Richard Gunter

The litigation history of Richard Gunter seems to originate in a separation which later went before the Family Court, and which initially involved a restraining order made in 1990 by Magistrate Pullar in the Ipswich Magistrates Court, prohibiting him from going onto the premises of the matrimonial home. Following this, orders were made by Hilton J in 1992 in the Family Law Court, requiring Richard Gunter to transfer to his wife his interest in the matrimonial home. Although the restraining order was modified later to allow him to remove his tools of trade, Richard Gunter stated he was unable to do so for some time as the order stipulated he had to be in the company of his brother. This he claimed, left him destitute and impeded his ability to earn an income. He was granted an interest-free loan to start a business, but the court ordered expenses from the prior business he had with his wife, and her legal expenses in the Family Court left him in debt. Richard Gunter applied to the Family Court to extend time within which to appeal the orders of Hilton J, claiming there had been perjury in affidavit with intent to defraud by the respondent wife, which was heard before Bulley J in 1993, who dismissed that application. He then appealed to the Full Court from that decision, and in 1994, the Full Court made an order securing his wife's costs of any appeal.

Richard Gunter then applied to the High Court for leave to issue a Writ of Certiorari against these orders, which was heard by Toohey J in ***Gunter, ex parte- In the matter of an application [1994] HCATrans 50***. Toohey J held that there is no foundation upon which the High Court could grant a writ of certiorari, as there was still before the Full Court of the Family Court an appeal against the refusal of extension of time to appeal against the order of Hilton J, and therefore his remedy lies within the Family Court itself. Richard Gunter claimed he was being denied justice as any further appeal was pending the payment of $3000 for security, and therefore *"I cannot get into the Family Law Court"* and submitted that these statutory provisions were ultra vires the *Constitution* and *Magna Carta*.

https://freemandelusion.com/wp-content/uploads/2022/05/Gunter-ex-parte-In-the-matter-of-an-application-1994-HCATrans-50.pdf

In 1995 Richard Gunter was convicted by the Magistrates Court at Ipswich of one charge of driving an unregistered truck, one charge of driving the same truck without a number plate and one charge of failing to drive the truck into a checking site (or weighbridge). He brought an application for judicial review rather than proceeding by way of appeal, because he considered the magistrate to have committed an excess of jurisdiction. Amongst the grounds stated in the application was the refusal of the magistrate to permit the calling of witnesses in support of a defence of lawful excuse, based on the currency argument, namely involving ***Alan Skyring***, whom he sought to appear as amicus curiae. The application also sought an order setting aside the order made in the Magistrates Court for costs against him as contravening the principle to be found in *Magna Carta* that justice could not be sold.

One of the respondents to it filed a notice of motion for striking out the application as proceedings were stayed on Richard Gunter's application, pending proceedings in the High Court seeking prerogative writs to quash determinations made by the Family Court and also the decision of the Ipswich Magistrates Court. In 1996 Richard Gunter filed a further notice of motion seeking to have the notice of motion for striking out the application dismissed, but also seeking the maintenance of the stay, which bore the endorsement: *"The Applicant's claim is as well for the Queen as for himself for remedy of long-standing defects in respect of the manner in which the State and nation's affairs generally, but the financial affairs in particular, are conducted"*. This wording, or variations on it, recurs throughout his applications, and appears to originate in the influence of Alan Skyring. He was under the impression that an endorsement to the effect that his claim was *"as well for the Queen as*

for himself" in the form prescribed by Form 57 of the *Supreme Court Rules* would of itself constitute his action as a *qui tam* action, notwithstanding the complete absence of any statutory basis for such a manner of proceeding.

Richard Gunter sought leave from the High Court to issue prerogative writs of mandamus and certiorari against Toohey J in refusing leave in his last application. Again he sought Alan Skyring to help "*decipher some of this paperwork*" which was refused by McHugh J in ***Gunter, Ex parte- Re Toohey [1996] HCATrans 178***, who dismissed the application holding that writs of mandamus and certiorari do not go to justices of the High Court when exercising the jurisdiction of the Court, and the order that was made by Toohey J was correctly made. Richard Gunter tried to present the currency argument but was refused, with McHugh J stating that there is no substance to it.

https://freemandelusion.com/wp-content/uploads/2022/05/Gunter-Ex-parte-Re-Toohey-1996-HCATrans-178.pdf

