We are accountable to Parliament and the Australian community.

See also:

- Annual reports (/About-ATO/Access,-accountability-and-reporting/In-detail/Annual-report/)

Last modified: 15 Feb 2017 QC 18266

Our commitment to you

We are committed to providing you with accurate, consistent and clear information to help you understand your rights and entitlements and meet your obligations.

If you follow our information and it turns out to be incorrect, or it is misleading and you make a mistake as a result, we will take that into account when determining what action, if any, we should take.

Some of the information on this website applies to a specific financial year. This is clearly marked. Make sure you have the information for the right year before making decisions based on that information.

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Right to an effective remedy

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What is the right to an effective remedy?

Human rights law imposes an obligation on countries to provide remedies and reparation for the victims of human rights violations.

Where does the right to an effective remedy come from?

Australia is a party to seven core international human rights treaties. The right to an effective remedy is contained in article 2(3) of the International Covenant on Civil and Political Rights (ICCPR).

See also article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) , article 2 of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and article 6 of the Convention on the Elimination of All Forms of Racial Discrimination (CERD).

When do I need to consider the right to an effective remedy?

You will need to consider the right to an effective remedy whenever you are working on legislation, a policy or a program that deals with the rights of victims of human rights violations by Australian authorities under the ICCPR, as well as the rights of victims of racial discrimination, discrimination against women or torture perpetrated by Australian authorities.

You will also need to consider the right when you are working on legislation, a policy or a program dealing with sanctions for the perpetration of violations of human rights obligations. You should ask yourself whether the legislation, policy or program on which you are working allows for rights of appeal or review and whether those rights provide for an effective remedy.

What is the scope of the right to an effective remedy?

Both the UN Human Rights Committee and the Committee on the Elimination of Racial Discrimination have stated that the right to an effective remedy encompasses an obligation to bring to justice perpetrators of human rights abuses, including discrimination, and also to provide appropriate reparation to victims. Reparation can involve measures including compensation, restitution, rehabilitation, public apologies, guarantees of non-repetition and changes in relevant laws and practices.

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Can the right to an effective remedy be limited?

Derogation

Under article 4 of the ICCPR, countries may take measures derogating from certain of their obligations under the Covenant 'in time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed'. Such measures may only be taken 'to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin'.

Although article 2(3) is not listed among the obligations from which derogation is prohibited, the UN Human Rights Committee has stated that it is an obligation inherent in the Covenant as a whole. The Committee's view is that while a country may avail itself of the power to derogate in relation to the nature of the remedy provided (judicial or otherwise), the country must nevertheless provide a remedy that is effective.

Which domestic laws relate to the right to an effective remedy?

Under Commonwealth law, the *Racial Discrimination Act 1975, Sex Discrimination Act 1984, Disability Discrimination Act 1992* and the *Age Discrimination Act 2004* prohibit discrimination on the grounds set out in the Acts. Complaints made under these laws may be investigated and conciliated by the Australian Human Rights Commission. If the complaint is not resolved before the Commission, the complainant may apply to a federal court for an enforceable remedy. Remedies that may be awarded include an apology, monetary compensation, reinstatement or promotion, provision of goods or services or a combination of these remedies.

Under Australian criminal law, perpetrators of human rights abuses amounting to criminal offences can be prosecuted and brought to justice. An example is the offence of torture under the *Criminal Code Act 1995.* Civil remedies, such as fines are also available under Australian law in relation to actions which breach human rights, for example, wrongful imprisonment.

In addition to these cases in which remedies may be enforced by the courts, there are a number of other avenues under which complaints of human rights violations may be made.

For example, the Commission also has power under the *Australian Human Rights Commission Act 1986* to inquire into complaints of breaches of human rights and workplace discrimination. Where the Commission receives such a complaint it must attempt conciliation if appropriate. If conciliation is unsuccessful or inappropriate and the Commission finds a breach of human rights, or that workplace discrimination has occurred, then the Commission prepares a report to the Attorney-General's Department which may include recommendations for action.

Complaints about the administrative actions of Commonwealth agencies may be made to the Commonwealth Ombudsman under the *Ombudsman Act 1976*. Applications may also be made to have a decision re-made in a merits review tribunal, for example under the *Administrative Appeals Tribunal Act 1975*, and to have the legality of a decision reviewed in a court, for example under the *Administrative Decisions (Judicial Review) Act 1977.* Judicial decisions indicate that the common law recognises particular human rights in a range of situations, such as the right of an accused to a fair trial. Accordingly, remedies for violations of human rights may be available before Australian courts.

Complaints about the activities of security and intelligence agencies may be made to the Inspector-General of Intelligence and Security and the Commonwealth Ombudsman. Complaints about the Australian Federal Police may be made under the *Complaints (Australian Federal Police) Amendment Act 1994*. Complaints about immigration detention conditions may be made to the provider of immigration detention services, the Department of Immigration and Citizenship, the Commonwealth Ombudsman and the Australian Human Rights Commission. Complaints about military personnel may be made through internal military channels, the Commonwealth Ombudsman and the Australian Human Rights Commission.

What other rights and freedoms relate to the right to an effective remedy?

The right to an effective remedy is an essential component of all the rights in the ICCPR and the prohibitions against discrimination in CERD and CEDAW.

Articles from relevant Conventions

International Covenant on Civil and Political Rights

Article 2 (3)

Each State Party to the present Covenant undertakes:

a. To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, not withstanding that the violation has been committed by persons acting in an official capacity;
b. To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
c. To ensure that the competent authorities shall enforce such remedies when granted.

See also: CAT article 14; CEDAW article 2; CERD article 6.

Where can I read more about the right to an effective remedy?

- United Nations, Office of the High Commissioner for Human Rights, Human Rights Bodies (human rights treaty bodies that monitor implementation of the core international human rights treaties)
- UN Human Rights Committee General Comment No 31 (paragraphs 15 – 20)
- UN Committee on the Elimination of Racial Discrimination General Recommendation No 26
- UN Human Rights Committee General Comment No 29 (paragraph 15, on derogations)

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Annexure 7; Letter to Deputy Registrar Peter Edwards dated the 11th February 2019

Monday, 11 February 2019

Registrar of Personal Property Security Register,
Attn Deputy Registrar Peter Edwards,
GPO Box 1944
Adelaide, SA 5001
Email enquiries@ppsr.gov.au

10/15 Hunter Street,
Hobart, Tasmania, 7000
Phone: +61 424 324 135
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Email: admin@taggc.com.au

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Cc; Mr Stephen Ey SC and Mr Noah Redmond, Mangan Ey & Associates
mail@manganey.com.au; noah.redmond@manganey.com.au

RE: ENQ-1106088-K9B4C2 & Your letters dated 20th December 2018 & 5th February 2019

Dear Deputy Registrar

I note that in your letter dated 5th February 2019 you set out;

"I have now reviewed all documents received by us on and before1 February 2019. It is not clear from my review of those documents that you have made any direct submissions in respect to specific registrations listed in attachment 2. Furthermore the vast majority of the documents are general in nature and do not appear to have any link to the registrations that are under consideration for removal. In the absence of any clear evidence, I am now satisfied that all registrations listed in attachment 2, with the exception of registrations discussed below, are frivolous or vexatious or that maintaining their currency is contrary to the public interest."

Respectfully your statement is not correct and is, along with the rest of the contents your alleged decision letter, evidence of acting against the public interest and further evidence of perversion of the course of justice it is my view that the contents of your letter are a further indictable offence under the provisions of *the Criminal Code Act* 1995 (Cth) and s42 & s43 of *the Crimes Act* 1914 (Cth)

It appears to me that your letter purports to be a decision made under an enactment in which regard pursuant to s13 of *the Administrative Decisions Judicial Review Act* 1975 (Cth) I request your detailed reasons in respect to each and every registration that you have removed from the Personal Property Security Register listed under Schedule 2 of your letter dated 20th December 2018.

As with your decision dated the 20th December 2018 I note that you have continued to mis-state the facts and have not taken into account the materials that are in your possession and control.

I ask you to consider this communique as being an application in writing pursuant to the provisions of *the Freedom of Information Act* 1982 (Cth) for a copy of any document or thing relating to your aforementioned correspondence/ alleged decision including any document or thing that you say empowers you to make the alleged decision such as instruments of delegation of the powers of the Registrar.

As a consequence of Notice to Agent being Notice to Principal and vice versa for the purposes of this letter a reference to "You/Your/The Crown" should be interpreted to mean Regina and Regina's servants/agents/employees/officer/agents/delegates/contractors in accordance with s61 of the Commonwealth of Australia Constitution Act 1900 (Cth) and the principles set out in the attached paper Public Law - An Australian Perspective by Chief Justice Robert French AC (retired);

"The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen's representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth."

The evidentiary materials that are in your possession and control include all documents and things created by me and or received by me in court proceedings and have not been referred to by you in your decision. Similarly you have continued to monitor all emails, electronic and telephone communications related to me since at least the 25th June 2012 as a result of the exercise of information gathering powers by the Commissioner of Taxation on that Day and subsequently including by search warrants dated February 2017.

A good example of the materials in your possession and control includes the letter from Robert Nowak to ASIC dated 20th May 2018 annexing security documents that have not been referred to by you. (**Annexure 1**)

Preliminary Issue

The evidence shows that you are incapable of complying with the law which in respect to statutory instruments or the common law that are applicable to you as "responsible government" in the same way as they are applicable to me, Those Statutory Instruments are intended by the Legislature to assist you in fulfilling your role both under the relevant statute and the source of power for the Statute being *the Commonwealth of Australia Constitution Act* 1900 (UK) ("The Constitution") and the source of power for that Act being the Unwritten Constitution of the United Kingdom of Great Britain and Northern Ireland also known as the Common Law……where a Statute or the interpretation of that Statute is at odds with the Common Law then that provision and/or interpretation must fail.

The starting point assumes that you will execute your powers lawfully; You have evidenced that you cannot exercise those powers lawfully which can only be a breach of Your model litigant obligations under the Common Law which I first summarized in my submissions dated 5th November 2014 in VICSC-2014-03380; *Garrett v DCOT* that are in your possession and control.

The Justice sitting in the aforementioned proceeding seemed to be of the mind that "Protecting the Revenue" was Your central function and that avoiding Your liabilities was the intention of the Common Law and Statute which clearly is not correct. It can only be the true purpose of the law to ensure wrongdoers are held accountable and the principle of equity is upheld treating all people as equal including during the exercise of Judicial and Quasi-Judicial Discretion.

The Crown has now apologized twice in recent years for its own misconduct in respect to;

1. The Stolen Generation

Annexure 4; PID Briefing Note & 8 X Annexures and 37 X Addendums & Annexures

Public Interest Disclosure Briefing Note updated 03.09.2018; Andrew Morton Garrett

This note is not intended to be a comprehensive description of the instances of disclosable conduct under the Public Interest Disclosure Act 2013 (Cth) that ought be considered in making determinations under s26 (*See Table as Item 2. an External disclosure and Item 2.* ***An Emergency Disclosure by any person other than an Foreign Public Official as a Public Interest Disclosure in yellow highlight below) s29(1),(2) (See Table of Disclosable Conduct in yellow Highlight as being applicable to this complaint),s30, s32(1)(d)(i),(ii) & s70 of the Public Interest Disclosure Act 2013 (Cth)*** and is only to set out some relevant reference dates with references to some of the numerous instances of disclosable conduct in respect to number of Commonwealth Agencies agents/employees/officers/delegates and contractors where the Crown and it's agents/employees/officers/delegates and contractors have breached the principles of Separation of Powers and Rule of Law as a consequence of the instances of the Disclosable Conduct being breaches of the Charter of the Commonwealth of Nations and the Charter of the United Nations as Treaties binding the Commonwealth of Australia its States and Territories.

26 Meaning of *public interest disclosure*

(1) A disclosure of information is a ***public interest disclosure*** if:
- (a) the disclosure is made by a person (the ***discloser***) who is, or has been, a public official; and
- (b) the recipient of the information is a person of the kind referred to in column 2 of an item of the following table; and
- (c) all the further requirements set out in column 3 of that item are met:

Public interest disclosures

Item	Column 1 Type of disclosure	Column 2 Recipient	Column 3 Further requirements
1	Internal disclosure	An authorised internal recipient, or a supervisor of the discloser	The information tends to show, or the discloser believes on reasonable grounds that the information tends to show, one or more instances of disclosable conduct.
2	External disclosure	Any person other than a foreign public official	(a) The information tends to show, or the discloser believes on reasonable grounds that the information tends to show, one or more instances of disclosable conduct. (b) On a previous occasion, the discloser made an internal disclosure of information that consisted of, or included, the information now disclosed. (c) Any of the following apply: (i) a disclosure investigation relating to the internal disclosure was conducted under Part 3, and the discloser believes on reasonable grounds that the investigation was inadequate; (ii) a disclosure investigation relating to the internal disclosure was conducted (whether or not under Part 3), and the discloser believes on reasonable grounds that the response to the investigation was inadequate; (iii) this Act requires an investigation relating to the internal disclosure to be conducted under Part 3, and that investigation has not been completed within the time limit under section 52. (e) The disclosure is not, on balance, contrary

Public interest disclosures

Item	Column 1 Type of disclosure	Column 2 Recipient	Column 3 Further requirements
			to the public interest. (f) No more information is publicly disclosed than is reasonably necessary to identify one or more instances of disclosable conduct. (h) The information does not consist of, or include, intelligence information. (i) None of the conduct with which the disclosure is concerned relates to an intelligence agency
3	Emergency disclosure	Any person other than a foreign public official	(a) The discloser believes on reasonable grounds that the information concerns a substantial and imminent danger to the health or safety of one or more persons or to the environment. (b) The extent of the information disclosed is no greater than is necessary to alert the recipient to the substantial and imminent danger. (c) If the discloser has not previously made an internal disclosure of the same information, there are exceptional circumstances justifying the discloser's failure to make such an internal disclosure. (d) If the discloser has previously made an internal disclosure of the same information, there are exceptional circumstances justifying this disclosure being made before a disclosure investigation of the internal disclosure is completed. (f) The information does not consist of, or include, intelligence information.
4	Legal practitioner disclosure	An Australian legal practitioner	(a) The disclosure is made for the purpose of obtaining legal advice, or professional assistance, from the recipient in relation to the discloser having made, or proposing to make, a public interest disclosure. (b) If the discloser knew, or ought reasonably to have known, that any of the information has a national security or other protective security classification, the recipient holds the appropriate level of security clearance. (c) The information does not consist of, or include, intelligence information.

Subdivision B—Disclosable conduct

29 Meaning of *disclosable conduct*

(1) ***Disclosable conduct*** is conduct of a kind mentioned in the following table that is conduct:

(a) engaged in by an agency; or

(b) engaged in by a public official, in connection with his or her position as a public official; or

(c) engaged in by a contracted service provider for a Commonwealth contract, in connection with entering into, or giving effect to, that contract:

Disclosable conduct

Item	Kinds of disclosable conduct
1	Conduct that contravenes a law of the Commonwealth, a State or a Territory.
2	Conduct, in a foreign country, that contravenes a law that: (a) is in force in the foreign country; and (b) is applicable to the agency, public official or contracted service provider; and (c) corresponds to a law in force in the Australian Capital Territory.

Disclosable conduct	
Item	**Kinds of disclosable conduct**
3	Conduct that: (a) perverts, or is engaged in for the purpose of perverting, or attempting to pervert, the course of justice; or (b) involves, or is engaged in for the purpose of, corruption of any other kind.
4	Conduct that constitutes maladministration, including conduct that: (a) is based, in whole or in part, on improper motives; or (b) is unreasonable, unjust or oppressive; or (c) is negligent.
5	Conduct that is an abuse of public trust.
6	Conduct that is: (a) fabrication, falsification, plagiarism, or deception, in relation to: (i) proposing scientific research; or (ii) carrying out scientific research; or (iii) reporting the results of scientific research; or (b) misconduct relating to scientific analysis, scientific evaluation or the giving of scientific advice.
7	Conduct that results in the wastage of: (a) relevant money (within the meaning of the *Public Governance, Performance and Accountability Act 2013*); or (b) relevant property (within the meaning of that Act); or (c) money of a prescribed authority; or (d) property of a prescribed authority.
8	Conduct that: (a) unreasonably results in a danger to the health or safety of one or more persons; or (b) unreasonably results in, or increases, a risk of danger to the health or safety of one or more persons.
9	Conduct that: (a) results in a danger to the environment; or (b) results in, or increases, a risk of danger to the environment.
10	Conduct of a kind prescribed by the PID rules.

(2) Without limiting subsection (1), the following are also ***disclosable conduct***:

(a) conduct engaged in by a public official that involves, or is engaged in for the purpose of, the public official abusing his or her position as a public official;

(b) conduct engaged in by a public official that could, if proved, give reasonable grounds for disciplinary action against the public official.

For the purposes of The Crown in right of the State Agencies and it's agents/employees/officers/delegates and contractors that are complained of, the disclosable conduct is as a contractor to the Commonwealth in the administration of Commonwealth Laws and State Laws as Laws of the Commonwealth, s109 and otherwise of *the Commonwealth of Australia Constitution Act* 1900 (Imp) defining the relationship between the Commonwealth, the States and Territories. Some of the Instances of Disclosable Conduct as Public Interest Disclosure are highlighted at the end of this briefing note

1. **Chief Justice Robert French AC** then of the High Court of Australia sets out in his paper on Public Law - An Australian Perspective [1]

"The High Court is the final appellate court for all Australian jurisdictions"[2]

"The separation of legislative and executive from judicial powers in Australia is sharp. In a leading decision, the Boilermakers' Case, which affirmed that separation, the Privy Council said that:

[1] *Public Law Public Law - An Australian Perspective* (Scottish Public Law Group, 6 July 2012, Edinburgh);
[2] Constitution, s 71.

