Part II:

3. 27.10.2008 - I was convicted in District Court in Southport by judge Leanne Clare to 4 years imprisonment for breaking the hand of the person who attacked me.  
(*R v Markan DC 286 of 2008*)
- 10 4. November 2008 - I engaged for the Supreme Court appeal lawyer Peter Russo with barristers Tim Carmody and Douglas Wilson. Peter Russo, was promising to do what I wanted to be done until I signed the release of the fee money from the trust account and then, he (and his 2 barrister accomplices) sabotaged the appeal by not bringing important matters for judges attention and abandoned the sentence appeal without my knowledge or permission. It was done in such manner that I could not object or prevent it.  
(*R v Markan [2009] QCA 110*)
5. June 2009 - I lodged complaint against conduct of lawyer Peter Russo with Legal Services Commission. LSC dismissed my complaint.  
(NONE OF THE ALLEGATIONS CAN BE SUBSTANTIATED)
- 20 6. November 2009 - I applied in Supreme Court for judicial review of LSC decision - judge Philpides did not find anything unusual with such conduct.  
(NONE OF THE ALLEGATIONS CAN BE SUBSTANTIATED)  
(*Markan v Legal Services Commission SC B8190 of 2009\_UNREPORTED*)
7. November 2009 - I engaged lawyer John Paul Mould and barrister Paul Smith for the appeal to High Court. They took A\$ 5500 for promising to give 'legal advice' about matters suggested by me for the appeal. In return for my money I received 3 letters with rubbish in them purporting to be legal advice and no 'legal opinion' about the issues I asked about. Money was withdrawn from the trust account without my permission.
- 30 8. May 2010 - I lodged complaint against lawyer John Paul Mould with Legal Services Commission. LSC in a typical bureaucratic ploy to divert attention from the core issue to a trivial one reluctantly agreed to prosecute JPM for minor breach ONLY which was intended to camouflage the major dishonesty of JPM. Almost THREE YEARS later even such symbolic slap on the wrist has not been done. My core complaint was dismissed.  
(NONE OF THE ALLEGATIONS CAN BE SUBSTANTIATED)
- 40 9. May 2011- I applied for judicial review of Legal Services Commission decision in Supreme Court - judge Atkinson did not find anything unusual with such conduct  
(NONE OF THE ALLEGATIONS CAN BE SUBSTANTIATED)  
(*Markan v Legal Services Commission [2011] QSC 338*)
10. May 2011 - I lodged complaints about conduct of barristers Paul E. Smith, Tim Carmody and Douglas Wilson to Bar Association of Queensland.  
In spite of reminders I did not receive any correspondence. Complaints later dismissed.  
(NONE OF THE ALLEGATIONS CAN BE SUBSTANTIATED)
11. February 2013 - I started in Supreme Court the proceedings against Bar Association of Queensland. My application for selection of the suitable person as trial judge was dismissed and my claim against Bar Association of Queensland was dismissed as well.

*(Markan v Bar Association of Queensland (No 1) [2013] QSC 108)*  
*(Markan v Bar Association of Queensland (No 2) [2013] QSC 109)*  
*(Markan v Bar Association of Queensland [2013] QSC 146)*

**12.** April 2013 and June 2013 - I appealed to Supreme Court both decisions - selection of the trial judge and dismissal of my claim against Bar Association of Queensland. Both appeals were dismissed.

*(Markan v Bar Association of Queensland [2013] QCA 379)*

10 **13.** June 2013 - the Invoice to BAQ for my service to them of 'public ridicule' and 'public humiliation' was not paid forcing me to instigate the Court action to recover the money due to me.

**14.** 26.07.2013 - my application for the selection of suitable person as the trial judge (based on the provisions of Article 14 of The International Covenant on Civil and Political Rights) was rejected.

*(Markan v Bar Association of Queensland\_No 6041 of 2013\_UNREPORTED)*

20 **15.** Mr Fryberg (as the judge) refused to recuse himself, in spite of admitting getting financial benefits and having extensive connection with BAQ which was the other party in the Court and he issued the order in favour of BAQ.

*(Markan v Bar Association of Queensland\_No 6041 of 2013\_UNREPORTED)*

**16.** February 2014 my appeal to SC Appeal Court in this matter was rejected.

*(Markan v Bar Association of Queensland [2014] QCA 34)*

**17.** My complaints to Crime and Misconduct Commission against Lawyers Mafia remained ignored by that organisation forcing me to start a court case against them for failing to protect me against Lawyers Mafia. The case was rejected by Mr Boddice.

