

From: "Jaime McIver" <Jaime.McIver@crownlaw.qld.gov.au>
To: "Decision Enquiry" <decisionenquiry@proton.me>
Subject: King -v- State of Queensland
Date: Wed Dec 13 2023 15:09:46 GMT+1000 (Australian Eastern Standard Time)

Dear Mr King

Please find **attached**:

1. My client's outline of submissions; and
2. Affidavit of Jaime McIver sworn 12 December 2023 which my client will seek leave to file and read tomorrow.

Kind Regards



Jaime McIver

Senior Lawyer | Commercial Dispute Resolution

Native Title, Resources and Dispute Resolution

Crown Law

P 07 3031 5919 E jaimemciver@crownlaw.qld.gov.au

A 50 Ann Street, Brisbane QLD 4000 W www.crownlaw.qld.gov.au

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Attachments

- 9. Defendant's Outline of Submissions 13.12.2023.pdf
- 6. Affidavit of Jaime McIver sworn 12.12.23.pdf

SUPREME COURT OF QUEENSLAND

REGISTRY: Bundaberg
NUMBER: 12/2023

Plaintiff

ASHLEY CAMERON KING

AND

Defendant

STATE OF QUEENSLAND

OUTLINE OF SUBMISSIONS FOR THE DEFENDANT

Defendant's Material to be Read:

- Conditional Notice of Intention to Defend dated 18 July 2023 and filed 20 July 2023 (CFI 5);
- Application filed by the Defendant dated 28 July 2023 and filed 1 August 2023 (CFI 6);
- Affidavit of Jaime McIver sworn 28 July 2023 and filed 1 August 2023 (CFI 7); and
- Affidavit of Jaime McIver sworn 12 December 2023 (to be filed with leave);

The application

1. The Defendant seeks orders for the Plaintiff's claim to be set aside and his statement of claim to be struck out pursuant the *Uniform Civil Procedure Rules 1999* (Qld) ('UCPR')¹ as the allegations contained therein disclose no reasonable cause of action at law or in equity; the pleadings are liable to strike out pursuant to r 171 of the UCPR and the allegations are frivolous, vexatious or otherwise an abuse of process of the Court. The application is brought in the context of r 144 of the UCPR.
2. Orders are sought in the terms of the attached draft which also provide for the Plaintiff to be given leave to file an amended claim and statement of claim.

Background

3. The timeline of this matter is set out in the affidavits of Ms McIver.² By way of summary, the Plaintiff filed his claim and statement of claim on 24 May 2023 and served the

¹ UCPR, rr 16(e), 171 and 371.

² Affidavit of J McIver sworn 28 July 2023 (CFI 7) at paragraphs [2]-[7]; Affidavit of J McIver sworn 12 December 2023 at paragraphs [3]-[18].

Outline of Submissions

Filed on behalf of the first defendant
Per Jaime McIver
LT5/POL048/5097/MCI

Document No: 15688693
Document No: 15692559

GR Cooper
CROWN SOLICITOR
11th Floor, State Law Building
50 Ann Street
Brisbane Qld 4000
T: (07) 3031 5600

Defendant on 21 June 2023. The Defendant filed the conditional notice of intention to defend ('conditional notice') on 20 July 2023 and the Plaintiff was served on 21 July 2023.³

4. On 1 August 2023, the Defendant filed the present application.⁴ The Plaintiff was served on 31 August 2023.
5. Correspondence was exchanged in which the Defendant agreed to the Plaintiff's request for additional time to address and seek legal advice with respect to the matters raised by the Defendant about the claim and statement of claim. As a result, a December 2023 hearing date for the Defendant's application was sought.⁵
6. On 5 December 2023, the Plaintiff filed and served an application seeking orders (in essence) for the Defendant's application to be dismissed; orders pursuant to s 18(1)(c)(ii) of the *Personal Injuries Proceedings Act 2002* (Qld) ('PIPA'); leave to add a new cause of action; and interlocutory orders preventing the Defendant from coming within 200m of him or his residence, and to "not stalk, intimidate, harass and surveil, neither electronically nor via 3rd party".

Defendant's Application

7. Through the conditional notice, the Defendant asserts an irregularity with the Plaintiff's claim and statement of claim. It is acknowledged that while "the power to strike out should only be used sparingly", this would be a circumstance in which that power would appropriately be exercised.⁶
8. Two central features of the Defendant's application are the Plaintiff's non-compliance with PIPA, and the two orders referred to as 'AVOs' by the Plaintiff. In the context of those matters, the Plaintiff's claim and statement of claim should be set aside/struck out for the following reasons:
 - a. the allegations disclose no reasonable cause of action at law or in equity;
 - b. the allegations contained therein are vexatious, frivolous or otherwise an abuse of process; and
 - c. it is otherwise liable to strike out under r 171 of the UCPR.

PIPA Non-Compliance

9. At the core of the issues with the Plaintiff's claim and statement of claim is that the Plaintiff seeks damages in relation to an alleged psychological injury.⁷ PIPA prescribes a clear, mandatory pre-proceedings process that the Plaintiff has not complied with.⁸ No reasonable action has been taken to remedy the non-compliance, and compliance is not waived by the

³ Affidavit of J McIver sworn 28 July 2023 (CFI 7), Exhibit JEM-01.

⁴ *Uniform Civil Procedure Rules 2011* (Qld), r 144(4).

⁵ Affidavit of J McIver sworn 28 July 2023 (CFI 7), Exhibits JEM-03 to JEM-06.

⁶ *Collins v Metro North Hospital and Health Service & Ors* [2023] QSC 194 at [16].

⁷ *Personal Injuries Proceedings Act 2002* (Qld), schedule 1 (definition of 'personal injury').

⁸ *Personal Injuries Proceedings Act 2002* (Qld), Chapter 2, Part 1.

Defendant. The failure to comply with the pre-litigation requirements of PIPA therefore means the Plaintiff is not entitled to commence the present proceeding in so far as it is a claim for personal injuries in the absence of an order under s 18(1).⁹ Such non-compliance provides sufficient basis for the Court to strike out the claim and statement of claim, in so far as it relates to a PIPA claim.¹⁰ At present, it is unclear on the face of the pleadings whether the claims can be separated from the claim for personal injuries, or whether they are in fact all entwined. These difficulties with the pleading inform why the discretion under s 18(1) should not be exercised in the Plaintiff's favour, and why the Defendant's application should succeed.

10. By way of his application dated 5 December 2023, the Plaintiff seeks orders authorising him to proceed further with his claim despite non-compliance pursuant to s 18(1)(c)(ii). PIPA does not provide guidance as to the relevant considerations in exercising the discretion conferred by s 18(1): "All that can be said is that plainly s 18(1)(c)(ii) requires that a discretion be exercised and of course it must be exercised judicially – the factors for and against balanced, and the decision made bearing in mind the purpose of the statute."¹¹ The discretion should not be exercised in the Plaintiff's favour in the context of an otherwise deficient pleading, noting also the absence of any explanation as to why the Plaintiff has not complied.¹² The issue does not concern time limitations or delay: there simply has not been any attempt to comply with PIPA and the Plaintiff was at the very least put on notice of this issue by the Defendant in correspondence sent on 21 July 2023.¹³ Acknowledging that whilst the Plaintiff is a self-represented litigant, this does not permit him to proceed unconstrained by the applicable rules.¹⁴
11. This non-compliance and the prejudice to the Defendant must be understood in the context of the state of the claim and pleading, which is otherwise liable to strike-out. These issues are detailed further below. In the circumstances, the Plaintiff should not be authorised to progress the PIPA claim, and this non-compliance supports the granting of the relief sought by the Defendant.

Orders 1 and 2 of the Claim

12. The Plaintiff seeks relief in the form of "AVOs" preventing the Defendant from coming within 200m of his person or his residence and requiring the Defendant to not "stalk, intimidate, harass, surveil, neither electronically nor via 3rd party". It is understood that the phrase 'AVO' may refer to 'domestic violence protection orders' ('protection orders') that can be sought under the *Domestic and Family Violence Protection Act 2012* (Qld) ('DFVP

⁹ *Martens v Stokes* [2013] 1 Qd R 136 at 143 [33].

¹⁰ *Conde v Burchill & Horsey Lawyers & Anor* [2009] QSC 291 (upheld on appeal: *Conde v Gilfoyle & Anor* [2010] QCA 109).

¹¹ *Stanley-Clarke v Boyle* [2012] QSC 196 at [14].

¹² *Personal Injuries Proceedings Act 2002* (Qld), s 9(5); *Cousins v Mt Isa Mines* [2006] 2 Qd R 343 at [6], [8], [26], [31] and [34].

¹³ Affidavit of J McIver sworn 28 July 2023, Exhibit JEM-01.

¹⁴ *Robertson v Hollings (Imagination Television Ltd)* [2009] QCA 303 at [11].

Act'). If that is so, a Court¹⁵ can make a protection order if an application is made by a person who falls within the scope of s 25 of the DFVP Act; if the Court convicts a person of a domestic violence offence; or the Court is the Childrens Court hearing a child protection proceeding.¹⁶

13. Noting as well the manner in which the powers are vested under the DVFP Act, the plaintiff's claim for relief is doomed to fail regardless as a protection order can only be made if there is a 'relevant relationship' between the aggrieved and the respondent.¹⁷ No such relationship exists between the plaintiff and the State of Queensland. In substance, such orders are not capable of properly being made in these proceedings against the State of Queensland.

No reasonable cause of action

14. The statement of claim does not meet the basic requirements of pleadings,¹⁸ and the Defendant is unable to properly ascertain the case it has to meet. No reasonable cause of action is disclosed in the pleading as it contains primarily narrative and vexatious statements that appear to be irrelevant to the relief claimed. For example, it appears that paragraphs [207] to [241] are connected to the alleged malicious prosecution from 28 July 2021 to 24 May 2023 but the pleadings do not presently reveal such a cause of action.¹⁹

Allegations are vexatious, frivolous or otherwise an abuse of process

15. The statement of claim also contains frivolous, unnecessary, scandalous and vexatious statements, including allegations irrelevant to any cause of action against the Defendant.²⁰ By way of brief examples, paragraphs [11]-[13] are about the nature of his property; and paragraphs [38]-[39] allege that persons in the correctional centre's medical facility were trying to fabricate evidence against him. Such allegations will otherwise prejudice a fair trial, and the just and expeditious resolution of the proceeding.

Liable to strike-out

16. The statement of claim fails to comply with the requirements of the UCPR in the following ways:
 - a. fails to plead all material facts in support of the relief claimed;²¹
 - b. fails to comply with the requirements of r 155 with respect to the alleged loss and damage, namely, no detail is provided;²²

¹⁵ *Domestic and Family Violence Protection Act 2012* (Qld), s 6.

¹⁶ *Domestic and Family Violence Protection Act 2012* (Qld), s 26.

¹⁷ *Domestic and Family Violence Protection Act 2012* (Qld), ss 13, 20, 37.

¹⁸ In particular, rr 149(1)(a) and (b) of the *Uniform Civil Procedure Rules 1999* (Qld). See also *Thomson v STX Pan Ocean Co Ltd* [2012] FCAFC 15, [13].

¹⁹ See also paragraphs [140]-[143]; [153]-[173]; [177]-[192] of the statement of claim.

²⁰ Further examples include paragraphs [59], [64]-[69], [78], [85], [93], [95]-[96],[104]-[105], [122], [127]-[128], [130]-[135], [144], [151]-[152], [205]-[252], [260]-[271] of the statement of claim.

²¹ *Uniform Civil Procedure Rules 1999* (Qld), rr 149(1)(b) and (c).

²² *Uniform Civil Procedure Rules 1999* (Qld), rr 155 and 158.

- c. fails to adequately notify the Defendant of the case it will be asked to meet at the trial of the proceeding;
 - d. it lacks the particulars necessary to meaningfully plead to the allegations;²³
 - e. fails to plead the sufficient material facts required to support the conclusions of law pleaded;²⁴ and
 - f. has a tendency to prejudice or delay the fair trial of the proceeding.
17. In its present form, the pleadings relied upon by the Plaintiff do not contain the facts required of the alleged causes of action. By way of example, for the third cause of action listed (false imprisonment), there do not appear to be any facts pleaded capable of sustaining such a claim. It is not for the Defendant to intuit what the plaintiff intends to convey: this “would be a certain path to disaster.”²⁵
18. It is acknowledged that the powers under r 16(e) and r 171 should be treated with caution.²⁶ However, based on the present state of the Plaintiff’s claim and statement of claim, the Court has sufficient basis to make the orders sought pursuant to rr 16(e) and 171 of the UCPR. For the above reasons, the claim is liable to be set aside and statement of claim is liable to be struck out.²⁷

Plaintiff’s Application (CFI 8)

19. As noted above, the Plaintiff filed an application in these proceedings on 5 December 2023 seeking a number of orders. It is understood that the Plaintiff seeks to add an additional cause of action, namely ‘intimidation’.²⁸ This is not a cause of action that would entitle the Plaintiff to damages. Leave should therefore not be granted pursuant to r 377 of the UCPR. With respect to the ‘interlocutory order’ sought, the form of this order is not capable of being made in these proceedings against the State of Queensland. The Defendant’s application (CFI 6) was filed within time, and for the reasons outlined above, the Plaintiff’s application should be dismissed.

Summary

20. In circumstances where even if the pleading deficiencies were attended to by the Plaintiff, the claim seeks to obtain relief that is unavailable to the Plaintiff and does so in the context of non-compliance with PIPA. In the premises, orders should be made in the terms sought by the Defendant.

²³ *Uniform Civil Procedure Rules 1999* (Qld), r 157.

²⁴ *Uniform Civil Procedure Rules 1999* (Qld), r 149(2).

²⁵ *Thiess Pty Ltd v FFE Minerals Australia Pty Ltd* [2007] QSC 209 at [38].

²⁶ *Chapel of Angels Pty Ltd & Ors v Hennessy Building Pty Ltd & Ors* [2022] QSC 112 at [38] (upheld on appeal: [2022] QCA 232).

²⁷ *Uniform Civil Procedure Rules 1999* (Qld), rr 16(e), 171 and 371 .

²⁸ Affidavit of A King affirmed 4 December 2023 (CFI 9), page 138.

21. In the alternative, it is also open to the Court to set aside the Plaintiff's claim and strike out the statement of claim, and stay the proceedings, with leave to file amended versions conditional upon compliance with Chapter 2, Part 1 of PIPA.



G Morgan
Counsel for the Defendant
13 December 2023

SUPREME COURT OF QUEENSLAND

REGISTRY: Bundaberg
NUMBER: 12/2023

Plaintiff

ASHLEY CAMERON KING

AND

Defendant

STATE OF QUEENSLAND

AFFIDAVIT OF JAIME MCIVER

SWORN ON 12 DECEMBER 2023

Jaime McIver of c/- Crown Law, State Law Building, 50 Ann Street, Brisbane, Senior Lawyer, states on oath:

1. I am a Senior Lawyer employed in the office of the Crown Solicitor for the State of Queensland and subject to the direction and control of the Crown Solicitor I have the conduct of this matter on behalf of the defendant.
2. A paginated bundle of the documents to which I refer to in this affidavit is exhibited at Exhibit JM-07.
3. On 31 August 2023, I sent an email to the plaintiff serving the defendant's application. Pages 1 to 2 of JM-07 is a copy of the email I sent on 31 August 2023 (without attachments).
4. On 13 November 2023, I received a phone call from the plaintiff. On 14 November 2023, I sent an email to the plaintiff requesting that he indicate if he intended to amend his claim and statement of claim. Page 3 of JM-07 is a copy of the email I sent to the plaintiff on 14 November 2023.

Page 1



Deponent



Witness

Affidavit of Jaime McIver

GR Cooper

CROWN SOLICITOR

11th Floor, State Law Building

50 Ann Street

Brisbane Qld 4000

Telephone 07 3031 5919

E: jaime.mciver@crownlaw.qld.gov.au

Filed on behalf of the defendant
Form 46 R. 431

Per Jaime McIver
LT5/POL048/5097/MCI

5. On 14 November 2023, I received two emails from the plaintiff regarding procedural requirements. Pages 4 to 9 of **JM-07** is a copy of the emails I received from Mr King.
6. On 23 November 2023, I sent an email to the plaintiff regarding his procedural questions. Pages 10 to 14 of **JM-07** is a copy of the email I sent to the plaintiff.
7. On 24 November 2023, I received an email from the plaintiff regarding procedure. Page 15 of **JM-07** is a copy of the email I received from the plaintiff.
8. On 27 November 2023, I received an email from the plaintiff enclosing a letter written pursuant to rule 444 of the *Uniform Civil Procedure Rules 1999* (Qld) (**UCPR**) and proposed amended claim and statement of claim. Pages 16 to 66 of **JM-07** is a copy of the email I received from the plaintiff on 27 November 2023.
9. On 27 November 2023, I sent an email to the plaintiff regarding the court documents reference in the defendant's application. Page 67 of **JM-07** is a copy of the email I sent to the plaintiff.
10. On 30 November 2023, I sent an email to the plaintiff enclosing a letter written pursuant to rule 445 of the UCPR. Pages 68 to 71 of **JM-07** is a copy of the email I sent to the plaintiff.
11. On 4 December 2023, I received a response from the plaintiff in respect of the defendant's letter written pursuant to rule 445 of the UCPR. Pages 72 to 74 of **JM-07** is a copy of the email I received from the plaintiff.
12. On 5 December 2023, I received an email from the plaintiff regarding the hearing of the defendant's application. Page 75 of **JM-07** is a copy of the email I received from the plaintiff.
13. On 5 December 2023, I sent an email to the plaintiff regarding the new hearing date for the defendant's application. Page 76 of **JM-07** is a copy of the email I sent to the plaintiff.

