

## DEFENCE

### COURT DETAILS

Court	Local Court of NSW
#Division	
#List	Small Claims Division
Registry	Albury
Case number	2016/00062369

### TITLE OF PROCEEDINGS

[First] plaintiff	<b>[name] Albury City Council Trading as AlburyCity</b> <b>ABN 92965474349</b>
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#Second plaintiff #Number of plaintiffs (if more than two)

[First] defendant	<b>[name]Robert Leslie Bell</b>
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#Second defendant #Number of defendants (if more than two)	Caroline Edna Bell
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### FILING DETAILS

Filed for	<b>Robert Leslie Bell, Defendant 1</b>
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#Filed in relation to	Order to file amended defence [include only if form to be eFiled]
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Contact name and telephone	Robert Bell XXXXXXXXX
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Contact email	Robertbell65@hotmail.com
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### HEARING DETAILS

If the proceedings do not already have a listing date, they are to be listed at [time, date and place to be inserted by the registry]

### PLEADINGS AND PARTICULARS

1 Albury City Council trades exclusively under a registered trading name, AlburyCity. They also have a number of registered business names. The accepted activities test would

ascertain that a large percentage of their activities are commensurate with their Trading Name status.

2 There is no provision within their enabling act, Local Government Act 1993 (NSW) that allows them to operate under a trading name.

3 Section 358 Local Government Act 1993 (NSW) places restrictions upon the formation of such entities.

4 Rates are an Australian Tax, as laid down by the Australian tax Office and the High Court of Australia

5 Section 51, NSW Constitution Act 1902 (NSW) was inserted in 1986, without a referendum.

6 This act of insertion was invalid, and repugnant to the Commonwealth Constitution 1901 (Cth)

7 Local Government in NSW is, and only can be, a department or agency of the State Government.

8 Local Government in NSW does not have the power of taxation by virtue of Section 220 Local Government Act 1993 (NSW)

9 Our land title is held in *FEE SIMPLE* , and therefore still retains crown status by virtue of Section 36 Imperial Acts Application Act 1969 (NSW)

10 The enshrined enactments contained within the Imperial Application Act 1969 (NSW) are still valid and in force.

11 AlburyCity is a trading corporation, and therefore comes under commonwealth jurisdiction.

12 AlburyCity is a cartel, and is therefore subject to the cartel provisions contained within The Competition and Consumer Act 2010 (Cth)

13 As a Trading Corporation, there must be a wet ink contract between parties, signifying mutually beneficial terms that are agreed without resorting to coercion and intimidation.

14 The Queensland Rail Case HCA 2015 is caselaw that ratifies the assertion that AlburyCity is a TRADING CORPORATION

15 The recent activities of the NSW State Government in relation the councils is further proof of our claims.

16 As a sign of good faith, we have settled this alleged liability through a Bill of Exchange No. BOE030720161155

**SIGNATURE**

Signature Robert Bell

Capacity Defendant

Date of signature 15/07/16

[on separate page]

[Do not include the affidavit verifying in Local Court proceedings. See Guide to preparing documents for other circumstances where affidavit not required.]

## #AFFIDAVIT VERIFYING

Name

Address

Occupation

Date

I [#say on oath #affirm]:

- 1 #I am the [first] defendant.  
#I am [give details of the capacity of the person making the affidavit and the facts that qualify the person to make the affidavit].
- 2 I believe that the allegations of fact contained in the defence are true.
- 3 I believe that the allegations of fact that are denied in the defence are untrue.
- 4 After reasonable inquiry, I do not know whether or not the allegations of fact that are not admitted in the defence are true.

#SWORN #AFFIRMED at

Signature of deponent

Name of witness

Address of witness

Capacity of witness

[#Justice of the peace #Solicitor #Barrister #Commissioner for affidavits #Notary public]

And as a witness, I certify the following matters concerning the person who made this affidavit (the **deponent**):

- 1 #I saw the face of the deponent. [OR, delete whichever option is inapplicable]  
#I did not see the face of the deponent because the deponent was wearing a face covering, but I am satisfied that the deponent had a special justification for not removing the covering.\*
- 2 #I have known the deponent for at least 12 months. [OR, delete whichever option is inapplicable]  
#I have confirmed the deponent's identity using the following identification document:

\_\_\_\_\_  
Identification document relied on (may be original or certified copy) †

Signature of witness

Note: The deponent and witness must sign each page of the affidavit. See UCPR 35.7B.

\_\_\_\_\_  
[\* The only "special justification" for not removing a face covering is a legitimate medical reason (at April 2012).]

[†"Identification documents" include current driver licence, proof of age card, Medicare card, credit card, Centrelink pension card, Veterans Affairs entitlement card, student identity card, citizenship certificate, birth certificate, passport or see Oaths Regulation 2011.]

[on separate page]

[Do not include this section if you have previously given this information to the court in these proceedings.]

## #FURTHER DETAILS ABOUT FILING PARTY

### Filing party

Name

Address

[The filing party must give the party's address.]

#[unit/level number] #[building name]

[street number] [street name] [street type]

[suburb/city] [state/territory] [postcode]

#[country (if not Australia)]

#Frequent user identifier

[include if the filing party is a registered frequent user]

### Contact details for filing party acting in person or by authorised officer

#Name of authorised officer

#Capacity to act for filing party

Address for service

[The filing party must give an address for service. This must be an address in NSW unless the exceptions listed in UCPR 4.5(3) apply. State "as above" if the filing party's address for service is the same as the filing party's address stated above.]

#as above

#[unit/level number] #[building name]

[street number] [street name] [street type]

[suburb/city] [state/territory] [postcode]

Telephone

#Fax

Email