FAMILY LAW APPLICATION FOR EXTENSION OFTIME TO SEEK LEAVE TO APPEAL FROM FEDERAL MAGISTRATES COURT CHILDMAINTENANCE ENFORCEMENT ORDERS Not established that any proposedground of appeal of an application deemed to be an applicationfor an extensionof time in which to seek leave to appeal orders of Federal Magistrates Court hadmerit. Application dismissed. JURISDICTION OF FEDERAL MAGISTRATES COURT Assertion that FederalMagistrate either lacked jurisdiction or exercised jurisdictionin error notestablished. Joosse & Anor v Australian Securities and InvestmentCommission [1998] HCA 77; (1998) 159 ALR 260 discussed. Australian Constitution ChapterIII Judiciary Act 1903 (Cth) Family Law Act 1975(Cth) Child Support (Registration & Collection) Act 1988(Cth) Child Support (Assessment) Act 1989 (Cth) FederalMagistrates Act 1999 (Cth) Gallo v Dawson [1990] HCA 30; (1990) 93 ALR479 Joosse & Anor v Australian Securities and Investment Commission [1998] HCA 77; (1998) 159 ALR 260; (1998) 73 ALJR 232 Official Trusteein Bankruptcy v Udowenko [2004] NSWSC 890 APPLICANT: MR ULYSSES RESPONDENT: CHILD SUPPORT REGISTRAR FILENUMBER: NCM 2994 of 2004 APPEALNUMBER: EA 86 of 2007 DATE DELIVERED: 23 November 2007 PLACE DELIVERED: Parramatta PLACE HEARD: Parramatta JUDGMENT OF: Coleman J HEARING DATE: 16 November 2007 LOWER COURT JURISDICTION: Federal Magistrates Court LOWER COURT JUDGMENT DATE: 30 & 31 May 2007 LOWER COURT MNC: (2007) FMCAfam 410 REPRESENTATION ADVOCATE FOR THEAPPLICANT: Self represented COUNSEL FOR THE RESPONDENT: Mr McCulloch SOLICITOR FOR THE RESPONDENT: Australian Government Solicitor ORDERS (1) That the applicationfiled 25 July 2007 be dismissed. (2) That the applicant pay the respondents costs of and incidental tothe proceedings assessed in the sum of $1951. IT IS NOTED IN CONNECTION WITH THESE ORDERS that the judgment of theHonourable Justice Coleman delivered this day will for all publication andreporting purposes be referredto as Ulysses & CSR. THE FULL COURT OF THE FAMILY COURT OF AUSTRALIA AT PARRAMATTA Appeal Number: EA86/2007 File Number: NCM2994/2004 MR ULYSSES Applicant And CSR Respondent REASONS FOR JUDGMENT On25 July 2007 Mr Ulysses (the applicant) filed an application inthis Court seeking orders in the following terms:- Thatthe legitimacy and definition of a competent legal

court and political system beestablished as according to valid Law, and recognizedby majority referendum bythe Independent Sovereign Citizens of the Commonwealth of Australia. Thatthe Enforcement Summons relied upon by the Respondent that was never served uponnor received by the applicant/Appellant, bequashed, pending the resolution setout in Order 1 hereof, and/or set-aside. Thatin the alternative the current legal and political system in use in Australiaand its States and Territories be remedied Lawfulin the Commonwealth ofAustralia by the United Nations Charter, and exclude the authority ofUnited Kingdom (British) Law in Australia by resolution set out in Order 1 andhereby apply Order 2herein. (Application in a Case filed 25 July 2007, page3). Althoughit is not readily apparent on its face, the application arises from orders madeby Federal Magistrate Lindsay on 30 and 31May 2007 in proceedings commenced bythe CSR (the Registrar) against the applicant to recover arrearsof child maintenance.Attached to the applicants application of 25 July2007 was a document headed Grounds of Appeal which containedsome18 complaints. As reference will be made to each of these complaints in duecourse, it is unnecessary and unhelpful to set themout at this stage. As willalso be seen, any attempt to summarise their content is not readilyachieved. TheRegistrar has resisted the application. Counsel for the Registrar, sensibly inthe Courts view, invited this Court to treatthe application of 25 July2007 as an application for an extension of time in which to seek leave to appealto the Full Court againstthe orders of the learned Federal Magistrate of 30 and31 May 2007. Although the applicant may not see it thus, so doing is potentiallyof assistance to him. Itwas submitted on behalf of the Registrar, correctly in this Courts view,that the application of 25 July 2007 in its currentform was doomed to fail.That failure however would not necessarily preclude the applicant from bringingan application seeking leaveto appeal out of time again the orders of theFederal Magistrates Court of 30 and 31 May 2007. Itis in the interests of justice that the application be considered as anapplication to extend to 26 July 2007, the time in whichto appeal against theorders of the Federal Magistrates Court of 30 and 31 May 2007. If leavein those terms were to be granted,the Grounds of Appeal annexedto the application of 25 July 2007 would be deemed to be filed as a Notice ofAppealwithin time. Theaffidavit of the applicant in support of his application, also filed 25 July2007 expressly refers in an annexure to Reasonsfor an extension

oftime. It is difficult not to conclude, having read the matters detailedin the 36 paragraphs of such annexurethat the applicant appreciated the need toseek an extension of time within which to appeal and was in fact doing so,albeit notin a formal sense. It is thus difficult to see how the applicantcould complain about the approach which this Court has taken tohis application.The Court did not understand the applicant to in fact raise any complaint ofthat kind on the hearing of his application. Onthe hearing of the application the applicant, who at all material times hasrepresented himself, handed to the Court a documentExhibit A1 inwhich he called upon the Court:- On request, pursuant to theUnited Nations Covenant on Civil and Political Rights of1966, any court official, judge, magistrate law officer, or their agentsmust produce clear and valid documentation evidence which establishestheir:- Authority Jurisdiction Sourceof power Headof power Validand legally written Constitution relied upon, approved by the general body ofpeople of an Independent Sovereign Nation. (Exhibit 1, page 1). Onthe second page of the Exhibit the applicant asserted:- AS ANAustralian Citizen I had no business nor any arranged agreement with theChild Support Registrar nor any Australian GovernmentSolicitor. IN ACCORDANCE to Fact, Truth and Law, Australia achieved the status ofan Independent Sovereign Nation on Wednesday 1st October 1919. THEREFORE I am not obliged to any organisation, office nor person thathas sworn an oath an/or affirmed allegiance to a foreign power, Kingor Queen,their heirs and successors initiated since 1st October 1919, therebycommitting the act of treason against Australia and its People, and/or when theUnited Kingdom passed the British Nationality and Citizenship Act1948, referring to Australians as Aliens, itbecame Law 1st January 1949. Australians were Stateless People from1st January until 26th January 1949, 25 days. Thereforethe Australian Political and Legal System has no basis in Law in relying onforeign statute to imposeits authority, whereas imposing upon the people ofAustralia The British Colony of the Commonwealth of Australia Act1919 (United Kingdom) and/or the Australia Act1986 as basis to all Australian Law, without a referendum by thegeneral body of the Australian People humbly relying on the blessingsofAlmighty God. THE SIGNING of the Peace Treaty of Versailles in Paris France on28th June 1919 by the then Australian Prime Minister William MorrisHughes, and the Deputy Prime Minister Sir Joseph Cook Minister forthe Navy in1919 enabled

