

**CITATION:** Gunter v Queensland Police Service Weapons Licensing Branch [2013] QCATA 302

**PARTIES:** Mr Richard Stephen Gunter  
(Applicant)  
v  
Queensland Police Service Weapons Licensing Branch  
(Respondent)

**APPLICATION NUMBER:** APL406-13

**MATTER TYPE:** Appeals

**HEARING DATE:** On the papers

**HEARD AT:** Brisbane

**DECISION OF:** **K Cullinane QC, Judicial Member**

**DELIVERED ON:** 30 October 2013

**DELIVERED AT:** Brisbane

**ORDERS MADE:** **The appeal is dismissed.**

**CATCHWORDS:** PROCEDURE – MISCELLANEOUS PROCEDURAL MATTERS – VEXATIOUS LITIGANTS AND PROCEEDINGS – where applicant has been declared a vexatious litigant – where s 10 of the *Vexatious Proceedings Act* 2005 (Qld) provides that vexatious litigants may not institute proceedings in Queensland without leave of the Supreme Court – where Tribunal ordered that the application to review the respondent’s decision would be stayed unless the applicant was granted leave – where leave has not been granted – whether application to review a decision is a proceeding to which s 10 of the *Vexatious Proceedings Act* 2005 (Qld) applies – whether proceedings must be permanently stayed

*Vexatious Proceedings Act* 2005 (Qld), s 10

**APPEARANCES and REPRESENTATION (if any):**

This matter was heard and determined on the papers pursuant to s 32 of the *Queensland Civil and Administrative Tribunal Act 2009*.

**REASONS FOR DECISION**

- [1] This matter involves a purported appeal against an order of the Tribunal in the following terms:

Unless and until Mr. Richard Gunter has leave of the Supreme Court of Queensland to commence these proceedings in the Tribunal the Application to review a decision is stayed.

- [2] The Supreme Court of Queensland made an order declaring Mr Gunter a vexatious litigant on 16 April 2003. The declaration was not limited in any way.
- [3] Whilst the declaration was made when the relevant legislation in force was the *Vexatious Litigants Act 1981* the applicable legislation is the *Vexatious Proceedings Act 2005* (the Act) by virtue of s 16 of the latter Act.
- [4] Section 10(1) of the Act precludes a declared person from instituting proceedings without the consent of the Supreme Court. Proceedings purportedly introduced without such leave are, by virtue of s 10(2) of the Act, permanently stayed. Section 10(3) permits a Court or Tribunal to make a declaration that a purported proceeding is one to which s 10(2) applies. It would in my view permit the making of an order dismissing a purported appeal.
- [5] The purported proceedings under the *Weapons Act 1990* (Qld) before the Tribunal and the purported appeal from the Tribunal are precluded by the Act. The purported proceedings by way of appeal are stayed. The purported appeal is dismissed.