

STATE OF QUEENSLAND

2023

&
**Commissioner of Queensland
Police**
&
Ors
v
Reece Storme FERRARA

COMMISSIONER OF QUEENSLAND POLICE

200 ROMA STREET
BRISBANE QLD 4000
GPO BOX 1440
BRISBANE QLD 4000

CHAIR BRUCE BARBOUR
CRIME AND CORRUPTION COMMISSION
LEVEL 2, NORTH TOWER GREEN SQUARE
515 ST PAULS TERRACE
FORTITUDE VALLEY

COMMISSIONER SCOTT MCDUGALL
QUEENSLAND HUMAN RIGHTS COMMISSION

LEVEL 20
53 ALBERT STREET
BRISBANE
CITY EAST POST SHOP
PO BOX 15565
CITY EAST QLD 4002

DR JOHN REILLY
OFFICE OF THE CHIEF PSYCHIATRIST
MENTAL HEALTH ACT LIAISON SERVICE
PHONE: 07 3328 9899 OR FREE CALL 1800 989 451
EMAIL: MHA2016@HEALTH.QLD.GOV.AU

DEPARTMENT OF HEALTH
EMAIL: DLO@HEALTH.QLD.GOV.AU

NICKY DAVIES, CEO
LEGAL AID QUEENSLAND
HEAD OFFICE
GPO BOX 2449
BRISBANE QLD 4001

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0: PREFACE

1. The Fitzgerald Inquiry 1987

Fitzgerald Inquiry was scathing about the system for dealing with police misconduct in Queensland at the time. The Inquiry concluded that: ... the complaints and discipline system was inefficient and ineffective in detecting and preventing unethical behaviour and ... there was a clear lack of commitment within the QPS to properly investigate complaints of police misconduct.

2. Kable v Director of Public Prosecutions (NSW) [1996] HCA 24, at [24], where Gaudron J spoke of protecting the individual,

10 3. ...from arbitrary punishment and **the arbitrary abrogation of rights** by ensuring that punishment is not inflicted and **rights not interfered with** other than in consequence of the fair and impartial application of the relevant law to the facts which have been properly ascertained. (emphasis added)

4. Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability,

'people with disability arguably experience forms of **'testimonial injustice'** where prejudice causes a hearer to give a deflated level of credibility to a speaker's word.'... the experiences of people with disability reflect this testimonial injustice: **some people with disability do not complain about violence because they fear they will not be believed, and certainly, there are accounts of people with disability who complain who are not believed.**

20 5. **Testimonial injustice is in part a 'distributional' problem, relating to the way status is distributed in societies.** From this standpoint, unless we address the political, legal and economic inequalities which devalue and dehumanise people with disability, then it is difficult to tackle hurdles faced by people with disability when they complain about violence.¹

6. Queensland Government Response,

'Good government relies upon the existence of robust laws and institutions to ensure government is honest, fair and open.'² (emphasis added)

7. Minister for Justice Mr Lickiss,

"The general principles behind the concept of legal aid are that all people have the right to legal representation and other legal services; and that **no-one should be denied justice merely because they are unable to afford the services they need.**"³ (Emphasis added)

30 8. The Parliament of Queensland recognises⁴:

- 1 The inherent dignity and worth of all human beings.
- 2 The equal and inalienable human rights of all human beings.
- 3 Human rights are essential in a democratic and inclusive society that respects the rule of law.
- 4 Human rights must be exercised in a way that respects the human rights and dignity of others.

9. Skelton v Collins (1966) 115 CLR 94 at 128, per Windeyer J.

"The **settled principle governing the assessment of compensatory damages**, whether in actions of tort or contract, is that **the injured party should receive compensation in a sum**

¹ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, 'Complaint mechanisms: reporting pathways for violence, abuse, neglect and exploitation' (Report, 2022/11/01) at 77

² Queensland Government Response, Parliamentary Crime and Misconduct Committee – Inquiry into the Crime and Misconduct Commission's release and destruction of Fitzgerald Commission of Inquiry documents Report No. 90. p 1

³ Minister for Justice Mr Lickiss, 'Introduction of Queensland Legal Aid Bill' 24 May 1978

⁴ Human Rights Act 2019 [HRA 2019] Preamble

which, so far as money can do, will put that party in the same position as he or she would have been in if the contract had been performed or the tort had not been committed⁵
Compensation is the cardinal concept. It is the 'one principle that is absolutely firm, and which must control all else'

10. Code of Conduct for the Crime and Corruption Commission, Crime and Corruption Commission Queensland, (2019/10/)

1.11 – Natural justice

- 10 As part of the CCC's **duty to act fairly and equitably, the principles of natural justice (procedural fairness) apply to all commission officers and processes when decisions are made concerning peoples' actions or future prospects.** Procedural fairness (see Glossary) requires **an absence of bias, the presentation of substantial reliable evidence and the right of the person affected to hear all the material evidence and be given adequate time and a fair and reasonable opportunity to respond.** These principles are particularly important **if the decision has negative consequences for the people involved**, as in discipline and diminished work performance cases.

11. Parliamentary Crime and Corruption Committee, 'Three Yearly Review of the Crime and Misconduct Commission' (53rd Parliament, Report No 86, 2012/05)

[2.2]; [5.2]; **[5.5] Devolution Principal**; [5.9]; [10]; [12]

- 20 12. Parliamentary Crime and Corruption Committee *Review of the Crime and Corruption Commission* (55th Parliament, Report No. 97, 2016/06)
2.2; 3.3; 5.3.1; 5.4; 6.2.1; 6.5;

13. The Government also indicated that both the Commission and the QPS would amend their guidelines **'to reflect the factors which should be considered in the "public interest"'**. The 8th PCMC noted the Government's intention to amend section 34 and consequently made no recommendation with respect to this issue other than to suggest that **'future Committees must monitor the operation of this amendment and how the practice of devolution continues to evolve'**. Consequent upon a change in government shortly after the 8th PCMC's three-yearly review was tabled, **no such amendment was ever made.**

- 30 14. Jen O'Farrell Chief Executive Officer, *'Implementation of recommendations arising out of Report No.97 – Review of Crime and Corruption Commission'*, (Parliament of Queensland Our Reference: Your Reference: AD-15-0353/02 - 18/262002 / KME qAQ132, 2018/12/04)

15. We found that the QPS had assessed 103 (90%) appropriately, i.e. that the allegations did not reasonably raise a suspicion of corruption. **The remaining 12 matters (10% of total audited matters) did raise a reasonable suspicion of corruption and the QPS should have notified the CCC of these matters.**

- 40 16. *Queensland Government Response*, Parliamentary Crime and Misconduct Committee, Inquiry into the Crime and Misconduct Commission's release and destruction of Fitzgerald Commission of Inquiry documents (2013)

17. The CMC has committed to review the operations of and **address the culture within the Legal Services Unit** and will report back to the PCMC... **Both self-interest on the part of some, and**

⁵ Butler v Egg and Egg Pulp Marketing Board (1966) 114 CLR 185 at 191; Todorovic v Waller (1981) 150 CLR 402 at 412; Redding v Lee (1983) 151 CLR 117 at 133; Johnson v Perez (1988) 166 CLR 351 at 355, 386; MBP (SA) Pty Ltd v Gogic (1991) 171 CLR 657; Livingstone v Rawyards Coal Co (1880) 5 App.Cas. 25 at 39; British Transport Commission v Gourley [1956] AC 185 at 197, 212.

institutional defensiveness, will be forces of resistance to the implementation of recommendations.

1: INTRODUCTION

18. The entities that are named in this submission are due to their involvement in this matter as a whole. There are deviations from statutory requirements or best practices by Act(s) or Omission(s). At the very least, the common law established right to the rule of law justifies a complaint of improper public administration and the original Human Rights / Discrimination complaint.
- 10 19. I have a nine-year-old son currently in Grade 4. He is my primary source of joy and purpose; we enjoy a strong bond and connection.
20. I have approx. Fifteen years of experience in the pre-hospital setting, with ten of those years as a qualified Paramedic.
21. I have extensive Training in Martial arts, Muay Thai Kickboxing and some training in Brazilian Jiu-Jitsu.
22. On October 4, 2021, an incident occurred with several police members of the Queensland Police Force. As a result, a charge and fine were issued under the *Police Powers And Responsibilities Act 2000* (Qld) [PPRA] s 790 (1)(b) obstruct a police officer in the performance of the officer's duties.
- 20 23. The material events and charge are in dispute with the defendant, Reece Storme Ferrara, intending to defend the charge and submit a **not-guilty** plea at the Goondiwindi Magistrates Court, Queensland.
24. I further intend to pursue legal rights under the *Crown Proceedings Act 1980* s 6 Crown Bound to explore s 10 Nature of relief; PPRA s 804 Compensation and the *Criminal Code 1899* [CC1899] s 702 Saving of civil remedies and any other remedies applicable.⁶
25. The state of Queensland is directed specifically to the articles referred to here, before doing so, I am aware of the hierarchy of domestic law and international law. With this in mind,
- 30 Convention on the Rights of Persons with Disabilities, opened for signature 30 March 2007, 999 UNTS 3 (entered into force 3 May 2008), articles 3, 4, 5, 7, 10, 12, 13, 14, 15, 16, 19, 22, 23, 25, 26, 27, 28 and 30.

⁶ Queensland Law Reform Commission, Vicarious Liability Report No 56, 2001

2: LAWS ESTABLISHING DISABILITY & AUTHORITY

The *Anti-Discrimination Act 1991 (Qld)* [ADA91]

1. explicitly mentions attributes I possess in section 7(h) **impairment**. Schedule 1 s 4, defines Impairment:

in relation to a person, means—

- (b) **the malfunction**, malformation or disfigurement of a **part of the person's body**; or
- (d) **a condition**, illness or disease **that impairs a person's thought processes**, perception of reality, **emotions** or judgment or that results in disturbed behaviour. (Irrelevant clauses omitted).

- 10 2. s 101 Discrimination in administration of State laws and programs area

A person who—

- (a) **performs any function or exercises any power under State law** or for the purposes of a State Government program; or
- (b) **has any other responsibility for the administration of State law** or the conduct of a State Government program; must not discriminate in—
- (c) **the performance of the function**; or
- (d) **the exercise of the power**; or
- (e) **the carrying out of the responsibility**. (Irrelevant clauses omitted).

- 20 The *Mental Health Act 2016 (Qld)* [MHA16]

3. s 10(1) provides the definition of 'mental illness' as,

"Mental illness" is a condition characterised by a **clinically significant disturbance** of **thought, mood, perception or memory**.

4. Additionally, the *MHA16* provides a set of principles that a person exercising a function under this act is to have regard to in s 5,

following principles apply to the administration of this Act in relation to a person who has, or may have, a mental illness—

- 30
- (a) Same human rights
 - the right of all persons to the same basic human rights must be recognised and taken into account
 - a person's right to **respect for his or her human worth and dignity** as an individual must be recognised and taken into account
 - (l) Provision of treatment and care
 - **treatment and care provided under this Act must be provided** to a person who has a mental illness **only if** it is appropriate for **promoting and maintaining the person's health and wellbeing** (emphasis added)

5. Section 6 (2) refers to principles for victims [s 6(1)(a) victim of an unlawful act],

- 40
- (a) the physical, **psychological and emotional harm caused to the victim** by the unlawful act must be recognised with compassion;
 - (b) the **benefits of counselling, advice on the nature of proceedings** under this Act 10 and **other support services to the recovery of the victim from the harm caused by the unlawful act must be recognised**;
 - (c) the **benefits to the victim of being advised in a timely way of proceedings under this Act against a person in relation to the unlawful act must be recognised**;
 - (d) the **benefits to the victim of the timely completion of proceedings against a person in relation to the unlawful act must be recognised**;

(f) the **benefits to the victim of being given the opportunity to express the victim's views on the impact of the unlawful act to decision-making entities under this Act must be recognised.** (Irrelevant clauses omitted. Emphasis added)

6. Section 7 states **regard must be had to sections 5 & 6 when exercising a function** under the *MHA16*.

The Criminal Code 1899 (Qld)

7. defines a 'person with an impairment of the mind' as,

(a) is attributable to an intellectual, **psychiatric**, cognitive or **neurological impairment** or a **combination of these**; and

(b) results in—

(i) a **substantial reduction of the person's capacity for communication, social interaction** or learning; and

(ii) the **person needing support**

Public Health Act 2005 (Qld)

8. Chapter 4A Health of persons with major disturbance in mental capacity

9. 157A Definitions for ch 4A authorised person means—

(a) a police officer

10. 157B Ambulance officer or police officer may detain and transport person

(1) This section applies if an ambulance officer or police officer believes—

(a) **a person's behaviour, including, for example, the way in which the person is communicating, indicates the person is at immediate risk of serious harm**; and

Example— a person is threatening to commit suicide

(b) the **risk appears to be the result of a major disturbance in the person's mental capacity**, whether caused by illness, disability, injury, intoxication or another reason; and

(c) the **person appears to require urgent examination, or treatment and care**, for the disturbance.

