

Full Cost

1985-064

ROBERTSON

v.

THE COMMONWEALTH OF AUSTRALIA

& ANOR

ORDER

**Appeal dismissed with costs, including reserved costs.**

ROBERTSON

v.

THE COMMONWEALTH OF AUSTRALIA

& ANOR

JUDGMENT

(Oral)

*Adelaide*

*3 Sept 1985*

MASON A.C.J.  
WILSON J.  
BRENNAN J.  
DAWSON J.

ROBERTSON

v.

THE COMMONWEALTH OF AUSTRALIA

& ANOR

This is an appeal against orders made by Mr Justice Deane on the hearing of two applications. The first application was made by the respondent for an order that the action be struck out or dismissed as frivolous, vexatious or as an abuse of process, or for an order that the statement of claim be struck out. The second application was made by the appellant for summary judgment.

His Honour made the following orders: that the application of the appellant for judgment be refused with costs; that the statement of claim be struck out; that the action be dismissed; and that the costs of the first respondent of the action be paid by the appellant. His Honour concluded that the statement of claim did not contain allegations of fact disclosing a reasonable cause of action in the appellant.

The appellant submits that his Honour was in error. The submission must be rejected. The statement of claim contains a multitude of complaints arising out of actions on the part of the respondents described as "anarchist actions". In argument, the appellant has made it clear that by the statement of claim he seeks to litigate a cause of action in anarchy. It is a cause of action unknown to the law in this country.

The appellant requested the Court, in the event that it should come to this conclusion, to give him an opportunity to replead. Mr Justice Deane expressly dealt with this point and concluded that, in the circumstances, justice required that the action be brought to an end. We agree.

The appeal must therefore be dismissed.