

AFFIDAVIT of John Wilson on 24 August 2026.

COURT DETAILS

Court: Local Court of New South Wales
Division: Criminal
Registry: Parramatta
Case number: 2023/00126818.

PROSECUTOR AND DEFENDANT

Prosecutor: Rex
Defendant: John Wilson

DEFENDANT'S ADDRESS FOR SERVICE

Filed for: John Wilson
Address for service: 19 Elm Place, North Rocks, NSW 2151.
Telephone: 0401 413 650.
Email: rightsandwrong.10@gmail.com

Name: John Wilson
Address: 19 Elm Place, North Rocks, NSW 2151
Occupation: Pensioner
Date: 24/8/2026, 2026.

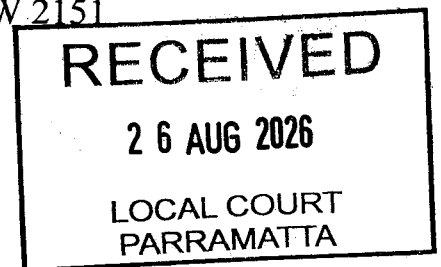
On 24 AUGUST, 2026, I say on Oath:

1. I am the deponent.

2. I believe that the information contained in this affidavit is true.

3. This court action has been taken by the Prosecutor, Rex, against me, the Defendant, John Wilson is to determine if I have committed a criminal offence.

4. In jurisdictions with Due Process, ie: having the common law-based criminal law jurisdictions of England and Wales, Canada, Australia, South Africa, New Zealand, Scotland, Ireland, Israel and the United States of America, there must be both *actus reus* ("guilty act") and *mens rea* ("guilty mind").



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26/8/26
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K. J. Legu...

rea (guilty mind”) for a defendant to be guilty of a crime. Someone who acted without mental fault is not liable in criminal law.

5. Because I regard myself as a free man with the inalienable and constitutional right to “the lawful judgement of (my) own equals”, this will be a trial by jury.

6. This is a stipulation of Magna Carta 1215 that is an entrenched Constitutional Enactment of the Commonwealth of Australia.

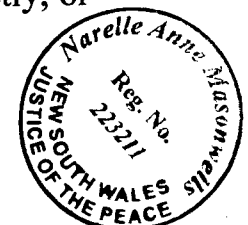
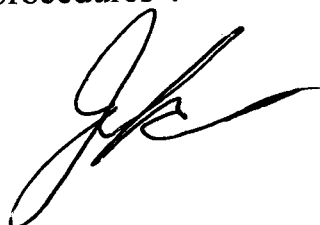
7. Ensuring that the common law right to trial by jury remains an essential element of the Rule of Law is the Summary Jurisdiction Act of 1879 that requires a judge to ask the defendant, "Do you desire to be tried by a jury, or do you consent to the case being dealt with summarily?", and, if the defendant chooses to allow a judge alone to hear and judge the facts and the law, then his consent must be “clear and unequivocal” in the form of a signed Memorandum of Consent as a valid contract, ie: an agreement that is “duly executed and legally binding”.

8. For proceedings to be conducted by a judge alone without this mandatory requirement of consent, then the Confirmation of Charters 1297 unarguably directs that “if any judgment be given from henceforth, contrary to the points of the charters aforesaid, by the justices or by any other our ministers that hold plea before them against the points of the charters, it shall be undone and holden for naught”.

9. This position is repeated in many statutes, including the Petition of Right 1627 saying, “that your Majesty would also vouchsafe to declare that the awards, doings and proceedings to the prejudice of your people in any of the premises shall not be drawn hereafter into consequence or example”.

10. There once existed a court in England, between 1487 and 1641, a rogue court that violated this fundamental tenant of English law called the “Star Chamber Court” under the British Monarchy until it was abolished by the Long Parliament because it was “found to be an intolerable burden to the subjects and the means to introduce an Arbitrary Power of Government”.

11. Today, when such an abuse takes place, the court is called a “Kangaroo Court” defined as “a court that acts unfairly, or dishonestly, or disregards legal rights or disregards legal procedures”.



12. On the Saturday afternoon of the 22nd of August, 2026, I typed into my computers the question “What impact do Kangaroo Courts have on society?” and the A.I. answer in response was: “Kangaroo courts—sham or unofficial proceedings that ignore due process and have predetermined outcomes—destabilize societies by replacing objective rule of law with arbitrary power, fear, and systemic injustice.”.