(2) For the Police Powers and Responsibilities Act 2000, section 609(1)(a)(i), the **police officer may consider advice received from a health practitioner** about the person in forming a view as to whether there is an imminent risk of injury to a person.

(3) The ambulance officer or **police officer may detain the person and transport the person** to a treatment or care place.

11. 157C What ambulance officer or police officer **must** tell person

(1) The ambulance officer or **police officer must—**

(a) **tell the person that the officer is detaining the person and transporting the person to a treatment or care place**; and

(b) **explain to the person how taking action under paragraph (a) may affect the person.**

(2) The ambulance officer or **police officer must take reasonable steps to ensure the person understands the information given under subsection (1)...**

12. Part 4 Powers 157L Use of Force to detain and transport

An ambulance officer or **police officer may exercise the power to detain and transport** a person under this chapter **with the help, and using the Force, that is necessary and reasonable in the circumstances.**

13. *Crime and Corruption Act 2001*

14. **conduct** includes—

- (a) neglect, failure and inaction; and
- (b) conspiracy to engage in conduct; and
- (c) attempt to engage in conduct.

15. **corruption** means corrupt conduct or police misconduct

16. **corruption offence** means alleged or suspected criminal conduct that may be—

- (a) corrupt conduct; or
- (b) misconduct under the Police Service Administration Act 1990.

17. **police misconduct** means conduct, other than corrupt conduct, of a police officer that—

- (a) is **disgraceful, improper or unbecoming a police officer**; or
- (b) **shows unfitness to be or continue as a police officer**; or
- (c) does **not meet the standard of conduct the community reasonably expects** of a police officer.

18. s 15 Meaning of *corrupt conduct*

- (1) **Corrupt conduct** means conduct of a person, regardless of whether the person holds or held an appointment, that—
- (a) **adversely affects**, or could adversely affect, **directly or indirectly**, the **performance of functions or the exercise of powers** of—
 - (i) a **unit of public administration**; or
 - (ii) a **person holding an appointment**; and
 - (b) **results**, or could result, **directly or indirectly**, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that—
 - (i) is **not honest** or **is not impartial**; or
 - (ii) **involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly**; or
 - (iii) **involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers** of a person holding an appointment; and
 - (c) would, if proved, be—
 - (i) a **criminal offence**; or
 - (ii) a **disciplinary breach providing reasonable grounds** for terminating the person's services, if the person is or were the holder of an appointment.

19. s 20 Meaning of unit of public administration

- (1) Each of the following is a *unit of public administration* –
- (d) the police service

20. s 34 Principles for performing corruption functions

- (c) Devolution
 - subject to the cooperation and **public interest principles** and the capacity of the unit of public administration, action to prevent and deal with corruption in a unit of public administration should generally happen within the unit
- (d) Public Interest
 - the **commission has an overriding responsibility to promote public confidence**—
 - in the integrity of units of public administration and
 - if corruption does happen within a unit of public administration, in the way it is dealt with

- the commission should exercise its power to deal with particular cases of corruption when it is appropriate having primary regard to the following—
- the capacity of, and the resources available to, a unit of public administration to effectively deal with the corruption
- the nature and seriousness of the corruption, particularly if there is reason to believe that corruption is prevalent or systemic within a unit of public administration
- any likely increase in public confidence in having the corruption dealt with by the commission directly.

10 21. s 40A Record of alleged corrupt conduct not notified

22. s 41 Responsibility of commissioner of police

(1) The commissioner of police has primary responsibility for dealing with complaints about, or information or matter the commissioner of police reasonably suspects involves, police misconduct.

23. s 42 Dealing with Complaints – commissioner of police

(3) If the commissioner of police is satisfied that—

(a) a complaint—

(i) is frivolous or vexatious; or

(ii) lacks substance or credibility; or

(b) dealing with the complaint would be an unjustifiable use of resources; the commissioner of police may take no action or discontinue action taken to deal with the complaint.

(7) If a person makes a complaint that is dealt with by the commissioner of police, the commissioner of police must give the person a response

3: DIAGNOSIS DISABILITY VULNERABILITY

1. Post-Traumatic Stress Disorder was diagnosed on March 1 2016, by the Austin Hospital Psychiatric Registrar Dr Hui, later being updated to complex PTSD. The World Health Organisation's (WHO) International Classification of Disease (ICD) release 11, code the condition as [ICD-11-6B41](#)

2. The predominant cause was identified by Independent Medico-Legal Psychiatrist Dr David Weissman [Provider number: 081050BT] as **chronic exposure to family violence** within a former relationship.

3. A minor contribution was identified as being **traumatic events attended** during the 6 years of employment **as a Paramedic** with Ambulance Victoria.

4. The ICD 11 describes the causes of the condition as,

exposure to an event or series of events of an extremely **threatening** or horrific nature, **most commonly prolonged or repetitive events from which escape is difficult or impossible**.

5. Such **events include, but are not limited to, torture⁷**, concentration camps, slavery, genocide campaigns and **other forms of organised violence, prolonged domestic violence⁸**...

⁷ [2021/10/11] eMail to International Human Rights Commission, 'International Human Rights Commission 'under Article 22 I formally request assistance for impartial assessment of alleged psychological torture' [*** Graphic photo attached rope around neck***].

⁸ Experiences of Chronic exposure throughout childhood and adolescence. Additionally, Since 2012 whereby escalation to physical violence began to occur in 2013. Victoria Police failed to fact check representations made and all interactions were tainted by bias and a lack of procedural fairness.

6. It manifests as,

- Re-experiencing the traumatic event after the traumatic event has occurred, in which the event(s) is not just remembered but is experienced as occurring again in the here and now.
- Deliberate avoidance of reminders likely to produce re-experiencing of the traumatic event(s).
- Persistent perceptions of heightened current threat, for example as indicated by hypervigilance or an enhanced startle reaction to stimuli such as unexpected noises.

7. The inability to escape is where the true terror is experienced. Each instance of severe harm and behavioural manifestations of **psychological torture**⁹ and co-occurring diagnosed and undiagnosed conditions took me to the precipice of a place devoid of hope or reason to live.

8. Yet, desperate cries for mercy went unanswered, and I was left to rot in the isolation¹⁰ darkness, homelessness and poverty. One of many emails sent, begging and screaming for mercy with no response,

9. [2022/10/15] Ferrara, Reece Storme 'Please... I need this to end, I can't take any more. Please. Get someone to Kill me I cant do it myself, to Office of Legal Services Coordination; olsc@aq.gov.au:

'I am being alienated from my son. He was the only person in this world I was living for and severe poverty means I cant see him...'

10. Australian Institute of Health and Wellbeing, Suicide & self-harm monitoring (Ver. 11, 2021/09/30)

Rates of hospitalisations for intentional self-harm **tend to be higher for those living in lower socioeconomic (more disadvantaged) areas**

In 2019–20:

the rate for the most disadvantaged areas (Quintile 1) was 135 hospitalisations per 100,000 population, **which is 1.6 times higher than the rate for the least disadvantaged areas** (Quintile 5; 84 per 100,000 population).

A **similar pattern was seen in suicide rates in 2019**, see Suicide by socioeconomic areas.

11. PTSD was assessed as being in 'remission' by Dr Arthur Hokin, treating consultant psychiatrist of the Delmont consulting suites, in the report dated June 05, 2020.

12. I was diagnosed with attention deficit hyperactivity disorder [ADHD] after my son was diagnosed as having the condition. A consultant Psychiatrist Dr Norman Zimmerman (provider number MED0001063921) made the formal diagnosis on September 30 2020. It is effectively treated with Lisdexamfetamine dimesilate.

13. ADHD is a neurodevelopmental disorder that has an organic origin. The pathogenesis of the disease is neurological and caused by a chronic and

⁹ Nils Melzer, Psychological Torture, HRC Res 34/19, UN GAOR, Agenda Item 3, UN Doc A/HRC/43/49 (2020/03/20); Nils Melzer, Corruption-related Torture and Ill-treatment, HRC Res. 34/19, 40th Session, Agenda item 3, A/HRC/40/59, (2019/01/16)

¹⁰ Community Support and Services Committee, Inquiry into social isolation and loneliness in Queensland (57th Parliament Report No No. 14, 2021/12/) at 2.1.1; 2.1.2; 2.1.3

inadequate level of neurotransmitters, primarily dopamine. It is typically accompanied by environmental adaptations that form additional co-morbidities.

14. The behavioural manifestations are well documented and described by the [ICD11-06-6A05.2](#) ADHD Combined type. Typically, these present as,

- Inattention refers to significant difficulty in sustaining attention to tasks that do not provide a high level of stimulation or frequent rewards, distractibility and problems with organisation. (emphasis added)
- Hyperactivity refers to excessive motor activity and difficulties with remaining still, most evident in structured situations that require behavioural self-control... talks too much (emphasis added)
- Impulsivity is a tendency to act in response to immediate stimuli, without deliberation or consideration of the risks and consequences in the moment. (emphasis added)

15. Additionally, Executive dysfunction is a hallmark feature of ADHD. I have found completing these applications demanding in several ways. Trying to organise and precisely summarise the events into these applications is one of the most significant.

16. Problems with legal arguments or adding case law are not the issue, but how to organise it and limit its length. The difficulty arising from the manifestation of ADHD. I have been agonising over applications and paperwork on top of other reprisals that sometimes resulted in despair and a loss of hope.¹¹

17. Activation: Organising, Prioritising, and Activating to Work

... difficulties individuals may have organising tasks and materials, estimating time, prioritising tasks, and getting started on work-like tasks (i.e., activities they have not usually chosen for pleasure). People with ADHD often have chronic difficulty with excessive procrastination. Often they will put off getting started on a task--even a task they recognise as important to them--until the very last minute... Items in this cluster involve queries about following instructions, keeping track of assigned tasks, getting motivated in the morning, daydreaming, and rushing through assigned work.¹²

4: PRE EVENT

1. Up to this moment, I am party to several sources of detriment¹³. First, the accumulative and chronic drain of personal and emotional resources, exacerbated by disabilities and forced separation from my son.

2. Additionally, I [authored and sent this eMail](#).

¹¹ [2022/10/17] FERRARA v. Attorney-General for the Northern Territory & Ors - Rejected HCADLS_0029985

¹² [2020/07/15] Thomas E. Brown PhD, 'Brown Executive Function/Attention Scales™' Administered by Clinical Psychologist Dr Emma Butler, Participant, Reece Storme (Ferrara) (Doc No. 1.0 / RE1 / QG1)

¹³ Two separate instances of witnessing conduct known to have a negative effect on health and safety within the resources sector. When concerns were raised I was subject to detriment by termination of employment, discrimination and reprisals pursuant to the Corporations Act 2001 (Cth) Part 7.4AAA Whistle-blower protections.; 'Employment Discrimination Against Australians with Disability', (Australian Human Rights Commission, 2020); 'Workshop Insights - Addressing Stigma And Discrimination In Employment', National Stigma and Discrimination Reduction Strategy (2021/11/)

3. [2021/10/04] Reece to Medical Rescue and ors RE_ Discrimination and end my life:

After just being discriminated out of yet another job for being too "enthusiastic" and that I "need to talk less" I have thought a lot about this and I cannot come up with anything better.

It seems to me I have two options. To go and live in isolation alone and try to survive or to end my life. Things like merit, honesty and integrity just ends in punishment and I can't lie or be apart of anything that is ethically or morally wrong because it makes me feel sick...

I write this because no matter how hard I try, how much I learn, how quickly I learn it, how humbled, how well I perform... how ethically and morally driven I am... Follow codes of conduct, follow policies and procedures, how much evidence I gather in support of what I say, how sorry I am for the misconduct in AV, how much shame I carry for the wrong things I did, How much responsibility and ownership I take of my behaviour, how much I confess my wrongdoings, how much I call out others when they act in contravention of standards, morals, human decency, how much I love seeing others succeed...

... all people are human and deserve human interaction compassion and acceptance even if they take drugs etc, that behind every behaviour is a cause and behind unacceptable behaviour is pain, suffering, self-loathing, shame, guilt, resentment, hopelessness, agony, self destruction.

Despite all these things, I will never be able to change how someone else chooses to assume who I am, my value as a Paramedic/worker/father/member of society/human being based on whatever information they have been given by others or is available to them that others provided, especially if whoever it is feels that they have enough evidence to form that conclusion without ever taking the time to simply ask me and if they need evidence to back up what I tell them then genuinely look at and consider that information or how my behaviour is different to others. It is not wrong, just different. How I was born with a nervous system that is not "normal". The playing field has been stacked so high that I can't even compete.

4. The State of Queensland declared reinstatement of border closures on September 10, 2021, due to rising COVID-19 cases in the southern states of New South Wales and Victoria. Although I knew the borders were closed, travel into Queensland was not permitted, and despite these facts, I travelled to the border anyway in the hope I could get through extenuating circumstances.