Australia to gain its Independence, which is recorded in theoriginal transcripts and manuscripts of theTreaty of Peace(Germany) Act 1919-1920, (Treaty of Versailles)held in the archives of the Swiss Government in Geneva, and also in AustralianParliamentary Records known as Hansardpages 12163---71. passed10th September 1919, in Lower House, passed in Upper House1st October 1919, and became Law on that day. (Exhibit 1, page2). Aswill be seen, though earnest, the case which the applicant seeks to present isnot easily discernable, and to the extent that itcan be, it is difficult toaccommodate it within the framework of established legal principles andsubstantive law. Undoubtedly the best starting point is a considerationof the Reasons for Judgment of the learned Federal Magistrate which gave risetothe orders against which the applicant seeks to appeal. Theproceedings were heard by the learned Federal Magistrate over a period of twodays. The orders of the Court reveal that his Honourrejected theapplicants assertion that the Court lacked jurisdiction to determine theRegistrars application to enforcearrears of child maintenance on 30 May2007. Having dismissed the jurisdictional challenged raised by the applicant,his Honour determinedthe merits of the case before him, as his judgment of 31May 2007 reveals. The orders of 31 May 2007 provided, in the form soughtby theRegistrar in Minutes submitted to the learned Federal Magistrate, for theenforcement of substantial arrears of child maintenance,and an order for costsof the proceedings assessed in the sum of $10 127.20. Itis clear that the applicant seeks leave to appeal against the order forenforcement of arrears of child maintenance and the costsof such enforcementproceedings. Thebasis upon which the applicant seeks leave to appeal fall into two broadcategories, the first being an alleged absence of jurisdictionin the FederalMagistrates Court to entertain the enforcement application, the second,without conceding the first, beingmore in the nature of challenges to theexercise of the jurisdiction than to its existence. Itis clear beyond doubt that the applicant has at all material times disputed thejurisdiction of the Federal Magistrates Court toenforce his obligations to paychild support, and, at least inferentially, the validity of any obligationswhich have been imposedupon him pursuant to the Child Support legislation. Theapplicant raised the jurisdictional challenge before the learned FederalMagistrate on the first day of the hearing. His Honourrejected the applicationand gave brief reasons for so doing. In such

reasons, the learned FederalMagistrate identified the proceedingsbefore him as an enforcement summonsbrought pursuant to the Family Law Rules which have been adoptedby this Court in respect of the enforcement of debts arising under the ChildSupport (Registration & Collection) Act 1988. (Reasons forJudgment dated 30 May 2007, page 1, par 1). Thelearned Federal Magistrate identified the legislation by which he concluded thatthe Court had jurisdiction to hear and determinethe enforcement summons. Therelevant legislation was suggested to be the Family Law Act 1975, theChild Support (Registration & Collection) Act 1988, the Child Support(Assessment) Act 1989 and the Federal Magistrates Act1999. HisHonour added more fundamentally...this Court exercises its power as aproperly constituted Court pursuant to Chapter IIIof the AustralianConstitution (Reasons for Judgment dated 30 May 2007, page 1, par 1).He concluded that nothing raised by the applicant persuaded him thatthe Court was other than properly constitutedpursuant to theConstitution and the Legislation to which he referred (Reasons for Judgmentdated 30 May 2007, page 2, par 2). Referencewas then made to repeated requests to put to me the basis of theconstitutional or jurisdictional problemasserted by the applicant and tothe applicants failure to raise any matter in response to suchinvitation. The applicationto dismiss the enforcement summons for want ofjurisdiction was thus refused. The matter then proceeded on the merits.(Reasons for Judgment dated 30 May 2007, page 2, par 2). Theenforcement summons was identified by the learned Federal Magistrate. It hadbeen filed by the AGS on behalf of the Registraron 27 October 2004. Theapplication was supported by an affidavit annexing a statement of the relevantaccount with the agency. Thechequered history of the matter, subsequent to the filing of enforcementsummons, was not detailed by the learned Federal Magistrate,for reasons whichhe explained. His Honour did however record that by November of2005:- ... the [applicant] had retained solicitors to act on hisbehalf in relation to these matters, and so whatever the vicissitudes associatedwith the service of process to that point, from that point I can be satisfiedthat the [applicant] was on notice of the nature ofthe proceedings and had theopportunity, either personally or through his solicitor, in the event thatdocuments still had not reachedhim during these various processes, to procurecopies of them. (Reasons for Judgment dated 31 May 2007, pages 2 3, par 5).

Reliancewas placed upon the fact that the applicants solicitors filed a responseto the application on his behalf. His Honourconcluded that hewas:- ... entitled to infer from the filing of that process by himthat he or his solicitors on his behalf were cognisant of the natureof theapplication that was brought. If there were any doubt associated with that, andfrankly I do not think there is, is it [sic]dispelled by the contents ofexhibit number 10, which is a copy of a letter forwarded by the AGS to hissolicitors dated 18 November2005; the same date at which the matter came beforethe Court following the filing of the response on 15 November, indicating thatthe original process, that is the enforcement summons and the supportingaffidavit material had been forwarded to the [applicant].(Reasons forJudgment dated 31 May 2007, page 3, par 6). Referencewas made to the response filed on behalf of the applicant and to the affidavitin support of it in which the applicant deposedto not having any children tothe best of his knowledge. The learned Federal Magistrate concluded that theresponse filed on behalfof the applicant sought the dismissal of theenforcement summons and a series of interim orders or what were describedasalternative orders which essentially sought that there be orders as toparentage testing. (Reasons for Judgment dated 31 May 2007, page 3,par 9). That interpretation was reinforced in his Honours view by adocument filed on 19 December 2005 by the solicitors then actingfor theapplicant which sets out with a much greater degree of particularity thepercentage testing procedure that is sought.(Reasons for Judgmentdated 31 May 2007, page 3, par 10). Thelearned Federal Magistrate concluded that: The orders were madefor the parentage testing procedure to occur and I am told that the childand the mother participated in this process, but as I haveindicated, on 7December 2006 the Court ordered on the application of Mr Ulysses that theparentage testing procedure orders be discharged.So the only process I canidentify as ever having been filed by Mr Ulysses, which positively soughtorders, was that applicationand it was something that was dismissed on his ownapplication. (Reasons for Judgment dated 31 May 2007, page 4, par13). Turningto the substance of the proceedings before him, the learned Federal Magistrateconsidered that the legislative basis of theenforcement procedure was found ins 113 of the Child Support (Registration & Collection) Act 1988and that the specific jurisdiction of the Federal Magistrates Court in relationto such matters was provided by s

