

NOTICE OF FILING AND HEARING

Filing and Hearing Details

Document Lodged: Notice of Appeal (Fee for Leave Not Already Paid) - Form 122 - Rule 36.01(1)(b)(c)
Court of Filing: FEDERAL COURT OF AUSTRALIA (FCA)
Date of Lodgment: 27/09/2023 4:20:00 PM AEST
Date Accepted for Filing: 28/09/2023 3:27:44 PM AEST
File Number: NSD1092/2023
File Title: STATE OF QUEENSLAND v STRADFORD (A PSEUDONYM) & ORS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA
Reason for Listing: To Be Advised
Time and date for hearing: To Be Advised
Place: To Be Advised



Sia Lagos

Registrar

Important Information

This Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date of the filing of the document is determined pursuant to the Court's Rules.



Notice of appeal

No. of 2023

Federal Court of Australia
District Registry: Australian Capital Territory
Division: General

On appeal from the Federal Court

STATE OF QUEENSLAND

Appellant

Mr STRADFORD (a pseudonym)

And others named in the schedule
Respondents

To the Respondents

The Appellant appeals from the judgment as set out in this notice of appeal.

Time and date for hearing:

Place: Sydney

Date: 27 September 2023

Signed by an officer acting with the authority
of the District Registrar

The Appellant appeals from the whole of the judgment and all of the orders of the Federal Court given on 30 August 2023 at Sydney.

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|--------------------------------------|--|
| Filed on behalf of | State of Queensland |
| Prepared by | John Prior |
| GR Cooper, Crown Solicitor | |
| Tel 3031 5953 | Fax 3031 5969 |
| Email john.prior@crownlaw.qld.gov.au | |
| Address for service | 11 th floor, State Law Building, George and Ann Streets, Brisbane, Qld 4001 |



Grounds of appeal

1. The Primary Judge erred in not finding that the State of Queensland and its agents were afforded protection at common law from civil liability, in circumstances in which they acted in obedience to an order for imprisonment and a warrant issued by the Federal Circuit Court, and both the order and warrant appeared lawful on their face.
2. The Primary Judge erred in holding that, as a matter of construction, s 249 of the *Criminal Code* (Qld) did not apply to a warrant issued by the Federal Circuit Court.
3. The Primary Judge ought to have held that ss 247, 249 and 250 of the *Criminal Code* (Qld) applied to the actions of the officers of the Queensland Police Service and Queensland Corrective Services taken in execution of the warrant and the order for imprisonment.

Orders sought

1. The appeal be allowed.
2. Orders 2, 4 and 6 made on 30 August 2023 be set aside insofar as they relate to the appellant and, in lieu thereof, order that:
 - a. the first respondent's claim for damages against the appellant be dismissed;
 - b. the first respondent pay the costs of the proceeding before the Primary Judge and the costs of the appeal.
3. Such further or other orders the court considers appropriate.

Appellant's address

The Appellant's address for service is:

Place: The office of the Crown Solicitor for the State of Queensland

11th floor, State Law Building, George and Ann Streets, Brisbane in the State of Queensland

Email: john.prior@crownlaw.qld.gov.au



Service on the Respondent

It is intended to serve this application on each of the Respondents.

Date: 27 September 2023



Signed on behalf of
GR Cooper, Crown Solicitor for the State of
Queensland
Solicitor for the Appellant



No. of 2023

Schedule

Federal Court of Australia
District Registry: Australian Capital Territory
Division: General

Respondents

Second Respondent: **JUDGE SALVATORE PAUL VASTA**

Third Respondent: **COMMONWEALTH OF AUSTRALIA**

Date: 27 September 2023