5. An event some 60 km away [involving protests at the NSW/QLD](#) border occurred around a month before I arrived at the QLD Border.¹⁴

5: OCTOBER 4, 2021, EVENT INVOLVING QUEENSLAND POLICE

1. This section contains original statement paragraphs sent in with the original complaint with the addition of new material from the Body Cam footage supplied in the brief of evidence.
2. I drove a black Subaru Outback with license plate XUA630. Travelling northbound on Highway A39 (Newall Hwy) to the NSW and QLD border, I reached the checkpoint monitored by Queensland Police.

¹⁴ [2021/08/23] Hannah Ross, 'Eight arrested as 1,000 gather on NSW-Queensland border to protest COVID restrictions', ABC North Coast.



3.

[Lat: -28.552838, Long: 150.322352]

4. I stopped at the checkpoint. Too upset to speak, I remained silent.

5. AXON Body 2 2021 10 04 X81177993 A/Sgt Dickinson @ 06:12:25

...And he just sat in the car and just didn't say anything...

6. Then after the directive to return to NSW, I stated my brief history of circumstances incl. issues with VICPOL. Being unable to consider emergency/urgent circumstances, I advised consideration of intent to suicide. Finally, out of desperation, I stated I could be arrested or admitted.

10 7. AXON Body 2 2021 10 04 X81177993 A/Sgt Dickinson @ 04:01:15

PTSD anything else? Are you currently taking medication for your ADHD or PTSD? Yes. What sort of medication? [Reece pointing into glove box]

8. Reece Ferrara 2021 10 04 @ 04:02:05 – 04:03:14 X81177993

And Lisdexamfetamine.

9. AXON Body 2 2021 10 04 X81177993 A/Sgt Dickinson @ 06:12:25 – 06:29:24

... mate where have you come from. And he just sat in the car and just didn't say anything. And I was like, okay, well, if you're not going to do that, you're not going to give me a border pass I'm going to direct you to leave. And he's like, I'm not leaving because I'm coming to Queensland. He goes, You'll have to chase me down.

20 10. AXON Body 2 2021 10 04 X81177993 A/Sgt Dickinson @ 05:19.22 – 05:29.23

So once QAS are here what I'll do is I'll ask him to step out of the car because he's just like, I'm not gonna go with QAS. **So he pretty much just wants to blue.**

11. AXON Body 2 2021 10 04 X81177993 A/Sgt Dickinson @ 06:48:10 – 07:31:22

Um, he's just going through a brief thing on how he's been hard done by. He's made several complaints to VICPOL. He's lost his jobs. He's got so many court cases on the Fair Work and fair trading and all this sort of stuff. **Pretty much just tried to give us a sob story as to why I should be entering into Queensland** and then again turned around and said, well, if you don't let me into Queensland, I'm going to drive off this bridge, I'm going to go kill myself. [Voices in background] **So 100% definitely attempting to influence the outcome...**

30

12. A/Sgt Dickinson and another Snr Cons. Both were at least 183cm or taller and approx 90kg. I was abrupt and disrespectfully asked the Snr Cons. what he thought was funny about these events and why smiling was appropriate. He apologised.
13. Sergeant Dickinson advised me that the ambulance had arrived and we can "get this over with".
14. AXON Body 2 2021 10 04 X81177993 A/Sgt Dickinson @ 09:23:22 – 09:29:22
Can I get you to jump out for me, mate, **so I can get all this squared away?**
15. AXON Body 2 2021 10 04 X81177993 A/Sgt Dickinson @ 09:35:00 – 09:40:13
Where's the Ambulance? Just coming around the corner here.
16. AXON Body 2 2021 10 04 X81177993 A/Sgt Dickinson @ 09:40:13
Jump out, for us.
17. I wasn't getting out of the car fast enough so he proceeded to reach in through the window, unlock the door, open it and I got out.
18. **[Note he waited a total of 4 seconds to comply with his request]**
19. AXON Body 2 2021 10 04 X81177993 A/Sgt Dickinson @ 09:40:13
[Sigh] [@ 09:44:00 A/Sgt Dickinson Reaches in through the window and opens driver side door with his right hand]
20. Once out of the car I asked them "Just please don't touch me" as I was in a heightened state of arousal secondary to PTSD and the incidents I had with VICPOL.
21. 2021 10 04 X81177993 Reece Ferrara @ 09:50:18 – 09:53:15
Just do me, just do me a favour and just don't touch me. Please. I'll I'll co-op-
[I wasn't able to finish saying I'll co-operate]
@ 09:53:10, I was out of the car standing and facing the rear of the vehicle.
22. AXON Body 2 2021 10 04 X81177993 A/Sgt Dickinson @ 09:53:15 – 09:55:14
[A/Sgt Dickinson Grabs the mid bicep of my left arm with unnecessary Force] A/Sgt Dickinson **"...so he pretty much just wants to blue"**

2021-10-04 T12:31:23Z
AXON BODY 2 X81177993



23. 2021 10 04 X81177993 Reece Ferrara @ approx. 09:54:00

Son of a bitch

24. A/Sgt Dickinson uses his right arm to grab my mid-bicep, *gripping it with unnecessary Force* and looking at me with intent directly in the eyes from his height and size advantage. He continued to forcefully hold my bicep, resisting my attempt to pull it away.

25. 2021 10 04 X81177993 Reece Ferrara @ 09:56:10,

I broke the grip of Sergeant Dickinson and was immediately rushed by the other two officers and forced back into my car.

10 26. All my muscles immediately tensed, and the amygdala, recognising the threat of imminent harm, then pushed me into an adrenalin-mediated fight/flight/freeze state.

27. AXON Body 2 2021 10 04 X81177993 A/Sgt Dickinson @ 09:57:04

Grabbed my throat with his left hand. I **instinctively defend the threat to breathing** by using both hands to hold his left arm.

[Importantly at this stage **I have not retaliated against them**. Instead **only defend** at this point. Also of note is that **I have not been advised I am being detained under an Emergency Examination Assessment** power within the Public Health Act]

2021-10-04 T12:31:28Z
AXON BODY 2 X81177993



28.

20 29. AXON Body 2 2021 10 04 X81177993 A/Sgt Dickinson @ 09:56:08 – 10:01:01

Just Hey Stop fighting. Stop, man. You're. You're going to come off second best, mate. Yeah.

30. I said, "Hey that's not necessary" [original complaint]

31. Reece Ferrara 10 04 2318 X81177993 @ 10:01:01 – 10:02:16

This is not necessary.

32. Reece Ferrara 10 04 2318 X81177993 @ 09:59:09

I Force A/Sgt Dickinson's hand off my throat.

33. The other Snr. cons. With a height and size advantage and a junior Cons. more akin to my size closed in and breached my personal space. The amygdala now sensing a threat to life, resulted in fear, and I instinctively tried to defend myself and escape. (Flight)

30

34. AXON Body 2 2021 10 04 X81177993 A/Sgt Dickinson @ 09:59:13

A/Sgt Dickinson **places both hands on my throat, slightly cutting off venous drainage for the head** and no stridor [airway obstruction] is heard.



35.

36. Reece Ferrara 10 04 2318 X81177993 @ 10:00:01

I force A/Sgt Dickinson's left hand off my throat.

37. AXON Body 2 2021 10 04 X81177993 Snr Cons Hill @ 10:00:21

Grabs my right wrist, and I have an open hand

38. Reece Ferrara 10 04 2318 X81177993 @ 10:01:55

10

[Still with open right hand] 'This is not necessary.'



39. AXON Body 2 2021 10 04 X81177993 Snr Cons. Kyle Jordan @ 10:02:16 – 10:04:25

Yeah, well, your behaviour.

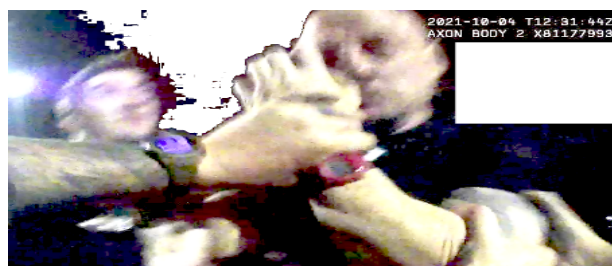
40. Reece Ferrara 10 04 2318 X81177993 @ 10:09:40

I will fuck you up. I will fuck you up. Just let me go. I don't want to do this. I didn't want it. I didn't want it to be this way.

41. Reece Ferrara 10 04 2318 X81177993 @ 10:12 – 10:20

20

Trying to push them off me



42.

43. Being pushed, my whole body assumed the form of it, and my back was slightly hyper-extended. I was in this position off balance and unable to generate the Force necessary or capable of pushing them back.
44. I made an effort with everything I had to gain my balance forward but was unsuccessful. My arms were held so I couldn't defend myself.
45. AXON Body 2 2021 10 04 X81177993 Unknown Speaker

Stop kicking out. You will be stopped.

46. AXON Body 2 2021 10 04 X81177993 A/Sgt Dickinson @ 10:19:05

The A/Sgt's left hand goes back on my throat.



10 47.

48. This moment is **the only instance in which I touched the person of one of the arresting officers** throughout the whole event. The **purpose was defence** by pushing him away from me.



49.

50. Immediately after this push, Sergeant Dickinson (on my left) and Snr Cons (in the slightly off-centre to the left) began to knee me repeatedly to the hip to the navel region. At the same time, the Jnr Cons continued to pin my right arm and shoulder.



51.

52. Instinctively using 20 years of Muay Thai training, I raised my right knee to defend the knees coming from the Sen. Cons. At the same time, being still open to attack from the knees of Sergeant Dickinson. The flaw of this technique is that you lose your stable base and, as a result, compromise your balance.



53.

54. A/Sgt Dickinson's hand was still on my throat while kneeling me repeatedly.



55.

56. Snr Cons. Hill kneeling me.

- 10 57. [I said later in the hospital, why the knees? If the primary goal was to get me to the ground, I would take out the legs with a sweeping kick. Does not inflict unnecessary pain and would have prevented me from enduring these assaults.]

58. I was inevitably forced to the bitumen where the Snr Cons. and the Jnr Cons. had my back pinned by a knee and controlled my hips, pinning me to the road and concurrently ripping my arms behind my back.

59. In this position, **I couldn't do anything to them**, let alone save myself.

60. I cried out,

"This was not necessary... I just asked you not to touch me."

61. Another police officer was seen who was slightly overweight with glasses, watched the event take place. Silent. All of them had body cameras.

- 20 62. **An unknown officer**, as I couldn't see, **while helpless and clearly no possible threat** to anyone, **forced my head into the bitumen causing pain and significant bleeding.**



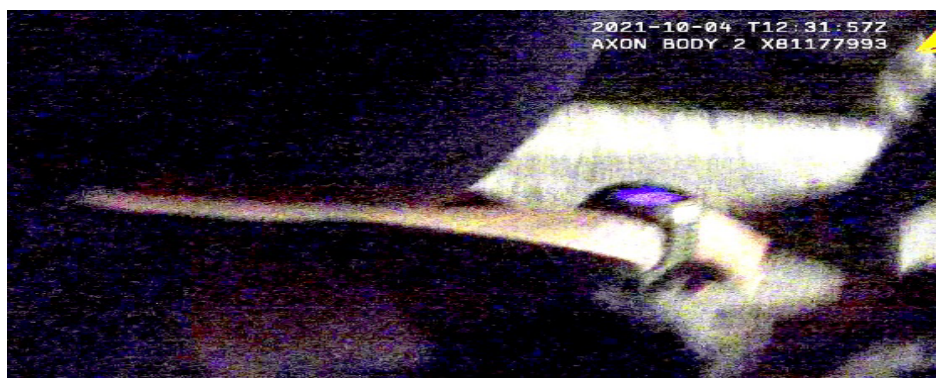
63.

64. [Original Complaint] Given the positioning of the police members and their actions stated previously, I can only deduce that Sergeant Dickinson forced my head into the road as he was positioned originally to my left and by virtue of position, would be less likely to be involved in restraining me to the ground as when on the ground my head was facing his side with legs towards the Jnr Cons.

65. A/Sgt Dickinson's positioning when my head was forced into the ground.



66.



67.

68. It is possible that A/Sgt Dickinson did not force my head into the ground, rather being Snr Cons Hill now that it appears he was not involved in the actual handcuffing. At this stage I have not reviewed all the video yet.

69. I was handcuffed and forcibly taken to the ambulance stretcher. When I asked him why he did that, he replied, "**you were under arrest**" or "**you were being detained**".

70. AXON Body 2 2021 10 04 X81177993 A/Sgt Dickinson @ 11:13:27 – 11:18:03
Our car first.

10 [A/Sgt Dickinson directs the assisting officer Snr Cons. Jordan to take me to the police vehicle first, bypassing the Ambulance with blood running down my face.]