105 of theAct. He was thus satisfiedthat the Court had jurisdiction to entertain the application that was made.Although those provisionswere not set out in the text of the learned FederalMagistrates Reasons for Judgment, it may be helpful to do so at thisstage. Section105 Child Support (Registration & Collection) Act 1988provides:- (1) The Family Law Act 1975 (other thanPart X of that Act), the standard Rules of Court and the relatedFederal Magistrates Rules apply, subject to this Act and with suchmodifications as are prescribed by the applicableRules of Court,to proceedings under thisAct (other than proceedings under subparagraph 113(c)(i)) as if: (a) the proceedings were proceedings under that Act; (b) the proceedings were proceedings instituted under that Act; (c) a court having or exercising jurisdiction in the proceedings were a courthaving or exercising jurisdiction under that Act; (d) a decree made in the proceedings were a decree made under that Act; (e) matters arising in the proceedings were matters arising under that Act;and (f) any other necessary changes were made. (1A) In the application of subsection (1) to proceedings under this Actin relation to a child, references in paragraphs (1)(a) to(e) (inclusive)to the Family Law Act 1975 are to be taken to be references toPart VII of that Act. (2) Where any difficulty arises in the application of subsection (1) inor in relation to a particular proceeding, the court exercisingjurisdiction inthe proceeding may, on the application of a party to the proceeding or of itsown motion, give such directions, andmake such orders, as it considersappropriate to resolve the difficulty. Section113 Child Support (Registration & Collection) Act 1988provides:- Debts due by a payer may be recovered by the Registraror the payee (1) A debt due to the Commonwealth under this Actin relation to a registered maintenance liability: (a) is payable to the Registrar in the manner and at the place prescribed;and (b) may be sued for and recovered by: (i) the Registrar suing in his or her official name; or (ii) the payee of the liability suing in accordance with section 113A;and (c) may be recovered in: (i) a court having jurisdiction for the recovery of debts up to the amount ofthe debt; or (ii) a court having jurisdiction under this Act. Registrar to keep payee informed of action taken to recover debt (2) The Registrar may take such steps as the Registrar considers appropriateto keep the payee of a registered maintenance liabilityinformed of action takenby the Registrar to recover debts due to the Commonwealth under this Act inrelation to the liability.

Thebasis of the liability of the applicant was considered by the learned FederalMagistrate to be an order that was made bythe Family Court on 2 October1996 which provided for the maintenance for the child, MJVT, by the [applicant]at the rate of $180per week from and including 2 October 1996 suspendeduntil 30 October 1996. (Reasons for Judgment dated 31 May 2007, pages 4 5, pars 16 & 17). HisHonour observed that:- The Court has a discretion in relation to theenforcement of these debts in the same way that it has a discretion in relationto theenforcement of any orders of the Court. The obligation to pay the childsupport arises from a curial order rather than from an administrativeassessmentof child support. It used to be that maintenance orders, child or spousal, werenot enforced if they were stale in thesense of more than 12 months old. Thatrule has been abolished but there still remains a general discretion in relationto enforcementin relation to such order, and one would have thought thecircumstance that sees the first process issue eight years after the orderismade as carrying with it the possibility of some basis for the exercise of adiscretion against the enforcement of the order fora position, perhaps even asubstantial portion, of that period. But we do not get to the stage of having toconsider the exerciseof that discretion because the court is not put in aposition by the [applicant] to undertake that exercise. (Reasons for Judgmentdated 31 May 2007, page 5, par 20). Referencewas made to the absence of any application by the applicant to vary or dischargethe 1996 maintenance order pursuant towhich arrears had allegedly accrued,resulting in the enforcement application brought by the Registrar in the FederalMagistratesCourt. Reference was also made to the applicants election notto place before the Court any evidence in relation to eventssubsequent to themaking of the orders in 1996, and to the fact that the only application whichthe applicant did make, for parentagetesting orders, in 2005, was discharged on7 December 2006 on the applicants application. (See Reasons forJudgment dated 31 May 2007, page 6, pars 22 24). Thelearned Federal Magistrate referred to the absence of any attempt during thehearing before him to agitate the meritsof the enforcementapplication, in any of the respects earlier identified by him. (Reasons forJudgment dated 31 May 2007, page 6, par 24). HisHonour referred to the oral testimony of the applicant before him,and observed that the applicant was the registeredproprietor, with his parents,of two separate properties, one at V, the other at M.

(Reasons for Judgmentdated 31 May 2007, page 7, par 28). Forreasons which he detailed, his Honour concluded that there appears to beno impediment to the assumption by Mr Ulyssesand his parents of the sameregistered proprietorship of those lands and upon the same basis as they wereprior to bankruptcyproceedings which were briefly detailed. (Reasonsfor Judgment dated 31 May 2007, page 8, par 29). Referencewas then made to the husbands assertion that various other membersof his family, including his brother, haveclaims as to interests in thoseproperties but there is no evidence of that. His Honour observed,[t]hat may or may not be the case, but nothing has been put to me toindicate that the position is otherthan that he and his parents are in aposition to assume full legal title to those properties. (Reasons forJudgment dated 31 May 2007, page 8, par 30). Onthe evidence before him, his Honour was satisfied that the applicantsinterest in the properties to which he referred hada value taking intoaccount their unencumbered nature which made it expedient toproceed with the enforcementorders that are sought by the CSA.(Reasons for Judgment dated 31 May 2007, page 8, par 31). Thelearned Federal Magistrate concluded that the failure to apply to seek to setaside or vary the 1996 orders was fatal toany exercise of discretionagainst enforcement of the orders particularly as the applicant hadrepresentation during 2005.(Reasons for Judgment dated 31 May 2007, page 8,par 33). Theevidence given by the applicant before the learned Federal Magistrate wasconsidered to be evasive in the extreme,the applicant failingto:- ... attempt to give straightforward answers to questions, togive answers which would assist the Court in understanding his financialposition or matters in the recent past which would go to his financial history.He obfuscated, he evaded, and thats also amatter which plainly makes itinappropriate, in my view, to take all the leaps and bounds that would benecessary to attempt to exercisesome discretion not to enforce the judgment inhis favour. (Reasons for Judgment dated 31 May 2007, page 9, par 34). Thecomposition of the claim made by the Registrar and the costs of the proceedingswhich were sought by the Registrar were then considered.Having done so, and forreasons which he then briefly detailed, the learned Federal Magistrate made theorders earlier referred to. The basis of the application for an extension of time in which to seek leave toappeal the orders of 30 and 31 May 2007 Lawwhich governs an application for an extension of time within