Richard Gunter lodged two applications for special leave to appeal this decision, which were refused by Dawson J, Toohey J and Gaudron J in ***Gunter v Gunter [1996] HCATrans 410*** and ***Gunter v Willilams and Ors [1996] HCATrans 411***.

https://freemandelusion.com/wp-content/uploads/2022/05/Gunter-v-Gunter-1996-HCATrans-410.pdf

https://freemandelusion.com/wp-content/uploads/2022/05/Gunter-v-Willilams-and-Ors-1996-HCATrans-411.pdf

In 1997 Richard Gunter was convicted in his absence of driving an unregistered vehicle, and was fined and ordered to pay court costs. He applied unsuccessfully for a re-hearing. He then filed a notice of motion by which he sought to amend his existing application for statutory review in 1995 to include the refusal to re-hear the charge leading to this later conviction, giving as his ground that he had had not been served, so that to proceed in his absence was a denial of justice. Muir J dismissed the application to file an amended application, firstly on the ground that the magistrate's order, falling within section 43 of the *Magistrates Courts Act 1921*, was a decision excluded from review by its inclusion in Schedule 1 under the *Judicial Review Act 1991*, and secondly on the ground that in any event the proper course was an appeal under section 222 of the *Justices Act.*

Richard Gunter filed a further application for review of another decision by the Magistrates Court at Ipswich, convicting him of being the owner of a dog which was not under effective control in a public place. On that complaint he was fined and ordered to pay professional costs and costs of court, although no conviction was recorded. He sought review on the grounds, inter alia, that an application by him for a stay had been refused, constituting a denial of justice *"according to the fundamental statute law of this state",* that the presiding magistrate's refusal to permit an amicus curiae to be heard was a denial of justice, and that the magistrate failed to have proper regard for material tendered by Richard Gunter showing that Federal matters (not identified) were an issue in the proceedings. It was also contended in the course of the application that the order requiring payment of a fine and costs was not properly made, on the basis of the currency and Magna Carta arguments. As with his previous application in 1995, Richard Gunter again filed a notice of motion seeking leave for Alan Skyring to appear amicus curiae. In 1997 de Jersey J dismissed the application on the application of the Crown Solicitor Conrad Lohe. Having established that Richard Gunter was proceeding under section 20 of the *Judicial Review Act 1991*, de Jersey J rejected his argument that the decision was an administrative, rather than a judicial, decision and dismissed the application.

Richard Gunter received a notice from the Magistrates Court at Ipswich which advised him that if he did not attempt to pay the amounts outstanding under the magistrate's orders or apply for a fine option order, a warrant would issue for his arrest. Richard Gunter took the erroneous view that the staying of the application from 1995 by Fryberg J prevented any action on the magistrate's orders. He filed another application seeking confirmation of the existing stay, and that the Crown Solicitor be instructed by the Supreme Court to take over prosecution of applications which he had in train before the High Court. On the day on which that application was listed for hearing, the second respondent to it sought to have the stay lifted. With Richard Gunter's consent, an order was made to that effect, and Fryberg J proceeded to hear the application to dismiss the substantive application for review. Exercising his discretion under section 12(b) of the *Judicial Review Act*, he did dismiss the application, concluding that section 222 of the *Justices Act* provided adequate provision for review and was the appropriate remedy. Davies JA, Pincus J and Ambrose J of the Court of Appeal dismissed an appeal against that decision in ***Gunter v Bloxsom [1999] QCA 406*** holding that the primary judge exercised his discretion correctly in making the order. Richard Gunter, in his notice of appeal, alleged that his consent to the lifting of the stay had been obtained by fraud and that judicial review was the appropriate approach rather than appeal, because the magistrate had gone beyond his power in failing to acknowledge the existence of the currency argument he raised.

