RGHM462

QUEENSLAND COURTS AND TRIBUNALS

TRANSCRIPT OF PROCEEDINGS

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MAGISTRATES COURT

DUROUX, Magistrate

MAG-00163430/19(3)

THE CROWN	**Complainant**
and	
RUSSELL GORDON HAIG MATHEWS	**Defendant**

IPSWICH

9.14 AM, FRIDAY, 13 NOVEMBER 2020

DAY 1

Any rulings in this transcript may be extracted and revised by the presiding Judge.

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

HIS HONOUR: I sincerely apologise for my delay; I was caught up with somebody. I apologise for that. Number of matters listed today, gentlemen. Yes. The first matter we're going to mention, please.

MR GALLOWAY: Thank you, your Honour. If we could take the matter of Mathews, Russell – we might mention it off the top. I understand that he has sent some correspondence through to the court.

HIS HONOUR: And a further email today, I'm informed.

MR GALLOWAY: Yes, to my understanding. I haven't had an opportunity to see those emails that were sent to the court.

HIS HONOUR: Call Russell Gordon Mathews, please.

MR GALLOWAY: For the record, Galloway, initial A. Apologies, your Honour, for not mentioning it. Galloway, initial A, spelt G-a-l-l-o-w-a-y, I appear for the Office of the Director of Public Prosecutions.

HIS HONOUR: I was given a number of documents from Mr Mathews. There was an email talking about the constitutional right of freedom of political communication, and I think that's been said before.

MR GALLOWAY: There may have been a newer document as well. I believe I was - - -

HIS HONOUR: And then there was - - -

MR GALLOWAY: - - - forwarded it.

HIS HONOUR: - - - another document sent at 8.51. Unlawful stalking charge, court file number. "I'm unwell this morning. I have an appointment with my doctor this morning. I reference and heed the reported advice of Queensland Health: 'Court attendance: Queensland Health advise that people should stay at home if they are feeling unwell or have been overseas in the past 14 days. If you consider this advice applies to you, please do not attend a court location.' Signed, Russel G H Mathews, BCom BFC LLB BA."

MR GALLOWAY: Yes. Your Honour, I note on the last occasion, Magistrate Kinsella indicated to Mr Mathews that his personal appearance was required.

HIS HONOUR: Yes. He didn't write it on the file. I hear you loud and clear. I've - - -

MR GALLOWAY: I understand, your Honour.

HIS HONOUR: - - - seen the history of this matter, Mr Galloway - - -

MR GALLOWAY: Yes, your Honour.

HIS HONOUR: - - - and quite frankly, it seems as though Mr Mathews believes he's got a great defence. He wants to exclude certain evidence.

MR GALLOWAY: Yes.

HIS HONOUR: I think they're matters, if Coco v Shaw is a good authority, that that's got to be done upstairs on a 590AA, I would have thought.

MR GALLOWAY: Yes, your Honour. There is elements of that as well. Perhaps if the mention – the hearing today was a directions hearing for Mr Mathews to indicate if he wished to cross-examine any of the witnesses - - -

HIS HONOUR: Yes. That's what I thought it was, but - - -

MR GALLOWAY: There wasn't anything in the documentation to that effect, but - - -

HIS HONOUR: No. So obviously, there's a couple of things we can do today. I can issue a Bail Act warrant - - -

MR GALLOWAY: Yes, your Honour.

HIS HONOUR: - - - or I can list - - -

MR GALLOWAY: Given the - - -

HIS HONOUR: - - - it for a directions – a hearing, a committal hearing, with appearance required. What are you thinking, sir?

MR GALLOWAY: I'm just thinking it through, your Honour. Obviously, he's in communication with the court and has provided a reason for his absence, whether – what - - -

HIS HONOUR: It's a reason.

MR GALLOWAY: - - - substance is put to it. It is a reason provided, your Honour, in the circumstances whether the – a mention appearance required would be before a Bench warrant was to issue.

HIS HONOUR: I think you're right.

MR GALLOWAY: I just - - -

HIS HONOUR: But a short turnaround to get - - -

MR GALLOWAY: Yes, your Honour.

HIS HONOUR: - - - him here to find out what it is he's actually doing. Maybe a

two-week – thinking out loud at the moment, Mr Galloway.

MR GALLOWAY: Two week - - -

HIS HONOUR: Two weeks or thereabouts, appearance required just to find out what the heck he's doing.