which to appeal isnot in doubt and does not require extensive restatementfor the purpose of thisapplication. Citing briefly the decision of the High Court inGallo v Dawson [1990] HCA 30; (1990) 93 ALR 479 is appropriate. In that caseMcHugh J said (at 480 481):- The grant of an extension oftime under this rule is not automatic. The object of the rule is to ensure thatthose Rules which fixtimes for doing acts do not become instruments ofinjustice. The discretion to extend time is given for the sole purpose ofenablingthe court or justice to do justice between the parties: see Hughes vNational Trustees Executors & Agency Co of Australasia Ltd [1978] VicRp 27; [1978] VR 257at 262. This means that the discretion can only be exercised in favour of anapplicant upon proof that strict compliance with therules will work aninjustice upon the applicant. In order to determine whether the rules will workan injustice, it is necessaryto have regard to the history of the proceedings,the conduct of the parties, the nature of the litigation, and the consequencesfor the parties of the grant or refusal of the application for extension oftime: see Avery v No 2 Public Service Appeal Board [1973] 2 NZLR 86at 92; Jess v Scott (1986) 12 FCR 187 at 194 5 ; 70 ALR 185 When theapplication is for an extension of time in which to file an appeal, it is alwaysnecessary to considerthe prospects of the applicant succeeding in the appeal:see Burns v Grigg [1967] VicRp 113; [1967] VR 871 at 872; Hughes, at 263 4;Mitchelson v Mitchelson (1979) 24 ALR 522 at 524. It is also necessary tobear in mind in such an application that, upon the expiry of the time forappealing, the respondenthas a vested right to retain thejudgment unless the application is granted: Vilenius v Heinegar (1962) 36 ALJR 200 at 201. It follows that, before the applicant can succeed inthis application, there must be material upon which I can be satisfiedthat torefuse the application would constitute an injustice. As the Judicial Committeeof the Privy Council pointed out inRatnam v Cumarasamy [1965] 1WLR 8 at 12 ; [1964] 3 All ER 933 at 935:- The rules of court must prima facie be obeyed, and in order to justifya court in extending the time during which some stepin procedure requires to betaken there must be some material upon which the court can exercise itsdiscretion. Withoutreferring to it in detail, the applicants explanation of his failure tofile a Notice of Appeal within time, thoughnot overwhelming, would be adequateif it were otherwise appropriate to extend the time for appealing the orders of30 and 31 May2007. This is particularly so given the

practical implications ofthe orders of the learned Federal Magistrate and the reality thatthe onlyavenue of review open to the applicant if an extension of time is refused bythis Court would be by way of application tothe High Court of Australia. Giventhat the orders which give rise to the liability which was enforced on 31 May2007 were made in 1996, and first sought to beenforced some eight years later,and that the proceedings, for whatever reason, were then not heard until two anda half years latersuggest that, if the applicant otherwise establishes groundsfor an extension of time, such extension ought not be refused by reasonof theadequacy or otherwise of his explanation or his delay. Theextent to which the applicant was out of time (less than one month) in seekingleave to appeal is also relevant in that context,as is the apparent absence ofprejudice to the recipient of the arrears of maintenance, and the reality thatthe recovery of sucharrears would not appear to be prejudiced if an extensionof time within which to seek leave to appeal were to be granted. Inreality, the focus in this application is whether the applicant, howeverexpressed, raises challenges to the decisions of the learnedFederal Magistratewhich he should have the opportunity to present to the Full Court. That enquiry,as identified earlier, involvesconsidering the two broad categories ofcomplaint agitated by the applicant. Asindicated earlier, the applicant has at all material times disputed thejurisdiction of the Federal Magistrates Court to entertainthe application toenforce arrears of child maintenance. It is difficult to suggest succinctly thebasis, or apparent basis, of theapplicants contention, although itseems, particularly having regard to his oral submissions on 16 November 2007,to involveassertions that, having taken an oath of allegiance to the Queen of aforeign country, Queen Elizabeth II, Australian judges haveno jurisdiction toadminister Australian law. If the applicants contention is correct, theAustralian legal system as we knowit would probably cease to exist, as anyjudge of a Federal or State Court having sworn or affirmed allegiance to theQueen wouldthereby be disqualified from exercising Australian Federal or Statelaws. Notwithstandingthe gravity of his contention, which would seem to raise a constitutionalchallenge, the applicant has at no timegiven notice pursuant to s 78Bof the Judiciary Act 1903 (Cth) to any Attorney General. This Courtdoes not propose delaying the determination of this application on theoff-chance thatthe applicant may now seek to do so. The complete absence of anysubstance in anything which he has

presented to this Court in supportof hisjurisdictional challenge provides support for declining to do so. Inhis material the applicant relied on what he asserted the former Gibbs CJ tohave said on an unspecified date in 1999 in some unidentifiedcontext. Acceptingfor the moment that, from somewhere, the applicant has accurately producedsomething which the former Chief Justicemay have said, it would appear that theapplicant would no doubt rely upon the words attributed to the former ChiefJustice thatthe current legal and political system used in Australia andits States and Territories has no basis in law and that[o]rdinarypeople have the right to expect Government Officials to considerAustralias International Obligations evenif those Obligations are notreflected in specific Acts of Parliament (Affidavit of Mr Ulyssesfiled 25 July 2007, Annexure J, page 1). Inwhat context any of this was said by the former Chief Justice, if in fact itwas, is unclear. Absent far more than the applicanthas placed before thisCourt, the extract upon which he relies does not advance his claim. Therefollowed in the material anotherExplanatory Statement attributedto Gibbs CJ. When that statement was made and in what context is also unclear.Thesentiments expressed in the document are consistent with those in the firstdocument to which reference has been made. The documentappears to be an opinionexpressed by the former Chief Justice. (Affidavit of Mr Ulysses filed 25 July2007, Annexure J, pages 2 5). Inthe absence of any decision of the High Court, and the applicant has notreferred this Court to any such decision, this Court doesnot accept, with alldue respect to the former Chief Justice, that it is bound by the views he mayhave expressed in 1999. Therefollowed in the material initially relied upon by the applicant what appears tobe resolutions of some international body, inferentiallythe United Nations, in1965 re-affirming that no State has the right to intervene directly orindirectly for any reason whatsoeverin the internal or external affairs of anyother State. Presumably the applicant argues that judges of the Court swearingallegianceto Queen Elizabeth II constitutes a breach by the United Kingdom, aforeign power, in the internal affairs of Australia. Ina subsequent affidavit, filed 1 November 2007, the applicant reiterated thebasis of his challenge to the jurisdiction of the FederalMagistrates Court.Reference was made to the proceedings in Court and to the suggestion attributedto the learned Federal Magistratethat the Royal Coat of Arms behind him,as he sat in Court on Wednesday 30 May 2007 was the answer for

his authority,alongwith Chapter 3 [sic] of the Australian Constitution. (Affidavitof Mr Ulysses filed 1 November 2007, page 2, par 2). Therefollowed, albeit in rather more detail, the basis upon which the applicantasserted that the swearing or affirming of allegianceto a foreign Queen,namely, Her Majesty Queen Elizabeth the Second, her heirs and successorsdenied judicial officeholders in this country the capacity to exercise thejurisdiction purportedly conferred upon them by the Parliament of theCommonwealthof Australia. (Affidavit of Mr Ulysses filed 1 November 2007,page 3, par 3). Commencingwith references to the Peace Treaty 1919, (Treaty ofVersailles) through events in 1984 and 1986, the applicant asserted thatregardless of the validityof The Commonwealth of AustraliaConstitution Act 1900 (U.K.) or the Australia Act 1986 (Cth),if the authority of the Governor-General and the State Governors is invalid,therefore the entire political and legal systemin use in Australia and itsStates and Territories has no basis in Law. (Affidavit of Mr Ulyssesfiled 1 November 2007, pages 3 4, pars 4 9). Albeitexpanded further in his material, the applicant did not raise anything furtherof substance in support of his challenge tothe jurisdiction of the FederalMagistrates Court to hear and determine the application to enforce arrears ofchild maintenance. Counselfor the Registrar submitted that, howsoever articulated, the jurisdictionalchallenges raised by the applicant have no possiblemerit and should not take upthe time of the Full Court. Counsel for the Registrar provided the Court withthe Judgment of HayneJ sitting as a single Judge of the High Court, dismissinga number of applications to remove proceedings into the High Court pursuanttos 40 of the Judiciary Act 1903 (Cth). The copy of thereport provided by Counsel for the Registrar is headed Joosse & Anor vAustralian Securities and Investment Commission [1998] HCA 77; (1998) 159ALR 260; (1998) 73 ALJR 232 (21 December 1998), and is conveniently referred tofor present purposes as Joosse. The essential issueapparently sought to be raised by the applicant in these proceedings appears notdissimilar to the issueraised in some of the five applications for removaldealt with by Hayne J in Joosse. Thequestion of what law is to be applied by the courts of Australiawas considered by Hayne J to be answered by referenceto cl 5 of theAustralian Constitution which provides this Act, and all laws made by theParliament of the Commonwealth underthe Constitution, shall be binding on thecourts, judges, and people of every