> *In a federal system the absolute independence of the judiciary is the bulwark of the constitution against encroachment whether by the legislature or by the executive.*[3]

"The separation of legislative and executive power however is qualified, in Australia, by the doctrine of responsible government under which Ministers of State are required to be Members of Parliament, are accountable to the Parliament and may effectively be removed from office by a vote of no confidence passed by the Parliament. It is also qualified by the common practice of delegating legislative power to the Executive in relation to the making of regulations and other legislative instruments. Nevertheless, the general separation of powers subsists. The High Court said in 1996:

> *The Constitution reflects the broad principle that, subject to the Westminster system of responsible government, the powers in each category – whose character is determined according to traditional British conceptions – are vested in and are to be exercised by separate organs of government. The functions of government are not separated because the powers of one branch could not be exercised effectively by the repository of the powers of another branch. To the contrary, the separation of functions is designed to provide checks and balances on the exercise of power by the respective organs of government in which the powers are reposed*[4]

The executive power of the Commonwealth

Section 61 of the Commonwealth Constitution provides:

> *The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen's representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth.*

As the Governor-General appoints Ministers of the Crown this means that executive power can be exercised by Ministers and other officials acting on their behalf. Generally the executive power is exercised pursuant to statutory authority. There has, however, been a debate about the extent to which s 61 confers power to act without statutory authority.

There is as yet no complete account of the scope and content of the executive power. It includes the following elements:

- *powers necessary or incidental to the execution or maintenance of a law of the Commonwealth;* [5]
- *powers conferred by statute;* [6]
- *powers defined by reference to such of the prerogatives of the Crown as are properly attributable to the Commonwealth;* [7]
- *powers attributable to the capacities which the Commonwealth has in common with legal persons;* [8]
- *the inherent authority which derives from the character and status of the Commonwealth as a national government.* [9]

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[3] *Attorney-General for the Commonwealth v The Queen; Ex parte Boilermakers' Society of Australia* (1957) 95 CLR 529, 540.
[4] *Wilson v Minister for Aboriginal and Torres Strait Islander Affairs* (1996) 189 CLR 1, 10-11.
[5] R v Kidman (1915) 20 CLR 425, 440-441 (Isaacs J); *Re Residential Tenancies Tribunal (NSW); Ex parte Defence Housing Authority* (1997) 190 CLR 410, 464 (Gummow J).
[6] *Victorian Stevedoring and General Contracting Co Pty Ltd and Meakes v Dignan* (1931) 46 CLR 73, 101 (Dixon J); *Davis v Commonwealth* (1988) 166 CLR 79, 108 (Brennan J); *Pape v Federal Commissioner of Taxation* (2009) 238 CLR 1, 55 [111] (French CJ), 121 [343]-3[44] (Hayne and Kiefel JJ).
[7] *Farey v Burvett* (1916) 21 CLR 433, 452 (Isaacs J); *Barton v Commonwealth* (1974) 131 CLR 477, 498 (Mason J), 505 (Jacobs J); *Davis v Commonwealth* (1988) 166 CLR 79, 93-94 (Mason CJ, Deane and Gaudron JJ), 108 (Brennan J).
[8] *New South Wales v Bardolph* (1934) 52 CLR 455, 509 (Dixon J); *Davis v Commonwealth* (1988) 166 CLR 79, 108 (Brennan J); *Pape v Federal Commissioner of Taxation* (2009) 238 CLR 1, 60 [126] (French CJ). As noted in In *re KL Tractors Ltd* (1961) 106 CLR 318, 335 (Dixon CJ, McTiernan and Kitto JJ): 'The word "powers" here really means 'capacity', for we are dealing with the 'capacity' or a 'faculty' of the Crown in right of the Commonwealth.'

The executive power has had only limited consideration in the High Court. There have been two decisions made on it recently, one in 2009 – Pape v Federal Commissioner of Taxation[10] *and Williams v Commonwealth*[11] *delivered on 20 June 2012.*

2. The Hansard of the House of Assembly of South Australian Parliament on the 10th June 1981 at p 4180 sets out;

> ***Mr McRAE:*** *This is the one clause on which the Opposition will divide. It is a new clause. We have heard the incredible doctrine this evening that no amendment, no matter how logical , reasonable or sensible, will be accepted. Taking into account the realities of that comment, we must draw the line when it comes to total secrecy. The Law Society is now assuming Mafia proportions. It has written the Bill and the amendments, it has appointed the members, it controls the whole of the discipline, and the money, and now it even keeps the accounts. If Government back-benchers are not disturbed about that, I am absolutely stunned.*
>
> ***Mr McRAE:*** *I am trying to indicate to the Government back-benchers that, if they want to get some respectability into this whole farce, the circumstances that we have had tonight, they should at least make the society produce the accounts in Parliament. If everything else is to be secret , Parliament has no function at all.*
>
> ***Mr Crafter:*** *It is a secret society.*
>
> ***Mr McRAE:*** *It is a totally secret society. I indicated earlier that in many ways I support the Law Society, but in other respects I am critical of it.*

3. "**Uncovering the Secret Thatcher Files: What Britain thought about Australia**" [12]relevantly sets out details of a report from the British High Commissioner dated 10th December 1986;

> *"Sir John Coles, who concluded that "**redefining Britain's relationship with Australia**" was "**long overdue**";*
> *In a confidential and colourful 15-page dispatch titled 'Australia: Image and Reality', Sir John attempts to help bureaucrats in London better understand the "rapidly changing Australian society".*
> *"In order to protect and advance our substantial interests we need to be as aware of the nature of that society as we are of the societies of our European, North American and other allies", his dossier begins.*
> *"But somehow that knowledge does not come so easily in the case of Australia.*
> *"The British media show little interest in the real problems of this country.*
> *"The Australian myth is that this is the land of opportunity, the land where the class system of Britain and elsewhere does not exist, where no person is better than the next, where everyone is entitled to 'a fair go', where the 'battler', given a modicum of luck, can achieve the good life and rise to whatever position his talents entitle him.*
> *"This land of 'mate ship' and democracy has more private schools than Britain.*
> *"And the 'battler'? The people of this country have become 'soft'.*
> *"The effects of easy living on the majority of Australians are all too apparent in the relative absence of the work ethic and in denigrating attitudes towards achievement and productivity.*
> *"The soap-opera 'Neighbours' is a more accurate picture of Australia than the 'Flying Doctors'.*
> *"The confidence that Australia is the best is a constant in the daily scene here.*

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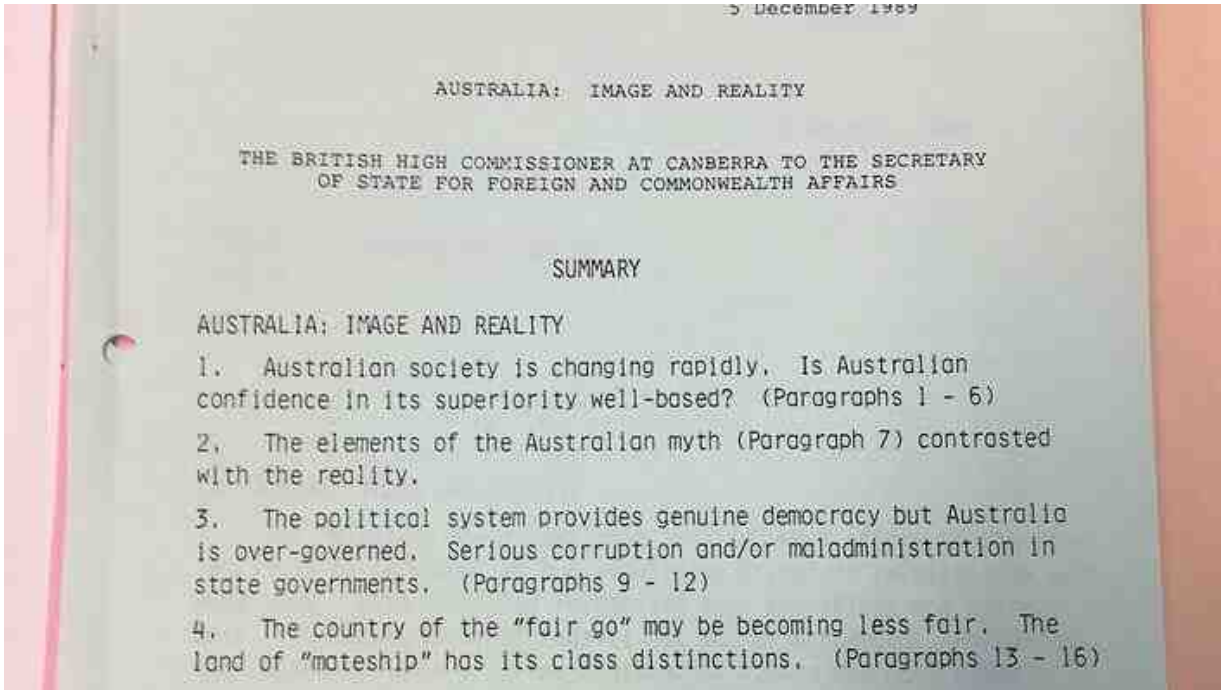
[9] *Victoria v Commonwealth and Hayden* (1975) 134 CLR 338, 397 (Mason J); *R v Duncan; Ex parte Australian Iron and Steel Pty Ltd* (1983) 158 CLR 535, 560 (Mason J); *Davis v Commonwealth* (1988) 166 CLR 79, 93-94 (Mason CJ, Deane and Gaudron JJ), 110-111 (Crennan J); *R v Hughes* (2000) 202 CLR 535, 554-555 [38] (Gleeson CJ, Gaudron, McHugh, Gummow, Hayne and Callinan JJ); *Pape v Federal Commissioner of Taxation* (2009) 238 CLR 1, 63 [133] (French CJ), 87-88 [228], 91-92 [242] (Gummow, Crennan and Bell JJ), 116 [328]-[329] (Hayne and Kiefel JJ).
[10] (2009) 238 CLR 1.
[11] (2012) 86 ALJR 713; 288 ALR 410.
[12] SBS News; 30th December 2016 by Brett Mason

"The Australian audience loves to be told that this or that Australian achievement has no equal. "Much of the impetus which drives Australia to its excellence in sport is fired by a national determination to assert Australianness against the rest of the



5 December 1989

AUSTRALIA: IMAGE AND REALITY

THE BRITISH HIGH COMMISSIONER AT CANBERRA TO THE SECRETARY OF STATE FOR FOREIGN AND COMMONWEALTH AFFAIRS

SUMMARY

AUSTRALIA: IMAGE AND REALITY

1. Australian society is changing rapidly. Is Australian confidence in its superiority well-based? (Paragraphs 1 - 6)

2. The elements of the Australian myth (Paragraph 7) contrasted with the reality.

3. The political system provides genuine democracy but Australia is over-governed. Serious corruption and/or maladministration in state governments. (Paragraphs 9 - 12)

4. The country of the "fair go" may be becoming less fair. The land of "mateship" has its class distinctions. (Paragraphs 13 - 16)

The High Commissioner went on to make a devastating assessment of Australia's three tiers of government – local, state and federal.

"Despite the much expressed contempt for governments this is in some ways the greatest nanny-state of all.

"The major charge which can be fairly levelled against public administration in Australia is that of corruption. "Some of the states are notorious," he noted, adding that earlier in 1989 "many heads rolled" in Queensland.

"The New South Wales Minister for Police told me some time ago that if there was ever an enquiry into corruption in his own police force it would make the Queensland affair look like a children's tea-party.

"The long-established corruption and maladministration in the States are a bad blemish on the country's political system.

"The quality of government at State level is generally poor.

"Yet I do not find that surprising.

"The population base of 16 million is too small to provide politicians of high quality to man political parties in nine separate political units."

The High Commissioner observed, "the Australian media are notorious for their low standards of journalism, their scurrilousness, triviality and bias", and their reporting of the Prime Minister's visit was largely "snide comment, half-baked and out-of-date ideas about Britain and grudging admiration of the Prime Minister"

There was, however, one topic on which the pair did agree: Australia receiving one of two original copies of the Australian Constitution.

A directive sent from Downing Street reveals that, despite refusals from the Lord Chancellor and Civil Service, Mrs Thatcher was "sympathetic to the request" and pushed ahead with her instructions for one of the documents to be sent to Canberra.

The memo read: "(T)he Prime Minister said that the birth of a nation was a remarkable event and not to have it legitimized by a birth certificate must be galling, especially when the foster parents had two. She wondered how people in this country would feel if somebody else had two copies of the Magna Carta and we had none. She thought we were being selfish in refusing the Australians."

Mr Hawke had made four formal requests that had been politely declined, refusing to accept the offer of a replica, noting, "permanent possession of the original document containing the Australian Constitution is a matter of great consequence for all Australians".

The Foreign Minister, Gareth Evans, didn't appear, however, to share the Prime Minister's determination. When Britain's Foreign Secretary raised the issue with him directly during a meeting at CHOGM in Kuala Lumpur in 1989, the minutes noted,

"Senator Evans reacted with surprise… saying that 'he didn't give a stuff about the Constitution Act'".

[13]In its 1979 report on the then draft Commonwealth Freedom of Information Bill, the Australian Senate Committee on Constitutional and Legal Affairs described the public interest as, '…a convenient and useful concept for aggregating any number of interests that may bear upon a disputed question that is of general – as opposed to merely private – concern'.[14]

The Committee also said that the:

> *… 'public interest' is a phase that does not need to be, indeed could not usefully, be defined… . Yet it is a useful concept because it provides a balancing test by which any number of relevant interests may be weighed one against another. …the relevant public interest factors may vary from case to case – or in the oft quoted dictum of Lord Hailsham of Marylebone 'the categories of the public interest are not closed'.*[15]

The meaning of the term has been looked at by the Australian courts in various contexts. In one case the Supreme Court of Victoria said:

> *The public interest is a term embracing matters, among others, of standards of human conduct and of the functioning of government and government instrumentalities tacitly accepted and acknowledged to be for the good order of society and for the well being of its members. The interest is therefore the interest of the public as distinct from the interest of an individual or individuals*[16]

In another case the Federal Court of Australia said:

> *9. The expression 'in the public interest' directs attention to that conclusion or determination which best serves the advancement of the interest or welfare of the public, society or the nation and its content will depend on each particular set of circumstances…*
>
> *10. The expression 'the public interest' is often used in the sense of a consideration to be balanced against private interests or in contradistinction to the notion of individual interest. It is sometimes used as a sole criterion that is required to be taken into account as the basis for making a determination. In other instances, it appears in the form of a list of considerations to be taken into account as factors for evaluation when making a determination…*
>
> *11. The indeterminate nature of the concept of 'the public interest' means that the relevant aspects or facets of the public interest must be sought by reference to the instrument that prescribes the public interest as a criterion for making a determination* [17]

The dilemma faced by those trying to define the public interest was summed up in another case in the following few words:

> *The public interest is a concept of wide meaning and not readily limited by precise boundaries.*
>
> *Opinions have differed, do differ and doubtless always will differ as to what is or is not in the public interest.*[18]

The term was referred to in the following more colourful, but pragmatic, terms by an American commentator:

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[13] THE PUBLIC INTEREST WE KNOW IT'S IMPORTANT, BUT DO WE KNOW WHAT IT MEANS Chris Wheeler AIAL FORUM No. 48

[14] Attempts have been made in some Acts to define public interest, eg, s.24 Surveillance Devices Act 1998 (WA) states that the public interest 'includes the interests of national security, public safety, the economic wellbeing of Australia, the protection of public health and morals and the protection of the rights and freedoms of citizens.' In some Acts there are also definitions of public interest information, eg, *SA Whistleblowers Protection Act* 1993. @ 5.25

[15] @ 5.28

[16] Appeal Division of the Supreme Court of Victoria in *Director of Public Prosecutions v Smith* [1991] 1 VR 63 (at 75), per Kaye, Fullagar and Ormiston JJ.

[17] Full Court of the Federal Court of Australia in *McKinnon v Secretary, Department of Treasury* [2005] FCA FC 142 per Tamberlin J (at 245).

[18] *Right to Life Association (NSW) Inc v Secretary, Department of Human Services and Health* (1995) 128 ALR 238 per Lockhart J.

Plainly the 'public interest' phrase is one of those atmospheric commands whose content is as rich and variable as the legal imagination can make it according to the circumstances[19]

Freedom of Information[20]

Without information, people cannot adequately exercise their rights and responsibilities as citizens or make informed choices.[21] Government information is a national resource. Its availability and dissemination are important for the economic and social well-being of society generally.

Information is the currency that we all require to participate in the life and governance of our society. The greater the access we have to information, the greater will be the responsiveness of our governments to community needs, wants, ideas and creativity. Alternatively, the greater the restrictions that are placed on access, the greater the feeling of 'powerlessness' and alienation.[22]

Information enhances the accountability of government. It ensures that members of Parliament are aware of the activities of the Executive, which is especially important in light of the imbalance in power between them.9
[23]Information is an important defence against corruption.

Freedom of information is but one important weapon in exposing potentially corrupt activity.[24]

Access to one's own personal information not only promotes government accountability but also enables individuals to protect their privacy.[25] Some commentators regard such access as particularly important in light of developments in information technology, which have significantly increased the volume of information government can collect and the ease with which it can be transferred and manipulated.

I note that you are an officer of government in which regard you, the Ombudsman, the Minister and the Minister's delegates (hereinafter "you/your") fall into the definition of a tribunal. There are many variations to the theme of definition of a tribunal however the central theme is best described in *the Administrative Law Act* 1978 (Vic) which sets out;

tribunal *means a person or body of persons who, in arriving at the decision in question, is or are by law required, whether by express direction or not, to act in a judicial manner to the extent of observing one or more of the rules of natural justice, but does not include—*
(a) a court of law or a tribunal constituted or presided over by a Judge of the Supreme Court; or
(b) a Royal Commission, Board of Inquiry or Formal Review within the meaning of the Inquiries Act 2014
decision *means a decision operating in law to determine a question affecting the rights of any person or to grant, deny, terminate, suspend or alter a privilege or licence and includes a refusal or failure to perform a duty or to exercise a power to make such a decision;*

Under *the Administrative Decisions Judicial Review* Act 1975 (Cth)

decision *to which this Act applies means a decision of an administrative character made, proposed to be made, or required to be made (whether in the exercise of a discretion or not and whether before or after the commencement of this definition):*
(a) under an enactment referred to in paragraph (a), (b), (c) or (d) of the definition of enactment; or

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[19] Glen O Robinson, *'The Federal Communications Act: An Essay on Origins and Regulatory Purpose'*, in A Legislative History of the Communications Act of 1934 3, 15-16 (Max D Paglan ed., 1989) (at 16).
[20] Open government: a review of the federal Freedom of Information Act (1982) ALRC 77 31 December 1995
[21] For detailed discussion of the importance of information in enabling Australians to participate fully in society and to access services and entitlements and the need to increase the community's use of information see *House of Representatives Standing Committee for Long Term Strategies Australia as an information society: grasping new paradigms* AGPS Canberra 1991.
[22] *Cth Ombudsman Annual Report 1994-95* AGPS Canberra 1995, 33.
[23] Opposition members usually use the FOI Act but there is no reason in theory why a government backbencher may not also need to rely on the Act to obtain information. L Tsaknis claims that the new managerialism in the public sector demands increased scrutiny for which access to information is essential: *'Commonwealth secrecy provisions: time for reform'* (1994) 18 Criminal Law Journal 254.
[24] L Stirling Submission 3.
[25] See further at para 4.10.