13. The A.I. Answer went on to say the following:

“Destruction of Trust

- **Loss of faith:** People stop trusting public systems when fairness disappears.
- **Fear of power:** Citizens feel unsafe because rules can change against them at any time.
- **Silence and compliance:** Individuals hide their views or compliance out of self-defense rather than respect for law. [1]

Social Division

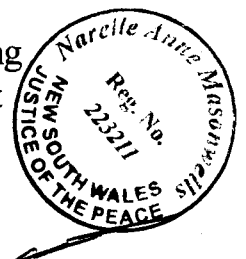
- **Group conflict:** These mock trials often target minority groups, dissidents, or rivals, which deepens community hatred.
- **Mob mentality:** Society drifts toward vigilante justice and tribalism instead of peaceful dispute resolution.
- **Loss of truth:** Facts and evidence no longer matter, making it hard for communities to agree on reality.

Institutional Decay

- **Corruption growth:** Officials use sham processes to hide illegal acts and punish whistleblowers.
- **Human rights abuse:** Innocent people face harsh penalties with no way to defend themselves or appeal.
- **Economic harm:** Businesses and investors avoid regions without stable, honest legal systems.”

14. I truly believe that Kangaroo Courts are intolerable and must be eradicated for Truth, Justice, Freedom and Democracy to survive.

15. I truly believe that it is not wrong, ie: that there is no Guilt in bring evidence of Kangaroo Court proceedings and their corrupt and unjust



judgments to the attention of fully informed Juries so that those juries can exercise their Sovereignty, ie: their "ultimate authority to make and impose laws", to extinguish them as atrocities and bring those responsible to Justice.

16. I, therefore, do not have the *mens rea* that is essential and in order that I have committed a criminal offence.

17. I first encountered an Australian Kangaroo Court when I filed a Statement of Claim into the NSW Supreme Court on the 4th of July 1996 against the St George Bank Limited, File No. 20680/96, seeking Severance of a bad part of a loan contract in order to keep the contract viable. That bad part was where the Terms and Conditions stated that "the interest rate applying to this loan is a discounted variable rate" because an essential element for the creation of a contract under Common Law is "Certainty of terms".

18. The Oxford English Dictionary clearly and inescapably define "variable" as "uncertain" and "certain" as "not variable".

19. I could not possibly have imagined anything but a truthful and honest judgment ordering the Severance along the lines that "Variable interest rates render a contract void for uncertainty" and naively filed a Notice of Motion on the 26th of August 1996 for "1. Summary Judgment (SCR Pt. 13 r.2)" and "2. Costs."

20. On Tuesday, 17th of September 1996 there was a Hearing of my Statement of Claim conducted by a Judge-alone in the person of a MASTER GREENWOOD who staggeringly announced that "the rate itself is indeed certain" which is, of course, a baldfaced lie.

21. I immediately appealed through the NSW Supreme Court Court of Appeal and then to the High Court of Australia by filing an "Application for Leave or Special Leave to Appeal", File No. S190 of 1996.

22. On Friday, 11th of April 1997 a Hearing was conducted at Sydney with three Judges, DAWSON J, TOOHEY J and KIRBY J.

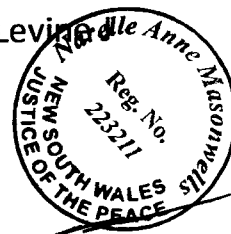
23. Hereto annexed to this Affidavit and marked "A" is a copy of the Transcript of that encounter.



24. This sequence of grotesque performances by Members of the Australian Judiciary began a unending saga of Kangaroo Court abominations that continues today.

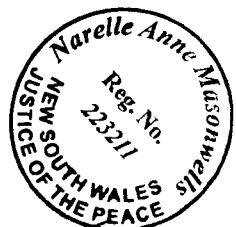
25. Here follows a list of my experiences in the Kangaroo Courts of Australia between 1996 and 2010:

- John Wilson –v- St. George Bank, NSW Supreme Court, Case No: 20680/96, to sever variable interest rate component from a contract to keep contract viable otherwise the contract is void for uncertainty. Master Greenwood summarily dismissed my Statement of Claim without my consent to be without a jury.
- John Wilson –v- St. George Bank, NSW Supreme Court, Case No: 20680/96, Notice of Appeal from Master to Judge, against Master Greenwood's judgment that variable interest rates were "indeed certain", contrary to the Oxford English Dictionary's definition that "variable" means "uncertain." Hamilton J summarily dismissed my appeal without my consent to be without a jury.
- John Wilson –v- St George Bank, NSW Court of Appeal, Case No: 40592/96, against Master Greenwood's judgment that variable interest rates were "indeed certain", contrary to the Oxford English Dictionary's definition that "variable" means "uncertain." Clarke JA and Abadee AJA summarily dismissed my appeal without my consent to be without a jury.
- John Wilson –v- St. George Bank, High Court of Australia, Case No: S190/96, against Clarke JA and Abadee AJA agreeing with Master Greenwood's judgment that variable interest rates were "indeed certain", contrary to the Oxford English Dictionary's definition that "variable" means "uncertain." Dawson J, Toohey J, and Kirby J summarily dismissed my application for leave to appeal without my consent to be without a jury.
- John Wilson –v- ACP Publishing, NSW Supreme Court, Case No: 20587/97, for defamation. Levine J



