

**COURT OF APPEAL
SUPREME COURT OF QUEENSLAND**

CA NUMBER: 7082/13
NUMBER : 6041/13

Plaintiff: **Peter Markan**
AND
Defendant: **Bar Association of Queensland**

OUTLINE OF ARGUMENTS

1. I am appealing the decisions of Judge H George Fryberg from 26.07.2013
 - the decision not to recuse himself from the hearing of the case against Bar Association of Queensland and
 - the decision rejecting my Application to Strike out the Defendant application to strike out my Claim and Statement of Claim
2. The subject of my application to this Court relates to the issues of:
 - the lack of respect for the human rights in Queensland;
 - racist attitude, discrimination and vilification of people who are not lawyers and not of anglo origin and who represent themselves in courts;
 - denial of the protection by law to those people;
 - treatment of those people by ‘public institutions’ and courts as SECOND CLASS CITIZENS.
3. **I am demanding** that my human rights are acknowledged and respected. In this case the applicable right is that guaranteed to most human beings in civilized countries outside of Queensland – that is 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.**”
4. The judge`s decisions have to be looked from two viewpoints:
 - the lack of judge`s appearance of ‘impartiality’
 - the lack of judge`s ‘competency’ due to ‘flawed’ selection process
5. After finding out that Judge H George Fryberg was not a guest speaker (as would be quite normal) but **facilitator/organizer** in **Bar Association of Queensland 2012 Annual Conference** I questioned his ability to be an ‘impartial arbiter’ in the case where the other party was BAQ.

“In the last 3 years - have you received any financial benefit from BAQ – eg. a rip, accommodation, meals, etc for which you did not pay but it was paid by BAQ or their agencies (eg. Barristers Services Pty Limited)”

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Address:

Phone :
Email : justiceaction@gmx.com

6. Judge H George Fryberg answer – **YES, they paid for my accommodation in Sheraton Gold Coast for their 2012 Annual Conference**
 - He also confirmed that his son is a barrister and the member of BAQ
 - He also confirmed that for 30 years he has run specific, compulsory course for barristers ‘Bar Practice Course’
7. HOWEVER, he was adamant that he IS an impartial person to hear the case involving his paymasters and gift givers and he as a gift taker remains 'independent' and 'unbiased'. Meaning - he is not 'elected' but 'selected' therefore democratic principles and international standards are not applicable.
8. They do not make some outsider a facilitator in a conference by BAQ and for BAQ, it has to be a person intimately connected with BAQ - IT WAS NOT A JUDICIAL CONFERENCE BUT BARRISTERS CONFERENCE - he was there not as a ‘guest’ but as an ‘insider’, ‘one of the boys’. So much for the appearances of ‘independence’ of judiciary by publicly showing his close association with barristers.
9. Therefore, by any standard, it was abuse of discretion, unlawful, unfair, blatantly biased, discriminatory, arrogant judge`s conduct by refusing to recuse himself. The image of Queensland legal system suffered as the result.
10. People like Mr Fryberg can be arrogantly abusive of 'the due process of law' and avoid to comply with law provisions as other people have to, because Queensland Legal Industry remains in hands of few oligarchical families who maintain the cosy arrangements of shielding each other for corrupt and selfish purposes and have means of protection by having family members in all positions of real power.
11. Queensland Legal Industry is controlled by a few prominent families who typically pass their influence from one generation to the next. 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’. They do not have any qualification, training, competency test or any sort of exams or assessments for the position they are given! No scrutiny of their characters, no verification of their suitability to play effectively ‘top dog’ in the community.
12. The fact that those people are un-capable to learn ‘on the job’ what is needed to be done in the interest of ‘justice’ is evidenced by the recent case of retired judge Richard Chesterman. In spite of being a judge for 14 years, apparently with 46 years of ‘experience’ in the legal industry, when entrusted to run ‘The Health Payroll Inquiry’ (at a cost of 5 million dollars) he failed to find out who was responsible for the loss of 1.2 BILLION dollars of taxpayers money. He was unable to discover the truth - instead he ‘found’ that NONE of the lawyers and bureaucrats who ARE responsible IS RESPONSIBLE.
13. Mr Fryberg second decision happened when I did not give him my consent to be the arbiter in the court case involving me and I said that I am exercising my common law rights and my human rights and I will not participate in the proceedings.

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14. The subsequent conduct of Mr. Fryberg - the way he continued the court hearing in the situation when he did not have authorisation from one of the parties to act as the arbiter - was illegal and any decision/order taken is illegal and invalid.
15. My decision not to participate in this shamble was proven right looking at two aspects:
 - The proper, FAIR AND JUST, court can look at the issues before it without one of the parties present eg. 'in absentia', with one of the parties remaining completely silent etc.
My application, with Affidavit, in relation to this matter was lodged formally BEFORE THE COURT. The fact that I was not there should have nothing to do with the conduct of Mr Fryberg (as the 'judge') to totally IGNORE IT - as can be seen in the transcript.
 - I asked Mr Fryberg to recuse himself suspecting (on good grounds) that he is biased in favour of Bar Association of Queensland. His conduct (as can be seen in transcript) confirmed that - kind of 'no worries mates, I will do anything for you'.
16. As a victim of the crime committed by lawyers/barristers I have approached this 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.

ORDERS SOUGHT –

17. I am requesting the Supreme Court to pronounce the hearing on 26.07.2013 and the 'orders' in this matter (6041/13) by Mr Fryberg as null and void – not having any legal consequences, the verdict set aside and order the new hearing.
18. I am requesting the Supreme Court to select truly neutral, independent and impartial arbiter, conforming to internationally recognized standards, to preside over the court hearing against 'Bar Association of Queensland'.

Signed:

Applicant *PETER MARKAN*

Dated: 28.08.2013