(b) by a Commonwealth authority or an officer of the Commonwealth under an enactment referred to in paragraph (ca) or (cb) of the definition of enactment; other than:
(c) a decision by the Governor-General; or
(d) a decision included in any of the classes of decisions set out in Schedule 1.
***duty** includes a duty imposed on a person in his or her capacity as a servant of the Crown.*
***Tribunal;** a special court or group of people who are officially chosen, especially by the government, to examine (legal) problems of a particular type.*

You admit that you are a tribunal within the meaning of *administrative law*, *the Constitution of the United Kingdom*, *the Commonwealth of Australia Constitution Act* 1900 (UK), *the common law* generally, Australian Treaty Series No 23 and otherwise. As you are aware the law as it applies to tribunals imposes a positive obligation on you to inquire and investigate along with the positive obligation imposed on all the NCEs being investigated, I refer to the authority relating to tribunals; there is no need for me to attach the relevant authorities as of course you function on the basis of Judicial Notice.

Matters Arising

4. Whilst I have not lost my liberty as yet, matters related to me and the conduct of the Judiciary as a whole have been typified by the conduct of Kourakis CJ (previously the SA Crown Solicitor) in respect to Henry Keogh in which regard Kourakis withheld exculpatory evidence from the public view for a period of 10 years such that Keogh was incarcerated for 20 years in respect to an alleged murder that could not have occurred subject materials appearing in **"The Ultimate Injustice: When A Court Misstates the Facts"**[26]
5. Despite having his conviction quashed Keogh was not acquitted as a consequence of the Crown's desire to avoid payment of compensation and *"Protection of the Revenue"*
6. The Judicial officers of the Courts and Tribunals of Australia are generally self-regulated with the role to investigate Judicial Misconduct falling to the Chief Judicial Officer of each Court and in which regard **Self-Regulation is best Construed as Mis-Regulation**[27] .
7. *The Judicial Commission Act* (SA) does not in fact provide any powers to the Commissioner.
8. My experience has been that the attack of the crown has been relentless in order to avoid paying compensation in accordance with the law, resulting in breaches of my privacy Rights, Property Rights, Rights to Freed Speech, the Telecommunications Act and Articles 1 and 17 of Australian Treaty Series No 23 amongst other articles of that treaty and other treaties including No 5 & 39 referred to in various proceedings including VD 129 of 2015 as set out in the Notice of Constitutional Matters dated 15th December 2015.
9. The Garrett Family Trust ABN 33 742 394 619 was settled on or about 1992 when I launched the Garrett Family Label of wine products in competition to the Andrew Garrett Brand; either by construction or by Philips Fox Lawyers prior to establishing Tatachilla Winery Pty Ltd in 1993.
10. The Andrew Garrett Family Trust ABN 78 761 760 976 was settled on the 31st May 1993 by McDonald & Co.
11. On the 19th January 1994 Suntory Australia Limited as majority shareholder of *the Wine Company Pty Ltd trading as Andrew Garrett Wines* entered into an asset sale agreement with Mildara Blass Limited **("MBL")** to sell the assets and undertakings of Andrew Garrett Wines in circumstances where an extraordinary general meeting of the Wine Company Pty Ltd was not called and the interests of Minority Shareholders were oppressed within the meaning of the Corporations Act 2001 (Cth)
12. Concurrently the Management of Andrew Garrett Wines breached their employment agreements with the Wine Company Pty Ltd and acquired the Bulk Wine Trading business of Andrew Garrett Wines for no consideration through the Tinlins Wine Trust, now the Seppeltsfield Wine Trust now under the control of Warren Dean Randall, and in which regard Warren Randall, Andrew Fletcher and Warren Ward caused the Wine Company Pty Ltd and the Trustees of the Andrew Garrett Family Trust cost, loss and damage to my Intellectual Property Rights in the amount of value built by that trust, Randall, Fletcher and Ward between 1994 and today's date.

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[26] 11 Cardozo L. Rev. 1313 (1990) July/August, 1990, by Anthony D'Amato FNa
[27] D'Amato, Anthony, "*Self-Regulation of Judicial Misconduct Could Be Mis-Regulation*" (2010). Faculty Working Papers. Paper 69. 89 Mich.L.Rev.609 – 623 (1990)

13. A Deed of Assignment of the Garrett Family License was executed between Tatachilla Winery Pty Ltd and MBL on the 25th August 1995.
14. As a consequence of breaches by MBL of the Garrett Family License and of s52 & s53 of *the Trade Practices Act* 1974 (Cth) on the 26th November 1996 I commenced action no **SASC-2244-1996** against MBL and Tatachilla Winery Pty Ltd in the Supreme Court of South Australia represented by Finlayson's Lawyers which firm has not yet returned the file related to those proceedings despite multiple requests to do so and being owed no money, thereby breaching my property rights in respect to that file. **("the Finlayson's File").**
15. **At all relevant times the value of my Intellectual Property related to my experience and knowledge of the Wine Industry**
16. During the course of December 1996 Foster's Brewing Group Limited acquired 100% of the issued capital of MBL in an on market take-over.
17. On the 1st July 2000 *A new Tax System (Goods and Services Tax) Act* 1999 (Cth) came into force.
18. Following execution of Heads of Agreement in May 2000 on the 21st July 2000 I executed a Deed of Settlement **("Deed of Settlement")** with Mildara Blass Limited (Now Treasury Wine Estates Vintners Limited) ("**TWEV")** which obliged TWEV to make payments of a minimum of $300,000 per annum for a period of 10 years under cl 9.1 to the Garrett Family Trust and $600,000 per annum to me personally (and heirs and successors and assigns) under cl 9.2 in perpetuity and indemnified me, my ex-wife and the AG Entities (*as defined within the Deed of Settlement*) from cost loss and damage under cl 17.3.
19. From the date of execution of the Deed of Settlement TWEV only made payments under cl 9.1 of the Deed of Settlement and did not make any payments under cl 9.2 in breach of contract of which issue I was unaware as those payments and accounting processes were being managed by my then General Manager of the Group.
20. At all relevant times FBG was the controlling mind of MBL/TWEV until the floating of Treasury Wine Estates Limited in May 2011.
21. In November 2011 SAB Miller Beverage Investments Pty Ltd acquired 100% of the issued capital of FBG and became the controlling mind of FBG.
22. Between 2004 and today's date I have attempted to reopen SASC-2244-1996 in order to obtain compensation for breaches of the Deed of Settlement and in which regard FBG trading as Berringer Blass wines and subsequently as Fosters Wine Estates filed and served a false affidavit swearing that a copy of the Deed of Settlement exhibited to that affidavit of Jessica Claire Lumley, acting under the instructions of Ben Davidson , both of the firm Corrs Chambers and Westgarth was a true and correct copy of that Deed when in fact it was missing 60 Pages relevant to the reasons why there were two separate income streams as set out in the Deed of Settlement.
23. WITHOUT EXCEPTION, JUDICIAL AND ADMINISTRATIVE OFFICERS OF THE SUPREME COURT OF AUSTRALIA IN SASC-2244-1996 , THE DISTRICT COURT OF AUSTRALIA IN DCCIV-2003-1666; DEPUTY COMMISSIONER OF TAXATION V ANDREW GARRETT AS TRUSTEE OF THE ANDREW GARRETT FAMILY TRUST AND THE FEDERAL COURT OF AUSTRALIA IN VID248 AND VID381 OF 2014, VID 158-VID166 OF 2015, VID 361 –VID368 OF 2015,VID949 OF 2015, VID 404 AND VID 423 OF 2016 HAVE MISSTATED THE FACTS AND AVOIDED MY SUBMISSIONS OF PERJURY BY SOLICITORS AND PARTNERS OF CORRS CHAMBERS WESTGARTH SUCH THAT THE FALSE AFFIDAVITS REFERRED TO HAVE BEEN AVOIDED ON AT LEAST 24 SEPARATE OCCASION AT WHICH TIME THOSE OFFICERS WERE ACTING ON THE INSTRUCTIONS OF;
    a. THE SA GOVERNEMNET SOLICITOR, CHRISTOPHER KOURAKIS AND DON MACINTOSH OF THE sa GOVERNMENT SOLICITOR'S OFFICE, MICHAEL ATKINSON AND JOHN RAU OF THE ATTORNEY GENERAL OF SOUTH AUSTRALIA
    b. ALLSOP CJ, THE ATTORNEYS GENERAL OF THE COMMONWEALTH OF AUSTRALIA AND STATEOF VISTORIA, THE AUSTRALIAN GOVERNMENT SOLICITOR, VINCENT TAVOLARO AND SUE ANNE THOMAS OF THE AUSTRALIAN GOVERNMENT SOLICITORS OFFICE, THE COMMONWEALTH DIRECTOR OF PUBLIC PROSEUTIONS, THE DEPARTMENT OF THE ATTORNEY GENERAL
24. SIMILARLY PROCEEDINGS SHOWING EVIDENCE ALSO AVOIDED BY JUDICOIAL OFFICERS RELATED TO
    a. BREACHES OF THE FIRST AND SECOND CONTRACTS OF FINANCE CONTRACT AND PERJURY BY SIMON JOHN ILLSLEY AND NATIONAL AUSTRALIA BANK BETWEEN 2002 AND TODAY'S DATE.

b. DCCIV-1666-2003 AND THE FOI RELEASES FROM THE ATO BETWEEN JUNE 2014 AND 31ST MARCH 2015 HAVE ALSO BEEN AVOIDED…….OIN NO LESS THAT 31 OCCASSIONS BETWEEN 2003 AND TODAY'S DATE.

25. In the period prior to 2002, I (*and my related entities*), Hassel Architects and Connor Holmes Consulting had made three presentations to the Liberal Government Cabinet for a $300 Million Hotel and Clos Vineyard Estate Development located at my home being the 235 ha property known as "Springwood Park", located in "*the Hills Face Zone*", to be determined by Cabinet as a Major Project allowing government to take the decision making process out of the hands of local council knowledge of which had come into the public domain through the Press as a a direct consequence of my application to develop a 24 ha vineyard that was made to Mitcham City Council and the relevant consultation process which led to a refusal of the application by Mitcham Council.
26. On the 29th January 20002 NAB (A Commonwealth Licensee/Agent of the Crown) offered to consolidate my banking requirements and the banking requirements of entities related to me a part of the acquisition of distressed assets from NAB, at that time I was banking with Rabobank Australia, NM Rothschild Australia and Bank SA.
27. From at least the 29th January 2002 until today's date the Registrar of Deeds has been negligent within the meaning of s8 of the Registration of Deeds Act 1935 (SA) and failed to maintain a Registry of Deeds executed in South Australia in accordance with the law.
28. In the period prior to and after the State General Election of 2002 the Rann Opposition was lobbied by Interest Groups to block the developments I proposed including the 24 ha Vineyard which was approved at Springwood Park.
29. The Rann Labour Government came to power in South Australia on 5th March 2002 when Michael Rann (*Partner of Justice Layton*) became Premier and Michael Atkinson became Attorney General **("SA AG")**
30. On the 18th March 2002 ASIC executed an Memorandum of Understanding with the RBA which was intended to circumvent the powers of the legislature and fetter the exercise of discretion in the Public Interest of the Party Agencies in order to perpetuate revenue that is Ill Gotten arising from malfeasance of the Crown in respect to Insolvency Law and Banking Laws.
31. On the 31st May 2002 I obtained approval for the development of a 24 ha vineyard by decision on appeal from the Environment and Resources Court **("ERD")** Court which reasons were published on the 25th July 2002 imposing certain conditions on the vineyard development. There are and always have been a number of vineyards in the Hills Face Zone and as such vineyard development is a historic use for the Zone.
32. On the 20th June 2002 NAB and my lawyer, Greg Mornington May *(now the SA Legal Practioners Conduct Commissioner*) finalised the banking contracts **("the First Contract for Finance")** related to the aforementioned offer and requested that those contracts were executed by me, my ex-wife and entities related to me. Those contracts were completed in a manner that was rushed and contained a number of errors in respect to NAB securities and in particular in respect to the preparation of a Deed of Priority between the Registered Proprietors of Springwood Park, NM Rothschild and NAB which was void and of no effect.
33. Between 2002 and today's date the Vic AG, ASIC, ATO, SA AG and the Commonwealth Attorney General (**"Commonwealth AG"**), in office from time to time, have;
    a. Deliberately and maliciously prosecuted me and breached the principles of Separation of Powers and Collapse of Rule of Law;
    b. Failed to make any disclosure under the provisions of either *the FOI Act* SA (1991) of *the FOI Act* Cth (1982), as a subcontractor in the administration of Commonwealth Law.
    c. Failed to respond and properly consider my application's for Public Interest Test Case Funding with the sole exception of the Grant of Public Interest Test Case Funding by the Financial Assistance team representing the Commonwealth AG given Case ID: 000001001844 which is referred to later in this briefing note.
34. On the 20th July 2002 the Registrar of the Real Property Act released the duplicate certificates of titles of Springwood Park which was the site of the aforementioned Major Project to NAB in circumstances where NAB did not hold a lawful entitlement to hold those Duplicates and NM Rothschild was the registered first mortgagee.

35. On the 7th August 2002 the Mitcham Council appealed the decision of the ERD Court dated 31st May to the Full Bench of the Supreme Court of South Australia subsequently on the 8th August 2002 I appealed the decision of the ERD imposing Conditions.
36. In October 2002 a Second Contract of Finance was entered into with NAB in respect to the purchase of the second distressed asset under the control of McGrath Nichol appointed by NAB at the request of NAB to rescind the purchase of Glen Hurst Vineyards in favour of the purchase of Old Stornoway Vineyard in Tasmanian and in which regard a deposit was paid after which date the NAB commenced breaching the First and Second Contracts of Finance
37. On 24th December 2002 The Andrew Garrett Family Trust paid out NM Rothschild interests in the registered first mortgage and became the first Mortgagee by subrogation.
38. On the 17th January 2003 the Full Court presided over by Besanko J delivered its reasons of appeal from the ERD Court as *CITY OF MITCHAM v M.O.L. PTY LTD & ANOR M.O.L. PTY LTD & ANOR v CITY OF MITCHAM* [2003] SASC 17 dismissing my appeal and upholding the appeal of Mitcham City Council against the granting of Vineyard Development Approval on grounds that were constructed and misinterpreted the relevant law acting on instructions from the Premier and the SA AG in breach of the principles of separation of powers and rule of law.
39. On the 24th June 2003 the NAB obtained a third Mortgage over my home in circumstances of Fraud and Unconscionable Conduct and was void however was stamped as to the entire NAB alleged Debt being $6,300,000.
40. On the 14th July 2003 Notices of Default and Demand for payment were served upon me and entities related to me in circumstances where the alleged Defaults were engineered by NAB and the Second and Third Mortgages over Springwood Park were Void and unenforceable at law.
41. NAB continued to breached the First and Second contracts of Finance between October 2002 until the 17th July 2003 solely as a result of the aforementioned unenforceability when Receivers and Managers were appointed to entities related to me in which regard the appointment was a Fraud of the SA Crown and NAB as Commonwealth Crown in which regard s8 of the Registration of Deeds act applies.
42. In October 2003 the ATO commenced action DCCIV-1666-2003 to collect an alleged debt appearing on the Running Balance Account of the Andrew Garrett Family Trust **("RBA")** which was a GST Mistake and did not lawfully exist as a consequence of my accountant and the account for TWEV misunderstanding payments made under cl 9.1 of the Deed of Settlement as a Taxable Supply and issuing Recipient Created Tax Invoices that my accountant entered in error on the RBA and in which regard the prima facie debt could NOT and did NOT lawfully exist.
43. On the 11th February 2004 in DCCIV-166-2003 the ATO obtained judgement of an amount of $72,329.70 in Default of filing a defence by my lawyers then appearing against me in my capacity as Trustee of the Andrew Garrett Family Trust; my lawyers were not acting under my instructions and were acting under instructions of others which was the subject of a complaint against them made to the Legal Practioners Conduct Board of South Australia **("the LPCB")**and application to the Court.
44. On the 5th & 6th March 2004 Besanko J made orders for Injunctive Relief in my favour against the NAB in respect to orders for possession previously granted and published as *ANDREW GARRETT WINE RESORTS PTY LTD ACN 064792221 & ANOR v NATIONAL AUSTRALIA BANK LIMITED ACN 004044936* [2004] SASC 60
45. On the 15th March 2004 my accountant prepared a Balance Sheet and P&L for the Financial Year to date evidencing a Balance Sheet in excess of $48 Million and Profit of $4,500,000 in respect to the Trustee of the Andrew Garrett Family Trust. **("Annexure 1")** which assets were the subject of NAB securities given under the First and Second Contracts of Finance which were in breach and the securities voidable.
46. SASC 127 of 2004 **("Annexure 2")** as at 3rd May 2004 shows that as at the NAB claims damages of $7 Million alleging that debt is secured against Springwood Park which exceeded the amount specified on the face of the Third Mortgage of $6,300,000 as set out at para 17 above.
47. The ATO filed and served a Creditors Petition in ADG 90 of 2004 respect to the Default Judgment made in DCCIV-1666-2003 following service of a Bankruptcy Notice upon me in May 2004.
48. On the 26th July 2004 the injunction given in 127 of 2004 was discharged and an order for possession was made by Besanko J, subsequently the lawyers acting for me ceased to act on the 27th July 2004 despite my affidavit evidencing capacity to pay interest due under the injunction as set out in my affidavit dated 27th July 2004.

