

IN THE HIGH COURT OF AUSTRALIA

Registry : Brisbane

No : B1/2014

BETWEEN :

Applicant : Peter Markan

and :

Respondent : Bar Association of Queensland

RE: Appeal No 5272 of 2013

SC No 928 of 2013

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APPLICANT'S SUMMARY OF ARGUMENT

Part I:

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 anglo 'legal' system which passed it's 'use by date'.
- 20 2. As the victim of the crime committed by lawyers/barristers I have approached Queensland Supreme Court and Appeal Court seeking redress and justice. I have asked the law for protection and the law failed in its duty to protect me and to provide justice thus promoting the idea that the crime, when committed by lawyers, pays. The fact that Queensland legal system is the monopoly of lawyers helps them to avoid responsibility.
3. In this Appeal I want to raise the issue of the atrocious methods, as the trademark of that 'legal system', used by Ms Atkinson and the Appeal Court to 'justify' making decision – because such conduct seems to be prevalent way among Queensland judiciary when administering 'justice' and due to 'immunity' is practically un-punishable.
- 30 4. Second issue relates to the workings of that depraved 'legal system' and the tramping of 'democratic' procedures when it comes to the selection of persons for the judiciary. The wholesale injustice of the legal system (to which I have been subjected) is the consequence of the dominance of legislatures and executive branches of the governments by lawyers, who make less than 1% of population but are over-represented in parliaments and executive branches of the governments (over 30%).
- 40 5. Although I am Australian citizen, me and people like me, are limited to being 'eligible' to be elected only to two branches of government (legislative and executive branches of the governments) by the apartheid style arrangements. Due to 'legalized' and institutionalized discrimination and un-equality in Queensland, all people who are non-lawyers, are practically '2nd class subject citizens' not eligible to be elected to judiciary - as the branch of government.
I, and people like me, demand to be formally and legally eligible for the selection to judiciary as well - which is my basic human right as per International Covenant on Civil and Political Rights - Articles 2, 3, 25, 26.

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Part II:

6. 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. (DC 286 of 2008)
- 10 7. 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)
8. 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 9. November 2009 - I applied in Supreme Court for judicial review of LSC decision - judge Philippides did not find anything unusual with such conduct. (NONE OF THE ALLEGATIONS CAN BE SUBSTANTIATED) (8190 of 2009)
10. 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 11. 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 12. 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)
13. 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)
14. 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)

15. 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 16. When contacted State other legal (not judicial) institutions - Crime and Misconduct Commission, 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:

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

20 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.

30 18. This is the system devised in the Middle Ages, an archaic and feudal scheme with supposedly a benevolent master knowing the best what and how to do everything - and the flunky's irrevocably had to accept the masters decision. Regardless how idiotic and illogical it was - people were obliged to praise the master for his wisdom. That anachronic system survived in spite of the change of the society from masters and slaves into the equal citizens (well, almost 'equal'). Its primary function became self-preservation and perpetuation, instead of serving human need.

19. With the external theatrics in appearance which is described as 'respect for tradition' come internal theatrics presented as 'fairness for all' and 'respect for procedures'. 'Begging', 'pleading', 'pleasing' - are overused expressions designed to reinforce the idea that the final deal is the result not of truth seeking, reasoning and impartiality but the graciousness and 'favour' of the master who has to be enchanted before uttering some phrases which often have to be translated by the 'initiated' before they can be understood .

40 20. It is made on purpose to remain stagnant, locked in time through the structural set up intended to disable any attempts to change it, to paralyse any sensible critique, to cripple disclosure of abuse and cruelty.

Lawyers and judges, members of the BLACK ROBE CULT, as the main beneficiaries of such arrangement, are deluding themselves that this is still 16 century England when they live in 21 century Australia.

21. That system is **unfair by design**, there is a violation of the conflict of interest laws, along with the violation of separation of powers and checks and balances, because **'OFFICERS OF THE COURT' ARE ON BOTH SIDES OF THE BENCH.**

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22. Enormous amount of power is put into hands of some publically unknown, un-elected but secretly selected, 'trusted' people. They are 'chosen' to the most exclusive club (in large extent 'hereditary') in conspiratorial/mafioso style arrangements and not 'democratic' and due to the method of 'judges' selection they feel that they are responsible only to their sponsors and not the community.

23. Since being a judge is quite different than being a lawyer or barrister it has to be asked WHY only lawyers and barristers are selected as judges in this State?

10 This is clearly discriminatory to all other capable people in the society because there are no competency verification of any sort nor knowledge examination - therefore no special schooling, capabilities or knowledge is required.

Combined with the fact that the whole Supreme Court consists of only anglos ('homo brutanicus') sprinkled with few jews, without even single judge of any other ethnicity, indicates clear discrimination and is the evidence of mafia grip on the REAL POWER in this state.

24. 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.

20 - This is in breach of Statute of Monopolies 1623 - by giving monopolistic privilege to a specific group of people in the society.