State and every part of the Commonwealth,notwithstandinganything in the laws of any State. (Joosse,pars 18 19). HisHonour observed that [i]t is, then, to the Constitution and to laws madeby the Parliament of the Commonwealth under theConstitution that the courtsmust look. He observed that:- It is not relevant to theinquiry required by covering cl 5 to inquire how Australia has been treatedby other nations in its dealingswith them or to inquire whether the WestminsterParliament could or could not pass legislation that has effect in Australia.Coveringcl 5 provides that the Constitution and the laws made by theParliament of the Commonwealth under the Constitution are binding onthe courts,judges, and people of every State and of every part of the Commonwealth.(Joosse, par 19). Itmight be noted at this point that no challenge to the jurisdiction of theFederal Magistrates Court agitated by the applicant inthis Court involves anysuggestion that any jurisdiction purportedly conferred upon the FederalMagistrates Court fell outside theambit of s 51 of the Constitution. Theapplicant did not appear to content that the conferral of jurisdiction wasinvalid, but ratherthat no judicial officer could exercise it. HayneJ was content to dispose of the applications in Joosse while sitting as asingle judge of the High Court. With all due respect to his Honour, it isimprobable that he would not have referredany of the five applications beforehim to a Full Bench of the High Court had any of the contentions therein raisedbeen shown tohave the prospect of merit. HayneJs judgment in Joosse leaves no doubt that the fact thatAustralian judges swear or affirm allegiance to the Queen does not invalidatethe exercise ofjurisdiction by such judges. Hayne J concluded that none of thepoints raised by the five applicants in the proceedings before himmade thefederal laws to which they referred any the less binding on the courts,judges, and people. (Joosse, par 19). Havingregard to Hayne Js judgment in Joosse, there is no basis forsuggesting that the learned Federal Magistrates appointment to that Courtwas other than valid, enablinghim to exercise the jurisdiction invested in thatCourt by relevant acts of the Federal Parliament, including the Family LawAct 1975 (Cth), the Federal Magistrates Court Act 1999, ChildSupport (Registration & Collection) Act 1988 and the Child Support(Assessment) Act 1989. Thefact that his Honour swore or affirmed allegiance to Queen Elizabeth II in noway invalidated his jurisdiction pursuant to therelevant Commonwealth statutes.Any views the Federal Magistrate may have had as to the significance

orotherwise of the RoyalCoat of Arms in the Courtroom in no wayinvalidated the validity of the jurisdiction conferred on him by thosestatutes. Itshould be recorded that, beyond the assertions of the applicant in that regard,there is no material before this Court that establishesthat the learned FederalMagistrate misunderstood the basis of his jurisdiction, but even if he did, thatwould not in this Courtsview invalidate such jurisdiction which eitherexists or does not exist, irrespective of the perceptions of a judicial officerinthat regard. Thesecond apparent basis of the applicants jurisdictional challenge is that,by continuing to accept allegiance from Australianjudges, the foreign Queen ofthe United Kingdom has breached international law, the consequence of which isthat the judges thusappointed are not validly invested with Commonwealthjurisdiction. Hayne J referred to the distinction betweensovereigntyin international law and sovereignty asthe supreme legislative authority recognised in a legal system. (seeJoosse, par 21). Theapplicants contention appears to be that, by the continued allegiance ofjudicial officers to a foreign QueenAustralia remains a colonyover which the United Kingdom retains sovereignty. InJoosse Hayne J explained why that is not so having briefly examinedthe emergence of what is now a sovereign and independent nation.His Honour suggested that [o]pinions will differ about when sovereigntyor independence was attained. The extensivematerial placed before thisCourt by the applicant provides some insight into those differing opinions. HisHonour identified somesteps along that way as being of particularimportance not the least being the people of the coloniesagreeing to unite in one indissoluble Federal Commonwealth under theCrown of the United Kingdom of Great Britain and Ireland,and under theConstitution. (Joosse, par 17). HayneJ then considered the realities of the relationship between theUnited Kingdom and Australia. His Honour concludedthat the relevant legislativeenactments during the twentieth century could be seen as reflecting thethen current view ofthe relationship between Australia and the UnitedKingdom, each dealing with an aspect of politicalsovereignty.(Joosse, par 17). HayneJ explained the difference between the political attributes ofsovereignty on the one hand and the administrationof justiceaccording to law in the courts of Australia upon the other. As was thecase in Joosse, the former are not relevant for present purposes, it notbeing suggested by the applicant that the foreign Queen hassoughtto exercise

legislative sovereignty over Australia, but rather that thecontinued allegiance of judges of the Commonwealthof Australia denies themjurisdiction with respect to Australian law. (Joosse, par18). Fromthe learned Federal Magistrates Reasons for Judgment, it appears likelythat a number of the proposed grounds of appealrelate to matters which hisHonour raised with the applicant during the proceedings. The applicantsdecision not to placethe transcript before this Court denies this Court theability to so find, but also leaves the applicant unable to establish manyofhis complaints. TheCourt has earlier referred to Hayne Js Reasons for Judgment in relationto the laws which are to be applied by Australiancourts. The Court has not beenreferred to any decision subsequent to Joosse, nor has it discovered anyfor itself in the course of brief research in relation to issues which theapplicant apparently raisesin his application to this Court. Sometimes theabsence of cases in the High Court in relation to an issue is significant andsuggestiveof the absence of any doubt or uncertainty in relation to suchissues. The Court perceives this is probably an instance where thatis so. Nothingwhich the applicant has raised before this Court suggests any basis forconcluding that the learned Federal Magistrate lackedthe jurisdiction to hearand determine the proceedings before him. That being so, to extend time for theapplicant to seek leaveto appeal against such decision on that basis would bean exercise in futility. If this Court is wrong in its conclusions with respectto the jurisdictional challenge raised by the applicant, that is a matter whichhe could seek to agitate in the ultimate and mostappropriate constitutionalcourt in Australia. If he were to seek to do so, it would be a matter for thatcourt as to whether, unlikethe various applicants in Joosse, theapplicant could raise a constitutional issue which could excite the interest ofthe High Court in a constitutional issue. Itis appropriate to then turn to consider the other proposed Grounds ofAppeal revealed by the application filed on25 July 2007. Many of thosecomplaints relate to matters which occurred during the hearing in the FederalMagistrates Court.It should be noted that the applicant made aconsidered choice not to place the entirety of the transcript of the proceedingsinthe Federal Magistrates Court before this Court although, from statementsmade by him during the hearing of his application on 16November 2007 itappeared quite clear that he had obtained the transcript of the proceedings, andhad it in his possession in theCourt on that date. His placing of a selectedfew pages of the