49. On the 28th July 2004 Besanko J made freezing orders in favour of NAB in respect to my assets and assets related to me which was restated on the 4th August 2004 by Besanko J.
50. On the 20th August 2004 I made application for orders of Contempt of Court and filed an affidavit in which regard Besanko J recused himself and the proceeding was heard by Gray J thereafter.
51. On the 27th August 2004 The Trustee of the Andrew Garrett Family Trust No 2 sold Units issued in the Agwater Infrastructure Unit Trust for $12,377,167 to the Purchaser based on a lease payable of 3% p.a. which purchase price was paid for by way of tender of International Bills of Exchange drawn by CreditnetBank Internationale.
52. On the 2nd September 2004 Creditnet Bank Internationale applied to intervene in the proceedings following payment of $10,000,000 to the Supreme Court Litigant's Fund.
53. On the 7th September 2004 John Koutsoukos filed evidence by affidavit in SASC 127 of 2004 relating to the First Registered Mortgage that was the property of the Andrew Garrett Family Trust by Subrogation.
54. An order dismissing appeal to the Full Bench comprised Gray J, Doyle J and Anderson J of the aforementioned order discharging the Injunction against NAB was made in SAD 127 of 2004 on the 14th September 2004 published as *ANDREW GARRETT WINE RESORTS PT LTD & ORS v NATIONAL AUSTRALIA BANK* [2004] SASC 348 in circumstances where;
    a. the lawyers on this file representing me until coming off the file in 127 of 2004 were also acting in DCCIV-1666-2003 and were acting under the instructions of others consequently failing to file a Defence in that proceeding resulting in Default Judgment dated 11th February 2003, and
    b. Failed to provide all of the evidence obtained by them from Discovery on or about August 2003 and subsequently in 127 of 2004 relating to the certificate of readiness referred to in the transcripts on the 5th May 2004 in submissions to Besanko J that resulting in the order for injunctive relief, and
    c. That had all of the evidence been provided then Besanko J would have made findings of breaches of contract by Nab, Fraud, unconscionable conduct and dismissed the order for possession made by the Master.
    d. The injunction provided for interest to be paid into court at the rate arising under the Bill Facility as advised by NAB, and
    e. The Notices of Advice overstated the amount of interest and were a fraud on the orders of the court and me, and
    f. I was not in default of the injunction and had in fact overpaid the interest due under the Bill Facility, and
    g. My lawyers were negligent in advising me to overpay the interest due under the Injunction as being the Interest specified on the Notices from NAB and its agent.
    h. The order discharging the injunction was obtained by the Fraud of NAB in conjunction with my lawyers.
55. On the 22nd September 2004 the alleged default judgement debt plus costs was paid to the ATO by way of International Bill of Exchange which was receipted by the ATO acknowledging payment.
56. Between the 21st July 2000 and today's date no payments have been made to me under cl 9.2 of the Deed of Settlement and in which regard TWEV has filed no less than 24 False Affidavits (Perjury) annexing only a part of the Deed of Settlement being 60 pages less than the whole Deed such that as at the date of sequestration referred to below TWEV owed me personally $1,950,000 in outstanding payments under cl 9.2 (not including interest, cost loss and damage) in which regard I remain indemnified.
57. On the 24th September 2004 a sequestration order was made against me in favour of the ATO and Peter Ivan Macks **("Macks")** was appointed as my Trustee in Bankruptcy in Estate SA 1590 of 2004 by the ATO.
58. <u>On the 5th of October 2004 the Discovery of NAB was provided to me in my capacity as Trustee of the Andrew Garrett Family Trust being 11 days after the sequestration order which issues and breaches of contract have been summarised by me **"Annexure 3".**</u>
59. Macks began pressing me for possession of all of my files on that day including the Bank Discovery which I declined and took 5 days to review which highlighted the serious issues related to the First and Second Contracts of Finance, the Fraud of NAB and the Negligence of my Solicitors.
60. Thereafter I confronted my previous solicitors with the evidence of Negligence and ask them to correct their errors in which regard they advised I should take independent advice which I did by discussing the matters arising with Georgiadis Lawyers.

61. I agree on receipt of that advice that the errors could be remedied by submissions to the court and reopening of the hearing of the orders discharging injunction which occurred on the 8th November 2004 prior to filing of an affidavit of facts dated 24th November 2004 without further cost to me on the 15th December 2004.
62. I did not appear at the hearing due to lack of standing and now know that those solicitors were again negligent in failing to draw the court's attention to the breaches of contract by NAB and the First Mortgagee by Subrogation (submissions dated 13th December 2004)
63. On the 15th December 2004 ASIC executed an Memorandum of Understanding with the ACCC which was intended to circumvent the powers of the legislature and fetter the exercise of discretion in the Public Interest of the Party Agencies in order to perpetuate revenue that is Ill Gotten arising from malfeasance of the Crown in respect to Insolvency Laws and Banking Laws.
64. On the 20th December 2004 Gray J made orders that I, as the Defendant by Counterclaim ,deliver up the Duplicate Registered First Mortgage 8909699 in favour of NAB in the absence of submissions of subrogation by counsel for my ex-wife.
65. I did not comply with that order and subsequently made submissions regarding subrogation on the 20th December 2005 which submissions were avoided in the reasons of Lunn J published 13th January 2006 on the instructions of others.
66. Upon the advice of the lawyers again acting in SASC 127 of 2004 my ex-wife executed a Creditor's Petition On the 21st December 2004 and appointed Stephen James Duncan **("Duncan")** as her Trustee in Bankruptcy in Estate SA 2112 of 2004.
67. That advice was negligent and again the lawyer was acting on instruction of others in order to defeat my wife's equity.
68. On the 24th December 2004 I applied for special leave to appeal to the High Court of Australia which was given proceeding reference number A67 of 2004.
69. On the 7th April 2005 the Trustee of the Holy Grail Property Trust No 2 sold a 10% interest in the Property Known as Springwood Park for $10,000,000 which Purchase was paid for by tender of $10,000,000 International Bill of Exchange Drawn by CreditnetBank Internationale.
70. In August 2005 my ex-wife and I separated in which regard she and my two sons moved in with her mother and I moved in with my mother. In the ensuing two years I was my mother's carer in the final years of her life while I continued my actions in the Supreme, the District , the Magistrates Courts of South Australia, the Federal Court of Australia and the High Court of Australia South Australia District Registries.
71. On the 2nd September 2007 my mother passed away in my arms at the age of 85.
72. Between the dates of appointment of the aforementioned appointments Macks and Duncan trespassed on my Estate and the Estate of my ex-wife despite knowing the unlawful nature of their appointments such that the moneys payable under the Deed of Settlement were paid into court in SAD 5 of 2006 as a consequence of an Interpleader commenced by TWEV that was a fraud and was false misleading and deceptive.
73. On the 1st March 2006 ASIC executed an Memorandum of Understanding with the CDPP which was intended to circumvent the powers of the legislature and fetter the exercise of discretion in the Public Interest of the Party Agencies in order to perpetuate revenue that is Ill Gotten arising from malfeasance of the Crown in respect to Insolvency Laws and Banking Laws.
74. On the 28th August 2006 Anderson J made vexatious litigant orders against me in SASC 127 of 2004 which orders were intended to be a barrier to justice in respect to the orders for possession and the submissions regarding subrogation of the registered first mortgage 8909699.
75. On the 31st January 2007 Justice Layton (the Partner of Premier Rann) made vexatious litigant orders against me under s39 of the Supreme Court Act (SA) in SASC-127 of 2004, SASC-247 of 2004, SASC-1342 of 2007 and SASC-2244 of 1996 in circumstances where those orders were intended to apply in proceedings where the court was exercising discretion in the Federal Court of Australia as a Sub Contractor to the Commonwealth Attorney General.
76. Justice Layton failed to strike out the affidavits of TWEV filed in SASC-2244 of 1996 in circumstances where those affidavits were perjury and were false as later found by Middleton J on the 11th March 2016 on the Transcripts of VID 949 of 2015.

77. On the 22nd November 2007 I wrote to the SA Registrar General of the Real Property Act and the SA Registrar of Deeds highlighting issues related to the NAB First and Second Contracts of Finance and improper release of the Duplicate Certificates of Title to the possession and control of national Australia Bank in which regard the aforementioned Tribunals failed to inquire.
78. At all relevant times the South Australian, New South Wales and Victoria Law Societies have been responsible for the conduct of administering the conduct of lawyers in the administration of Justice and the Laws of the Commonwealth in those states with lawyers admitted to the Bar in each State under the various Legal Profession/Practioner Acts and the relevant Supreme Court Acts providing that Court with inherent jurisdiction to discipline lawyers.
79. In *Zelino and Ors v. Budai* [2001] NSWSC 501 Palmer J found;

> *"237 Normally these formal orders of the Court would dispose completely of the matter. However, in this case several serious frauds on the revenue authorities have been revealed. The participants in the frauds have included not only the plaintiffs, the defendant and the other directors of Zelino but, possibly, certain professional advisers. There are grounds for believing that those professional advisers may themselves have either committed offences against the Taxation Administration Act 1953 or may deliberately have aided their clients to commit such offences."*
>
> *"238 It would be an affront to justice and to all professional people striving to maintain the ethical standards of their calling if the Court, having become aware of possible serious breaches of the law by members of a profession, turned a blind eye and failed to draw those matters to the attention of the relevant authorities and professional regulatory bodies for further investigation."*
>
> *"242 Likewise, the Law Society should be made aware of the findings concerning Mr Tesoriero made in this judgment in the event that Mr Tesoriero reapplies for admission as a solicitor."*
>
> *"244 According, I make a further direction as follows: I direct that the Registrar of the Court forward a copy of this judgment to the Australian Taxation Office, the Tax Agents Board, the Law Society of New South Wales, the Australian Institute of Chartered Accountants and the Public Accountants Registration Board."*

80. My Investigations have revealed that despite the findings of the Court the Law Society of NSW did NOT take disciplinary action against Mr Tesoriero in which regard the Law Society was negligent and breached its duty to act in the Public Interest.
81. On the 3rd July 2008 Justice Lander made findings that Finlayson's lawyers had breached Legal Professional Privilege

> *29 "In my opinion, the information which Messrs Finlayson's have provided Mr Macks' solicitors discloses the contents of communications between Mr Garrett and Messrs Finlayson's who were then his solicitors. The information should not have been provided because it discloses confidential information for which Mr Garrett was entitled to claim legal professional privilege."*
>
> *30 "I reject the claim by Mr Macks' counsel that Mr Garrett has waived any privilege in these documents."*
>
> *31 "The contents of his statement which were to be used in the proceeding in the Supreme Court should never have been disclosed by his former solicitors. No authority was ever given by Mr Garrett to his former solicitors to disclose this information to his opponents in a later proceeding. There is no evidence whatsoever that he ever waived the legal professional privilege which clearly attaches to the documents which have been supplied by Messrs Finlayson's. The tender of that affidavit is rejected."*

32 Macks is the subject of a number of adverse judgments ("**Annexure 4**") and continues to act with impunity as a consequence of the failures of Kourakis J in his inherent jurisdiction to discipline officers of the Court being Lawyers and Insolvency Practioners including and IN PARTICULAR his own findings **VISCARIELLO v MACKS [2014] SASC 189 *(20 Months before delivery)*** and which relevantly included penetration of Legal Privilege.

33 Macks appealed the aforementioned judgement which was heard in February 2017 and like the earlier judgment has not been published despite the passage of 18 Months revealing the true corruption of the South Australian Supreme Court under the guidance of Kourakis CJ.

34 Between the 10th and 13th October 2008 the Commissioner of Taxation corrected the RBA of AGFT so that at the time of the Default Judgment the RBA showed that the Commissioner owed me $14,548.57 that was shown on the RBA Statement dated 17th October 2008.

35 On the 19th January 2009, I caused counsel to file and serve an application to set aside the Default Judgment made in DCCIV-1666-2003 which was resisted by the ATO.

36 Between 2004 and 2009 a number of complaints were made regarding the conduct of a 15 lawyers to the offices of the LPCB in which regard a decision, purportedly published on the 6th October 2009, was provided attached to a letter dated 3rd June 2014 refusing to investigate the conduct of those lawyers including the complaint regarding breach of Legal Professional Privilege that was Found by Lander J and was therefore *res judicata*.

37 Concurrently applications were made between 2004 and today's date to the South Australian Law Society for compensation from the Fidelity Fund and or Professional Indemnity Insurance which applications were refused on the Grounds that the Capital of the Fidelity Fund had been lent to the South Australian Government for purposes other than what was intended by the Legislature under *the Legal Practioners Act* 1981 (SA)

38 On the 24th August 2012 the South Australian Ombudsman published *South Australian Heritage Council - Heritage listing of the Cheltenham Grandstand - Final Report* [2012] SAOmbRp 7 which report addressed issues related to conflicts of interest related to delegation under s17 of *the Public Sector Honesty and Accountability Act* 2009 (SA)

39 The evidence shows that the failures of the LPCB to investigate Professional Misconduct and Unsatisfactory Professional Conduct of Lawyers since 1981 resulted in *the Legal Practioners (Amendments) Act* 2014 flowing from the aforementioned Amendments Bill whereby the Legal Practioners Conduct Board was dissolved and Greg Mornington May was appointed as LPCC with effect on the 1st July 2014 and who was in fact subject of complaints made by me to the LPCB as a consequence of his negligence with the NAB first and second contracts of finance.

40 On the 9th February 2009 the ATO cancelled the Amendments by the Commissioner of taxation made to the RBA between the 10th and 13th October 2008 unlawfully and submitted that I had no standing to apply to set aside the Default Judgement.

41 On the 27th November 2009 in *Legal Practitioners Conduct Board v Wharff* [2009] SADC 126, an appeal against findings arising from an investigation by the Acting Ombudsman of a complaint about refusal of access to documents. After years of contention and rejection of the idea, the Conduct Board appears to have accepted [19-20] that it is an agency for the purposes of the SA FOI Act as the issue was not argued in the proceedings.

42 On the 16th January 2010 Norman J made orders and published reasons refusing to set aside the default judgment given in DCCIV-1666 of2003 on the 11th February 2004 in favour of the ATO which judgment was given without the benefit of FOI releases subsequently obtained from the ATO between June 2014 and August 2014 which revealed that the real purpose of the ATO was to avoid embarrassment by the Commissioner of Taxation.

43 As a consequence of the aforementioned misconduct of the ATO and the Judiciary ……and my desire to be discharged from Bankruptcy I had no alternative than to agree on the 10th March 2010 to pay all moneys due under cl 9.1 and 9.2 of the Deed of Settlement and the money held in the suitor's fund of SAD 5 of 2006 to Macks which agreement was only forthcoming as a consequence of the Judgment of the aforementioned Judgment of Norman J.

44 Those moneys have not been accounted for in the Annual Estates Returns within excess of $1,3000,000 missing from that Estate thereby enhancing the earnings of Macks such that additional Tax was payable to the ATO.

45 On the 18th May 2010 ASIC executed an Memorandum of Understanding with the APRA which was intended to circumvent the powers of the legislature and fetter the exercise of discretion in the Public Interest of the Party Agencies in order to perpetuate revenue that is Ill Gotten arising from malfeasance of the Crown in respect to Insolvency Laws and Banking Laws.

46 Between the 24th September 2004 and today's date the High Court has failed to hear my A 67 of 2004 on purported grounds set out in a letter from the Deputy Registrar Denise Weybury dated 23rd August 2011 at which time the sequestration order made against me referred to in prior correspondence was discharged.

47 Between the 1st August 2008 and today's date I have been developing the intellectual property of OenoViva Business Systems and OenoViva Hand Crafting under the ownership of the Trustee of the Andrew Garrett Family Trust No 4 ABN 42 388 204 496 trading as OenoViva Global and OenoViva Capital Resources.

48 Between September 2011 and 22nd December 2011 I negotiated with HC Legal Pty Ltd, trading as Hambros & Cahill Lawyers, the purchase of my Litigation Management Rights for a Purchase Price of $45,000,000 on Vendor Finance Terms subject to an initial payment of 10% which final set of agreements were executed on the 22nd December 2011.

49 Between November 2011 and February 2012 I paid a total of $400,000 to be held in trust by HC Legal pending undertaking legal works.

50 On the 30th January 2012 I executed a number of retainer agreements including causing HC Legal to act in SAD 185 of 2007 and in which regard no work was ever done in breach of the agreements.

51 On or about February 2012 HC Legal Pty Ltd received $4,500,000 GST credit in respect to the purchase of the aforementioned rights in which regard the evidence shows that Peter Hambros and Francis Cahill caused HC Legal Pty Ltd to loan to each of the directors an unsecured non-recourse loan of $2,000,000 which is the subject of findings of Courts including *Garrett v Cahill* [2015] FCCA 26 in which regard Burchardt J sets out;

> 24. On any view of the matter, Mr Garrett paid a not insubstantial amount of money to HCL in the sum of at least $310,000. A further $90,000 was paid to HCL, but HCL say that this was paid to them mistakenly by the applicant, and indeed against their advice, and was immediately applied to settle a totally unrelated set of legal proceedings in which Mr Garrett, who has clearly been a significant litigator over the years, was involved.
>
> 25. As recorded in the decision of Murphy J in *HC Legal Pty Ltd v Deputy Commissioner of Taxation* [2013] FCA 45 (exhibited as AMG-13 to Mr Garrett's affidavit sworn 11 August 2014), HCL executed a management rights legal services purchase deed with an entity which I will refer to as Holy Grail (one of the large number of companies controlled by Mr Garrett, and which at that time, according to him, was trustee of his relevant family trust) for the exclusive rights to provide legal services to Mr Garrett's associated entities. The figure proposed to be paid, inclusive of GST of four and a half million dollars, was $49.5 million. That money was to be paid pursuant to a vendor finance agreement between Holy Grail and HCL which his Honour records at [9] of his judgment, but I note that repayment was limited to 60 per cent of the distributable EBIT in any payment period.
>
> 53. The conduct of Mr Cahill and Mr Hambros, as indicated by these papers, would certainly give rise to concerns. The GST input credit is certainly consistent with an elaborate sham. The payment of the $2 million by way of loans would bear careful investigation.

52 The State of Victoria is Self-Insured in respect to Lawyers Professional Indemnity Insurance and in which regard premiums paid by lawyers are treaded as General Revenue to the State, separately there is a Fidelity Fund which is responsible for making compensation to victims of Legal Misconduct the Management of which falls under the auspices of the Legal Services Board while complaints of Misconduct are made to and purportedly investigated by the Legal Services Commissioner and His Delegates.

