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V012 1131/05 BAH-A

LOCAL COURT
PARRAMATTA

MAGISTRATE: J GARBETT

WEDNESDAY 24 AUGUST 2005

DEPARTMENT OF TAXATION v JOHN WILSON

Mr O'Dempsey for the Informant
Accused appeared unrepresented

ACCUSED: I am challenging the jurisdiction of this Court and I ask that it be set for a trial by jury at the earliest possible convenience.

HIS HONOUR: Look sir these are not matters that are dealt with by a jury. They're dealt with by this Court.

ACCUSED: Any matter is dealt with by a jury, especially a challenge to the jurisdiction. It must be heard by a special jury. I'm challenging the competency, the venue—

HIS HONOUR: I note your challenge sir.

ACCUSED: Pardon?

HIS HONOUR: I note your challenge. You're charged with this offence, that you failed to—

ACCUSED: You can't determine anything—

HIS HONOUR: --- supply a tax return for the year ending 30 June 2001—

ACCUSED: - you have no jurisdiction - ..(not transcribable) - but you have no jurisdiction

HIS HONOUR: Sir-

ACCUSED: I'm challenging the—

HIS HONOUR: --- do not speak when I'm speaking—

ACCUSED: This must be proven.

HIS HONOUR: I'll treat that as a plea of not guilty.

ACCUSED: It is not a plea at all. You will not enter any plea on my behalf because - the jurisdiction of this Court is being challenged and it must be proven and it can only be determined by a special jury.

HIS HONOUR: Are these matters for a brief.

O'DEMPSEY: No they're not your Honour.

HIS HONOUR: I'll set it down for hearing then. I'll get the diary. I'll set it down for hearing sir.

ACCUSED: A hearing on the challenge of the jurisdiction.

HIS HONOUR: No, hearing of the charge.

ACCUSED: Make that quite clear.

HIS HONOUR: No, a hearing of the charge.

ACCUSED: Make that quite clear—

HIS HONOUR: Thank you sir.

ACCUSED: --- that it was a challenge to the jurisdiction.

HIS HONOUR: I'll get a date as soon as I get the diary. Just be seated sir and I will be with you in one moment.

O'DEMPSEY: I'm sorry your Honour if it is a not guilty plea then we would be serving a brief prior to proceeding with that. I apologise your Honour.

HIS HONOUR: No that's all right. When can you serve the brief by?

O'DEMPSEY: We would ask for six weeks your Honour.

HIS HONOUR: Service of brief by 5 October.

O'DEMPSEY: Thank you your Honour.

HIS HONOUR: The Prosecution's statements will be served on you by that date sir. They are to be replied to you by 19 October

O'DEMPSEY: Yes your Honour.

ACCUSED: You will note that I have already written to the Registrar of the Local Court indicating that there will be a challenge to the jurisdiction. I have had a reply from that. I have also filed a Notice of Special Appearance that was filed on 15 August and I have also filed an affidavit in support which was filed on 15 Augustin support of that special appearance to challenge the jurisdiction of the Court.

HIS HONOUR: Thank you sir. The matter adjourned to the 19 October, reply on that date. Come back on 19 October sir, on that date we will set it down for hearing.

ACCUSED: Sir to determine the jurisdiction of the Court.

HIS HONOUR: For hearing.

ACCUSED: Will that in the Local Court?, the District Court? –

HIS HONOUR: In the Local Court, in this Court.

ACCUSED: I didn't think that the Local Court had juries.

HIS HONOUR: Your matter is now finished sir and we will see you on 19 October.

ACCUSED: It will be a challenge to the jurisdiction of the Court.

HIS HONOUR: Thank you.

ADJOURNED TO THE 19 OCTOBER 2005

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