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THE SUPREME COURT
OF NEW SOUTH WALES
COMMON LAW DIVISION

ASSISTANT REGISTRAR HOWE

FRIDAY 19 MAY 2006

020128/06 - JOHN WILSON v STATE DEBT RECOVERY OFFICE
& 1 OR

Plaintiff appeared Unrepresented
Ms R Mee for the Defendants

MEE: The defendants have filed a notice of motion seeking to strike out the statement of claim, we're not ready to proceed today we would require a little time to prepare our evidence. I've drafted a proposed timetable.

REGISTRAR: Show Mr Wilson your timetable.

MEE: I'm just showing him now.

REGISTRAR: Do you want to hand it up.

MEE: Yes.

REGISTRAR: Now the defendants are to serve their evidence by 21 June, any problem about that.

PLAINTIFF: I've got to make sure that I've got trial by jury.

REGISTRAR: Well we will talk about that in a moment.

PLAINTIFF: No we will talk about it now, because if we're setting a date then it must be a date for a jury to be empanelled, because every Australian has a right to trial by jury and unless the Court receives my consent not to have a trial by jury the Court has no jurisdiction to proceed summarily.

REGISTRAR: Are you going to file a motion seeking a jury.

PLAINTIFF: I have in the past filed six separate requisitions for trial by jury and paid the fee six separate times and been denied trial by jury in every case. Now

I've got another one here.

REGISTRAR: I take it a judge in each case has denied you a trial by jury.

PLAINTIFF: And the judge has got no jurisdiction at all. Every Australian has the right to trial by jury.

REGISTRAR: I understand what you're putting sir, did you appeal the decision of those judges in the Court of Appeal?

PLAINTIFF: I've been up to the High Court seven times. And the High Court has got no jurisdiction to proceed summarily. Now that is the law and the lawyers aren't taught that, but every Australian has the right to trial by jury. It has been set down since Magna Carta and the law says that unless you give your consent not to have trial by jury, the Court has no jurisdiction on top of you as well. I would like to hand up a leaflet entitled 'Let Right Be Done'.

REGISTRAR: I don't want a leaflet.

PLAINTIFF: This is for you as a person and as a Christian. I got ya, there.

REGISTRAR: Mr Wilson I am a registrar I'm case managing this litigation. The part of the litigation that I'm case managing at the moment is the defendant's notice of motion. The defendants want to serve all their evidence on you by 21 June.

PLAINTIFF: They can serve whatever they like, I just want to make sure that the next time that I'm in court that that is the date to empanel a jury. Now, I have been put in gaol without trial by jury. I've had my house taken without trial by jury. I've been defamed without trial by jury. Now, the judicial corruption and treachery in this country is rampant. So therefore any date you want to allocate for a hearing that must be a hearing before a jury. Do you understand?

REGISTRAR: I understand what you're getting at.

PLAINTIFF: I will be putting in another requisition for trial by jury, paying another lot of fees, into the many thousands now, trying to get a trial by jury, but because there's so much judicial corruption they will not allow trial by jury. So, I'll appear in court anytime, anywhere, as long as I've got trial by jury to put my case.

REGISTRAR: Have you got a pen sir?

PLAINTIFF: I don't. That's what the judge is supposed to do.

REGISTRAR: Regarding the defendant's notice of motion of 9 May. What I'm going to do is make orders one and two of the proposed timetable.

PLAINTIFF: You're making orders? You're making a judgment are you?

REGISTRAR: I'm making orders, this is not a judgment.

PLAINTIFF: An order is not a judgment, okay? Not by a dictionary.

REGISTRAR: Not by a registrar, registrar can't make judgments.

PLAINTIFF: No they've got no jurisdiction at all.

REGISTRAR: Good, thank you. I'm making orders one and two. I'm going to stand the matter over into the judge's applications list Monday 24 July. How long do you think you will take Miss Mee.

MEE: Half a day.

REGISTRAR: Half a day.

MEE: Yes.

PLAINTIFF: I estimate it will take about a month.

REGISTRAR: Now sir, I'm also directing any application by the plaintiff to request a jury is to be filed and served by 14/7 and I want that motion returnable at 9am on 24/7.

PLAINTIFF: What motion? What are you talking about?

REGISTRAR: You want a request for a jury.

PLAINTIFF: It's my right, I'm just going through a formality just so you've got no excuse, but there is no notice of motion for a trial by jury.

REGISTRAR: I'm going through a formality, too. I'm directing you to file and serve any notice of motion requesting a jury returnable 24/7.

PLAINTIFF: I'm demanding a jury. I'm not asking for it. I'm demanding it. It's my right.

REGISTRAR: Come back here on 24 July and you can demand in front of the duty judge.

PLAINTIFF: 24?

REGISTRAR: July.

MEE: I should also mention, Registrar, the substantive proceedings is listed for a status conference on 13 July 2006.

REGISTRAR: Any reason why I shouldn't vacate 13/7?

MEE: The defendant sees no reason.

PLAINTIFF: Well we're not going to come to any sort of agreement, are we. She doesn't want trial by jury, I want trial by jury, we're at loggerheads, aren't we.

REGISTRAR: By consent, vacate 13/7? Is that right?

PLAINTIFF: So, we're vacating the status conference are we?

REGISTRAR: We are.

PLAINTIFF: That's alright with me.

REGISTRAR: You be back here 9 o'clock 24/7.

PLAINTIFF: Before who?

REGISTRAR: Before me.

PLAINTIFF: What will you do on that day?

REGISTRAR: We will talk about you and your jury and the duty judge.

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