

COPYRIGHT RESERVED

Note: Copyright in this transcript is reserved to the Crown. The reproduction, except under authority from the Crown, of the contents of this transcript for any purpose other than the conduct of these proceedings is prohibited.

V075 1198/05 BAH-B

LOCAL COURT  
PARRAMATTA

MAGISTRATE: J BETTS

WEDNESDAY 19 OCTOBER 2005

DEPUTY COMMISSIONER OF TAXATION v JOHN WILSON

Ms Genes for the Informant. Accused appeared unrepresented.

HER HONOUR: Mr Wilson do you understand the allegations before the court in relation to taxation? Are you still wishing to plead not guilty. Is that right? Are you still wishing to plead not guilty?

ACCUSED: I'm not pleading anything. I'm challenging the jurisdiction of the Court – I entered a Notice that this is a special appearance and so what I want today is a date for the empanelling of the Special Jury to determine the jurisdiction. Do you know what I'm talking about?

HER HONOUR: No, enlighten me please. It's very entertaining.

ACCUSED: I'll give you a leaflet.

HER HONOUR: How come you've got—

ACCUSED: which explains that—

HER HONOUR: Are you for real?

ACCUSED: This is for real. This is the most important issue in Australia, so-

HER HONOUR: I notice you're wearing a trial by jury is democracy-

ACCUSED: It's called due process. It's called the rule of law and by challenging the jurisdiction, the jurisdiction must be proven and the only way you can do that is with a special jury and the - a special jury must empanelled, so-

HER HONOUR: Who says—

ACCUSED: So all that can proceed today is a date for that empanelling. What's your name by the way.

HER HONOUR: No, you tell me what your name is. Just take a seat there please sir.

ACCUSED: I didn't hear your name.

HER HONOUR: Just take a seat there please.

ACCUSED: Could I have your name please, you know my name.

HER HONOUR: Mr Wilson just take a seat there please.

ACCUSED: Please tell me your name.

HER HONOUR: Take a seat there please.

ACCUSED: Do you refuse to give me your name?

HER HONOUR: If you're not going to sit down you can stand up. I'm going to read what you've written here, okay. My name is well known.

ACCUSED: Well why won't you give me your name.

HER HONOUR: Mr Wilson it looks like you've got a T-shirt on at the moment. Are you a member of any particular entity? It looks like you've got a

ACCUSED: You'll have to speak louder.

HER HONOUR: Trial by jury is democracy you've got on your T-shirt you're wearing and it looks like you've got at least 7 other supporters here.

ACCUSED. Yes.

HER HONOUR: Rights and wrong, dot com dot au.

ACCUSED: Yeah, I'm recording my experiences in the Courts over the last ten years. I've got transcripts and judgments so everyone is welcome to tap in and read it, about the gross injustice, and a miscarriage of justice in Australia. You might be new to it, but it's well known that judicial corruption is rife. So what I've got to do now is challenge the jurisdiction.

HER HONOUR: Okay Mr Wilson I'm going to stop you there. Judicial corruption is rife. Are you making any adverse aspersions in relation to my capacity?

ACCUSED: I'm having trouble hearing you, I'm afraid.

HER HONOUR: Are you making any adverse aspersion to my capacity as a judicial officer in this Court at Parramatta today?

ACCUSED: No because I don't think you know what the law is. So I can't blame you if you don't know. So all I'm happy to do is get a date to empanel a jury.

HER HONOUR: No sir you're not. You have no power to do that.

ACCUSED: You refuse?

HER HONOUR: You have no power to do that. Okay? I'm still reading.

ACCUSED: I have a power to challenge the jurisdiction of the Court. You say I have no power to challenger the jurisdiction of the Court?

HER HONOUR: Just sit down Mr Wilson. I'm still reading this interesting

ACCUSED: You'll have to get to know the law. The law is....

HER HONOUR: I take it you're not a lawyer?

ACCUSED: .....Common law.

HER HONOUR: Are you a lawyer?

ACCUSED: No thank you very much.

HER HONOUR: Sit down please. When I ask you to sit down please sit down sir. I'm still reading this interesting document.

ACCUSED: Okay.

HER HONOUR: Okay Mr Wilson I am a lawyer you are not. All right. That is the situation.

ACCUSED: What's your name, please?

HER HONOUR: Look my name is on the record. It's Betts. Initial J.

ACCUSED: Okay and you are a barrister or a lawyer or..

HER HONOUR: I'm a magistrate.

ACCUSED: You're a magistrate.

HER HONOUR: I'm a magistrate. That's all you need to know, sir.

ACCUSED: Okay and that's one of the things I'll be challenging.

HER HONOUR: My appointment?

ACCUSED: Yep.

HER HONOUR: You're free to do so sir.

ACCUSED: Yeah, because magistrates and judges are supposedly appointed by the Governor and the Governor is supposedly appointed by the Queen, but the Queen doesn't appoint the Governor. So, therefore your appointment to be a magistrate is quite invalid. I've got the evidence from the Privy Council. I've got-

HER HONOUR: Terrific, terrific—

ACCUSED: -- a document here.

HER HONOUR: Look Mr Wilson let's not waste—

ACCUSED: It's —

HER HONOUR: --- this Court's time --

ACCUSED: It's all for real.

HER HONOUR: Okay I'm going to stand your matter down, because obviously we're going to have a little bit of a discussion. That was an interesting document that you have prepared because I have a few interesting things I want to say to you in relation to the question of jurisdiction like pointing out the legislation. Forget about the Common Law. This mask, I'm not a person, all this sort of rubbish you've written there because it's very interesting --

ACCUSED: What did you call that?

HER HONOUR: I'm just going to stand it down. Okay.

ACCUSED: Until when?

HER HONOUR: Until I've dealt with the matters with the rest of the people here because this is going to take a bit longer than-

ACCUSED: But I am challenging the jurisdiction of the Court.

HER HONOUR: Yes and it's going to take some time to discuss that challenge. I'm just putting the matter down in the list until I can deal with everybody else and then we can have a talk about that so I understand more fully your submissions to the Court.

ACCUSED. Understand more fully?

HER HONOUR: Okay thank you.

ACCUSED: Will that be today?

HER HONOUR: Yes certainly.

ACCUSED: Is this being recorded?

HER HONOUR: Sir you can see everything's here. It's all being recorded on tape as well as video.

SHORT ADJOURNMENT

HER HONOUR: The matter was last before the Court on 24 August where brief orders were made. Has a brief been served, and have you received a copy of the brief in relation to the Prosecution evidence Mr Wilson?

ACCUSED: I'm not dealing with the Court until the jurisdiction has been proven.