14. On 5 December 2023, I received a further email from the plaintiff enclosing his application and affidavit. Page 77 of **JM-07** is a copy of the email I received from the plaintiff (without the attachments).
15. On 12 December 2023, I sent an email to the plaintiff regarding timing of the defendant's outline of submissions. Pages 78 to 82 of **JM-07** is a copy of the email I sent to the plaintiff.
16. All the facts and circumstances deposed to in this affidavit are within my own knowledge save such as are deposed to from information only, and my means of knowledge and sources of information appear in this affidavit.

The contents of this affidavit are true, except where they are stated on the basis of information and belief, in which case they are true to the best of my knowledge.

I understand that a person who provides a false matter in an affidavit commits an offence.

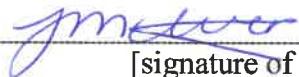
SWORN by

Jaime McIver

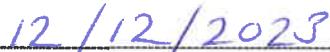
[insert full name of deponent]

At Brisbane

[insert place where deponent is located]

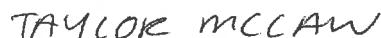


[signature of deponent]



[date]

BEFORE ME:



[insert full name of witness]



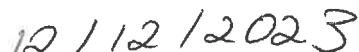
[insert type of witness]

at 

[insert witness's place of employment]



[signature of witness]



[date]

SUPREME COURT OF QUEENSLAND

REGISTRY: Bundaberg
NUMBER: 12/2023

Plaintiff

ASHLEY CAMERON KING

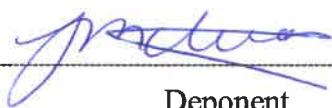
AND

Defendant

STATE OF QUEENSLAND

CERTIFICATE OF EXHIBIT

Exhibit JM-07 to the affidavit of Jaime McIver sworn on 12 December 2023.



Deponent



Witness

~~Solicitor~~ Lawyer

Certificate of exhibit

Filed on behalf of the defendant
Form 47 R. 435

Per Jaime McIver
LT5/POL048/5097/MCI

GR Cooper
CROWN SOLICITOR
11th Floor, State Law Building
50 Ann Street
Brisbane Qld 4000
Telephone 07 3031 5919
E: jaime.mciver@crownlaw.qld.gov.au

SUPREME COURT OF QUEENSLAND

**REGISTRY: Bundaberg
NUMBER: 12/2023**

Plaintiff

ASHLEY CAMERON KING

AND

Defendant

STATE OF QUEENSLAND

INDEX OF EXHIBIT JM-07

Affidavit of Jaime McIver sworn on 12 December 2023.

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Index of exhibits

Filed on behalf of the defendant
Form 1 R. 435(11)(c)

Per Jaime McIver
LT5/POL048/5097/MCI

GR Cooper
CROWN SOLICITOR
11th Floor, State Law Building
50 Ann Street
Brisbane Qld 4000
Telephone 07 3031 5919
E: jaime.mciver@crownlaw.qld.gov.au

Jaime McIver

From: Jaime McIver <Jaime.McIver@crownlaw.qld.gov.au>
Sent: Thursday, 31 August 2023 3:31 PM
To: Decision Enquiry
Subject: Ashley Cameron King v State of Queensland - Bundaberg Supreme Court 12/23
Attachments: CL_DOCS-#15160233-v1-Letter_to_Mr_King_31_08_23.pdf; KING - Application filed -01.08.2023-#15116987v1.pdf; KING - Affidavit of Jaime McIver filed 01.08.2023-#15117008v1.pdf

Categories: Filed

Dear Mr King

Please find **attached** letter for your attention.

Kind Regards



Jaime McIver

A/Senior Lawyer | Commercial Dispute Resolution
Native Title, Resources and Dispute Resolution
Crown Law

P 07 3031 5919 E jaime.mciver@crownlaw.qld.gov.au
A 50 Ann Street, Brisbane QLD 4000 W www.crownlaw.qld.gov.au

Your ref:
Our ref: LT5/POL048/5097/MCI
Contact: Jaime McIver
Direct ph: 07 3031 5919
Direct fax: 07 3031 5969
Email: jaimie.mciver@crownlaw.qld.gov.au



Crown Law

Department of
Justice and Attorney-General

31 August 2023

Ashley Cameron King
318 Creevey Drive
CAPTAIN CREEK QLD 4677

By email: decisionenquiry@proton.me

Dear Ashley

Ashley Cameron King v State of Queensland - Bundaberg Supreme Court 12/23

I refer to my letter dated 27 July 2023.

Please find **enclosed**, by way of service, my client's application which has been listed for a hearing on 11 December 2023 at 9:30am and supporting affidavit.

As previously mentioned to you, my client has listed the application for a hearing on this date to allow you time to obtain independent legal advice and prepare an amended statement of claim.

In the event that the hearing is no longer required, the parties can agree to appropriate consent orders.

Yours sincerely

A handwritten signature in black ink, appearing to read 'jmci' followed by a stylized surname.

Jaime McIver
Senior Lawyer
for **Crown Solicitor**

State Law Building
50 Ann Street Brisbane
GPO Box 5221 Brisbane
Queensland 4001 Australia
Telephone 07 3031 5600
Facsimile 07 3031 5998
ABN 13 846 673 994

Jaime McIver

From: Jaime McIver
Sent: Tuesday, 14 November 2023 10:34 AM
To: Decision Enquiry
Subject: King -v- State of Queensland

Categories: In DM

Dear Mr King

Thank you for your call yesterday afternoon and this morning. My apologies that I could not discuss the matter with you.

As mentioned, I am in a trial all week and therefore, out of the office for most of the day.

If you have now had an opportunity to obtain legal advice, would you please indicate if you intend to amend your claim and statement of claim and if so, please confirm when you intend to do so.

I look forward to hearing from you.

Kind Regards



Jaime McIver

Senior Lawyer | Commercial Dispute Resolution
Native Title, Resources and Dispute Resolution

Crown Law

P 07 3031 5919 E jaimemciver@crownlaw.qld.gov.au
A 50 Ann Street, Brisbane QLD 4000 W www.crownlaw.qld.gov.au

Jaime McIver

From: Decision Enquiry <decisionenquiry@proton.me>
Sent: Tuesday, 14 November 2023 11:51 AM
To: Jaime McIver
Subject: Re: King -v- State of Queensland

Follow Up Flag: Follow up
Flag Status: Completed

Categories: In DM, #15600676

Dear Jaime,

Thank you for getting in touch with me and I appreciate your schedule.

I have some questions about procedure generally, which I thought might be better done by telephone, but seeing as though you asked;

1. Index of exhibits, Form 1 R.435(11)(c), I can't find that form on the court site, is that a real form, where/how do I get it?
2. If I have evidence directly related to our hearing on 11 December 2023, do I enter it to the record on the spot? And/or should I have an affidavit and certificate drawn up prior?
 - a. Should I be bringing 3 copies of that stuff court?
3. Evidence that's not directly related, but may support my position on something, how do I enter them, just bring them to court and enter them if and when they become relevant?
 - a. Should I be bringing 3 copies of that stuff court?
4. I'm looking to make some technical/grammatical amendments, but I'm also seeking to add a new cause of action based on the same facts in my claim. Should I be 444'ing you for that?
 - a. that amendment can only be done with leave granted by the Judge correct?
 - b. What form do I use for that application (Form 9?, I can't find that on the court site either) for a hearing seeking leave to amend statement of claim, and will that likely get tacked onto our hearing on the 11th?
 - c. Such an amendment would give you 28 days to respond to the amendments and from there is when I seek a directions hearing?
5. How do I get the registry to mail me back sealed documents? Do I email/fax, call through and pay the postage???

Kind regards, Ashley King

On Tuesday, November 14th, 2023 at 10:33 AM, Jaime McIver <Jaime.McIver@crownlaw.qld.gov.au> wrote:

Dear Mr King

Thank you for your call yesterday afternoon and this morning. My apologies that I could not discuss the matter with you.

As mentioned, I am in a trial all week and therefore, out of the office for most of the day.

If you have now had an opportunity to obtain legal advice, would you please indicate if you intend to amend your claim and statement of claim and if so, please confirm when you intend to do so.

I look forward to hearing from you.

Kind Regards



Jaime McIver

Senior Lawyer | Commercial Dispute Resolution

Native Title, Resources and Dispute Resolution

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Jaime McIver

From: Decision Enquiry <decisionenquiry@proton.me>
Sent: Tuesday, 14 November 2023 4:55 PM
To: Jaime McIver
Subject: Re: King -v- State of Queensland

Categories: In DM

Dear Jaime,

Do you have time for a call off the record without prejudice?

0402 474 055

Kind regards, Ashley King

On Tuesday, November 14th, 2023 at 11:51 AM, Decision Enquiry <decisionenquiry@proton.me> wrote:

Dear Jaime,

Thank you for getting in touch with me and I appreciate your schedule.

I have some questions about procedure generally, which I thought might be better done by telephone, but seeing as though you asked;

1. Index of exhibits, Form 1 R.435(11)(c), I can't find that form on the court site, is that a real form, where/how do I get it?
2. If I have evidence directly related to our hearing on 11 December 2023, do I enter it to the record on the spot? And/or should I have an affidavit and certificate drawn up prior?
 - a. Should I be bringing 3 copies of that stuff court?
3. Evidence that's not directly related, but may support my position on something, how do I enter them, just bring them to court and enter them if and when they become relevant?
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4. I'm looking to make some technical/grammatical amendments, but I'm also seeking to add a new cause of action based on the same facts in my claim. Should I be 444'ing you for that?
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 - c. Such an amendment would give you 28 days to respond to the amendments and from there is when I seek a directions hearing?
5. How do I get the registry to mail me back sealed documents? Do I email/fax, call through and pay the postage???

Kind regards, Ashley King

On Tuesday, November 14th, 2023 at 10:33 AM, Jaime McIver <Jaime.McIver@crownlaw.qld.gov.au> wrote:

Dear Mr King

Thank you for your call yesterday afternoon and this morning. My apologies that I could not discuss the matter with you.

As mentioned, I am in a trial all week and therefore, out of the office for most of the day.

If you have now had an opportunity to obtain legal advice, would you please indicate if you intend to amend your claim and statement of claim and if so, please confirm when you intend to do so.

I look forward to hearing from you.

Kind Regards



Jaime McIver

Senior Lawyer | Commercial Dispute Resolution

Native Title, Resources and Dispute Resolution

Crown Law

P 07 3031 5919 E jaime.mciver@crownlaw.qld.gov.au

A 50 Ann Street, Brisbane QLD 4000 W www.crownlaw.qld.gov.au

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Jaime McIver

From: Jaime McIver
Sent: Thursday, 23 November 2023 9:06 AM
To: Decision Enquiry
Subject: RE: King -v- State of Queensland
Attachments: CL_DOCS-#15563348-v1-KING_-_Ltr_(by_email)_to_Ashley_Cameron_King.pdf

Dear Mr King

Please see **attached** letter for your attention.

Kind Regards



Jaime McIver

Senior Lawyer | Commercial Dispute Resolution
Native Title, Resources and Dispute Resolution
Crown Law

P 07 3031 5919 E jaime.mciver@crownlaw.qld.gov.au
A 50 Ann Street, Brisbane QLD 4000 W www.crownlaw.qld.gov.au

From: Decision Enquiry <decisionenquiry@proton.me>

Sent: Tuesday, 14 November 2023 11:51 AM

To: Jaime McIver <Jaime.McIver@crownlaw.qld.gov.au>

Subject: Re: King -v- State of Queensland

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I look forward to hearing from you.

Kind Regards



Jaime McIver

Senior Lawyer | Commercial Dispute Resolution

Native Title, Resources and Dispute Resolution

Crown Law

P 07 3031 5919 **E** jaimie.mciver@crownlaw.qld.gov.au

A 50 Ann Street, Brisbane QLD 4000 **W** www.crownlaw.qld.gov.au

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Your ref:
Our ref: LT5/POL048/5097/MCI
Contact: Jaime McIver
Direct ph: 07 3031 5919
Direct fax: 07 3031 5969
Email: jaime.mciver@crownlaw.qld.gov.au



Crown Law

Department of
Justice and Attorney-General

23 November 2023

Ashley Cameron King
Mr A C King
318 Creevey Drive
CAPTAIN CREEK QLD 4677

By email: decisionenquiry@proton.me

Dear Mr King

Ashley Cameron King v State of Queensland - Bundaberg Supreme Court 12/23

I refer to your email on 14 November 2023.

I am unable to provide you with legal advice. However, given that the matters relate to procedure, I can provide the following assistance in respect of your questions:

1. Form 1 can be downloaded from the Queensland Court's Website. It is simply the Court header document and the index is created in accordance with rule 435(11)(c) of the *Uniform Civil Procedure Rules 1999* (Qld) (**UCPR**).
2. In most circumstances, the Court does not allow evidence to be provided from the bar table on the day of the hearing and therefore, the usual course will be for evidence to be included in an affidavit. You will need to bring 3 copies of any material you may wish to provide to the judge on the day of the application. However, if possible, I would be grateful if you would please provide any material you intend to rely on at the hearing a couple of days before the hearing so that my client's counsel can review and consider it.
3. Any new cause of action will require you to amend your claim – this requires leave of the Court (see rule 377 of the UCPR). You do not require the Court's leave to amend your statement of claim. However, when amending your claim or statement of claim, you should follow the procedures set out in rule 382 of the UPCR. In particular, you will need to distinguish the amendments that you make from the original document

State Law Building
50 Ann Street Brisbane
GPO Box 5221 Brisbane
Queensland 4001 Australia
Telephone 07 3031 5600
Facsimile 07 3031 5998
ABN 13 846 673 994

that was filed. Usually, we distinguish amendments by underlining the additions and putting a line (or strike) through anything that you no longer wish to include.

4. In the event that you are intending to amend your claim and statement of claim, would you please provide a copy for my client to consider. As foreshadowed, upon consideration of your amendments, my client may consider that it no longer requires the hearing on 11 December 2023. If you are able to provide your amended statement of claim by 1 December 2023, I will be able to obtain instructions in advance of the scheduled hearing date.
5. The circumstances which require a rule 444 letter are set out in rule 443.
6. An application to the Court will require you to file a Form 9, which can be downloaded from the Queensland Court's Website. The Court may have time to hear any application you file on 11 December 2023, but this is something you will need to confirm with the Court.
7. The UCPR identifies each of the next steps and timeframes for the proceeding. However, for your ease of reference, the usual steps include:
 - a) Amended statement of claim is filed;
 - b) A defence will be filed;
 - c) A reply will be filed;
 - d) The parties will undertake disclosure.
8. In due course, the parties can agree to directions which timetable the above steps. This is done by way of consent orders.
9. The Court will normally require the original copy of a document to be filed. Furthermore, if you intend to post the documents to the Court for filing, you will also need to provide the Court with a stamped self-addressed envelope so that the filed version of the document can be returned to you.

I reiterate that the above is not legal advice, and it is recommended that you seek your own independent legal advice.

Yours sincerely



Jaime McIver
Senior Lawyer
for **Crown Solicitor**

Jaime McIver

From: Decision Enquiry <decisionenquiry@proton.me>
Sent: Friday, 24 November 2023 11:36 AM
To: Jaime McIver
Subject: Procedure

Follow Up Flag: Follow up
Flag Status: Completed

Categories: In DM

Hi Jaime,

On your client's application, points 1 and 2 reference (CFI 1) and (CFI 2). Is that a different way of doing ("**CFI 1**") and ("**CFI 2**").

Will you please tell me what (CFI 1) and (CFI 2) is?