53 Limited payments are made from the Fidelity Fund and the balance of the Fidelity Fund is advanced to Victorian Government by the way of Loan in order to prop up the expenditures of Government.

54 Despite the findings of Judge Burchardt and Justice Murphy and my applications and my submissions made to various Supreme Court Associate Justices and Justices I am unaware of any disciplinary action taken against Francis Cahill and Peter Hambros which would ultimately lead to compensation being payable to me as the victim of the Frauds of these lawyers.

55 On the 28th October 2011 ASIC executed an Memorandum of Understanding with the ASX which was intended to circumvent the powers of the legislature and fetter the exercise of discretion in the Public Interest of the Party Agencies in order to perpetuate revenue that is Ill Gotten arising from malfeasance of the Crown in respect to Insolvency Laws and Banking Laws.

56 On the 25th June 2012 the ATO undertook a third Tier Information gathering project called "Operation WineBar" in 5 locations involving approximately 120 ATO officers in the field and harassed any person related to me in business.

57 On the 4th February 2013 ASIC executed an Memorandum of Understanding with the ATO which was intended to circumvent the powers of the legislature and fetter the exercise of discretion in the Public Interest of the Party Agencies in order to perpetuate revenue that is Ill Gotten arising from malfeasance of the Crown in respect to Insolvency Law and Banking Laws.

58 On the April 30th 2013 I sold the Global License for the aforementioned Intellectual Property under Vendor Finance Terms to Genesis Global Trading Company Limited which sale was independent and Arm's Length setting a value of my Intellectual Property that has been the same since the 19th January 1994 when TWEV purchased the assets and undertakings of the Wine Company Pty Ltd trading as Andrew Garrett Wines.

59 On the 1st July 2013 as a consequence of my obligation to fully disclose material adverse circumstances to Genesis Global Trading Company related to the ATO that company withdrew from the aforementioned transaction.

60 The impact of the 2003 death of cyclist, Ian Humphreys, in a 'hit and run' resonated well beyond the loss experienced by his friends and family. For 10 years the case has angered and perplexed the South Australian community, and provoked sustained and savage media and political criticism of the police, and the legal profession and its regulatory systems.

61 The South Australian Parliament passed *the Legal Practitioners (Miscellaneous) Amendment Bill* 2013 to amend *the Legal Practitioners Act* 1981 (SA) to replace the existing categories of 'unsatisfactory conduct' and 'unprofessional conduct' [1], with the categories of **'unsatisfactory professional conduct'** and **'professional misconduct'**[2] . The new definition of 'professional misconduct' has a broad scope and should prevent a repeat of the aftermath of Humphreys' death.

62 The South Australian Ombudsman published a report entitled **"An audit of state government departments' implementation of *the Freedom of Information Act* 1991 (SA)"** dated May 2014 which made numerous adverse findings against Government Agencies.

63 On the 11th June 2014 Paul Keady for the LPCB made 4 FOI Determinations in respect to my FOI Applications refusing access to freedom of Information under *the FOI Act* 1991 (SA)

64 On the 27th June 2014 I sold my chose in action against Macks for Trespass to the Adelaide Connection Pty Ltd for $10,000,000 in which regard the ATO attacked the purchaser and the transaction and the purchaser withdrew.

65 On the 6th July 2014 I applied for Judicial Review of the conduct of Justice Davies in hearings involving me which application ought to have meant that her Hour should have recused herself from any hearings involving me; That matter was never listed by the Court and remains unheard.

66 Between June and August 2014 the ATO released FOI that revealed that the Commissioner would be embarrassed by the corrections to the RBA and that the First Bankruptcy Could be set aside as being the reason for the cancellation of the corrections appearing on the RBA.

67 On the 1st October 2014 ASIC executed an Memorandum of Understanding with AFSA which was intended to circumvent the powers of the legislature and fetter the exercise of discretion in the Public Interest of the Party Agencies in order to perpetuate revenue that is Ill Gotten arising from malfeasance of the Crown in respect to Insolvency Laws and Banking Laws.

68 Allegedly on the 23rd July 2014 the LPCC delegated his powers to Frances Nelson QC to investigate complaints made by me against the LPCC and 19 other lawyers, this reference is contained within a report published by Ms Nelson dated 3rd of November 2014 and a subsequent addendum published

69 On the 21st November 2014 Mortimer J made orders in VID 248 of 2014 declaring me vexatious as a barrier to justice following my swearing into evidence the aforementioned ATO FOI and my submissions regarding perjury of counsel of TWEV and the failure to depose the whole of the Deed of Settlement and in which regard Mortimer J refused to make;

a. Orders for discovery of all Material Facts and
b. Findings on the merits of the application prior to making the vexatious litigant orders

70 On the 28th January 2015 I received an email from the Associate of Justice Beach advising that Chief Justice Allsop had tasked that Judge to hear Appeals VID 730, 731 & 732 of 2015, later that Justice advised he would also manage VID 49 of 2015 which appeals were given short thrift and in respect to VID 49 of 2016 ignored the submissions of Mutuality made to Burchardt J regarding Mutuality as appearing on the Court Transcripts of MLG 1631 of 2014 which were also ignored by Burchardt J.

71 On 26th February 2015 Pagone J made orders declaring me vexatious as a barrier to justice in VID 600 of 2014; *Garrett v Commissioner of Taxation* [2015] FCA 117 despite the ATO FOI Releases being sworn into evidence being the fifth time that FOI information was avoided by Courts of Law and the second time that information was avoided in the Federal Court of Australia.

72 On the 30th March 2015 I applied for FOI to the ATO in respect to the reasons why the ATO would not consent to orders to set aside the Default Judgment in DCCIV-1666-2003 as a Model Litigant……..no documents have ever been released in respect to this FOI Application.

73 On the 20th April 2015 I applied for Judicial Review and Writs of Certiorari to review the Decisions of Beach J made in VID 730, 731, 732 of 2015 & VID 49 of 2016 in which regard I have not received any advice from the Registrars of that Court or the Chief Executive of the Court of the listing and/or consideration of those Judicial Review Applications.

74 Judicial Review is a Common Law Right that need not necessarily be expressed in Statute……..It is not an Appeal process to which the High Court Rules relating to the granting of Special Leave Apply and yet the Hogh Court ignores complaints about the Judiciary brought in this manner in the same way as the Federal Court of Australia ignored the Judicial Review Process related to Davies J.

75 Between 2014 and today's date I have made a number of complaints regarding the conduct of the Judiciary in the Federal Court of Australia and the Federal Circuit Court of Australian to the Chief Judges of those two agencies which have been ignored

76 Instead The Australian Information Commissioner made orders under s89K of the FOI Act on the 1st May 2015 declaring me vexatious in favour of the ATO as a barrier to Justice; *Australian Taxation Office and Garrett* [2015] AICmr 33 (1 May 2015) which relevantly set out;

Applicant; The Australian Taxation Office

77 On the 15th May 2015 I was bankrupted for the second time in favour of the ATO in respect to a debt that could not and did not lawfully exist and Timothy Holden was appointed as Trustee in Bankruptcy.

78 A Grant of Financial Assistance on the 28th July 2015 from the Commonwealth AG under the Public Interest Test Case Funding Scheme given Case ID: 00000100184 being a grant of $4,000 which was to consider the question of law following;

> *"Whether Vexatious Litigant Orders can be made in proceedings without first making orders for discovery of all material facts and without making findings on the merits of the application in which those orders are made"*

79 On the 7th August 2015 Davies J (the then lover of Pagone J) in VID 739 of 2014 repeated the vexatious litigant order in favour of the ATO as a further barrier to justice on the 19th May 2015; *Garrett v Commissioner of Taxation* [2015] FCA 485 again avoiding the FOI releases that were deposed before that Judge.

80 Davies J avoided Notices to admit Facts filed and served in VID 158 – VID 166 of 2015 in accordance with Court Rules that were deemed to have been admitted on the 7th August 2015 ; *Treasury Wine Estates Vintners Ltd v Garrett* [2015] FCA 797

81 On the 21st July 2015 North J dismissed the Appeal of Judgment of Interlocutory Orders given in VID 158 – VID 166 of 2015 in circumstances where no oral argument was heard and Davies J had not yet published her reasons in VID 158 – VID 166.

82 Subsequently Davies J published her reasons in VID 158 – VID 166 of 2015 on the 7th August 2015 as *Treasury Wine Estates Vintners Ltd v Garrett [*2015] FCA 797 for striking out the Notices to Admit Facts filed and served in those

proceedings in accordance with the Court Rules and which fats were already deemed to have been admitted in accordance with FCR 22.04.

83 On the 4th August 2015 I made application to the Assurance Fund established under the Real Property Act SA as a result of the conduct of NAB, the Registrar General and the Registrar of Deeds which application was acknowledged on the 7th August 2015 by Ian Gant **("Gant").**

84 **On the 6th August 2015 I applied under the FOI Act for copies of documents and things**

85 Subsequently, I wrote to Gant on the 23rd August 2015 directing the Tribunal's attention to my earlier communications to him between October 2004 and March 2006.

86 On the 10th September 2015 Gant wrote to me and refused my application for compensation in which regard I applied for Internal Review of that Refusal Decision on the 16th September 2015 in which application was refused by way of letter dated 13th November 2015.

87 I made complaint by email dated 16th September 2015 to the Legal Practioners' Conduct Commissioner, Greg Mornington May **("the LPCC")** regarding his conduct under the provisions of *the Legal Practioners Act* 1981 (SA) (As Amended)

88 On the 22nd September 2017 I received advice of the volume of FOI Documents being of the order of 27,000 pages which was well up on the initial estimates of 10,000 pages I took to be a consultation request and in which regard I reduced the scope of my request to documents and things related to Springwood Park and in which

89 The FOI Team of the Department of Infrastructure, Development and Planning wrote to me on the 29th September 2015 for the Registrar General and the Registrar of Deeds confirming that at total of 27,872 pages of materials were available and that the agency required payment of $183, 629.20, 50% of which was to be paid in advance in order to comply with my FOI request dated 21st August 2018

90 On the 30th September 2015 I wrote to Gant annexing a copy of a communique to the SAAG dated 29th September 2015 which addressed the fraud of the Crown relating to Springwood Park.

91 I wrote to the FOI team again on the 23rd October 2015 at 8.59 am requesting a decision under the FOI act annexing a copy of the 22nd September 2015 email.

92 Later on that day the FOI Team advised that the FOI Application was closed and if I had issue with the closure to complain to the SA Ombudsman which I took to be an FOI refusal and Inconsistent with the intent of the Legislature relating to open and transparent systems of government.

93 On the 29th September 2015 I swore an Affidavit which was lodged for filing in DCCIV-1666-2003 in conjunction with an application under District Court Rule 242 to set aside the Default Judgment dated 30th September 2015 both of which were stamped as **"Received NOT Filed".**

94 On the 13th October 2015 I lodged an application under Supreme Court Rule 242 in SASC-2244-1996 to reopen the proceedings on grounds of new evidence in support of which I also lodged affidavits dated 13th and 14th October 2015 which were also stamped as **"Received NOT Filed".**

95 On the 16th October 2015 I lodged an affidavit in DCCIV-1666-2003 that was also stamped as **"Received NOT Filed".**

96 On the 25th October 2015 I lodged an affidavit sworn 23rd October 2015 in SASC-2244-1996 which relevantly annexed my affidavit dated 16th October 2015 lodged for filing in DCCIV-1666-2003 also stamped as **"Received NOT Filed".**

97 On the 26th October 2015 I applied to the Supreme Court of South Australia under the provisions of the FOI Act 1991 (SA) and the FOI Act 1982 (Cth) in respect to documents or things of an administrative character held by that Court in respect to Matters related to me which is the subject of a Deemed Refusal to provide any FOI release whatsoever reflecting earlier applications made to that Court.

98 On the 27th October 2015 the Australian Human Rights Commissioner made a whitewash decision in respect to my complaints filed with the Commissioner;

> ***Closure of complaint***
> *I am writing to advise you of my decision regarding your complaint against the Australian Taxation Office (ATO), the Federal Court of Australia (FCA), and Federal Circuit Court of Australia (FCCA) alleging a breach of human rights under the Australian Human Rights Commission Act 1986 (Cth)* ***(AHRCA).***

99 On the 29th October 2015 I appeared in SASC-2244-1996 before Justice Peek which appearance amounted to Judicial Misconduct and in which regard I lodged an application dated 4th November 2015v for Judicial Review and findings of Misconduct which application remains unheard and which can only be considered by the Chief Justice (Kourakis CJ) under the provisions of the Supreme Court Act.

100 On the 11th November 2015 Master Rice (a Master of the District Court of South Australia) purported to publish reasons reviewing the decision of Master Norman published 13th October 2015 which reasons refused to accept the aforementioned Interlocutory application and affidavit for filing.

101 The Decision of Norman J was made beyond Power and was ultravires because one Master cannot review the Decision of another Master and which decision was intended only to be a barrier to justice.

102 This was the 31st time the FOI Releases of the ATO had been before Courts of Law in Australia administering the Federal Jurisdiction and in which regard had been avoided on each occasion.

103 The evidence shows that the Commonwealth Ombudsman has jurisdiction to review the conduct of officers of the Supreme and the District Courts of South Australia as subcontractors in the exercise of the Federal Jurisdiction, Commonwealth Laws ad including the FOI Act 1982 (Cth)

104 On the 15th December 2015 in VID 129 of 2015 I filed and served an Amended Notice of Constutional Matters which Notice has yet to be considered by any court or tribunal **"Annexure 5"** and have been avoided by the Judiciary and in particular Kenny J who, despite the reasons of the High Court in the Tasmanian Dams Case published reasons in VID 297 of 2015 as *Garrett v Cahill* [2015] FCA 664 that was heard together with VID 129 of 2015 as follows;

> *"17.12 Proposed ground 26 does not arise because this Court does not have jurisdiction under the Charter of Human Rights and Responsibilities Act 2006 (Vic). Further, the parts of Schedule 2 of the Australian Human Rights Commission Act 1986 (Cth) (previously the Human Rights and Equal Opportunity Commission Act 1986 (Cth)) on which Mr Garrett relies are articles of the International Covenant on Civil and Political Rights that have not been enacted as part of Australia's domestic law."*

105 I received letters from the LPCC dated the 4th & 8th March, 2016 advising me that he had delegated his powers to investigate the lawyers complained of to Mr James Marsh **("the Alleged Delegate")** which relevantly sets out;

> I refer to paragraph 6 of my email to you of 27 October 2015, in which I confirmed that I then had open files in relation to your complaints about Mr Rau, Mr Atkinson, Mr Shortt-Smith and me. I told you that all of those complaints were awaiting the identification of an appropriate delegate.
>
> I have now delegated my powers under the *Legal Practitioners Act* in relation to those complaints to Mr James Marsh. Mr Marsh is a partner at Fisher Jeffries, and a former deputy member of the Legal Practitioners Conduct Board. I consider him to be an appropriate person to delegate your complaints to. Mr Marsh doesn't consider that he is conflicted in considering your complaints.
>
> I have had my delegation to Mr Marsh authorised by the Attorney-General. I have *enclosed a copy of the relevant instrument of delegation.

106 On the 20th April 2016 I wrote to the alleged delegate by email and set out a number of issues with the aforementioned purported delegation including the issue of conflict of interest by the alleged delegate in being involved in the delegation;

> *"You will note that S17 of the Public Sector (Honesty and Accountability) Act 1995 (Cth) provides for disclosure of a conflict to the Relevant Minister, who of course can only be the Public Sector Minister as the minister responsible for that enactment, please provide me with a copy of instrument of authority provided from the Public Sector Minister as well as that purportedly provided by the Attorney General in respect to the instrument of delegation."*

107 The instruments of authority have not been provided to me; the involvement of Mr May in delegating his powers to investigate himself and two SA AGs one of which was his appointor as the Legal Practioners' Conduct Commissioner, without the specific authority of the Responsible Minister was corrupt conduct particular when Mr Marsh was a Deputy Member of the Legal Services Board which entity had been dissolved by act of Parliament coming into force on the 1st July 2014.

108 On the 26th April 2016 I wrote by email to the alleged delegate and confirmed that his client had been named as the proposed Fortieth Defendant by Cross Claim in VID 949 of 2015 in respect to an alleged authority purportedly given by the proposed One Hundred Fifty Third Defendant by Cross Claim on or about the 26th February 2016.

109 Middleton J made orders on the 11th March 2016 in VID 949 of 2015 striking out the affidavit of Matthew Critchley for TWEV as being False which finding appeared on the transcripts following my submissions of 24 events of perjury by TWEV.

110 The Australian Information Commissioner made orders under s89K of *the FOI Act* 1982 (Cth) in favour of the Federal Court of Australia and the Federal Court of Australia which orders were intended to be a barrier to justice and were published as *Federal Court of Australia and Garrett* [2015] AICmr 4 (22 January 2016) which relevantly set out;

Applicants: Federal Court of Australia
Federal Circuit Court of Australia

111 On the 8th and 17th March 2016 the Law Society of NSW made decisions dismissing my complaints against lawyers in NSW.

112 On the 23rd March 2016 I wrote to Justice Middleton following his findings on the transcripts of VID 949 of 2015 heard on the 11th March 2016.

113 On the 21st April 2016 the Commissioner of Taxation admitted to a Senate committee breaching the principles of separation of Powers and Rule of Law in respect to his dealings with the Federal Court of Australia.

114 On the 25th April 2016 the High Court of Australia refused my FOI Application in respect to HCA M42 of 2014.

115 On or about the 12th May 2016 Middleton J avoided further Notices to Admit Facts filed and served in VIVD 949 of 2015 and published his reasons in respect to the 11th March 2016 hearing *Treasury Wine Estates Vintners Limited v Garrett, in the matter of Treasury Wine Estates Vintners Limited* [2016] FCA 496

116 On the 5th May 2016 I wrote to Justice Beach of the Federal Court of Australia regarding his corrupt conduct and that of other members of the Judiciary of that Court highlighting issues related to Separation of Powers

117 On the 18th May 2016 Beach J copied Vincent Tavolaro of the AGS in an email on details of proceedings the ATO could not have an interest in being VID 404 & VD 423 of 2016.