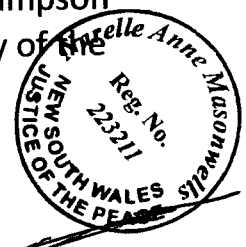
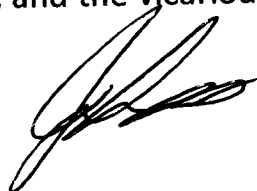
dismissed the Statement of Claim and denied me my right to trial by jury.

- John Wilson –v- Terence Greenwood, The Hon Mr Justice John Hamilton, Hon. M. Clarke, The Hon Justice Abadee, RFB, The Hon Sir Daryl Dawson, The Hon Justice Michael Kirby, and The Hon Justice John Toohey, NSW Supreme Court, Case No: 20723/97, for perverting the course of justice, concealing fraud, and denying me my right to trial by jury. Barr J dismissed the Statement of Claim and denied me my right to trial by jury.
- John Wilson –v- The Prothonotary, NSW Court of Appeal, Case No: 40800/97, for being denied my right to trial by jury by Studdert J in the NSW Supreme Court on 17 November 1997. On 6 July 1998, Registrar Jupp summarily dismissed by appeal and denied me my right to trial by jury.
- John Wilson –v- The Prothonotary, NSW Court of Appeal, Case No: 40127/98, for again being denied my right to trial by jury by Hidden J in the NSW Supreme Court on 3 December 1998. On 24 August 1998, Handley JA and Stein JA, summarily dismissed my appeal and denied me my right to trial by jury.
- John Wilson –v- The Prothonotary, High Court of Australia, Case No: S127/1998, against Handley JA and Stein JA, summarily dismissed my appeal and denied me my right to trial by jury. On 16 April 1999, Gaudron J and Callinan J summarily dismissed my appeal and denied me my right to trial by jury.
- John Wilson –v- St. George Bank, NSW Supreme Court, Case No: 20100/99, for illegal loan contract because of the bank fraudulently creating money out of thin air and my being forced to sign, ie: under duress. On 6 May 1999, Bell J. summarily dismissed my Statement of Claim and denied me my right to trial by jury.
- John Wilson –v- The Prothonotary, NSW Court of Appeal, Case No: 40731/99, against Scully J in the NSW Supreme Court on 6 September 1999, dismissing my requisition for trial by jury. On 23



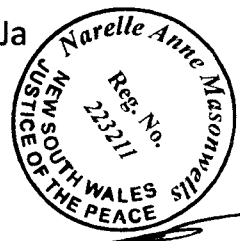
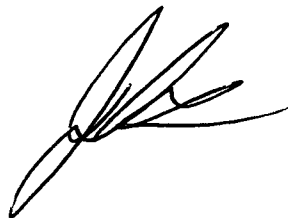
February 2000, Shellar JA dismissed my appeal and denied me my right to trial by jury.

- John Wilson-v- The Prothonotary, NSW Court of Appeal, Case No: 40928/99, against Wood CJ at CL on 9 November 1999 summarily judging me and imprisoning me for two years without parole without my consent to be without a jury. On 29 February 2000, Heydon JA and Shellar JA released me from prison but did not quash the conviction in spite of my being denied my right to trial by jury, and Meagher JA disagreed with Heydon JA and Shellar JA.
- John -v- State of New South Wales, NSW Supreme Court, Case No: 20137/00, for unlawful imprisonment. On 12 December 2000 Sully J. summarily dismissed my Statement of Claim and denied me my right to trial by jury. Also, on 4 February 2002, Hidden J summarily dismissed my Notice of Motion for an injunction against the Order of Sully J, made on 12 December 2000 and entered on 03 October 2001, and denied me my right to trial by jury.
- John Wilson-v-v State of New South Wales, NSW Supreme Court, Case No: 20653/00, for Judicial Officers acting in their own cause. On 19 July 2001, Adams J summarily dismissed my Statement of Claim and denied me my right to trial by jury. Also, on 8 October, Dunford J summarily dismissed my submissions filed on 31 August 2001 and denied me my right to trial by jury.
- John Wilson-v- State of New South Wales, NSW Court of Appeal, Case No: 41074/2000 against judgment of Sully J in Case No 20137/00. On 7 May 2001, Meagher JA and Handley JA summarily dismissed my Appeal and denied me my right to trial by jury.
- John Wilson -v- St George Bank and State of New South Wales, Case No: 20714/00, for bank contract fraud, the wrongful summary judgment by Simpson J on 4 August 1999, and the vicarious liability of the