71. I am very familiar with the mental health act, and while state variation occurs, the guiding principles remain the same. First, people suffering mental health crises are to be dealt with the least amount of Force (if voluntary, **no force**) required to transport them to appropriate health care and assessment.

72. AXON Body 2 2021 10 04 X81177993 Snr Cons. Jordan @ 11:27:25 – 11:32:02

You stood up. Got out of the car, and **immediately balled a fist off at my partner.**

73. I was led to the police vehicle with a "cage" and before being forced inside, Sergeant Dickinson said,

20 "You are being held under an EEA".

74. One might ask the question,

When would it be appropriate to inform a person they were being detained under that power?

75. I replied,

"I don't know what that is"

76. He told me what it was, but I don't remember.

77. I remained in the back of the vehicle for approx. 20 - 30 minutes with QAS on scene.

78. AXON Body 2 2021 10 04 X81177993 Snr Cons. Jordan @ 12:34:08 – 12:49:29

30

79. Everything you [Indiscernible] that was not at all. It was not necessary. I said, just don't touch me. It wasn't necessary. And then you smashed my head into the ground.

80. AXON Body 2 2021 10 04 X81177993 Snr Cons. Jordan @ 13:18:12 – 13:38:21

81. He's just attempting to try and influence our outcome by telling us he's getting [indiscernible]. Pretty much. **And then he jumped out of the car so we can get this squared away. And then he said,**

Don't touch me. And I just grabbed him and said, You're in our custody. And then he's just put on a stink, pretty much.

82. Still feeling the effects of adrenalin, I proceeded to taunt the officers, calling them cowards and requesting they punch me in the face through the window. Now I was cuffed and helpless.
83. Advised them this is precisely the State I was in (seated hands tied behind my back), in my nightmares, I had for over a year of my ex-wife who would (in dreams) continually punch my face with blood pouring from it.
- 10 84. I only heard bits and pieces, but there is no doubt that the officers corroborated a consistent story. I heard bits like **"my cam wasn't working"**¹⁵ "well, do it like that".
85. Enraged, I banged my (now dried bloodied) head into the window and continued to curse the officers.
86. I was taken to the hospital and wouldn't talk to the QAS crew, was uncooperative with assessment and succumbed to crying through into the hospital.
87. AXON Body 2 2021 10 04 X81177993 A/Sgt Dickinson @ 17:45:00 – 17:57:17
- 20 Has any does anybody have any issues with the way things have been dealt with so far? No.¹⁶ Sweet. Yeah. And the only reason I ask, I'm just trying to **keep everything aboveboard because I guarantee you compliance coming out of this.**
88. To add insult to injury and what seemed like the ultimate mockery conducted themselves as if they did nothing wrong and I was the aggressor. Sergeant Dickinson then said, "C'mon Reece, you used to be a Paramedic. They're Paramedics too." or similar.
89. AXON Body 2 2021 10 04 X81177993 A/Sgt Dickinson [403233400] 22:03:11 - 00:22:24:23
90. .. Oh we got another one of them on the crew. The only issue is obviously we want to try and keep. He is **we want obviously want to try and pay attention to his human rights and all that sort of stuff. He's he's been told that he's detained under the Mental Health Act. He's been provided with all those details and stuff like that.**
- 30

6: DELAYS, OMISSIONS AND GOVERNMENT MANIPULATION

1. It appears there may have been conduct of a nature defined in the *Crime And Corruption Act 2001* s 15 Meaning of corrupt conduct by 'unit(s) of public administration' within the meaning of s 20. Primarily this line of inquiry comes in response to,

¹⁵ Reflected in A/Sgt Dickinson's statement.

¹⁶ Criminal Justice Commission. 'Integrity in the Queensland Police Service: Implementation and Impact of the Fitzgerald Inquiry Reforms' (Report, 1997) influence of the police code of silence

- a. Recently learning the Queensland legislation
 - b. Noting a delay by the Human Rights Commission to accept or decline a complaint.
 - c. The complaint was submitted and received January 10, 2022.
 - d. Statutory obligation of the Human Rights Commission to complete a decision within 28 days, failing to provide correspondence, reasons or decision.
 - e. Australia's Police jurisdictions typically have unconstitutional disregard for laws they are subject to, including accountability, conflicts of interest, freedom of information, corruption and extensive public discourse in Queensland on the '**devolution principle**' relating specifically to the issues above.
 - f. This principle is incompatible with current and longstanding police culture, particularly when there are established instances of systemic corruption. Continuing to entertain the principle only facilitates Snr Sgt Stahlhut and the Criminal and Corruption Commission to encourage impunity for actions like these.
2. Governments in Australia systemically blame, exploit weaknesses, debase, discredit, gaslight¹⁷ and dehumanise¹⁸ the complainant as not worthy of a fair hearing as an under the table risk management policy. It is the tactic used nationwide when there are allegations of wrongdoing by the public sector as has been my personal experience.
 3. Crime and Corruption Commission, '*Australia's Anti-Corruption Commissioners*', State of Queensland, (Joint communiqué, 2019/10/29)
 4. As the heads of Australia's anti-corruption agencies, **we have observed a range of behaviours that allow corruption to take hold** and flourish in public sector institutions. Together, these behaviours form a powerful incubator that enables corruption:
 5. • **an individual officer conceals or fails to disclose wrongdoing**
 6. • **colleagues who suspect or witness the officer's conduct are reluctant or unwilling to report it for various reasons, including fear of being punished**
 7. • **a supervisor fails to apply rigour and sufficient standards within their team to 10 effectively guard against corruption risks. They are apathetic or unwilling to fully explore wrongdoing, or consider the role of other team members**
 8. • **internal governance or complaints teams who have ineffective systems for identifying and reporting corrupt conduct. They may focus on individual behaviours, hoping that simply removing 'rotten apples' will be enough.**

¹⁷ '**gaslight, v.**', Oxford English Dictionary, Oxford University Press (Online at 2022/03) Def No. 1 To manipulate (a person) by psychological means into questioning his or her own sanity

¹⁸ **Dehumanization** - Boysen, Guy A., Rebecca L. Chicosky and Erin E. Delmore, '*Dehumanization of mental illness and the stereotype content model*' (2020) Stigma and Health; Boysen, Guy A. et al, '*Evidence for blatant dehumanization of mental illness and its relation to stigma*' (2020) 160(3) Journal of Social Psychology 346-356; Caesens, Gaëtane, Nathan Nguyen and Florence Stinglhamber, '*Abusive Supervision and Organizational Dehumanization*' (2019) 34(5) Journal of Business and Psychology 709-728; Murrow, G. B. and R. Murrow, '*Hypothetical neurological association between dehumanization and human rights abuses*' (2015) 2(2) (20150608) J Law Biosci 336-364; Sainz, Mario et al, '*Lacking socio-economic status reduces subjective well-being through perceptions of meta-dehumanization*' (2021) 40 British Journal of Social Psychology 470

9. **• senior managers focus on getting the job done at all costs, failing to recognise the need for systemic vigilance against poor standards. Senior management does not see how a culture of cutting corners enables corruption to take hold.**

10. The technique of choice Nationally appears to be the method Police jurisdictions are fond of that resembles an Authoritarian, unilateral style. Consequently, the entity cannot produce an intelligible statement of reasons¹⁹ for the biased decisions regarding complaints.

10 11. Or, in the alternative, fail to see a complainant as a human being with dignity and simply feel that the animals²⁰ who complain about public entities do not deserve effort from the elite that may cause those animals to believe they would ever be entitled to such a measure.

12. Throughout, I will not be holding back because the amount of detriment I have incurred because of the nature of corruption that exists at every level of Government in every corner of this country that I was once proud to be born in literally broke my mind and soul. TWICE!. **TWICE!**.

13. I have also stated to departments that my death will be the only thing that stops me from exposing this magnitude of corruption in the High Court. This is merely a procedure in Queensland joining the other respondents for infringements of the Constitution and International Treaty.

20 14. Nils Melzer, Special Rapporteur, Psychological Torture, HRC Res 34/19, UN GAOR, 43rd Session, Agenda Item 3, A/HRC/43/49, (2020/03/20)

[85] Predominant methods. In contrast to physical torture, which uses the body and its physiological needs as a conduit for affecting the victim's mind and emotions, **psychological torture does so by directly targeting one or several basic psychological needs**, such as:

- 30 (a) **Security (inducing fear, phobia and anxiety)**;
(b) **Self-determination** (domination and submission);
(c) **Dignity and identity (humiliation, breach of privacy** and sexual integrity)
(d) Environmental orientation (sensory manipulation);
(e) **Social and emotional rapport (isolation, exclusion and emotional manipulation)**
(f) **Communal trust (institutional arbitrariness and persecution)**.

[86] Torturous environments. In practice, torture victims are almost always exposed to a combination of techniques and circumstances inflicting both mental and physical pain or suffering, the **severity of which depends on factors** such as **duration, accumulation and personal vulnerability**.

15. Nils Melzer, Special Rapporteur, Biopsychosocial Factors Conducive to Torture and Ill-treatment, GA Res 72/163, GAOR, 77th Session, Agenda Item 72 (a), A/75/179, (2020/07/20)

40 [16] Beyond the physical body and psychological identity, **human “self”-interest also relates to the systemic environment that is perceived as essential to personal survival, security and stability**. Thus, the **predominant human impulse in response to “system threats”** endangering the existence, reliability or credibility of social, economic and political support systems is **to adopt unconscious**,

¹⁹ Administrative Review Council, 'Decision Making: Reasons', (Commonwealth of Australia, 2007/08/01)

²⁰ See ¹⁸

emotionally charged strategies of defence and denial known as “system justification”.

In practice, the **largely unconscious tendency of humans not to question the systems upon which they depend** can be very compelling and **render officials, journalists and ordinary citizens vulnerable to ignoring, tolerating, protecting or colluding with clearly wrongful conduct, including torture and ill-treatment, or even mass atrocities.**⁷

[17] Despite **its corrosiveness for human rights and the rule of law, system justification** is not a deviation per se, but **constitutes a well-documented, generic human tendency that is very common and widespread in all cultures and segments of society**. Accordingly, as outlined in the present report, through the **common processes of bureaucracy, indifference and self-deception, aptly described as the “banality of evil”, systemic complicity with torture**, murder or even genocide can be, and **often is, suppressed from conscious awareness, even despite compelling evidence**, leaving **constitutional checks and balances neutralized, the media complacent and the broader public in a state of wilful ignorance and motivated denial.**

AUSTRALIAN COMMONWEALTH IMPLIED KNOWLEDGE OF TORTURE & INHUMAN TREATMENT IN IT'S JURISDICTION

16. To the Commonwealth Government and every state/territory Government in the country. I know EXACTLY that you engage in, allow and support either directly or indirectly, Torture inhuman degrading and cruel treatment in prisons from personal experience and I will never lose this guys insane screams from my head. There is corruption in every single prison in the country, none of my letters to the Governor got there and unfinished complaint about officers were removed from my cell and never acknowledged. Medicine was withheld and intermittently provided and I spent approx. 12 days in solitary confinement because the confinement lack of mental stimulation and solitary confinement left me begging for someone to rip my head off.
17. All of COVID, the MRC was running under staffed so the corruption could syphon public funds and dodge the books. No extra services were provided. NONE. No access to healthcare after lock up unless you were dying. No access to pain relief for my broken ribs that are now deformed and are uncomfortable. I cannot afford or have the time to get treatment for that. People were locked down in instances of more than 28 days straight. One instance where a man set fire to his cell after 42 days locked down. This information came from a female officer in charge.
18. Nils Melzer, Special Rapporteur, Utilization of thematic reports presented by the Special Rapporteur, HRC Res. 43/20, UN GAOR, 49th Session, Agenda Item 3, A/HRC/49/50, (2021/12/28)

[55] ...28 (14 per cent) initially confirmed their participation (Incl. Australia), but only 20 (10 per cent) actually attended (Australia attended). Unfortunately, of the 20 States in

attendance, **only 2 States** (equivalent to 1 per cent of the invited States) **actually contributed** to the discussion, namely **Denmark and Guatemala**. (Australia did not contribute)

The **microphones and cameras of all other registered participants remained muted/off throughout the meeting, even when the Special Rapporteur asked all State representatives** whether they **would welcome the creation of a database** making the **mandate's thematic reports more easily accessible** through search terms. After **none of the remaining States provided any input or an explanation for their silence**, despite **several calls to take the floor**, the **online consultation had to be brought to an early close without being able to achieve its declared objectives...** including States having recently received urgent appeals or allegation letters regarding migration-related torture or ill-treatment. Among others, such States include... and Australia (AUS 4/2019)...'

7: Specifically to the "Human Rights" Commission's Jane Goodwin.