HER HONOUR: Sir just answer my question. Have you received a copy of the brief?

ACCUSED: I'm not answering any questions until the jurisdiction is proven. You have no authority whatsoever.

GENES: Sir if you're going to play games, you're not going to last much longer in this Courtroom, I can tell you now.

ACCUSED: Is that a fact is it?

HER HONOUR: No it's reality do you have a copy?

ACCUSED: I am playing by the rule of law.

HER HONOUR: Do you have a copy of the brief, yes or no? That's all you need to answer sir. We'll get to the question of jurisdiction shortly.

ACCUSED: I refuse to recognise this Court because it has no jurisdiction. I'm challenging the jurisdiction of the Court. It must be proven. It must be determined by a special jury. You must have had instructions over lunch time?

HER HONOUR: What's funny?

PERSON IN COURT: It's a personal matter.

HER HONOUR: Well if you want to laugh you can leave sir. Off you go. You can leave sir. You're not going to disrupt this Court. Off you go thank you sir.

PERSON IN COURT: It's a kangaroo court, anyway.

HER HONOUR: Mr Wilson we'll get to the question of the jurisdiction shortly, okay?

ACCUSED: That's the first thing.

HER HONOUR: No.

ACCUSED: Yes it is.

HER HONOUR: No it's not. With the greatest of respect to you I am the magistrate here sir. You are the defendant. We'll get to the question –

ACCUSED: I'm challenging that. I don't think you're a magistrate at all. I just explained this morning that your appointment is totally fraudulent and that's one of the uses of the jurisdiction. There is no Court.

HER HONOUR: Has a brief been served Ms Genes yes or no?

GENES: Yes it has your Honour.

HER HONOUR: That's now got that answer. You won't give it to me. The Prosecution have to answer that for you. Okay, that's number 1 step. Now what I have on the file is no doubt documents you have prepared in the question of the jurisdiction. Now that is a document that is headed up "Challenging Jurisdiction".

ACCUSED: Yes.

HER HONOUR: A notice of special appearance.

ACCUSED: Yep.

HER HONOUR: Okay, now that's what you handed up to the Court on 24 August?

ACCUSED: No. Notice of special appearance was filed on 15 August on the morning of the affidavit of support. That what was filed downstairs in the registry. I turned up on 24 August, was it, and I again said that I'm only here --

HER HONOUR: What was the special appearance sir. What does that all mean? It's not a term that is familiar to me.

ACCUSED: All right, you'll have to learn then. You said you're a lawyer.

HER HONOUR: What does it mean sir?

ACCUSED: It means that I'm only here for one reason and one reason only. It's not a general appearance. You've got that little bit of outline on what is appearance, what is special appearance, what is general appearance. I do not recognise the jurisdiction of the Court and I'm challenging it. And the only way it can be determined is by a special jury and that is the rule of law.

HER HONOUR: Okay you explain it to me because I don't understand.

ACCUSED: The jurisdiction of the Court, your authority.

HER HONOUR: You explain what your submission is all about because I don't understand it.

ACCUSED: I don't have to explain anything to you. I am --

HER HONOUR: Sir, it is your application.

ACCUSED: -- challenging the jurisdiction of the Court.

HER HONOUR: Yes.

ACCUSED: It can only be determined by a special jury--

HER HONOUR: Mr Wilson, let's put this straight. Should-

ACCUSED: ---so, if there was a special jury here I would explain it to them.

HER HONOUR: Sir, no--

ACCUSED: ---I have no intention of explaining it to you, you have no authority whatsoever. Your appointment is totally fraudulent. I have explained that to you.

HER HONOUR: What do you know about my appointment?

ACCUSED: Well as far as I can determine the appointments of magistrates-

HER HONOUR: No, you said, my appoint is fraudulent, what do you know about-

ACCUSED: You call yourself a magistrate?

HER HONOUR: What do you know about my appointment?

ACCUSED: Do you call yourself a magistrate?

HER HONOUR: The government calls me a magistrate sir.

ACCUSED: The government? Who is the government? Go on, who is the government? Is the government the Governor? Does the Governor live in Government House?

HER HONOUR: The Local Courts Act. Have you looked at the Local Courts Act?

ACCUSED: Yeah, I've got a copy of that.

HER HONOUR: Have a look at it. My appointment is in accordance with that.

ACCUSED: That is as fraudulent as every other Act. I have a copy—

HER HONOUR: Well look, that is all very well. Let's not waste time-

ACCUSED: ---I have a copy of the Local Court Act. I have a copy of the District Court Act, the Supreme Court Act, the Federal Court Act, the High Court Act. They are all invalid.

HER HONOUR: Get the Local Court Act out.

ACCUSED: They are all invalid.

HER HONOUR: Get the Local Court Act out. That is the only one we are concerned with at this moment, okay?

ACCUSED: That is invalid.

HER HONOUR: That is what you say sir.

ACCUSED: As I say that is why I'm challenging the jurisdiction of the Court. There is no court with any authority.

HER HONOUR: Okay, okay, let's try and make sense out of this because I find it very, very difficult.

ACCUSED: It is all strange to you because you—

HER HONOUR: Just be quiet.

ACCUSED: ---because you think—

HER HONOUR: Just be quiet, let me—

ACCUSED: You are under a disillusion.

HER HONOUR: Well I have for the last ten minutes—

ACCUSED: You have assumed that you have authority—

HER HONOUR: Are you going to shut your mouth sir?

ACCUSED: ---but you don't-

HER HONOUR: Are you going to shut your mouth and let me say something? Look, I know you have got now three gentlemen with T-shirts on similar to yours, and another gentleman there.

ACCUSED: This is all going on record too.

HER HONOUR: Of course it is sir, there is no difficulty with that. It always will be recorded.

ACCUSED: I hope so because I'm putting it on the website.

HER HONOUR: You can do whatever you like. Are you recording it yourself?

ACCUSED: Yes. It's all on record—

HER HONOUR: No, no sir. Do you have a recording device here at court today?

ACCUSED: No, I am trusting that person over there.

HER HONOUR: Okay, now I have a difficulty. Number 1, you are challenging my appointment as a magistrate—

ACCUSED: That's not—

HER HONOUR: Excuse me, no, no—

ACCUSED: -- the first challenge—

HER HONOUR: No, no, listen—

ACCUSED: The first challenge was the jurisdiction—

HER HONOUR: Just be quiet, do not interrupt.

ACCUSED: I am trying to put things in order.

HER HONOUR: No, I'm trying to put it in order.

ACCUSED: You are trying to be oppressive—

HER HONOUR: Will you be quiet.

