

Our ref: 7268475

27 January 2025

Mr Gordon James Craven
By email: gordon@getmail.com.au

Dear Mr Craven

Material posted online concerning QCAT and its Members

Thank you for your response of 14 January 2025 and for your prompt action in removing some of the content on your website [QCAT REVIEW](#)

However, I note that your websites [QCAT REVIEW](#), <https://tonya-marshall.qcat.review/> and <https://ann-fitzpatrick.qcat.review/> continue to display content which I view as constituting a contempt of court, in the category of “scandalising the court.” Your publication clearly intends to undermine public confidence in the administration of justice and lower the authority of both Adjudicator Marshall, Senior Member Fitzpatrick and that of the Queensland Civil and Administrative Tribunal.

Content on the websites

I note the website <https://tonya-marshall.qcat.review/> continues to display content that includes six purported “complaints” by you, including the following comments:

- *At a hearing, it is not the place of the Applicants to remind an Adjudicator of the responsibilities that he or she is required to undertake.*
- *If this basic principle is not followed, and a Judge or Adjudicator allows ad hoc input from the parties, it is no wonder that we have arrived at this debacle.*
- *It appears erroneous and unfair to the Applicants that the Adjudicator did not follow up on the objections, and in particular not dealing with the surprises which should have been obvious to the Adjudicator, which is not at all consistent with Procedural Fairness.*
- *By dismissing the 9 sub-paragraphs as being "common practice" by real estate agent and the owners in offering tenancy lease renewals, and finding nothing wrong with that without any detailed analysis of the sub-paragraphs, with the utmost respect to the Adjudicator, the writer believes that the Adjudicator is not well versed in dealing with claims of Unconscionable Conduct, and simply put... it is just not good enough.*
- *References to Adjudicator Marshall relying upon fabricated evidence and lies and being [sic] tricked into not finding the real reasons for the tenants not signing a new lease [sic].*

I note that the website <https://ann-fitzpatrick.qcat.review/> continues to display content that includes eleven purported "complaints" by you, including, but not limited to, the following comments:

- *A truly QCAT example of unhelpful behaviour to a party in appeal proceedings, given that this simple request could have been easily provided.*
- *The Senior Member Fitzpatrick (SMF) was provided with substantial evidence, that any fair-minded observer (or even Blind Freddy) could conclude that Fabricated Evidence and Lies (as appear in the Evidence Brief) were in fact provided as evidence to the QCAT Q1363-23 hearing by the Property Manager (PM), who represented the Respondents. However it is a fact, that the Senior Member Fitzpatrick (SMF) did not deal with that evidence under the legislation provided for dealing with such a situation, which is subsection 48(1)(e) of the QCAT Act: "attempting to deceive another party or the tribunal"; and/or section 216 "False or misleading information".*
- *Despite a duty to examine ALL the evidence, the SMF has apparently not considered the substantial evidence of dishonesty and potential criminality as set out in the Applicant's Initial Submissions Document. [sic] So it must be fact, that the evidence provided by the Applicant tenant, of dishonesty and potential criminality, has been disregarded or has somehow become mislaid [sic].*
- *Any fair-minded observer (or even Blind Freddy), from reading those paragraphs, could only conclude that the Administrative Error was in fact a Fabrication, when it is particularly noted that the PM's Response did not respond at all to any of the events set out in the said "Timeline". The SMF, in producing the RFD, has made reference to the purported Administrative Error a number of times, and in doing so has erroneously treated the Administrative Error as being factual instead of it being a Fabrication, when in truth, the Administrative Error did not exist because it was a Fabrication.*
- *Consequently, as the ACL provisions have to be used to decide Consumer Disputes, it follows that ACL provisions are also available for Tenancy Disputes. So why does the SMF, not know this?*
- *It is certainly curious, why SMF, having a substantial history, experience and knowledge of the law by being a barrister, has chosen to do this, which would seek to deny residential tenants in Queensland access to the ACL, which can easily cause significant concern and confusion, by potentially representing that the ACL legal protections available to tenants were not available, when they are available.*
- *At paragraph [58] & [59] of the RFD, in relation to the Surprise suffered by the Applicant tenants, the SMF has responded in a particularly vague and imprecise way to a matter so important to Procedural Fairness.*
- *By being so vague and imprecise to such an important situation of Procedural Fairness that the Applicant tenants laboured under, is according to the writer... Just Not Good Enough.*
- *At paragraph [59] of the RFD, the SMF appears to imply in a vague sort of way, that the tenants did not respond properly to the PM's alleged lies. This is contradicted by the Transcript, which indicates that the tenants voiced strong objections that were initially overlooked by Adjudicator Marshall, and now have been overlooked by the SMF.*