Crown. On 19 July 2000, Adams J summarily dismissed my Notice of Motion and denied me my right to trial by jury. Also, on 26 February 2001, Hulme J summarily dismissed a further Notice of Motion following his own summary dismissal for an injunction and denying me my right to trial by jury. Hulme J was against me 28 February 2000, 28 December 2000 and 29 December 2000., as was Kirby J on 4 May 2001, ie: summarily dismissing my Notice of motion for trial by jury for Cases numbered 20714/00 and 20653/00.

- John Wilson –v- State of New South Wales, High Court of Australia, Case No: S110 of 2001, against judgments of Handley JA and Meagher JA on 7 May 2001 in CA40928/99. On 23 November 2001, McHugh J and Callinan J summarily dismissed my Appeal and denied me my right to trial by jury.
- John Wilson –v- St George Bank and State of New South Wales, NSW Court of Appeal, Case No: 40579 of 2001, against the judgment of Adams J on 19 July 2001. On 16 November 2001, Priestley JA and Stein JA summarily dismissed my Appeal and denied me my right to trial by jury.
- John Wilson –v- St George Bank and State of New South Wales, High Court of Australia, Case No: S284 of 2001 against , Priestley JA and Stein JA summarily dismissing my Appeal and denied me my right to trial by jury.
- John Wilson –v- The Hon Robert John Carr, NSW Supreme Court, Case No: 10088/02, for treason and treachery. On 18 February 2002, Grove J summarily dismissed my Summons and denied me my right to trial by jury.
- John Wilson –v- Deputy Commissioner of Taxation, NSW Court of Appeal, Case No: 40398 of 2002, against the summary judgment of Delaney J in the District Court of New South Wales at Parramatta and his denying me my right to trial by jury. On 30 September 2002, Handley JA and Hodgson Ja



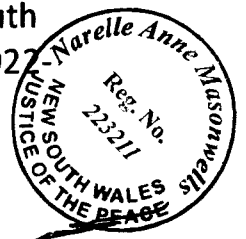
summarily dismissed my Appeal and denied me my right to trial by jury.

- John Wilson-v- Deputy Commissioner of Taxation, High Court of Australia, Case No: S368 of 2002. On 3 October 2003, Kirby J and Heydon J summarily dismissed my Appeal and denied me my right to trial by jury.
- John Wilson-v- State Electoral Office, NSW Supreme Court, Case No: 12884 of 2003, against a judgment by Magistrate Garbett in the Downing Center Local Court that elections of members of Parliament are not free and I am not free to choose whether to vote or not. On 17 March 2004, Adams J summarily dismissed my Summons and denied me my right to trial by jury.
- John Wilson-v- Dental Board of New South Wales and State of New South Wales, NSW Supreme Court, Case No: 20395/04, against the Dental Board of New South Wales taking on the role of a Court when it is only a statutory entity. On 9 March 2005, Simpson J summarily dismissed my statement of Claim and denied me my right to trial by jury.
- John Wilson -v- State Debt Recovery Office and State of New South Wales, NSW Supreme Court, Case No: 21128/06, against Magistrate Betts in the District Court of New South Wales at Parramatta on 19 October 2005, summarily judging against me, denying me my right to trial by jury.
- John Wilson -v- Crown Solicitor, NSW Supreme Court, Case No: 20258/06, for the Crown Solicitor making itself a party to the illegal proceedings conducted by Simpson J in Case No 20395/04 on 9 March 2005, and demanding monies from me for "Costs". On 24 July 2006, Adams J summarily dismissed my Statement of Claim and denied me my right to trial by jury.
- John Wilson-v- NSW Sheriff and state of new South Wales, NSW Supreme Court, Case No: 20310/06, against the NSW Sheriff sending me a letter threatening to trespass upon my property and



unlawfully seize and sell my property and against the Crown for being vicariously liable for such an offence. On 19 September 2006, Adams J summarily dismissed my Statement of Claim and denied me my right to trial by jury.

