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V555 1158/06 LGS-G

LOCAL COURT  
PARRAMATTA

MAGISTRATE: JOHNSON G

FRIDAY 20 OCTOBER 2006

DEPARTMENT OF TAXATION v JOHN WILSON

CHARGE - Refuse/fail to comply with Court order under Section 8G (1) x4

Mr Ragusa for the Informant  
Accused appeared unrepresented

HIS HONOUR: There are four prosecutions for failing to comply with the court order for lodging tax returns. How do you plead to those Mr Wilson, guilty or not guilty?

ACCUSED: There's no plea, because there's no court, I'm challenging the jurisdiction of the court.

HIS HONOUR: A plea of not guilty is entered.

ACCUSED: No you won't, there's no plea because there's no Court. I'm challenging the jurisdiction of the court.

HIS HONOUR: I understand that Mr Wilson, but I'm ruling against you on that. The court is validly constituted.

ACCUSED: You're against the law.

HIS HONOUR: I am against your submission.

ACCUSED: Then this is a kangaroo court, this is a kangaroo court.

HIS HONOUR: You're entitled to your own views Mr Wilson, but this Court is validly constituted, I'm not going to hear you argue to the contrary.

ACCUSED: No it's not, there is no jury, so it's not properly constituted.

HIS HONOUR: Mr Wilson, this is not a matter where you're entitled to trial by jury.

ACCUSED: It is, I'm entitled to trial by jury in any action, that's the law.

HIS HONOUR: No you're not.

ACCUSED: Yes I am.

HIS HONOUR: You've argued this matter all up and down the legal system to the High Court, and you failed there, Mr Wilson, you're not going to succeed.

ACCUSED: Because the judges are all corrupt, that's why.

HIS HONOUR: I suppose you can include magistrates in that too, because as a magistrate I am not going to overrule what the High Court in Australia has said.

ACCUSED: Have you got a conscience?

HIS HONOUR: Do you have anything sensible to say Mr Wilson?

ACCUSED: Answer the question, have you got a conscience? Do you know right from wrong?

HIS HONOUR: I've entered a plea of not guilty on your behalf because you've refused to enter a plea.

ACCUSED: There's no need to, because there's no court, I'm challenging the jurisdiction of the court.

HIS HONOUR: No, I've said that the court does have jurisdiction.

ACCUSED: Well you're wrong, you've got to prove that before a special jury.

HIS HONOUR: I don't have to prove anything Mr Wilson.

ACCUSED: Yes you do because you're affirming that you have jurisdiction. The onus is on those who affirm and I'm denying - -

HIS HONOUR: I am not a party to the proceedings, therefore I don't have to affirm to approve anything.

ACCUSED: But you're claiming that you've got jurisdiction.

HIS HONOUR: I have got jurisdiction.

ACCUSED: You haven't got jurisdiction, I'm challenging that jurisdiction.

HIS HONOUR: Mr Wilson, I've ruled against you on the question of jurisdiction, this Court does have jurisdiction.

ACCUSED: You can't rule anything, you've got no jurisdiction to rule anything.

HIS HONOUR: So you don't recognise the court Mr Wilson, then why are you here?

ACCUSED: Because I'm out to get justice, I've been fighting for justice and the rights of ordinary people for years.

HIS HONOUR: You don't recognise any of the courts in the land Mr Wilson, so how do you bother coming to - -

ACCUSED: This is where it's got to be fought, these are our courts, these are the people's courts.

HIS HONOUR: I understand that.

ACCUSED: We've got to give them back to the people, take them away from the corrupt judiciary and the treacherous judiciary which we now have.

HIS HONOUR: I suppose you include me in that.

ACCUSED: Well, if you want to be included but - -

HIS HONOUR: Well, I'm a member of the judiciary.

ACCUSED: Legal procedure is that when the jurisdiction is challenged, all proceedings must be stopped, the jurisdiction must be proven and there must be a special jury to judge the jurisdiction of the court.

HIS HONOUR: I hold against you on that.

ACCUSED: But you have got no authority to hold anything, to make any order - -

HIS HONOUR: I have held against you Mr Wilson.

ACCUSED: But you have no jurisdiction, I'm challenging the jurisdiction of the court.

HIS HONOUR: Have you got anything further to say Mr Wilson?

ACCUSED: This is a kangaroo court. Do you know what a kangaroo court is? A kangaroo court is one that acts unfairly, dishonestly, disregards legal rights, disregards legal procedures. You qualify as a kangaroo court and I'm challenging the jurisdiction of this Court. We've got to get justice back into this country, we cannot have a totalitarian State.

