

Ex tempore – revised

THE SUPREME COURT  
OF NEW SOUTH WALES  
COMMON LAW DIVISION

ADAMS J

MONDAY 24 JULY 2006

20128106 - JOHN WILSON v STATE DEBT RECOVERY OFFICE  
& STATE OF NEW SOUTH WALES

JUDGMENT

- 1 HIS HONOUR: This is an appeal by Mr John Wilson from the Local Court, as it seems to me, under the Crimes (Local Courts Appeal and Review) Act 2001 and arises from decisions of a Magistrate in the Local Court at Parramatta in proceedings taken by the Commissioner of Taxation for failing to file tax returns for the years 2001, 2002, 2003, and 2004.
- 2 When the proceedings came before the Local Court on 24 August 2005 Mr Wilson challenged its jurisdiction, in substance upon the basis that a Magistrate was not empowered to hear the proceedings but a jury was, and sought the empanelling of a special jury to determine the issue of jurisdiction. The learned Magistrate rightly rejected both applications.
- 3 On 19 October the substantive proceedings were heard before another Magistrate and her Honour found each offence proven. Mr Wilson was convicted and fined the sum of \$400 in respect of each conviction with Court costs overall of \$65. The usual order was made that the fines and costs were to be paid to the Parramatta Court office within 28 days. It appears that Mr Wilson did not pay either fines or costs.
- 4 Accordingly, on 30 January 2006, the Local Court referred the unpaid fines to the State Debt Recovery Office, established under the Fines Act 1996 for the purpose of taking enforcement actions against defaulters. On 3 February 2006 the office issued a Court fine enforcement order on Mr Wilson which was duly served. Part 4 of the Fines Act 1996 provides for enforcement action to be taken by the Office against a fine defaulter including, amongst other things, directing the Roads and Traffic Authority to suspend the driver's licence of the fine defaulter. On 11 April 2006 Mr Wilson was informed that the Office had directed the authority to suspend his licence. Mr Wilson then filed a Statement of Claim in relation to these proceedings in this Court on 13 April 2006.
- 5 I have said that it is an appeal under the Crimes (Local Courts Appeal and Review Act) 2001 because this is, as it appeared to me, the jurisdiction which Mr Wilson sought this Court to exercise. However his Statement of Claim is in a general form seeking the following –

"(i) Relief by the Jury adjudging the awards, doings and proceedings of the District Court of New South Wales at Parramatta in the matter of Deputy Commissioner of Taxation v myself,

File No's 175783-05-3, 175791-05-3, 175804-05-3 and 175847-05-3, to be on no consequence or example, holden for nought and undone.

(ii) Relief by the Jury adjudging the "Notice of Suspension of Licence" to be a blackmailing threat and to declare it invalid.

(iii) Relief by the Jury making an Order that the State of New South Wales pay me unliquidated damages in the sum of one hundred million dollars, ie: \$AUD100,000,00-00, of which five million dollars, ie: \$AUD5,000,000-00, to go to me and the balance of ninety five million dollars, ie: \$AUD 95,000,000-00, to be paid into a bank account at the ANZ Bank, North Rocks, NSW 2151 (B.S.B. 012-417) with the name of the account being "Fully Informed Jury Association" and the account number of 4962-72631, for the purpose of promoting every Australian's Right to Trial by jury and the education of Australians as to their other Rights, such as to Life, Liberty and the Pursuit of Happiness."

- 6 On 9 May 2006 the Office gave notice of a motion seeking that Mr Wilson's Statement of Claim be stayed, dismissed or struck out and orders for costs. When the matter was called on for hearing this morning Mr Wilson insisted on pressing his application for a jury to hear the motion. There can be no doubt that there is no jurisdiction to make the order sought. I peremptorily dismissed Mr Wilson's application.
- 7 By his non-appearance on the hearing of the substantive application I would infer that Mr Wilson does not wish to make further submissions as to the substance of the motion. At all events, he has been given ample opportunity to make those submissions but has failed to appear in Court to do so.
- 8 The matter is not susceptible of argument. It is clear that the Statement of Claim raises no possible cause of action. In those circumstances it is appropriate that it should be dismissed pursuant to Pt 13 of the Uniform Civil Procedure Rules 2005.
- 9 Mr Wilson must pay the costs of the motion and the first and second defendants' costs of the proceedings.

I certify that this and the 2  
preceding page-s are a true copy of  
the reasons for judgment herein of  
His Hon Justice Adams

Associate

Date: 26 July 2006

Ex tempore - revised

THE SUPREME COURT  
OF NEW SOUTH WALES  
COMMON LAW DIVISION

ADAMSJ

MONDAY 24 JULY 2006

20258106 - JOHN WILSON v THE CROWN SOLICITOR

JUDGMENT

1 HIS HONOUR: On 29 June 2006 Mr John Wilson filed a Statement of Claim in this Court for the following relief:

"(i) RELIEF by the Jury adjudging the awards, doings and proceedings of the Supreme Court of New South Wales in the matter of John Wilson v Dental Board of New South Wales and State of New South Wales, File No. 20395 of 2005, to be of no consequence or example, holden for nought and undone, in keeping with the Constitutional Enactment of the Petition of Right 1627.

(ii) RELIEF by the Jury adjudging the Defendant, the Crown Solicitor, has no lawful foundation for drafting an "Application for Assessment of Party/Party Costs" to the amount of \$9,307.51 and a "Bill of Costs" Application in Relation to: The unlawful "Order" 9/3105, Court: Supreme Court. Terms: Statement of claim dismissed with the plaintiff (cost defendant) to pay the defendant's (cost applicants) costs of the proceedings.

(iii) RELIEF by the Jury making an Order that the Crown Solicitor pay me unliquidated damages in the sum of five million dollars, ie: \$AUD 5,000,000-00."

2 The Crown Solicitor was acting pursuant to an order of this Court in John Wilson v Dental Board of New South Wales and State of New South Wales, number 20395 of 2005. There has been no appeal from those orders. The only matter raised by Mr Wilson is that he was denied what he claims to be his right to trial by jury by the Court in the hearing of that matter. It is clear there is no substance to that claim.

3. The defendant seeks by notice of motion to have the Statement of Claim stayed, dismissed or struck out pursuant to the Uniform Civil Procedure Rules 2005. When the matter was called on for hearing this morning Mr Wilson insisted on pressing his application for a jury to hear the motion. There can be no doubt that there is no jurisdiction to make the order sought. I peremptorily dismissed Mr Wilson's application. It is manifest that the Statement of Claim discloses no cause of action and indeed is an abuse of process.

4. The Statement of Claim is therefore dismissed under Pt 13 of the Uniform Civil Procedure Rules 2005. Mr Wilson must pay the defendant's costs of the motion and the costs of the proceedings.

I certify that this and the 1 preceding pages are a true copy of the reasons for judgment herein of His Hon Justice Adams , Associate Date, 26 July 2006