Kind regards, Ashley King

Jaime McIver

From: Decision Enquiry <decisionenquiry@proton.me>
Sent: Monday, 27 November 2023 9:18 AM
To: Jaime McIver
Subject: 444 and revised 27 November 2023 claim forms
Attachments: 20231127 Revised form 2 Malicious prosecution.pdf; 20231127 444 to Jaime McIver.pdf; 20231127 Revised form 16 Malicious prosecution.pdf; 20231127 Form-9-Application.pdf

Follow Up Flag: Flag for follow up
Flag Status: Completed

Good morning Jaime,

Please see attached.

Kind regards, Ashley King

Ashley King
318 Creevey Drive
Captain Creek, Qld 4677
decisionenquiry@proton.me
0402 474 055

27 November 2023

Jaime McIver
Crown Law
50 Ann Street Brisbane
GPO Box 5221 Brisbane
Queensland 4001

By email: Jaime.McIver@crownlaw.qld.gov.au

Dear Jaime McIver,

Ashley Cameron King v State of Queensland - Bundaberg Supreme Court 12/23

1. I am a self represented individual lacking any kind of legal expertise for my claim dated 24 May 2023 in Bundaberg Supreme Court Proceeding 12/23 (“**Proceeding**”).
2. This letter is written pursuant to rule 444 of the *Uniform Civil Procedure Rules 1999 (Qld)* (“**UCPR**”).

Complaint

3. Your client failed to provide notice of intention to defend within 28 days of the claim being served pursuant to rule 137(1) of the UCPR.
4. Your client's conditional notice of intention to defend ('**CNOID**') dated 20 July 2023 was late;
 - (a) pursuant to rule 138(2) of UCPR, if a defendant files a notice of intention to defend after the time limited for doing so, the defendant is not, unless the court otherwise orders, entitled to further time for doing anything else; and
 - (b) your client did not otherwise provide an order from the court; and
 - (c) The conditional notice of intention to defend becomes an unconditional notice of intention to defend if for a defendant who applies for an order under rule 16 within the 14 days—the application is determined and the order is not made pursuant to rule 144(5) (b); and
 - (d) the order your client applied for should not be made as your application was out of time.

5. My claim and statement of claim are genuine; and
 - (a) it was produced to the best of my ability to comply with *Uniform Civil Procedure Rules 1999 (Qld)*; and
 - (b) it is in the interests of justice that my claim proceed to test the facts at trial.
6. Failure to comply with the mandatory pre-proceedings process required by Chapter 2, Part 1 of the *Personal Injuries Proceedings Act 2002* (Qld) (“PIPA”) may be remedied;
 - (a) pursuant to PIPA 18(1)(b) where the respondent has waived compliance with the requirement; and/or
 - (b) pursuant to PIPA 18(1)(c)(ii), where the court, on application by the claimant—authorises the claimant to proceed further with the claim despite the noncompliance.
7. A failure to comply with the UCPR rules is an irregularity and does not render a proceeding, a document, step taken or order made in a proceeding, a nullity;
 - (a) the defendant may consent to waiving any irregularity pursuant to rule 666 of UCPR; and/or
 - (b) the court may pursuant to rule 371(2)(d, e and f) of the UCPR,
 - i. Declare the claim and statement of claim to be effectual; and/or
 - ii. Make another order that could be made under these rules to allow my claim to proceed as if the defendant's application for an order is not made; and/or
 - iii. Make such other order dealing with the proceeding generally as the court considers appropriate to allow my claim to proceed as if the CNOID became unconditional.
8. The facts in my proceeding give rise to a new cause of action, “intimidation”; and
 - (a) the respondent may consent to the amendment, included on the revised 27 November 2023 draft documents; and/or
 - (b) the court may, on application by the claimant, grant leave to amend a new cause of action pursuant to rule 377 of the UCPR.
9. Grounds for orders of protection from the state were validated when the State sought and received the same and/or similar against me and pursuant to rule 658(1) The court may, at any stage of a proceeding, on the application of a party, make any order, including a

judgment, that the nature of the case requires.

Background

10. From around mid 2020 through til around mid 2023, I was repeatedly; maliciously prosecuted, falsely imprisoned, tortured and intimidated by your client.
11. On 24 May 2023, I filed my claim and statement of claim against the State of Queensland.
12. On 16 June 2023, I served a copy of the sealed claim and statement of claim on Crown Law, pursuant to Crown Law's instructions via email as advertised on their about page. Crown Law failed to respond.
13. I subsequently purchased a bailiff service who personally served Crown Law with my claim and statement of claim on 21 June 2023.
14. On 17 July 2023, I received a letter from you advising your client's defence due on **19 July 2023**.
15. Around 2:01pm on 21 July 2023, I received an unsealed CNOID and a 444 letter from you with a **12pm Thursday 27 July 2023 deadline**.
 - (a) On the same day at 4:31pm I emailed back seeking an extension to that deadline;
 - (b) your client didn't extend the deadline until you emailed me around 3:59pm on 27 July 2023, after the deadline had already passed.
16. My 445 letter to you dated 26/07/23 included draft revised documents which;
 - (a) struck some facts; and
 - (b) struck some the damages sought for psychological injury; and
 - (c) significantly revised the damages down from \$10,000,000 to \$5,204,400
 - (d) in return I sought a guarantee of peace for attending and lodging documents at the registry.
 - i. Your client failed to provide any guarantee or gesture of goodwill to that effect and accordingly those draft revisions were never lodged.
 - (e) informed you that pursuant to rule 138 (2) of the UCPR, your client's CNOID was late and your client was not entitled further time for doing anything else. That included your

proposed application, hearing and the relief you sought; and

- (f) informed you that per UCPR 281, your client's failure to lodge a notice of intention to defend within the time required by these rules, your client was liable for judgement by default; and
 - (g) stated that the finding of facts in this matter were more important than liquidated damages alone, so along with a nearly 50% discount to the (draft supplied) damages, I proposed that you assist to proceed my claim and test the facts at trial.
 - i. Your client did the opposite and made an application to the court on grounds they didn't have.
 - (h) warned of your client's frivolous, vexatious abuse of process to avoid my claim and yet your client made that application to the court regardless.
17. On 27 July 2023, I received an email from you containing a copy of your client's sealed CNOID, it was stamped 20 July 2023, confirming it to be late.
18. Around 15/08/2023 I was diagnosed with PTSD, GAD.
19. On 15 November 2023, I sent you an email without prejudice, which included an updated draft revised 15 November 2023 claim and statement of claim;
- (a) the damages for psychological injury were re-instated on the grounds that your client failed per 16(d)(i) of this letter; and
 - (b) another fact was struck-out along with some other material; and
 - (c) I maintained the damages largely reduced to \$5,634,400 in exchange that your client waived;
 - i. compliance per rule 18(1)(b) of the PIPA; and
 - ii. any irregularity with the proceeding including:
 - (i) cancelling the hearing of your client's application on 11 December 2023; and
 - (ii) filing an unconditional notice of intention to defend the revised 15 November 2023 versions of the amended claim and amended statement of claim.
20. You responded to my offer in a letter dated 23 November 2023 including;

- (a) your client isn't in a position to offer "peace" for me in attending the registry to lodge documents; and
 - (b) your client did not consent to waive compliance and/or any irregularity to accept my second offer of significantly reduced damages to proceed my claim and statement of claim unconditionally.
 - (c) Your client refused to withdraw their out of time application for a hearing on 11 December 2023, unless I provide a draft amended claim and statement of claim that sufficiently addresses your client's concerns.
21. Ultimately I prepared a third draft revised 27 November 2023 claim and statement of claim **attached** which includes;
- (a) damages at full freight of the original claim and statement of claim; and
 - (b) an amended cause of action, intimidation.

Relief Sought and Time for Compliance

22. Take notice that unless your client;
- (a) Consent in writing pursuant to rule 666 of the UCPR to proceed the draft revised 27 November 2023 claim and statement of claim by **12pm on Monday 04 December 2023**; including
 - i. accept the amended cause of action, intimidation; and
 - ii. waive any irregularity in the proceeding; and
 - iii. waive compliance with the requirement pursuant to rule 18(1)(b) of the PIPA; and
 - iv. Agree to;
 - A. not come within 200m of my person or my residence.
 - B. not stalk, intimidate, harass, surveil, neither electronically nor via 3rd party.

23. I will apply to the court for the following relief;

- (a) that the Plaintiff's claim and statement of claim filed 24 May 2023 proceed as if the defendant had waived any irregularity pursuant to rule 371(2)(d) and/or (e) and/or (f) of the UCPR; and

- (b) that the Plaintiff's statement of claim filed 24 May 2023 be granted leave to amend a new cause of action based on the same set of facts pursuant to rule 377 of the *Uniform Civil Procedure Rules 1999 (Qld)*; and
 - (c) the court, on application by the claimant authorises the claimant to proceed further with the claim despite the noncompliance pursuant to rule 18(1)(c)(ii) of the PIPA; and
 - (d) Interlocutory order against the defendant:
 - i. Do not come within 200m of my person or my residence.
 - ii. Do not stalk, intimidate, harass, surveil, neither electronically nor via 3rd party.
 - (e) the Defendant pay the costs of the application on a standard basis to be agreed or assessed.
24. I would appreciate if your client would waive personal service, but that's not something I'll be applying for.
- Why the applicant should have the Relief Sought**
- 25. The orders I'm seeking are within the rules, detailed throughout this document and are circumstantially just to this proceeding.
 - 26. The defendant waived any irregularity with my claim by failing to defend in time.
 - 27. By failing to defend in time, the defendant also waived any objection for failure to comply with the mandatory pre-proceedings process required by Chapter 2, Part 1 of PIPA so there is no prejudice against them for the court to authorise the claimant to proceed further with that part of the claim despite the noncompliance pursuant to rule 18(1)(c)(ii) of PIPA.
 - 28. Circumstantially and with regard to the facts in the proceeding, the defendant made it otherwise impossible for me to comply with the mandatory pre-proceedings process required by Chapter 2, Part 1 of PIPA and on those grounds, the defendant or the court could also authorise the claim to proceed despite the noncompliance pursuant to rule 18(1)(b) and/or (c)(ii) of PIPA.
 - 29. There is wide discretion to proceed despite non-compliance with PIPA s.18
 - 30. Being that I am self represented, my claim and statement of claim are genuine and were produced to the best of my ability to comply with the UCPR.
 - 31. Two prior draft revisions were offered to the defendant. Each of which reduced the damages

from \$10,000,000 to \$5,204,400 and \$5,634,400 respectively and resolved the defendant's out of time complaints by way of compromise and consent, the defendant refused both of those offers.

32. The third draft revision dated 27 November 2023 gives the defendant's out of time complaints the weight they deserve and seeks the full amount of damages at \$10,000,000.
33. The grounds for an interlocutory order of protection against the State of Queensland were laid when your client sought, and the court granted a similar order of protection against me. My bail requirements during your client's malicious criminal prosecution against me is evidence of that order.
34. The defendant repeatedly maliciously prosecuted, falsely imprisoned, tortured and intimidated me for a period of over three years and beyond. To this day the defendant continues their intimidation by threatening and lodging applications on grounds they don't have. The defendant is an ongoing threat with a history of violating me including physical and psychological assaults as documented in my statement of claim and that's why I should get an interlocutory order of protection from them.
35. Damages for the cost of this application should be awarded to me because;
 - (a) they could have been avoided altogether by way of consent, which included a massive discount on the damages, but the defendant refused that, twice; and/or
 - (b) it is a product of the defendant's out of time, frivolous, vexatious, abuse of process and continued intimidating conduct towards me. Without that, this application would not have been made.
36. It is in the interest of justice that the facts in my claim and statement of claim proceed to be tested at trial.

Kind regards



Ashley King

SUPREME/DISTRICT/MAGISTRATES COURT OF QUEENSLAND
REGISTRY : Bundaberg
NUMBER: 12/2023

Plaintiff: Ashley Cameron King

Defendant: State of Queensland (SOQ)

Amended
pursuant
to rule
377/666
of the
Uniform
Civil
Procedure
Rules
1999

Revised 27 November 2023

CLAIM

The plaintiff claims:

1. Interlocutory **AVO order** against the defendants:
Do not come within 200m of my person or my residence.
Do not stalk, intimidate, harass, surveil, neither electronically nor via 3rd party.
2. Maximum allowable ongoing **AVO order** against the defendants:
Do not come within 200m of my person or my residence.
Do not stalk, intimidate, harass, surveil, neither electronically nor via 3rd party
3. Compensatory damages for approximately 3 years (1095 days) of false imprisonment at a rate of \$3,000.00 per day as to accomodate aggravated damages for the cruel punishment and torturous HRA violating conditions including severe physical, psychological attacks and injury = \$3,285,000.00
4. Exemplary damages for malice multiplies that X 2 = \$6,570,000.00

CLAIM
Filed on Behalf of the Plaintiff(s)

Form 2, Version 2
Uniform Civil Procedure Rules 1999
Rule 22

Name: Ashley Cameron King
Address: 318 Creevey Drive, Captain Creek QLD 4677

Phone No: 0402474055
Fax No:
Email: decisionenquiry@proton.me

5. Psychological injury into the foreseeable future of \$430,000.00 for loss of potential future earnings.
6. Reputational damages on par with the intense sustained malicious prosecution \$3,000,000.00
7. Total financial damages \$10,000,000.00 Ten million dollars.

The plaintiff makes this claim in reliance on the facts alleged in the attached Statement of Claim.

ISSUED WITH THE AUTHORITY OF THE SUPREME/DISTRICT/MAGISTRATE S COURT OF QUEENSLAND

And filed in the Bundaberg Registry on : _____

Registrar:

To the defendants: TAKE NOTICE that you are being sued by the plaintiff in the Court. If you intend to dispute this claim or wish to raise any counterclaim against the plaintiff, you must within 28 days of the service upon you of this claim file a Notice of Intention to Defend in this Registry. If you do not comply with this requirement judgment may be given against you for the relief claimed and costs without further notice to you. The Notice should be in Form 6 to the Uniform Civil Procedure Rules. You must serve a sealed copy of it at the plaintiff's address for service shown in this claim as soon as possible.

Address of Registry: 44 Quay Street
PO Box 908
Bundaberg Qld 4670

If you assert that this Court does not have jurisdiction in this matter or assert any irregularity you must file a Conditional Notice of Intention to Defend in Form 7 under Rule 144, and apply for an order under Rule 16 within 14 days of filing that Notice. If you object that these proceedings have not been commenced in the correct district of the Court, that objection must be included in your Notice of Intention to Defend.

PARTICULARS OF THE PLAINTIFF:

Name: Ashley Cameron King

Plaintiff's residential or business address: 318 Creevey Drive, Captain Creek QLD 4677

Plaintiff's solicitors name:

and firm name:

Solicitor's business address:

Address for service: 318 Creevey Drive, Captain Creek QLD 4677

Dx:

Telephone: 0402 474 055

Fax:

E-mail address: decisionenquiry@proton.me

Signed:



Description: Applicant/Plaintiff

Dated: 23/04/2023 27 November 2023

This Claim is to be served on: State of Queensland (SOQ)

of:
Crown Law
State Law Building
50 Ann Street
Brisbane Qld 4000

GPO Box 5221, Brisbane QLD 4001

SUPREME/DISTRICT/MAGISTRATES COURT OF QUEENSLAND

REGISTRY: Bundaberg
NUMBER: 12/2023

Plaintiff: Ashley Cameron King

Defendant: State of Queensland (SOQ)

Amended
pursuant
to rule
377/666
of the
Uniform
Civil
Procedure
Rules
1999

Revised 27 November 2023

STATEMENT OF CLAIM

STATEMENT OF CLAIM
Filed on Behalf of the Plaintiff (s)

Form 16, Version 2
Uniform Civil Procedure Rules 1999
Rules 22, 146

Name: Ashley Cameron King
Address: 318 Creevey Drive, Captain Creek QLD 4677

Phone No: 0402 474 055
Fax No:
Email: decisionenquiry@proton.me

The claims in this proceeding are made in reliance on the following facts:

Causes of action

1. Intimidation
2. False imprisonment in Capricornia Correctional Center (CCC) for “fail to appear” commencing around 25 May 30 July 2020 for approximately 52 days through till approximately 14 July 17 September 2020. I was incarcerated with negligence to the facts and/or malice, I appeared in line with my obligations. [16, 19]
3. False imprisonment in Maryborough Correctional Centre (MCC) for “fail to appear” commencing around May 2021 for approximately 71 days through till approximately 27 28 July 2021. I was incarcerated with negligence to the facts and/or malice, the prescribed purpose was impossible to achieve, that's not fail to appear. [138, 140]
4. False imprisonment beyond those periods till current 24 May 2023. Since my first release from CCC around 14 July 17 September 2020 and beyond the second period of incarceration at MCC, QPS maliciously continued their prosecution against me, gradually and ultimately fully falsely imprisoning me at home till current 24/05/2023. [126–140, 197–259]
5. Malicious prosecution beginning around February 14 May 2020 with the initial trespass and arrest for “stalking” (no injury).
 - a) Oblique motive: QPS and/or DPP alleged I'd sent a dildo and an email to the Agnes Water Police station telling them to “go [f*] [themselves]”
 - b) [194]QPS and/or DPP conceded that I'd already been punished beyond the scope of the circumstances and withdrew offering zero evidence.
 - c) QPS and/or DPP continuing their pursuit of me beyond that point was self conceding to malicious prosecution thereafter and shone the light back at everything else being a malicious prosecution thereto.
6. Malicious prosecution continued around 25 May 30 July 2020. As above. [14–126]
7. Malicious prosecution continued around 14 July 17 September 2020. As above. [126–140]
8. Malicious prosecution continued around May 2021. As above. [140–193]
9. Malicious prosecution continued beyond around 27 28 July 2021 till current 24 May 2023. As above. [193–259]
10. Countless HRA violations were committed against me, some of them are accounted for and piggy back off of the aforementioned causes of action. The facts and chronology of events transpired as follows.