transcript of the proceedings in the Federal Magistrates Courtbeforethis Court also suggests that he had thetranscript. Ground 1 Ground1 of the proposed Grounds of Appeal provided:- Thecircumstances of the case gave rise to a substantial or sufficient risk ofinjustice to warrant the exercise of the courtsassumptions since about1996. (Application in a Case filed 25 July 2007, page 5, par1). Thelearned Federal Magistrate in fact referred to the reality that the firstapplication to enforce the 1996 order appeared to havebeen made in 2004, someeight years after the making of the order. His Honour also referred to theperiod which elapsed between thefiling of the enforcement application and itshearing (a period of more than two and a half years) and to the fact that, atleastfor a time in 2005, the applicant had legal representation. HisHonour also referred to the fact that the applicant at no time had ever soughtto vary or discharge the 1996 order. The applicantspost-1996circumstances were peculiarly within his knowledge. To the extent that theapplicant may have sought to rely upon conducton the part of the mother of thechild, or his own financial circumstances over that period, those were matterswhich the applicantcould have raised before the learned Federal Magistrate.Nothing to which this Court has been referred suggests that they were. Totheextent that his liability for child maintenance was challenged on the basis ofnon-paternity, as could be inferred from the applicationfor parentage testingalmost a decade after the order was made, the applicant withdrew the applicationhe had made in that regard,albeit after the child and the mother had submittedto parentage testing but the applicant had not. Nothingto which the applicant has referred this Court in the proceedings before thelearned Federal Magistrate provides any basisfor concluding that this groundmay have substance. Nothing raised by the applicant in the hearing before thelearned Federal Magistrategave rise to any possible injustice or is suggestedto have done so. It is also to be noted that, six months after the learnedFederalMagistrate gave his Reasons for Judgment, pointing out these matters, nopart of the applicants application for an extensionof time reveals anyevidentiary basis upon which this ground may be successful on appeal in relianceupon further evidence (see CDJ v VAJ (1998) 197 CLR172). Ground 2 Thesecond of the proposed Grounds of Appeal provided:- Inthe circumstances of the case the Appeal Court should permit the admission offresh evidence, namely that documented evidence citedin Reasons

for Judgment ofLindsay FM dated: 18 June and received 22 June 2007, disclosed for the firsttime that the Councel [sic]for the Child Support Registrar was associated withthe same Firm of Solicitors as the former Solicitor representing the appellant,prior to the Scheduled Final Hearing on 19 May 2007. (Application in a Casefiled 25 July 2007, page 5, par 2). Noneof the further documented evidence referred to in this proposedground appears to have been provided to this Court.Moreover, assuming, whichthe Court would not other than for the purpose of dealing with this proposedground, that the relationshipasserted existed, how that could in any way impactupon the decision of 30 and 31 May 2007 is not apparent, or suggested. Nothingasserted by this ground could advance the applicantscause. Ground 3 Thethird ground of the proposed Grounds of Appeal provided:- TheCourt gave no or no sufficient consideration to the fact that no liabilitytowards the boy has been entered into by the appellant.(Application in aCase filed 25 July 2007, page 5, par 3). Literally,this challenge seems to suggest that, in order for the applicant to have aliability with respect to the boythe subject of the 1996 orders,the applicant in some way had to consent to so doing. Theapplicants liability to pay maintenance for the child the subject of theenforcement summons arose from orders made bythe Family Court in 1996. Theapplicant was a party to those orders. He may have consented to the orders. Hemay not have consentedto the orders, in which case he may have accepted theorders. He may not have accepted the orders. Any appeal he may have lodgedhasapparently been unsuccessful. Asnoted earlier, to the extent that the applicant ever took steps to dispute hisliability to pay maintenance for thechild the subject of the 1996orders, that belated step, represented by his obtaining an order for parentagetesting in 2005, wasabandoned by him the following year. No other challenge tothe legal basis of the applicants liability is suggested, orapparent. Onthe evidence before the learned Federal Magistrate no question of theapplicants liability arose. Nothingto which the applicanthas referred this Court suggests that the issue could arise in the course of anyapplication for leave toappeal which the Full Court mightentertain. Ground 4 Thefourth ground asserted that:- Contraryto the respondents evidence, the appellant was not at the time aregistered proprietor of the encumbered propertiesin question. (Applicationin a Case filed 25 July 2007, page 5, par 4). Beyondthe assertion of the applicant, nothing to which this Court has

been referredprovides the slightest basis for concluding thatthis complaint may havesubstance. Thejudgment of Barrett J of the Supreme Court of New South Wales of 23 September2004 in OTB v Udowenko [2004] NSWSC 890 suggests the contrary, and thatthe applicant, when proceedings were before the Supreme Court pursuant tos 66G of the Conveyancing Act 1919 (NSW) in 2004, made no suchcomplaint. Inthe absence of any basis upon which it could be successful, and none isestablished, this challenge could not possibly succeed. Ground 5 Thefifth ground of the proposed Grounds of Appeal provided:- TheCourt would not allow the respondent to be examined and or cross-examined.(Application in a Case filed 25 July 2007, page 5, par 5). Nothingto which this applicant has referred this Court provides the slightestfoundation for concluding that this complaint couldpossibly have substance. Itis unclear to whom the respondent in the complaint relates,although it is difficult toimagine it could refer other than to the Registrarand/or the mother of the child on whose behalf arrears of child maintenance wasbeing sought to be recovered. TheCourt referred specifically to this ground during the hearing on 16 November2007 and suggested to the applicant that he wouldneed to refer to thetranscript of the proceedings before the learned Federal Magistrate in order toadvance this complaint. TheCourt then suggested that the transcript would belikely to reveal, or fail to reveal, the truth in relation to this complaint.Theapplicant sought an adjournment to consider his position in relation to thetranscript. Upon resumption, the applicant declined toplace the transcript ofthe proceedings before the Court. Althoughthe applicant may not have expressly confirmed that he held the transcript, heat no stage suggested that he did not, appearedto be examining what may havebeen the transcript, and was unlikely to have sought an adjournment to considerhis position unlesshe did have the transcript. Were it necessary to do so, theCourt could infer that, having reflected upon the matter, the applicantpreferred not to put the transcript of the proceedings before the Court becauseit would not assist his complaint. It need not soinfer as there is no basisupon which the Court could conclude that this complaint could havesubstance. Ground 6 Thesixth ground of the proposed Grounds of Appeal provided:- TheCourts answer of assurance pursuant to Article 14 of the InternationalCovenant on Civil and Political Rights, definition of a competentcourt, this covenant is Schedule 2 of the Human Rights and EqualOpportunities Act 1986,