118 On the 26th May 2016 I sore affidavits in support of removal of VID 404 & VID 423 of 2016 to the High Court of Australia pursuant to s40 of the Judiciary Act which proceedings were given action Numbers HCA-A30 and HCA-A31 of 2016……Those affidavits were ignored as a consequence of the High Court Rules agreed by the Judiciary as being the equivalent of Vexatious Litigant provisions which are intended by the High Court to be a barrier to Justice.

119 On the 27th May 2016 the High Court of Australia refused my FOI application in respect to HCA A67 of 2004 and other matters related to me.

120 On the 15th June 2016 Beach J recused himself from hearing an application for leave to appeal his decision VID 404 & VID 423 of 2016 as a consequence of actual and apprehended Bias and stating only words he allowed would appear on the transcripts of the aforementioned proceedings

121 On the 16th June 2016 I wrote to Beach J repeating his words in a hearing on 15th June 2016 VID 404 & VID 423 of 2016 which

122 I have not returned to the court as a consequence of the evidence of the ATO monitoring my emails and breaching privacy which information was provided to the Vincent Tavolaro and Sue Anne Thomson of the AGS

123 Following my investigations I wrote to the Registrar of Deeds care of Gant with a Notice to Admit Facts that the Registrar of Deeds had failed to maintain a Registry of Deeds in accordance with his Statutory Obligations concurrently making application under the provisions of *the FOI Act* 1991 (SA).

124 On the 21st June 2016 I served Gant with a Notice to Admit Facts under the Common Law and in which regard on the expiry of 14 days without dispute he was deemed to have admitted the relevant facts set out therein.

125 On the 23rd June 2016 I again write to Gant and disclosed the links between his conduct, that of the SA AG, the Registrar General, the Registrar of Deeds and VID 949 of 2015.

126 The Quantum of Cost Loss and damages arising under s8 of the Registration of Deeds Act, the Right to Remedy, the Right to a Fair Hearing , cl 17.3 of the Deed of Settlement and otherwise has been admitted in accordance with the Common Law by the Attorney Generals of the Commonwealth, the States and Territories by way of Notices to

Admit Facts dated 1st July 2016 and otherwise resulting in liquidation of damages in accordance with the law applicable to liquidated damages

127 On the 22nd June 2016 House of Assembly—No 131 As laid on the table and read a first time, 22 June 2016 HA GP 194-B OPC 140 1 South Australia *Legal Practitioners (Miscellaneous) Amendment Bill* 2016

8—Amendment of section 77—Delegation

Section 77—after subsection (3) insert:

(4) For the purposes of section 17(1)(c)(ii) of the Public Sector (Honesty and Accountability) Act 1995, delegation by the Commissioner of a 35 function or power under this section because of a pecuniary or other personal interest that conflicts or may conflict with the Commissioner's duties does not constitute taking action in relation to the matter the subject of the delegation

128 The aforementioned Bill was introduced specifically to attempt to address the corrupt conduct of the Leagl Practioners Conduct Bill and is referred to later by the Delegate of the LPCC

129 On the 2nd August 2016 the Victorian Government Solicitors Office acting for the Victorian Attorney General **("Vic AG")** commenced proceedings against me under *the Vexatious Proceedings Act* 2014 (Vic) as SCI-2016-03048; *Attorney General v Andrew Garrett* thereby replicating the approach of the ATO, the Australian Information Commissioner, the Federal Court of Australia and the SA AG in causing vexatious litigant orders to be applied by the Judiciary and others as a Barrier to Justice.

130 On the 13th August 2016 I issued a Notice of Actual and Apprehended Bias to the Vic AG.

131 On the 24th August 2016 I applied under the provisions of *the FOI act* 1982 (Vic) and (Cth) to the Supreme Court of Victoria for a copy of any document or thing of an administrative character which has not yet been complied with.

132 On the 14th September 2016 I was prevented from departing Australia as a consequence of information provided by the ATO to the Department of Home Affairs and in which regard my agent attended CIMB Bank in Malaysia

133 On the 15th and 16th September 2016 agents of the Department of Home Affairs approached my agent and warned him about dealing with negotiable instruments issued by me in a breach of Article 1 of Australian Treaty Series No 23.

134 On the 22nd December 2016 I applied under the provisions of the FOI act 1982 (Vic) and (Cth) to the Vic AG for a copy of any document or thing of an administrative character which has not yet been complied with.

135 I declined to appear in the aforementioned proceeding as it was clear to me that this was another event of malicious prosecution for an improper purpose undertaken by the Crown in order to avoid paying compensation.

136 Similarly ASIC has also undertaken a relentless campaign of Malicious Prosecution acting for itself in Vic Magistrates Court Case ASIC v AMG; T02318092 when ASIC withdrew following my submissions to Court and subsequently involving the CDPP in *Joe Zubic v AMG;* MC 151000380 of 2016 where I was found guilty following the refusal of the Legal Services Commissioner to make provision for Legal Aid on the 16th January 2016.

137 During the course of February 2017 the ATO executed search warrants of storage units where all of my files are kept including the original duplicate mortgage 8909699.

138 On the 31st March 2017 the alleged delegate published his decision in respect to

a. "Your complaint about Mr Lipman under *the Legal Practitioners Act* 1981 (SA)" which was a whitewash and was corrupt conduct
b. "Your complaint about Mr Lipman under the Legal Practitioners Act 1981 (SA)" which was a whitewash and was corrupt conduct in circumstances where adverse findings of a Justice of the Federal Court were already published and were res judicata.

139 On the 30th April 2017 I established the Australian People Future Fund **("APFF")** by way of Deed of Settlement of Discretionary Trust and distributed 33% of the value, assets and rights of the Trustee of the Andrew Garrett Family Trust No 4 trading as OenoViva Capital Resources **("OCR")** as admitted by the Crown, its agents/employees/ officers/delegates and Contractors in accordance with various Notice to Admit Facts issued under Court Rules and the Common Law to the APFF as a Donation to fund matters in the public Interest set out in the resolution of OCR dated 30th April 2017.

140 Also on the 30th April 2017 I wrote an email to the Reserve Bank of Australia **("RBA")** requesting that the RBA open an Account for the benefit of the Peoples of Australia in the name of the Trustee of the APFF in accordance with its obligations under *the RBA Act* 1959 ("Cth) which relevantly set out;

"I also refer to our prior communications in which regard I addressed the issue of the obligation of the Reserve Bank to act in the Public Interest and that of the Peoples of Australia as set out in s10, 10A & 10B of the Reserve Bank of Australia Act 1959 (Cth) as follows;

10 Functions of Reserve Bank Board

(1) Subject to this Part, the Reserve Bank Board has power to determine the policy of the Bank in relation to any matter, other than its payments system policy, and to take such action as is necessary to ensure that effect is given by the Bank to the policy so determined.

(2) It is the duty of the Reserve Bank Board, within the limits of its powers, to ensure that the monetary and banking policy of the Bank is directed to the greatest advantage of the people of Australia and that the powers of the Bank under this Act and any other Act, other than the Payment Systems (Regulation) Act 1998, the Payment Systems and Netting Act 1998 and Part 7.3 of the Corporations Act 2001, are exercised in such a manner as, in the opinion of the Reserve Bank Board, will best contribute to:

a. the stability of the currency of Australia;

b. the maintenance of full employment in Australia; and

c. the economic prosperity and welfare of the people of Australia.

10A Establishment of Payments System Board

There is to be a Payments System Board of the Reserve Bank which is to be constituted as provided in Part IIIA.

10B Functions of Payments System Board

(1) The Payments System Board has power to determine the Bank's payments system policy.
(2) The Payments System Board has power to take whatever action is necessary to ensure that the Bank gives effect to the policy it determines.
(3) It is the duty of the Payments System Board to ensure, within the limits of its powers, that:
a. the Bank's payments system policy is directed to the greatest advantage of the people of Australia; and
b. the powers of the Bank under the Payment Systems (Regulation) Act 1998 and the Payment Systems and Netting Act 1998 are exercised in a way that, in the Board's opinion, will best contribute to:
i. controlling risk in the financial system; and
ii. promoting the efficiency of the payments system; and
iii. promoting competition in the market for payment services, consistent with the overall stability of the financial system; and
iv. the powers and functions of the Bank under Part 7.3 of the Corporations Act 2001 are exercised in a way that, in the Board's opinion, will best contribute to the overall stability of the financial system."

141 Subsequently I drew Secured UNCITRAL International Bill of Exchange **("IBOE")** SN; 61.00064/17 and deposited that IBOE and a Notarised copy of the Deed of Settlement of the APFF with RBA by way of express post-delivery that was received and signed for by the RBA on the 12th May 2017 in which regard the RBA held the IBOE for value received from that date for the benefit of the Peoples of Australia.

142 On the 19th May 2017 the RBA made an administrative decision to return the IBOE which was advised to me by email from Ian Chua for the Secretary of the RBA.

143 On the 21st May 2017 the RBA wrote a letter endorsing the IBOE and Deed of Settlement back to me thereby incurring full liability for the face value of the IBOE.

144 Subsequently the RBA applied to the Registrar of the Personal Property Security Register **("PPSR")** to remove the data related to the IBOE given PPSR Registration Numbers 201605190014552 and 201705090000609 and the Registrar purportedly published decisions allegedly dated 11th September 2017 to remove the aforementioned Data which was disclosable corrupt conduct and indictable offences under s42 & s43 of *the Crimes Act* 1914 (Cth).

145 Despite the aforementioned decisions to remove Data the Data was NOT removed and remained registered until at least the 19th June 2018 when the ATO contacted both the RBA and the Registrar of the PPSR in circumstances where the Registrar and the RBA were estopped from removing the registrations and caused the removal of the Data in circumstances of further corrupt conduct and indictable offences and disclosable conduct.

146 Between the 30th April 2017 and today's date the FOI team at AFSA have published a number of FOI decisions related to the Disclosable conduct of AFSA and the Registrar of the PPSR that have not been compliant with the provisions of the FOI Act and the intent of the Legislature.

147 On the 29th May 2017 The Australian Information Commissioner made still further orders under s89K of the FOI Act on the 1st May 2015 declaring me vexatious in favour of the ATO.

148 ATO as a barrier to Justice; *Australian Taxation Office and Andrew Garrett (Freedom of information*) [2017] AICmr 50 (29 May 2017) which relevantly set out;

Applicant; The Australian Taxation Office

149 The High Court has already found that orders are not able to be made in favour of the ATO on grounds that the ATO does not have a legal persona in which regard the s89K orders of the Australian Information Commissioner are a Nullity and therefore are void and of no effect.

150 I have made a number of complaints to Chief Justice Kourakis regarding his conduct and the conduct of the Judiciary of the Supreme Court of South Australia acting under his supervision.

151 Since at least 2015 the Office of the Australian Information Commissioner has sought to frustrate my rights of access to personal information under the FOI Act being corrupt conduct of the kind described by Justice Logan in *Shord v Commissioner of Taxation* [2017] FCAFC 167 published on the 26th October 2017 which relevantly sets out;

> *174 It has been opined that, "Other than expressing their opinion, however, there are few tools available to the courts to hold government litigants accountable to the standards of conduct expected of model litigant.": Z Chami, "**The Obligation to act as a Model Litigant**", paper presented at the 2010 Australian Institute of Administrative Law National Administrative Law Forum, Sydney, 22 July 2010: (http://www.austlii.edu.au/au/journals/AIAdminLawF/ 2010/28.pdf – accessed 19 March 2017). That, withrespect, is not so. Departures from model litigant behaviour can, in particular circumstances, **constitute professional misconduct, a contempt of court or an attempt, contrary to s 43 of the Crimes Act 1914 (Cth), to pervert the course of justice.** In the circumstances of the present case, given that the concession but not its ramification was mentioned to the primary judge by counsel for the Commissioner, it appears to me that the lack of a ready concession of the jurisdictional error was just the result of a lack of understanding, removed only by the direct exchange mentioned. Given that experience, and a patent absence of any bad faith, there the matter should rest, save perhaps in respect of costs.*

152 During the course of the aforementioned Case [28]as distinct from the reasons published the true concerns of Justice Logan were highlighted as follows;

> ***LOGAN J:*** *It's not the boilermaker's case, Mr Fickling. It's just a question of finding particular facts and a conclusion of law being reached by reference to particular facts. It's not the boilermaker's case in the tribunal.*
>
> ***MR FICKLING:*** *The problem I would say with that – I take 5 your point, your Honour but the problem would say with that is Mr Short, the appellant, throughout the tribunal reasons, is more or less referred to as an employee. There's documents which I can take you to which were before the tribunal, which called Mr Short an employee, yet in one paragraph, the tribunal goes against what the respondent has said at the hearing, goes against the terminology that the appellant has used in the witness box, the terminology that documents use that he was an employee, to find that he was not an employee. If the tribunal was going to say that this appellant is not an employee, the tribunal needed to*

[28] WAD 322of 2016; Shord v Commissioner of Taxation page 18 Transcripts 14th February 2014

really – to use colloquialism – really own the decision and really need to explain why the tribunal was going against the grain, so to speak.

153 In fact His Honour hit the nail on the Head in his assessment that the matter before the Tribunal was in fact exactly that of Boilermaker's case which reflects my experiences and no doubt those of many like me in the Court's and Tribunals of our Sad Nation.

154 On the 24th August 2017 the alleged delegate "Your complaint about Mr Coppola and Mr Mitchell under the Legal Practitioners Act 1981 (SA)" which was a whitewash and was corrupt conduct.

155 On the 4th September 2017 the alleged delegate published his decision in respect to "Your complaint about Mr Rau and Mr Atkinson under *the Legal Practitioners Act* 1981 (SA)" which was a whitewash and was corrupt conduct.

156 I received 2 X letters from the alleged delegate of the Legal Practioners Conduct Commissioner both dated 20th September 2017 which were a whitewash and were corrupt conduct and relevantly set out as follows;

Your communications with the Legal Profession Conduct Commissioner
Legal Practitioners Act 1981 (SA) (the "Act")

I refer to my letter to you of today's date.

That letter enclosed my determination of your complaint concerning non-compliance with the *Public Sector (Honesty and Accountability) Act 1995.*

Based on my review of the copy correspondence provided to me by the Legal Profession Conduct Commissioner, that is the last complaint made by you that remained to be determined.

I note, however, that you have sent a significant number of emails to the Legal Profession Conduct Commissioner and it may be that you consider that some of those emails contained complaints that have not been understood as such by the recipients or by me. I also note that pursuant to Section 77B(3b) of the Act, you are prohibited from making any new complaints. That provision came into effect from 13 November 2016.

Dear Sir

Your complaint about Mr Rau, Mr Atkinson and Ms Manos
Legal Practitioners Act 1981 (SA) (the "Act")

I refer to various emails that you sent commencing in September 2015, copies of which were sent to the Legal Profession Conduct Commissioner, Mr Greg May, referring to the decision of his Honour Justice Parker of the Supreme Court of South Australia delivered on 27 August 2015.

I have determined that your complaint(s) do not found any finding of unsatisfactory professional conduct or unprofessional conduct.

157 On the 7th December 2017 the Commissioner of Taxation and the Financial Assistance Section of the Commonwealth Attorney General both made administrative Decisions refusing grants of Public Interest Test Case Funding in respect to my application dated 27th November 2017 and otherwise

158 On the 23rd March 2018 Heads of Agreement were executed to acquire the issued capital of Progressive People Australia Pty Ltd

159 On the 26th March 2018 the CDPP commenced proceedings against me as AMC 18/5575; *ATO v Garrett.*

160 Also on the 26th March 2018 by letter marked MC18-002714 the Commonwealth AG declined my application for His Fiat to bring an Application in the Public Interest as the Relator and otherwise.

161 On the 4th April 2018 ASIC published an administrative decision refusing to register the Appointment of my Agent Brennan Paul Fitzallen **(Fitzallen)** as Managing Controller of various entities made under instruction from the ATO as follows;

ASIC has been advised that you are not validly appointed as the controller of the companies, listed in Table A.

As the Forms contain matters that are false and misleading and may contravene section 427 of the Act, ASIC has refused to register the Forms.

162 Also on the 4th April 2018 Fitzallen Resigned from entities related to me as a direct consequence of defamatory calls made by Trevor Coulter and/or other agents employees officers of ASIC and/or the ATO.

163 On the 21st April 2018 the final agreements related to the aforementioned purchase of issued capital were executed by the Purchaser.

164 On the 24th April 2018 Trevor Coulter of the Australian Taxation Office contacted the vendors of the aforementioned issued capital and criminally defamed me advising the vendors not to proceed and referring to me as a Fraudster and Criminal in circumstances where those findings have not been the subject of Judicial Findings.

165 The Vendors withdrew from the sale on the 25th April 2018 the Vendors withdrew from the transaction

166 On the 3rd May 2018 I sent an Email to the Commissioner of Taxation, Trevor Coulter, Siobhan Unwin and Neville Thomas advising that I had instructed counsel to serve a Notice of Imputed Concerns in respect to the defamatory conduct of those persons in respect to business enterprises related to me including the Gunn Group of Entities, Garage Wine Group, Robert Douglas, Island Bio Energy Australia, ASIC, Department of Home Affairs, Progressive People Australia Pty Ltd, Paul Rigby and Associates ANZ Bank, Commonwealth Bank, Westpac Banking Group Limited, National Australia Bank Limited, Peter Ivan Macks, Steven James Duncan, Bruce Carter, John Hart and Timothy Holden and their respective Legal Entities.

167 On the 4th May 2018 the first hearing of AMC/5575 was heard in my absence in order to generate publicity to damage my reputation in breach of article 17 of Australian Treaty Series No 23.

168 The details of the aforementioned transaction were intercepted by the ATO from my emails.

169 On the 31st May 2018 ASIC published two further administrative decisions firstly refusing to register the appointment of Robert Nowak as Managing Controller of Marine Leasing Pty Ltd and Steel Con Holdings and secondly refusing to register Form 504s and Form 505s dvising of the Change of Managing Controllers acting on instructions from the ATO which respectively relevantly sets out;

> ASIC has been advised that you are not validly appointed as the controller of the Companies for the purpose of enforcing a security interest.
>
> As the Forms contain matters that are false and misleading and may contravene section 427 of the Act, ASIC has refused to register the Forms.