Chronology

11. All answers are true based on my own knowledge, to the best of my knowledge or to the best of my belief.
12. I live down a dirt road (in the middle of nowhere) on a 40 acre block in Captain Creek. The house is situated near the middle of a corner block that's roughly 350m x 400m x 1.2km. It's about 300m down a zigzagged driveway through thick bush from the mailbox to the house.
13. No neighbours nor other properties can be seen from the house and a lot of the people around the area have access to guns.
14. About 100 meters in, around a corner, where it cannot be seen from the road, there's a chain pulled across the access, it'd be rare for that not to be up.
15. **Around 20th May/July 2020** I was on bail for “stalking”.
16. The allegation was that I'd sent a dildo and an email to the Agnes Water Police Station and told them to “go [f*] [themselves]”.
17. Bail conditions were: Arrive at court by 9:00am and do not to leave until being told to do so, an interlocutory AVO, stay away from the Queensland Police Service (QPS), do not go within 200m, including the station and do not intimidate, stalk, harass neither by 3rd party.
18. I arrived at court before 9:00am. Remained there in the building and left in the afternoon around 1-2pm after being told to leave by the clerk.
19. **Around 25th May 28 July 2020** 3 CIB plain clothes detectives trespassed and arrested me at home for fail to appear.
20. They took me to Gladstone watch house and Gladstone Magistrates' Court jailed me on remand for fail to appear.
21. **Around 26th May 30 July 2020** QPS delivered me to Capricornia Correctional Center (CCC).
22. First time in prison, I was housed in reception 6 yard. The prison advice was don't talk about your charges, don't share any personal information.
23. But QPS/Director of Public Prosecutions (DPP)/Queensland Corrective Services (QCS) had already been in there setting the prisoners onto me. The prisoner agent showing me around was talking about people doing six months for an “email” and I hadn't said anything about that.
24. The prisoners peppered me with questions, in particular where are you from and what are you in for.

25. I'd always respond, I don't talk about it.
26. Mental health called me up for an eval, we went back and fourth for a bit establishing the bounds of confidence, then we interacted within that established confidence.
27. I was in a two out cell, the toilet was unprotected (privacy wise) and only about 2 meters from the head of the bunks.
28. Raw sewage would leak from above and drip down into the sink.
29. Initially I had the cell to myself for a couple of days until my celly arrived, sick.
30. Being locked in a small cell together like that, obviously I caught the virus he had and lost my voice.
31. Other prisoners within the yard got locked-down for getting it too.
32. There was a constant campaign of prison pressure against me, where are you from, what are you in for, tell us about your charges, they wouldn't let it go.
33. **About two weeks in:** The prisoners called a yard meeting, everyone gathers and he says, "someone's trying to get the whole unit in trouble" "Not you" speaking to me.
34. I responded along the lines of "I'm not doing anything".
35. "Trying to get the whole unit in trouble" was code for there's get out of jail free cards on the table for the whole unit and that's the target.
36. Legal mail arrived and there's no secure nor private storage in there and once you put something in the rubbish bin, it's theirs.
37. That mail was briefly stored in my personal belongings bin. The horde stole and breached that privileged information.
38. I asked the guard how I can securely destroy my mail. He said, in direct contravention of the prison rules "flush it down the toilet" and "don't like it", "don't break the law".
39. Called to the doctor's office, there were three happy smiling female faces, one of them was mental health, the lady I'd earlier met with. The others, assumably were government agent eyes and ears.
40. They were leveraging the confidence I had with mental health under a ruse to gather/fabricate/rationalise evidence against me.
41. One night after being prison pressured into it, my celly stood over me in bed and picked a fight with me.

42. People usually can't be in mainstream with sexual offender type charges, it's way too dangerous and violent.
43. Fights were a daily/every other day thing in 6 yard. Some blues comes to a head and bang, sometimes people are just getting set upon and jumped, I saw one guy with a knife to his throat in the laundry and another guy sharpening his shank on the wall.
44. Neither my celly nor any of the other guys fought or jumped me the next day, but the threat and fear of that happening was only ever heightened.
45. My celly tells me he's caught hep C since being in prison, now he's a blood brother to the majority 75% of the prisoner population.
46. My parents sought to contact me through the prison, I don't know how they could know I was in there. I refused.
47. **About 3-4 weeks in:** Despite many other prisoners being there longer than us, my celly and I were "arbitrarily" moved to a higher yard. It felt like the guards, who prisoners call "screws" were doing it to turn the heat up on me.
48. 8 or 9 yard was a predominately black and heavy yard and welcoming us to the cell was a loose razor and funeral celebrations for what looked likely to be a victim of that environment.
49. It was covid and we were locked down in the cell, but it was too much for my celly, after pulling a pea-sized rock from his prison meal, he buzzed up and they offered him back to 6 yard, I said if that's on the table, me too! But they wouldn't let me go back there.
50. **After about 2 days** we unlocked.
51. I was up near the fish bowl (guard station), a bunch of the brothers were there, where are you from? I don't talk about that, what are you in for? I don't talk about that either. What are you gonna say after I beat the shit out you?
52. I would sit on my own to eat, everyone else had boys and/or a crew and they were monitoring me hard with dedicated look-outs. That was his job to sit at the top of the stairs and watch if I touch the empty can of coke they'd put on the table at my seat, close to the area my plate would go.
53. If I touch it, they can touch any of my stuff.
54. I ask to take it away, they pick it up, shake it around showing me it's empty, "don't worry bro, relax, you're in jail"
55. Worry and extreme fear is the only thing I could do.

56. Over several meals, the can got closer to where I had to move seats so that I could down a plate.
57. Each two days we are given 1 litre of milk, the fridge in the kitchen is shared. They'd move my bottle and/or take it. There was just nothing I could do about that kind of thing.
58. One day they asked me if I want my milk, it's a pressure play of dominance and intimidation, oh you want your milk huh?
59. Minimum prison rations are tough to survive on, when I had a full time job in Residential MCC, they simply were not enough, my work associate and I were on our way to looking like POW's. You can't just pop down the shop and get more and even if I ever got anything from the buy ups food wise, it'd just get stolen BUT; for me the main attack vector with this kind of thing was the pressure they were applying to break me. So when you read, oh who cares if they stole his milk? It's not like that, this was high pressure prisons games and it was all about breaking me, but they'd already shattered me 10 times over. They don't care, they'll break you again twice everyday, that's how they do it. Please keep that kind of context in mind throughout, inside and outside of prison, the things they were doing in furtherance of the prosecution, it was all about breaking me, whether it be for a confession or cruel punishment etc. It was all the same...
60. Outside of QLD Correctional facilities, QPS weren't just following me for surveillance, they were doing it in a way to attack me. "We ain't stopping, we're coming after you, EVERYWHERE!" Then they simply gave up on that and tried to get me to kill myself. That's the context their actions against me need to be taken in, because that's the way within which they wielded those powers, they weren't surveilling me, they were attacking me, just like the prisons, staff and prisoners did; they gave me no choice, I bordered up, bunkered down and severely stressed out, just like prison.
61. Going to the exercise yard on training day, I went to the furthest corner on an exercise bike. They came up and started lifting "curling" the bike next to me. All I could think about was Carl Williams getting beat to death in prison with the seat of the exercise bike. I wouldn't be surprised if you could see me physically shaking from the pressure.
62. I was sitting/standing out in the yard and it's a small cage for the 50 or so prisoners, one of them says buzz up. We don't know you, leave. I left and sat inside in front of the tv by myself.
63. BANG! King hit from behind. I didn't even know what was happening, I stood up, looked at some other guy, both in shock, he's like what happened, I dunno, I didn't do anything, "do I need to leave?" "Yeah"
64. I'm still getting attacked from behind and/or the side, but I can't really tell, the lights are going in and out and I'm barely semi-conscious. I remember desperately thinking to myself 'keep going, you have to make it out of here'
65. It's nothing for them to attack me in front of the guards, they didn't even seem to be

watching/care. Bleeding from my busted up face I'm telling the guard "hey man, I need to leave"

66. Escorting me out of the yard to the Super's office, the guard's like, hold your face together with your hands, I don't want you bleeding on the concrete.
67. The guards in that office leveraged the opportunity to seek info on the allegations, I can't remember the exact questions, I just remember that's what they were doing. There's a symbiotic relationship between guards and prisoners. One hand washes the other.
68. Protocol is don't ever report anything and the guards finesse it, report this bit, but not that bit. So I said I walked into a door.
69. Reporting it would have me attacked from prisoners and guards alike.
70. There's a guard in with the nurse, so there's no way to get the information out that the guards and prisoners work together, but she seemed to know how desperate the situation was.
71. Exiting the nurse area, a guard offered me to speak with my parents again, again I refused.
72. I was in genuine fear for my life and got moved to protection.
73. During the transfer, other people I'm not sure if it's prisoners or guards have full access to your stuff, so if there was any private paperwork, it's not anymore and 30% of my bare essential prison issue goes missing.
74. **Around 1-July 7 September 2020, week 5:** I shopfront the forms for replacement issue, spend the night without bedsheets and shopfront again the next day, desperately telling the guards, I need those sheets and clothes.
75. In S1 yard, protection, I don't want to know what they are doing to people in the kitchen, there's no cameras and the big fellas, everyday, call individuals in there for a regular process where everyone else stays well away.
76. The only viable thing I could come up with was vile sadistic "punishment".
77. A new bed pack arrived for my second night, but there was no clothes.
78. Prisoners call a yard, everyone has to gather outside, loudly they'd announce "Mathew Whittaker, it has come to our attention that you are a dog" and bang, he'd be getting bashed in front of everyone.
79. All my alarms are sounding off the charts, if they call my name, there is no escape, I am for sure about to be sexually violated in the kitchen, will I be getting a broomstick up my backside, forced to suck someone off?

80. A massive bikie was making me walk with him, where are you from? What are you in for? Like that, on repeat. I don't talk about it. You came up in the wagon from Gladstone with me didn't ya? I don't talk about it, again and again and over and over.
81. Once you give them an area, they find out where you live and their mates on the outside rob you whilst you're locked on the inside.
82. He steals some of my milk and he's a huge intimidating guy, so I poured out the rest of it out and they didn't like that.
83. The guards around that point actually stood up to protect me. They called a yard and said "come here, just stand here mate" and went on to say about a new guy in the yard that owes everyone money, I'm thinking geez, I WOULD NOT WANT TO BE THAT GUY!
84. I know he owes everyone a bit of money but you can't stomp his head in alright. You (speaking to the yard) you can't stomp his head in.
85. I was in that yard for about 3 days, 2 nights. Lonnggg days...
86. At the transfer I had all my stuff in my bag over my shoulder, I was getting shipped along with what seemed to be a bunch of other convicted sex offenders.
87. Big bikie comes up, puts his hand on my shoulder, "try that in there with them, see what they do to ya!"
88. The Big Dog in S4 welcomed me to the yard, this is my yard, "I can have you killed in here if I want."
89. I shopfront for my missing clothes again, but they're not just uninterested, it feels purposely punitive.
90. They put me in a cell with Red who'd been in and out of jail since a child for the majority of his life, from around 14 to about 30.
91. He was a daily intravenous ice user who told me about the prison gang and advised me he had Hepatitis C.
92. Each morning he'd shoot up on the minute like clockwork, that was his routine. First time he did it, the cells are so small for two people, I knew he was up to something, being on the top bunk I rolled the other way facing the wall to give him his privacy. My heart pumped and shuddered, he momentarily went short of breathe and bang, like that it was done.
93. My heart was racing so hard, it's like he'd shot *me* up.
94. Him reaching up to stab me with a hep C infected needle was just another unescapable reality of multi-occupant cells.

95. I was warned “he’s bad for it” which I didn’t really understand at the time, but I’ve since come to the conclusion, he’s bad for the gear, he’s an addict and he needs his fix.
96. The only way it made sense to me was that guards somehow play a role in him having his gear. It’s beyond one hand washes the other. It’s more like hunting dogs who are rewarded for making the right kills.
97. It’s a team effort between QPS/DPP/QCS, they starve them, the prison gangs blood them and bang, like that, they’re hunting for them. Bring back something they can use and that’s the kind of rewards on offer.
98. And that’s how they came after me, like a pack of starving dogs looking to feed. Where are you from? I don’t talk about it, what are you in here for? I don’t talk about it.
99. It was a difficult response to muster up, I was definitely on my own and they hated it.
100. Nudging the guys beside them, grandstanding the ordeal, go again, go again. Where are you from? I don’t talk about it, what are you in here for? I don’t talk about that either. Again, again! Laughing...
101. Sitting outside reading a book, 3/4/5 guys encircle me. The big dog tells me I’m encircled by the sharks. Where are you from? I don’t talk about it. What are you in here for? I don’t talk about that either, BANG!!!
102. The guy standing in front of me, the biggest shot he can muster, right hook to my unprotected face. That was the warning, answer any question we ask you, or you’re fucking dead!
103. I was in that unit for two of the most terrifying weeks of my life and after that I told them anything they wanted to hear. Agnes Water, stalking, they didn’t care about the driving charges, the hunt had always been for info on the stalking allegation, including by the guards when they questioned me.
104. I got mail, there’s no choice to not pick it up and if I flush it without putting it in the bin and letting them read it, bang, I’m dead because “he’s hiding something”.
105. It was from my parents, regardless of twice refusing their contact, it felt like QPS/DPP/QCS were actively working to manifest that contact against my wishes, mostly to put themselves in the middle of it, they were actually facilitating stalking against me.
106. They gave me no choice, under a severe threat of violence, I had to respond and let them all in.
107. The stress and anxiety was so high my hair was falling out.
108. Prisoners just randomly calling out “dildo”, info from the brief that at that point I’d never

shared.

109. They threatened me with boiling water attacks.
110. Red would ask me what appeared to be psychological analysis questions.
111. Not only was not responding not an option, neither was responding with deflection, that would've got me attacked too.
112. I had to tell them what they wanted to hear, otherwise I'm dead.
113. Red told me about how they caved his head in and sent him to hospital.
114. In a yard full with rapists and all other types of sex offenders, it's the prisoners who decide who I'd cell with, just by walking past, you're in with Kim on Monday.
115. For whatever reason, they changed their mind on that and I stayed in Red's cell. And it was his cell.
116. During my transfer to protection, a set of my clothes and sheets were missing. Despite making several requests including in writing with the guards, I was still down a set of clothes, they weren't going to give me the third set.
117. Being "dirty" in jail is another thing that will get you bashed.
118. The clothes washer was a big guy. Kinda like the bikie, but he had a massive prison face scar, the kind associated with rapists.
119. I ended up having to cross the threshold into his cell (against prison rules) to get more clothes from him. I wasn't raped, but that's the position they'd put me in. Gang bashed or raped, how do you want it?
120. Fortunately that was about the second last day before I was bailed, so I never actually wore the clothes that he gave me, which was a huge concern. Because it's in the vicinity of being his bitch...
121. Leaving the yard, big dog's there, he wants to know why I'm leaving, how etc. I have to tell him what he wants to hear, it doesn't matter, they will bash the shit out of you right in front on the guards.
122. In protection, they were beating the absolute shit out of people in there, it was 10 times worse than what I experienced in main stream.
123. They were more vicious and violent, but nobody seemed to be going to the slot for it. It was open season in there, nobody sees anything, especially not the guards.