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After several applications were refused by Christopher Doogan, the Registrar of the High Court, Richard Gunter sought to file with the Federal Court an application in which he was the respondent. Drummond J directed Deputy Registrar Reynolds not to accept the application for filing. In ***Gunter v Doogan [1999] FCA 1648***, Richard Gunter applied to appeal that direction, as well as for extension of time to file and serve notice of that appeal, and for leave to file an amended notice of appeal. Spender J, Emmett J and Dowsett J held that the appeal should be dismissed as incompetent, as should the notices of motion filed for an extension of time and for leave to file the amended notice of appeal, and in any event, even if the appeal were not incompetent, they would dismiss it on the merits.

https://freemandelusion.com/wp-content/uploads/2022/05/Gunter-v-Doogan-1999-FCA-1648.pdf

With respect to the 1995 and 1997 convictions in the Magistrates Court at Ipswich, for each offence a fine was imposed with a provision that in default of paying the fine and costs Richard Gunter should be imprisoned for a period of time. When he had failed to pay those fines and was arrested, he endeavoured to challenge the initial orders, and was subsequently given bail by Derrington J pending the appeal. Richard Gunter applied to the District Court for an extension of time in which to serve a notice of appeal in respect of each of his convictions. Robertson DCJ, in the absence of any evidence that Richard Gunter was unable to serve the notice within time, dismissed the application. He adverted in his reasons to the fact that Richard Gunter had been aware since the decision of Muir J in 1997 that the proper means of review was an appeal under section 222 of the *Justices Act.*

When the matter came before the Court of Appeal in ***R v Gunter [2000] QCA 187***, Richard Gunter contended that his choice of judicial review in the first instance was correct, and that Robertson DCJ had failed to have proper regard to the currency argument. The appeal was dismissed, McMurdo P, Pincus JA and Muir J holding that there was no error shown on the part of the learned District Court judge. Pincus JA made the observation:

> *"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."*

https://freemandelusion.com/wp-content/uploads/2022/05/R-v-Gunter-2000-QCA-187.pdf

As he had intended to seek special leave to the High Court from this judgment, at the end Richard Gunter applied to the Court for an extension of bail, which was refused. Following that, he applied to Douglas J as Chamber Judge for an extension of bail, who took the view that he had no jurisdiction to grant bail. In ***R v Gunter [2000] QCA 270***, he appealed this decision of Douglas J in refusing him bail. In dismissing the appeal, Davies JA, Thomas JA and Williams J noted:

> *"The appellant labours under the view that the currency normally used by persons in Australia for the payment of debts is not valid legal tender. Undoubtedly that belief was behind the commission of each of the three offences which involved carrying on an activity without having paid the prescribed licensing fee associated with that activity. That belief would explain at least in part his non-payment of the fines and costs. With respect to costs he has an additional argument, namely that the order for costs made in the Magistrates Court was contrary to a provision of Magna Carta notwithstanding the statutory power conferred on a Magistrates Court to make an order for costs in such circumstances.*
>
> *All of those issues have been determined by various Courts and various Judges over a period of time adverse to the contentions of the appellant. In my view, the grounds on which the appellant wishes to obtain special leave are so devoid of merit that it is clear the application will be unsuccessful. The fact that the applicant does not have the capacity or the willingness to accept the reasoning of the Courts and Judges over some 18 years to the effect that his argument is devoid of merit is irrelevant to the outcome of this appeal."*

https://freemandelusion.com/wp-content/uploads/2022/05/R-v-Gunter-2000-QCA-270.pdf

Richard Gunter applied for special leave from the judgment of the Court of Appeal in *R v Gunter [2000] QCA 187.* As part of that process he made an application for expedition. An attempt to raise other demands by that application, including the setting aside of a fine option order as made under unconstitutional legislation, the disciplining of officers of the Crown and members of the judiciary for placing him *"in his present predicament",* as the payment of compensation to him was unsuccessful owing to a direction that the process not issue without leave of a justice. In the course of argument on his application for expedition in ***Gunter v The Queen [2000] HCATrans 417***, Richard Gunter sought to have Alan Skyring given leave to appear as amicus curiae, raised the currency argument once more, and argued that because his application had been brought as a "*qui tam*" it should be deemed important and given priority. That application was dismissed with costs by Callinan J, whose judgment was then appealed.

https://freemandelusion.com/wp-content/uploads/2022/05/Gunter-v-The-Queen-2000-HCATrans-417.pdf

The grounds of appeal in ***Gunter v The Queen [2001] HCATrans 224*** included an assertion that Callinan J had exceeded his jurisdiction by obstructing the course of justice and that he had acted oppressively in not giving sufficient attention to the issues raised by Richard Gunter and by refusing to allow Alan Skyring to be heard as amicus curiae. The notice of appeal also raised the Magna Carta and currency arguments. The applications for leave to appeal and for special leave were heard together. In the course of his argument on the application Richard Gunter referred again to the currency argument, made a somewhat obscure reference to *"the Governor's Act"* (presumably a reference to the failure to hold referenda argument) and asserted once more that the imposition of court costs upon him, leading to his incarceration for non-payment, was contrary to Magna Carta. In the course of that argument Kirby J made this comment: *"Normally the Crown neither asks for, nor*

provides costs in proceedings which, putting it broadly, are criminal in nature." but did not determine whether the costs order made by Callinan J was properly made. Both applications were dismissed.

