

# SUPREME COURT OF QUEENSLAND

CITATION: *Sharples v Crime and Misconduct Commission (Qld) & Anor*  
[2004] QCA 247

PARTIES: **TERRY PATRICK SHARPLES**  
(applicant/applicant)  
v  
**CRIME AND MISCONDUCT COMMISSION**  
**(QUEENSLAND)**  
(first respondent/first respondent)  
**ASSISTANT COMMISSIONER OF MISCONDUCT,**  
**CRIME AND MISCONDUCT COMMISSION**  
**(QUEENSLAND), STEPHEN LAMBRIDES**  
(second respondent/second respondent)

FILE NO/S: Appeal No 5597 of 2004  
SC No 1755 of 2004

DIVISION: Court of Appeal

PROCEEDING: Application for Leave/Judicial Review

ORIGINATING COURT: Supreme Court at Brisbane

DELIVERED EX TEMPORE ON: 21 July 2004

DELIVERED AT: Brisbane

HEARING DATE: 21 July 2004

JUDGES: de Jersey CJ, Williams JA and Mullins J  
Separate reasons for judgment of each member of the Court,  
each concurring as to the order made

ORDER: **Application for leave to appeal refused with costs**

CATCHWORDS: ADMINISTRATIVE LAW – JUDICIAL REVIEW  
LEGISLATION – COMMONWEALTH, QUEENSLAND  
AND AUSTRALIAN CAPITAL TERRITORY –  
CONDUCT RELATING TO MAKING OF DECISION –  
where applicant made complaint to Criminal Misconduct  
Commission relating to his being dealt with for contempt of  
court during committal proceedings – where CMC reported to  
Parliament on the matter – where applicant applied for  
judicial review of CMC’s decision – where learned primary  
judge ordered that application be summarily dismissed with  
costs – whether applicant has identified a specific question of  
law for determination by this Court – whether leave to appeal

should be granted

COUNSEL: The applicant appeared on his own behalf  
A J Rafter SC for the first and second respondents  
M O Plunkett for the Attorney-General (Qld)  
V Paramasivan for Mr Halliday, Stipendiary Magistrate

SOLICITORS: The applicant appeared on his own behalf  
Acting Official Solicitor, Crime and Misconduct Commission  
for the first and second respondents  
Crown Law for the Attorney-General (Qld) and Mr Halliday,  
Stipendiary Magistrate

THE PRESIDENT: Justice Williams will deliver his reasons  
first.

WILLIAMS JA: In the circumstances detailed in the reasons for  
judgment of Justice Mackenzie of 28 May 2004, the applicant  
sought various orders, pursuant to the provisions of the  
Judicial Review Act 1991, against various respondents.

As is pointed out in those reasons the matter became somewhat  
complicated because of changes in the designation of  
respondents to the application and as to the relief sought.

In addition by way of background, I would refer to the fact  
that in November 2003, consequent upon a resolution of the  
Queensland Parliament, the Premier referred a matter to the  
CMC for consideration and advice, pursuant to Section 52 of  
the Crime and Misconduct Act 2001.

That reference included matters relating to the involvement of  
Federal Minister, Tony Abbott, and others in the original  
legal action against Pauline Hanson and David Ettridge.

Consequent upon that reference being made, the applicant made a complaint to the CMC, pursuant to Section 36 of the Crime and Misconduct Act. That complaint related to the circumstance of his being dealt with for contempt of Court in the course of the committal proceedings on 19 August 2002.

Subsequently, the CMC reported to Parliament in January 2004 in response to the reference pursuant to Section 52.

In the current proceedings, the applicant essentially complained that the CMC did not carry out its duty in preparing that report to Parliament, and further, failed to carry out its duty of investigating the complaint which he made pursuant to Section 36. Material relating to those matters was before the Court.

The respondents to that original application then applied, pursuant to Section 48 of the Judicial Review Act, for an order that the original application be summarily dismissed. That application was heard before Justice Mackenzie on 30 March 2004, and for reasons delivered on 28 May 2004 he ordered that the original application be summarily dismissed with costs. From that order the applicant seeks leave of this Court, pursuant to Sections 48 and 49 of the Judicial Review Act, to appeal.

No specific question of law is identified as calling for determination by this Court and the detailed reasons of Justice Mackenzie do not contain any obvious error calling for

this Court's reconsideration of the issues raised at first instance.

In the circumstances, leave to appeal should be refused, with costs.

THE PRESIDENT: I agree.

MULLINS J: I agree.

THE PRESIDENT: That is the order of the Court.

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