MR GALLOWAY: Yeah. Potentially for a warrant to lie.

HIS HONOUR: That just creates work for everyone, doesn't it?

MR GALLOWAY: I'm in your Honour's hands.

HIS HONOUR: If I make a final adjournment with appearance required, it'll be the same effect.

MR GALLOWAY: Yes, your Honour.

HIS HONOUR: Look, I could issue a warrant today and let them postpone it.

MR GALLOWAY: I'm in your Honour's hands.

HIS HONOUR: It's just creating work over there. I don't think we need to, Mr Galloway.

MR GALLOWAY: I'm in your Honour's hands in that regard whether that - - -

HIS HONOUR: But look, he's – I've read the file. There's – I became involved this matter yesterday - - -

YESTERDAY

MR GALLOWAY: Yes.

HIS HONOUR: - - - and he was directed to appear. On the last few occasions, he's appeared by phone, if - - -

MR GALLOWAY: Yes.

HIS HONOUR: - - - I read the file correctly, and I basically came and said, "No, he's got to be here; it's a hearing." His Honour wrote on the file – and look, I've got atrocious handwriting. I think Magistrate Kinsella pips me at certain times, and I couldn't – but he didn't write on there – he didn't make that direction - - -

MR GALLOWAY: Okay.

HIS HONOUR: - - - which I will be doing.

MR GALLOWAY: Yes, your Honour.

HIS HONOUR: But I think it just needs to be a committal mention, appearance

required, in a couple weeks' time - - -

MR GALLOWAY: Yes.

HIS HONOUR: - - - and then we can list it for whatever it needs to be listed for.

MR GALLOWAY: Understood, your Honour.

HIS HONOUR: As I said, I had a – I did actually read as much of his stuff as I could.

MR GALLOWAY: Look, your Honour, I'm – that's an appropriate course of the matter. No difficulties with that.

HIS HONOUR: So if I make that, it'll be personal. It's appearance required. We've got to talk to him.

MR GALLOWAY: Yeah.

HIS HONOUR: If it is the case that the – I suspect that that'll be given to me, because I suspect that everyone else is poising for it. So if that's the case, I'm happy to deal with this matter. So if I – whatever court I'm in in two weeks' time, if this gets – which I think the court date will say, "This is yours". I suspect the coordinator will do that, and I'll happily take it. It - - -

everyone else is avoiding my matters,hmmm

MR GALLOWAY: Understood.

HIS HONOUR: - - - won't be a problem. I'm going to list it for a - - -

MR GALLOWAY: At this stage, just a further – a mention of the matter, your Honour. That's - - -

HIS HONOUR: It – a committal mention only.

MR GALLOWAY: Yes.

HIS HONOUR: I'll send it – I'll bring it back to this court, so court 7, in two weeks' time is the – when he - - -

MR GALLOWAY: Yep.

HIS HONOUR: Well, hang on. I've just thought – yes. I just thought if it's – I'm actually on a part heard five-day child protection that week. Should - - -

MR GALLOWAY: Potentially.

HIS HONOUR: And I – it's - - -

MR GALLOWAY: They don't – that wouldn't – you wouldn't want a disruption to

that matter, obviously - - -

HIS HONOUR: No way in the world.

MR GALLOWAY: - - - your Honour.

HIS HONOUR: So how about four – is it – if I put it Friday the 4th of December for a committal mention.

MR GALLOWAY: Certainly, your Honour.

HIS HONOUR: At least I won't be involved – I - - -

MR GALLOWAY: Yes, your Honour.

HIS HONOUR: Whatever court I'm in - - -

MR GALLOWAY: Understood.

HIS HONOUR: - - - I can look after this matter. So 4 December 2020 for a committal mention, back to court 7. I'm not going to issue the warrant today. Bail will be enlarged. It'll be a final adjournment for committal mention. I direct the defendant must personally appear. That's clearly endorsed on the file. As you say, we'll just do that, and we'll cross each bridge as we get to it, sir. Thanks, Mr Galloway. Again, my apologies for my delay coming in this morning.

MR GALLOWAY: Not a problem at all, your Honour. That was my only matter. If I may be excused.

HIS HONOUR: Have a great day, sir.

MR GALLOWAY: Thank you.

MATTER ADJOURNED at 9.21 am UNTIL FRIDAY, 4 DECEMBER 2020