https://freemandelusion.com/wp-content/uploads/2022/05/Gunter-v-The-Queen-2001-HCATrans-224.pdf

Richard Gunter applied to Mullins J for re-openings of his applications for judicial review in 1995 and 1997. In his affidavit supporting that application, he identified as the reasons for it the comments of Kirby J and a realisation that the constitutionality of the *Judicial Review Act* was at issue, a matter which ought to be decided in the Supreme Court. In argument before her Honour, he raised questions of the validity of the legislation under which the magistrates who made costs orders were acting, the standing of the court and the validity of the *Judicial Review Act*, all apparently on the basis of the argument as to the need for referenda. Mullins J, while not deciding that a power existed to re-open the applications, decided as a matter of discretion that the applications were without real prospect of success and ought not to be re-opened. Richard Gunter immediately applied again to re-open the applications for judicial review, which was heard and refused by Wilson J in ***Gunter v Bloxsom; Gunter v Woodford [2001] QSC 351*****,** who considered that she had no power to re-open either the decisions dismissing the judicial review applications or the applications before Mullins J. She noted that Richard Gunter sought to raise submissions arising from the failure to hold a referendum before assent to the *Constitution (Office of Governor) Act 1987*. In that context she referred to the absence of any referendum as a matter of public knowledge. She observed that the proper way to challenge the decision of Mullins J was through the appellate process.

https://freemandelusion.com/wp-content/uploads/2022/05/Gunter-v-Bloxsom-Gunter-v-Woodford-Another-2001-QSC-351.pdf

Richard Gunter immediately applied for a re-opening of the decision of Wilson J, explaining in his application that it was precipitated by what he regarded as an intimation by Wilson J that there was a proper cause of action more appropriately dealt with in a different forum. But that was not possible: he could not proceed by appeal to the Court of Appeal, because the Commonwealth aspects of his arguments could not be addressed; and, in any event, that court had been established by legislation which, on his argument, was invalid. In written submissions Richard Gunter proposed that the court make declarations as to what constituted the fundamental law, and that once the High Court had determined the constitutional validity of the *Australia Act 1986* the hearing of his matters be resumed. Atkinson J adjourned that application.

Meanwhile, Richard Gunter filed a petition in the High Court challenging the validity of the 2001 Federal election claiming that the Governor of Queensland had no power to sign the writ issued to commence the electoral process for election to the Senate, on the basis of the failure to hold referenda argument, and that the Governor-General's issuing of the writ to commence the election for the House of Representatives was also without power on a similar argument as to a failure to hold a referendum before alleged changes to his powers said to have been made by the issue of revised *Letters Patent* in August 1984. In ***Gunter v Hollingworth and Ors [2002] HCATrans 113***, Gummow J referred the proceedings for trial to the Federal Court

https://freemandelusion.com/wp-content/uploads/2022/05/Gunter-v-Hollingworth-and-Ors-2002-HCATrans-113.pdf

In ***Gunter v Hollingworth [2002] FCA 943***, Cooper J dismissed the petition, for reasons including rejection of the failure to hold referenda argument.

https://freemandelusion.com/wp-content/uploads/2022/05/Gunter-v-Hollingworth-2002-FCA-943.pdf

Richard Gunter applied for directions on how the Commonwealth aspects in issue in the applications for judicial review of 1995 and 1997 should proceed, and orders *"in respect of action to be taken concerning the judgments and orders"* given in other related matters which, he said, were now shown to be in error. That application, when heard before Fryberg J, was posited by Richard Gunter on the basis it was brought in both proceedings. He put to Fryberg J that there was a need to determine the fundamental law; and he raised the currency argument, the Magna Carta argument, and the observation by Justice Kirby as to the availability of costs. His Honour, observing that all of the arguments had been canvassed and rejected in other cases, said that nothing had been put which would justify any review.

Richard Gunter applied for an order directing that the proceedings adjourned by Atkinson J be resumed, and setting aside the decisions of Fryberg J, Wilson J and Mullins J. While noting that other courts had found the arguments advanced by him erroneous, and observing that a single judge could not go behind the order of another judge, Muir J dismissed the application.