1. Your words on the phone call dated January 30, 2023 at 11:42 establish an apprehended bias to resolve the matter within the commission's jurisdiction. I do not appreciate being coerced by fake kindness and attempts to give false or leading information about exercising choices on how to proceed within the context of **my complaint**. Your conduct has contaminated the statutory requirements, breaching the principles of natural justice and establishes the Commission's Jurisdictional Error.
2. **I do not withdraw my complaint** within the meaning of *HRA2016* or *ADA*. My view is that as a consequence of jurisdictional error the procedural step has become void by default of the commission. Proceeding to the Queensland Civil and Administrative Tribunal will cite this and act as if the conciliation was unsuccessful as a result of the Commissions omissions and actions.

8: CHRONOLOGY OF COMPLAINTS & PROCEEDINGS

1. [2021/10/04] QLD Police Event and charge

2. From: Reece Storme Ferrara Reece.Storme@protonmail.com
To: Office@hazzard.minister.nsw.gov.au; [Date: October 6 2021](#), 13:28

1. I voluntarily left employment at the Mount Arthur Coal Mine in response to intolerance to my disability of ADHD. BHP was providing me with accommodation which was required to be given up within two days of completion of my final shift Sunday October 3 2021.

2. I left the accommodation in Muswellbrook Monday October 4 to try and negotiate extenuating circumstances at the NSW/QLD border. When directed to return to NSW after disclosing consideration of suicide I was arrested by Queensland Police incurring an injury to my forehead after it was forced into the bitumen from what I claim was excessive use of Force.

3. I was released from hospital after assessment and not knowing what to do or where to go ended up in Coffs Harbour where I am unable to gain access to shelter as a result of inaccurate understanding and understandable concern about punishment for allowing me to stay at their hotel.

4. I am immediately homeless and am unable to gain access to employment.

5. I am fully vaccinated for COVID-19, being regularly R.A.T tested as per BHP requirements. I have no aymotoms(sic), wear a mask at all times indoors and when people are around outside.

3. [2021/10/06] Reece to [VICPOL Welfare Check](#)

There will be VICPOL and the names of the officers involved alongside these new QLD police members name on my body incl Ambulance VIC and IBAC's manager

4. [2021/10/06] Reece to CCC Qld and Ors RE_ Qld [Police Alleged Assault](#)

5. [2021/10/08] Reece Storme Ferrara ATT [Chief Psychiatrist URGENT](#)

10 6. [2021/10/11] Storme to VAU [Hang myself or get a cop to shoot me](#) [VAU-DOCUMENTS.FID78892]

7. [2021/10/11] Attempted Hanging on three separate occasions.

**** [Don't look at this unless you have to](#) *****

Unable to physically fall into noose.

8. [2021/10/12] Complaint [DDD PL2021 94](#)

9. [2021/10/12] Reported as Missing Person Austin Hosp Notified in Victoria

10. [\[2021/10/13\] To Clin Psych](#)

'Despite 3 attempts I have not had the courage to commit my life to hanging. I have to die somehow, which will mean a coroner inquiry into my death. This is the only way people affected by police actions will get a fair, consistent and impartial avenue to have their voice heard.

20 11. [2022/01/10] [QLD HRCommission BNE5415593](#) Acknowledgement letter to complaint

case against me by damaging the credibility of my claims and complaints, which were conveniently not disclosed or used during proceedings here at the Commission.

12. [2021/10/22] Notification of Discrimination Identified Vexatious complainant

13. [2021/11/04] [CCC QLD Police no wrongdoing](#) Integrity Services

14. [2021/11/18] C2021 3009 [\(Costs\) Outline of Submissions](#) (Applicant)

30 15. The conduct of the Respondents during this case must be considered in any assessment of merit for costs. Attached to this submission is the document sent to AHPRA in relation to a highly suspicious allegation of professional misconduct that, in my view, is false and vexatious. The respondents engaged in conduct that made representations to AHPRA to obtain information about my "conditions" and mental health. The purpose was to use that information to strengthen their

16. [2021/11/21] MHCP

17. [2021/11/21] Failed attempt to Lodge with FCCA Med Rescue

18. [2021/12/07] [PARACouncil Letter](#) no further action to Misconduct Complaint

19. [2022/01/04] [QPS alleged assault & Human Rights breach](#) to HRCommission

20. [2022/01/10] QHRC - [Your Complaint - BNE5415593](#)

Please find attached your letter of acknowledgement together with a copy of your complaint for your records.

21. [2022/02/03] CCC Ref [C0 21 2807 Not Investigate](#)

We have considered the further information provided by you. You may recall that, for the reasons outlined in our letter to you of November 4 2021, we will not be taking any action in relation to your complaint.

22. [2022/02/03] [Ferrara response](#) - Correspondence from the Crime and Corruption Commission

10 Any further complaint to Qld Police is futile and this response is no surprise. The Human Rights commission will have to decide if they can act under the Human Rights Act 2019

23. [2022/02/22] Notice to Appear QLD Court

24. [2022/02/23] QLD Magistrates Court Letter

25. [2022/02/25] Ferrara, Reece Notice To Appear: QP2101859562

Accused submission All Correspondence and material regarding Incident with Queensland Police

26. [2022/03/04] Leave of Absence from Paramedicine

27. [2022/03/07] Ferrara to Psychologist [Severe Grief](#)

28. [2022/03/09] QLD Pol Matter: Bail at Large

20 29. [2022/03/09] Qld Police Brief [Summary report](#)

30. [2022/03/13] Ferrara, Reece [Stigma Strategy Submission](#) Request:

Paramedic unemployable... PTSD StigmaStrategy@MentalHealthCommission.gov.au: I would appreciate any information or research articles of in the subject area.

31. [2022/03/22] Job Watch Legal Advice

You may have a cause of action against xxxx (and xxxx) if you believe that your contract was terminated for this reason. Your argument would be that adverse action was taken against you because you exercised a workplace right when you made a complaint to Northern Territory Worksafe on February 14 2022 about the safety

32. [2022/03/25] [Independent Medicolegal Psych Dr Ingram](#)

30 [Secret Supp Request by AHPRA](#)

33. [2022/04/27] Stewart, Dr. Suzanne ED Presentation Austin Hospital

34. [2022/05/09] QLD [CCC Complaint Response RE Med Rescue and AHPRA](#)

35. [2022/05/10] Goondiwindi Court Order

36. [2022/05/10] Residential Tenancies Act Notice to Vacate

37. [2022/05/26] QLD Police RTI-3

I have decided today to refuse to deal with your application on the basis it does not comply with all relevant application requirements

- 38. [2022/06/02] Tenancies Act Application Possession Orders
- 39. [2022/06/06] AUSTIN Hospital Emergency Presentation (FAH020752)
- 40. [2022/06/09] Amended Application for Rehearing Goondiwindi Court
- 41. [2022/06/09] QLD Legal Aid Application for assistance

[reject later cant find the letter it was sent via post I almost didn't get it I was moving at the time. I don't understand why it was not sent via email. Seems suspicious to me]

- 10 42. [2022/06/15] Report #2 Independent Psychiatrist Assessment Dr Nicholas Ingram Psychiatrist
- 43. [2022/07/14] Commissioner of QLD Police ref 6384364
- 44. [2022/07/28] [DDD PL2021_94] Defending matter in Court QP2101859562
Request for brief
- 45. [2022/08/01] Case QLD Goondiwindi Court
If you have not received the brief of evidence you should contact the Police Prosecutor
- 46. [2022/08/04] Goondiwindi Order to go at large and appear by phone
- 47. [2022/08/12] Ferrara, Reece Legal Health Check Mental
- 48. [2022/08/16] QLDHRC BNE5415593
20 *'At this stage, we are assessing your complaint and will decide whether we need any further information from you before we can decide if it comes within our jurisdiction.'* Morning, I am chasing an outcome for the complaint BNE415593 involving QLD Police
- 49. [2022/08/16] QLD Police Matter
I am yet to receive a response from QLD police. I have made attempts as attached and am now unsure of what else I can do.
- 50. [2022/08/17] I have just received the evidence brief from QLD Police. The following links are the contents of the brief:
- 51. [2022/08/22] QLD Court Leave to remain at large
- 52. [2022/08/24] QLD Legal Aid Request for Review of assessment
- 53. [2022/08/25] Goondiwindi Court [Permit be at Large]
- 30 54. [2022/08/29] Austin ED Presentation
- 55. [2022/09/07] QLD HRC Complaint reference #46203 Ombudsman HRC and Police Incident
- 56. [2022/09/07] QLD HRC Complaint reference #46203

57. [2022/09/09] Ferrara, Reece Complaint Human Rights Commission
Queensland (8) QLD Ombudsman

58. [2022/10/15] Ferrara, Reece Storme

Please... I need this to end, I can't take any more. Please. Get someone to Kill me I cant do it
myself Office of Legal Services Coordination and olsc@ag.gov.au:

59. [2022/10/28] QLD Police to Ferrara RE_Receieved Brief

60. [2022/11/13] Reece Storme Ferrara [My son was the only reason I should
fight to clear my name](#)

10 Application for, or request to issue subpoena 'I am losing my son through alienation'
Grafton.Andrew@police.qld.gov.au; "courthouse goondiwindi"
Thorncroft.LisaR@police.qld.gov.au:

61. [2022/11/24] Qld Court to Ferrara RE_Adjournment

Your request for adjournment has been referred to the Magistrate for consideration.

62. [2022/11/29] Reece to Qld Court RE_Adjournment material Goondiwindi
Magistrates Court and Registrar Rob Purcell:

63. [2022/11/29] Ferrara, Reece Storme Pleading of the defendant

Goondiwindi Magistrates & District Court Queensland Courts Service and Rob Purcell Registrar:
8. Considering all information available to me, I confirm a pleading of Not Guilty to the single
count of Obstruct a Police Officer

20 9. I form the view that the officers did not have consent to touch me.

10. The mental health act, the situation, and my voluntary status did not provide them a lawful
reason to touch me, rather the "least restrictive way" applied

11. Owing to an impairment of mind and medical history of PTSD, my actions were in self-
defence⁴ of unprovoked⁵ assault by the officer

12. The officers used excessive force and failed to use due diligence and care⁹ during "the
arrest" and then viciously assaulted me causing bodily harm

64. [2023/01/14] Reece Storme Ferrara QLD Leave to appear by Video link

65. [2023/01/16] QLDHRC Complaint ([Ferrara - BNE5415593](#))

30 I am writing to inform you that the three individually named respondents (Snr Constables
Justin Dickinson, Kyle Jordan & Scott Hill) have informed us they will be represented at
the conciliation

66. [2023/01/16] RE_ Legal advice only to assist completing applications

67. 2023/01/17] RE_ QP2101859562 Qld Police v Ferrara

The Court will contact you on 0400 690 987 when they are ready to mention

68. [2023/01/25] E. Sully A/Senior [Legal Officer QLD Police](#)

Queensland Police Service Legal Unit (Our Ref: 2023 QPSLU-5448 Your Ref: BNE5415593)
Queensland Human Rights Commissioner:

69. [2023/02/01] QP2101859562 Qld Police v Ferrara Standing By for mention

9: LEGAL POSITION OF THE DEFENDANT

THE STATE OF QUEENSLAND

1. The Queensland Government, or the crown, is a body politic or entity which can sue and be sued as the 'State of Queensland'. An Act that holds the Crown open to liability must be that which 'binds the crown'. Service of documents shall be served on the crown solicitor's office with a responsible person.²¹
2. Police in Queensland, by several statute references, are defined as Public Service Employees and 'employed in the public service, includes police officers', hence authorised agents of the of Queensland. The Crown is vicariously liable for the torts of a police officer as a joint tortfeasor and is also liable for a police officer's contributory negligence.²²
3. At all material times, the principal officers of this event held the non-commissioned rank of Senior Constable, whereas Snr Constable Dickinson held an acting role of Sergeant at the time of the event.
4. Organised transport via Queensland Ambulance Service where at all material times the Queensland Interagency Agreement for the Safe Transport of People Accessing Mental Health Assessment, Treatment and Care memorandum of understanding was in Force.
5. Officers of the QLD Police Service are to be familiar with acts, regulations, approved codes and standards as they engage in conduct in an official capacity and must conduct themselves in compliance of such.²³ Section 9 of Police Powers and Responsibilities states, 'Act does not affect constable's common law powers etc.'
6. The Commissioner of Queensland Police is 'responsible for the efficient and proper administration, management and functioning of the police service'.²⁴

PRINCIPAL OFFICERS

7. A/Sgt Dickinson and principal officers failed to comply with section 157C Public Health Act 2005 which indicates they **must** tell the person they are being detained and being taken to treatment or care and explain how that is going to happen.

²¹ *Crown Proceedings Act 1980* (Qld) generally.

²² *Police Service Administration Act 1990*, s 5.15; s 10.5(1); 10.5(3);

²³ *Police Service Administration Act 1990* s 2.3; *Police Service Administration Regulation 2016* Part IV s 8(1); s 18.

