

# MAGISTRATES COURT OF QUEENSLAND

Registry : Holland Park  
File No: MAG-00140584/15(1)  
LFR: HOLL-MAG-3763/15

Claimant : Police Commissioner Queensland Police Service (ABN 29 409 225 509)  
and  
Defendant : Peter Markan

## APPLICATION

**TAKE NOTICE that the Defendant is applying to the Court for the following order:  
Ordering QPS to follow the law and to provide me with the additional evidence in their  
accusation against me.**

The police accusation against me is unclear and I do not understand the facts claimed by the police and how the charge against me has been formulated.  
To be able to effectively represent myself in court I am seeking clarification of the information and I require the additional information regarding the details of the facts **claimed by the police as the breach of law**

- who is the real plaintiff in this matter?
- The evidence that the complainant, COLIN JOHN PARRY, has the authority under valid legislation to act supposedly on behalf of Queensland Police Service as the complainant in a criminal case .  
(The infringement was issued under the personal name of a policeman.)
- details what law was allegedly breached with reference to specific and valid legal act(s)
- the evidence of any valid legislation allowing JOINT ACTION by legally separate entities (QPS, SPER, CROWN, Queensland Government), to be involved in issuing and pursuing 'Infringement'.
- the evidence that Peter MARKAN was 'the driver of a vehicle namely a car' as claimed in the original complaint by COLIN JOHN PARRY on 7 July 2015
- evidence who was the driver, presumed driver or the person in charge of that vehicle precisely when the offence is alleged to be committed
- evidence that on this particular section of the road, precisely at the time of the alleged offence, the speed limit was 60km
- details of who are the witnesses and witnesses statements
- details who is the victim in this case, who is the person harmed and what loss was suffered (as this is a criminal case and not civil) – and the victim impact statement
- The Camera device exact location on that road
- Camera device options and age
- Camera device operator manual and specifications
- evidence of calibration or testing of the speed camera's accuracy
- Camera device calibration certificates and calibration log sheets for the year before the violation (and months following if available)
- All other maintenance and repair history of the Camera device

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APPLICATION  
Filed by the Defendant  
Form 1, Version 1  
Criminal Practice Rules  
Rule 16

Name: Peter Markan  
Address:  
Phone :  
Email: justiceaction@queenslandinstitute.org

- Failure and error rates of the Camera device in use
- witness statement from the camera operator at the time of the alleged offence (NOT HEARSAY)
- STEPHEN J EMBELTON, certificate of competency in the use of Camera device
- Records relating to the training received by the officer, STEPHEN J EMBELTON, regarding the use of the Camera device including dates, location, and instructor name and address
- The training materials used by the officer, STEPHEN J EMBELTON, when training on the Camera device
- date that the officer, STEPHEN J EMBELTON, first used the Camera device (to prove experience)
- evidence that the instrument, the camera, has 'pattern approval' and is a 'certified legal measuring instrument' as required under the legislation governing measuring instruments for Trade **or any other Legal purpose**,
- the details what was the weather condition, the humidity and the temperature on the day and at the time of the offence, which could influence the operation of the instrument
- any evidence that the increased speed during the offence could cause changes in CO2 level or effected global warming
- to provide statements of witnesses not proposed to be called
- to provide the information about prior convictions of COLIN JOHN PARRY, STEPHEN J EMBELTON, JANIS ALAYNE MASTERS, NEIL SCALES and of prosecution witnesses and other material relevant to credit
- to provide other material which could reasonably be seen as capable of assisting the defence case
- the result of the psychiatric or other medical examination of the accusing person, COLIN JOHN PARRY;
- the evidence that QPS is a 'legal entity' and has lawful capacity to act legally in Queensland Courts

**This application is made in the view that, being a criminal matter, my accusers have to prove ALL LEGAL elements of the offence 'beyond reasonable doubt'.  
(Magistrates Court Act 1921 – sec 19)**

This application will be heard by the Magistrate Court at Holland Park on: ..... at 9 am

Filed in the Holland Park Registry on .....

Signed: .....  
Description: *Defendant*  
Dated: .....

**PARTICULARS OF THE DEFENDANT:** Peter Markan

**This application is to be served on:**  
Commissioner Ian Stewart  
Queensland Police Service  
Police HQ 200 Roma Street  
Brisbane 4001