

CRIMINAL SCANDAL IN BRISBANE

Involving **Queensland Police, Brisbane City Council** and the **Brisbane Diocese of the Anglican Church** of Australia.

What are the ramifications of Queensland Police assisting malicious officers of a Queensland Government Authority to **CRIMINALLY INVAD**E the HOME of a **DISABLED** man. Despite the legislation **MANDATING** a COURT ORDER, AND **GIVING THE DISABLED MAN A RIGHT TO BE HEARD**, the Queensland Government Authority had none, and the Police were happy to assist the criminal invasion. As well, the senior police officer perpetrating the crime, the then [he has since been promoted] Snr Constable Henri Elias Rantala, proceeded to arrest the disabled man and harass him with five pointless charges, **ALL OF WHICH FAILED**. What recourse should the Queensland Judiciary provide when the State illegally breaks and enter the property of a Brisbane Resident for which the resident had exclusive possession, illegally break and enter the residence of the



Illustration 1: The then Snr-Const Henri Elias Rantala: CORRUPT or a DUMMY?

Resident and steal his property by ransacking his home and yard over a three day period, **ALL** with the assistance of the **QUEENSLAND POLICE**.?

Did the Police commit an offence? Prior to amendments to the *Crimes Act 1914* (Cth) and the Queensland legislation updating Police Powers into far fewer statutes, in particular

Police Powers and Responsibilities Act 2000 [with similar amendments in other states], all in the wake of the High Court Decision in [PLENTY v. DILLON \(1991\) 171 CLR 635](#) at [http://www.austlii.edu.au/cgi-](http://www.austlii.edu.au/cgi-bin/disp.pl/au/cases/cth/HCA/1991/5.html?query=Plenty%20v%20dillon)

[bin/disp.pl/au/cases/cth/HCA/1991/5.html?query=Plenty%20v%20dillon](http://www.austlii.edu.au/cgi-bin/disp.pl/au/cases/cth/HCA/1991/5.html?query=Plenty%20v%20dillon), police had restricted powers of Common Law Right of entry. As detailed later herein, it is submitted that in this case, despite the new more generous powers given to police, the police had no right of entry, and criminal charges should be preferred against all involved..



Officers of the Brisbane City Council [BCC], approached the police and told them that the BCC officers wanted the assistance of the police to enter the premises of the resident with exclusive possession. On Friday, 26 November, 2004 on BCC officer advised Constable Monica Antony that they may require the police assistance to invade the citizen's property, the following Monday. She was either CORRUPT or a DUMMY not to require evidence of their authority. That is the basis of EXCLUSIVE POSSESSION, a tenet of real property law in our jurisdiction.

The following Monday, the BCC criminals called the police to assist them enter the premises. The then Snr Const Henri Elias Rantala attended with Antony. He apparently did not ask for evidence of any authority the BCC may have had to permit that.

Illustration 2: Constable Monica Antony: Big Assistance to BCC criminality.



Illustration 3: Three BCC criminals who conspired with QPS to invade the home of disabled and wreck it and steal whatever they could.

The BCC had no authority to enter, so showed the police no authority. They illegally entered the premises on Monday, 29 November, 2004.

It is relevant to establish the factual situation to put the legalities in perspective. The resident was disabled but in complete control of his faculties. To many no doubt, the resident does look a “derro”. He was resident as the beneficiary of a trust, with the trust property being the residence. The trustee had been secretly attempting to steal the trust property and gain the benefit for himself, by selling it to the owners of the adjoining property, the Brisbane Diocese of the Anglican Church of Australia [BDAC]. The trustee is a lay preacher in the BDAC and has his wife read passages from the bible in Anglican Church services.



Illustration 4: Rev. Canon Prof. Dr John Morgan attempting to hide behind toilet rolls to avoid being photographed.

That adjoining property is under the control of a Rev. Canon Prof. Dr John Morgan, [Morgan], the Warden of St Johns College [SJC] a Residential College on the St Lucia Campus [SLC] of The University of Queensland [UQ], for the BDAC. SJC is an unincorporated partnership between UQ and BDAC. That house is used as a FRAUD on students, by SJC, with both partners, UQ and BDAC being fully responsible, and liable.

