



**Fides et Puer Oscula**

High Court of NGA — Leave Division

Klassen CJ

8 December 2017 — Brisbane

## Headnotes

---

Executive Punishment — False Accusations — Offence against human dignity — Prejudicial Administration  
— Likelihood to Succeed — Litigious Extortion — Executive Sovereignty — Injunction — NGA Rules Act.

Ahmed Chatila (Muslim) for the applicants.

Kane Nads (Worst Admin) for the respondents.

## Klassen CJ

### Nature of the application

- 1) This application is brought by Ahmed Chatila (herein referred to as Appellant) to seek leave for a full case hearing seeking to restrain the Executive of the NGA, (herein referred to as the Respondent) from executing a banishment from the NGA group, and to seek an interlocutory injunction prohibiting the Respondent from further banning punishments indefinitely into the future. The basis of the claim is that such activities are said to be 'unjust' and an offense to the dignity of the appellant.
- 2) The Appellant is seeking:
  - a. Leave for a full case to the effect of an injunction preventing further banishments; and
  - b. Leave for a full to the effect of an order *Prohibito* preventing the Respondent from executing any currently awaited banishments.
- 3) The Respondent counter submits:
  - a. The Executive Prerogative of administration quashes the application for leave; and
  - b. A permanent interlocutory injunction prohibiting the Appellant from abusive use of the 'tag' feature.

### Facts

- 4) The Appellant – Ahmed Chatila – is a male Sydney suburban dweller in his early twenties of a middle eastern background and religious identification.
- 5) The Appellant has had an interrupted run of membership within the NGA jurisdiction. At the time of this decision the most recent banishment was concluded on 4 December 2017.
- 6) The Appellant has been noted for his unique method of conversation as well as use of the various Facebook tools. Of Judicial note and witness submission the 'tag' feature in which the writing of the name of a person with a preceding '@' (or automated on cellular devices) results in that person getting an audio-visual notification.
- 7) The 'tag' feature in specifics is repeatable without a cooldown time and can also be nearly impossible to effectively ignore.
- 8) The Appellant has been credibly reported as to converse on 'posts' in ways that often defer or unnecessarily clog the conversation.
- 9) Numerous complaints have been lobbied over the Appellants use of this style of communication and features of the Facebook platform.
- 10) It has been submitted that the several prior 'ban' punishments have been the result of primarily one or a combination of more, of the previously mentioned behaviours.
- 11) The most recent banishment ending on 4 December 2017 occurred after an altercation wherein the Respondent and other persons of NGA were subjected to quick and repeated use of the 'tag' feature.
- 12) The Appellant submits that the banishment entails a fundamental breach of fairness as well as an assault upon the dignity of said Appellant.
- 13) The Appellant's submissions imply that fairness and the protection of dignity are protected rights under the laws and rules of NGA.
- 14) The Respondent submits that no such rights exist.

15) The Respondent submits that the Executive Prerogative quashes any leave seeking injunction of punishment.

### **Application – Submission One**

16) The appellant's first submission contends that being told to "shut the fuck up and stop tagging people" amounts to irrefutable evidence that such actions and punishments that follow are inexorably the result of unfair, prejudicial, and discriminatory conduct.

17) The appellant's submission must be implied to mean that the use of offensive terminology and a threatening of sanction must amount to the purpose of the prosecution of offences as prejudicial and discriminatory.

18) It would be troublesome to accept that the utterance of forceful and offensive language in the execution of policing be considered evidence in and of itself of a prejudicial or discriminatory nature. While the use of harsh language may not be the wisest choice, and indeed may be downright emotionally offensive to whom it is directed at, it is no more an indicator that the actions that brought it about were some sort of emotional and malicious conspiracy.

19) If the court were to grant that the use of the offensive language in demanding compliance amounted to the equivalence of discriminatory or prejudicial conduct than any later alleged offender (guilty or not) could hedge his (or His... cause its NGA) bets by attempting to produce an angry demand out of the operation official.

20) It cannot be found to be correct to conclude that the uttered forceful and offensive language in the progression of the execution of policing amounts to discriminatory or prejudicial conduct.

21) Additionally, Rule 3(5) of *The Act*<sup>1</sup> has a literal implication likely defeating this submission.

22) The Appellant has not submitted any other information on this ground of submission.