ACCUSED: You are trying to be oppressive—

HER HONOUR: Can you be quiet.

ACCUSED: You are trying to be oppressive.

HER HONOUR: No.

ACCUSED: Yes you are, you are telling me to be quiet.

HER HONOUR: I am asking you to be quiet so I can have may say.

ACCUSED: You told me to shut my mouth, that's being oppressive.

HER HONOUR: ---because it seems to me that if you are challenging my appointment

ACCUSED: I am challenging these courts.

HER HONOUR: Who is going to make this decision on jurisdiction, if this court has no jurisdiction? Shouldn't you go elsewhere?

ACCUSED: The court is a jury.

HER HONOUR: No, it isn't.

ACCUSED: It is.

HER HONOUR: Not at this stage it is not.

ACCUSED: It is. It has been laid down in the Magna Carta for many centuries.

HER HONOUR: This is 2005.

ACCUSED: Pardon?

HER HONOUR: This is the year 2005.

ACCUSED: Yeah.

HER HONOUR: okay.

ACCUSED: And we have a constitutional law called Magna Carta.

HER HONOUR: No, we have a Constitution.

ACCUSED: We have a constitutional law.

HER HONOUR: The Constitution of Australia.

ACCUSED: If you have a look it is classified as—

HER HONOUR: Mr Wilson, look—

ACCUSED:---it is classified as—

HER HONOUR: If you just bear with me one moment—

ACCUSED: --Constitutional Enactments.

HER HONOUR: Okay, let's - I have a problem with the submission you are trying to make. Just listen to me while I just say what I wish to say. Are you prepared to do that?

ACCUSED. But there is no point to it.

HER HONOUR: You are not going to listen are you?

ACCUSED: It is a waste of time because you have no authority to—

HER HONOUR: Well that is what I am saying. Who are you asking to make a decision on the question of jurisdiction?

ACCUSED: A jury, a special jury.

HER-HONOUR: What does that mean?

ACCUSED: If you have a jury—

HER HONOUR: -What does that mean?

ACCUSED: A jury is empanelled to determine the jurisdiction of the court. This is laid out quite clearly in Halsbury's Laws.

HER HONOUR: It is Halsbury's Laws.

ACCUSED: Halsbury's/Halsbury's – same thing.

HER HONOUR: Well let's get it right.

ACCUSED: It says quite clearly that unless there is consent from both parties to be without a jury the Court has no jurisdiction to proceed summarily.

HER HONOUR: No, this is a summary matter under the Local Court Act, okay?

ACCUSED: Summarily is without a jury.

HER HONOUR: Under the Criminal Procedure Act.

ACCUSED: Without a jury there is no jurisdiction. I am—

HER HONOUR: We do not have trial by juries in summary matters in the local courts, okay? That's the reality.

ACCUSED: This is not a court.

HER HONOUR: We'll we beg to differ on that, sir.

ACCUSED: This is not a court in any action. In any action.

HER HONOUR: Okay, have you made a challenge to any other court in relation to trial by jury for summary matters.

ACCUSED:---in any action.

HER HONOUR: Have you done any challenge to any other court in relation to this issues, yes or no, sir?

ACCUSED: No - I've challenged authorities - but not challenged the jurisdiction. This is a development coming by way of necessity because the judges have been so corrupt - violated the rule of law so many times that I am now having to challenge the jurisdiction of the courts.

HER HONOUR: Let's not be—

ACCUSED: This is a legal procedure to challenge the jurisdiction-

HER HONOUR: Look, both of us cannot be talking at the one time, okay? When I am talking, please you do not keep talking, okay? Now, you just made a comment "all judges are corrupt", okay?

ACCUSED: You will have to come closer. Can you hear at the back there. Can you hear?

HER HONOUR: Don't worry about the people at the back you are the defendant, you are the one-

ACCUSED: This is a public hearing, this is a public hearing.

HER HONOUR: Yes I know.

ACCUSED: The hearing of the public. They are supposed to hear what you are saying.

HER HONOUR: No they don't.

ACCUSED: So don't mumble, speak clearly.

HER HONOUR: You are the parties before the Court, you are the one's you have to hear, okay?

ACCUSED: I didn't hear that.

HER HONOUR: You have to be able to hear, okay?

ACCUSED: No, a public hearing—

HER HONOUR: Forget it. I am running this court Mr Wilson-

ACCUSED: If it was a –

HER HONOUR: I am running this court Mr Wilson, not you, okay?

ACCUSED: You are what?

HER HONOUR: I am running this Court and not you.

ACCUSED: You are running what court? There is no court here.

HER HONOUR: Well who is going to make - this seems to be a skit out of the ABC.

ACCUSED: The jurisdiction has to be determined by a special jury.

HER HONOUR: I am not asking you to establish the grounds for that submission.

ACCUSED: I don't have to justify any - I am just challenging the jurisdiction.

HER HONOUR: If you have nothing to support that—

ACCUSED: I have many many documents to support –

HER HONOUR: If you have nothing to support that—

ACCUSED:---many many documents, this is just one of them

HER HONOUR: Well that is all very nice—

ACCUSED: -- proves—

HER HONOUR: That is all very nice. It is a lovely folder.

ACCUSED: Yeah, this is just one set of documents which proves implicitly that this court is an illegal court. It has no jurisdiction. It is a false court because the laws that establish it are false.

HER HONOUR: On what basis sir? Are you going to make any submissions to me or are you just going to make airy-fairy submissions and getting no where?

ACCUSED: No, I am just making a statement to try and get what I am entitled to, which is a jury to determine the jurisdiction.

HER HONOUR: Okay, now—

ACCUSED: Do you refuse? Do you deny trial by jury to determine the jurisdiction of the court?

HER HONOUR: I wish to give you the opportunity of making submissions to me and supporting the proposition.

ACCUSED:”There is no point - you have no authority—

HER HONOUR: Mr Wilson, are you going to—

ACCUSED: -you have no authority, you will not make any---

HER HONOUR: Be quiet while I am talking or not—

ACCUSED: ---decision, at all. You have no authority to make any decision, whatsoever. You cannot judge in your own cause. Heard that one? Have you heard that one? You cannot judge in your own cause?

HER HONOUR: Have you heard about contempt of court?

ACCUSED: Contempt of court is interfering with the administration of justice.

HER HONOUR: Well that is exactly what you appear to be trying to do, sir.

ACCUSED: I am not. I am in the interest of justice. I am promoting justice.

HER HONOUR: You appear to be promoting your own cause, sir. You are not appearing to understand what the Court requires of you. It appears that you are challenging-

ACCUSED: What Court? What Court?

HER HONOUR: ---the jurisdiction.