²⁴ *Police Service Administration Act 1990* s 4.8(1); *Ibid.* s 4.8 (4)(b); (4)(c) & (4)(d).

8. At 00:00:32:20 - 00:00:37:15 Snr Cons. Scott Hill said,

"Mate So what's going to happen, QAS are going to come here. Okay. They're going. They're going to assess you."

9. They did not expressly state I was being detained for the purpose of transporting me to a public treatment or care facility **prior** to initiating the act of arrest that followed.²⁵

10. They did not explain how being detained would affect me and how that would be carried out.²⁶

10 11. As I had not been 'assessed' **my legal status** up until principal officers explicitly stated I was being detained under the Emergency Examination Authority **was one of a free citizen**, with all the liberties, responsibilities, and rights of all free citizens.

12. They did not take regard to the principals within the Mental Health Act 2016 or the Human Rights Act 2019.²⁷

13. A/Sgt Dickinson made utterances²⁸ without reasonable evidence to indicate such a view, stated that I "...*pretty much just wants to blue*" at paragraph [5.10]. The meaning inferred by the term "blue" is a colloquial term for *wanting to fight*.

20 14. A/Sgt Dickinson expressly provided his frame of mind, anticipatory thoughts of violence and motive for actions that followed. Had he exercised diligence to inquire as to the reason I did not want to go via ambulance, I could have advised that as I am a Paramedic, I feel ashamed and guilty to waste an ambulance resource better used for someone who needed it.

15. At [5.19] A/Sgt Dickinson is heard letting out a *sigh* of frustration. The inference is supported by the time from his requests to get out of the car and his actions to speed up the process, where the wait time was only a matter of 3 to 4 seconds. Such a short time to allow for compliance with a request is undeniably unreasonable.

²⁵ Public Health Act 2005 s 157C (1)(a)

²⁶ Ibid. s 157C (1)(b)

²⁷ *Mental Health Act 2016* Part 2; *Anti-Discrimination Act 1991* ; *Human Rights Act 2019* s 9(c), s 11, s 13

²⁸ Criminal Code 1899 Definition: means and includes using or dealing with, and attempting to use or deal with, and attempting to induce any person to use, deal with, or act upon, the thing in question.

There are officers everywhere A/Sgt DICKinson has blocked any lateral or rear exit points aided by the open car door. Snr Cons Hill is right behind him. Remember he couldn't wait.. 4 Seconds Then Opens the door
 The whole vehicle blocks my opposite flank
 His justification is not wanting me to run
Where. Am. I. Possibly. Going. To. Go?
Reaction time to WHATEVER Magic
Trick I could pull would be at best 1 to 2 seconds

THERE IS ONLY ONE
MOTIVE FOR THIS BEVHAVIOUR

It is NOT to give me a supportive hug. Now that would reflect the principles of the MHA2016 and HRA2019

16.

17. His conduct at this point appears to be agitated and would indicate he is mentally and physiologically preparing to engage in conduct he believes is likely to result in the violence of a kind.

A/Sgt DICKinson is 1. Looking down chin to chest.
 2. Using his peripheral vision on my movements.
 Why is this so? It is because he decided before I got out that he was going to...
 SHOW ME SOME QLD HOSPITALITY

1. His head is down to protect his jaw. If that is waving around in a fight you are going to bed soon enough.
 2. Peripheral vision has evolved for motion sensitivity and tracking objects for survival.

Vater, Christian, Ralf Kredel and Ernst-Joachim Hossner, "Detecting target changes in multiple object tracking with peripheral vision: More pronounced eccentricity effects for changes in form than in motion" (2017) 43(5) Journal of Experimental Psychology: Human Perception and Performance 903-913

BEING Dad

18.

19. In paragraph [5.21] I specifically requested that I not be touched and before I could finish saying, "I'll cooperate" the agitated A/Sgt Dickinson unlawfully assaulted me by using his left hand to grab my left arm with harmful Force.



20.



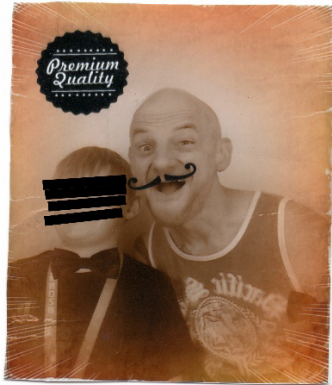
23. It is asserted that his actions were premeditated, if not specifically, then in a generalised manner. That he knowingly²⁹ provoked³⁰ me by intentionally disobeying my explicit request **not** to touch me. He knew or ought to have known the conduct was unlawful and amounted to assault. However, his inability to control his anger saw him engage in the act anyway. He repeatedly placed his hands around my throat, and doing so was outside meaningful acts to perform lawful arrest, engaging the Criminal Code 1899 s 340 (1)(a) intent with aggravation, alternatively s 339 (1) Assaults occasioning bodily harm with aggravation.



²⁹ Criminal Code 1899 definition: knowingly, used in connection with any term denoting uttering or using, implies knowledge of the character of the thing uttered or used.

³⁰ Criminal Code 1899 s 268 Provocation

25. I am putting a photo of me and my son because of the systemic DEHUMANISATION that occurs and is the mechanism that the Public Service and Politicians use to engage in or allow acts of Torture or Inhuman, degrading and cruel treatment to occur for illegitimate gain and political ambition. See paragraph [6.17].



26. (Emphasis added 'premium quality')

27. I have no resources because they were illegally taken from me. No lawyer will help me. The 'responsible Government' leaves me to rot and any access to justice is through my own determination to see justice done or die getting there.
All for you bud, no matter what anyone ever says about me, I love you and I am so lucky to be your Papa.

**Snr Sergeant Stahlhut is unfit for Police as he deems these officers conduct was nothing out of the ordinary and NOT improper conduct.
The CC QLD is unfit for public office as it deems this conduct is acceptable**



- 28.

29. Every one of you in the public service are disconnected from the consequences of your decisions that makes it so easy to do. Judges on the other hand have to look the person in the face. You cowards do so in the shadows. That's how you can do it so easily. We are not human. We are animals that go in cages if we defy you.³¹

30. Definition of Stigma 'The disapproval of, or poor treatment of, an individual or group based on characteristics that serve to distinguish them from other members of a society' Pg 99. 'Monitoring mental health and suicide prevention reform: National Report 2021', National Mental Health Commission

10 31. The principal officers involved knew, or ought to have known, that his conduct was unlawful. All officers involved knew or ought to have known that the subsequent arrest was unlawful, and a duty to terminate the unlawful arrest would be an act promoting health and principles within applicable acts. In failing to engage in conduct to correct unlawful conduct, all assisting officers engaged the Accessories after the fact to offences Criminal Code 1899 s 544.

20 32. 'our results suggested that antagonistic narcissism was associated with higher levels of mental illness stigma (Study 1), and that the link between antagonistic narcissism and stigma may be at least partially explained by the perception of moral threat posed by those with mental illnesses' Foster, Stephen, Virgil Zeigler-Hill and Kevin Bell, 'The relationship between narcissism and mental illness stigma' (2022) 197 Personality and Individual Differences



33.

34. All principal officers failed to comply with their duties under s 255 (2) of the Criminal Code 1899 Persons arresting, s 290 Duty to do certain acts 'is or may be dangerous to human life or health', s 328 (1) Negligent acts causing harm where 'bodily harm' means any bodily injury which interferes with health or comfort.

³¹ A/sgt Dickinson refers to a space suitable for offenders to be locked in as a 'cage' when speaking to Snr Cons Jordan.



35.

36. All officers knew or ought to have known if they participated in the 'arrest' it would constitute unlawful assault and escalate in seriousness relative to the force they chose to apply to my body. Snr Cons Hill, by kneeling me several times constituted serious assault. Alternatively assault occasioning bodily harm.

37. The charge of Obstruct Police must be withdrawn as I rely on the defence of s 31 (c) Justification and excuse—compulsion s 269 Defence of provocation and s 271 Self-defence against the unprovoked assault of the Criminal Code including contraventions of related Acts.

10

38. A/Sgt Dickinson by submitting the charge of obstruct police did so knowing the charge was arbitrary with intent to intimidate and discourage complaint providing cause to pursue malicious prosecution³². He is alleged to have contravened the Public Service Act 2008

39. Snr Cons Jordan has contravened s 355 of the Criminal Code deprivation of liberty' by confining me to the "cage" when it was unlawful to do so. A/Sgt Dickinson and all principal officers became accessories after the fact to unlawful deprivation of liberty.

40. This colloquial term used by officers only further reinforces the breach of dignity particularly in his own admissions. To illustrate, after the serious assault causing bodily harm with aggravation, he then gets officers to consider my 'human rights' as an **after thought**.

20

41. This implies consideration that behaviour was inappropriate alternatively, that as a complaint was to ensue purposeful conduct to atone or 'cover up' or gaslight and manipulate, now that third parties are to be involved.

42. People with Mental Illness are mentally ill. They only speak nonsense and should be dismissed as nonsensical or manipulative liars and delusory mentally ill people.³³

³² Police Powers and Responsibilities Act 2000 Section 7(2); Ibid. examples 4 ...police officer deliberately holding a person in custody for questioning several hours after the end of a detention period with no intention of applying under this Act for an extension of the detention period..

³³ Complaint mechanisms: reporting pathways for violence, abuse, neglect and exploitation', Wadiwel, Dinesh, Claire Spivakovsky and Linda Steele, Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability 2022/11/01)

43. The other officers concerned have become Accessories after the fact within the meaning of s 544 of the Criminal Code.
44. All principal Officers contravened s 283 of the Criminal Code and used Excessive Force.

KNOWINGLY MAKING FALSE OR MISLEADING STATEMENTS

45. I would like to address paragraph [49].
46. The video footage shows me dropping my weight. My stance would have widened if I had the room. In this situation, the only reason I remained standing was because of these techniques created a stable base. **One of the officers clearly says, "stop kicking out".**
47. A Muay Thai or MMA fighter knows that performing a kick here would guarantee being on the ground, receiving strikes from above and a very bad place to be. It is also known that kicking in a street fight, as this scrap is clearly, is more likely to have you end up in the hospital than do damage to your attacker. The ground is unstable, likely has poor grip, and the strike itself is no way near as effective as simple boxing. However, this is well past any kicking distance.
48. This proximity means elbows, knees and grappling in the standing position. If I had been "kicking out" as the officer stated, I guarantee you I would be hitting the dirt as soon as I lifted the leg off the ground. Why?
49. The stable base I set up at the start is gone, and all the officer's force is the upper torso. My posture is broken. It is a one-way ticket to kissing the road. Any one of my instructors over the years would make me do push-ups for pulling a kick here.
50. Police officers aren't necessarily trained in martial arts, so whoever said this would not know what I just stated above. Therefore, this **officer is making false statements within this scrap to justify the unreasonable Force that comes shortly after.**
51. Repeated knees to mid-section. Since it was said several times, I can only infer it is signaling to the other officers to let loose. I will be submitting sworn testimony with this part in particular.
52. The *Mental Health Act* 2016 Part 2 s 5 Principles for persons with Mental Illness states the following apply and with specific mention,
 - (a) a **person's right to respect for his or her human worth and dignity as an individual must be recognised and taken into account**
 - (I [Lima]) treatment and care provided **under this Act must be provided** to a person who has a mental illness **only if it is appropriate for promoting and maintaining the person's health and wellbeing**

53. s 6 Principles for victims and others

(1) The principles mentioned in subsection (2) apply to the administration of this Act in relation to each of the following (each a "victim")—

(a) a **victim of an unlawful act**;

54. 2) The principles are the following—

(a) the **physical, psychological and emotional harm caused** to the victim by the **unlawful Act must be recognised with compassion**;

(b) the **benefits of counselling, advice on the nature of proceedings** under this Act and **other support services to the recovery of the victim from the harm caused by the unlawful Act must be recognised**;

(c) the **benefits to the victim of being advised in a timely way of proceedings** under this Act **against a person in relation to the unlawful Act must be recognised**;

(d) the **benefits to the victim of the timely completion of proceedings against a person in relation to the unlawful Act must be recognised**;

(f) the **benefits to the victim of being given the opportunity to express the victim's views on the impact of the unlawful Act to decision-making entities** under this Act **must be recognised**.

55. Section 7 explicitly states regard must be had to s 5 & s 6 if exercising a power under **this** Act, MHA 2016.

56. The State of Queensland and its relevant agents failed. Repeatedly. Continuing this day to consider and comply with the sections and their corresponding principles.

SENIOR SERGEANT STAHLHUT AND THE ADMINISTRATION

57. Crime and Corruption Commission, '*CCC report following investigation into QPS recruitment strategies tabled in State Parliament*', State of Queensland (Media Release, 2021/05/12)

"This report is a lesson in organisational culture and corruption risks. It is about how messages from the executive leadership are communicated, understood, acted and reported on within an agency. It is also about how staff may know that there is something wrong, but have become accustomed to following their leader's instructions rather than asking uncomfortable questions. Such a culture clearly opens up an organisation to risk, particularly the risk of corruption," Mr MacSporran said.

