

Woman refuses the authority of court – Charges withdrawn

The Court Transcript

Transcript complied by Jade Farren and Tallulah.

J. Okay Ms ****, can you hear me? I can see you on the screen there.

Woman refuses to contract with the court over a charge relating to alleged breach of Victoria, Australia, Public Health and Wellbeing Act.

A. Yes, can you hear me?

J. Ah, yes, yes, I can hear you, so that's fine.

A. I'm also on camera

J. Are you representing yourself today?

A. Yes, I am.

J. Ahh. Thank you. Yes, I'll just read the charge out quickly for you. Yes, so it's at Melbourne on the 13th September 2020, due to failure to comply with the direction given to by that person, that direction being to stay at home unless for essential shopping, work, exercise or care giving purposes have you been given by a person exercising the power granted by the chief health officer under section 199 on the public health and wellbeing act. Um, so in relation to that charge today. Are you intending to plead guilty or not guilty?

She's refusing to acknowledge the jurisdiction of the court by not contracting with it.

A. So your honour, I am ***** the living woman and the beneficiary of the name ***** and trust, I do not consent to contract or joinder and I waive the benefits on offer.

J. Okay so I'll take that statement to mean that you are intending to plead that you are not guilty today so I thank you for that. So, I think Mr Prosecutor, in this circumstance um, contest mention.

She's made no offer to plead anything, let alone not guilty. She's saying she's not going to accept the courts offer to adjudicate the matter at all, yet they speak for her, dishonestly confirming her consent to plead – not guilty.

P. Yes. Your honour I have been given a copy of the letter provided by Ms Benneton to court.

J. Ahh Yes.

P. I haven't had any prior correspondence. I can't see there has been any case conferencing about it. Certainly, no objection to the matter going straight to court.

They keep saying, OK to her to indicate that she has given her consent, but she refuses to acknowledge that it's okay. Still she refuses to consent to a contest.

J. Yes thank you, I think that is suitable. Ahh, I'll get a date. Case contest mention that, so ah, Ms..... so the next, I'll give you a next date now. this will be the contest mention date, okay? So, there is various steps the matter has to go through before it gets to a contested hearing. So, I understand that's what you're looking for eventually anyway, a contested hearing or some chance to um, address the court to some relation to the charge.

They're now trying to verbal her, by saying she wants a contested hearing. She'll have none of it, and repeats her position. She refuses to contract.

J. Today is only a mention court. So, we are sort of triaging matters that are going to pleas of guilty or pleas of not guilty so not guilty pleas need to go to a different pathway so um if you just hold on there for a second, we will get a new court date.

She now makes it clear she's consenting to nothing, and asks if they're making decisions on her behalf without her consent.

A. So your honour, are you administering my trust without my consent?

Long Pause. (mumbling)

They're trying to get her agreement by her silence, but she won't have it. They know they're in trouble as she's caught them, but still they try.

J. So no, there is no administration of any trust **at the moment**. We are just dealing with the matter under the criminal procedure act 2009, an act in force in Victoria, and the next step will be a mention date, under the Criminal Procedure Act under Section 55 of that Act. So, we take under Section 55 of the Criminal procedure Act, that will be the next court date in relation to that, and that will set out the process of what is occurring.

She repeats she will not agree to be party to the proceedings.

A. I do not consent to contract or joinder and I waive the benefits on offer.

They come back again and try and trick her into acknowledging she recognizes the charge and the courts authority, but she refuses. Notice the constant 'okays' to dishonestly get her consent.

J. Thank you Ms. Um. Your matter now is booked in for the next court steps to occur. The next court date is the 7th of December, okay? So that will be a contest mention. Back online in the Melbourne Magistrates court, okay? So that might take between 15 minutes and half an hour depending on what's discussed on that day. But that mention date will give you a better chance to discuss your matter further, okay? And the submissions you wish to make. Okay. So, um, thank you for giving your time today at court and you are now excused.

A. Thank you for your time your honour.

Garbled response

S. Thank you ***** – I will just confirm Ms. **** that you are on the line and you can you see and hear us?

A. Yes, can you hear me?

The trickery didn't work. They couldn't get her to consent so they're withdrawing the charges.

S. Yes, I can, thank you.

A court official:. Your honour, here is an application to withdraw this matter.

S. Alright, thank you. File the prosecutor application to have the charge withdrawn. The charge is now struck out. Thank you, the charge is now being struck out, you may be excused.

Charges struck out as the court has no consent to adjudicate for the corporation who made the charges.

A. Thank you your honour.