- John Wilson –v- State Debt Recovery Office and State of New South Wales, NSW Court of Appeal, Case No: 40497 of 2006, appealing against the judgment of Adams J on 24 July 2006. On 4 April 2007, Mason P and Tobias JA summarily dismissed my Appeal and denied me my right to trial by jury.
- John Wilson –v- G.I.O. Limited & Local Court of NSW & Parliament of NSW, Case No: 14247/07, for Magistrate Culver in the Local Court of NSW at North Sydney, on 20 August 2007, summarily judging against me and denying me my right to trial by jury, and for the Parliament of NSW being liable for implementing laws that deprive freemen of their rights. On 14 December 2007, Harrison AJ summarily dismissed my Summons and denied me my right to trial by jury.
- John Wilson –v- John Hatzistergos & Ian Knight, NSW Supreme Court, Case No: 20354/07, for fraud and threatening to act unlawfully with regard to imposing censorship. On 4 March 2008, Adams J summarily dismissed my statement of Claim and denied me my right to trial by jury.
- John Wilson –v- State of New South Wales, NSW Supreme Court, Case No: 14646/08, for false imprisonment of my self. On 11 May 2009, Adams J summarily dismissed my Summons and denied me my right to trial by jury.
- John Wilson –v- R, Court of Criminal Appeal, Case No: 2099/00059266-005, to Appeal against Armitage J in the District Court of NSW at Parramatta misleading and the jury and perverting the course of justice at the trial of the Indictment of THE QUEEN against JOHN WILSON.
- John Wilson-v- The Attorney General of New South Wales, NSW Court of Appeal, Case No: 2010/49922



002, appealing against Davies J summarily
convicting me to deprive me of my civil and political
rights and denying me my right to trial by jury.

26. It is now the year 2026 and there seems to be no end in sight for this mock Administration of Justice because the ordinary People of Australia are not given any chance of benefiting from taking part in the honest-to-God "Glory of English Law", as Sir William Blackstone (1734 - 1780) described Trial by Jury in his epic "Commentaries on the Laws of England".

27. I truly believe the duty of moral People to blow the whistle on Kangaroo Courts because "All that is necessary for Evil to triumph is for good men to do nothing" (Edmund Burke).

28. The word, "evil", needs to be emphasized and investigated as its importance in my belief that I am Not Guilty because it is not wrong to try to right evil situations.

29. In the Bill of Rights 1688 it states that "Whereas the late King James the Second by the Assistance of diverse evill Councillors Judges and Ministers imployed by him did endeavour to subvert and extirpate the Protestant Religion and the Lawes and Liberties of this Kingdome".

30. I truly believe that the Judges in the NSW Supreme Court and the High Court of Australia who lied regarding variable interest rates were concealing fraud - and that is evil. They could have stopped the stealing and destroying inflicted on hundreds of thousands of defenceless families. This stealing and destroying continues today. It must be stopped. Kangaroo Courts must be abolished.

31. In the Holy Bible and 700 years before the Birth of Jesus Christ, the prophet Isaiah blew the whistle on Kangaroo Courts with words in Chapter 1 of: Verse 12: "When you come to appear before Me, who has required this from your hand, to trample My courts?" Verse 21: "How the faithful city has become a harlot! It was full of justice; righteousness lodges in it, but now murderers." Verse 23: "Your princes are rebellious, and companions of thieves; everyone loves bribes, and follows after rewards." Verse 26: "I will restore your judges as at the first, and your counselors as at the beginning."

11 



32. On Sunday morning, the 23rd of August 2026, I asked Google A.I. the question, “How important are courts to the common good?” and here- follows the reply:

“Courts are vital to the common good. They uphold the rule of law, protect individual rights, resolve disputes peacefully, and keep government power in check. Without an independent judicial system, society lacks a stable, fair framework to maintain order, safety, and public trust. [1, 2, 3, 4, 5, 6, 7]

Upholding the Rule of Law

- **Fairness:** Courts apply laws equally to all people, no matter their wealth or power.
- **Predictability:** Consistent legal rulings help people and businesses know what to expect.
- **Peace:** Citizens trust that disputes will be settled by rules instead of force. [1, 2, 3, 4]

Protecting Rights and Freedom

- **Safeguards:** Courts protect basic human rights against unfair treatment by majorities or powerful groups.
- **Voice:** They give regular people a place to challenge unfair acts. [1]

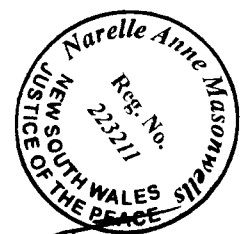
Checking Government Power

- **Limits:** Judges ensure that lawmakers and leaders stay within the bounds of the constitution.
- **Accountability:** Courts stop corruption and abuse of authority by public officials. [1, 2]

Supporting Economic and Social Stability

- **Commerce:** Clear contract enforcement helps the economy grow and keeps the cost of borrowing low.
- **Trust:** A reliable justice system builds public confidence in civic life.”