58. A/Sgt Stahlhut knows or ought to have known what constitutes an offence of assault. He failed in his duty to impartially and properly exercise the duties of his rank position and office. He is an accessory after the fact. He has engaged in conduct that constitutes a breach of the public trust. He acted to conceal wrong doing of subordinates in collusion with the principal officers, the Commissioner either directly or vicariously by a failure of due diligence and the Crime and Corruption Commission QLD.

SUBMISSION OF A PUBLIC INTEREST DISCLOSURE

59. This document is **to be considered an official submission of a** "Public Interest Disclosure" in relation to the matters pursuant to the final decision to dismiss my complaint by the Commissioner personally or vicariously under conduct of subordinates noting s 4.8 (4) of the Police Administration Act 1990.

60. Criminal Code 1899 s 92 Abuse of Office

(1) does or directs to be done, in abuse of the authority of the person's office, any arbitrary act prejudicial to the rights of another is guilty of a misdemeanour and (2) act is done or directed to be done for purposes of gain; and

61. Criminal Code 1899 s 92A (1)

A public officer who, with intent to dishonestly gain a benefit for the officer or another person or to dishonestly cause a detriment to another person—

(b) performs or fails to perform a function of office; or

10 (c) without limiting paragraphs (a) and (b), does an act or makes an omission in abuse of the authority of office; is guilty of a crime.

62. The state of Queensland and the relevant agents contravened s 621 of the Mental Health Act 2016, offence relating to ill-treatment, (1)(a); (1)(b) and (3) includes wilfully abuse, neglect or exploit.

Human Rights Act 2019, SUPREME & HIGH COURTS

63. Police are referenced by 2 9 (1)(c) as being liable under this act as are all other respondents to this submission. Functions described are of a public nature by s 10 by their statutory nature and s 10 (3)(b)(i) & (3)(b)(ii). All individuals have human rights, s 11(1) and are additional by s 12. My rights were not lawfully able to be limited pursuant to s 13 and a failure to consider s 13(2)(d). There was no lawful right to limit my human rights by s 14.

64. The state of Queensland failed to comply with s 15(2); s 15(3); s 15(4) enjoy human rights without discrimination. It is imputed that the assault and everything arising from that assault to this day occurred by a discriminatory nexus of the protected trait mental illness or impairment and disability.

Section 17 Torture Cruel Inhuman or Degrading Treatment

65. The state of Queensland breached s 17(a) torture and s 17 (b) treated or punished in a cruel, inhuman or degrading way. The events and treatment within this submission and the actions and omissions of the state of Queensland have been such that the disregard for recognition of any human qualities let alone dignity and base human rights contributed to such devaluation that I no longer felt human. The attempted hangings resulting from such amounts to torture, cruel, inhuman and degrading treatment. It also contravenes the reciprocal statute in the Criminal Code 1899.

66. [Int] Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment opened for signature 10 December 1984, 1465 UNTS 85 (entered into force 8 August 1989), satisfying the definition in Article 1 or, in

the alternative, Article 16. A failure or breach of the Articles 2, 6, 10, 12, 13, 14, 15, 16.

67. Perez-Sales, Pau , PSYCHOLOGICAL TORTURE - DEFINITION, EVALUATION and MEASUREMENT (Routledge Taylor and Francis, 2017)³⁴

68. 'Intentionality... Where the infliction of severe mental pain or suffering may result from the cumulative effect of multiple circumstances, acts or omissions on the part of several participants, such as in the case of mobbing, persecution and other forms of concerted or collective abuse, the required Intentionality would have to be regarded as present for each State or individual knowingly and purposefully contributing to the prohibited outcome, whether through perpetration, attempt, complicity or participation (Convention, art. 4 (1)).'

69. Hannah Arendt was able to put into words what being excluded from society feels like better than I ever could. This was profound in solitary confinement in and homelessness and living in my car.

70. 'the loss of one's own self which can be realised in solitude but confirmed in its identity only by the trusting and trustworthy company of my equals'.

71. ...Arendt thus describes loneliness as the anxiety we have over the loss of self that occurs upon being severed from a common world that can confirm the truth of our experience.'

72. 'the elementary confidence in the world which is necessary to make experiences at all. Self and world, the capacity for thought and experience are lost at the same time'

73. 'Upon falling into despair over this loss of self and the surrounding world, we become disoriented; loneliness overwhelms us with doubt and uncertainty regarding the truth of our experience in the world, leaving us without a tangible reality in which to ground ourselves.'...Arendt says, the feeling of loneliness is "among the most radical and desperate experiences of man"³⁵

Human Rights Act 2019

74. The state of Queensland has severely disregarded and contravened s 25 privacy and reputation by the unlawful assault and subsequent unlawful deprivation of my liberty. Jurisprudence further below states that the slight to reputation continues up until the unlawful deprivation of liberty is judged as being so with aggravated damages considered up such a judgement.

75. My own family doubted my character began to doubt my version of events causing devastating psychological harm.

76. The state of Queensland contributed to my attempted hanging and ill health which contravened s 26(1) protection of families. The contravention arises by the contribution to ill health that could have resulted in my son having to bury

³⁴ Pau Pérez-Sales, Forensic expert in national and international courts for victims of mistreatment and violence. <http://www.pauperez.cat/en/datos-academicos-2/>

³⁵ [2016] Gaffney, Jennifer, 'Another Origin of Totalitarianism: Arendt on the Loneliness of Liberal Citizens' (2016) 47(1) *Journal of the British Society for Phenomenology* 1-17

his father. In addition, the time lost and his increasing anxiety and obsessive/compulsive symptoms from my absence and ill health.

77. The state of Queensland contravened s 29 Right to liberty and security of the person. Critically, s 29(4) a person who is arrested or detained must be informed at the time of arrest and the reason. The principals officers actions and omissions vicariously bind the state to this contravention.

Supreme Court. The High Court of Australia. Section 75B Judiciary Act 1903

- 10 78. As this submission involves matters under the Human rights Act 2019 and I consider the contraventions to be severe and of a systemic nature, this submission also provides notice under s 49 that it is intended to request this matter be referred to the Supreme Court of Queensland. The content of this submission mirror contraventions involving international treaty and also involves public officials activating s 75 of the Constitution and may even require being referred to the High Court of Australia, virtue of the original jurisdiction.
79. With reference to the High Court, I also consider this submission to satisfy the requirements of s 75B of the *Judiciary Act 1903* (Cth) NOTICE TO ATTORNEY GENERALS.

Human Rights Act 2019

- 20 80. The Human Rights Commission, the office of the chief psychiatrist and the department of health QLD failed statutory elements to act upon a reasonable complaint, provide reasons for decisions and engage in the proper administration of relevant acts while adhering to the Public service principals, code and standards. Reasons mentioned create a contravention of s 58 (1); s 58 (5) noting the saving function of s 59 (1), s 59 (2), s 59 (5) and s 59 (6).
81. I made a bone fide and valid complaint which met the requirement of s 64 (1)(a). I was unable to enact s 65 as my health was such that I could not be expected within the circumstances to reasonably know or learn the option was available to me to pursue.
- 30 82. The complaint was via email meeting s 67 (1). It was not evident that the complaint was vexatious, frivolous or lacking in substance otherwise the Commission was required to communicate such assessment. The Human Rights Commission contravened s 70 and s 71 by **not providing a reason or any correspondence for that matter for an entire year** that meaningfully dealt with the complaint.
83. Since the Commission(er) failed to provide any correspondence s 72 cannot apply and I am not aware of a referral pursuant to s 73 ever being done or considered.

84. The procedural aspects of the act were not complied with as statutory requirements state pursuant to s 76 – s 90.
85. Noting s 101 proceedings for offences that the Anti Discrimination Act 1991 s 226 applied to the contraventions listed in the entirety of this submission.
86. Since the Human Rights Commission defaulted in their statutory obligations I assert jurisdictional error and default of legislated procedure rendering the Human Rights Conciliation process void. In addition, the phone call mention above provides reasonable doubt of an apprehended bias within the Commission in light of the severity of poor administration.

10: JURISPRUDENCE

McIntyre v Tully BC9902989

1. [25] It has been recognised that in those category of cases **where damages are awarded for hurt and humiliation, aggravated damages may be awarded because of the defendant's conduct of the case. Aggravated damages are compensatory in nature being awarded for injury to the plaintiff's feelings caused by insult, humiliation and the like.** Such injury may be exacerbated by the defendant's conduct of the case. **In John v MGN Ltd, 26 Bingham MR held that the fact that the plaintiff had been cross-examined in a wounding and insulting way could be taken into account in the assessment of damages. In false imprisonment cases, damages for an initial false imprisonment may be aggravated by persistence with the assertion of facts alleged to justify the imprisonment up to the moment when damages are assessed which continue the slur on the plaintiff's reputation**

Former Chief Justice Allsop, referred to Police immunity in 2009

2. [9] ...There are many cases in which it has been held that police officers and the police service as a whole do not owe a duty of care to a plaintiff in the particular circumstances of each of those cases but **so far there is no authoritative decision in Australia which holds that there is an absolute immunity afforded to police for their conduct in the course of their duties.**³⁶
3. Former Chief Justice Allsop said as a guest Lecturer at the Centre for Comparative and Public Law in Hong Kong,
4. '[1] Law, at its very foundation, is conceived and derived from values... [2] It may well be the case that such values form Part of a culturally-specific heritage. But they are far more than that... They lie at the heart of every individual, and at the heart of society, as human values... [3] The essential human values most particularly relevant to public Law are: a rejection of unfairness and an insistence on essential equality; respect for the integrity and dignity of the individual; and mercy. Each goes to the core of what we understand humanity and the individual to be, and to what is expected when power is exercised by or against individuals... [30] In Australia, by statute^[28] the notion of unconscionability has been directly transposed to business relationships, and may be

³⁶ New South Wales v Spearpoint [2009] NSWCA 233; BC200907310 at [9]

summarised by a concern with fairness and equality, prevention of advantage being taken of ignorance or vulnerability, and good faith and fair dealing'³⁷

5. Quoting J. Allsop once more, 'The general norms were discussed in cases such as *Paciocco v ANZ Banking Group Ltd* [2015] FCAFC 50; 236 FCR 199 at 274-276 [296]-[306] and *Commonwealth Bank of Australia v Kojic* [2016] FCAFC 186; 249 FCR 421 at 435 [57], where it was said:'³⁸

6. ... The evaluation includes a recognition of the deep and abiding requirement of honesty in behaviour; a rejection of trickery or sharp practice; fairness when dealing with consumers; the central importance of the faithful performance of bargains and promises freely made; the protection of those whose vulnerability as to the protection of their own interests places them in a position that calls for a just legal system to respond for their protection, especially from those who would victimise, predate or take advantage;'

Coffey v State of Queensland [2012] QSC 186; BC201205057

7. [56] However, those who applied Force to Mr Coffey in the incident **plainly did so without his consent, and the defendants did not purport to discharge their onus of proving any consent. Prima facie, their application of Force constituted a battery.** The only issue of substance is whether the application of Force was reasonably necessary to take the sample and was thus authorised by law.

8. [58] ...resulted in the police and or prison officials anticipating a need to be ready to deal with some potential physical resistance to the sampling process by Mr Coffey when the PST returned. Presumably that was why the Corrective Services Officers handcuffed him in advance.²³ However, **these factors alone did not necessitate the level of Force used.**

9. [59] ...I reject this evidence on the basis the video recording **of his movements once in the mess shows all he was doing was occasionally shifting his weight from side to side and on one occasion twisting his upper body. His actions were not violent or threatening.** There was no passive resistance.

10. [63] I **hesitate to assume it was even necessary to take Mr Coffey to ground** for the purpose of taking the sample, **at least not without attempting a more dignified position** such as having him sit in a chair or lay on a bunk or even just stand still while the sample was taken.

11. [64] **It was not reasonably necessary for four men**, with no material warning to Mr Coffey, **to jointly apply Force to him**, pushing him forwards and downwards, taking his legs out from under him and toppling his upper body downwards unprotected and thus causing his head to impact into the hard floor. **It was an ineptly executed and unsafe method of taking Mr Coffey to ground and from the outset exceeded the Force that**

³⁷ Allsop AO, James, 'Values in Law: How They Influence and Shape Rules and the Application of Law' (Lecture, Centre for Comparative and Public Law, 20 October 2016); citing at ²⁸ *Shepherd v Felt & Textiles of Australia Ltd* [1931] HCA 21; 45 CLR 359 at 378)

³⁸ James Allsop, 'Values in Public Law' (The James Spigelman Oration, 2015/10/27)

was reasonably necessary. There might arguably be situations where, as an event unfolds, it becomes reasonably necessary for some mild application of Force to be increased to a significant degree, for instance if the subject flails about or is physically aggressive, but as I have already found, this was not such a situation.