30 *(Peter Markan v Crime and Misconduct Commission SC B4516 of 2013\_UNREPORTED)*

**18.** My appeal from that decision was rejected in spite of the fact that 'judges', Margaret A McMurdo, Robert Gotterson, Philip Morrison acknowledged, accepted and admitted that they are illegitimate imposters.

They choose voluntarily to listen to my issues I have with 'Crime and Misconduct Commission' as private citizens, therefore they abandoned the authority to make any legally binding decisions and in spite of that they made bizarre 'judgement' in favour of CMC.

*(Markan v Crime and Misconduct Commission [2014] QCA 060)*

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**19.** When contacted State other legal (not judicial) institutions - Department of Public Prosecutions, etc. - being lawyer dominated outfits they gave me the same type of responses. (NONE OF THE ALLEGATIONS CAN BE SUBSTANTIATED)

### Part III:

#### 20. My fight with lawyers mafia in Queensland has to be looked from the perspective of the reality of this legal/political system.

Lawyer-politicians have been the 'dominant influence' in English-speaking legislatures for centuries, and effectively remain an oligarchy creating perfidious 'laws' which intention is merely to pretend that 'rule of law' is maintained while in reality protecting the abuse of citizens by 'independent' institutions.

**It is openly 2 tier system** - one set of laws and rules for THEM and another one for US.

#### 21. At the start of the Court hearing, on the basis of the provisions of **Article 14 of The International Covenant on Civil and Political Rights** -

*'All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of **his rights and obligations in a suit at law**, everyone shall be entitled to a fair and public hearing by a **competent**, independent and impartial tribunal established by law.'*

I requested Supreme court judges - Margaret A McMurdo, Robert Gotterson, Philip Morrison - to provide the evidence of their competence as judges.

**All 3 failed to provide the evidence.** (transcript - 2.33 to 3.45)

#### 22. Therefore, I reminded them that according to the rules in anglo law - if there is no evidence introduced in court that means that **there is no evidence**.

As there was no evidence in Court of them possessing any competency they did not have any legitimacy to be judges according to democratic principles, Australian/Queensland and international law, therefore I publicly and officially declared them to be **a kangaroo court**. (kangaroo court - as in dictionary meaning) (transcript – 4.15)

**No objections, NOT A SINGLE WORD OF PROTEST, no legal challenge**

#### 23. That declaration was pronounced publicly in the Supreme Court and not in the middle of a desert, therefore it carries with it the authority of the Supreme Court as the legal institution.

Margaret A McMurdo, Robert Gotterson, Philip Morrison **acknowledged, accepted and admitted** that they are illegitimate imposters. This became the established fact according to the very basic principles of the 'Adversarial legal system' operating in Australia.

#### 24. By failing to provide in Court the evidence of their competence as judges **they failed to recognize and respect my human, civil and political rights therefore they INFRINGED and ABUSED THOSE RIGHTS**.

#### 25. Courts do not belong to judges or to lawyers - Courts belong to people.

Therefore, as the responsible citizen, in the absence of any legitimate authority, I took the legal proceedings onto myself.

I informed - Margaret A McMurdo, Robert Gotterson, Philip Morrison - that I am treating them just as the public gallery and they are welcome to listen to my issues I have with 'Crime and Misconduct Commission' **as private citizens**. (transcript – 4.23 to 8.24)

**They choose voluntarily** not to interfere with me exercising my unalienable human, civil and political rights, and my citizen's duty – **without any legal challenge**.

(transcript – 8.26 to 8.44)

Therefore, I presented my case in legitimate court without illegitimate judges.

APPLICANT'S Written Case

High Court of Australia

Peter Markan v Crime and Misconduct Commission

NUMBER: B17/2014

Form 18

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26. **The basis of my LEGAL STANDING** and my right to the **independent and competent arbiter** as valid and legal requirement in Australia and in Queensland arises from the provisions of article 109 *Inconsistency of laws* and 117 *Rights of residents in States* of the Australian Constitution and the unalienable possession of human rights as LEGALLY recognised and codified by **The International Covenant on Civil and Political Rights** and which are included in

- **Australian Human Rights Commission Act 1986** - Schedule 2
- **Charter of Human Rights and Responsibilities Act 2006** - VICTORIA
- **Human Right Act 2004** - ACT

27. In spite of efforts by Queensland barristers and Queensland judiciary to the contrary - the human rights as recognised and codified by The International Covenant on Civil and Political Rights - are in fact valid law in Queensland. Therefore, any breaches of those rights are 'criminal offence' and judges committed the criminal act.

