

COURT OF APPEAL

THOMAS JA
WILLIAMS JA
DOUGLAS J

Appeal No 3632 of 2001

DONALD GORDON CAMERON

Plaintiff

and

PETER D BEATTIE
(IN HIS CAPACITY AS PREMIER)

First Defendant

and

DESMOND J O'SHEA ELECTORAL COMMISSIONER

Second Defendant

and

THE ATTORNEY-GENERAL FOR QUEENSLAND

Third Defendant

BRISBANE

..DATE 19/09/2001

JUDGMENT

THOMAS JA: There are two matters before the Court. One is an appeal in which the appellant is Donald Gordon Cameron and the respondents are the Premier of Queensland, the former Electoral Commissioner of Queensland and the Attorney-General for Queensland. The other matter is an application by those respondents under section 17 of the Vexatious Litigants' Act 1981 to set aside the action and the appeal.

The Court directed that that application be heard before considering the appeal. However, I shall first identify what the appeal is about.

For reasons that will become apparent I shall refer to the appellant by his full name Donald Gordon Cameron. He brought an action in the Supreme Court for declaratory relief, including a declaration that the latest State election was invalid. His statement of claim was summarily dismissed by Justice Philippides on 5 April 2001 under Uniform Civil Procedure Rule 293. The order was that his claim be dismissed and that he pay costs to be assessed.

The relief sought in the action was a recount of votes excluding certain types of ballot papers, a declaration that the election was invalid, a declaration that the members of the Government are disqualified, a declaration that the Queen of Australia is a corporation sole and that the Governor General holds certain powers in the absence from Australia of the person of Her Majesty, and various consequential and related declarations. The alleged

foundation for such relief seems to have been based upon a submission that there is no such person as the Queen of Australia.

I turn to the application brought by the respondents for a declaration that the plaintiff is acting in concert with a declared vexatious litigant, one Donald Cameron, and for the setting aside of the proceedings, both in the trial division and here.

In order to understand the submissions it will be necessary to say something concerning a group of persons apparently involved in the litigation. The group includes the appellant Donald Gordon Cameron, Donald Cameron (who was formerly Donald James Cameron), and Alan Vincent Smith. They have chosen to call themselves the Independent Sovereign State of Australia - ISSA.

Donald Gordon Cameron claims to be a high office bearer (Attorney-General/Treasurer in ISSA) and Donald Cameron claims to be the Chief Justice of the Supreme Court of the Sovereign State of Australia. On 5 March 1996 one Donald James Cameron was declared to be a vexatious litigant. He changed his name by deed poll to Donald Cameron pursuant to a deed which was filed on 29 January 1997. He is one and the same as the Donald Cameron who is an associate of Donald Gordon Cameron to whom I have just referred.

The affidavits of Mr Fenton, Ms Austin and Detective Sergeant Langlois show that Donald Cameron has had a substantial input into

the present litigation, both in relation to the Supreme Court action and the present appeal.

In the course of an interview between Sergeant Langlois, the appellant and Donald Cameron on 15 July 2001, the appellant admitted that the commencement of the present action was "a joint decision on behalf of Donald and myself". Eventually Alan Smith became involved as well. He further admitted that Donald Cameron drafted the claim and the statement of claim. He went on to state that he, Donald Gordon Cameron, had prepared his affidavit in the Supreme Court action upon which Donald Cameron added the comment "under my guidance obviously".

So far as the notice of appeal and other appeal documents are concerned the appellant referred to this as a "joint submission by the three of us". When asked what level of involvement Donald Cameron had in the preparation of "these legal actions" the appellant replied "he guided us in the wording in various documents and assisted us in their preparation." In answer to the material to which I have referred an affidavit of Mr Alan Smith was filed.

It seems with a perplexing lack of clarity to suggest that other persons have had input into the preparation of these proceedings in addition to the persons already named. One such person is said to be "a barrister from New South Wales" but he is not named. Mr Smith swore however that "legal input and review of the documents lodged with the Courts was provided for the appellant by J S Bussa and Co Solicitors, Queensland". Upon inquiry from a representative of the Crown Solicitor Mr Bussa confirmed that he

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had been contacted by telephone by Donald Cameron approximately one week previously, that is about 9 September 2001, and had indicated that he was unable to make any comment about the material.