ACCUSED: What you? I understand that you are not a court.

HER HONOUR: Who are you challenging? What do you –

ACCUSED: I am challenging the jurisdiction of the Court.

HER HONOUR: I know, but who is going to make that decision in relation to it?

ACCUSED: A special jury is going to make that decision.

HER HONOUR: Okay, now this special jury. Where do you get the authority for this special jury? Please enlighten me.

ACCUSED: You must have a special jury, so –

HER HONOUR: Where is the law? Where is the law? Where is the common law in relation to that proposition? That is what I am asking you to do to establish your grounds for this submission. Not because of the fact that you want it.

ACCUSED: I am going on Halsbury's Laws which says that the jurisdiction is determined by a special jury.

HER HONOUR: The jurisdiction of what, sir?

ACCUSED: I will see if I can find it for you. Here it is, it says, "Consent to summary jurisdiction. The consent to be tried summarily must be clear and unequivocal and failure to carry out the procedures for obtaining the consent will defy the court of jurisdiction to determine the matters summarily". Okay?

HER HONOUR: Okay, have you looked at the Taxation Act?

ACCUSED: I cannot hear you. Speak up please.

HER HONOUR: Don't make a joke of this, sir. I can tell you now you will be coming off second best, okay? Okay, your supporters are there. They can hear you.

ACCUSED: How can you have an intelligent conversation when one side mumbles?. Please speak up.

HER HONOUR. I can say something to you sir that you are not going to like, at all. Don't talk rubbish.

ACCUSED: I am not talking rubbish. You are denying trial by jury. That is an offence.

HER HONOUR: Is it really?

ACCUSED: That will see you in gaol for up to 5 years.

HER HONOUR: Is it really? You are threatening me.

ACCUSED: Did you know that?

HER HONOUR: No.

ACCUSED: It is written down. Here it is again in the -- five years imprisonment.

HER HONOUR: Is it really? Well put me in the dock now.

ACCUSED: Pardon?

HER HONOUR: Put me in the dock now, hanging me.

ACCUSED: Without a jury?

HER HONOUR: Okay, you have your mates here.

ACCUSED: No, I want a proper jury empanelled to—

HER HONOUR: Are you on medication Mr Wilson?

ACCUSED: Pardon?

HER HONOUR: Are you on any medication?

ACCUSED: No, I am not.

PERSON IN COURT: I find that insulting, I really do.

HER HONOUR: Sir, you can leave too, thank you sir. Off you go. You are not a party to these proceedings. Don't interrupt. I am asking you to leave sir.

PERSON IN COURT: I will leave the Court.

HER HONOUR: I am asking you to leave. You are interrupting, please leave.

COURT OFFICER: The magistrate has ordered you to leave.

PERSON IN COURT: Can I ask one question?

COURT OFFICER: No she ordered you to leave the Court.

PERSON IN COURT: When is the law of this land going to be held to? The real law?

ACCUSED: It is thuggery, at the moment. It us just thuggery.

HER HONOUR: Sir, I have asked you a question for a good reason because I am trying to find out where you are coming from, okay? It does not appear to make much sense to me, at the moment. Now, you are asking the Court, you are challenging the jurisdiction. I can understand that.

ACCUSED: Good.

HER HONOUR: Now, you are demanding a trial by a special jury?

ACCUSED: Yep to determine the—

HER HONOUR: Well where do you get the power to make that submission? Now what-

ACCUSED: It is the Magna Carta.

HER HONOUR: No, please listen. Wait until I finish, thank you. Before you interrupt, okay, just give me that courtesy. I am sitting here, as a magistrate under the Local Courts Act. Now, it appears number 1 you are challenging the jurisdiction of this court. You made adverse comments in relation to the building and, in fact, it is not a court at all. You appear also to be challenging my appointment without knowing when I was appointed and by whom-

ACCUSED: That's part of it.

HER HONOUR: Well, that doesn't seem to make any sense unless you have something to put before the Court of any substance. The Local Courts Act is what this court is governed by. The Taxation Act is the Act from which the allegation is made against you as the defendant, okay? Now, what governs that court attendance notice is the Criminal Procedure Act, the outline of the jurisdiction in the Taxation Act and the Local Courts Act. Let's forget about the Magna Carta, okay?

ACCUSED: Forget about the Magna Carta?

HER HONOUR: Yes, we are talking about legislative things that bring this matter before the Court.

ACCUSED: Forget about the Magna Carta? Forget about the rule of law? Is that what you are saying? Forget about it? The Magna Carta says quite clearly-

HER HONOUR: Have you looked at the Local Courts Act? Have you looked at the Taxation Act in relation to jurisdiction of this particular type of matter?

ACCUSED: They are all secondary or tertiary or so far down the track in consideration, they are the-

HER HONOUR: Sir that—

ACCUSED: ---details of the case.

HER HONOUR: Sir. that is the starting point for this court.

ACCUSED: It is not the starting point. The starting point is to establish the jurisdiction of the court.

HER HONOUR: Sir, that is where the jurisdiction of the court comes from. With the greatest respect to you.

ACCUSED: I am challenging the jurisdiction of the Court because—

HER HONOUR: And I am saying that unless you have a look at that—

ACCUSED: ---it has not been established by valid laws.

HER HONOUR: And you have nothing to back that up.

ACCUSED: I have plenty to back it up.

HER HONOUR: Well I am asking you to—

ACCUSED: This is just the start of it.

HER HONOUR: Well I will give you the opportunity to—

ACCUSED: I have plenty of evidence—

HER HONOUR: No, please listen. When I am making conversation with you-

ACCUSED: ---that is—

HER HONOUR: Do not interrupt. It is all being recorded and only one person can talk at a time, okay? Especially if you want to put this on your website, it is going to be very messy indeed, isn't it?

ACCUSED: It will go on the website because everybody should know what justice - injustice is being suffered by –

HER HONOUR: Well I can point out to you now and I will warn you—

ACCUSED: You are warning me?

HER HONOUR: I am going to give you a warning in fairness to you sir and to your supporters. This court proceeding is being recorded, okay? It is an open court. Members of the public are allowed to be here and hear, if they have the capacity to hear what is being said in this court. If you are going to apply for a copy of the tape of the proceedings, Copyright exists and you cannot broadcast it or publish it in any way shape or form.

ACCUSED: So, I will have a trial by jury in that one, too.

HER HONOUR: Okay I am just putting it on the record that if you are going to do anything like that you may be subsequently charged with an offence.

ACCUSED: And I will remind the jury—

HER HONOUR: Well, that is a matter for you, sir. I am just putting on the record in fairness to you that you may or may not be committing an offence.