28. One of the main reasons for the lack of justice in Queensland 'justice system' are the current criminal arrangements in the selection of judiciary in Queensland.

The 'legal' excuse for such situation is the discriminatory, apartheid style provision of section 59 of the Constitution of Queensland 2001 - which should be repealed.

It creates de facto totalitarian regime consisting of lawyers only.

**Constitution of Queensland 2001 - 59 Appointment of judges**

- (1) The Governor in Council, by commission, may appoint a barrister or solicitor of the Supreme Court of at least 5 years standing as a judge

29. That section of the Constitution is illegal – breaching the provisions of The International Covenant on Civil and Political Rights - **Articles 2, 3, 25, 26.**

30. This is also in breach of Statute of Monopolies 1623 - 21 James 1 ch 3 ss 1 and 6 - by giving monopolistic privilege to a specific group of people in the society.

*All Monopolies and all Commissions Graunts Licences Charters and tres patents heretofore made or graunted, or hereafter to be made or graunted to any person or persons Bodies Politique or Corporate whatsoever of or for the sole buyinge sellinge makinge workinge or usinge of any thinge within this Realme or the Dominion of Wales, or of any other Monopolies, or of Power Liberty or Facultie to dispence with any others, . . . are altogether contrary to the Lawes of this Realme, and so are and shalbe utterlie void and of none effecte, and in noe wise to be putt in ure or execucion.*

31. This is also in breach of Magna Carta (1297) 25 Edw 1 c 29 – by selecting as judges and allow to hear court cases by people who put themselves as delusionary 'master class' (as per Constitution of Queensland 2001, section 59) and are therefore outside of the society by not being equal to a normal citizens.

*'No free man shall be taken indeed imprisoned, or dispossessed, or outlawed, or exiled, or in any manner destroyed, nor pass over him, nor send over him, except by means of the lawful judgment of his own equals which is the law of the land.'*

32. Selection by Lawyers Mafia some stooges as 'judges' does not comply with 'the law of the land' principle as well. They are not Aboriginal Elders who are the lawful careers of this land according to High Court decision.

Mabo v Queensland [No 2] (1992) 175 CLR 1 (Mabo) declared that terra nullius had

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never legally existed and that it had been wrongfully applied to Australia.  
That decision affects all English laws imported to Australia and assumed to be valid.

33. The attempt by those 3 individuals to pretend that there was a legitimate court hearing was also in breach of due process of law as guaranteed to me by:

- **Observance of Due Process of Law - Statute 1368 - Imperial Act 3**

*None shall be put to answer without due process of law*

*ITEM, at the request of the Commons by their petitions put forth in this Parliament, to eschew the mischiefs and damages done to divers of his Commons by false accusers, which oftentimes have made their accusations more for revenge and singular benefit, than for the profit of the King, or of his people, which accused persons, some have been taken, and sometime I caused to come before the King's Council by writ, and otherwise upon grievous pain against the law: It is assented and accorded, for the good governance of the Commons, that no man be put to answer without presentment before Justices, or matter of record, or by due process and writ original, according to the old law of the land: And if any thing from henceforth be done to the contrary, it shall be void in the law, and holden for error.*

- **Liberty of Subject (1354) 1354 CHAPTER 3 28 Edw 3**

The STATUTE of The Twenty-eighth Year of King Edward III.

***III None shall be condemned without due Process of Law.***

*ITEM, That no Man of what Estate or Condition that he be, shall be put out of Land or Tenement, nor taken, nor imprisoned, nor disinherited, nor put to Death, without being brought in Answer by due Process of the Law.*

which are the valid laws in this State - IMPERIAL ACTS APPLICATION ACT 1984  
Queensland Legislation.

34. On the 01.04.2014 about 5pm I had a phone call from the Supreme Court official informing me that the 'judgement' in this matter was published on <http://www.sclqld.org.au/caselaw/QCA/2014/060>

35. After verifying that fact it is obvious that those 3 people, at the time - **private citizens** - choose to abuse their ability to access Supreme Court physical resources and **they impersonated judicial officers** – which are the criminal offences under sections 96 and 97 of Criminal Code Act 1899 which is THE LAW in Queensland.

36. **All the statements and declarations I made in Court have not been legally challenged nor contradicted by CMC lawyers therefore, according to law, they became VALID EVIDENCE.** They became the established facts according to the very basic principles of the 'Adversarial legal system' operating in Australia.