124. The pressure in there against me is off the charts, and it's a systemically supported part of the interrogation.
125. CCC is hundreds of km's from home and my parents live 100's kms even further away from that.
126. The best offer from prison was \$80 and drop me off at the nearest Centrelink 100's kms from home.
127. **Around 14 July 17 September 2020:** leaving prison to my parents who picked me up, I was shattered and vulnerable.
128. It feels like an opportunity and relationship QPS/DPP/QCS cultivated and were seeking to leverage. My house feels like they've been there, perhaps like they still are there via surveillance.
129. My computer connected audio interface, "audio in" isn't working, it was definitely working before I went to prison.
130. **A couple of days later:** At Bundaberg Magistrates Court for the fail to appear, Legal Aid refused to represent me for a not guilty plea, threatened to pull my grant for the stalking charge and effectively threatened me with 5 years jail if I refused to plead guilty to the charge of fail to appear, despite it being demonstrably impossible.
131. Something's up with my computer, my heart is pounding, I'm probably not sleeping either, I order a new one and probably organise a new phone and sim card too.
132. Likewise something's odd about the delivery driver carrying the new computer, he doesn't leave the item as usual out the front. I call the company and they don't know who the agent is, they don't have his number either. But he'd left it for me on the card.
133. The delivery driver was a government agent seeking a loophole for trespassing "well how am I supposed to get down there?" with regards to going down the access and/or getting past the chain. "you don't" I said, "you organise with me and I meet you out the front."
134. I can no longer allow Coles in to deliver my food either and instruct them to leave it out the front.
135. Most of my old devices go on the bonfire.
136. **Around early Feb 2021:** They put an agent in to attack me through my food deliveries so now I have to get them to leave the shopping unattended.
137. **Around February 18 2021** at the trial for stalking, I'd been transferred to a different lawyer who refused to represent me for a not guilty plea. He sought leave and withdrew.

138. I ignored my parents who were there. They deserve better than that, but I couldn't tell them anything. To this day, I still haven't spoken to them and I can only hope they understand.
139. The Magistrate then co-operated with the prosecution under a ruse of the needs of the court to get me to hand information directly to them. But it wasn't enough so he sent me for another mental health eval which I attended that day and the matter was kicked back to a hearing in about 6 weeks or so.
140. **Around 31 March 2021** I attended that hearing and the Magistrate set another hearing "for the purposes of seeking legal advice" in about 2 weeks. But considering it was at trial where Legal Aid had earlier withdrawn: The court ought to already have known that I had no further access to legal advice, and even if I did have money, it would still be impossible for me to get legal advice for a matter like that within 2 weeks.
141. **Around May 2021** QPS trespassed on my property and arrested me for failure to appear with the impossible.
142. In the watch house I was hunted by prisoner agents from the get-go.
143. And around that time, without my knowledge or consent they drugged me.
144. Bundaberg Magistrates' Court jailed me to Maryborough Correction Centre (MCC) on remand for another approx 70 days for the "fail to appear".
145. Prison admin take advantage of me whilst I'm drugged to get me adding a next of kin.
146. I started in 10 yard and those guys were heavy, instantly MCC felt more violent than CCC.
147. Sitting playing chess I'm threatened from behind with razors.
148. One prisoner asks me if I've been stalking a chick? Yeah, I answered. But it wasn't a genuine answer.
149. He was prompting me to answer yes, and that's why I did it, that's how those drugs were affecting me.
150. Likewise I was struggling with appetite, sleep and heart palpitations.
151. The first two days of coming down were further disorientating, I'd break out in cold sweats and it'd wash down over my brain in waves. Plus it gave me heart palpitations and prevented me from sleep.
152. On the other hand going up and the drugging itself was eerily smooth and undetectable.
153. Basically I'd been drugged and date raped by the government, then they sent me to 10 yard aka The Gladiator Pit for the violent prisoners to gang-violate* me too.

154. After a couple of days, including without a pillow, I transferred to mainstream residential where I had to sleep with a mattress on the floor.
155. They'd leave the front door open as a sign for the others to "have at it".
156. Some random prisoner from another unit comes in and has a go at me whilst I'm on the floor, in my "bed".
157. "I'll go you halves in that" he remarked to Jack-Jack, the big dog of that unit.
158. Occasionally I'd hear guards call out over the PA for prisoners to get out of other prisoners' cells, but they never did that for those who came at me.
159. I didn't fit in at all in prison and they came at me hard. Everyday I was waiting to get king hit.
160. One morning I open the door to someone who straight punches me full force in the sternum.
161. They are heavy on the innuendo, call him "gecko" cause he likes to look through people windows etc.
162. That ratchets up to looking at children and all types of jokes about that kind of offending.
163. Rumours build, are you in here for sex offences against children?
164. Very very very dangerous situation.
165. Get your paperwork or your fucking dead.
166. I ordered my paperwork ASAP.
167. The guards asked me if I was being stood over for it or pressured into it. Answering yes to either of those is a death sentence.
168. Stand over is a prison policy, it's almost like if you're not doing it, it's getting done to you.
169. Then there's tax, milk/meals/tokens/favours.
170. Jack-Jack was probably around 40+ years old, life long violent convicted criminal and self described 94kg, 6 foot something Golden Gloves champion boxer.
171. He came into my cell and took my dinner, whilst I was eating it. Nothing I can do about that.
172. QPS and/or DPP had amongst other things, incentivised him with my "farm" as a reward.

173. You got the key you little cunt! I WANT A FARM!!!
174. I'm not just gonna punch ya, I'm gonna fucking bash ya.
175. **Around 27 June 2021** I was in a two out cell, bottom bunk reading a book by myself. He comes in (I'm 170cm 72kg), locks the door behind him, attacks me on my bed and bashes me as I stall unlocking the door to run.
176. Every single alarm within me had already been sounding so long, I don't know where the other ones came from. I was dead.
177. Problems I'd been developing, struggling to eat worsened. My throat wouldn't down food. I was even chocking on small mouthfuls of rice, meat was a real challenge.
178. I worked in the prison weld shop as a welder, it was hard, heavy and unsafe.
179. The respirators were insufficient for me, they didn't seal on my face. Breathing the weld fumes had me pulling blood from my nose everyday.
180. I'm a fitter and turner by trade, so I knew they needed new masks for me, but since the first day they refused.
181. On top of that, I'm an innocent prisoner working for cents per hour, something like \$60 for a full fortnight: 9 days x 8 hours = 72 hours : \$60 / 72 hours = \$0.85 per hour.
182. The work is contracted from private businesses who sell the products commercially.
183. A work associate was aspirating blood into the "protected" side of his mask. Blood spray patterns just from breathing.
184. I put my covid mask under the workshop mask and showed everyone how much was still getting through. The blackness of the second mask which itself didn't seal either beggars belief, and that was after only one morning session of welding. It still wasn't enough for the prison to do anything about it.
185. That's all there is "suck it up"
186. Quitting work would've got me bashed and likely led to me being raped in protection.
187. Working was going to kill me years down the track with cancer.
188. I chose bashed and/or raped over cancer.
189. I quit, let the prisoners know why (everyone had for as long as I've known already been begging for proper respirators, some were offering to pay for and buy them themselves, suck it up, was always the answer).

190. I can't do this to myself anymore chief, I told the guard. Said I wanted to leave on good terms and make nothing bad of it, get a reference too. It doesn't work like that he said.
191. I hung around (not working just waiting to leave) until lunch. Chief changed his mind. Stay here, I'm getting you a ventilated mask.
192. That arrived the next day as a test, told me if that's the go, we're getting them for everyone next week.
193. They were the go, but within the next month or so, they never got them for everyone.
194. **Around 27 28 July 2021** without legal representation at the second trial for the stalking allegation, the prosecutor claims she doesn't know I was getting bashed in prison.
195. QPS and/or DPP conceded I'd already been punished beyond the scope of the circumstances, offered zero evidence and withdraw.
196. Then they seek to sue me civilly, on the spot with zero moments notice, with no evidence, only the prosecutor's un-crossable, un-affirmed hearsay. Which "conveniently" omits parts of the brief.
197. After a recess and some back and forth, the Magistrate sets it down for about 6 more weeks and instructs me to contact the prosecutor with regards to being served.
198. Magistrate orders my immediate release.
199. QPS detain me 4 more hours in "the penthouse"
200. QPS assess me as a vulnerable person upon release.
201. QPS fail to return the vehicle they'd confiscated pending court.
202. I go to Bundaberg to get a new phone/sim card. I have all the right documents, but no photo ID.
203. I call QPS, the prosecutor's not there, they give me her mobile number.
204. I can't remember if I called, but I definitely remember texting her. She responded along the lines of don't contact me on this number, we don't do official Police business like that.
205. I never received any of the documents for trial, nor did they text to let me know what's going on.
206. Bundaberg is a 200km round trip journey from home that takes about 11 hours via the bus's limited schedule. For all the above hearings etc. that's been the journey.

207. The matter is called and once again at trial they withdraw.
208. I make the most of being in town and go to the electricians shop but somethings up. It feels like QPS have been there hunting on me.
209. Perhaps on another occasion, I go back to the phone shop and somethings definitely up, the guy from the phone shop was acting like he didn't know me, but I know for sure that he did.
210. Leaving the shopping centre I see some uniformed Police in one of the stores, they're subtly looking to get my attention, with a half wave kind of thing he wants me to go over there. No chance, I'm out of there.
211. Outside down the path a bit, near the library, i'm intersected by the criminal network on a bike, it's just something i've seen before in jail, they're definitely after me.
212. ~~Around October September 2021 I engaged a law firm to represent me for malicious prosecution with around \$7,000.00 into their trust.~~
213. Queensland Government ratchets up their campaign against me and go on a round the clock offensive of stalking, intimidation, surveillance and harassment.
214. Out where I live, people wear “pedophile execution squad” T-shirts to the shops and I'd just gotten out of prison the second time for “sex offences”.
215. On the few occasions I did leave the house, I was getting tailed to my property.
216. If I go to the library, plain clothes Police are there there waiting and signalling they're on me.
217. If I catch the bus, they are on it, maybe it's plain clothes maybe it's the criminal network, I can't tell, but it's the same thing.
218. They replaced the regular bus driver with one of their own, and he was more focused on coming after me than he was driving the bus.
219. With a bus full of children (a school bus is the only bus in the area), he's driving about 100km/hr on the main road and this guy's seriously got his neck cranked, he couldn't have even had peripheral vision of the road ahead, I was 100% eye to eye his focus.
220. They corrupted civilian store attendants against me to the point that I was forced to leave.
221. Over the years of that, I'd gradually withdrawn from leaving the house, but now I was almost entirely under guard and trapped at home.
222. Whilst I was in jail they trained a canine to my door and used that as an excuse to trespass on my property “have you seen my dog?”.

- 223. They sent neighbours whom I've never met before down to interrogate me on their behalf, "how much is your house worth?" "what do you think of Police officer xyz?"
- 224. They were coming into my house whilst I was asleep. Turning up the toaster to max just to send that message.
- 225. They'd made the rustling of the trees fill me with such heart attack type anxiety, because at any moment that could be them again, trespassing on my property to take me to jail again for crimes that are demonstrably impossible for me to have committed.
- 226. I needed to go to a doctor, but they've just got so many people working against me, I'm already scared to leave home, on top of that I've already witnessed them break that patient client confidence.
- 227. ~~On one occasion I called the ambulance for heart attack scare, they came out and did an EKG, but it was just stress/fear/anxiety.~~
- 228. ~~By around December 2021 I'd managed around \$58 000 into the law firm's trust.~~
- 229. QPS has Coles suspend my online shopping/delivery account service and combined with the rest of their campaign, that broke my back. I was definitely looking to the rafters.
- 230. ~~Mid 2022 The legal advice arrives by snail mail and we're not on the same page.~~
- 231. At the exact moment I'm due to go out to the road and make a call, QPS drives past in a marked car.
- 232. I hide and it looks like they left something in my mailbox too.
- 233. My heart is pounding, a bunch of stuff goes on the bonfire, ~~including the advice.~~
- 234. I order a new phone and sim.
- 235. New phone and sim arrive.
- 236. I'm continually troubleshooting the audio interface with no avail, apparently it's been tampered with.
- 237. I'm terrified, old phone, sim, audio interface, more stuff, all on the bonfire.
- 238. ~~As the lawyers and I weren't on same page~~ I drafted and lodged my own application for damages against QPS and/or DPP via email for malicious prosecution through the Bundaberg registry in the Supreme Court and vehicle theft in District Court.
- 239. ~~Via email I formally request a copy of my file from the lawyers, they don't provide it.~~

240. I drafted a letter to the Bundaberg Magistrates' Court and sent it to the second trial judge Magistrate J. Millburn.
241. That letter dealt with things ranging from pervasive common law trespass through to grave breach contraventions of the Geneva Conventions for the torture chamber conditions QPS/DPP/QCS incentivised against me in jail.
242. There was an almost immediate response with my internet going back to normal.
243. I followed up with the registry about seeking information to support the claims I lodged only to find that email address had been "Spamhaus" blocked by the court.
244. Going to jail is bad, going there as an alleged sex offender is worse. Going there as an alleged sex offender where the Queensland Government is feeding "select" details from the brief and incentivising vicious and violent, convicted criminal offenders against me, that was a torture chamber, 100%, then they extended that to civilians and ex-prisoners outside of prison too.
245. **2 December 2022** (*annexure ACK1*) I enquired with the Bundaberg Registry on the progress of those mid 2022 state court claims, they didn't respond.
246. **Around 16 December 2022** (*annexure ACK2*) I raised the matter with the Prime Minister's Office who referred it to the Premier.
247. I queried the Premier and got no response.
248. **Around 24 January 2023** I re-raised it with the Prime Minister's Office who re-referred it to the Premier who referred it to the Attorney General, Minister for Justice, Shannon Fentimen on or around 8 February 2023.
249. **9 March 2023** (*annexure ACK3*) after hearing nothing, I chased it up with the Attorney General and again hear nothing back.
250. **11 April 2023** (*annexure ACK 4*) I sent correspondence Too Corrupt and Evil to Hold Court and/or Govern the State to the Prime Minister who refers it to the Premier.
251. **14 April 2023** (*annexure ACK 5*) Premier refers it to Attorney General who again fails to respond.
252. **24 April 2023** (*annexure ACK 6*) Right to Information and **Privacy** inform me those mid 2022 claims/emails lodged with the court may be in the possession of QPS and the Attorney General.
253. The Queensland Government campaign against me was targeted, protracted and at times particularly heinous.

254. They violated almost every aspect of my life and sought to harass/intimidate me to death, if not by suicide.
255. I live in fear. I couldn't even leave the house despite needing to go to the doctor for my stomach/throat issues.
256. Almost daily I'm at the sink multiple times chocking and throwing up the food my throat won't down.
257. Over the years I've spent days looking at the rafters thinking from where would I hang myself.
258. They destroyed my relationships, reputation, physical, mental health and well being, they destroyed my life.
259. For the last ~3 years they've tortured me to death multiple times over, then they tried to get me to kill myself to cover it up.
260. Queensland Government ignoring those letters under these circumstances, that's a different type of torture.