failed when addressed on the question of acompetent court, the Magistrate said this; Quote: Youve got myassuranceabout that and if you need any further evidence of that you can lookat the Royal Coat of Arms thats behind me as I sit inCourt today.End of Quote. The Magistrates answer of assurance is incorrect, and bearsno weight. (Application in a Case filed 25 July 2007, page 5, par6). TheCourt has earlier dealt with what appears to be the substantive challenge to thejurisdiction of the Federal Magistrate to hearand determine the application toenforce arrears of child maintenance. Whether or not this is a separatechallenge is uncertain.Why it is made is even less so having regard to theconcluding sentence of the proposed ground. Whetheror not the learned Federal Magistrate said what he is alleged to have said, thefact is that any such statement, as the applicantsown proposed groundmakes clear, had no significance. His Honour either had jurisdiction toentertain the application to enforcearrears of child maintenance or he did not.Nothing to which this Court has been referred establishes that the learnedFederal Magistratelacked that jurisdiction. Withoutsuggesting that any misapprehension on the part of his Honour has beenestablished, it is quite immaterial whether his Honourthought that hisjurisdiction in any way derived from the Royal Coat ofArms. Ground 7 Theseventh proposed ground asserted that the learned Federal Magistrate erred:- Bytaking into account and giving weight to the respondents failure to dulyitemise and serve the bill or bills of costs andpenalties. (Application in aCase filed 25 July 2007, page 5, par 7). Thelearned Federal Magistrate said with respect to the costs which he wasalso provided with the amount sought by the applicantin respect ofcosts. What, if anything, was provided by way of itemised account to thelearned Federal Magistrate or to theapplicant is unclear. Thetranscript of the proceedings would have been revealing in relation to thisproposed challenge. On its face, the sum awarded aftera two-day hearing with avariety of applications, including the parentage testing application which theapplicant subsequently withdrew,over a period of two and a half years does notseem unreasonable, but that is not a matter about which the Court needs tospeculate.The applicants failure to refer this Court to any materialwhatsoever which might provide some basis for thinking that thischallenge couldhave merit is sufficient basis for finding that it doesnot. Ground 8 Theeighth ground of the proposed Grounds of Appeal provided:- Inholding that such failure to

comply with the provision of the LegalProfession Act did not amount to bills of costs within the meaning ofs 192, and did not give rise to available defences to the claims of therespondent against the appellant. (Application in a Case filed 25 July 2007,page 5, par 8). Aswith the previous proposed challenge, nothing to which the applicant hasreferred the Court provides a basis for concluding thatthis challenge may havesubstance. Without expressing a concluded view, the provisions of the FamilyLaw Act and Rules made pursuant to the Act would appear to have been morerelevant than the statute to which the applicant refers. Thetranscript would have revealed the circumstances in which the costs issues wasagitated before the learned Federal Magistrate,the material upon which he didso, and the case which the applicant sought to raise before him in relation tothe costs claim. Inthe absence of any material which would provide a basis forconcluding that this ground may have substance, the Court cannot concludethatit does. Ground 9 Theninth ground of the proposed Grounds of Appeal provided:- Inexercising a power on the run and assumption without a certificate, and/orpenalties or itemised costs duly presented. (Application in a Case filed 25July 2007, page 5, par 9). Ifthis refers to the costs issue, as it appears to, it does not attempt to takematters any further than the previous proposed twogrounds to which referencehas been made. Ground 10 Similarobservations apply to the tenth ground of proposed ground of the Groundsof Appeal which provided:- Inthat there were proper grounds for questioning the derived quantum amount fromthe outset. (Application in a Case filed 25 July 2007, page 5, par10). Whatthe proper grounds for questioning the derived quantumamount from the outset is not clear. As notedearlier, the history of thelitigation since October 2004 would in no way cause this Court to question thesum sought by the Registrarand awarded by the learned FederalMagistrate. Ground 11 ProposedGround 11 provided:- Inthe circumstances, erred in exercising the discretion or assumption conferred byof the Legal Profession Act. (Application in a Case filed 25 July2007, page 5, par 11). Towhom this refers, and in what way, is not discernable. Ground 12 Thetwelfth proposed ground provided:- Pursuantto Service of Summons, order 33 rule 3 (5) of the Family Law Rules, relating tothe fact that the alleged enforcement summonswas not served in the mannerreferred to in Order 18. (Application in a Case filed 25 July 2007, page 5,par 12). Thisissue was addressed by the learned Federal Magistrate in

some detail. Nothing towhich the applicant referred this Court providesthe slightest foundation forthinking that his Honour erred in concluding as he did in that regard. HisHonour referred to the commencement of the enforcement proceedings by theRegistrar in October 2004 and to [d]isputeswhich hadarisen from time to time as to whether or not certain process has beenreceived by the applicant. He referredto orders which had been made forsubstituted service upon the applicant. (Reasons for Judgment dated 31 May2007, page 2, par 4). Apartfrom the fact that those orders for substituted service can be presumed to havebeen regularly made, and the applicant doesnot challenge the making of thoseorders or the circumstances in which they were made, as his Honour recorded, byNovember 2005 theapplicant had retained solicitors to act on his behalf. Whilstthose solicitors were acting, a response to the enforcement applicationwasfiled on behalf of the applicant, as was an application seeking parentagetesting, no doubt in the hope that any basis of liabilitywould befound to be lacking by virtue of non-paternity. Thelearned Federal Magistrate further referred in the context of dispelling anydoubt about the applicants knowledge of theproceedings to an applicationfiled on his behalf by solicitors in December 2005. Referencewas then made to the withdrawal in December 2006 of the parentage testingproceedings which was the only application everfiled by the applicantwhich positively sought orders. (Reasons for Judgment dated 31May 2007, page 4, par 13). Significantly,beyond seeking to take a technical point, the applicant does not assert that hedid not know of the proceedings atall material times. The learned FederalMagistrate dealt with the question of notice in detail, and nothing to which theapplicantnow refers provides any basis for inferring that his Honour erred inany way in relation to that issue. Ground 13 Thethirteenth ground of the proposed Grounds of Appeal provided:- Duringproceedings held before Federal Magistrate Coakes, MJB as Councel (sic) for therespondent (C.S.R.) announced to the Court,and did so accuse theApplicant/Appellant of changing the spelling of his name to avoid detection.(Application in a Case filed 25 July 2007, page 6, par13). Towhat this proposed complaint relates is unclear. What is clear is that it couldnot possibly give rise to a successful appeal againstthe orders of 30 or 31 May2007. Ground 14 Thefourteenth ground of the proposed Grounds of Appeal provided:- AustralianGovernment Child Support Agency Child Support

