SUPREME COURT OF QUEENSLAND

CITATION:	*Till v QPS* [2008] QCA 304
PARTIES:	**PETER TILL** (applicant) **v** **QUEENSLAND POLICE SERVICE** (respondent)
FILE NO/S:	CA No 141 of 2008 DC No 1680 of 2007 DC No 2921 of 2007
DIVISION:	Court of Appeal
PROCEEDING:	Application for Extension of Time s 118 DCA (Criminal)
ORIGINATING COURT:	District Court at Brisbane
DELIVERED EX TEMPORE ON:	1 October 2008
DELIVERED AT:	Brisbane
HEARING DATE:	1 October 2008
JUDGES:	Fraser JA, Jones and Daubney JJ Separate reasons for judgment of each member of the Court, each concurring as to the order made
ORDER:	**Application dismissed**
CATCHWORDS:	APPEAL AND NEW TRIAL – APPEAL – PRACTICE AND PROCEDURE – QUEENSLAND – WHEN APPEAL LIES – BY LEAVE OF COURT – GENERALLY – where applicant sought an extension of time within which to apply for leave to appeal – where applicant presented as either being significantly disconnected from reality or was treating the judicial system as a joke – whether the extension of time should be granted PROCEDURE – COURTS AND JUDGES GENERALLY – JUDGES – APPOINTMENT, SALARY AND REMOVAL – APPOINTMENT – where applicant submitted that the trial judge did not hold a writ of commission – whether the trial judge was properly commissioned PROCEDURE – SUPREME COURT PROCEDURE – QUEENSLAND – PROCEDURE UNDER RULES OF COURT – APPEARANCE – where the applicant described himself as a "vassalee" –whether leave to appeal should be granted

COUNSEL:	The applicant appeared on his own behalf G J Cummings for the respondent
SOLICITORS:	The applicant appeared on his own behalf Director of Public Prosecutions (Queensland) for the respondent

FRASER JA: I'll ask Justice Daubney to deliver the first judgment.

DAUBNEY J: This is an application by Peter Till for an extension of time within which to file an application for leave to appeal against the judgment of his Honour, Judge McGill SC, of the 10th April 2008.

On 14 June 2007, Mr Till was found guilty in the Magistrates Court after a summary trial of the offence of possession of a dangerous drug, namely cannabis sativa. A conviction was recorded and he was ordered to perform 40 hours' community service.

On 28 September 2007, he was again convicted in the Magistrates Court of one count of possession of a dangerous drug, namely cannabis sativa. On that conviction, he was sentenced to two months' imprisonment suspended forthwith with an operational period of 12 months.

As recorded in the reasons for judgment of his Honour:

(a) the first conviction arose out of a straightforward charge of possession of cannabis, when Mr Till was apprehended by police officers in the Botanical Gardens. The police searched him and found a clipseal plastic bag containing less than one gram of green material which, on analysis, was identified as cannabis sativa;

(b) the second conviction arose because on 8 January 2007 Mr Till attempted to enter the Magistrates Court at Brisbane carrying a bag with two cannabis plants in it, one about 90 centimetres in length and one about 30 centimetres in length. When he came to the

security screen he put the bag down for x-ray along with other bags. The bag was held by security guards until it had been brought to the attention of the police. A police officer identified the plants as cannabis. The Magistrate found that Mr Till had brought the bag with the two plants to the Court and that he was in possession of it at least up to the point where it was seized by security staff.

Mr Till appealed against both of those convictions. The appeals came on before McGill SC DCJ, who gave his judgment on 10 April 2008. Mr Till apparently did not formally appear on the hearing of the appeal, although his Honour's reasons for judgment record the following:

"On the hearing of the appeal, when the matter was called on, a person who did not identify himself asserted that he appeared on behalf of the appellant and handed up documents which he said authorised him to do so. None of the three pages handed up purported to authorise anyone to appear on behalf of the appellant. One was a copy of the "outline of argument for the appellant" referred to earlier. Whoever it was said some things which were broadly consistent with the content of the outline of argument: that he was a Sovereign being, that the prohibition on cannabis did not apply to him and that he had authorised himself to possess cannabis. After a time he announced he was going for a walk and left the Court room. I do not regard this as raising any additional matters for consideration in the appeals."