Human Rights Act 2019

261. **17 Protection from torture and cruel, inhuman or degrading treatment**
~~A person must not be—~~
a) subjected to torture; or
b) treated or punished in a cruel, inhuman or degrading way; or
c) subjected to medical or scientific experimentation or treatment without the person's full, free and informed consent.
262. [27] Imprison me in a cell with raw sewage leaking from the roof.
[28] Confine me in small cell with a virally ill and contagious prisoner
[30] Bring virally ill and contagious prisoners into the high density prison yard.
[31] Induce pain/suffering for the extraction of a confession or information for the prosecution.
[37] Ill will against this right.
[40] Leveraging multi-person ceiling for torture
[42] Maliciously maintained high pressure environment.
[43] Induce pain/suffering/torture
[44] Induce pain/suffering/torture
[46] Induce pain/suffering/torture
[47] Induce pain/suffering/torture
[48] Induce pain/suffering/torture
[50] Induce pain/suffering/torture
[51] Induce pain/suffering/torture
[53] Induce pain/suffering/torture
[55] Induce pain/suffering/torture
[56] Induce pain/suffering/torture
[57] Induce pain/suffering/torture

[60] Induce pain/suffering/torture
[61] Induce pain/suffering/torture
[62] Induce pain/suffering/torture
[63] Induce pain/suffering/torture
[64] Maliciously maintain that environment
[65] Maliciously cruel
[72] Maliciously leverage the violence
[73] Induce pain/suffering/torture
[74,75] Induce pain/suffering/torture
[77, 78] Induce pain/suffering/torture
[79, 80] Induce pain/suffering/torture
[81] Induce pain/suffering/torture
[86] Induce pain/suffering/torture
[88] Induce pain/suffering/torture
[89, 90, 91, 92] Leveraging multi person celling for torture
[93] Leveraging multi person celling for torture
[99] Induce pain/suffering/torture
[100] Induce pain/suffering/torture
[101] Induce pain/suffering/torture
[108] Induce pain/suffering/torture
[109, 110, 111, 112] Maliciously leveraging multi person celling with intent for torture.
[113] Leveraging multi person celling for torture.
[128] Tampering with my devices to cause further punishment/harm.
[130] Tampering with my devices to cause further punishment/harm.
[131] Upping the pressure to cause further punishment/harm.
[135] Attacking me through my bare essentials.
[141] Incentivised prisoners to hunt me.
[142] Drugged me to make me further vulnerable and violate me with malicious intent.
[144] “Date raped” by QCS staff
[146] Induce pain/suffering/torture
[147, 148, 151, 152] “Date raped” by the prisoners.
[152] Induce pain/suffering/torture
[153] Leveraging multi person celling for torture
[154] Leveraging multi person celling for torture
[155] Leveraging multi person celling for torture
[156] Induce pain/suffering/torture
[157] Maliciously giving blind eye approval to the attacks against me, induce pain/suffering
[160] Induce pain/suffering/torture
[161] Induce pain/suffering/torture
[162] Induce pain/suffering/torture
[167] Induce pain/suffering/torture
[168] Induce pain/suffering/torture
[169, 170] Induce pain/suffering/torture
[170] Induce pain/suffering/torture
[171] Induce pain/suffering/torture
[172] Induce pain/suffering/torture
[173] Induce pain/suffering/torture
[174] Induce pain/suffering/torture
[177] Induce pain/suffering/torture
[178] Induce pain/suffering/torture

[180] Induce pain/suffering/torture
[182] Induce pain/suffering/torture
[183, 184] Induce pain/suffering/torture
[185, 186] Induce pain/suffering/torture
[187] Induce pain/suffering/torture
[189] Induce pain/suffering/torture
[194] ~~QPS and/or DPP concede their pursuit of me is beyond the scope of the allegations, further pursuit is thus concededly malicious.~~
[195] Induce pain/suffering/torture
[197, 198] Induce pain/suffering/torture
[200] Induce pain/suffering/torture
[202–206] Induce pain/suffering/torture
[207] Induce pain/suffering/torture
[208] Induce pain/suffering/torture
[209] Induce pain/suffering/torture
[210] Induce pain/suffering/torture
[212–214] Induce pain/suffering/torture
[215] Induce pain/suffering/torture
[216] Induce pain/suffering/torture
[217, 218] Induce pain/suffering/torture
[219, 220] Induce pain/suffering/torture
[221] Induce pain/suffering/torture
[222] Induce pain/suffering/torture
[223] Induce pain/suffering/torture
[228] They weren't yet content with the suffering they'd inflicted upon me and tried to get me to kill myself
[230, 231] Induce pain/suffering/torture
[244] Induce pain/suffering/torture
[246] Induce pain/suffering/torture
[248] Induce pain/suffering/torture
[250] Induce pain/suffering/torture
Total count 95

263. Where for example [223] refers to two acts ie, entering my house at night whilst I'm asleep and without my permission AND turning up the toaster to max just to send that message: In reality those are two separate acts, but for the count above, they've been given the value of 1 act, but it's really just a forest for the trees type matter.
264. **25 Privacy and reputation**
A person has the right—
a) not to have the person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and
(b) not to have the person's reputation unlawfully attacked.
265. [18] trespassing because warrant was acquired negligent to the actual facts.
[35] Fail to provide for privacy with respect to correspondence.
[36] Steal privileged correspondence.
[103] Fail to provide for privacy with respect to correspondence.
[105] Fail to provide for privacy with respect to correspondence.
[107] Sharing details from the brief.

[127] Trespass, invasion of privacy.

[132] Rusing me to trespass.

[164, 165] breach of privilege.

[194] **Disclaimer:** QPS and/or DPP concede their pursuit of me is beyond the scope of the allegations, further pursuit is thus concededly malicious.

[219] Incentivising civilians against me like that attacks my reputation.

[221] Pervasive trespassing with intent to violate my home and privacy.

[222] Pervasive trespassing with intent to violate my home and privacy.

[223] Pervasive trespassing with intent to violate my home and privacy.

[235] Pervasive trespassing with intent to violate my home and privacy.

Total count 13

266. **29 Right to liberty and security of person**

(1) Every person has the right to liberty and security.

(2) A person must not be subjected to arbitrary arrest or detention.

(3) A person must not be deprived of the person's liberty except on grounds, and in accordance with procedures, established by law.

(4) A person who is arrested or detained must be informed at the time of arrest or detention of the reason for the arrest or detention and must be promptly informed about any proceedings to be brought against the person.

(5) A person who is arrested or detained on a criminal charge—

(a) must be promptly brought before a court; and

(b) has the right to be brought to trial without unreasonable delay; and

(c) must be released if paragraph (a) or (b) is not complied with.

(6) A person awaiting trial must not be automatically detained in custody, but the person's release may be subject to guarantees to appear—

(a) for trial; and

(b) at any other stage of the judicial proceeding; and

(c) if appropriate, for execution of judgment.

(7) A person deprived of liberty by arrest or detention is entitled to apply to a court for a declaration or order regarding the lawfulness of the person's detention, and the court must—

(a) make a decision without delay; and

(b) order the release of the person if it finds the detention is unlawful.

(8) A person must not be imprisoned only because of the person's inability to perform a contractual obligation.

267. [19] Negligent to the facts, no established law for jailing me for a crime I didn't commit.

[139] Court imposes impossible contractual obligation.

[140] No grounds to arrest me for fail to appear with the impossible.

[143] Jailed for fail to appear with the impossible.

[194] **Disclaimer:** QPS and/or DPP concede their pursuit of me is beyond the scope of the allegations, further pursuit is thus concededly malicious.

[219, 220] Unlawful imprisonment with intent.

Total count 5

268. **31 fair hearing**

(1) A person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or

~~tribunal after a fair and public hearing.~~

(2) ~~However, a court or tribunal may exclude members of media organisations, other persons or the general public from all or part of a hearing in the public interest or the interests of justice.~~

(3) ~~All judgments or decisions made by a court or tribunal in a proceeding must be publicly available.~~

269. [19] Negligent to the facts, no established law for jailing me for a crime I didn't commit.

[138] Court not impartial.

[143] Not impartial court, jailed me for fail to appear with the impossible.

Total count 3

270. The HRA violations were so numerous to be effectively considered countless.

271. **Prominent examples QPS and/or DPP incentivised prisoners against me**

[22]

[31]

[32–34]

[36]

[46]

[100]

[103–105]

[107]

[109–111]

[146]

[146–148]

[154–157]

[169–174]

272. **Speaking directly to injury**

[106]

[103]

[134]

[137]

[149]

[150]

[158]

[159]

[175]

[176]

[178]

[224]

[225]

[226]

[232]

[233]

[236]

[252, 253]

[254]
[255]
[256]
[257]
[258]
[259]

273. The plaintiff claims the following relief:

1. Interlocutory AVO order against the defendants:
Do not come within 200m of my person or my residence.
Do not stalk, intimidate, harass, surveil, neither electronically nor via 3rd party.
2. Maximum allowable ongoing AVO order against the defendants:
Do not come within 200m of my person or my residence.
Do not stalk, intimidate, harass, surveil, neither electronically nor via 3rd party
3. Compensatory damages for approximately 3 years (1095 days) of false imprisonment at a rate of \$3,000.00 per day as to accomodate aggravated damages for the cruel punishment and torturous HRA violating conditions including severe physical, psychological attacks and injury = \$3,285,000.00
4. Exemplary damages for malice multiplies that X 2 = \$6,570,000.00
5. Psychological injury into the foreseeable future of \$430,000.00 for lose of potential future earnings.
6. Reputational damages on par with the intense sustained malicious prosecution
\$3,000,000.00
7. Total financial damages \$10,000,000.00 Ten million dollars.

Signed:



Description: Plaintiff

NOTICE AS TO DEFENCE

Your defence must be attached to your notice of intention to defend.

Uniform Civil Procedure Rules 1999

137 Time for notice of intention to defend

(1) In a proceeding started by a claim, a notice of intention to defend must be filed within 28 days after the day the claim is served.

This is the document referred to as annexure ACK1

12/04/2023, 09:41

Sent | decisionenquiry@proton.me | Proton Mail

Decision enquiry for King

From decisionenquiry <decisionenquiry@proton.me>
To Courthouse Bundaberg<courthouse.bundaberg@justice.qld.gov.au>
Date Friday, December 2nd, 2022 at 10:39

Hi,

Mid 2022 I lodged two claims for damages with the Bundaberg Magistrates Court, I believe both were King v Qld Police and/or DPP:

1. Malicious prosecution, lodged with the Supreme Court
2. Damages for vehicle theft, lodged with the District Court

Using the online civil search files (eCourts) I could find neither. Are you able to assist in finding out what happened with those matters?

Kind regards, Ashley King

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This is the document referred to as annexure ACK2

12/04/2023, 09:44

Inbox | decisionenquiry@proton.me | Proton Mail

Your message to the Prime Minister

From Prime Minister of Australia via Prime Minister of Australia <noreply-web@pm.gov.au>
To decisionenquiry@proton.me
Date Friday, December 16th, 2022 at 11:10

Thank you for your message to the Prime Minister at pm.gov.au. For your records, a copy of your message is set out at the bottom of this email.

If your message relates to COVID-19, the Australian Government has established <https://www.australia.gov.au> for up to date advice.

All items of correspondence are read and carefully considered, however not all items will receive a response. When responses are sent, these items will be sent via the same method in which they are received; via email or Australia Post

In some cases, where appropriate, your correspondence will be referred to other Federal Ministers or state/territory governments for their consideration. This will occur when the issue raised falls within their responsibilities.

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If you have any problems with this service please contact the Web Administrator through the site feedback service at <https://www.pmc.gov.au/contact-us#contact-form>

Submitted on Friday, 16 December, 2022 - 12:10

Title: Mr

First name: Ashley

Family name: King

Email address: decisionenquiry@proton.me

Phone: 0422 368 410

Your address: 318 Creevey Drive, Captain Creek, QLD, 4677, Australia

Subject: Criminal enterprising scam

Comment:

Dear Prime Minister Anthony Albanese,

Around March 2020 I was maliciously prosecuted by QLD Police and/or DPP. I appeared at court and followed my conditions of bail to a "T". Regardless of that, I was jailed for fail to appear and Legal Aid refused to represent me for a not guilty plea. They threatened to pull my funding grant for representation in a matter for which I was facing five years if I refused to plead guilty to that charge of fail to appear. So I had no choice and made that plea.

Legal Aid then refused to represent me for a not guilty plea to the charge carrying five years anyways, they sought leave and withdrew at trial. Then the magistrate collaborated in real time (against me) with and for the benefit of the prosecution and invoked "the needs of the court" as a ruse to get information from me, to the

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1/3

prosecution. It was hand in glove collaboration between them done at arms length and in an open court, that's how brazen they are.

The matter was then sent back to hearing pending another mental health assessment, which I attended that day. I also attended the next hearing. At that hearing the Magistrate set the matter down for another hearing in two weeks time and for the specific purpose of getting legal advice. But considering it was at trial that Legal Aid had just earlier withdrawn:

1. The court ought to already know that I had no further access to legal advice.
2. On another occasion I've contacted lawyers, it took about 6 months to get advice.
3. I most recently chased the court about the claims I lodged in mid 2022, the court themselves (aside from the automatic "we got your email") didn't even reply to that enquiry within 2 weeks.

So even though (including by the courts own example) it was impossible for me to appear with legal advice on two weeks notice, they arrested and jailed me again. I wasn't just maliciously prosecuted by QLD Police and/or DPP, it was the Queensland Court too!

In total I spent about 123 days in prison. I was repeatedly assaulted, threatened and nearly raped. Then all charges against me were dropped, QPS and/or DPP withdrew, stole my car and then started coming after after me even harder.

Without transport, living in the middle of nowhere, far away from everything, Coles Online/delivery was my one and only lifeline. QPS and/or DPP manipulated Coles to suspend the accounts providing that access. What would you call it when someone dies as a product of having their life support unnecessarily suspended/interfered with?

It's a hell of a way to cover up malicious prosecution, and that's exactly what they were going for, but I don't ever see that bit on the news, the QPS and/or DPP harassment, provocation and pure depraved violation of life. If you knew about those bits, how much longer would those organisations exist? Because there is a list of things like that, that they have done to me.

[REDACTED] lawyers, seeking to sue for malicious prosecution (that's the advice that took 6 months). [REDACTED] just like Legal Aid, profit through crime. Not just by representing alleged offenders, but through committing crime themselves. They are both operating criminal enterprises, obtaining financial benefit by deception. They were supposed to defend me but they didn't/wouldn't, they assisted QPS and/or DPP at arms length, to the effect of hand in glove just like the Court did.

I was at court and if they didn't know, they could have easily found out. I was there, using my phone and left only after I was told by the court to do so. And that's not to mention the onus was supposed to be on the prosecution to prove that I wasn't there, which would have been impossible, they could only have proved that I was.

The five year matter was a textbook malicious prosecution yet Legal Aid and private practice protected them.

[REDACTED]
[REDACTED]
and they basically left me on read. I phoned around and the general consensus was, lawyers generally don't want to dob on their peers, but that they were happy to take my money, so I made a complaint to the Legal

12/04/2023, 09:44

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Services Commission myself [REDACTED]

I tried Legal Aid, private firms, the body that oversees the industry and I even wrote directly to the Magistrate who presided over one of the trials. The details in that letter are shocking. But even more shocking is that letter was about 12 pages, but I'd left out many more and that's without proper legal advice and absent any discovery.

QLD Police, Courts in Queensland, the legal industry in QLD, QLD Corrective Services. It's all a scam. I've tried everything I could to address it through the appropriate channels and in a professional manner, but I was only further robbed and violated.

Not only are they themselves not currently incarcerated for what they did to me, they're prosecuting, judging and incarcerating others. The very exact things that they have proved they lack the moral high ground to be doing!

I believe you are now the most appropriate office to receive this information, you are also the last.

Kind regards, Ashley King

Ps. Mobile reception where I live isn't great

<https://mail.proton.me/u/0/inbox/1162pOFFk8aY-F3iZMLzgIlyktChN4XvNLaPIW79EMgWPUE7jp0CLcX8hCP0dLf-i5OOYhRZyQog5WHrFuSAzA==>

3/3

This is the document referred to as annexure ACK3

12/04/2023, 09:40

Sent | decisionenquiry@proton.me | Proton Mail

Light at the end of the tunnel

From decisionenquiry <decisionenquiry@proton.me>
To attorney@ministerial.qld.gov.au
Date Thursday, March 9th, 2023 at 10:23

Dear Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence, the Honourable Shannon Fentiman MP,

In one situation, I'd just been transferred from 6 yard into 8, 9 or 10 (I don't exactly remember) and my celly didn't last til the first unlock. We were both white, first time in prison and this was a predominately black, heavy and full yard. There was a loose razor waiting for us in the cell along with the funeral details for what likely was a victim of that environment, at least that's the way we both saw it. My celly buzzed up and asked to go to protection. Instead they let him go back to 6, the reception yard, where he was more comfortable. But they didn't let me go back there, so I stayed.

Going back into my cell after an unlock, another prisoner hit me up to see if he could have the spare mattress. He said "I'll wait here at the door, you go get it and bring it out to me."
"Sure" I said.

The doors pop, I walk in and straight behind me this other guy comes in too, has a look around, rifles through my stuff, takes the mattress and walks out. Obviously he's not supposed to be in my cell, but what can I do about it? Anyway I follow him out and tell him it wasn't supposed to go down like that. He steps to me and tells me "what kind of shit you talking about now" rah rah rah.

I didn't want trouble with anyone, but you can't really let people walk over you like that in there either, so that's why I pulled him up on it. But at the same time, I totally let it go when he came at me like that.

He was testing me, crossing the line and looking for an in. Classic criminal mentality, tell me he's going to do one thing, do something else, then put it back on me regardless.

Although that is one isolated example, I spent 123 days around that kind of criminal mentality and that is how I know for a fact that Court in Qld, towards me, was criminal. I know for a fact that the QPS and/or DPP towards me, were criminal, I know that Legal Aid, [REDACTED] and the legal industry in general, towards me, were extremely and most definitely criminal.

I know this because the cards those criminals played against me, were the same cards the convicted criminals played against me in jail.

I am and have effectively been in detention and under house arrest for years now, since QPS and/or DPP destroyed me with their actions against me. I put it in my letter to the court in mid 2022

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12/04/2023, 09:40

Sent | decisionenquiry@proton.me | Proton Mail

(or maybe it was in the relief I sought from QPS/DPP through the court at around the same time) but I'm not sure if you've read that yet.

I've reached out, as far as I could to solve this situation for me. But I feel as hopeless out here as I did in there. It's beyond a calendar month now since the Premier's office forwarded my correspondence to you and I've received no indication with regard to when I should reasonably expect a response and/or what kind of response I could expect.

I don't see the light at the end of the tunnel. I'm not sure that there could even be any. And I'm dead serious about suicide being a weapon of the authorities and/or other powerful people/groups.