The applicant Crown Solicitor Conrad Lohe applied to have Richard Gunter declared a vexatious litigant. In ***Lohe v Gunter [2003] QSC 150***, Richard Gunter sought by cross-application to have the application struck out for want of standing and to proceed with an adjourned application for the re-opening of earlier proceedings before Wilson J. He also sought a direction that if Conrad Lohe fails to demonstrate that he has standing, that some other person have carriage of the proceedings, but that the application be adjourned pending the hearing of his application for its removal to the High Court for the purpose of resolving constitutional issues. Holmes J endeavoured to outline and deal with his contentions as succinctly as possible, with many being a repetition of others previously mounted and rejected, as shown in his litigation history, concluding (at 43):

> *"In particular he has repeatedly and unsuccessfully aired the currency, Magna Carta and failure to hold referenda arguments which have been unequivocally rejected by this and other courts. He has made it clear that he will not accept any judgment as final. The history I have given speaks for itself. I am satisfied that the respondent has frequently and without reasonably ground instituted vexatious legal proceedings. The denial of the right to commence proceedings without first obtaining leave is an extreme step but it is in this case an appropriate one. I declare that the respondent is a vexatious litigant."*

https://freemandelusion.com/wp-content/uploads/2022/05/Lohe-v-Gunter-2003-QSC-150.pdf

Richard Gunter applied to the Federal Court seeking to restrain the District Registrar of the Federal Court Graham Kingsley from proceeding in the taxation of costs ordered by Cooper J in *Gunter v Hollingworth [2002] FCA 943*, and to restrain Barry Cosgrove, employed by the Australian Government Solicitor, from enforcing that order. In ***Gunter v Doogan [2003] FCA 700***, Dowsett J held that as neither has any interest in the order for costs, the proceedings against them must fail. Another application was against Christopher Doogan, the Principal Registrar of the High Court, concerning his refusal to permit the issue of proceedings. Dowsett J adjourned this notice of motion pending Richard Gunter approaching a High Court Justice on the issue.

https://freemandelusion.com/wp-content/uploads/2022/05/Gunter-v-Doogan-2003-FCA-700.pdf

Later, in ***Gunter v Doogan [2003] FCA 667***, Dowsett J held that it is not appropriate for the Federal Court to compel an officer of the High Court to perform a function which he or she performs in that role or to restrain any such action, and dismissed the application as an abuse of process.

https://freemandelusion.com/wp-content/uploads/2022/05/Gunter-v-Doogan-2003-FCA-667.pdf

In 2005, Richard Gunter made a Submission to the Joint Standing Committee on Electoral Matters of the Parliament of the Commonwealth of Australia repeating arguments previously rejected by the Courts.

https://freemandelusion.com/wp-content/uploads/2022/05/Richard-Gunter-2005-submission.pdf

Richard Gunter sought a review of an administrative decision of the Queensland Police Service Weapons Licensing Branch. The Tribunal responded that unless and until he has leave of the Supreme Court to commence these proceedings, the application to review a decision is stayed. He sought to appeal this response in ***Gunter v Queensland Police Service Weapons Licensing Branch [2013] QCATA 302***, which was dismissed by Judicial Member K Cullinane QC.

https://freemandelusion.com/wp-content/uploads/2022/05/Gunter-v-Queensland-Police-Service-Weapons-Licensing-Branch-2013-QCATA-302.pdf

