

# MAGISTRATES COURT OF QUEENSLAND

Registry: BRISBANE

Appeal No 2005

Applicant: JAMES JOSEPH BLOGGS

Respondent: The HON. TONY ABBOTT  
FEDERAL MINISTER for HEALTH & AGING  
Level 2  
17 SYDNEY ROAD  
MANLY NSW 2095

## STATEMENT OF CLAIM

This claim in this proceeding is made in reliance on the following facts:

1. That the Applicant personally relies upon currently inexpensive and readily available food supplements, vitamins, minerals, herbs, natural remedies and natural health practitioners and their treatments for good health at all times.
2. That the Respondent **is** the FEDERAL MINISTER for GOOD HEALTH.
3. That the Respondent **is not** the FEDERAL MINISTER for BAD HEALTH.
4. That the Respondent, or whomsoever should hold the office of FEDERAL MINISTER for HEALTH and AGING at any time, has a duty-of-care and responsibility for the good health of all Australians at all times.
5. That the Respondent is deemed to know and understand his duty-of-care.
6. That the Australian government upholds the principle of Freedom of Choice.
7. That the Australian government opposes the principle of Socialised Medicine.
8. That Government exists for the benefit of The People.
9. That The People do not exist for the benefit of Government.
10. That the Respondent is duty-bound by the Federal Parliament, which has a duty-of-care under Section 51 of the Commonwealth Constitution for the peace order and good government of the Commonwealth, to ensure the good health of The People of Australia at all times.
11. That Good government requires that the good health of The People of Australia is first priority.

Filed by the Applicant

JAMES JOSEPH BLOGGS  
115 BLOGGS ROAD  
BLOGGSVILLE 4998  
Tel: 5555 6677  
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12. That it is not good government to attempt to prevent The People from choosing their own food supplements, vitamins, minerals, herbs, natural remedies and health treatments.
13. That it is not for the welfare of The People to allow pharmaceutical companies of any description to manipulate dominate and control the supply and cost of food supplements, vitamins, minerals, herbs, natural remedies and treatments.
14. That the Respondent would endanger the health and safety of Australians by restricting access to currently inexpensive and affordable natural immune system boosters such as food supplements, vitamins, minerals, herbs, natural remedies and treatments.
15. That The People of Australia have never been consulted about, or consented to, by way of referendum or any other means, their rights of access to good health by way of food supplements, vitamins, minerals, herbs, natural remedies and treatments being restricted in any way.
16. That The People of Australia are Sovereign over the Parliaments and as “the governed” have authority over their elected representatives.
17. That Members of Parliament are the representatives of The People who elect them and as such are subject to the Will of The People.
18. That Representatives are required by law to re-present the Will of The People and nothing more.
19. That Parliament requires the consent of the governed to implement any legislation that interferes in any way with The People’s rights on any matter.
20. That only electoral constituents are entitled to representation in Parliaments, as per The Act to Constitute the Commonwealth of Australia (UK) 1900, and others, especially political parties, have no right to representation.
21. That the TGA (Therapeutic Goods Authority) is a body set up by the Federal Parliament, without the consent of The People of Australia, which restricts and limits The People’s access to food supplements, vitamins, minerals, herbs, natural remedies and treatments.
22. That the Respondent is responsible for the TGA and it’s ongoing scheming designed to bring into effect an offshore entity working with the New Zealand equivalent (MEDSAFE) to control all food supplements, vitamins, minerals, herbs, natural remedies and treatments in both countries.
23. That the result of these restrictions will be the demise of many businesses involved in the natural health industry in Australia and New Zealand, as is happening elsewhere internationally, and an unacceptable rise in the cost of said food supplements, vitamins, minerals, herbs, natural remedies and treatments.

24. That the result of these restrictions will put the price of these food supplements, vitamins, minerals, herbs, natural remedies and treatments out of the reach of the majority of Australians as is occurring elsewhere internationally.
25. That the supporters of these Claims, whose individual documented and qualified support is submitted as one Annexure to this Statement of Claim, are united in their demand for their God given rights and Procedural Fairness to prevail in this matter of Public Interest.
26. That accompanying documentation demonstrates that the official statistics show how many people suffer permanent health decline and/or how many die from “authorised” drugs and hospitalisation each year caused by the medical fraternity.
27. That accompanying documentation demonstrates that vitamins and minerals do not cause sickness and death.
28. That accompanying documents demonstrate that Australia’s soil is deficient in many required minerals resulting in food crops being deficient in minerals and vitamins thus requiring The People to take vitamin and mineral supplements.
29. That accompanying documentation clearly demonstrates that the cost of food supplements, vitamins, minerals, herbs and other natural remedies and treatments have risen astronomically in Europe when government and pharmaceutical company restrictions are permitted to be applied to supply of same.
30. That the cost of medical care is now rising astronomically and has caused a crisis in health care costs as is demonstrated by government concern.
31. That Article 1 of the Constitution of the World Health Organisation directs that “The objective of the World Health Organisation shall be the attainment by all peoples of the highest possible level of health” and that an inability to freely access all food supplements, vitamins, minerals, herbs, natural remedies and treatments prevents The People of Australia from achieving such attainment.
32. That the EU Food Supplement Directive (FSD), which springs from the CODEX Alimentarius, is a restriction of our freedom. While at present it is an EU incentive, the policies will be directed to most countries including Australia and New Zealand. The CODE includes the following stipulations:
  - a). No supplement can be sold for preventive or therapeutic use.
  - b). Any potency higher than the listed RDA (the Recommended Daily Allowance = minimal strength) is a drug requiring a prescription – which means it must be produced by drug companies and prescribed by medical doctors.
  - c). New supplements are banned unless given very expensive CODEX testing and approval.
33. a). That the FSD reverses the burden of proof as regards showing that food supplements are safe. Previously a food supplement could generally be sold as food