AFP (Australian Federal Police) used to use it on their own people and it was also product of Robo-debt, just to name a couple...

I've been taken advantage of by just about everyone else down the line, but I still I came into this giving you the benefit of the doubt, and I still do. But it's been a month, and that's common with every other slow dance I've ever had.

Am I a complete idiot to still be giving someone from Queensland Government the benefit of the doubt? Are you guys just all in there laughing at me?

Kind regards, Ashley King

https://mail.proton.me/u/0/sent/n1e4HQcT2IU6YLohelJe-k9cs159HoMB3jMah_YbxKL_-ev587Sp3KdJb0LltdzQalvpel1XwQKLqPsDEFeOTA==/Yxdez4K7sG... 2/2

This is the document referred to as annexure ACK4

08/05/2023, 13:04

Inbox | decisionenquiry@proton.me | Proton Mail

Your message to the Prime Minister

From Prime Minister of Australia via Prime Minister of Australia <noreply-web@pm.gov.au>
To decisionenquiry@proton.me
Date Tuesday, April 11th, 2023 at 13:58

Thank you for your message to the Prime Minister at pm.gov.au. For your records, a copy of your message is set out at the bottom of this email.

All items of correspondence are read and carefully considered, however not all items will receive a response. When responses are sent, these items will be sent via the same method in which they are received; via email or Australia Post

In some cases, where appropriate, your correspondence will be referred to other Federal Ministers or state/territory governments for their consideration. This will occur when the issue raised falls within their responsibilities.

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Submitted on Tuesday, 11 April, 2023 - 13:58

Title: Mr

First name: Ashley

Family name: King

Email address: decisionenquiry@proton.me

Phone: 0402 474 055

Your address: 38 Creevey Drive , Captain Creek, QLD, 4677, Australia

Subject: Too Corrupt and Evil to Hold Court and/or Govern the State

Comment:

Dear Honourable Anthony Albanese MP,

Around 16 December I raised a matter and your office referred it to the Premier of Queensland.

I queried the premier and got no response.

Around 24 January 2023 I re-raised it with your office who re-referred it to the Premier who referred it to the Attorney General, Minister for Justice, Shannon Fentimen MP on or around 8 February 2023.

9 March 2023, after hearing nothing, I chased it up with the Attorney General.

11 April 2023 I've still heard nothing from them. So as of around 16 December 2022, I consider Queensland Government to be the learned and underpinning offender of the matters that I initially raised, except now that Queensland Courts, the Minister and the Premier have all failed to respond, it's a new, all encompassing

<https://mail.proton.me/u/0/inbox/1162pOFFk8aY-F3iZMLxgIlkykrChN4XvNLaPIW79EMgWPUE7Jp0CLcX8hCP0dLf-iSOOYhRZyQog5WHrPuDzA==>

1/2

08/05/2023, 13:04

Inbox | decisionenquiry@proton.me | Proton Mail

issue.

Queensland Government is too corrupt and evil to hold court and/or govern the State.

If I was running the country, I would want to know.

Kind regards, Ashley King

This is the document referred to as annexure ACK5

08/05/2023, 13:13

Inbox | decisionenquiry@proton.me | Proton Mail

TF/23/5286 - Message for Mr King

From The Premier <The.Premier@premiers.qld.gov.au>
To decisionenquiry@proton.me, attorney@ministerial.qld.gov.au
Date Friday, April 14th, 2023 at 14:02

Dear Mr King

The Prime Minister, the Honourable Anthony Albanese MP, has referred your email of 11 April 2023 regarding a justice matter to the Premier for a response. I have been requested to reply to you on behalf of the Premier and Minister for the Olympic and Paralympic Games.

As the matter you have raised falls within the responsibility of the Honourable Shannon Fentiman MP, Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence, your email has been forwarded to her office for consideration and direct response to you on behalf of the Palaszczuk Government.

Thank you for taking the time to write on this matter.

Yours sincerely

Office of the Premier and Minister for the Olympic and Paralympic Games

This email is intended only for the addressee. Its use is limited to that intended by the author at the time and it is not to be distributed without the author's consent. Unless otherwise stated, the State of Queensland accepts no liability for the contents of this email except where subsequently confirmed in writing. The opinions expressed in this email are those of the author and do not necessarily represent the views of the State of Queensland. This email is confidential and may be subject to a claim of legal privilege. If you have received this email in error, please notify the author and delete this message immediately

95.92 KB 1 file attached

Ext-Corro-MC23-022567.pdf 95.92 KB

https://mail.proton.me/u/0/inbox/c1smo4oHGTedDStI92CxwywzWXdFB4x9_GjbIWUBLuWXElj-3fcQDlV2dEcCl0wuA1wvDORTk_v_qRzUC8JLXg==

1/1

11/04/2023 01:58:29 PM

Mr Ashley King
38 Creevey Drive
Captain Creek
QLD 4677
AU

decisionenquiry@proton.me

PM Correspondence - Too Corrupt and Evil to Hold Court and/or Govern the State

Dear Honourable Anthony Albanese MP,

Around 16 December I raised a matter and your office referred it to the Premier of Queensland.

I queried the premier and got no response.

Around 24 January 2023 I re-raised it with your office who re-referred it to the Premier who referred it to the Attorney General, Minister for Justice, Shannon Fentimen MP on or around 8 February 2023.

9 March 2023, after hearing nothing, I chased it up with the Attorney General.

11 April 2023 I've still heard nothing from them. So as of around 16 December 2022, I consider Queensland Government to be the learned and underpinning offender of the matters that I initially raised, except now that Queensland Courts, the Minister and the Premier have all failed to respond, it's a new, all encompassing issue.

Queensland Government is too corrupt and evil to hold court and/or govern the State.

If I was running the country, I would want to know.

Kind regards, Ashley King

This is the document referred to as annexure ACK6

Our reference: 230423 / 6663251
Your reference: 312834 / 5449020



Department of
Justice and Attorney-General

24 April 2023

Mr Ashley King
318 Creevey Drive
CAPTAIN CREEK QLD 4677
E: decisionenquiry@proton.me

Dear Mr King

I refer to your application under the *Information Privacy Act 2009* (IP Act) which was received by the Department of Justice and Attorney-General (DJAG) on 21 April 2023. I have interpreted the terms of your access application as follows:

Letters, emails and attachments sent to the Court - not lodged with a file number. All letters had Mr Ashley King's name and address - 318 Creevey Drive, Captain Creek Qld 4677.

King vs QPS and/or DPP - malicious prosecution - Supreme Court King vs QPS and/or DPP - Vehicle theft - District Court letter addressed to Magistrate J Millburn.

For the time period 1 March 2022 to 31 October 2022.

Please advise this office by **17 May 2023** if managing the application in this way is inconsistent with the intention of your request.

I am writing to advise you that as it currently stands your application is noncompliant with the relevant application requirements of section 43 of the IP Act. This means we cannot process your application as it currently stands. In order for us to process your application you will need to make it compliant by providing the following:

1. An **original certified copy** of **one** of the following documents as proof of your identity:

- Birth certificate;
- current driver's licence (both front and back);
- identifying page of current passport;
- current 18+ card;
- photographic student identification card from a recognised educational institution;
- birth extract;
- marriage certificate;
- naturalisation certificate or citizenship certificate;
- immigration papers or other documents issued by the Commonwealth Department of Immigration and Border Protection; or
- statutory declaration of an individual who has known you or your client for at least one year.

An **original certified copy** is considered **valid** if it is witnessed by:

- a lawyer or notary public;
- a commissioner for declarations; or
- a justice of the peace.

Privacy Notice

The Department of Justice and Attorney-General (DJAG) is authorised to collect personal information under the *Information Privacy Act 2009* (IP Act) and the *Right to Information Act 2009*. This information will be used to process your application and may be disclosed to various officers within the department or to consulted entities to obtain their views. The information may also be disclosed to other agencies where it is necessary to transfer the application. You will be advised if a transfer or consultation occurs. DJAG may use your contact details to obtain feedback to improve service delivery. Your personal information will not be disclosed to any third party without your consent, unless authorised or required by law and will be handled in accordance with the IP Act.

Right to Information and Privacy
State Law Building
50 Ann Street Brisbane QLD 4000
GPO Box 149 Brisbane QLD 4001
Telephone (07) 3738 9893
Email RTIAdministration@justice.qld.gov.au
Website: www.justice.qld.gov.au

Right to Information and Privacy accept electronic copies of documents (excluding those containing credit card details) by email at RTIAdministration@justice.qld.gov.au.

Additional Information

1. Some of the information you are seeking may also be held by the Queensland Police Service (QPS). Before submitting an application to QPS, it is recommended that you contact QPS to confirm its application validity requirements. To assist, I have provided the contact details for QPS Right to Information and Privacy below:

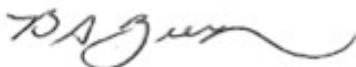
Right to Information and Privacy
Queensland Police Service
GPO Box 1440
BRISBANE QLD 4001
Telephone: (07) 3364 4666
Email: rti@police.qld.gov.au

2. Documents containing information relating to the judicial function of courts are excluded from the scope of the IP Act. If you would like access to these documents you must contact the registrar of the relevant courthouse/s. For Queensland Court contact details, visit: <https://www.courts.qld.gov.au/contacts>.
3. DJAG has identified that the documents you are seeking to access may also be held by the Director of Public Prosecutions (DPP). The Director of Public Prosecutions has delegated power to the Director-General, DJAG to deal with applications made under the IP Act for access to documents in DPP's possession or control.

You will need to reply by **17 May 2023** otherwise, under the legislation, your application will be deemed to be noncompliant.

For further enquiries please contact this office on telephone number (07) 3738 9893, or via email at RTIAdministration@justice.qld.gov.au, quoting reference number **230423**.

Yours sincerely



Belinda Zieth
Principal Executive Officer
Right to Information and Privacy

SUPREME COURT OF QUEENSLAND

REGISTRY: BUNDABERG
NUMBER: 12/2023

Plaintiff: **ASHLEY CAMERON KING**

AND

Defendant: **STATE OF QUEENSLAND**

APPLICATION

TAKE NOTICE that the Plaintiff is applying to the Court for the following orders:

1. That the Plaintiff's claim and statement of claim filed 24 May 2023 proceed as if the defendant had waived any irregularity pursuant to rule 371(2)(d) and/or (e) and/or (f) of the *Uniform Civil Procedure Rules 1999 (Qld)*; as
 - (a) the defendant failed to provide notice of intention to defend within 28 days of the claim being served pursuant to rule 137(1) of the *Uniform Civil Procedure Rules 1999 (Qld)*; and/or
 - (b) the defendant filed a notice of intention to defend after the time limited for doing so, the defendant is not, unless the court otherwise orders, entitled to further time for doing anything else pursuant to rule 138(2) of the *Uniform Civil Procedure Rules 1999 (Qld)*; and/or
 - (c) the defendant was out of time when they applied for an order under rule 16 within the 14 days—that application should be determined that the order is not made and the defendant's conditional notice of intention to defend become an unconditional notice of intention to defend pursuant to rule 144(5)(b) of the *Uniform Civil Procedure Rules 1999 (Qld)*; and/or
 - (d) the applicant is a self represented individual lacking any kind of legal expertise; and
 - i. the claim and statement of claim are genuine; and/or

APPLICATION

Filed on Behalf of the Plaintiff

Form 9, Version 1

Uniform Civil Procedure Rules 1999
Rule 31

Name: Ashley King

Address: 318 Creevey Drive, Captain Creek Qld 4677

Phone No: 0402 474 055

Fax No:

Email: decisionenquiry@proton.me

- ii. the claim and statement of claim were produced to the best of my ability to comply with *Uniform Civil Procedure Rules 1999 (Qld)*; and/or
 - iii. in the interests of justice.
 - (e) The grounds for protection orders against the State were laid when the defendant sought and received the same and/or similar against me.
2. The Plaintiff's statement of claim filed 24 May 2023 be granted leave to amend a new cause of action pursuant to rule 377 of the *Uniform Civil Procedure Rules 1999 (Qld)*
 3. the court, on application by the claimant authorises the claimant to proceed further with the claim despite the noncompliance pursuant to rule 18(1)(c)(ii) of Chapter 2, Part 1 of the *Personal Injuries Proceedings Act 2002* (Qld)
 4. Interlocutory order against the defendant:
 - (a) Do not come within 200m of my person or my residence.
 - (b) Do not stalk, intimidate, harass, surveil, neither electronically nor via 3rd party.
 5. The Defendant pay the costs of the Plaintiff's of the application.

This application will be heard by the Court at Bundaberg
on: at

Filed in the Bundaberg Registry on

Registrar: (*registrar to sign and seal*)

If you wish to oppose this application or to argue that any different order should be made, you must appear before the Court in person or by your lawyer and you shall be heard. If you do not appear at the hearing the orders sought may be made without further notice to you.

APPLICATION
Filed on Behalf of the Plaintiff

Form 9, Version 1
Uniform Civil Procedure Rules 1999
Rule 31

Name: Ashley King
Address: 318 Creevey Drive, Captain Creek Qld 4677

Phone No: 0402 474 055
Fax No:
Email: decisionenquiry@proton.me

On the hearing of the application the applicant intends to rely on the following affidavits:

1. Affidavit of ABC sworn (*date*);
2. Affidavit of DEF to be sworn (*or as the case may be*).

THE APPLICANT ESTIMATES THE HEARING SHOULD BE ALLOCATED (*Insert Estimate*) Hours/Minutes

Signed: (*party applying or solicitor*)

Description: (*of signatory eg. solicitor*)

Dated: (*insert date*)

This application is to be served on:

(*name of party*)

or

(*name and address of respondent if not already a party*)

(This form is to be used for any application in a proceeding, but not for an originating application.)

APPLICATION
Filed on Behalf of the Plaintiff

Form 9, Version 1
Uniform Civil Procedure Rules 1999
Rule 31

Name: Ashley King
Address: 318 Creevey Drive, Captain Creek Qld 4677

Phone No: 0402 474 055
Fax No:
Email: decisionenquiry@proton.me

Jaime McIver

From: Jaime McIver
Sent: Monday, 27 November 2023 9:24 AM
To: Decision Enquiry
Subject: RE: Procedure

Dear Mr King

CF1 and CF2 is a reference to the document number on the Court File (CF). It is simply so that the Judge knows what document my client is referring to in the application.

Kind Regards



Jaime McIver
Senior Lawyer | Commercial Dispute Resolution
Native Title, Resources and Dispute Resolution
Crown Law
P 07 3031 5919 E jaimemciver@crownlaw.qld.gov.au
A 50 Ann Street, Brisbane QLD 4000 W www.crownlaw.qld.gov.au

From: Decision Enquiry <decisionenquiry@proton.me>
Sent: Friday, 24 November 2023 11:36 AM
To: Jaime McIver <Jaime.McIver@crownlaw.qld.gov.au>
Subject: Procedure

Hi Jaime,

On your client's application, points 1 and 2 reference (CFI 1) and (CFI 2). Is that a different way of doing ("CFI 1") and ("CFI 2").

Will you please tell me what (CFI 1) and (CFI 2) is?

Kind regards, Ashley King

Jaime McIver

From: Jaime McIver
Sent: Thursday, 30 November 2023 3:49 PM
To: Decision Enquiry
Subject: RE: 444 and revised 27 November 2023 claim forms
Attachments: CL_DOCS-#15620262-v1-KING_-_Ltr_(by_email)_to_Ashley_Cameron_King-#15614159v11.pdf

Categories: In DM

Dear Mr King

Please see **attached** letter for your attention.

Kind Regards



Jaime McIver
Senior Lawyer | Commercial Dispute Resolution
Native Title, Resources and Dispute Resolution
Crown Law

P 07 3031 5919 **E** jaimemciver@crownlaw.qld.gov.au
A 50 Ann Street, Brisbane QLD 4000 **W** www.crownlaw.qld.gov.au

From: Decision Enquiry <decisionenquiry@proton.me>
Sent: Monday, 27 November 2023 9:18 AM
To: Jaime McIver <Jaime.McIver@crownlaw.qld.gov.au>
Subject: 444 and revised 27 November 2023 claim forms

Good morning Jaime,

Please see attached.

Kind regards, Ashley King

Your ref:
Our ref: LT5/POL048/5097/MCI
Contact: Jaime McIver
Direct ph: 07 3031 5919
Direct fax: 07 3031 5969
Email: jaime.mciver@crownlaw.qld.gov.au



Crown Law

30 November 2023

Department of
Justice and Attorney-General

Ashley Cameron King
Mr A C King
318 Creevey Drive
CAPTAIN CREEK QLD 4677

By email: decisionenquiry@proton.me

Dear Mr King

Ashley Cameron King v State of Queensland - Bundaberg Supreme Court 12/23

I refer to your letter dated 27 November 2023 purportedly written pursuant to rule 444 of the *Uniform Civil Procedure Rules 1999* (Qld) (**UCPR**).