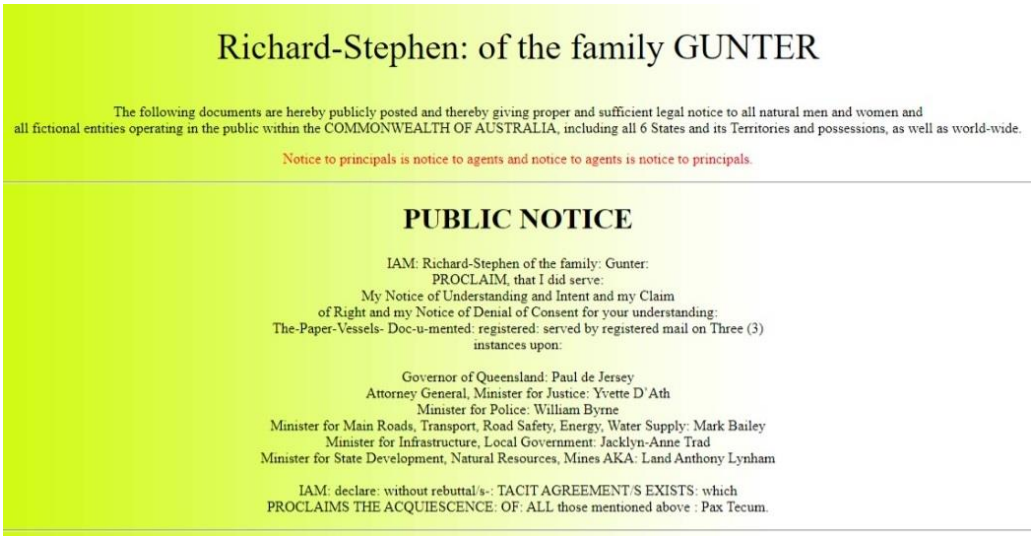
Richard Gunter was leasing a property, and after the lease expired, the owners of the property gave him three months notice of eviction, but he refused to move out, resulting in an eviction order in QCAT and a warrant of possession. He applied for a stay, and an interim stay was granted, but the stay dismissed and the warrant of execution re-issued. He then sought leave to institute an appeal in the Supreme Court, which was heard and dismissed by Atkinson J in ***Re: Gunter [2015] QSC 358***, who noted (at 8):

> *"It is apparent from the terms of the affidavits which the applicant has filed before me and the material filed in the Court of Appeal that it is those matters which led Mr Gunter to be declared a vexatious litigant which he wishes to litigate against the unfortunate lessors of the land on which he has been a tenant."*

https://freemandelusion.com/wp-content/uploads/2022/05/Re-Gunter-2015-QSC-358.pdf

In 2022, Richard Gunter published several notices on a Public Document Server demonstrating that he has adopted several common OPCA motifs such as the strawman premise, foisted unilateral contract theory and the effect of the Uniform Commercial Code.

Public Notice from: "***Richard-Stephen: of the family GUNTER***":



Richard-Stephen: of the family GUNTER

The following documents are hereby publicly posted and thereby giving proper and sufficient legal notice to all natural men and women and all fictional entities operating in the public within the COMMONWEALTH OF AUSTRALIA, including all 6 States and its Territories and possessions, as well as world-wide.

Notice to principals is notice to agents and notice to agents is notice to principals.

PUBLIC NOTICE

IAM: Richard-Stephen of the family: Gunter:
PROCLAIM, that I did serve:
My Notice of Understanding and Intent and my Claim
of Right and my Notice of Denial of Consent for your understanding:
The-Paper-Vessels- Doc-u-mented: registered: served by registered mail on Three (3) instances upon:

Governor of Queensland: Paul de Jersey
Attorney General, Minister for Justice: Yvette D'Ath
Minister for Police: William Byrne
Minister for Main Roads, Transport, Road Safety, Energy, Water Supply: Mark Bailey
Minister for Infrastructure, Local Government: Jacklyn-Anne Trad
Minister for State Development, Natural Resources, Mines AKA: Land Anthony Lynham

IAM: declare: without rebuttal/s-: TACIT AGREEMENT/S EXISTS: which
PROCLAIMS THE ACQUIESCENCE: OF: ALL those mentioned above : Pax Tecum.

Public Notice: "***Ownership of the vessel JABIRU***":

#1 · January 23, 2022, 2:23 am

I Richard of the house of gunter hereby publicly clain full ownership of the vessel named JABIRU being an ex customs patrol boat as shown in the image below and;

The vessel JABIRU is currently located at 108 O'Sullivan Rd Lonsdale SA and;

Being that the tyrannical government has Covid restrictions in place I am currently unable to do repairs or move the vessel and;

The vessel JABIRU is currently estate valued as $125000 and for the unlawful removal of the estate property incurs a fee of $500000 and;

Pax Tecum. A:Gent(le-man):gunter: "DISCLAIMER": -WITHOUT-PREJUDICE-U.C.C §1-308 - ALL-RIGHTS-RESERVED-. I reserve my right not to be compelled to perform under any contract or commercial agreement that I did not enter into knowingly, willingly, voluntarily and intentionally. I do not accept the liability of the compelled benefit of any un-revealed contract or commercial agreement

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