It is an asbestos rabbit warren hovel. It is a three bedroom house used to accommodate students who had applied for and been accepted to reside, **on the campus of UQ**, at SJC a residential college of UQ, and paying the accommodation fee as if they were. Their most unsavory and unsatisfactory living arrangements are forced upon them by Morgan. One student is living and trying to study in the carport, another living and trying to study in the lounge room and yet another living and trying to study in the dining room with one in each of the three bedrooms. It is an understatement to say the six “residents” are less that ecstatic. They are enraged and targeting all their neighbours, especially their disabled neighbour. Morgan is using this to increase the attacks upon him by BCC and the trustee. That is the cause of much more aggravation of, and abuse towards, the disabled beneficiary resident in the adjoining

house.

See the February Issue of ACLJ Issue: 200702 for a full report of this criminal fraud.

From: Garth Donnelly
To: Bell, David; Field, Don; Pappalardo, Ross; Vivian, Gaylene
Date: Tue, Jul 31, 2001 2:10 pm
Subject: Fwd: RE Fence at [redacted]

I dont believe this it not even April Fools Day I had many sleepless nights and endless emails whilst we were building the fence remember he wanted the fence painted orange the first day i meet him looks 55+long /long greying hair with the tshirt from 1954 and had not been washed to that date I wonder if any one will answer
 Garth

Urban / p

Illustration 5: Brisbane City Council policy of ridiculing disabled residents of Brisbane.

The following copy of a BCC document shows the description of the disabled resident by BCC employee Garth Steven Donnelly in an email sent to other BCC staff. [Donnelly became a great friend of the Trustee. This description occurred after Donnelly and the Trustee had had many discussions about the disabled beneficiary, to whom the trustee owed a Fiduciary Duty, and arguably so did Donnelly and the BCC, once they knew he was disabled.]

The trustee had been **secretly** encouraging the BCC to act in all ways possible against the disabled resident. Many documents in which the BCC and the trustee ridiculed and disparaged the disabled beneficiary, have come into the possession of the Publisher.

From: @bigpond.net.au>
To: "Lynda Tanner" <TLLW@brisbane.qld.gov.au>
Date: 13/09/2004 11:13 AM
Subject: re

Hi Lynda
 Re and my problem, I have been advised that he as tenant has exclusive use of the premises and I would be seen to breaking laws if I gave you permission to enter the property. I am hoping my apparent inactivity in this is not inhibitory to you. I am not sitting on my hands and I am attempting to act in other ways to break this impasse. I have had veiled legal threats and innuendoes and I must take some action so I will contact you when I get a little closer to a solution. I hope that you will be able to continue acting to enforce your laws - actions which you may find it of interest to know the person in question deems to be "illegal"
 Together we might be able to arrive at (hopefully) a simple and peaceful solution. He in on some form of disability pension. I certainly wish him to have a peaceful existence in an environment where he is content, but I have allowed his problems to impinge upon my family for too long.
 Could you please keep me informed as to where the council is at and I would ask you to keep tthe contents of this e-mail confidential between your office and myself.
 Regards

Illustration 6: Trustee's secret dealing, ridicule [person in question] and advice of disability status to BCC.

Other BCC documents show clearly that far more of the communication between the trustee and BCC was by 'phone, so the level of ridicule therein can only be presumed. The trustee portrayed himself as the "landlord" and that the beneficiary was the "tenant". The trustee's purpose was to eject the disabled beneficiary resident, so the trustee did not have the beneficiary with whom to deal, when he sold off the property. The BDAC were interested in only the land, and had been for many years; at least 11 years.. The **trustee had been deliberately avoiding all maintenance** of any nature on the building for many years, with the **intention that the house would become derelict**. He is on record of 'phoning the BCC [his corrupt mate Garth Steven Donnelly] on 25 November,

2004 and asking that the BCC order the demolition of the building as being derelict. The **trustee had joined Rotary about 30 years ago to portray a public profile for himself as a caring and generous person.** He was a pharmacist in his own business.

