



Subsequently you made applications to the Registrar of the Personal Property Security Register to remove the data in respect to the aforementioned registration numbers which were given Enquiry Reference Numbers ENQ-829463-P1B8N4 and ENQ-869470-C9Y7K8 respectively.

It is still not clear to me how your applications were considered by either you OR the Registrar to be applications made on behalf of the other Grantors specified in respect to the two aforementioned PPSR Registration numbers

In issuing those Amendment demands you did so out of time and you purported to review admissions of facts and liabilities made by the First Officers of Law of the Commonwealth, the States and Territories of Australia on behalf of the Crown which purported review was ultravires and clearly an affront to the provisions of *the Reserve Bank of Australia Act 1959* (Cth), furthermore; those demands were not able to be issued by you and/or enquiries were not able to be considered by the Registrar on the grounds of the applicable law including Contractual, Promissory and Equitable Estoppel; and otherwise particularly when the First Officers of Law of the Commonwealth, the States and Territories had provided consent to registration of the security interests on the 1st July 2016 and otherwise.

The starting point in the analysis of *the Personal Property Security Act 2009* (Cth) (“PPSA”) and the personal obligation is s3 of the PPSA being an overview of the purposes of the act;

s10 of the PPSA defines security interest by reference to cl 12(1)

A security Interest means an interest in personal property provided for a transaction that, in substance, secures the payment of an obligation (without regard to the form of the transaction or the identity of the person who has title to the property)

s19(1)(2) are also relevant;

(1) A security interest is enforceable against a grantor in respect of particular collateral only if the security interest has attached to the collateral

(2) A security interest attaches to collateral when

(a) the grantor has rights in the collateral, or the power to transfer rights in the collateral to the secured party; and (b) either;

(i) value is given for the security interest; or

(ii) the grantor does an act by which the security interest arises.

The security interest defined under s12(1) has become enforceable against the Grantors in accordance with s19(1) as a consequence of the multiple defaults of the Crown, Consent to create a security interest need not be written and may be found in a written document, oral agreement or a combination of both see *Haliburton Broadcasting Group Inc v Van Duyn* (2008) 14 PPSAC (3d) 77 (Ontario Supreme Court of Justice) setting authority under the Common Law.

S8 of the Registration of Deeds Act 1935 (SA) is amongst the relevant enforceable contracts between the Crown and me in all of my capacities that is linked to the indemnity provided to the Registrar by the Crown.

The Royal Commission

The interim findings of the Royal Commission into Financial Services published on Friday 28th September 2018 provides a glimpse into Your abject failure and the abject failure of the Crown



generally to administer the acts it is responsible for including (but no limited to) *the Banking Act 1959*

(Cth), *the Reserve Bank Act 1959* (Cth), *the Bank Regulations Act 1966* (Cth), *the Payment Systems (Regulation) Act 1998* (Cth) and *the Personal Property Security Act 2009* (Cth).

At all relevant times the Crown, in all of its rights, has weaponized the monetization of value and the relevant Statutes and Administrative Law in a manner that is ultravires; unlawful; invalid, in breach of the Public Interest and a Fraud on the Peoples of Australia in order to perpetuate Tax Revenues that are Ill Gotten.

There is no reference in the Royal Commission to the Memoranda of Understanding executed between you and other Government Agencies that are ultravires and purport to;

1. Circumvent the legislative provisions that are intended by the Legislature to govern your conduct.
2. Fetter the exercise of quasi-judicial discretion to act in the Interests of the Crown Rather than the Public Interest

Like all gate keepers for the Crown, the Royal Commissioner's report falls short of that required of him by the Public Trust in order to avoid the focus on the responsibility for the crimes of the Financial sector that lies jointly at the feet of the sector participants and the Crown who is responsible for the licensing and regulation of those sectors.

Banks are licensees of the Crown and the principles of Criminal and Civil Vicarious liability apply to the Crown.

