

# SUPREME COURT OF QUEENSLAND

CITATION: *Woolnough & Anor v Isaac Regional Council* [2019] QSC 54

PARTIES: **Timothy Earl Woolnough**  
**and**  
**Christeen Woolnough**  
(Plaintiffs)  
v  
**Isaac Regional Council ABN 39274142600**  
(Defendant)

FILE NO/S: File No 12 of 2016

DIVISION: Trial

PROCEEDING: Claim

ORIGINATING COURT: Supreme Court at Mackay

DELIVERED ON: 13 March 2019

DELIVERED AT: Cairns

HEARING DATE: Written submissions on costs invited on 8 February 2019.

JUDGE: Henry J

ORDERS: **1. The plaintiffs will pay the defendant's costs to be assessed on the standard basis.**

CATCHWORDS: PROCEDURE – CIVIL PROCEEDINGS IN STATE AND TERRITORY COURTS – COSTS – GENERAL RULE:  
COSTS FOLLOW EVENT – where the parties did not file or serve written submissions in respect of costs, having been given the opportunity to do so

CRIMINAL LAW – PARTICULAR OFFENCES – MISCELLANEOUS OFFENCES AND MATTERS – PERSONATING OFFICIALS – where the plaintiff commissioned a stamp which bore the words “Commonwealth of Australia 1955 Public Official” and endorsed his filed court documents therewith – where this appeared to impersonate a Commonwealth public official – whether the Court ought refer the matter to the Commonwealth and or State Attorneys General

*Criminal Code Act 1995 (Cth) s 148.1*

*Criminal Code (Qld) s 96*

COUNSEL: -

SOLICITORS: Plaintiffs Mr and Mrs Woolnough self-represented (no written submissions filed)  
Barry Nilsson Lawyers for the defendant (no written submissions filed)

- [1] In delivering judgment in this matter on 8 February 2019 I afforded the parties an opportunity to file and serve written submissions and relevant affidavit material in respect of costs in the event that any party wished to contend for an order other than that the plaintiffs should pay the defendant's costs to be assessed on the standard basis.
- [2] The foreshadowed order would mean that costs will follow the event, which is the usual outcome in the absence of some unusual circumstance. No written submissions having been filed by the dates directed I will make the foreshadowed order.
- [3] There remains a final matter to consider. At the outset of the trial on 27 August 2018 I noted a document filed by the plaintiffs bore a stamp endorsement worded "Commonwealth of Australia 1955 Public Official". I enquired of the Woolnoughs whether either of them knew the source of the stamp and Mr Woolnough volunteered the stamped endorsement came from a stamp that he had a stamp-maker make. The exchange which ensued is contained at T1-2 to T1-5 of the trial transcript. I enquired of Mr Woolnough whether he saw that by the stamp he appeared to be representing himself to be some sort of publicly appointed official. He responded:

"Not a public appointed official, your Honour. I am a volunteer."
- [4] I thereafter adjourned consideration of the significance or otherwise of the stamped endorsement of the document filed in Court to the conclusion of the trial.
- [5] The trial having concluded, I return to consideration of the significance of the endorsement.
- [6] The endorsement by Mr Woolnough was obviously calculated at using the Court's filing and serving of documents process as a means of misleading others about the righteousness and power of his cause by conferring the false imprimatur of Commonwealth officialdom on him and or his document.

- [7] On the face of it this involves Mr Woolnough falsely representing himself to be a Commonwealth public official contrary to s 148.1 *Criminal Code Act 1995* (Cth), an offence known as Impersonation of Commonwealth public officials, punishable in its simpliciter form with two years imprisonment, potentially more depending on aggravating circumstances. It might also arguably constitute the misdemeanour of False Assumption of Authority contrary to s 96 *Criminal Code* (Qld), punishable with 3 years imprisonment.
- [8] Faced with conduct of this kind some Judges might consider referring the relevant trial transcript and documents to the Commonwealth and or State Attorney General, drawing the evidence to their attention for their consideration, as representatives of an executive branch of government empowered to initiate the investigation and potential prosecution of crime. The absence of such a referral does not preclude the executive branch of government from so investigating or prosecuting. The trial judge's role is to determine the controversy before the court and unless the matter of fact being considered for referral has been determined as part of that role the risk of the referral being given erroneous weight tells against the use of judicial office to make such a referral.
- [9] Accordingly I will not make such a referral.
- [10] My order is:
1. The plaintiffs will pay the defendant's costs to be assessed on the standard basis.