As part of their scheme agreed between the trustee and BCC, to cheat the beneficiary, the BCC had previously advised the resident, by letter dated 13 September, 2004, of which an excerpt appears below, that they wished to gain entry, under sec 160 of the Health Act 1937. They alleged they believed there were problems with the yard of the premises apropos the Health Act. In fact, the BCC wished to bring an ongoing fraud [one continuous fraud for almost five years] against the resident, on the encouragement of the trustee, to final fruition and so conceal their previous criminal acts. The trustee had been encouraging the BCC to target his disabled beneficiary [and to whom he owed “two” or “doubly” Fiduciary Duties – one as the trustee for the resident as beneficiary and one since the resident was and is disabled], since about March, 2000, and the BCC had readily complied..

Health Act 1937: Section 160 Entry

(1) The chief executive, the chief health officer, the local government and an officer of the department or local government may enter from time to time into and upon any house or premises for the purpose of examining as to the existence of any nuisance thereon or whether **any of the provisions of this Act** are being contravened, or of executing any work or making any inspection authorised to be executed or made under the provisions of this Act or any order, or local law, or making any inquiry under the provisions of this Act, or generally for the purpose of enforcing the provisions of this Act or any order, or local law, at any time between the hours of 9a.m. and 6p.m. of any day, or in the case of a business then at any hour when such business is in progress or is usually carried on.

(2) If such admission to any house or premises is refused, any justice, on complaint thereof by any such officer (**made after reasonable notice in writing of the intention to make it has been given to the occupier**), may, by order under the justice’s hand, require the occupier to admit such officer into the house or premises; and if no occupier can be found the justice may, on proof of that fact, by order under the justice’s hand authorise any such officer to enter such house or premises.

(3)

(4)

(5)

In accord with the provisions of Sec 160(2), the BCC advised the resident, as shown in that part of the scanned document below, that they would apply **to the Magistrates Court for an Order to enter the premises.** [There was no guarantee that they would receive such Order. In fact, it is alleged that their previous criminal actions would have been exposed in a court hearing. Hence, they did not want a court hearing.]

Accordingly, I am instructed to give you notice pursuant to Section 160 of the *Health Act 1937* that Council officers wish to enter the Premises on **Wednesday 15 September 2004 at 9 am.**

Would you please contact Mr Rodney Bowden, Senior Development Officer Environmental Health on telephone 3407 0147 by 5 pm, Tuesday 14 September 2004 or sign the attached consent form to advise whether permission to enter the Premises is granted.

Should I not hear from you on or before this date, I shall conclude that permission has been refused and it will then be necessary to make application to the Magistrates Court for an Order to enter the Premises. The costs of any such application will be sought from you.

Illustration 7: BCC letter prior to the CRIMINAL INVASION of his home showing BCC cognizant of Section 160 of the Health Act 1937.

Of course, the letter of *Illustration 7*: was prior to the Corrupt solicitor for BCC hatching her criminal scheme.

The crucial part of Sec 160 is ss 2. That incorporates in the statute, the **Common Law Natural Justice** right of extending the **Right to be Heard** to any person to whom the Authority or Entity owes **Natural Justice** [NJ] [aka **Due Process** or **Procedural Fairness**] when that authority or entity is **proposing to make a decision which would adversely affect or cause detriment to that person.**

That Common Law right applies in all Common Law jurisdictions. This includes all of Australia and its territories. It would apply In Queensland, even if it was not mentioned in the statute. The comparative health legislation in all other Australian jurisdictions would probably include such a right specifically, but, even if it was not articulated, the Right to be heard would apply unless it was overruled by specific words in the legislation. However, such would not be envisaged.