37. This is the evidence of Lawyers Mafia influence and the CARTEL arrangements between 'judges' and lawyers looking at the fact that all my arguments were not legally challenged in Court but nevertheless they were rejected and the 'judgement' in favour of CMC was made.

38. This is the evidence of discrimination of self-represented people in courts by not giving them any chance of success, therefore forcing people`s to pay to lawyers UPFRONT the ransom of the 'professional fee' in return for a vague promise.

39. I brought in Court another important issue of legal fiction of the 'State of Queensland' as a commercial entity registered with United States Securities and Exchange Commission under number 1244818, just as a commercial organisation. By not being legally a political entity but a 'commercial organisation' there is no legal basis for the 'State of Queensland' to create valid laws and to expect people to obey those laws.

10 So called 'judges' **remained silent on this matter.**

40. A person like myself cannot get through the protection racket created by lawyers mafia to its members and my every attempt in the fight against those criminals is paralysed. The lesson I learned is that those so called 'laws' are used solely for the persecution of people outside of the lawyers mafia and judges are in fact acting like mafia dons 'legally' offering protection to compatriots in mafia by using so called 'discretion' allowing them to bypass all provisions of law applicable to other people.

20 41. Consistent with the rules of their society of mutual adoration - they are helping each other when trying to cover up the perfidy of the initial perpetrators, obeying their own code of silence and in effect disclosing the abyss of the corruption, depravity and rottenness of the whole system.

42. One of your guys, Lord Diplock in the GCHQ Case, commented about such conduct 'applies to a decision which is so outrageous in its defiance of logic or of accepted moral standards that no sensible person who had applied his mind to the question to be decided could have arrived at it.'

#### Part IV:

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43. The issues I am bringing for This Court attention are of great public importance because of the preservation of the society trust in the fairness of the administration of justice and the fair and just conduct of the persons selected as the judges in performing their duties.

44. This Court decision is essential to the ultimate determination **why** people like me, with non anglo background and non lawyers, are discriminated against and have our rights abused/ignored by Queensland courts and socially dysfunctional 'legal system' not conforming with the natural laws.

40 45. Since the current arrangements in the selection of judiciary are **illegal monopolies** - operating under implied consent and power that they have usurped and otherwise stolen from the people (Australian CITIZENS) - I request This Court to declare that me and people like me **ARE** eligible for the selection to judiciary - as the branch of government.

#### Part V:

I do not own any property and have very limited income.

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## Part VI:

(*R v Markan* DC 286 of 2008)

(*R v Markan* [2009] QCA 110)

(*Markan v Legal Services Commission* SC B8190 of 2009\_UNREPORTED)

(*Markan v Legal Services Commission* [2011] QSC 338)

(*Markan v Bar Association of Queensland (No 1)* [2013] QSC 108)

(*Markan v Bar Association of Queensland (No 2)* [2013] QSC 109)

(*Markan v Bar Association of Queensland* [2013] QSC 146)

10 (*Markan v Bar Association of Queensland* [2013] QCA 379)

(*Markan v Bar Association of Queensland*\_No 6041 of 2013\_UNREPORTED)

(*Markan v Crime and Misconduct Commission* SC B4516 of 2013\_UNREPORTED)

(*Markan v Bar Association of Queensland* [2014] QCA 34)

(*Markan v Crime and Misconduct Commission* [2014] QCA 60)

The transcript of the Court hearing from 21.03.2014

The 'judgement' as published on 01.04.2014

<http://www.sclqld.org.au/caselaw/QCA/2014/060>

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**Australian Human Rights Commission Act 1986** - Schedule 2 - International Covenant on Civil and Political Rights

### Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, **without distinction of any kind**, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

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2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

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(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

### Article 3

The States Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

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#### Article 14

‘All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law.’

#### Article 25

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

- 10 (a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
- (b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- (c) **To have access, on general terms of equality, to public service in his country.**

#### Article 26

20 All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or **other status**.

#### Constitutional rights

##### 117 Rights of residents in States

A subject of the Queen, resident in any State, **shall not be subject in any other State to any disability or discrimination** which would not be equally applicable to him **if he were** a subject of the Queen resident in such other State.

##### 109 Inconsistency of laws

30 When a law of a State **is inconsistent with a law of the Commonwealth**, the latter shall prevail, and **the former shall**, to the extent of the inconsistency, be invalid.

#### Part VII:

I am requesting to supplement this summary with oral argument.

Signed by the applicant

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Peter Markan .....

Dated : 28.04.2014