

QCAT SUBMISSIONS

QCAT Application: MCDO 481/22

Applicant: Gordon James Craven

Respondent: Flowerhub Pty Ltd

SUBMISSIONS BY THE APPLICANT

1. I make these submissions in relation to my Application for Miscellaneous Matters that I filed in the QCAT Registry on 18 October 2022 regarding Contempt and Unconscionable Conduct.

IN REGARD TO CONTEMPT

2. Sub-section 216(2) of the QCAT Act is clear as it is broad. There can be no mistaking what its intention or meaning is :
A person must not give an official a document containing information the person knows is false or misleading in a material particular.
3. Schedule 1 of the Acts Interpretation Act 1954 (QLD) defines a "document" to include :
 - (a) *any paper or other material on which there is writing; and*
 - (b) *any paper or other material on which there are marks, figures, symbols or perforations having a meaning for a person qualified to interpret them;...*
4. While under the cover of a submissions "document", Mr. Christensen for the Respondent made various statements of fact which constituted "information" as per 216(2) of the QCAT Act.
5. I considered that the statements of fact :
 - a. were false and untruthful; and
 - b. were intended to influence the Tribunal.
6. To the best of my ability, I identified those false statements of fact and my response to them in my supporting Affidavit filed on 18 October 2022, which also referred to my First Affidavit filed 1 July 2022 containing evidence that had been served on the Respondent, not once but twice.

7. In the process of providing "information" to the QCAT Registry :
 - a. Mr. Christensen provided statements of fact that were false; and
 - b. by reason of being in possession of the evidence, Mr. Christensen knew the facts to be false or was recklessly indifferent as to the truth of the facts; and
 - c. the said false facts were contained within a "document"; and
 - d. the said false facts related to matters that are materially significant and intrinsic to the QCAT proceeding; and
 - e. the said false facts were filed in the QCAT Registry;and as such I believe a contravention of 216(2) of the QCAT Act is made out.

8. While not necessary to prove a contravention of 216(2) :
 - a. it is obvious that the said false facts were intended to influence the Tribunal;
 - b. and as deposed in my Affidavit, I have been caused stress and put to unnecessary inconvenience, tedium and wasted time in responding to the untruthful facts.

9. Mr. Christensen for the Respondent has given notice that he is unable to appear at the hearing next Tuesday 25 October 2022, and as such, Mr. Christensen will not be able to be interrogated regarding his submissions.

10. Nor will I be able to ask him why my wife Janet, is said to be a client (bottom line of notice of non appearance), when the 20133 RFA trade account has been terminated.

IN REGARD TO UNCONSCIONABLE CONDUCT

11. I make no further input, and rely on paragraphs 22 to 27 of my supporting Affidavit filed on 18 October 2022, along with the remainder of that Affidavit.

SIGNED :



Gordon Craven - Applicant

DATE : 20 October 2022

COPIED TO THE RESPONDENT BY EMAIL: service@flowerhub.com.au