33. Let Right be done.



SWORN AT *Blairstown*
Signature of deponent:
Name of witness: *Narelle Anne Masonwell*
Signature of witness:
Capacity of witness: *NSW JP 22321*

In the presence of an authorised witness who states:

I, *Narelle Anne Masonwell* a JP in NSW certify the following matters concerning the making of this statutory declaration (cross out any text that does not apply):

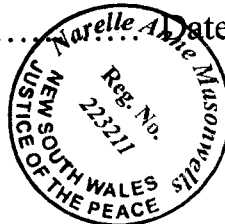
1. *I saw the face of the person OR

~~*I did not see the face of declarant/deponent because he/she had a special justification for not removing it (any legitimate medical reason)~~

~~2. *I have known the person for at least 12 months OR~~

*I confirmed the person's identity using an identity document and the Document I relied upon was *NSW Photo ID* Number

Signature of authorized: Date: *24 AUG 2026*





"A"

IN THE HIGH COURT OF AUSTRALIA

Office of the Registry
Sydney

No S190 of 1996

Between -

This and the following "7" pages is the annexure marked
"A" referred to in the Affidavit
of John Wilson
declared/sworn/affirmed before me this 24
day of August, 1996

JOHN WILSON

Applicant

and

Marille Anne Masonwell Reg. No. 223211
A Justice of the Peace in and for the State of NSW

ST GEORGE BANK LIMITED

Respondent

Application for special leave to appeal

DAWSON J
TOOHEY J
KIRBY J

TRANSCRIPT OF PROCEEDINGS

AT SYDNEY ON FRIDAY, 11 APRIL 1997, AT 2.24 PM

Copyright in the High Court of Australia

Wilson

MR D.M.J. BENNETT: If the Court please, I appear for the respondent with my learned friend, **MR S.Y. RUEBEN**. (instructed by Stewart & Co)

5 **DAWSON J:** Mr Wilson, is it? You are the applicant, are you, in person?

MR J. WILSON: Yes, I am.

10 **DAWSON J:** Come forward to the Bar table. Yes, Mr Wilson. You realise, of course, there are time limits on oral argument in this Court and you have 20 minutes to put your argument and the light will shine shortly before it expires. Then a red light when your time expires. That applies to everyone.

15 **MR WILSON:** In fact, I have prepared a short address which I have timed at 7 minutes.

DAWSON J: That will fit in the time nicely.

20 **MR WILSON:** Shall I do that now?

DAWSON J: Yes.

25 **MR WILSON:** I would firstly like to draw your attention to the notice of motion I filed on 1 April 1997. I am reporting the crime of fraud being committed by the banks in the form of variable interest rate loans. The proof that this is a crime is contained in my summary of argument and the affidavit accompanying the notice of motion. I am also drawing your attention to an illegal Act of Parliament called the *Australia Act* 1986 which
30 attempts to deny me my right to appeal to the Privy Council. I have documented the proof that this Act is illegal in my submissions.

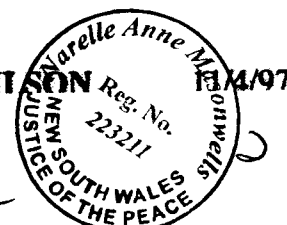
To summarise what I ask: that the *Constitution Act* 1900 be enforced, that the Bill of Rights 1688 be enforced, and that common law be
35 enforced. I want the High Court of Australia to grant special leave to appeal and I move that the orders and the certificate in my notice of motion be granted.

40 In Part III of the respondent's summary of argument they say, "There is no lack of certainty". The interest rate for the final two years of the loan contract is uncertain, as explained in my statement of claim. They also say, "There is a clear mechanism for determining the variable interest rate when the time arrives". The loan contract was created in 1995 and the mechanism for determining the interest rate after five years was not certain then and it is

Wilson

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MR WILSON



not certain now. The contract was void for uncertainty then and it is void for uncertainty now. This I have explained in my summary of argument.