12. **[65] The Force used was not authorised at law.**

13. **[66] As to the intention of the officers who applied the Force, it appears clear on the authorities that for the plaintiff to prove battery it is sufficient to prove an intention to do the act that results in the battery and not necessary to prove an intention to cause injury. The application of Force constituting the battery here was deliberate.** I accept the officers involved did not intend to cause injury, however, it is irrelevant to liability that they did not intend that the end result of their combined application of Force would be the forceful impact of Mr Coffey's head into the ground and consequent injury.

14. **[67] A question as to liability might arise in some cases where the battery is constituted by a joint application of Force, which exceeds Force authorised by law, but where there is an issue as to whether the individual players deliberately applied Force in conjunction with each other and whether in turn the joint application of excessive Force was intentional. However, it is unnecessary to resolve such a question here for each of the officers applied Force deliberately and in an on going way to Mr Coffey in obvious awareness that their Force was being applied jointly.**

15. **[68] In all of the circumstances I find that the level of Force was unreasonable and that Mr Coffey has proved his civil claim of battery.**

11: Malicious Prosecution

1. Coffey v State of Queensland [2012] QSC 186; BC201205057

2. **[124] Mr Coffey alleges that the third defendant, Mr McKenzie, maliciously prosecuted him.**

This relates to the fact that Mr McKenzie, who at that time was a Detective Sergeant attached to the Corrective Services Investigation Unit, investigated and charged Mr Coffey for failing to comply with a requirement, namely the requirement to give a DNA sample by using a mouth swab given on 5 March. When the Mareeba Magistrates Court subsequently dismissed that charge the decision was appealed unsuccessfully in the District Court.

3. **125] In order to successfully raise malicious prosecution Mr Coffey must show the following:**

- (1) The defendant must be the prosecutor.
- (2) The prosecution must have been groundless.
- (3) It must have produced damage.
- (4) It must have terminated favourably to the plaintiff, so far as such termination was possible.
- (5) It must have been without reasonable and probable cause.
- (6) It must have been malicious.

4. Eoin Carolan, *the NEW SEPARATION of POWERS a THEORY for MODERN STATE*. Oxford University Press (2009)
5. 'Lord Diplock famously outlined a series of independent heads of judicial 'illegality, irrationality, and procedural impropriety—which, again, effectively require administrative bodies to meet standards of behaviour above those expressly specified by any sovereign-issued rule. The courts have even shown themselves to be prepared, in appropriate instances, to examine the actions of the elected institutions of the state. Even in advance of the enactment of the Human Rights Act 1998, the English courts had claimed, in cases such as *Derbyshire County Council*, the capacity to enforce positive common law rights.'
- 10 6. Section 38(a) of the *Judiciary Act 1903* [Cth] provides the High Court has original and exclusive jurisdiction in 'matters arising directly under any treaty'.
7. HS Richardson, *Democratic Autonomy: Public reasoning about the ends of policy* (Oxford University Press, 2002), at 35–36
8. '[p]ower is arbitrary when it is not adequately controlled by a fair process of decision in which those subject to it are treated as free and equal and their fundamental rights and liberties are protected.'
9. 'In *Commonwealth of Australia v Mewett* (1997) 191 CLR 471; 146 ALR 299; 71 ALJR 1102; BC9703255, *Gummow and Kirby JJ* (at CLR 549), with whom Brennan CJ agreed (at CLR 491) held that
- 20 the liability of the Commonwealth in tort is created by the common law, but that s 75(iii) of the Constitution denies any operation to the doctrines of Crown or executive immunity that might otherwise have been pleaded in defence to a claim against the Commonwealth in tort. By contrast, Dawson J (at CLR 496–502), with whom Toohey J (at CLR 512–13) and McHugh J (at CLR 532) relevantly agreed, considered that Commonwealth liability in tort depends upon ss 56 and 64 of the *Judiciary Act*.'
10. *Nikolic v MGIC Ltd* [1999] FCA 849; BC9906969; *Australian Competition and Consumer Commission v CG Berbatis Holdings Pty Ltd* (1999) 95 FCR 292; (1999) 167 ALR 303; [1999] FCA 1151; BC9907104 at [14] (French J); *Sagacious Legal Pty Ltd v Wesfarmers General Insurance Ltd* (No 3) (2010) 184 FCR 516; 267 ALR 623; [2010] FCA 428; BC201002771 at [14].'
11. Gleeson CJ, Gummow, Hayne and Heydon JJ explained in 2005
- 30 12. Judicial power is exercised as an element of the Government of society and its aims are wider than, and more important than, concerns of the particular parties to the controversy in question... **But the community at large has a vital interest in the final quelling of that controversy. And, that is why reference to the "judicial branch of government" is more than a mere collocation of words designed to instil respect for the judiciary. It reflects a fundamental observation about the way in which this society is governed.** (Emphasis added) *D'Orta-Ekenaike v Victoria Legal Aid* (2005) 223 CLR 1 at 16 [32]; see too at 16-17 [31]-[33].
13. In 1912, Griffith CJ decided that every person has a right to free access to, among other things, the courts of justice independent of the will of any State over whose soil he must pass in the exercise of it: *R v Smithers*; *Ex parte Benson* (1912) 16 CLR 99 at 108; Barton J agreeing at 109-110
- 40 14. 'the discharge of the executive power conferred by s 61 of the Constitution in a manner that affects private rights and obligations can be made the subject of judicial

review, and any question as to the limits of Commonwealth power will be justiciable notwithstanding the common law act of state doctrine:

15. see *Habib v Commonwealth* (2010) 183 FCR 62; 265 ALR 50; [2010] FCAFC 12; BC201000811 at [25]–[30] , [128]–[132]; *Re Ditford*; *Ex parte DCT (NSW)* (1988) 19 FCR 347; 83 ALR 265 per Gummow J; cf *Aye v Minister for Immigration and Citizenship* (2009) 111 ALD 546; [2009] FCA 978; BC200907926 at [51]–[52]

10 16. The doctrine of legal equality is not infringed by a law which discriminates between people on grounds which are reasonably capable of being seen as providing a rational and relevant basis for the discriminatory treatment: *Leeth v Commonwealth* , above at 696 per Deane and Toohey JJ. See also per Gaudron J at 706–7

‘the judicial process, which is an essential feature of the judicial power of the Commonwealth, requires that like matters be treated in a like manner and that proper account be given to genuine differences’

17. *Locus Standi*

20 18. Now the rules as to locus standi for the prerogative remedies have always been generous, since there is a general public interest in making sure that inferior jurisdictions and statutory authorities do not act outside their proper powers. It is a matter of public order as well as of private right. The court will act, if it thinks fit, on the motion of a member of the public, although it always retains discretion to refuse to assist a busybody. On this the authorities run harmoniously from *R. v. Surrey Justices*³⁹ to *R. v. Thames Magistrates' Court*; *Ex parte Greenbaum*.³⁹

19. “Cause” referred to in s 78B(1), may involve both civil and criminal proceedings which does not limit implications for further proceedings as their Honours see fit.

[11: ORGANISED VIOLENCE]

30 1. *Organised Violence* 'include experiences... under political repression, such as torture, cruel, inhuman, and degrading treatment (CIDT), persecution, and genocide. Complicated responses to organised violence were mainly investigated with refugees displaced from their homelands... Among the survivors, multiple and chronic mental health conditions were found in torture survivors (Choi et al., 2012) and chronic PTSD symptoms, depression, anxiety, anger regulation, somatisation, and interpersonal difficulties were associated with social exclusion, in addition to their torture experience (Choi et al., 2017)... . Cumulative trauma was identified as a risk factor for long-term mental conditions of trauma experience (Park et al., 2015)...⁴⁰

³⁹ Nettheim, Garth, 'The Privy Council, Natural Justice and Certiorari' (1966) 2 Fed. L. Rev. 215 at 238-9
Professor Wade

⁴⁰ Choi, Hyunjung, Nagyeong Kim and Ahyeon Lee, 'ICD-11 posttraumatic stress disorder (PTSD) and complex PTSD among organized violence survivors in modern South Korean history of political oppression' (2021) 34(2) Anxiety, Stress & Coping 203-214

12: DIFFICULTIES COMPLETING LEGAL APPLICATIONS

ACCESS TO LEGAL REPRESENTATION AND JUSTICE

1. Federal Justice Steven Rares, made a deliberate point to discuss Access to Justice,
2. [90] ...I have concentrated on what the JCA regards as the Commission's serious misconception that persons can and should be made to pay significant sums to exercise their common law right of access to a court of justice when they have a civil controversy involving a government or another person. That misconception cannot be left uncorrected.
- 10 3. [91] The courts are and must be open to all so that they can perform their constitutional function, expressed in the judicial oath, of doing right to all manner of people, without fear or favour, affection or ill-will. Access to justice must be a meaningful reflection of equality of all persons before the law. No member of our community should be required to pay substantial, arbitrarily set fees to governments for that right.⁴¹
4. Main point of communication,
 - i. [2] My disabilities (2016) have created a credibility Conflict between a person who may stutter, has difficulties speaking (subconsciously implicitly would reasonably indicate average at best intelligence) in a concise A to B to C to conclusion manner and the implicit and expected manner a "professional" (Paramedic, Lawyer for example) should sound and act.⁴²
 - 20 ii. [3] The inconsistent conflict between,
 - iii. Person - Speech/Behaviour - Info & Clarity - "Static/Noise/Integrity loss" - Receiver (eg. A Lawyer) - Processing - Data Conflict and Error.
5. I have also experienced instances of outright contempt for pursuing this cause *pro se* with assumptions I cannot possibly present anything with legal coherence in conjunction with judgements of worth when presenting my pension card (CRN 702 226 022 L) exacerbating the [despair, isolation and depressive symptoms](#).⁴³
6. Unfortunately, the federal justice system is sometimes failing in its mandate to promote and provide equal access to justice for all members of our community. Some communities in particular are being left behind, and still face systemic disadvantage and Discrimination when attempting to access justice...⁴⁴

⁴¹ Justice Steven Rares, 'Is Access to Justice a Right or a Service?' (*Taking the Next Steps Symposium*, 2015)

⁴² **Testimonial Injustice** - Lee, J. Y., 'Bystander Omissions and Accountability for Testimonial Injustice' (2021) 29(4) *International Journal of Philosophical Studies* 519-536; McGlynn, Aidan, 'Objects or Others? Epistemic Agency and the Primary Harm of Testimonial Injustice' (2020) 23(5) *Ethical Theory and Moral Practice: An International Forum* 831-845; McGlynn, Aidan, 'Epistemic Objectification as the Primary Harm of Testimonial Injustice' (2021) 18(2) (2019/04/05) *Episteme* 160-176; Piovarchy, Adam, 'Responsibility for testimonial injustice' (2021) 178(2) *Philosophical Studies: An International Journal for Philosophy in the Analytic Tradition* 597-615

⁴³ Independent medico-legal psychiatrist Dr Nicholas Ingram's second report dated 15 June 2022.

⁴⁴ Department of the Attorney-General (Commonwealth), 2022 'Incoming Government Brief' (released under FOI22/120 3 August 2022) at page 17 <<https://www.ag.gov.au/sites/default/files/2022-08/AGD-2022-IGB-Volume-I-Strategic-Brief-and-Volume-II-Information-Brief.PDF>>

13: EXHAUSTED ALL OPTIONS FOR LEGAL REPRESENTATION

1. I Have **exhausted all known options and avenues for community, affordable or pro bono legal advice or representation**⁴⁵, appears to possess a nexus between protected attributes and manifestations of disability with widespread negative experiences with rejection of request for assistance from various legal firms and lawyers.
2. This imputation is supported extensively by the current Royal Commission into violence and disability having confirmed harmful stigma exists within Australian culture, subsequent Discrimination is found in all domains of public life and systemic failures to afford the required accommodations are common.⁴⁶
- 10 3. The Australian Lawyers Alliance argued that legislation in Australia does not adequately recognise or give effect to the human rights of people with disability. The response identified this failure as a major reason why the human rights of people with disability in Australia are not respected or valued. The Alliance recommended Australia enact a federal human rights charter and include disability services within the definition of 'places of detention' under laws implementing Australia's obligations under the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Lojic Institute went further and recommended Australia adopt a constitutionally enshrined charter of rights.⁴⁷

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⁴⁶ Access to Justice, Right to be treated equally in law,

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39. 1.2 Manage conflicts of interest
1.2 Manage conflicts of interest A conflict of interest involves a conflict between our duty, as public service employees, to serve the public interest and our personal interests. The conflict may arise from a range of factors including our personal relationships, our employment outside the public service, our membership of special interest groups, or our ownership of shares, companies, or property. As public service employees we may also experience conflicts of interest between our public service ethics and our professional codes of ethics (for example as health care professionals or as lawyers), or with our personal beliefs or opinions.
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