- This is the breach of Australian Human Rights Commission Act 1986 - Schedule 2 - International Covenant on Civil and Political Rights - Articles 2, 3, 25, 26.

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

25. Judiciary in Queensland is clearly an anglo-jewish affair.

30 **Current Judges of Supreme Court of Queensland**
Chief Justice Paul de Jersey AC

Court of Appeal Judges

Margaret A McMurdo AC

Catherine E Holmes

John D M Muir

Hugh B Fraser

Robert Gotterson

Philip Morrison

Trial Division Judges Brisbane

40 John H Byrne AO RFD

Margaret A Wilson

Roslyn G Atkinson

Debra A Mullins

Anthe I Philippides

Philip D McMurdo

James S Douglas

Ann M Lyons

Martin Daubney

50

Glenn C Martin AM

Peter D Applegarth

Peter J Lyons

Alan M Wilson

David Boddice

Jean H Dalton

David J Jackson

David Thomas

Cairns

Rockhampton

60 **Townsville**

James D Henry

Duncan V C McMeekin

David North

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26. Although the existence of lawyers mafia is rarely spoken about there is public awareness of their influence. Below is a copy of an article from 2006 written by a person who knows more about Queensland Banana Republic than I do.

Bloodlines on the bench

18 July, 2006

<http://justinianarchive.com/711-article>

The problem with a legal backwater like Brisvegas is that the gene pool from which judges are drawn is quite small, not to say modest.

Blood and marriage flow through the place like warm treacle.

The Douglas clan has supplied judges to the Supreme Court for centuries. More recent synergies include Margaret McMurdo, the President of the Court of Appeal, tied by marriage to Philip McMurdo, a judge in the trial division.

Justice Debra Mullins is married to Brisbane solicitor Pat Mullins of Mullins & Mullins and Justice Margaret White's husband is Michael White QC of the Brisbane Grill.

The Brissy Bar is groaning under the weight of familiar legal names – de Jersey, Williams, Matthews, Fryberg and Derrington – each of whose parents is currently or formerly a member of the Supreme Court. And so it goes.

27. In 1989, Tony Fitzgerald QC warned in his report on corruption in Queensland that:
"Institutions become corrupt or inefficient because of the attitudes of those who work within them If the community is complacent, future leaders will revert to former practices."

He repeated that warning, on the report's 20th anniversary, at Brisbane's Griffith University, effectively saying, "I told you so."

"Access can now be purchased, patronage is dispensed, mates and supporters are appointed and retired politicians exploit their connections to obtain success fees for deals between business and government,"

28. **This is the background condition to the fact that 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.**

Therefore, 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.

29. Three, not so wise women, simply rejected evidence and 'authorities' which were not convenient for them, without stating a reason for such viewpoint and making a joke of their handiwork which they called 'reasons' without actually stating any reason, in their 2 pages of 'reasons', for the decision rejecting all my arguments for the appeal and agreeing with their colleague.

30. 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.

31. Blanket rejection of my arguments for the appeal was unfound.

- The fact of existence of the lawful contract between myself and BAQ - meaning that they have duty to engage in the conduct expected as the result of making formal legal obligation
- Comparison with Balfour Declaration as valid legal argument that making a promise has legal consequences
- BAQ as an organization is legally involved in trade or commerce (they do not have money tree in their office to provide for their expenses, and they are not a charity surviving on handouts)
- BAQ was involved in misleading or deceptive conduct, unconscionable conduct, false or misleading representation as to services provided to me
- As I am not a lawyer I am not a party to any provisions of Legal Profession Act

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32. The Appeal Court decision means that BAQ, as a commercially registered company, is given privilege of being excluded from compliance with existing laws or Court choose to surrender its right to enforce the laws when this particular organisation is concerned. Lawyers mafia tentacles corrupt court system and judges use their 'discretion' to protect mates.

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33. Further evidence of such attitude is in par28 of the judgement - 'There was no error in Atkinson J refusing to allow the tender of the Balfour Declaration' - again, if judges reject 'inconvenient' evidence it makes it easy to claim that there is 'no evidence' and make required corresponding 'judgement' - which is the typical conduct of anglo judges. (The copy of Balfour Declaration presented as the evidence **was actually admitted** for identification (appeal book 50-30))

34. Internationally recognized and respected Roman rule 'Audi alteram partem' - hear the other party - is unknown or ignored by Queensland judges. Disregarding the procedural due process resulted in violation of principles of natural justice.
Queensland courts mascot - Themis - has her scales a bit crooked for a reason.

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35. 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:

36. 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.

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

38. Providing the evidence of institutionalized abuse of human rights in Queensland I request This Court to show on which side it is - antisocial lawyers mafia or the whole society.

39. 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.

10 **Part VI:**

Appeal Book CA NUMBER: 3595/13 and CA NUMBER: 5272/13

(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)

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

Article 2

- 20 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.
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.
- 30 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;
- (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

- 40 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.

Article 25

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

(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

10 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**.

Part VII:

I am requesting to supplement this summary with oral argument.

20 Dated : 22.01.2014

Signed by the applicant Peter Markan