&

> ASIC has determined that the Forms are contrary to law, contravene the Act and may contain false and misleading information, which has resulted in the refusal to register the Forms. This is because, under s427(4), ASIC must receive a notice of cessation of office from the existing controller, before the existing controller can be replaced.

170 On the 12th June 2018 and the 10th August 2018 Trevor Coulter purportedly exercised the Powers of the Commissioner of Taxation and completed audits of the Australian People Future Fund and OenoViva Capital Resources which avoided the evidence and misstated the facts which ;

a. Were not the subject of advanced Notice of Audit to the entities, and
b. Failed to properly comply with the Tribunal Obligation to Inquire in order to request the relevant evidence, and
c. On their face purported to review administrative decisions of other agencies of the Crown without any power to do so
d. Were ultravires and/or Invalid and/or Unlawful
e. Were indictable offences under s42 & s43 of *the Crimes Act* 1914 (Cth)

171 On the 14th August 2018 I rejected the contention of Caitlyn Emery of the Office of the Australian Information Commissioner that orders made under s89K of the FOI Act were not able to be the subject of Internal Review and concurrently applied for Internal Review of the s89K orders made by him for the reasons set out in that email and annexures.

172 As a consequence of the aforementioned evidence I have obtained a Grant of Legal Aid from the SA Legal Services Commissioner and instructed Andrew Ey of the Firm Mangan Ey to defend me in AMC 18/5575; ATO v Andrew Garrett in which regard I seek to have the following proceedings reopened such that the Guilty Pleas made by me may be withdrawn and go to trial before a jury to be heard concurrently with AMC 18/5575;

a. Joe Zubic v Andrew Garrett ; MC 151000380
b. DCCRM-07-742; Regina V Andrew Garrett

173 *In Moeliker v Chapman* B8/2000 [2000] HCATrans 242 (17 May 2000);

At Page 12

> **HIS HONOUR:** Exactly. Then the costs. Then what about order 5, though, the declaration that "The Australian Taxation Office is a body without legal persona", but the Australian Taxation Office is not a party to this litigation.

&

HIS HONOUR: Mr Logan, the Australian Taxation Office is not a legal personality, is it?

MR LOGAN: It is not.

HIS HONOUR: It is not mentioned in the Act, is it?

MR LOGAN: It is not a legal personality.

HIS HONOUR: Is it mentioned anywhere in the Act, the office?

At Page 13

MR FITZGIBBON: Yes, your Honour, I can confirm that is the correct position.

HIS HONOUR: All right. I might hear from you now. I will come back to Mr Logan. Mr Fitzgibbon, can you draw my attention to any section in the *Income Tax Assessment Act* or any of the associated legislation which refers to the Australian Taxation Office?

MR FITZGIBBON: Your Honour, if I - and I do not want to outwear the patience of the Court - - -

HIS HONOUR: You will, unless you answer this question. The answer yes or no.

At Page 14

MR FITZGIBBON: No, it does not, but the problem was that much of the documentation was in fact being taken out in the name of the Australian Taxation Office and not the Deputy Commissioner.

HIS HONOUR: That does not matter. If, in fact, the Australian Taxation Office is not a legal personality, there is no point and no efficacy in the Court making a declaration in respect of it. Now, what is the document that you say was taken out, to use your language, in the name of the Australian Taxation Office? Which document? Is it in your material?

MR FITZGIBBON: Your Honour, I would have to reserve that position.

At Page 15

HIS HONOUR: You can see that there is no point in my making a declaration in respect of a factual situation which just does not exist. It is not pleaded, it cannot be pleaded and does not exist.

At Page 23

MR LOGAN: Yes.

HIS HONOUR: If the Australian Taxation Office does not exist and the Deputy Commissioner is not validly appointed and all who sail in her or with her. It would have to be in some doubt.

MR LOGAN: Yes, it is - - -

At Page 31

HIS HONOUR: We know that that is factually incorrect, that the Australian Taxation Office issued them a - - -

MR LOGAN: Yes, and so much is admitted on the pleadings in the defence that the Australian Tax Office is not a legal entity.

HIS HONOUR: But also it is factually incorrect to say that the non-existent legal personality - - -

MR LOGAN: That is right.

<u>Some (but not all) references to Public Interest Disclosure of Disclosable Conduct related to Andrew Garrett ("AMG") and/or entities related to him</u>

1. Criminal Defamation of AMG by the Attorneys General of the Commonwealth, the States of Victoria and South Australia, the Australian Government Solicitors Office, Australian Taxation Office, the Federal Court of Australia, the Federal Circuit Court of Australia, the Office of the Australian Information Commissioner in applying for vexatious litigant orders and subsequently making of s89K orders under the FOI Act in respect of

the aforementioned entities which orders were intended to be a barrier to justice and frustrate my rights of access to personal information in order to conceal the corruption of the Crown its officers/employees/agents/delegates/contractors; and in particular in favour of the ATO as an entity that does not exist which orders have no utility, and continuing to make FOI determinations refusing access to FOI on the 28th August 2018 despite my submissions dated 14th August 2018 as to the invalid and unlawful nature of the s89K Order in favour of the ATO for the sole purpose of avoiding my rights to access personal information in order to conceal corrupt conduct of the aforementioned agencies as an External Public Interest Disclosure of Disclosable Conduct under s26(1) Item 2 of the PID Act.

2. Malicious Criminal Prosecution of AMG as and external public interest disclosure of disclosable conduct by the Crown officers/employees/agents/delegates/contractors and in particular by;
    a. SA Public Prosecutor (a Contractor) in respect to ;DCCRM/2007/742;*Regina V Garrett* where Counsel was instructed by me to rescind the Guilty Plea Agreement and failed to give proper advice as a public interest disclosure of disclosable conduct under s26(1) Item 2 of the PID Act,
    b. ASIC in respect to Vic Magistrates Court Cases,
        i. *ASIC v Andrew Garrett;* T02318092 of 2011 that was commenced by ASIC as a public interest disclosure of disclosable conduct under s26(1) Item 2 of the PID Act where ASIC withdrew by consent following my contest and self-representation and no Judicial Decision was made, and
        ii. *Joe Zubic v AMG; MC* 151000380 of 2016 where ASIC was represented by the CDPP and obtained a guilty Plea Agreement in circumstances where there was no judicial decision made on the Merits; as a public interest disclosure of disclosable conduct under s26(1) Item 2 of the PID Act and ;
            1. I was mentally and physically exhausted by the disclosable conduct of the Crown, and
            2. The Legal Services Commissioner (Contractor to the Commonwealth Attorney General) had refused Legal Aid in order for me to obtain legal representation, and
            3. I was unrepresented, and
            4. My Notice of Admissions of Facts dated 26th January 2017 filed and served in the proceeding was materially in conflict with that Notice of Admissions of Joe Zubic annexed to a Letter of the CDPP dated 13th May 2016 and which conflicts were not highlighted by ASIC or the CDPP as a Model Litigant to the Court.
            5. The resources applied by the Crown were disproportionate with the sole and improper purpose of damaging my reputation.
    c. ATO and the CDPP in respect to *AMC 18/5575; ATO v Andrew Garrett* commenced on the 26th March **2018 as a Public Interest Emergency Disclosure of Disclosable Conduct under s26(1) Item 3 of the PID Act** in circumstances where;
        i. I cannot afford to pay accommodation costs and risk eviction, and
        ii. Both the ATO and the CDPP have refused Public Interest Test Case Funding on the 7th December 2017 and refused to Internally Review those Refusal Decisions, and
        iii. There is a limit of $40,000 payable under the current grant of Legal Aid from the SA Legal Services Commissioner, and
        iv. The Commissioner of Taxation admitted on the 21st April 2016 to the Senate Economic Commission
            1. Spending up to $10,000,000 on particular cases evidencing unequal resources and in breach of the Human Right to a Fair Hearing
            2. That the ATO has special arrangements with the Federal Court of Australia and the Federal Circuit Court of Australia in breach of the Principals of Separation of Powers
        v. Evidence of Communications between Justice Beach and Vincent Tavolaro of the Australian Government Solicitor's Office for the ATO on the 18th May 2016 in respect to VID 404 & VID 423 of 2016 that neither the ATO nor any other officer of the Crown was a party to those proceedings.

vi. The First hearing of this proceeding occurred on the 4th May 2018 in the absence of service upon me by the Crown for the sole and improper purpose of releasing information to the media in open court on the 4th May 2018 which was later published by the Adelaide Advertiser and Mercury Newspapers in circumstances where my right of reply was avoided.

3. Corrupt Conduct of the Crown and its officers/employees/agents/delegates/contractors related to conflict of interest between officers of the Crown in circumstances of avoiding the provisions of *the Australian Human Rights Commission* Act 1986 (Cth) and Australian Treaty Series No 23 relating to My Right to a Fair hearing, the Right to Remedy, Protection of My Reputation, protection of My Privacy, interference in my Property Rights and in particular by the Governor General and the Governors of South Australia and Victoria, the South Australian, Victorian and NSW Law Societies, the Registrar of Deeds, the Registrar General, the Commissioner of Taxation, the Inspector General of Taxation, Australian Securities and Investments Commission, the ASX, The Reserve Bank of Australia, the Payments Systems Board, the Australian Information Commissioner, the Australian Financial Services Authority, the Inspector General of Bankruptcy, the Australian Prudential Regulatory Authority, The Legal Services Board and Commissioner of Victoria, the Legal Practioners Conduct Board and Commissioner of South Australia, the Legal Services Commissioner of South Australia, the South Australian Independent Commissioner against Corruption, the Commonwealth, SA and Victorian Crown Solicitors, the SA and Commonwealth Directors of Public Prosecutions, the IBAC Commissioner of Victoria, the South Australian and Victorian Ombudsmen, the South Australian, Victorian and Tasmanian Police, the Registrar of the PPSR, The Australian Human Rights Commissioner, the Minister for Finance , the Department of Finance, the Departments of the Commonwealth and State Attorneys General the Attorneys General of the Commonwealth, Victoria and South Australia, the High Court of Australia, the Federal Court of Australia, the Federal Circuit Court of Australia, the Supreme Courts of South Australia and Victoria, and the District Court of South Australia (as receptacles of the Federal Jurisdiction) and the Attorneys Generals of the Commonwealth and the States of Victoria and South Australia arising from the indemnity of officers/employees/agents/delegates/contractors of the Crown given in favour of the aforementioned agencies and their officers/employees/agents/delegates/ contractors; as a public interest disclosure of disclosable conduct under s26(1) Item 2 of the PID Act
4. The failures of the Crown and its officers/employees/agents/delegates/contractors to discipline Solicitors for Professional Misconduct and/or Unsatisfactory Professional Conduct as an External Public Interest Disclosure of Disclosable Conduct under s26(1) Item 2 and s30, s32(1)(d)(i),(ii) of the PID Act
5. The failures of the Crown and its officers/employees/agents/delegates/contractors to discipline Judiciary for Professional Misconduct and/or Unsatisfactory Professional Conduct and in particular of the Legislature for failing to form a Committee of Inquiry under *the Judicial Complaints (Parliamentary Inquiry) Act* 2012 (Cth) and otherwise as an External Public Interest Disclosure of Disclosable Conduct under s26(1) Item 2 and s30, s32(1)(d)(i),(ii) of the PID Act
6. The Harassment by the Crown and its officers/employees/agents/delegates/contractors of AMG and entities related to AMG in particular by the Judiciary (30th October 2015 before Justice Peak and otherwise before Justices Lander, Mortimer, Tracey, North, Davies, Jessup, Pagone, Kenny and Beach), the ATO and the Department of Home Affairs in order to frustrate development of Business Interests and Income related to AMG as an External Public Interest Disclosure of Disclosable Conduct under s26(1) Item 2 and s30, s32(1)(d)(i),(ii) of the PID Act
7. The application by the Crown and its officers/employees/agents/delegates/contractors of the provisions of *the Common Law*, *the Commonwealth of Australia Constitution Act* 1900 (Imp), *the Reserve Bank of Australia Act* 1959 (Cth), *the Banking Act* 1959 (Cth), *the Corporations Act* 2001 (Cth), *the Freedom of Information Acts* 1982, 1991 (Vic), (Cth), (SA), *the Legal Practioner Acts* (Vic), (Cth), (SA), and *the Bankruptcy Act* 1966 (Cth) and respective regulations and/or Conduct Rules as a barrier to Justice and Equity as an External Public Interest Disclosure of Disclosable Conduct under s26(1) Item 2 and s30, s32(1)(d)(i),(ii) of the PID Act
8. Statutory Encroachments on Traditional Rights and Freedoms by the Governors of the Commonwealth the States and Territories, the Attorneys General of the Commonwealth , Victoria, South Australia and the

Legislatures of the Australian, South Australian and Victorian Parliaments, the Liberal and Labour Parties of the Commonwealth, the States and Territories and the Law Societies of the Commonwealth States and the Territories as an External Public Interest Disclosure of Disclosable Conduct under s26(1) Item 2 and s30, s32(1)(d)(i),(ii) of the PID Act,

9. Oppression of Human Rights by Administration and Judiciary of the Courts Judiciary in the administration of proceedings avoiding the evidence and the applicable law related to cost loss and damages arising from the corruption of agencies of the Crown in the application of the Bethcar Strategy as summarised in my affidavits filed in HCA -A3-2016 & HCA-A31-2016 as **Judicial Mis-Statements of the Facts** and penalties applicable for corrupt conduct as), as an External Public Interest Disclosure of Disclosable Conduct under s26(1) Item 2 and s30, s32(1)(d)(i),(ii) of the PID Act
10. Failures of the Federal Court of Australia, the Federal Court of Australia and Administrative Appeals Tribunal Judicial Officers to act independently in the exercise of discretion of their own motion to make findings of indictable offences under s42 and s43 of *the Crimes Act* 1914 (Cth) and the provisions of *the Criminal Code Act* 1995 (Cth) against officers/agents/employees and contractors of the Crown as an External Public Interest Disclosure of Disclosable Conduct under s26(1) Item 2 and s30, s32(1)(d)(i),(ii) of the PID Act
11. The Supreme Courts of Victoria, South Australia and NSW being unacceptable vessels for the exercise of the Federal Jurisdiction as a consequence of the courts and the Law Societies and the States of South Australia, NSW and Vitoria failing to discipline Solicitors for Fraud and/or Serious Professional Misconduct and/or Unsatisfactory Professional Conduct. as an External Public Interest Disclosure of Disclosable Conduct under s26(1) Item 2 and s30, s32(1)(d)(i),(ii) of the PID Act
12. The Findings of the High Court of Australia in *Attwells v Jackson Lalic Lawyers Pty Limited* [2016] HCA 16 4 May 2016 S161/2015 must be re-decided as an External Public Interest Disclosure of Disclosable Conduct under s26(1) Item 2 and s30, s32(1)(d)(i),(ii) of the PID Act
13. Abdication of the role of the Attorneys General of the Commonwealth, Victoria and South Australia, as the Defender and Champion of the Public Interest as evidenced by rejection of my applications for Financial Assistance under the Public Interest Test Case Funding Grants System and the failure of the Attorney General to inquire and take action of his oown motion. as an External Public Interest Disclosure of Disclosable Conduct under s26(1) Item 2 and s30, s32(1)(d)(i),(ii) of the PID Act
14. ATO and the Department of Home Affairs interference in the monetisation of Value by Banking Licensees of the Crown and Fraud as revealed in the evidence and the findings of the Royal Commission into Financial Service as an External Public Interest Disclosure of Disclosable Conduct under s26(1) Item 2 and s30, s32(1)(d)(i),(ii) of the PID Act
15. Impermissible fettering of discretion of Crown agencies for the improper purpose of perpetuating collection of Revenue through abuse of power arising under insolvency laws and banking laws as exposed by the Royal Commission into Financial Services by entering into agreements such as the Memoranda of Understanding referred to in the Briefing Note above as an External Public Interest Disclosure of Disclosable Conduct under s26(1) Item 2 and s30, s32(1)(d)(i),(ii) of the PID Act.
16. ASIC acted upon the instructions of the ATO by letters dated 4th April, 31st May 2018 as set out in the Briefing Note Above and other communiques otherwise addressed to me Robert Douglas, Brennan Fitzallen, Robert Nowak, Judiciary of Courts as an External Public Interest Disclosure of Disclosable Conduct under s26(1) Item 2 and s30, s32(1)(d)(i),(ii) of the PID Act.
17. Breaches of Separation of Powers and Collapse of Rule of Law, Fraud of the Courts and Tribunals on the Courts and Tribunals. as an External Public Interest Disclosure of Disclosable Conduct under s26(1) Item 2 and s30, s32(1)(d)(i),(ii) of the PID Act
18. Matters associated with this Briefing Note are a suitable vehicle for the re-determination of Boilermaker's case in a modern context with clear penalties for breaches of the principles of separation of powers pursuant to s42 & s43 of *the Crimes Act* 1914 (Cth) as an External Public Interest Disclosure of Disclosable Conduct under s26(1) Item 2 and s30, s32(1)(d)(i),(ii) of the PID Act
19. Monitoring by at least the ATO, the Reserve Bank of Australia and the Department of Home Affairs of

a. my Telephone and telephones on my account, and
b. email accounts

in order to criminally defame me to third persons and obtain a financial advantage by deception and the provisions of the Telecommunications Act as breaches of my Privacy and Property Rights for the sole and improper purpose of frustrating my actions to monetise value in Tasmania, Australia and Globally as an External Public Interest Disclosure of Disclosable Conduct under s26(1) Item 2 and s30, s32(1)(d)(i),(ii) of the PID Act

