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**SUMMONS**

To: **RUSSEL GORDON HAIG MATHEWS**

Of: **119 Brisbane Road  
BOOVAL QLD 4304**

Whereas the above complaint has been made before me:  
You are Hereby Commanded, in Her Majesty's name to appear at the Magistrates Court  
situated at:

Place: **Ipswich Magistrates Court  
43 Ellenborough Street IPSWICH QLD 4305**

Date: **16 June 2020**

Time: **10:30 am**

Before a Magistrates Court to answer the said Complaint and to be further dealt with  
according to law.

Given under my hand at:

Place: **IPSWICH**

Date: 5 MAY 2020

J.P. COVAL  
Justice of the Peace



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**PLEASE NOTE** - If you appear and plead guilty or plead guilty in writing or fail to appear or enter a plea, the case will normally be dealt with on the return date. In any event costs will be requested. If you wish to plead not guilty, the matter will be mentioned on the return date and a date of hearing will then be fixed. SEE BELOW FOR FURTHER NOTICES TO DEFENDANT.

**NOTICES TO DEFENDANT**

This complaint is one of a simple offence or breach of duty. TAKE NOTICE that where such a complaint is made by a public officer (this term includes a person acting in the official capacity as an officer or employee of a local authority) then if the Court before which the complaint comes for hearing (whether on the return date or on an adjourned date) is satisfied that reasonably sufficient particulars are set out in the complaint then the Court can fully and effectually deal with and determine the matter of the complaint as if the facts and particulars therein had been established by evidence under oath before it and as if the defendant has personally appeared before it AND FURTHER TAKE NOTICE that you or Counsel or Solicitor on your behalf may, within twenty-eight days after the determination of the matter of the complaint by the Court, apply to the Court for a re-hearing of the complaint and this may be granted by the Court upon such terms and subject to the payment of such costs as it



## FORM 4

### QUEENSLAND

*Justices Act 1886 - AS AMENDED*

### COMPLAINT - GENERAL PURPOSES - MADE, and SUMMONS

(Fee: \$101.80 including Appeals Costs Fund)

The complaint of **PETER TABULO**, General Manager (Planning and Regulatory Services Department) of **IPSWICH CITY COUNCIL**, of 45 Roderick Street, Ipswich in the State of Queensland a "public officer" as defined in the *Justices Act 1886*, made this 5<sup>th</sup> day of May 2020, for and on behalf of Ipswich City Council, before the undersigned, a Justice of the Peace for the said State, who says and avers that he is an officer of the said Council and alleges that:

#### CHARGE 1

On **28 June 2019** in the Magistrates Court District of Ipswich and within the Area of the Ipswich City Council, **RUSSELL GORDON HAIG MATHEWS** as the owner of premises situated at 119 Brisbane Road Booval in the State of Queensland, more particularly described as Lot 8 on RP 24124 and Lot 7 on RP 818392 ("the Premises"), who was given an Enforcement Notice dated 17 April 2019, did contravene that Enforcement Notice, contrary to Section 168(5) of the *Planning Act 2016*.

#### Particulars

You contravened an Enforcement Notice by having failed to comply with the requirement of an Enforcement Notice dated 17 April 2019 ("Notice"). Namely, you failed to remove all of the unlawful development comprising "Carrying out assessable development without a permit" contrary to Section 163 of the *Planning Act 2016* within 5 business days of the date of that Notice. The unlawful development was the erection of all signage, being wall signs and bill boards, placed on the Premises (with the exception of one smaller sign advertising math tuition services).

#### AND FURTHER

#### CHARGE 2

On **4 November 2019** in the Magistrates Court District of Ipswich and within the Area of the Ipswich City Council, **RUSSELL GORDON HAIG MATHEWS** as the owner of premises situated at 119 Brisbane Road Booval in the State of Queensland, more particularly described as Lot 8 on RP 24124 and Lot 7 on RP 818392 ("the Premises"), used insulting and offensive language in relation to an authorised person exercising powers of an authorised person under the *Local Government Act*, contrary to Section 36 of *Local Law No.1 (Administration) 2013*.

#### Particulars

On 4 November 2019 you used insulting and offensive language in relation to an authorised



person, namely Ipswich City Council officer Peter Bartley. At the time of the offence Peter Bartley was present at the Premises to collect evidence regarding the commission of a potential offence, namely "Carrying out assessable development without a permit" contrary to Section 163 of the *Planning Act 2016*, pursuant to the terms of a Warrant issued pursuant to Section 130 of the *Local Government Act 2009*. The insulting and offensive language you used in relation to Peter Bartley included the following:

"Fucking Catholic"  
"Fucking jump the fence you cunt"  
"Fucking idiot"  
"Fuck ya"  
"Fuck off"  
"Dickhead"  
"Fucking dickhead"  
"Fuck off you fucking dickhead"  
"Hey Wanker"  
"Smile you Dickhead"  
"Poofter Peter"  
"You're a fucking dickhead aren't ya"  
"Fuckwit"

### **AND FURTHER**

### **CHARGE 3**

On the **3 January 2020** in the Magistrates Court District of Ipswich and within the Area of the Ipswich City Council, **RUSSELL GORDON HAIG MATHEWS** as the owner of premises situated at 119 Brisbane Road Booval in the State of Queensland, more particularly described as Lot 8 on RP 24124 and Lot 7 on RP 818392 ("the Premises"), who was given an Enforcement Notice dated 16 December 2019, did contravene that Enforcement Notice, contrary to Section 168(5) of the *Planning Act 2016*.

### **Particulars**

You contravened an Enforcement Notice by having failed to comply with the requirement of an Enforcement Notice dated 16 December 2019 ("Notice"). Namely, you failed to remove unlawful development comprising "Carrying out assessable development without a permit" contrary to Section 163 of the *Planning Act 2016* within 5 business days of the date of that Notice. The unlawful development was the erection of all signage placed on the Premises, being wall signs and bill boards (with the exception of two smaller signs located on the lower left side of the façade of the dwelling located within the Premises), and, the placing and repurposing of shipping containers on the Premises. You also failed to, within 5 business days of the date of the Notice, lodge a properly made development application with Ipswich City Council or a private building certifier for any repurposed shipping container located on the Premises for which you intended to keep at the Premises.

AND therefore are guilty of or are suspected of having committed simple offence(s) contrary to Section 163 of the *Planning Act 2016* and Section 36 of *Local Law No.1 (Administration) 2013* in such case made and provided.

AND the Complainant seeks an Order from the Court under Section 176 of the *Planning Act 2016*.

Whereupon the said **PETER TABULO** prays that I, the said Justice, will proceed in the premises according to law.

*P. Tabulo*

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Signature of Complainant

Made before me the day and year first abovementioned, at IPSWICH in the said State.

*JP (QUAL)*

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Justice of the Peace