ACCUSED: We can do it now because I can present evidence that it is recorded. I have been putting transcripts and judgments on my website for the last 10 years.

HER HONOUR: Sir, if you are going to make admissions I again warn you-

ACCUSED: But that has to be determined by a jury, not by you, you have no jurisdiction and no authority, whatsoever.

HER HONOUR: I am not going to charge you with anything. The only thing I have here is your allegation of not putting your tax return in. Now, do you wish to plead guilty or not guilty in relation to that?

ACCUSED: That can only be determined by—

HER HONOUR: No, no, forget about that, okay?

ACCUSED: I am not going to forget about anything, at all. I'm not going to forget about justice - forget about the rule of law. I'm not going to forget about fairness.

HER HONOUR: Did you or did you not put your tax return in?

ACCUSED: I cannot hear what you are saying.

HER HONOUR: Well, be quiet.

ACCUSED: If you are incapable of speaking, don't speak. Talk so the people can hear you.

HER HONOUR: Once again, what medication are you on sir?

ACCUSED: What makes you so belligerent that you are denying an ordinary person, a free man, a right to trial by a jury.

HER HONOUR: Sir, I don't think that your behaviour here is ordinary in any way shape or form, okay? Now, let's get back to the allegation before the Court. They are laid under the Taxation Administration Act.

ACCUSED: What court? There is no court. I am challenging the jurisdiction of the Court. There is no proceedings, there is no pleadings unless the jurisdiction of the Court have been proven. It can only be determined by a special jury - to determine that issue of jurisdiction.

HER HONOUR: Let's get back to brass tacks. A Court Attendance Notice is in existence. I am satisfied that it is a valid document in accordance with the Criminal Procedure Act.

ACCUSED: You have no authority to be satisfied about anything --

HER HONOUR: Sir, you may not agree with me, okay? That is what the law is. You're stuck with it.

ACCUSED: -- and I am challenging the jurisdiction of the Court.

HER HONOUR: Yes, and I am suggesting that the 'Court Attendance Notice' is a valid court attendant notice.

ACCUSED: You are refusing to allow that challenge to go to a jury.

HER HONOUR: I will not get a jury here, sir.

ACCUSED: You are refusing?

HER HONOUR: There is no power.

ACCUSED: You are denying—

HER HONOUR: Yes.

ACCUSED: You are a criminal in the extreme and—

HER HONOUR: Sir, once again, I am just going to warn you—

ACCUSED: --there are laws that will have you in gaol

HER HONOUR: ---that anything you say that could cast aspersions on this court's character-

ACCUSED: If there is any person guilty of an offence --- You what?

HER HONOUR: --I'm going to warn you once again. You have called me a "criminal". It is being recorded you could be in contempt of court for that sort of thing.

ACCUSED: Well what has come out of this matter, so far, is that you are refusing to allow a challenge to the jurisdiction of the court to go to a special jury, yes or no?

HER HONOUR: That is your interpretation. You are not going to ask me any questions.

ACCUSED: Yes I am.

HER HONOUR: I have asked you plenty of questions and you have not bothered to answer.

ACCUSED: Are you refusing—

HER HONOUR: I said the Court Attendance Notice is a valid court attendance notice. Let's get to-

ACCUSED: I am challenging the jurisdiction.

HER HONOUR: I am saying and I am overruling that challenge.

ACCUSED: This court has no jurisdiction, at all—

HER HONOUR: You can flog a dead horse, Mr Wilson, okay?

ACCUSED: Your appointment is fraudulent.

HER HONOUR: Well you challenged that. Do you know when I was appointed? No, you don't.

ACCUSED: I am challenging that as part—

HER HONOUR: But you are wasting this court's time. It is an absolute mockery.

ACCUSED: The court here -- I am challenging the jurisdiction of the Court.

HER HONOUR: This is a mockery.

ACCUSED: You were saying to the Court. There is no court.

HER HONOUR: Do you know who I am? Do you know when I was appointed? Do you know how I was appointed? No? You are making an airy-fairy submission out of the sky because it seems to-

ACCUSED: It is not airy-fairy. It is the most important---

HER HONOUR: No, it seems to suit your purpose—

ACCUSED: -issue in Australia.

HER HONOUR: ---and your little band of followers.

ACCUSED: No, they are there –

HER HONOUR. How many T-shirts have you sold today? How many T-shirts have you sold today? How many people have gone out there and tried to get to your-

ACCUSED: Any body bought a T-shirt today? No, nobody has bought a T-shirt today.

HER HONOUR: Well I should hope not. They are all very nice. Look, I don't know what you are getting at? I want to let you know if you are going to keep making those sort of adverse comments about me personally, I will take action.

ACCUSED: What is personal?

HER HONOUR: You called me a criminal.

ACCUSED: Yeah, because you are posing as a magistrate when your appointment is invalid. I can prove that to a jury. You cannot judge in your own court.

HER HONOUR: You prove it to me now.

ACCUSED: Where's the jury, come on. Empanel a jury. Set a date—

HER HONOUR: You are a joke. You are an absolute sad joke.

ACCUSED: Because I am defying criminality and corruption? That makes me a joke?

HER HONOUR: Where is the criminality and where is the corruption here sir. Are you suggesting I am corrupt?

ACCUSED: You are opposing—

HER HONOUR: Are you suggesting that I am corrupt? Is that what you are saying?

ACCUSED: Well, if you are --

HER HONOUR: Prove it.

ACCUSED: - yes, you are corrupt.

HER HONOUR: I am corrupt, okay? Number 2, I'm a criminal. I'm corrupt. It is all being recorded sir. I will be taking action against you because this is absolutely scandalous-

ACCUSED: Then we'll have a trial by jury maybe.

HER HONOUR: -- and defamatory. Not in this jurisdiction you won't.

ACCUSED: I've been trying to get a trial by jury for 10 years on various issues and the judges have denied it every time.

HER HONOUR: Doesn't that give you the hint that you might be on the wrong track?

ACCUSED: What?

HER HONOUR: Doesn't that give you the hint you might be on the wrong track?

ACCUSED: No.

HER HONOUR: Ten years you have been denied.

ACCUSED: What I can substantiate in law is—

HER HONOUR: everybody else is wrong, you're right, is that right? Okay?

ACCUSED: ---there are many laws protecting our rights.

HER HONOUR: Well you appear to be abusing some of them today sir.

ACCUSED: I am not abusing. I am trying to protect my rights. I am trying to protect, in fact, your rights, your children's rights.

HER HONOUR: I don't need protecting from you, okay?