unless the regulator could prove scientifically that it was unsafe. Now in the EU under the FSD it will be up to the manufacturer to prove at great cost that the supplement is harmless before it can be sold.

b). That it creates a very restricted list, known as the 'positive list', of allowable nutrients which favours synthetic nutrients over those much closer to the way they are found in nature. In time, the FSD will set what are anticipated to be very low maximum doses of nutrients, most probably close to the RDA (Recommended Daily Allowance). For example, in Australia and most western countries, the RDA for vitamin C is 60mg a day. All that does is prevent scurvy, rather than enhance health.

c). That in order to get on the 'positive list' of allowable nutrients a technical and very costly report will be required which may or may not ultimately be acceptable to the EU FSD regulators.

d). That if a nutrient (or its source) is not on this restricted list it will be banned across EU from 1 August 2005 regardless of the fact that it was previously allowed to be sold in various EU member states for many years without harm.

e). That at present, the FSD only applies to vitamins & minerals; however, it is a framework ruling and is intended in time to apply to all nutrients and their sources. So the negative pattern we see applying now to vitamins and minerals will in time be applied to all nutrients, and, for those that get through the rigorous directive, the maximum dose levels are likely to be fairly low and therefore quite ineffective.

f). Under the guise of a harmonisation guideline, supposedly seeking to improve the supply of food supplements across EU, we in fact end up with a policy which will ban many nutrients presently on sale in the EU and across the world.

g). That the Directive therefore defeats the whole purpose for which many people take food supplements and that is to supplement their diet in order to encourage optimal wellbeing through the addition of key nutrients which are not available today in a normal diet.

h). That even a healthy diet based on whole organic foods also needs supplementation to promote optimal health.

i). That it is astounding is that the EU directive classifies vitamins and minerals as 'medical drugs', causing minerals such as chromium and selenium to be banned from over the counter sale, or, in other words, it will be illegal to buy them without a prescription, which means a black market will begin.

34. That there are many statistics on this matter but, in essence, there will be a ban on around 75% of the vitamin and mineral sources currently on the EU market. This will translate into a banning of some 300 vitamin and mineral ingredients and possibly around 5000 products currently available. In other words if you currently take amino acids, they will be banned. If you currently take high-strength Vitamin C, then that will also be banned. The maximum you will be able to buy in Vitamin C will be around 100mg, enough to prevent scurvy. If you currently enjoy using mixed

tocopherols (natural E) for your Vitamin E, then that too will not be available across the counter.

35. That TONY ABBOTT, or whomsoever should hold said office from time to time, will be personally liable, accountable and responsible for, from ?? Month 2005, all sickness and/or disease or death that is attributable, in any way, to a lack of, in any way, The People's access to food supplements, vitamins, minerals, herbs and natural remedies and/or treatments brought about by his failure to ensure legislation interfering with the rights of The People is repealed and/or banned henceforth.

The Applicant claims the following relief:

1. That the Respondent be ordered to ensure that all legislative or other restrictions and interference with The People's rights to easy access to good health through food supplements such as vitamins, minerals, herbs and other natural remedies and treatments be removed permanently by ?? Month 2005.

Filed in the BRISBANE registry on *(date)*.

Signed: *(Applicant or solicitor)*

Description: Applicant

#### **NOTICE AS TO DEFENCE**

Your defence must be attached to your notice of intention to defend.

**NOTICE UNDER RULE 150(3)<sup>1</sup>**

The Applicant claims:

\$..NIL.....

\$..NIL..... for interest; and

\$..... for costs of issuing the claim and this statement of claim.

The proceeding ends if you pay those amounts before the time for filing your notice of intention to defend ends. If you are in default by not filing a notice of intention to defend within the time allowed, the Applicant is entitled to claim additional costs of \$.NIL....., costs of entering judgment in default.

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