To the extent that it is necessary, this letter is written pursuant to rule 445 of the UCPR.

Relief Sought by the Applicant

In his letter dated 27 November 2023, the applicant requires the defendant to consent to draft orders by 12pm 4 December 2023 which:

1. accept the amended cause of action, intimidation; and
2. waive any irregularity in the proceeding;
3. waive compliance with the requirement pursuant to rule 18(1)(b) of the *Personal Injuries Proceedings Act 2002* (Qld) (**PIPA**);
4. agree to:
 - a) not come within 200m of his person or his residence;
 - b) not stalk, intimidate, harass, surveil neither electronically nor 3rd party.

State Law Building
50 Ann Street Brisbane
GPO Box 5221 Brisbane
Queensland 4001 Australia
Telephone 07 3031 5600
Facsimile 07 3031 5998
ABN 13 846 673 994

In the event that the defendant does not provide consent for orders in the proposed terms, the applicant intends to apply to the Court for the following relief:

1. the plaintiff's claim and statement of claim filed 24 May 2023 proceed as if the defendant had waived any irregularity pursuant to rule 371(2)(d), (e) or (f) of the UCPR;
2. the plaintiff's statement of claim filed 24 May 2023 be granted leave to amend new cause of action based on the same set of facts pursuant to rule 377 of the UCPR;
3. the court, on application by the claimant authorises the claimant to proceed further with the claim despite the non-compliance pursuant to rule 18(1)(c)(ii) of PIPA;
4. interlocutory orders against the defendant:
 - a) not come within 200m of his person or his residence;
 - b) not stalk, intimidate, harass, surveil neither electronically nor 3rd party.
5. The defendant pay the costs of the application on a standard basis to be agreed or assessed.

Why the Applicant is Not Entitled to the Relief Sought

Waiver of compliance with UCPR and PIPA

The applicant's reliance on rule 138(2) of the UCPR is misconceived.

Rule 138 of the UCPR states:

"A defendant may file and serve a notice of intention to defend at any time before judgment, even if the defendant is in default of rule 137."

There is no rule 138(2) of the UCPR as purported by the applicant.

In any event, the Defendant filed its conditional notice of intention to defend on 20 July 2023. At the time of filing the conditional notice of intention to defend, there was no application for default judgment and judgment had not been made. The logistical challenges of the defendant's solicitor being based in Brisbane and the Registry being located in Bundaberg impacted the filing date. This did not occasion prejudice to the applicant.

Furthermore, pursuant to rule 144 of the UCPR, the defendant was required to file an application within 14 days after filing its conditional notice of intention to defend. The defendant's application was filed on 1 August 2023, being 12 days after filing its conditional notice of intention to defend.

In light of the above, the defendant does not accept that it waived compliance with the UCPR or PIPA. In fact, the defendant has written to the applicant on numerous occasions identifying the applicant's non-compliance with the UCPR and PIPA.

Although the defendant acknowledges the applicant is self-represented, the applicant has commenced proceedings in the Supreme Court of Queensland. He is required to comply with the UCPR and PIPA. The defendant has provided latitude to the applicant by referring the applicant with contact details for community legal centres and allowing the applicant approximately 4 months to obtain legal advice in respect of the claim and statement of claim. It is unclear whether the applicant has taken such steps.

New Cause of Action

The applicant seeks to add a new cause of action for intimidation.

Whilst intimidation may constitute a criminal offence, it is not a cause of action which would entitle the applicant to damages. Accordingly, the defendant would seek to strike out any such cause of action.

Injunction

Although there is nothing in the material provided by the applicant that would substantiate the applicant's claim that he is being harassed, stalked, intimidated and/or surveilled by the State of Queensland, it is the defendant's position that, based on the materials provided, the form of the injunction order proposed by the applicant is not capable of being made in these proceedings against the State of Queensland.

Costs of Application

The defendant will resist any application for costs made by the applicant. As a self-represented litigant, the applicant is not entitled to recover costs against the defendant as the applicant has not incurred any legal costs.

For the reasons identified in this letter, the applicant is not entitled to the relief sought in his letter and any application in those terms will be resisted.

I expressly reserve the defendant's rights to rely on this letter on the question of costs.

Yours sincerely



Jaime McIver
Senior Lawyer
for **Crown Solicitor**

Jaime McIver

From: Decision Enquiry <decisionenquiry@proton.me>
Sent: Monday, 4 December 2023 9:00 AM
To: Jaime McIver
Subject: RE: 444 and revised 27 November 2023 claim forms
Attachments: 138(2).pdf

Follow Up Flag: Flag for follow up
Flag Status: Completed

Categories: In DM

Good morning Jaime McIver,

I referenced rule 138(2) from a deprecated version of the UCPR 1999, I've included a copy of that rule as it appeared and I sincerely apologise to both you and your client for that misunderstanding. From now-on I'll be using the UCPR 1999 current as at 1 July 2023 version.

The crux of my position however remains much the same and it makes sense for us to resolve 18(1)(c)(ii) of the PIPA, interlocutory relief and leave for the amendment at the same time that we deal with your client's application.

I intend to proceed with an application including those matters.

Kind regards, Ashley King

On Thursday, November 30th, 2023 at 3:48 PM, Jaime McIver <Jaime.McIver@crownlaw.qld.gov.au> wrote:

Dear Mr King

Please see **attached** letter for your attention.

Kind Regards



Jaime McIver

Senior Lawyer | Commercial Dispute Resolution

Native Title, Resources and Dispute Resolution

Crown Law

P 07 3031 5919 **E** jaimemciver@crownlaw.qld.gov.au

A 50 Ann Street, Brisbane QLD 4000 **W** www.crownlaw.qld.gov.au

From: Decision Enquiry <decisionenquiry@proton.me>
Sent: Monday, 27 November 2023 9:18 AM
To: Jaime McIver <Jaime.McIver@crownlaw.qld.gov.au>
Subject: 444 and revised 27 November 2023 claim forms

Good morning Jaime,

Please see attached.

Kind regards, Ashley King

Please think about the environment before you print this message.

This email and any attachments may contain confidential, private or legally privileged information and may be protected by copyright. You may only use it if you are the person(s) it was intended to be sent to and if you use it in an authorised way. No one is allowed to use, review, alter, transmit, disclose, distribute, print or copy this email without appropriate authority.

If you are not the intended addressee and this message has been sent to you by mistake, please notify the sender immediately, destroy any hard copies of the email and delete it from your computer system network. Any legal privilege or confidentiality is not waived or destroyed by the mistake.

It is your responsibility to ensure that this email does not contain and is not affected by computer viruses, defects or interferences by third parties or replication problems.

(2) In this rule—

“notice of intention to defend” includes a conditional notice of intention to defend.

Defendant may act by solicitor or in person

136.(1) A defendant may defend a proceeding by a solicitor, in person or, in a minor debt claim, by an agent whose authority, in the approved form, is filed with the notice of intention to defend.

(2) However, if a defendant is a person under a legal incapacity, the defendant may defend the proceeding only by the person’s litigation guardian who may act only by a solicitor.³⁵

(3) In this rule—

“defend” includes file a notice of intention to defend.

Time for notice of intention to defend

137.(1) In a proceeding started by a claim, a notice of intention to defend must be filed within 28 days after the day the claim is served.

(2) However, if the *Service and Execution of Process Act 1992* (Cwlth) applies, a notice of intention to defend must be filed within the time limited by that Act.

Late filing of notice of intention to defend

138.(1) A defendant may file and serve a notice of intention to defend at any time before judgment, even if the defendant is in default of rule 137.³⁶

(2) If a defendant files a notice of intention to defend after the time limited for doing so, the defendant is not, unless the court otherwise orders, entitled to further time for doing anything else.

³⁵ See rule 93 (Litigation guardian of person under a legal incapacity).

³⁶ However, see chapter 9 (Ending proceedings early), part 1 (Default), division 2 (Proceedings started by claim) for the possible consequences of not filing within the time limited for filing.

Jaime McIver

From: Decision Enquiry <decisionenquiry@proton.me>
Sent: Tuesday, 5 December 2023 10:14 AM
To: Jaime McIver
Subject: Hearing 11 December 2023

Categories: In DM

Good morning Jaime McIver,

Are you aware the hearing that was set down for 11 December 2023, per your application isn't going ahead on that date?

The registry is telling me there's no justice here for that date.

If I didn't find out about this for myself, when and how was I supposed to be notified?

Kind regards, Ashley King

Jaime McIver

From: Jaime McIver
Sent: Tuesday, 5 December 2023 3:00 PM
To: Decision Enquiry
Subject: RE: Hearing 11 December 2023

Categories: In DM

Dear Mr King

Thank you for your email below.

I have been informed by the Registry today that the hearing date has been changed to **14 December 2023 not before 11am.**

Kind Regards



Jaime McIver

Senior Lawyer | Commercial Dispute Resolution
Native Title, Resources and Dispute Resolution
Crown Law

P 07 3031 5919 E jaimie.mciver@crownlaw.qld.gov.au
A 50 Ann Street, Brisbane QLD 4000 W www.crownlaw.qld.gov.au

From: Decision Enquiry <decisionenquiry@proton.me>

Sent: Tuesday, 5 December 2023 10:14 AM

To: Jaime McIver <Jaime.McIver@crownlaw.qld.gov.au>

Subject: Hearing 11 December 2023

Good morning Jaime McIver,

Are you aware the hearing that was set down for 11 December 2023, per your application isn't going ahead on that date?

The registry is telling me there's no justice here for that date.

If I didn't find out about this for myself, when and how was I supposed to be notified?

Kind regards, Ashley King

Jaime McIver

From: Decision Enquiry <decisionenquiry@proton.me>
Sent: Tuesday, 5 December 2023 3:11 PM
To: Jaime McIver
Subject: Ashley Cameron King v State of Queensland 12/23
Attachments: 20231205 sealed application affidavit certificate index exhibits.pdf

Categories: In DM

Dear Jaime McIver,

Ashley Cameron King v State of Queensland - Bundaberg Supreme Court 12/23

I refer to my letter dated 27 November 2023 and email dated 04 December 2023.

Please find **attached**, by way of service, my application which has been listed for a hearing at by the Court at Bundaberg on 14 December 2023 at 11:00am and supporting affidavit.

Kind regards, Ashley King

Jaime McIver

From: Jaime McIver
Sent: Tuesday, 12 December 2023 12:30 PM
To: Decision Enquiry
Subject: King v State of Qld
Attachments: sc-pd-12-of-2022.pdf

Dear Mr King

I refer to the hearing of our respective applications on Thursday 14 December 2023.

Please find **attached** Practice Direction No 12 of 2022 which provides some information regarding applications heard in the Supreme Court.

In particular, the usual practice is for the parties to provide the Court with an outline of argument by 4pm on the day before the hearing of the application.

Accordingly, the purpose of my email is to inform you that my client will provide its outline of argument by 4pm tomorrow, 13 December 2023. It is a matter for you as to whether you wish to also provide the Court with your outline of argument.

Kind Regards



Jaime McIver

Senior Lawyer | Commercial Dispute Resolution
Native Title, Resources and Dispute Resolution
Crown Law

P 07 3031 5919 E jaimemciver@crownlaw.qld.gov.au
A 50 Ann Street, Brisbane QLD 4000 W www.crownlaw.qld.gov.au

PRACTICE DIRECTION NUMBER 12 OF 2022
SUPREME COURT OF QUEENSLAND

APPLICATIONS

This Practice Direction applies to all applications made in the Trial Division of the Court, including bail applications.

Filing of Material on Applications

1. Material to be read on an application is to be filed with it, or at least two business days before the return date of the application.
2. Late material which cannot be filed within the above time-frame should not be filed in the Registry but be brought to Court and filed by leave.
3. A copy of material for which leave to file will be sought, should be given to the other parties to the application as early as is practicable.
4. When applications are received for filing by post (rule 969 UCPR), the Registrar will assign a return date a minimum of two weeks in the future to allow the applicant time to serve the application on the other parties. The Registrar will enter the return date in the applications list and mark it on the sealed copies for return to the applicant by post.

Time Estimates for Applications

5. Time estimates given by Practitioners to the Registry when applications are filed must be made responsibly and allow time for the Judge to read the material during the hearing, hear submissions from all parties to the application, and (if likely) deliver *ex tempore* reasons. If a barrister is retained at the time the application is filed, the estimate is to be that of the barrister.

Agreement as to Orders Before Return Date

6. If all the parties to an application agree upon orders to be made on the application before the return date, they may send a draft order to the associate to the senior Judge sitting in applications by email seeking that the Judge make the order on the papers. The email must expressly state that all parties to the application have been copied into the email. The email may contain explanatory material about the application and the reasons for the order sought.
7. The draft order must:
 - (a) state that it is a consent order

Example – “BY CONSENT IT IS ORDERED THAT - ”

- (b) display all parties to the Proceeding in the court heading (ie., not display an abbreviated court heading)
 - (c) either -
 - (i) be signed by a Lawyer acting for each party to the Proceeding over a signature panel showing that Lawyer’s name, firm, and the party for whom that lawyer acts, or
 - (ii) be signed by a Lawyer acting for every party to the Proceeding affected by the proposed order over such a panel, and contain a certification by each such Lawyer as to which parties to the Proceeding are affected by the proposed order.
8. Any email enclosing a draft consent order is to be sent to the Associate to the senior Judge sitting in Applications before 4 pm on the day before the return date.
 9. Practitioners should expect that only straightforward applications will be disposed of by orders made on the papers and should be prepared to attend Court in the event that the senior Judge sitting in applications is not prepared to make orders without an appearance.
 10. If the senior Judge sitting in Applications does make an order before the return date:
 - (a) the Judge will initial the draft order and the file will be endorsed, “order as per initialled draft”;
 - (b) the email and any attachments to it will be marked as an exhibit on the application and placed on the file.
 11. This procedure is separate from, and additional to, the procedure allowed by rule 666, and form 59A of the UCPR (Consent orders made by registrar), and the procedure allowed by rule 489(1) of the UCPR (Proposal for decisions without oral hearing).

Callover

12. The Judge conducting the callover will ask for adjournments and consents at the beginning of the callover. Practitioners who have agreed a draft order should mention it at this point. If making the order involves no exercise of discretion, the draft may be handed up at that point. If an exercise of discretion is involved, the matter will be dealt with as a short matter after the callover.

Example – “For the applicant/plaintiff. This is an application for particulars. The parties have agreed a draft which I hand up.”

Example – “For the applicant/plaintiff. This is an application for an injunction. The parties have agreed on undertakings, subject to Your Honour being satisfied. Ten minutes.”

13. After consents and adjournments have been dealt with, the Judge will call each of the remaining applications on the list. When the Judge calls the name of the Proceeding, practitioners must state the party for whom they act; the type of application, and the time the application is expected to take to hear.

Example – “For the applicant/plaintiff. This is a summary judgment application. One hour.”

14. Time estimates given at the callover are to be responsibly made, see 5 above.

Appearance

15. Employees of a solicitors firm, who are not admitted as Lawyers, must seek leave to appear.
16. Practitioners must complete an appearance slip and hand it to the bailiff as, or immediately before, appearances are announced.

Outlines of Argument

17. Practitioners must provide two paper copies of a written outline of argument on all applications. One copy of each outline is to be filed, either before the application or by leave, see paragraphs 1 and 2 above. The other copy is a working copy for the Judge hearing the application.
18. Outlines of Argument must be exchanged as early as practicable prior to the hearing.
19. Outlines of Argument must:
 - (a) list the material the party reads on the application and the Court Document number of each filed document;
 - (b) list the material the party seeks leave to read and file on the application, and the date of each document;
 - (c) summarise the party’s argument;
 - (d) identify relevant cases and legislation;
 - (e) usually not exceed six pages.
20. In a complex matter, practitioners should email their outlines of argument to the associate to the senior Judge sitting in Applications the day before the return date of an application. The email should be copied to all other parties to the application. This is not a process of exchange: each party is to act independently.

21. This early provision of outlines by email does not relieve practitioners of the obligation at paragraph 17 above.
22. Practitioners must provide copies of relevant cases and legislation for the Judge. In appropriate cases practitioners should consider whether working copies of some affidavits or other documents should be provided to assist the Judge hearing the matter.

Example – In a strike out application it might be helpful to provide a copy of the impugned pleading.

Draft Orders

23. Practitioners who seek orders from the Court should bring a draft order to the hearing of the application.

Repeal of Former Practice Directions

24. Practice Directions 14/1999, 24/1999, 2/2001, 7/2001, 6/2004 and 3/2008 are repealed.



Helen Bowskill
Chief Justice
21 June 2022