23) The Appellant fails to succeed on the first ground of prejudicial and discriminatory conduct.

### **Application Submission Two**

24) The second ground of submission by the Appellant is that the profundity, tone, and proportionate nature of the banishments is an affront to said dignity.

25) In written submissions the Appellant states

"It felt lonely and isolating. My Wellbeing was being punished because Kane "[sic]FOROGT" to add me back on"

26) It is in the court's opinion that this ground of appeal is the more promising and the question turns to whether the dignity of the person is a protected right, and to whether there was an overreach as a result of a failure to end the banishment term at the correct time.

27) Turning to whether the dignity of the person is a protected right there appears to be some support in the *Rules* that certain conditions will arise to a level of dignity that must be protected.

28) Section 3(5) of the *Act*<sup>2</sup> states in essence that offence is allowable – and therefore protected – in direct and "very harsh" attacks. The simple nature of the demand by the Respondent could not be said to be direct as its wording, tone, and situation was not aimed at the dignity of the Appellant but of the conduct.

29) At this point the status of whether the Leave to appeal to the full court of the High Court of NGA rests on whether there occurred a breach by the executive in ending a banishment at the proscribed time. The Appellant alleges extrajudicial lengthening of a punishment beyond its specified time.

30) The Appellant has failed to submit any evidence of the total time of the alleged banishment as well as any occurrence of an override of serving said punishment occurring.

31) As the conduct of the Respondent was not direct, and as the time of the service of the mentioned banishment has not been proven in either extent nor breach, The Applicant has failed to establish the second ground of appeal.

---

<sup>1</sup> *Rules* (NGA) 3(5).

<sup>2</sup> *Ibid.*

### **Application – Respondent Submission One**

- 32) Regarding the submission of the Respondent that the Executive Prerogative quashes the leave request the court finds that submission to have failed. The material fact of a code of rules must and does bind the Members, Executive, and Judiciary alike.
- 33) The setting of rules and guidelines indicates that there are protected interests to be determined and the Executive Prerogative cannot merely rule at Fiat when it also rules at Lex.
- 34) The Respondent fails in its request for dismissal of the leave on Executive Prerogative grounds.

### **Application – Respondent Submission Two**

- 35) The Respondent's second submission seeking a permanent interlocutory injunction against the Appellant to curtail the use of the "tag" function is of substantial request.
- 36) Such retributive injunctive requests as a respondent in a response to a permission to leave hearing is beyond the proper and jurisprudential stage of this hearing.
- 37) The Court finds no issues with prior punishments on the Appellant for "misuse" of the tag function, but cannot order a permanent injunction in this hearing.
- 38) The Court dismisses the Respondent's submission for a permanent injunction.

### **Application – "Ben Val" Clause**

- 39) The Court takes into account Judicial notice of an unnumbered but of text in the *Act* citing "Golden rule: no ben vals"<sup>3</sup>.
- 40) It appears that the above "golden rule" is an act of attainder against a specific and current (at the time of the judgment) member of NGA known unfortunately as "BenVal Goldstein".
- 41) The lack of numbering of this golden rule is conflicted with its express statement as a rule.
- 42) This text block runs additionally in contravention to the Executive added, much discussed, and current member it is aimed at.
- 43) The legal maxim of "*Cessante Ratione Legis, Cessat Ipsa*" demands that an unenforced law ceases to be an actual law.
- 44) The lack of action to remove Mr. Goldstein, coupled with the invitation back by the Executive, and the current ongoing acceptance of Mr. Goldstein illustrates that this "Goldenrule" has lost any relevance as a rule.
- 45) The Court orders that the "Goldenrule" be declared null and void.

### Conclusions

The Appellant has failed to submit substantial enough evidence that offensive words or conduct amount to the equivalence of prejudicial or discriminatory conduct. The Appellant has failed to submit any evidence that the banishments in question have exceeded their proscribed time at one or any time.

The Respondents have failed to have a finding of Executive Prerogative quash any applications for leave based on the existence of codified rules. The Respondents have been refused an order for a permanent interlocutory injunction against the Appellant.

The Court rules the "Goldenrule" in the *Act*<sup>4</sup> be declared null and void.

The Appellant's request for leave is dismissed.

---

<sup>3</sup> *Rules* (NGA) Golden Rule.

<sup>4</sup> *Ibid*.