

COURT OF APPEAL

McMURDO P
PINCUS JA
MUIR J

[R v Gunter]

CA No 346 of 1999

THE QUEEN

v.

RICHARD STEPHEN GUNTER

Ap
plicant

BRISBANE

..DATE 23/05/2000

JUDGMENT

THE PRESIDENT: This is an application for leave to appeal under section 118 of the District Court Act 1967 from an order of his Honour, Judge Robertson in the Brisbane District Court on 7 October 1999 refusing the applicant's application to extend time for service of a notice under section 222(2) of the Justices Act.

The applicant sought in the District Court an extension of time to serve those notices in respect of firstly an \$800 fine imposed in the Magistrates Court at Ipswich on 7 November 1995 following his conviction for having an unregistered vehicle on a public road; secondly a \$250 fine plus costs ordered to be paid for having an unregistered and uncontrolled dog in a public place in the Magistrates Court at Ipswich on 12 May 1997; and finally a fine imposed on 7 August 1997 in the Ipswich Magistrates Court for having an unregistered car on a public road.

The applicant initially attempted to have these decisions reviewed by the Supreme Court under the Judicial Review Act 1991. That application was unsuccessful as was the appeal from the Supreme Court decision refusing the judicial review.

As early as 1997, in an application before the Supreme Court, Mr Justice Muir alerted the applicant to his rights under section 222 of the Justices Act.

The learned District Court Judge correctly noted that it was

for the applicant to establish that it was through no fault of his own that he was unable to serve the notice within the time allowed under section 222 of the Justices Act before the Judge's discretion to extend time was enlivened. (See GSA Industries Australia Pty Ltd v. Tully [1995] 1 QdR 607).

His Honour rightly noted the applicant had produced no material to establish that fact.

The applicant feels aggrieved with his treatment by the Courts generally and by the State. He claims that there are long-standing defects in respect of the manner in which the State and Nation's affairs and particularly the financial and legal aspects of those affairs are conducted. He has placed a quantity of irrelevant material and irrelevant submissions before this Court in pursuing these general allegations, as he did in the District Court.

He has not, however, shown any error on the part of the learned District Court Judge and has demonstrated no reason warranting the grant of this application for leave to appeal. I would refuse the application.

PINCUS JA: The argument which is advanced in the case seems principally to be that there is no valid currency in this country. This is, of course, complete nonsense. I also would refuse the application.

MUIR J: I agree with the reasons advanced by the President and Mr Justice Pincus and with the orders proposed.

THE PRESIDENT: The order is the application is refused.

APPLICANT: Your Honour-----

PINCUS JA: Your case is over, go away.

APPLICANT: Hang on, your Honour, I want to - there is a small problem - I am out on bail at the moment. I want to extend the bail while I put this application into the High Court and move this up to the High Court please.

THE PRESIDENT: The application for an extension of bail is refused.