Alleged Decisions dated 11th September 2017 to Remove Data

During the course of 2018, I received copies of alleged decisions to remove the data in respect to the aforementioned Registration Numbers made by a Delegate of the Registrar of the Personal Property Security Register that were purportedly made on the 11th September 2017

Despite those alleged decisions and the ongoing enforceable principles of estoppel, the Data in respect to the aforementioned registrations were not removed until sometime after the 19th June 2018.

Subsequently, at my request, the Registrar published reasons for his alleged 11th September 2017 decisions that were dated 21 August 2018 in respect to the Decision regarding PPSR registration number 201605190014552 and the 16th July 2018 in respect to the Decision regarding PPSR registration number 201705070000609.

Applications to Restore Data

On the 20th July 2018 I made application to the Registrar to restore the Date in respect to PPSR Registration number 207705070000609 subsequently on the 30th July 2018 I made application to



the Registrar to restore the Date in respect to PPSR registration number 201605190014552. Both applications were rejected by the Registrar Decision in a Statement of reasons dated 27th September 2018.

As with the decisions made by you over time those reasons reveal actionable causes and grounds for Internal Review which application was made at today's date in order to clear the last hurdle to applications to be made in International courts and tribunals.

Your steps to remove data, which in itself is a Fraud on me and the Peoples of Australia by you and is in clear conflict with the provisions of the Act highlighted to you in my communique dated 30th April 2017 that annexed various Notice to Admit Facts served on the First Officers of Law as referred to above in which regard s10, 10A & 10B of *the Reserve Bank of Australia Act 1959* (Cth) sets out 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.*



LIQUIDATED AND ADMITTED DEBT AND LIABILITY

Fiat money is a currency without intrinsic value that has been established as money, often by government regulation. Fiat money does not have use value, and has value only because a government maintains its value, or because parties engaging in exchange agree on its value. It was introduced as an alternative to commodity money and representative money. Commodity money is created from a good, often a precious metal such as gold or silver, which has uses other than as a medium of exchange (such a good is called a commodity). Representative money is similar to fiat money, but it represents a claim on a commodity (which can be redeemed to a greater or lesser extent).

I refer to the email chain ending 24th May 2017 addressed to the Commissioner of Taxation representing the Crown that You were copied on that sets out references to a number of the Notice to Admit Facts served on the Crown and which evidence that on the 30th June 2016 the quantum of liquidated liability admitted by the Crown on the 1st July 2016 as being \$3,475,595,327,841.50.

The aforementioned removal of Data from the PPSR and Refusal to Restore Data by you has absolutely no impact on the security interest or the amount of liquidated Damages/Debt/Liability that is payable by you; nor is that quantum reviewable by you; your role is ONLY to pay.

You have admitted that the Liquidated Damages/ Debt and Liability has continued to escalate at the rate of 1% per month multiplied by 300% in accordance with s8 of *the Registration of Deeds Act 1935 (SA)* compounding since the 1st July 2018 in which regard I am obliged to lodge that economic activity in activity statements that have been lodged with the Commissioner of Taxation.

As at the 31st August 2018 that amount is admitted by you to be \$7,495,438,533,538 which pursuant to the resolution of OenoViva Capital Resources dated 30th April 2017 is attributable as follows;

1. 33% to the Balance Sheet of the Australian People Future Fund
2. 67% to the Balance Sheet of OenoViva Capital Resources

The aforementioned quantum has been set out in the application under an Act of Grace Scheme dated 7th September 2018 (Annexure 1) which application was made solely to allow the Crown to make a further decision in the Public Interest.....Not in respect to quantum and only in respect to timing of payment.