20. On the 16th July 2018 and the 21st August 2018 the Delegate of the PPSR published reasons in respect to applications by the RBA given Enquiry References ENQ-869470-C9Y7K8 and ENQ-829463-P1B8N4 references requesting the removal of Registration Data 201705090000609 and 201605190014552 respectively following removal of the aforementioned Data at some time after the 19th June 2018 after interference by the ATO which was a continuation of Corrupt Conduct between the 1st May 2016 and today's date in respect to registrations related to me and/or entities related to me as an External Public Interest Disclosure of Disclosable Conduct under s26(1) Item 2 and s30, s32(1)(d)(i),(ii) of the PID Act
21. Between the 11th February 2004 and today's date the RBA, the Registrar, the Crown Generally have breached Australian Treaty Series Numbers 5, 23 and 39, and the provisions of the UNCITRAL Convention of International Bills of Exchange and Promissory Notes 1990 (UN) as a treaty that Australia is signatory to and failed to monetise value expressed in Negotiable Instruments drawn by me and/or entities related to me and/or Creditnet Bank Internationale as disclosable conduct as an External Public Interest Disclosure of Disclosable Conduct under s26(1) Item 2 and s30, s32(1)(d)(i),(ii) of the PID Act
22. Between 2002 and today's date APRA, the RBA, ASIC and the ACCC has failed to investigate my complaints and the complaints of others in respect to Bank Licensees, Financial Services Providers, Lawyers and Insolvency Practioners which is evidenced in the findings of the Royal Commission into Financial Services for the sole and Improper Purpose of perpetuating Revenue that is Ill Gotten for the benefit of the Commissioner of Taxation and the Crown Generally as an External Public Interest Disclosure of Disclosable Conduct under s26(1) Item 2 and s30, s32(1)(d)(i),(ii) of the PID Act
23. Failures of the Crown and its officers/employees/agents/delegates/contractors to make grants and payments to AMG under the Act of Grace Scheme of *the Public Governance Performance and Accountability Act* 2013 (Cth) or other compensation schemes including under the various State Victims of Crime Funds, the Assurance Fund of SA & Victoria, the Fidelity Funds in respect to the Legal Practioners Acts and Professional Indemnity Insurance in respect to Lawyers as an External Public Interest Disclosure of Disclosable Conduct under s26(1) Item 2 and s30, s32(1)(d)(i),(ii) of the PID Act

ANNEXURE 1 to PID NOTE

ANDREW SANDOW
BUSINESS SERVICES

ANDREW GARRETT FAMILY TRUST

CONSOLIDATED

Balance Sheet as at 31 March 2004

Account Description	
Current Assets	
Cash At Bank: NATIONAL	(12,215)
CASH AT BANK: BANK SA	24,403
Loan - Braidwood Mgmt	30,330
Team Dynamik Reimbursements	2,398
Cash On Hand	109
Trade Debtors	5,341,686
Other Debtors	3,559
Prepayments Interest & Bank Fees	12,443
Borrowing Costs - Balance sheet	45,526
Credit Cards	(120,000)
AGVE interest bearing Loan	329,132
AGVE Subordinate Convertable Notes	190,289
AGVE Redeemable Guarantee Certs.	380,579
Loan - Springwood Park Unit Trust	1,918,470
Loan - Braidwood Operations	3,140
Loan - Phoenix Rising	200
Loan - Drumcalpin Wines	15,758
Loan - Sunburst Properties	5,946,193
Loan - Agwater Pty Ltd	1,919,642
Loan - Holy Grail Wines	27,154
Purchases GST not yet paid	29,743
Total Current Assets	**16,088,540**
Fixed Assets	
Andrew & Averil Garrett - Loan A/C	622,152
AGVE Pty Ltd- Loan A/C	(160,390)
AGWR Unit Trust - Loan A/C	(2,974,767)
Fabal Wines Pty Ltd - Loan A/C	58,458
Gomel Pty Ltd - Loan A/C	643,419
Plant & Equipment - At Cost	132,890
Fabal Wines Pty Ltd - At Cost	200
Springwood Park Property	7,100,000
AGWR Unit Trust - Investment	1,000,000
Loan - Sunburst Holdings	3,305,051
Shares in AGVE Pty Ltd	296,198
Book on Wine Museum	25,079
Equity - Sunburst Properties	7,040,988
Equity - Sunburst Holdings	743,497
Equity - Braidwood Operations	614,475
Equity Agwater	8,000,000
Equity Garrett International Investments	6,650,000
Furniture & Fittings	2,273

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ANDREW GARRETT FAMILY TRUST

CONSOLIDATED

Balance Sheet as at 31 March 2004

Account Description	
Berringer Blass Option	8,700,000
Berringer Blass Royalty	1,800,000
Share Agwater	1
Total Fixed Assets	**43,599,524**
Current Liabilities	
Trade Creditors	730,472
BAS Clearing	253,717
Averil Garrett - Beneficiary	(77,213)
Andrew Garrett - Beneficiary	73,052
Drawings - AM & AG Garrett	(111,533)
Nicholas Garrett - Beneficiary	277
Drawings - Nicholas Garrett	(305)
Thomas Garrett - Beneficiary	277
The Wine Company Pty Ltd - Loan A/C	1,233,582
Loan - Urban Asset Group	250,000
Loan - Tseng	600,000
Total Current Liabilities	**2,952,326**
Deferred Liabilities	
Key Money (Braidwood Water)	1,837,500
Commercial Bills - Bank	8,220,000
Garrett Family Super Fund- Loan A/C	9,385
Garrett International Inv-Loan A/C	(964,627)
The Wine Company P/L - Loan A/C	1,500,000
Total Deferred Liabilities	**10,602,258**
Net Assets	**46,133,481**
Equity	
Profit Brought Forward	2,188,344
Settled Funds	10
Asset Revaluation Reserve	39,439,504
Total Equity	41,627,858
Net Profit (Loss)	**4,505,623**
Net Equity	**46,133,481**

ANDREW SANDOW
BUSINESS SERVICES

ANDREW SANDOW
BUSINESS SERVICES

ANDREW GARRETT FAMILY TRUST

CONSOLIDATED

Profit & Loss Statement as at 31 March 2004

Description	Actual
Sales	
Interest Received	14,111
Royalties & Licence Fees	226,174
Other Income	25,000
Water Transport Braidwood Water	1,102,500
Water Supply Braidwood Water	367,500
Grape sales	3,553,000
Total Sales	**5,288,285**
Gross Profit (Loss)	**5,288,285**
Less Expenses	
Accounting Fees	79,651
Business Services	42,643
Bank Fees	1,632
Search Fees	304
General Expenses	695
Subscriptions	1,700
Fines & Penalties - ATO	1,625
Emergency Services Levy	230
Legal Fees - Deductible	225,402
Legal Fees - Unforgettable	3,220
Printing & Stationery	908
Computer Supplies	303
Travel & Accommodation	686
Wine Storage	4,712
Credit Card Charges	4,691
Filing Fees	200
Consulting Fees	7,500
Consulting Fees Braidwood Water	3,300
Total Operating Expenses	**379,402**
Net Operating Profit (Loss)	**4,908,883**
Less Non-Operating Costs	
Interest Paid	180,760
Interest - Urban Asset Group	2,500
Interest Accrued	220,000
Total Non-Operating Expenses	**403,260**

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ANDREW GARRETT FAMILY TRUST

CONSOLIDATED

Profit & Loss Statement as at 31 March 2004

Description	Actual
Net Profit (Loss)	4,505,623

ANDREW SANDOW
BUSINESS SERVICES

ANNEXURE 2 to PID NOTE

COPY OF RECORD

Court of Origin: **Supreme Court of South Australia**

Action Number: SCCIV-04-127

Legal Representative:

Between:
ANDREW GARRETT WINES RESORTS PTY LIMITED , Averil Gay GARRETT , Plaintiff

AND

NATIONAL AUSTRALIA BANK LIMITED , Defendant

Entered this 4th day of February, 2004

04/02/2004	1	Summons - Injunction Lodgement Fee	$970.00 Receipt no.: 2709274 $970.00	
		Service date: 04/02/2004		
04/02/2004	2	Notice for Specific Directions		BY: PL 1,2
04/02/2004	3	Affidavit Of Facts R.K.BEISSEL		BY: PL 1,2
04/02/2004	4	Affidavit Of Facts A.G.GARRETT		BY: PL 1,2
04/02/2004	5	Affidavit Of Facts A.GARRETT EX.A		BY: PL 1,2
06/02/2004		Hearing Before Justice Besanko: Injuction Scheduled Hearing Date: 09/02/2004 AT 10:00am		
09/02/2004	6	Outline Of Submissions		BY: PL 1,2
17/02/2004	7	Address for Service/and of Solicitor		BY: D 1
19/02/2004	8	Application for Directions		BY: PL 1,2
19/02/2004		Status Hearing before Judge Bowen Pain		

Scheduled Hearing Date: 07/04/2004 AT 2:30pm

03/03/2004 Hearing
before Justice Besanko
Scheduled Hearing Date: 04/03/2004 AT 3:45pm

05/03/2004 Hearing
Before Besanko J
Scheduled Hearing Date: 05/03/2004 AT 2:15pm

05/03/2004 Outcome: Hearing

Order - Unclassified

I make orders in terms of the minutes initialled by me today in Action No 127 of 2004.

UNDERTAKINGS

1 The plaintiffs to abide by any order the Court or a Judge may make as to damages in case the Court or a Judge shall hereafter be of the opinion that any person shall have sustained any by reason of this order by which the plaintiffs ought to pay.

2 Within 14 days of this order, the plaintiffs pay into Court outstanding interest pursuant to the terms of the bill facility dated 3 January 2003 from 21 July 2003 to 29 February 2004 of $195,864.23.

3 The plaintiffs are to pay into Court interest falling due under the bill facility dated 3 January 2003 at the end of each consecutive calendar month the first payment being due on 31 March 2004 until the determination of the consolidated proceedings or further order.

THE COURT ORDERS AS FOLLOWS:

1 Save and except for the making of a demand in compliance with Section 55A of the Law of Property Act for the sum of $1.5 million pursuant to the mortgage dated 21 June 2002 and any claim made on pleadings in the consolidated proceedings until further order the National Australia Bank Limited is restrained from making any demand or taking any steps to enforce any rights with respect to the following mortgages whether by itself or by its agents or employees and whether directly or indirectly:

1.1 Registered Mortgage Number 9374752 dated 21 June 2002

1.2 Registered Mortgage Number 9617285 dated 29 May 2003

2 The defendant shall provide not less than 2 weeks notice to the plaintiffs of all information required to determine the amount of interest payable under the terms of the bill facility dated 3 January 2003 in order that the plaintiffs are able to comply with the undertakings given to this Honourable Court.

3 Action number 1506 of 2003 and action number 127 of 2004 be consolidated pursuant to Rule 73.01.

4 The statement of claim in action number 127 of 2004 to stand as the statement of claim of Averil Garrett and Andrew Garrett Wine Resort Pty Ltd, as plaintiffs in the consolidated action.

5 The defendant, National Australia Bank Ltd, to file and serve a defence and any counterclaim as it may be so advised by 19 March 2004.

6 The plaintiffs to file and serve any reply as they may be so advised and a defence to any counterclaim by 2 April 2004.

7 Mutual discovery to be made within 7 days of the close of pleadings.

8 Parties to attend a final directions hearing by no later than 16 April 2004.

9 The application by notice for specific directions dated 4 February 2004 be adjourned to a date to be fixed with liberty to the plaintiffs to bring the application on for hearing on urgent short notice.

10 Liberty to all parties otherwise to apply for further or other orders.

11 Costs of the notice for specific directions dated 4 February 2004 to date be costs in the cause of the consolidated action.

Settled on 09.03.2004 by : KCSEGS

Presiding Officer The Honourable Justice Besanko
For Plaintiff 1, 2 : Mr N Rochow
For Defendant 1 : Dr R Baxter

09/03/2004	9	Order With Injunction - Restrictive		BY: PL 1,2
18/03/2004	10	Notice for Specific Directions INJUNCTION ORDER BE VARIED		BY: D 1
18/03/2004	11	Affidavit Of Facts S A EVANS EX 11A-D		BY: D 1
19/03/2004	12	Affidavit Of Facts R K Beissel ex 12a		BY: PL 1,2
19/03/2004	13	Defence and Counterclaim Lodgement Fee (Fee Exempt)	$970.00	BY: D 1
			$970.00	
19/03/2004	14	Notice for Specific Directions Security for Costs		BY: D 1
19/03/2004	15	Affidavit Of Facts S A Evans Ex15a-15d		BY: D 1
19/03/2004		Paid Into Court $195,864.00 Averil G Garrett R/N 7099 A/N A140		BY: PL 2
23/03/2004		Reminder Notice		
24/03/2004		Chamber List Hearing before Judge Kelly Scheduled Hearing Date: 14/04/2004 AT 10:05am		
06/04/2004	16	Notice for Specific Directions give up possession of property - 7.4.04 @ 2.30pm		BY: D 1

06/04/2004	17	Affidavit Of Facts s a evans ex.17a-c	BY: D 1
06/04/2004		Paid Into Court $31,343.90 Averil Garrett R/N 7102 A/N A140(1)	BY: PL 2
06/04/2004	18	Payment Of Suitors Money Into Court For Originating Claim	BY: PL 2
07/04/2004		Outcome: Status Hearing	

Order - Status Hearing

1 I make orders in respect of the application (doc 16) and for pleadings and discovery in terms of the minutes initialled by me.

That this action be adjourned to Final Directions Hearing on 6.05.2004 at 3:30pm Settled on 14.04.2004 by : KCSEGS

For Plaintiff 1, 2 : Mr Rochow
For Defendant 1 : Dr Baxter with Mr Evans

07/04/2004		Final Directions Hearing Scheduled Hearing Date: 06/05/2004 AT 3:30pm
14/04/2004		Outcome: Chamber List Hearing

Order - Unclassified

That this matter be adjourned to For Argument on 3.05.2004 at 10:00am.

For Plaintiff 1, 2 : Mr Agnew
For Defendant 1 : Mr Evans

14/04/2004		For Argument Before Judge Kelly Scheduled Hearing Date: 03/05/2004 AT 10:00am
14/04/2004	19	Order - Unclassified application dated 6.4.04 be dismissed — BY: PL 1
29/04/2004	20	Affidavit Of Service S Evans ex 20a-b — BY: D 1
03/05/2004		Outcome: For Argument

Order - Unclassified

1 This is an application for security for costs. It is a not uncomplicated matter and most of the facts surrounding it are set out in the judgment of Justice Besanko on an application among other things to set aside an order for possession.

In a very simple nutshell the defendant bank claims that it is owed some $7 million by the first plaintiff. It refers to the $7 million as being due by way of damages in its pleading but whether that be so or not I think it is clear enough that it is infact seeking payment of a debt.

If it is successful in that claim then it is apparent to me that the first plaintiff is in no position to pay the costs of the proceedings. In essence, its asset is $4 million and it discloses no further ability to raise the balance. I therefore believe it is in my discretion to order security for costs but, and it is a big but, I am satisfied that in truth the first plaintiff is in a position where in fact it is really defending proceedings brought against it. I appreciate that the first plaintiff has brought an issue relating to a second mortgage into the equation but I think this is all part and parcel of the facts surrounding the incurring of the alleged debt and again I think the first plaintiff is proceeding in a defensive position. In those circumstances I am not prepared to order security for costs.

2 Costs of the application are to be first plaintiffs.

3 Certified fit for counsel.

Presiding Officer Judge Kelly
For Plaintiff 1, 2 : Mr Rochow with Mr Agnew
For Defendant 1 : Mr Livesey with Mr Evans

03/05/2004 Paid Into Court
$28,883.36 AM & AG Garrett R/N 7108 A/N A140(2)

05/05/2004 21 List Of Documents Filed BY: D 1

06/05/2004 Outcome: Final Directions Hearing

Order Final Directions Hearing

1 Adjourned to 1.45 pm.

That this action be adjourned to Final Directions Hearing on 6.05.2004 at 1:45pm

This is a Final Directions Hearing which was originally listed for 3.30 pm this afternoon. The deft's solicitors requested the matter be brought on at 12.30 pm because of the unavailability of counsel this afternoon. The matter has been called on at 12.30 pm and there is no attendance by the plaintiffs nor the deft by counterclaim. I have been informed by Mr Livesey, counsel for the deft, that the solicitors for the ptfs and the deft by counterclaim have agreed to the matter being called on at 12.30 pm today.
Presiding Officer Judge Burley
For Plaintiff 1, 2 : No Appearance Plaintiff
For Defendant 1 : Mr Livesey

06/05/2004 Final Directions Hearing
Before Judge Burley
Scheduled Hearing Date: 06/05/2004 AT 1:45pm

06/05/2004 Outcome: Final Directions Hearing

Order Final Directions Hearing

1 Costs reserved.

2 That the parties file and serve their respective lists of documents by 18 May 2004.

3 That the parties complete inspection of documents by 21 May 2004.

4 That the parties provide to the Listing Registrar a signed certificate of readiness at the listing conference if the parties are then in a position to ask for a trial date.

5 That subject to the parties being ready to proceed to trial at the date of the Listing Conference, this matter proceed to trial.

That this action be adjourned to Listing Conference (Civil) on 25.05.2004 at 9:15am

Resuming at 1.45 pm, I have asked the parties about the default judgments that were lodged for entry administratively by the deft against the defts to the counterclaim. The request to enter the judgments was referred by the Registry to a Master to ensure that it was open to the court to enter such judgments. Judge Kelly directed that the judgments not be entered until today when a Final Directions Hearing was scheduled. I am informed that on 3 May 2004, when Judge Kelly had a security for costs application before him, he also made orders relating to the filing of a defence to the counterclaim and a reply to the defence by the respective parties and in relation to the filing of a notice of address for service by the deft by counterclaim, AM Garrett. He extended the time until 10 May 2004. However, the fiat signed by Judge Kelly for 3 May 2004 does not contain those orders. Nevertheless, I accept what counsel has told me. Mr Livesey, for the deft, accepts that in those circumstances the request for a default judgment cannot be pursued until 11 May 2004, assuming that the ptf and the defts by counterclaim do not put in the required pleadings.
The parties are anxious to have this matter set down for trial and in the circumstances I am prepared to refer the matter to a Listing Conference on the assurance by the solicitors for the parties, which has been given, that if discovery and inspection or any other pre-trial matter, apart from notices to admit, are not tied down by the listing conference date, they will ask the Listing Registrar to refer the matter back into the Masters' chamber list.
Presiding Officer Judge Burley
For Plaintiff 1, 2 : Mr Beissel
For Defendant 1 : Mr Livesey with Mr Evans

06/05/2004 Listing Conference (Civil)
* Hearing has been cancelled
Scheduled Hearing Date: 25/05/2004 AT 9:15am

10/05/2004	22	Defence To Counterclaim	BY: PL 2
10/05/2004	23	Defence To Counterclaim	BY: PL 1
10/05/2004	24	Reply	BY: PL 1,2
10/05/2004	25	Defence To Counterclaim	BY: DCC 1