- *So when the tenants objected to the lies, the Adjudicator was duty bound to investigate, but in fact, she failed to do that. It is not the Applicant's role to remind an Adjudicator of the duty that is required pursuant to legislation, and as set out at Complaint 2 of QCAT Q1363-23, it is the Adjudicator's role to comply with by relevant legislation without being prompted to do so.*
- *It is quite bizarre, that in her vagueness, the SMF is perhaps seeking to blame the tenants, for not yelling loud enough.*
- *By following the Adjudicator's mistake of believing the Administrative Error to be factual, the SMF would be quite correct in saying that there is no public importance (Public Interest) in this matter. [sic] To get this matter so wrong, the writer believes that this further fiasco, should be immediately addressed by the QCAT President [sic].*
- *The SMF's actions reveal a troubling disregard for crucial evidence, as she focused on an unsigned status of the tenancy lease renewal, while totally ignoring the underlying issues of onerous and predatory lease conditions, that justified the tenants' refusal to renew, which as previously said, were sought to be covered up by the Fabrication and Lies to the QCAT Tribunal QCAT Q1363-23 hearing five months later.*
- *[sic] that either the SMF chooses to ignore, or the Registry has mislaid or lost the two copies that were filed [sic].*
- *By reason of the 6 complaints about the Adjudicator Marshall hearing, and the 11 complaints about the Senior Member Fitzpatrick Appeal (herein), and by disregarding the human rights of the tenant Applicants to fair hearings, QCAT appears to have attracted upon itself, the provisions of subsection 58(1) of the Act. It is somewhat ironic, that QCAT appears to have contravened the very Act, that it is responsible for enforcing.*
- *[sic] which on the facts alleged appears to be a cover up of the Marshall hearing [sic].*

Purpose of this letter

I ask you to remove the above content currently published on the websites (<https://tonya-marshall.qcat.review/> and <https://ann-fitzpatrick.qcat.review/>) and the related links, and request you to not post any similar text on any website in the future.

If the websites and content are not removed, this matter will be referred to Crown Law for advice on the commencement of appropriate contempt proceedings by the Department of Justice.

Please confirm by written response within seven days of the date of this letter that you have removed the material referred to above concerning QCAT.

In my final response to the "complaints" raised on the websites, I advise that:

- As a tribunal, QCAT is required to act independently and is not subject to direction or control by any person or entity, including myself. In line with this, the conduct of any matter before QCAT is entirely a matter for the presiding Tribunal Adjudicator, including what evidence is considered and relied upon to make their decision, or decisions around someone being allowed representation at a QCAT hearing. These are decisions made by the Adjudicator in the exercise of their independent judicial function.

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- If you believe that you have been denied natural justice or that the tribunal made errors of law or fact in its decisions, you may seek leave (permission) to appeal a decision. You were advised of your appeal rights when the decisions were posted to you. Further information is available on QCAT's website – www.qcat.qld.gov.au.
- I am unable to comment on decisions made by the QCAT Adjudicator or Senior Member in the proceedings you have referenced as they have been made in the exercise of their independent judicial function. The conduct of QCAT proceedings and the decision and reasons provided by a decision maker is entirely at the discretion of the Tribunal decision-maker.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tracey De Simone', written in a cursive style.

Tracey De Simone
Assistant Director-General and Principal Registrar