They also refer to the maxim certum est quod certum reddi potest. This is not applicable here because the maxim means "if something is capable of being made certain then it must be considered to be certain". When the loan contract was taken out the interest rate for the final two years was not capable of being made certain and even now it is not capable of being made certain.

The case of *Tonelli v Komirra Pty Ltd* - I have that in item 2 of the material - should be disregarded because there Judge Smith said, at page 741:

And it was pointed out that, according to the evidence, the rate which each bank would have charged any customer upon any loan, whatever the amount or purpose, would have been fixed by negotiation with the particular borrower; so that it was not possible to identify any rate as being that currently charged by banks for any particular size or class of loan.

And, also at page 741:

In my view.....is that that provision.....refers to the only uniform rate that did exist -

In other words:

the uniform maximum bank overdraft interest rate prescribed and published from time to time by the Reserve Bank with the approval of the Commonwealth Treasurer - -

would have been fixed into the loan contract and therefore the interest rate is not variable.

When I said to Judge of Appeal Clarke, in item 3, that "I repeat that the rate would have been fixed by negotiation with the particular borrower and that means it is stated quite categorically what that will be", Judge of Appeal Clarke said, "You are making submissions. If I repeat your submissions and I disagree with every word of them, they are not part of my judgment, except I am reflecting my view that your submissions will not be accepted."

Wilson

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MR JUSTICE



When I said to Judge of Appeal Clarke, also in item 3, "referring back to the legal maxim certum est quod certum reddi potest, it, the interest rate, is uncertain if it can be referring to something that is not certain". Judge of Appeal Clarke said, "Maxims are useful, but they are tools."

5

The rates for the last two years of my loan contract do not exist. They are not yet known. They are uncertain. They did not exist when the loan was taken out and the contract made.

10

The *Tonelli v Komirra* judgment supports my case, not the respondent's. I could not find any case dealing with variable interest rate loans contracts.

15

The respondent's paragraph 3.3 is wrong, ie my complaint is as to the uncertainty of both choices after five years and it is clearly explained in my statement of claim, ie there is no certainty either way. The respondent has no defence and, if it were possible, the High Court of Australia should make a summary judgment in my favour today. To have a summary judgment was, in fact, the direction of the Supreme Court on 2 August 1996. I have that in item 4. But the respondent disobeyed that direction and filed a summary dismissal and, from that point on, I have received a series of wrongful judgments, those wrongful judgments being Master Greenwood on 17 September 1996; Mr Acting Justice Hamilton on 30 September 1996 and Judge of Appeal Clarke with Acting Judge of Appeal Abadee on 28 October 1996.

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25

It is time for the judiciary to put its house in order

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In my differential case management document, filed 18 July 1996, was a letter to the St George Bank dated 6 March 1996 which included a copy of a leaflet I was distributing at the time entitled "Variable interest rates are bad because:". It explains "they are ILLEGAL" and how "they CONTRAVENE the principles of economics". That is in item 5.

35

Again I ask that special leave to appeal be granted; the injunctions be imposed; and the certificate be made out.

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Finally, in my summary of argument I have said that I would like to ask each Judge here today two questions, and I draw your Honours' attention to item 6. Here those questions are laid out and, with your Honours' permissions, I would like to ask those questions now.

DAWSON J: Thank you. That is what you wish to say, is it, Mr Wilson?

Wilson



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MR WILSON



4/97

MR WILSON: Can I ask the questions?

DAWSON J: It depends what the questions are.

5 MR WILSON: Do you have the copy of this?

DAWSON J: Which is that? Yes, we do.

10 MR WILSON: I believe we have Judge Dawson, Toohey and Kirby today.

DAWSON J: Yes.

15 MR WILSON: Your Honours, Judge Dawson, the first question is, "Does variable mean uncertain"?

DAWSON J: No, we cannot answer those questions, I am sorry.

20 MR WILSON: That is what I am asking. Can I ask the questions?

DAWSON J: No. You can ask different questions, but - - -

MR WILSON: Because that is the basis of my case, uncertainty.

25 DAWSON J: I think we appreciate what the case is.

MR WILSON: That is all I have to say.

30 DAWSON J: Thank you, Mr Wilson. We need not trouble you, Mr Bennett.

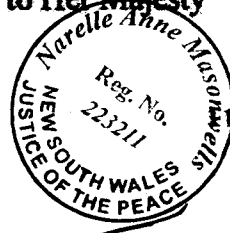
35 Any appeal in this matter would not enjoy sufficient prospect of success to warrant the granting of special leave to appeal. Special leave is accordingly refused.