**WHAT RUSE WAS DEvised to OBVIATE AN OPEN COURT HEARING:
so as to appear to facilitate the QUEENSLAND GOVERNMENT, by its QUEENSLAND
POLICE FORCE, and QUEENSLAND GOVERNMENT
AUTHORITY INVADING A CITIZEN'S HOME,
RANDSACKING HIS HOME and STEALING HIS PROPERTY, so it
can appear to give a PLAUSIBLE EXCUSE for its CRIMINAL CONDUCT?**

Health Regulation 1996 made under the provisions of the *Health Act 1937*

To understand the criminal ruse used by the Queensland Government Executive, one needs to consider the relative positions and importance of **Regulations** made in respect of an Act of Parliament aka Statute, **compared to actual provisions of that Statute.** This is assisted by considering the way both arise. Provisions in a statute, are incorporated in a Bill of Parliament which is considered by the elected representative with power to legislate, and provided it is agreed

by the majority of the elected representatives, it eventually becomes statute law. Regulations, on the other hand are called subsidiary legislation. They do not proceed through the same intense procedure as does Statute law. They are devised by the Executive, mere unelected public servants, are not subjected to rigorous or any scrutiny, and merely passed “into law”. The purpose of regulation is to assist in the implementation of the Statute. Their purpose is of no greater significance. They are not substantive law.

The conventional wisdom is that it does not matter that Regulations are not subjected to scrutiny by the legislature, as if a regulation is ever called into question, a court will give it no effect if it contradicts any Common Law right, or provision of any statute.

Well, there is in existence this regulation 200:

200 Default of owner or occupier

- (1) If the owner or occupier of any place to whom a notice has been given under section 209 neglects to comply with such notice, or fails to comply within the time specified, the chief executive or the local government, whether or not that person has been proceeded against for an offence against this part and without prejudice to the commencement of such proceedings, may enter the place to which the notice relates and do or cause to be done all acts and things and perform or cause to be performed all work necessary to comply with the requirements of the notice.
- (2) Any expenses incurred under subsection (1) must be paid to the chief executive or, as the case may be, to the local government by the owner or occupier concerned within the time specified (being not less than 30 days) after the giving to that person of a notice in writing specifying the amount of such expenses incurred and giving reasonable particulars thereof.

It makes reference to Regulation 209 [Section 209 of the Health Regulation (singular)]:

209 Inspector may serve notice to comply

- (1) If an inspector believes, on reasonable grounds, that a person is committing an offence against this regulation, the inspector may give the person a written notice (*notice to comply*) under this section.
- (2) A notice to comply must state—
- (a) the act or omission comprising the alleged offence; and (b) the action the person must take to rectify the alleged offence; and
 - (c) the day or time by which the person must take the action (the *due date*).
- (3) The time between when the notice to comply is given to the person and the due date must be reasonable, having regard to the action the person must take.
- (4) A person who receives a notice to comply may not be prosecuted for the alleged offence unless the person does not comply with the notice by the due date.
- (5) A person may be prosecuted for an offence against this regulation even though the person has not received a notice to comply.

One can readily see there appears to be a contradiction between 'regulation' 200(1) and Section 160(2) as above. To the extent that Reg. 200 appears to contradict the substantive law of Sec.160(2), Reg. 200 is *ultra vires*, as beyond the power of a Regulation to introduce substantive law.

Apart from the above scan of the BCC letter, showing the BCC knew they needed a Court Order, this author has seen much other documentation showing they knew they needed a court order. An **incompetent and corrupt solicitor for BCC** knew she did not want to go to court, as all their corruption over the previous five years was likely to be aired in court. As seems to be the case with

lawyers and judges, she wanted an air of apparent legality about it, so she could claim plausibility.

Additionally, she had to be able to tell the BCC officers 'down the line' how they could enter without a court order. BCC staff are on record as asking about the court order as they were preparing their fabricated documentation to put before a Magistrates Court.

The corrupt yet incompetent BCC solicitor, was aware of Reg.200. She was aware of Sec. 160. She wanted to distance herself from the corruption. In accord with the legal paradigm, she needed to be able to refer to an interpretation of Reg. 200. Of course, there was no Court judgment, as precedent, on which she could rely. The next avenue for a 'precedent' would be the regulation's interpretation in a 'learned article'. Of course, no one would want to go on record with such utter garbage. Her next port of call was a possible 'legal opinion' from a barrister. With that she 'hit the phones' calling barristers to see if she could have them tell her, in a written opinion, what she wanted.

The author is unaware of the number of barristers she had to phone to be satisfied, but, since she was not targeting QCs or Senior counsel, but the bottom of the barrel, [more likely to achieve her success], it is suspected, not many.