He said that he had had nothing whatsoever to do with any legal input as regards such material. This suggests two things.

Firstly, it confirms Donald Cameron was an active participant soliciting advice and seeking to advance the appeal. And secondly, it suggests a degree of deception in Mr Smith's attempts to dilute the activity of the principal parties.

The evidence adequately establishes that the appellant and Donald Cameron were acting in concert in the issuing and continuation of both the action and the appeal.

Under section 17 of the Vexatious Litigants' Act the respondents have the right to seek a declaration setting aside such processes.

There is no good reason to withhold relief. The respondents to this application are, in my view, abusing the process of the Court.

The submission against making such an order is based on an allegation that the common purpose of Donald Gordon Cameron and Donald Cameron in conducting the litigation is to act in the administration of the affairs of ISSA. Sections 8 sub (1), 8 sub (1)A, 17(1) and 17(2) of the Vexatious Litigants' Act are said to have been "displaced" by the High Court of Australia pursuant to sections 116 and 117 of the Constitution.

A premise in this argument is the appellant's assertion that ISSA

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is "the chosen instrument of God". From this he proceeds to the premise that it is a religion. From this he apparently proceeds to section 116 of the Constitution which forbids the Commonwealth from making any law prohibiting the free exercise of any religion.

There is also a mention, although the logical connection is impossible to see, of an oath of allegiance said to be introduced in 1994 and taken by members of Parliament which is said to discriminate against citizens of the Commonwealth of Australia.

Now, not only are these premises unsubstantiated, they do not connect or lead to any conclusion that would justify the submission that these sections of the Vexatious Litigants Act are invalid.

Mr Donald Gordon Cameron informed the Court that section 78B notices had been given to all Attorneys-General before the trial in this matter and that no appearances resulted on behalf of any Attorney-General. Those assertions were not satisfactorily substantiated but, in my view, such notices are unnecessary because I do not think that any matter properly arises touching the interpretation of any section of the Constitution. So far as section 116 is concerned, even assuming that that section could apply to strike down State legislation, the Vexatious Litigants Act does not prohibit religious observance or do any of the things prohibited by section 116.

No facts are presented that raise any issue under that section

or indeed under any matter that arises or involves the interpretation of sections 117 or 119.

The present application for relief under section 17 of the Vexatious Litigants Act was served on Donald Cameron as well as upon the appellant. The applicants indicated their intention to seek costs against both. For the reasons that I have mentioned, I consider that the present applicants are entitled to the relief which they seek.

The orders that I propose to make are:

- (1) It is declared that section 17 of the Vexatious Litigants Act 1981 that Donald Gordon Cameron as plaintiff in Supreme Court proceedings S2235 of 2001 and as appellant in Court of Appeal proceedings CA3632 of 2001 is acting in concert with Donald Cameron formerly Donald James Cameron, a declared vexatious litigant.
- (2) The claim and statement of claim in Supreme Court proceedings S2235 of 2001 are set aside.
- (3) The notice of appeal in proceedings CA3632 of 2001 is set aside.
- (4) The appellant, Donald Gordon Cameron and Donald Cameron are ordered to pay the applicants' costs of the section 17

application to be assessed.

WILLIAMS JA: The material and argument placed before the Court on behalf of Donald Gordon Cameron is nonsensical, unintelligible, illogical and fantasy. It does not give rise to any matter arising under section 116 or 117 of the Constitution of Australia or indeed any other provision of the Constitution.

Whilst I am of the view that Justice Philippides was correct in dismissing the plaintiff's claim, I agree with Justice Thomas that the preferable course is to dispose of the matter now before the Court by making orders under section 17 of the Vexatious Litigants Act 1981.

I agree with the orders proposed.

DOUGLAS J: I agree with the reasons of both my brothers and the orders they propose.

THOMAS JA: The orders of the Court are those which I have stated.