ACCUSED: What you are doing is not only wrong, legally wrong, it is evil-

HER HONOUR: Okay, I'm criminal, I'm corrupt and now I'm evil, okay, it is adding up, Mr Wilson.

ACCUSED: That word—

HER HONOUR: It is adding up, Mr Wilson. What does it mean?

ACCUSED: That word "evil" comes from—

HER HONOUR: A four letter word.

ACCUSED: ---the Bill of Rights.

HER HONOUR: Well there are other four letter words I can –

ACCUSED: Have you read the Bill of Rights?

HER HONOUR: Not for many years.

ACCUSED: Have you read the Bill of Rights?

HER HONOUR: Not for many years.

ACCUSED: Do you want me to read it to you, where the word "evil" comes from?

HER HONOUR: I haven't got all day.

ACCUSED: Where the word "evil" is included in the Bill of Rights.

HER HONOUR: Let's not play games, Mr Wilson.

ACCUSED: "Evil" refers—

HER HONOUR: Are there any other adjectives you want to throw in my direction while you are here?

ACCUSED: That is a legal word because it is in the Bill of Rights.

HER HONOUR: It is a legal word because it is in the Bill of Rights?

ACCUSED: Yes it is.

HER HONOUR: "And" "the" are also legal words because they are-

ACCUSED: Here it is. Go past the Magna Carta and we go onto-

HER HONOUR: Let's get back to "criminal,". Why am I a criminal?

ACCUSED: ---the Bill of Rights.

HER HONOUR: Why am I evil?

ACCUSED: It says that "where as the Late King James of Scotland—

HER HONOUR: Well he is before my time.

ACCUSED: -- "by his--". What?

HER HONOUR: He is before my time.

ACCUSED: Yeah but—

HER HONOUR: He might not be before yours.

ACCUSED: This is current law, valid law in Australia.

HER HONOUR: Since when?

ACCUSED: It is -- it is Constitutional Law, and it refers to "evil counsellors, judges and ministers". That is where the word "evil" comes from and it says "did endeavour to subvert and exculpate the laws and liberties of the kingdom", and that is what you are doing.

HER HONOUR: Well I wasn't aware when James I, was around, so I don't think I would come within the definition-

ACCUSED: But you are doing the same thing. You are subverting and extirpating the laws and liberties of the kingdom.

HER HONOUR: Okay, so I am a criminal, I'm corrupt and I am evil..

ACCUSED: Yes.

HER HONOUR: Is there anything else you want to supply to me?

ACCUSED: No, no, you are - I came here today on the grounds of special appearance to challenge the jurisdiction of the court.

HER HONOUR: which does not exist with the greatest respect. "Special appearance" you are a defendant. A defendant. There is no special appearance. You are a defendant.

ACCUSED: No, there is no jurisdiction.

HER HONOUR: Well that is what you say, okay? I am satisfied that a Court Attendant Notice is –

ACCUSED: --I demand a jury to do it.

HER HONOUR: We are going around in circles.

ACCUSED: You are denying a jury.

HER HONOUR. I am saying the Court Attendance Notice is a valid document.

ACCUSED: You are not the Court. You are not the Court. Where it says there "The court is constituted by a judge sitting alone", that's wrong. That's illegal.

HER HONOUR: It is? Well okay, well why is it illegal?

ACCUSED: That's what I intend to establish in front of the jury.

HER HONOUR: Look, forget about the jury for the time being.

ACCUSED: I cannot forget about a jury. The jury is fundamental to the English Common Law.

HER HONOUR: We are talking about legislative law here. My jurisdiction comes—

ACCUSED: Which is secondary.

HER HONOUR: Are you going to listen to me, don't interrupt please.

ACCUSED: Secondary.

HER HONOUR: No, no, no.

ACCUSED: You are making a rash statement, which is wrong.

HER HONOUR: Well you say it is wrong. I am suggesting you are wrong.

ACCUSED: It is wrong I can prove it is wrong.

HER HONOUR: No, you can prove a lot of things today, all you are doing is throwing documents at me and throwing abuse at the Court.

ACCUSED: You are not the Court. You are belligerent. You are oppressive-

HER HONOUR: I see, okay.

ACCUSED: You are denying a free man a right to trial by jury. That is imprisonable for five years.

HER HONOUR: Well lock me up and throw away the key, I'd be grateful.

ACCUSED: Get a jury.

HER HONOUR: Well you have your mates there let them throw away the key.

ACCUSED: Get a jury. Empanel a proper jury—

HER HONOUR: Look, Mr Wilson, I don't know what planet you are on, quite frankly. I have asked the question on whether you are on any form of medication. It appears that what you are saying is not rational at all in any way shape or form. You do not wish to hear the Court in relation to its interpretation of what the law is. This is not a common law court. It is a legislative court under the Local Courts Act. My jurisdiction comes under that Local Courts Act.

ACCUSED: That's invalid.

HER HONOUR: The Court Attendance Notice - you say it is invalid?

ACCUSED: That is invalid.

HER HONOUR: I disagree with that.

ACCUSED: That is invalid.

HER HONOUR: Well there is no reason for that.

ACCUSED: Those Acts are invalid. Your appointment is invalid.

HER HONOUR: You say that and that is your submission you put without having any idea when I was appointed.

ACCUSED: And I intend to prove it before a jury. You are denying a jury. You are denying me access to trial by jury to determine the jurisdiction of the Court.

HER HONOUR: Sir you haven't been able to establish any valid opposition to the jurisdiction of this court.

ACCUSED: I don't have to prove it to you, you cannot judge in your own cause.

HER HONOUR: Sir—

ACCUSED: I am talking to you as a matter of courtesy.

HER HONOUR: I am grateful.

ACCUSED: Well you should be because—

HER HONOUR: Should I?

ACCUSED: --it is intended to help you.

HER HONOUR. So now I am-

ACCUSED: It is intended to help your family—

HER HONOUR: So now I am a criminal, corrupt, evil and grateful.

ACCUSED. It is intended to help your neighbours. It is intended to help all the people of Australia. We have to put this country back on track legitimately with a proper rule of law where justice is administered as it is supposed to be by juries. Now, the only way there cannot be a jury is that both parties, this lady here and myself, both give our consent not to have a jury. That is the law.

HER HONOUR: That is the law that you submit is the law and I am saying rubbish.

ACCUSED: And that is - is what?

HER HONOUR. Rubbish.

ACCUSED: You say it is rubbish.

HER HONOUR: Yes I do.

ACCUSED: Well, there is no use talking to a fool.

HER HONOUR: Look's like I'm looking at one. So, now I'm a criminal, corrupt, evil, grateful and a fool.

ACCUSED: There is no point in continuing this conversation. You are determined to commit many many crimes.