40 The applicant also seeks injunctions against the respondent precluding it from entering into loan contracts with variable interest rates and requiring it to fix interest rates in existing variable rate loan contracts. He seeks injunctions until an appeal can be heard. In accordance with the refusal of special leave to appeal the application for injunctions must be dismissed.

The applicant also seeks a certificate "to be presented to the Privy Council Office, London" to the effect that a right to appeal to Her Majesty

Wilson

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in Council continues, notwithstanding section 11 of the *Australia Acts* 1986. Section 11 terminates appeals from any decision of an Australian court to Her Majesty in Council.

5 The nature of the application made by the applicant for a certificate is far from clear. Plainly he does not seek a certificate under section 74 of the Constitution that a question concerning the limits inter se of State and Commonwealth powers is one which ought to be determined by Her Majesty in Council. Rather he seems to be seeking a declaration in the form
10 of a certificate that it is still possible to appeal from a decision of an Australian court to Her Majesty in Council. That being so, it may be inappropriate to grant the relief which the applicant seeks upon a notice of motion.

15 Be that as it may, the substance of the applicant's contention is that section 11 of the *Australia Acts* is invalid. None of the arguments which the applicant advances to support that contention can be sustained. The main argument appears to be that section 74 of the Constitution guarantees the continuation of appeals to Her Majesty in Council. But section 74 applies
20 only to appeals from the High Court to the Privy Council by special leave and, inter se questions apart, provides that the Parliament may make laws limiting the matters in which such appeals may lie. In *Attorney-General (Cth) v T & G Mutual Life Society Ltd* (1978) 144 CLR 161 it was held that the power given by section 74 extends to a law abolishing appeals by
25 special leave. Section 11 of the *Australia Acts* is such a law, although it extends beyond those appeals to which section 74 makes reference. The applicant's argument based on section 74 therefore has no substance and none of the other arguments put by him would support the case he seeks to make. Even if it were competent, the application for a certificate must be
30 dismissed.

MR BENNETT: I would ask for costs.

MR WILSON: I would like to protest that.

35 **DAWSON J:** You cannot do that here, Mr Wilson.

MR WILSON: I think that is totally out of order. I can do it here.

40 **DAWSON J:** Would you resume your seat, please.

MR WILSON: No. I am absolutely livid about the way I have been treated in the courts.

Wilson



DAWSON J: Mr Wilson, will you resume your seat.

MR WILSON: Can I come back in a minute?

5 DAWSON J: Resume your seat.

MR WILSON: Can I come back in a minute?

10 DAWSON J: Would you please resume your seat.

MR WILSON: I am not happy.

DAWSON J: You make an application for costs, do you, Mr Bennett?

15 MR BENNETT: For costs, your Honour.

DAWSON J: What do you say about the application for costs against you, Mr Wilson?

20 MR WILSON: I have already written in I think it was the summary of
argument that I received a letter from the respondent's solicitors saying that
they would disregard the jurisdiction of the Court and they would impose all
costs onto me, whether I won or not. Now, you will find that in the
summary of argument as well. So I believe that the total progress of this
25 case is totally unjust.

DAWSON J: That is not on the question of costs, Mr Wilson.

30 MR WILSON: This is to do with costs.

DAWSON J: Very well.

35 MR WILSON: Because as far as I am concerned the arguments I have put
are very very simple. It is the argument that "variable" means uncertain.

DAWSON J: We know what the argument is.

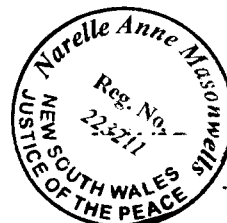
MR WILSON: That is it.

40 DAWSON J: Yes.

MR WILSON: That is all there is to it?

DAWSON J: Very well.

Wilson



MR WILSON: As simple as that. And you, by overruling me, are overruling that logic. You are saying that variable means certain, and that is a straight out untruth.

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DAWSON J: We appreciate the point you put.

MR WILSON: Do you?

10

DAWSON J: Yes. Thank you. Have you anything further to say, Mr Bennett?

MR BENNETT: No, your Honour.

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DAWSON J: The application will be refused with costs. The Court will now be adjourned sine die.

MR WILSON: I have one final comment.

20

DAWSON J: Resume your seat please, Mr Wilson.

MR WILSON: No, I am absolutely livid about this.

DAWSON J: Adjourn the Court sine die

25

MR WILSON: I regard this as a total injustice - - -

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AT 2.37 PM THE MATTER WAS CONCLUDED

Wilson