She had to be satisfied with not receiving an unequivocally clear false interpretation of Reg.200. She had to be satisfied with this **barrister's merely citing Reg. 200, with ambiguous comment that she could attempt to 'mis-interpret'**. Such, is what occurred and what she did. **She believed it would be kept "secret" by Legal Professional Privilege** [see later]. She did not prepare a brief to the "barrister", too much work and she just needed a "hat stand". She just sent him her file, according to his "opinion" as much as has been released. Consideration of his opinion, shows it does not provide a cogent line of "argument". It quotes Reg.200 but does not discuss any relevant substantive law. Clearly, *he sold his soul for a silver scheckle*.

The BCC corruption scheme was then set. The BCC sent a notice purporting to be a Sec 209 notice dated 1 November, 2004 to the disabled resident. Having seen the "notice", the author can state that the "notice" was void for uncertainty. It was phrased in only general terms and mentioned every possibly description of anything and everything that could possibly be on that property or any other property, including all buildings, even the house. No person would be able to make sense of the Notice and apply it to the circumstances. It was enough for them to say that they had complied with the "regulation" in that they would claim, and did so claim, that it was a Reg. 209 Notice.

The disabled resident had attempted to put all his materials in order in his yard. He had previously over a four year period, done much LANDCARE work on his yard, to prepare for a likely drought which has eventuated. The BDAC was not interested in those LANDCARE improvements, and so the trustee wanted BCC to remove it all, and in the process assist to have the beneficiary removed from the property.

On 25 November, 2004 that corrupt solicitor implemented the next step of her corrupt scheme to perpetrate the crime against the disabled beneficiary in accord with the trustee's wishes, and wrote the following, and included a copy of Regs. 200 and 209:

Re: NOTICE “HEALTH REGULATION 1996” Part 17, VERMIN CONTROL”

I refer to the above Notice issued to you in pursuance of Regulation 209 on the 1st day of November 2004. I advise that the condition of the materials including bread stored on your property is in breach of the Health Regulations 184 and 187 as outlined in that notice

As you have failed to comply with the Notice on or before the 15th day of November 2004, Council is authorised to enter your property under Regulation 200 and perform work as notified to you in the Notice dated 1st day of November 2004. It is Council’s intention to enter your property and perform the work on Monday 29th November 2004 between the hours of 8am and 6pm without further notice to you. Council has obtained legal advice that confirms that your consent to that entry is not required and Council is authorised to do all acts necessary to obtain entry and perform the work.

Illustration 8: The next step in the Brisbane City Council CORRUPT INVASION AND THEFT.

Her mention of “legal advice” waived Legal Professional Privilege.

Legal professional privilege [lpp] aka client privilege

Legal professional privilege [lpp] protects confidential communications between a lawyer and his or her client made for the dominant purpose of -

- * seeking or giving legal advice or professional legal assistance; or
- * use, or obtaining material for use, in legal proceedings that had commenced, or were reasonably anticipated, at the time of the relevant communication.

Lpp is the right of the client and it can be waived only by the client, intentionally or unintentionally.

Legal professional privilege also protects confidential communications between the client or the client’s lawyers (including communications through employees or agents) and third parties, made for the dominant purpose of use, or obtaining material for use, in legal proceedings that had commenced, or were reasonably anticipated, at the time of the relevant communication.

Of course, the BCC refused to release the “legal opinion” under FOI and refused again on Internal Review, both time relying upon Legal Professional Privilege [lpp]. The applicant applied to the [Office of the] Information Commissioner [OIC] for an “External Review” of that decision. The disabled resident, [possibly with the assistance of the Publisher], rather than the publisher, made the FOI applications as these documents are the “personal affairs” of the residents and so an FOI application fee does not apply. As well, it could be alleged that some of the documents were not available to the publisher as the documents related to the “personal affairs” of the resident, a different person.