HIS HONOUR: Mr Wilson, just hop off your soap box for a minute. You've been to the High Court, you've argued this very issue in the High Court, the High Court has held against you. I am bound by decisions of the High Court.

ACCUSED: That's why I'm challenging - -

HIS HONOUR: Even if I agreed with you Mr Wilson, which I don't, but even if I did agree with you, I can't change the law.

ACCUSED: The law is that once a challenge is made to the jurisdiction of the court, all procedure must stop until that jurisdiction is proven, there must be a special jury summoned to judge the jurisdiction. That is the law.

HIS HONOUR: I refuse your application.

ACCUSED: It's not an application.

HIS HONOUR: I refuse your demand, whatever you want to call it.

ACCUSED: It's a challenge.

HIS HONOUR: I refuse your challenge.

ACCUSED: But you've got no authority - -

HIS HONOUR: Please resume your seat.

ACCUSED: You are conducting a kangaroo court.

HIS HONOUR: Whatever you want to say Mr Wilson, but would you please resume your seat and give me the courtesy of being quiet.

ACCUSED: There is no court here, there is no court here.

HIS HONOUR: Mr Wilson, forget about being in court, a matter of common courtesy. When I'm speaking - -

ACCUSED: You're the one being discourteous, you're the one who's being dishonest.

HIS HONOUR: Mr Wilson, please just sit down and be quiet.

ACCUSED: If there's no jurisdiction, there is no doubt.

HIS HONOUR: If there's no court, you can leave. Do you want to stay and participate in these proceedings or not?

ACCUSED: There are no proceedings, there are no proceedings, I challenge the jurisdiction of the court.

HIS HONOUR: Mr Wilson, I've told you that you're wasting your time challenging the jurisdiction of the court.

ACCUSED: Against a corrupt judiciary. I'm accusing you of corruption.

HIS HONOUR: You can accuse me as much as you like in here Mr Wilson, but I wouldn't suggest you do it outside. You either sit down quietly and let the case continue, or you leave.

ACCUSED: There is no case Mr Johnson. Can I just as a dumb..(not transcribable)- ask a question - -

HIS HONOUR: No you can't speak. You be quiet please sir or you'll be removed. If Mr Wilson wants to absent himself from the Court, that's - -

ACCUSED: Where do you go to get a little bit of information on rulings, you've just made a ruling and I'd like to understand it.

HIS HONOUR: I'm not here to provide legal advice Mr Wilson, go and see a solicitor or a chamber registrar, if you wish.

For the record, the defendant has appeared in court and challenged the jurisdiction of the Local Court. Mr Wilson is a well known agitator who has run matters in various courts throughout the country, including the High Court of Australia and the High Court has clearly ruled that the various courts are properly constituted. Mr Wilson claims to have a right to trial by jury, I have held against him on that and I do not propose to go into chapter and verse reasons why, but these proceedings are summary proceedings, and I have held so. Mr Wilson is dissatisfied with that decision, he has left the court. Mr Ragusa, do you wish to proceed in Mr Wilson's absence?

RAGUSA: Yes your Honour. I seek to proceed under 196 of the Criminal Procedure Act. Your Honour, this is a matter that I'd seek that the accused be convicted in his absence, and as this is a matter that carries a custodial sentence, I'd seek an arrest warrant to bring the - -

HIS HONOUR: I'll think about that at the moment, let's just proceed one step at a time.

STATEMENT OF FACTS AND CRIMINAL HISTORY TENDERED.

I've considered your application for a warrant Mr Ragusa, this appears to be the first time he's been charged with breaching the court orders. I think a monetary penalty will be adequate on this occasion, but it might be more appropriate if he fails on another occasion. The under 8G has not been complied with, you don't need another order, do you?

RAGUSA: I don't believe so your Honour, the original order continues to have force.

HIS HONOUR: Until complied with.

RAGUSA: Yes your Honour.

HIS HONOUR: Court costs?

RAGUSA: Your Honour, we seek court costs of \$105. Your Honour, when this matter was in the Local Court, a total fine of \$1,600 was imposed on that date.

HIS HONOUR: THE DEFENDANT IS CONVICTED IN RESPECT OF ALL THE OFFENCES BEFORE THE COURT TODAY, THAT IS FOUR OF THEM. HE IS FINED \$10,000 WITH COURT COSTS OF \$105. 28 DAYS TO PAY.

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