Account Statements are notin the Applicant/Appellants name.Refer to Documented Evidence(G). (Application in a Case filed 25 July 2007, page 6, par14). TheDocumented Evidence (G) is not attached to the application. Nordoes anything which could conceivably meet the descriptionappear in any othermaterial to which the applicant has referred this Court. Theonly statement from the Child Support Registrar to which this Court has beenreferred bears the name V Ulysses.(Affidavit of Mr Ulyssesfiled 25 July 2007, Annexure G). The applicant has used the nameW in all documentation filed in this Court. There being no doubtthat the applicantis the person liable to pay child maintenance pursuant toorders made in 1996, however his name may have been spelt, it is difficulttounderstand how this complaint seeks to impugn anything decided by the learnedFederal Magistrate. Ground 15 Thefifteenth proposed ground provided:- FederalMagistrates Court of Australia Court Orders: are not in theApplicant/Appellants name. Refer to Documented Evidence (B).(Application in a Case filed 25 July 2007, page 6, par15). Everydocument filed in the Federal Magistrates Court to which this Court has beenreferred refers to the applicant by precisely thesame name as he has referredto himself in documentation which he has prepared in this Court. Correspondencedirected by him to theCourt uses the same name. Whilstthe Court cannot profess to understand how this complaint could possibly advanceany appeal against the orders of 30 or 31May 2007, the fact that, however namedin the Federal Magistrates Court, there is no doubt that the present applicantis, and remains,the person liable to pay child maintenance under the 1996orders denies this proposed complaint any possiblesubstance. Ground 16 Thesixteenth ground of the proposed Grounds of Appeal provided:- TheSolicitor for the Respondent (C.S.R.) defied Order No: 2 of Federal MagistrateLindsays Orders of 31 May 2007. Refer to Documented Evidence(B3). (Application in a Case filed 25 July 2007, page 6, par16). Inwhat way it is asserted that Counsel for the Registrar defied anyorders made on 31 May 2007 is not clear. This complaintcan have nosubstance. Ground 17 Theseventeenth proposed challenge provided:- TheApplicant/Appellant was denied his right to have legal representation in theC.S.R. 2 day proceedings. Refer to page 31 & 32 of Transcript ofProceedings (H). (Application in a Case filed 25 July 2007, page 6, par17). Insupport of this proposed complaint, the applicant provided two pages oftranscript of the

proceedings on 30 May 2007. As with otherproposed complaints,the selective presentation of transcript is significant. Tothe extent that one can discern to what the two pages of transcript which theapplicant has provided relate, it is reasonably clearthat the exchange betweenthe Federal Magistrate and the legal practitioner then representing theapplicant occurred at a time whenthe applicant was refusing to submit toexamination by Counsel for the Registrar. HisHonour referred to that in his Reasons for Judgment. The complaint appears toallege that the applicant was refused legal representation.The two pages oftranscript reveal that the applicant was in fact represented. Thetranscript is revealing in ways perhaps unanticipated by the applicant. Counselthen appearing for the applicant referred to instructionsgiven bythe applicant which would perhaps go to show that he is not the father inthis matter. (Transcript of Proceedings of 30 May 2007, page 31, lines31 32). Those were curious instructions to be giving in light of theapplicant having previously obtained an order for parentage testingand had suchorder discharged six months prior to the hearing before the learned FederalMagistrate. Inthe course of such submissions, Counsel then appearing for the applicant alludedto making an application for an adjournment ofthe proceedings, notwithstandingthat the applicant had failed to attend Court on 19 April 2007. No applicationfor an adjournmentwas in fact made. Asis clear from his Honours judgment, and seemingly uncontroversial, theapplicant ultimately consenting to be examined, thecontempt application waswithdrawn. It is probably sufficient to say that the transcript relied upon bythe applicant does not beginto establish the proposed complaint. Noapplication was made for an adjournment of the enforcement proceedings, sensiblyas apparently experienced Counsel then representingthe applicant, albeit onlywith respect to the contempt application arising out of the applicantsrefusal to be examined inthe proceedings, sensibly conceded. Quite apart fromthe fact that the applicant had legal representation earlier, as his Honourrecorded and did not seek an adjournment of proceedings to obtain legalrepresentation, the nature of the proceedings before thelearned FederalMagistrate and failure of the applicant to seek to put any evidence before hisHonour in relation to relevant issuessuggests that the applicant was notprejudiced in any relevant sense by the absence of legalrepresentation. Ground 18 Theproposed Ground 18 provided:- TheAustralian Government Solicitor Jim McCulloch did not reply

to the letter sentby Express Post dated: 23 May 2007, stating theApplicant/Appellantsdefence. The letter also contained documented evidence attributed by formerChief Justice Sir Harry TalbotGibbs. As an Australian Citizen and in theinterests of the Independent Citizens of the Sovereign Nation of theCommonwealth of Australiarefer to the documented evidence relied upon, andmarked (I), along with the Dictum of Historical Facts, marked (J),attributed by the former Justice (1970 81) then Chief Justice(1981 87) Sir Harry Talbot Gibbs of the High Court of Australia.(Application in a Case filed 25 July 2007, page 6, par18). Quiteapart from the fact that Mr McCulloch was in this Courts view under noobligation whatsoever to respond to the materialto which the applicant refers,the substance of that material has been earlierconsidered. Conclusion Noproposed ground of appeal having been shown to have the prospect of success, togrant an extension of time within which to applyfor leave to appeal would be anexercise in futility, wasteful of public resources and an abuse of theCourts processes. Theapplication filed 25 July 2007 will accordingly bedismissed. Moresignificantly, refusing the application, and denying the applicant theopportunity to have his application for leave to appealdetermined by a courtwould not, on the material before this Court, visit an injustice upon theapplicant. As the learned FederalMagistrate noted in his Reasons for Judgment,the applicant has never applied to vary or discharge the 1996 order which givesriseto his liability for child maintenance. To the extent that the applicanthas ever done anything to seek to extinguish his liability,as he did byobtaining an order for parentage testing in 2005, his withdrawal of thatapplication prior to its outcome becoming knowndenied that attempt the prospectof success. Havingregard to the manner in which the applicant was found to have presented his casebefore the learned Federal Magistrate, andhow he has presented his case to thisCourt, particularly by withholding the transcript of the proceedings before thelearned FederalMagistrate from this Court, to grant the applicantsapplication would be to potentially visit an injustice upon the motherof thechild for whom maintenance apparently has not been paid for a decade. Theabsence of injustice to the applicant is underpinnedby the fact that theapplicant retains the capacity to seek to vary or discharge the 1996 order,notwithstanding that he has notavailed himself of that opportunity in thepast. Counselfor the Registrar sought an order that the unsuccessful applicant pay theRegistrars

costs of and incidental to theapplication filed 25 July 2007.The application has been wholly unsuccessful, for reasons which the Court hasprovided. Theabsence of success has in no small measure been the result of earnest butmisguided contentions advanced by the applicant and/orthe conscious decisionnot to place before this Court the transcript of the proceedings before thelearned Federal Magistrate, notwithstandingthat a number of the proposedchallenges to his Honours decision relate to events which occurred duringthe course of thehearing before him. Theapplicant has placed nothing before this Court in relation to his financialcircumstances. Nothing to which he has referred thisCourt provides any basisfor concluding that he is other than able to meet an order for costs,particularly in the modest sum soughton behalf of the Registrar. TheCourt is of the opinion that the circumstances justify an order that theapplicant pay the respondents costs of this application. Thesum sought $1951 is detailed in a statement provided by Counsel for theRegistrar. On any view of party/party legal costs incurredin late 2007, the sumsought is modest. Technically, it might be thought that taxation of the costssought would be appropriate giventhat the applicant is unrepresented. Themodest sum sought and costs and inconvenience associated with a taxation of suchcosts,particularly when no basis for thinking that a different sum would resultjustifies the Court assessing costs as sought by Counselfor the Registrar. Theorders of the Court are accordingly: (1) That the application filed25 July 2007 be dismissed. (2) That the applicant pay the respondents costs of and incidental tothe proceedings assessed in the sum of $1951. I certify that the preceding one hundred and forty (140) paragraphs are atrue copy of the reasons for judgment of the HonourableJustice Coleman. Associate: Date: 23 November 2007