HER HONOUR: Sir, you are the defendant, do you wish to have a hearing, otherwise the matter will be dealt with today.

ACCUSED: Good bye, lady.

HER HONOUR: Okay. The record shows it is 2.30 Mr Wilson

ACCUSED: There is no point being here. There is no jurisdiction.

ACCUSED LEAVES COURT

HER HONOUR: I will deal with the matter in the absence of the defendant in 15 minutes if he does not grace himself with his presence. I will be dealing with the matter today if Mr Wilson does not return. Okay, now whether you, the three gentlemen who are left are able to persuade him to come back into Court. A hearing date will be set otherwise I will be dealing with the matter today. I am giving him the opportunity of having somebody talk to him to have and to return to court and a

hearing date will be given to him, otherwise the matter will be determined in his absence if he fails to come back to Court. That is a liberty that he quite frankly is given out of courtesy of the Court, this corrupt, criminal, evil, grateful whatever the last one was, I don't know. I will take a short adjournment so perhaps you can talk to Mr Wilson. I don't know what the outcome of that will be but I will give him 15 minutes, otherwise I will determine the matter.

SHORT ADJOURNMENT

ACCUSED PRESENT IN COURT

HER HONOUR: Mr Wilson?

ACCUSED: Just one question, will you summon a jury? A special jury?

HER HONOUR: Now, it is 10 to 3, you have now returned to the courtroom and I am glad you have.

ACCUSED: One question.

HER HONOUR: Sir, I am running this court sir, not you. Please do not interrupt me.

ACCUSED: What Court? Will you empanel a jury? Will you summon a jury?

HER HONOUR: Just take a seat there please sir.

ACCUSED: You refuse to answer.

HER HONOUR: No, just take a seat there please Mr Wilson.

ACCUSED: Are you going to empanel a jury?

HER HONOUR: Just take a seat please.

ACCUSED: Are you going to empanel a jury?

HER HONOUR: I am asking you to take a seat, if you don't wish to.

ACCUSED: You have no authority to tell me to do anything.

HER HONOUR: Okay. Now Mr Wilson has just said I have no authority to ask him to do anything. He and his followers, except one gentleman, are leaving the courtroom, it is now 10 to 3.

ACCUSED LEAVES COURT

HER HONOUR: I will deal with the matter under s 196. I will put on the record and will request a copy of the transcript to be attached to the court papers in light of any other proceedings which may flow from Mr Wilson's attendance here today.

Now, the defendant comes before the Court. Mr Wilson does not view himself as a defendant, however, I am satisfied that the Court Attendance was appropriately issued in accordance with the required legislation, issued under the Taxation Administration Act 1953, as amended, in relation to four alleged offences under that Taxation Administration Act. That document was served by handing it to him at his place of business, at 331 North Rocks Road, North Rocks on 27 July

2005. That Affidavit of Service of the Court Attendance Notice has been signed by the applicant, by a commercial sub agent and has been witnessed by a Justice of the Peace.

I am satisfied that that Affidavit of Service indicates that the Court Attendance Notice was adequately served.

The defendant, Mr Wilson, attended Court today unrepresented. The matter was first before the Court here at Parramatta on 24 August 2005 where he appeared unrepresented.

The matter was first before the Court here at Parramatta on 24 August 2005 where he appeared unrepresented. It is not clear what was said to the Court on 24 August, however, on the Court file is a document headed up, "Notice of Special Appearance" signed by Mr Wilson together with a document headed up "Challenging Jurisdiction".

The Court had made brief orders in relation to the brief to be served by 5 October and reply by today. It is on the understanding that the matter would be set down for hearing. Upon attending here today the defendant, Mr Wilson, indicated to the Court that he challenged the jurisdiction of the Court and requested that a jury be empanelled to determine the issue of jurisdiction it is unclear as to what authority he was relying upon. All attempts by me to ask him to refer the Court to any authority or any legal basis for that was not met with any great success.

During the morning and other matters being determined, the matter was stood down to 2 o'clock. At 2 o'clock Mr Wilson once again challenged the jurisdiction of the court and then challenged the jurisdiction of this particular Court itself indicating that this courtroom does not exist and also challenging my appointment.

Now he demanded my name prior to the luncheon adjournment and he was given that name. He did make a submission to the Court that my appointment was, in fact, invalid and this court does not exist.

No justification for such a submission was able to be forthcoming and it is quite clear that Mr Wilson's beliefs may never ever be changed. Certainly they have no basis in fact and my appointment was in accordance with the Local Courts Act. An Act which has been in existence since prior to my appointment being 1982. For the record and I will place on the record that I was appointed on 24 October 1994 by virtue of an appointment under s 12 of the Local Courts Act.

This Court has jurisdiction being a Court at Parramatta being gazetted as a local court in accordance with the Local Courts Act established under s 6(1) of the Local Courts Act, that being "the Governor may by Order publish in the Gazette establish local courts and appoint the place of at and the district for which any such court shall be held". The jurisdiction of this court has the same jurisdiction pursuant to s 7 of the Act, as Courts of Petty Sessions in New South Wales, merely before the appointed day.

Subsection (2), "The Courts shall have the jurisdiction conferred or imposed on them by or under any Act or any other law".

As I endeavoured to explain to Mr Wilson this Court's jurisdiction is established under the Local Courts Act. The jurisdiction for the Court Attendance Notice is established under the Criminal Procedure Act, the jurisdiction in relation to the alleged offence is established under the Act upon which that charge emanates.

Now, the defendant left the precincts of the Court at 2.30. I indicated to his friends who were still present in the Court that I was quite amenable to giving him 15 minutes to consider his position

and giving him the opportunity of returning to the Court to have the matter then adjourned for a hearing to be allocated.

I returned to the bench at a quarter to 3. Mr Wilson was quite insistent upon having a jury empanelled to establish the question of jurisdiction and was not in a position or willingness to understand what was required of him by the Court. He then took the opportunity of vacating the court precincts. All but one of his friends have left the courtroom.

He did attend with seven other male gentlemen this morning, also at 2 o'clock and each of those persons with their T-shirts saying 'Trial by Jury is Democracy'.. Thank you, and one of those gentlemen is still in Court.

Now, it is quite clear that Mr Wilson has quite strong beliefs in relation to the question of jurisdiction. I appreciate that there is nothing this Court can say will persuade him otherwise. It is with some difficulty that this Court is going to deal with the matter. I have no qualms about dealing with the matter. The defendant was given more than one opportunity to listen to what the Court had to say. He certainly in his submissions to the Court this afternoon described me as being evil, a criminal, corrupt, as well as another word that I cannot remember, but anyway the transcript will record that.