Notwithstanding the formal non-appearance of Mr Till, his Honour proceeded to give carefully detailed reasons for dismissing the appeals. In particular, his Honour devoted considerable scholarship to an argument sought to be advanced by Mr Till that he was entitled to sovereign immunity. His Honour also gave detailed reasons for rejecting arguments he apprehended Mr Till wished to advance concerning the construction of Section 9 of the *Drugs Misuse Act* 1986 and a claimed entitlement by Mr Till on medical

grounds to be in possession of cannabis. There is no suggestion that his Honour erred in law in his treatment of these arguments and his rejection of the appeal.

The notice of application for an extension of time within which to appeal to this Court dated 3 June 2008 and signed by Mr Till sets out only one ground for the application, namely that the Judge "has not writ of commission." A notice of application for leave to appeal has also been filed, similarly specifying only one ground, namely "judge has no writ of commission."

On 12 September 2008, Mr Till filed four documents in the Registry of this Court, each entitled "Outline of Submissions on Behalf of the Applicant." The documents are largely gibberish and are completely nonsensical. One of them, for example, purports to give notice to the State Attorneys General, the Deputy Prime Minister, the Secretary of the Australian Treasury, the Treasurer, and the Australian Minister of Justice and Attorney-General, as well as the Prime Minister of a "good faith notice of agreement/contract/understanding/intent, claim of right, fee schedule, claim of status, claim of love, peacefulness, happiness and helpfulness towards all." Another of the documents is headed, "Notice of want of jurisdiction" in which Mr Till describes himself as a "vassalee." This document contains the following prologue:

"I am who I am, I am I more that hair, eyes, nose, teeth, skin, body and mind. I am who I am. I am I more than fictional words, name, label, birth certificate, Mr, Man, and rock. Till or ens legis which is fiction. I am who I am. I am I more a than Mr, mister, or warrant officer which is a fiction or colour of truth. I am who I am. Two say that I am anything else that I am I is a lie or fiction I am who I am. Their is no name to describe who I am I am I am I"

The document then purports to give notice that Mr Till "is not subject to any law, act, regulation, rule or other instrument issued, decreed, given Royal assent to or in any way

enlivened, enacted and/or introduced in respect of the British Colony of the 'Commonwealth of Australia' (the Commonwealth) or the 'State of Queensland' (Qld) whether in their colonial or corporate or any other existence or guises which has, or had, its or their basis of legality and/or power and/or authority seated in a foreign and/or illegitimate Parliament and/or power."

Appended to one of the other documents filed by Mr Till is what purports to be a report from a medical practitioner at Nimbin in New South Wales, by which the doctor states that he is happy to be Mr Till's "prescriber for medical cannabis."

No further authentication of that document has been provided, nor does it appear to have any relevance to the stated ground of the application to this Court, namely the want of commission on the part of the learned District Court Judge.

The various outlines filed by Mr Till leave one in little doubt that he is either:
(a) significantly disconnected from reality; or
(b) treating the judicial system as a joke.

If he is labouring under the first incapacity it would be quite inappropriate for this Court to foster his delusions by encouraging him in the pursuit of this application. If Mr Till falls into the second category, his conduct is gross impertinence, and further entertaining his application would do nothing to enhance the dignity of this Court.

There is no substance to the ground upon which Mr Till relies for seeking an extension of time within which to file his notice of application for leave to appeal.

The application should be dismissed.

FRASER JA: I agree that the application should be dismissed for the reasons given by Justice Daubney.

JONES J: I wish to announce that I concur in the reasons given by Justice Daubney.

FRASER JA: The order of the Court is that the application is dismissed.
