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THE SUPREME COURT  
OF NEW SOUTH WALES  
COURT OF APPEAL

040497/06

REGISTRAR SCHELL

MONDAY 11 DECEMBER 2006

**JOHN WILSON v STATE DEBT RECOVERY OFFICE AND ANOR**

The Claimant appeared unrepresented

Ms G Mahoney appeared for the First and Second Opponents

MAHONEY: We are seeking that this matter be heard with the proceedings of Jury v Craig Norman and State of NSW, CA40527/06, which is listed on 4 April and is also an appeal of a decision of Adams J of the same date.

CLAIMANT: I don't agree with that. Eric Jury has a different case to mine, it is the same principle – the principle of justice, freedom and democracy - we both rely on trial by jury. These actions are becoming more and more numerous until we receive the jurisdiction. I wish an application for - -

REGISTRAR: You cannot make orders.

CLAIMANT: I have a high jurisdiction to you - you are only bureaucracy, I am democracy. I am a higher level of jurisdiction to you. This is why we must have juries. Only at jury can judge another person.

REGISTRAR: Neither you nor I are responsible for framing the legislation, which exists in this State. Until that situation changes we are all bound by the restrictions and the enabling Acts which are provided for.

CLAIMANT: Which are all invalid because they are contrary to the Constitution, which demands that we have the right of trial - any jurisdiction that abolishes trial by jury is invalid.

REGISTRAR: That is a matter for you to argue before the court. I am not going to enter into debate with you about that. If the issues or principles are the same I do not believe there is any reason why we should occupy two courts with determining those matters, where one court can conveniently –

CLAIMANT: There are going to be many, many cases as people start to wake up to the fact we are being judged out of our democratic rights. It is going to happen in Victoria, South Australia, Western Australia - it is happening all over the country. The more times we get on and the people - you put the people down, the better chance we have of restoring democracy. At the moment it is being conducted as a bureaucracy, as a police state. We have a right to trial by jury. If we don't have trial by jury we give our –

REGISTRAR: This is not an opportunity for you to make political statements.

CLAIMANT: I am not making a political statement.

REGISTRAR: I am here to organise the directions of the listing of your application for leave to appeal.

CLAIMANT: Before a jury.

REGISTRAR: There is no provision for a jury.

CLAIMANT: I order there be a jury.

REGISTRAR: You have no capacity to make those orders.

CLAIMANT: I have higher capacity than you. I have higher level of jurisdiction.

REGISTRAR: You can argue that on the appropriate occasion. I am going to list this summons for leave to appeal for hearing before the court on Wednesday 4 April 2007. You will be allowed up to 20 minutes to speak to your arguments unless you can convince the court you need any additional time.

CLAIMANT: What court? There is no court unless there is a jury.

REGISTRAR: Mr Wilson, you have chosen to bring your application in the Court of Appeal. The matter is listed accordingly.

MAHONY: Could we have it noted that the matter should be heard consecutively to the matter of Jury?

REGISTRAR: That is a matter for the court.

CLAIMANT: That is not by consent. I do not consent. Eric Jury would not consent.

REGISTRAR: You were not asked to consent to it, it is a matter for the hearing of the application.

CLAIMANT: You have no jurisdiction, I do. I am not consenting to it.

REGISTRAR: Thank you, you can go now.

CLAIMANT: Your days is numbered; that's a promise.

SUMMONS FOR LEAVE TO APPEAL LISTED FOR HEARING ON 11/12/06

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