He also indicated that he is going or intends to put the Court proceedings on his website and I in all fairness to him indicated to him that that may not be a thing that would be legal because any court proceedings tape recorded, a Copyright rests in the Crown and certainly no publishing of the transcript or the Court recording would be able to be done without authority of the Attorney General.

I certainly am concerned of the wording used by Mr Wilson toward myself personally, however, that is on the Court record and no doubt was said in his mind describing his past experiences perhaps, I do not know.

I do not know Mr Wilson. I do not know of him. It is quite clear that he has a strong belief in relation to the question of trial by jury. The submissions put before the Court in relation to that as a special appearance. Mr Wilson is not of the view that he is, in fact, a defendant.

Now, he knows a special appearance has been prepared. I have no idea on what basis apart from the fact that it appears to suit Mr Wilson's purpose of challenging the jurisdiction of this Court. He does not appear to see himself as a defendant and in his affidavit in support of this notice of special appearance signed on 13 August 2005 he said that he has an inalienable constitutional and inherent right to trial by a jury as guaranteed by the constitutional Enactments of the Magna Carta, the Petition of Right, the Habeas Corpus Act and the Bill of Rights and having come in force in New South Wales by virtue of the Imperial Act, gosh, in 1928.

He does not describe himself as a person and I am just quoting in 2(ii), "in that I am not a mask. The word 'person', is derived from the Latin word 'persona', which means 'mask'. A 'mask' is a form of disguise usually over the face to hide the wearer's identity and to establish another being, that is another something that exists".

Now, 'accused person', defined in the Criminal Procedure Act 1986 includes in relation to summary offences which are the matters before this Court, a defendant, and in relation to all offences, whether the subject matter or context allows or requires a barrister or solicitor representing an accused person.

So the defendant comes before the Court as a defendant as defined in the Criminal Procedure Act 1986. The defendant appears to be looking at dictionary definitions to suit his purpose.

He also indicated that he challenges the Court Attendance Notice, using the phrase, 'natural person'. He said, that describes 'a mask that is life like or concerned with physical things'. He then goes further onto say he is a man that God created. 'I am a man who is free, that is, not a slave nor servant having right and social and political liberty. A man is alive in God's glory'. Then quoting verses from the Bible as well as the Magna Carta and the Imperial Acts Application Act and also United Kingdom legislation in relation to.

The rest of the affidavit appears to talk about other sections of the Act where he is suggesting he is not a defendant. I am satisfied, in fact, he is a defendant and I am also satisfied that the Court Attendance Notice was adequately served and the four alleged offences are adequately and that proper particulars have been established in the Court Attendance Notice to those matters.

In his document challenging jurisdiction the defendant has written. "In any action both parties must give their clear and unequivocal consent to be without a jury". That was a claim also echoed in submissions to the Court by Mr Wilson.

He goes onto say: "Without that consent the Court has no jurisdiction not proceed summarily and the jurisdiction of the Court must be challenged".

He goes onto say: "This challenge can only be judged by a special jury and should a judge or magistrate disregard or dismiss this challenge then he or she is liable to imprisonment for five years. Should a judge or magistrate disregard or dismiss this challenge that is a violation of due process and the Rule of Law.

Well that is a novel approach. I must say that is not submission that has ever been made to me before and that is not to say that it does not have any validity. Certainly I have had the opportunity during the luncheon adjournment and in the short period of time waiting for Mr Wilson to come to Court to have a think about the challenge to the jurisdiction.

Nowhere in my experience nor in the time available in research have I been able to find any mention to a special jury nor in relation to the challenge to jurisdiction.

I am quite satisfied that jurisdiction of this court has been established in accordance with the legislation that I have earlier quoted.

Now, it may well be that Mr Wilson was of a mindset that he is fixed in his ways and nothing that this court is ever going to say to persuade him otherwise. He has certainly every right to his own view but that does not persuade the Court to change what the law requires of it.

He has mentioned that I should be going to gaol for five years because I have declined or appear to be declining his application. He has made demands of this Court which clearly he has no place to make. There has been no basis for the challenge to my appointment, , in fact, he would not have a clue when I was appointed. He made some bold comment about the Governor not being officially appointed by the Queen. Well, I have a Certificate of Appointment issued by the Governor in Council and that, in my view, no challenge has been made to my appointment in the last 11 years, nor indeed as far as I am aware to any other Magistrates appointment in my time on the bench.

One would expect that if that was to happen and Mr Wilson's submissions were upheld that the court system would well and truly be turned on its head.

It is now 5 past 3, I am assuming Mr Wilson has left the precincts of the courthouse itself. His followers have all left apart from the gentleman who has remained here. In the absence of Mr Wilson I am going to deal with each matter under s 196.

HER HONOUR: Yes, Miss Genes?

GENES: I tender the Statement of Facts. There are four charges before the Court today. There are four tax returns for 2001, 2002, 2003 and 2004 that have not been received by the Commissioner of Taxation. We are seeking a court order under terms of s 8G of the Taxation Administration Act to have those four outstanding returns lodged on or before 19 December 2005.

STATEMENT OF FACTS TENDERED.

HER HONOUR: Thank you I will look at that. Yes, I am satisfied that each offence has been proven beyond reasonable doubt that is the defendant failed to comply with a notice in writing dated 18 January 2005 to furnish income tax returns for the periods of 1.1.00 to 30 June 2001, secondly the period 1 July 2001 to 30 June 2002, thirdly the period of 1 July 2002 to 30 June 2003 and fourthly the period 1 July 2003 to 30 June 2004. Those returns were not filed on or before 1 May 2005 as required by the notice in writing dated 18 January 2005. Also, I accept that those four returns have still not, as at today's date 19 October 2005 been furnished to the Commissioner of Taxation.

In relation to each offence, each offence is found proven.

IN RELATION TO EACH MATTER THE DEFENDANT IS CONVICTED. FINED THE SUM OF \$400. COURT COSTS \$65. TO BE PAID TO THE PARRAMATTA COURT OFFICE WITHIN 28 DAYS.

ORDER MADE UNDER SECTION 8G OF THE TAXATION ACT THAT THE RETURNS BE FILED AND LODGED WITH COMMISSIONER OF TAXATION BY 19 DECEMBER 2005.

HER HONOUR: I request that a copy of the transcript of the proceedings before this Court be taken out and placed on the file.

I also place on record that if any publication of these court proceedings by the original tape is published anywhere, like on a website or anything like that, or any duplication of the words used to describe me by Mr Wilson, I will be taking legal action. It is clearly defamatory.

I have signed those orders you are excused Ms Genes, thank you.

oOo