

# FEDERAL COURT OF AUSTRALIA

**Wilson v Bell [1999] FCA 800**

**PRACTICE & PROCEDURE** – abuse of process – summons not accepted by Registrar for filing.

*Crimes Act 1914* (Cth), ss 32, 33.  
Federal Court Rules, O 46, r 7A.

**JOHN WILSON v JUSTICE VIRGINIA BELL**

**Unallocated of 1999**

**JUDGE:       BEAUMONT J.**  
**DATE:         3 JUNE 1999**  
**PLACE:        SYDNEY**

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**IN THE FEDERAL COURT OF AUSTRALIA  
NEW SOUTH WALES DISTRICT REGISTRY**

**Unallocated OF 1999**

**BETWEEN:           JOHN WILSON  
                          Applicant**

**AND:                 JUSTICE VIRGINIA BELL  
                          Respondent**

**JUDGE:              BEAUMONT J.**

**DATE OF ORDER:   3 JUNE 1999**

**WHERE MADE:       SYDNEY**

**THE COURT DIRECTS THAT:**

1.     The Registrar to refuse to accept a Summons sought to be filed by the applicant.

Note: Settlement and entry of orders is dealt with in Order 36 of the Federal Court Rules.

**IN THE FEDERAL COURT OF AUSTRALIA  
NEW SOUTH WALES DISTRICT REGISTRY**

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                          Applicant**

**AND:                 JUSTICE VIRGINIA BELL  
                          Respondent**

**JUDGE:             BEAUMONT J.**

**DATE:              3 JUNE 1999**

**PLACE:             SYDNEY**

**REASONS FOR JUDGMENT**

**BEAUMONT J:**

1           Before the Court is a reference from a Registrar pursuant to O 46, r 7A of the Rules of Court. The Registrar had given a direction pursuant to that rule that documents sought to be filed on behalf of Mr Wilson not be accepted.

2           In the summons which Mr Wilson seeks to file, allegations are made of judicial corruption against a Judge of a State court. The allegations do not contain any claim that the State Judge was purporting to exercise federal jurisdiction.

3           It is true, as Mr Wilson points out, that this Court does have jurisdiction in matters arising under laws of the Commonwealth. But, relevantly, the only law of the Commonwealth that could apply, even arguably, in the present case are the provisions of Part III of the *Crimes Act 1914* (Cth). When the provisions of that Part are examined it is quite clear that an allegation of judicial corruption under s 32, or an allegation of official corruption under s 33 of the *Crimes Act*, could only be made out if the holder of the judicial office was a federal Judge or, in the case of a State Judge, was exercising federal jurisdiction. As I have said, in the present case the allegation is made against a State Judge and the claim is in respect of a non-federal matter; that is to say, it was not anything done in the exercise of federal jurisdiction.

4           That being so, it is clear beyond any possible argument that this Court has, and can have, no jurisdiction to entertain the claim sought to be propounded by Mr Wilson. In those circumstances, pursuant to the powers I have under O 46 r 7A, I direct the Registrar to refuse to accept, or issue, the summons which I will now initial and date today for the purposes of identification.

I certify that the preceding four (4) numbered paragraphs are a true copy of the Reasons for Judgment herein of the Honourable Justice Beaumont.

Associate:

Dated:           3 June 1999

Applicant:                   The applicant appeared in person

Solicitor for the Respondent:   No appearance

Date of Hearing:               3 June 1999

Date of Judgment:           3 June 1999