Consider the contents of the letter of the CORRUPT BCC SOLICITOR, as per Illustration 8: While the resident had been composting bread in his compost heap previously, he had not added any bread to his yard for two whole months and all bread from that time had long before the 25 or 29 November, 2004, completely decayed/composted. The BCC took well over 300 photo of their wasting ratepayers' funds to gut the yard of the resident. They had an EXCAVATOR in to dig and remove all the rich topsoil the resident had been building in his yard for over four years. He advises that he had been doing this, and building retaining walls [which BCC demolished, because the trustee and BDAC did not want them], so as to be able to grow some of his own fruit and vegetables, especially in the most water efficient manner. The BCC photos clearly show that the

material of the retaining wall demolished was carefully stacked in the yard, and then carefully stacked and secured on a light truck tray, and taken away. He has shown the author, the record, provided by BCC, of his water usage, over many years on this property, and it clearly shows that water has in fact, been very carefully conserved.

The **corrupt BCC solicitor lied** when she said that they had legal advice which “confirms that your consent to entry is not required and Council is authorised to do all acts necessary to obtain entry and perform the work”. She was also clearly implying that a Court Order was not required. The barrister was a party to fraud, although he did not make the lie that she wanted. He knew the improper use she intended to make of it; to misinterpret an ambiguous statement, and yet he still did provide it to her for reward. The author has seen the legal opinion because the corrupt BCC solicitor's statement “waived” lpp, and so it has been released. **Clearly, she did not expect to be shown to be a LIAR.**

All of those photos of the gutting and stealing by BCC, show that there was no bread anywhere in the yard. In fact, the BCC were video-taping while the excavator was digging deeply into the yard, just as it dug up the Telstra 'phone cable. Records of load weight removed shows that BCC removed about 30 tonne of soil from the yard. The trustee and Garth Steven Donnelly of BCC were preparing to have the building demolished. In fact, Donnelly, in BCC time and from his BCC office and using his BCC office address applied for a DEMOLITION PERMIT, which application he had the trustee sign, as the legal title holder, but as trustee for the resident, which the trustee is trying to deny.

The BCC had a procession of small trucks/utes arrive to carry off various of the items in the property. **Photos show they were all neatly stacked on the trays of the trucks, and a long way from being full loads as the load was tied off. Clearly, it was not being dumped. BCC has still not provided the resident with detail of the destination of any of the stolen property.**

The corrupt theft and gutting of the yard could not have occurred without the willing compliance of the Queensland Police. It is unlikely that the corrupt BCC solicitor would have initiated this scheme, unless she was certain that the Police would assist in the criminal pursuit. That suggest that it is well known that the Queensland Police Service [QPS] is in fact still corrupt.

The theft has been reported to police, but they have done nothing heightening the suspicion that the QPS is in fact, corrupt.

Lets consider the two police officers. For them both to have assisted the criminality, then they must be either corrupt or exceedingly dumb. Queensland Police Minister, Judy Spence, is presently considering this matter. It will be interesting to see how the corrupt Queensland Government of which she is a part, tries to excuse this.

Councillor Judy Magub is the elected member to the Brisbane City Council for the resident's ward. She has been repeatedly advised of the illegalities and **CRIMINALITY** of this matter in detail. She has chosen to back the criminals and do nothing. It is further argued that although the Police now have wide powers of entry to private property where a person has exclusive possession, it is argued here, that that does not extend to entry to permit a person or persons or entity to commit fraud and stealing and destruction of property, or entry with such a miscreant after the police have assisted the criminal to illegally enter the premises. **ACLJ repeats the question: Are Queensland Police officers Rantala and Antony corrupt or exceedingly dumb? These are the only alternatives.**

The record clearly shows that this extremely vulnerable disabled man, a resident beneficiary of a trust whose corpus is his home, has been subjected to massive discrimination, cheating and bullying by his trustee, by the “State” being Queensland, by its government by the organs of the Queensland Police and Queensland Public Authority being Brisbane City Council knowingly wasting Brisbane Ratepayer funds in the process, and the Anglican Church of Australia, attempting to make a commercial windfall gain, by stealing the disabled man's home.

NEXT ISSUE: [#200702]: The million dollar plus FRAUD of university students by The University of Queensland [UQ] and the Brisbane Diocese of the Anglican Church of Australia [BDAC] acting in concert and partnership.