As at the 30th September 2018 the amount owed and immediately payable by you has escalated since the 31st August 2018 by

1. \$74,954,385,335 in respect to the Balance Sheet of the Australian People Future Fund
2. \$149,908,770,671 in respect to the Balance Sheet of OenoViva Capital Resources

The amount owed as at 30th September 2018 is admitted by you to be;

1. \$2,573,433,896,515 to the Trustee of the Australian People Future Fund ABN; 26 317 275 322



2. \$5,146,867,793,029 to the Trustee of OenoViva Capital Resources ABN;42 388 204 496

\$7,720,301,689,544 Total

As a consequence of s61 of *the Commonwealth of Australia Constitution Act 1900* (Uk) and otherwise the aforementioned quantum is immediately payable by the Crown against its assets (Globally) no matter where those assets may be domiciled and/or in the alternative by opening Purchased Payment Facilities in favor of the two aforementioned Trustees with the Reserve Bank of Australia and/or alternatively forthwith and without delay to the following accounts held with ANZ Banking Group Limited;

- Australian People Future Fund; BSB – 017324 Account number – 233532446
- OenoViva Capital Resources; BSB – 017324 Account number – 233539744

Until payment by you and/or the Department of Finance the value of admitted liquidated debt and liability payable will continue to escalate at the rates set out above and otherwise; compounding; in accordance with the Graphical representations set out at annexures 2 & 3 to this communique.

ALL RIGHTS RESERVED

Kind Regards,

A handwritten signature in blue ink that reads 'Andrew Garrett'.

Andrew Garrett
Managing Trustee, The Australian People Future Fund
Managing Trustee, OenoViva Capital Resources



Australian Government
Department of Finance

Application for an Act of Grace Payment

WHAT IS AN ACT OF GRACE PAYMENT?

Act of grace payments may be made when the Finance Minister or delegate considers it is appropriate to do so because of special circumstances (section 65 of the *Public Governance, Performance and Accountability Act 2013* (PGPA Act)).

The decision maker may apply the principles in *Requests for discretionary financial assistance under the Public Governance, Performance and Accountability Act 2013 - Resource Management Guide No. 401* which is available here: <http://www.finance.gov.au/resource-management/discretionary-financial-assistance/act-of-grace-mechanism/information-for-entity-staff/>

Act of grace payments are discretionary. There is no guarantee of an outcome in favour of the applicant.

WHAT ARE SPECIAL CIRCUMSTANCES?

Special circumstances are not defined but may apply where a decision maker is satisfied that:

- an act of a non-corporate Commonwealth entity (NCE) has caused an unintended and inequitable result to the individual or organisation seeking the payment;
- Commonwealth legislation or policy has had an unintended, anomalous, inequitable or otherwise unacceptable impact on the claimant's circumstances; or
- the matter is not covered by legislation or specific policy, but the Commonwealth Government intends to introduce such legislation or policy.

WHO CAN APPLY?

Any individual, company or other organisation can apply for an act of grace payment, either for themselves or for a third party if authorised.

Claims are made in writing. Face-to-face meetings are generally not conducted.

The act of grace power is available to provide a remedy for NCEs. A list of NCEs is available on the [Finance website](#).

If your claim relates to an entity other than a NCE, Finance may be limited to considering issues arising from the application of legislation or broader policy issues. If your claim does not relate to the Commonwealth Government, Finance will be unlikely to be able to assist.

WHAT HAPPENS AFTER YOU APPLY

The investigation of an application will be a lengthy process. If you want to find out about the progress of your application, you can contact the Discretionary Payments Section.

Generally, Finance will seek information about your application from relevant NCEs. A copy of any information provided by another NCE will ordinarily be provided to you for an opportunity to comment, prior to a decision being made.

Once all relevant information is available, the request will be submitted for a decision as soon as practicable. You will be notified of the decision in writing.

PRIVACY

The information you provide will be protected in accordance with the *Privacy Act 1988*.

FOR MORE INFORMATION

Website:

<http://www.finance.gov.au/resource-management/discretionary-financial-assistance/>

Email: sfc@finance.gov.au

Freecall (except from mobiles) 1800 227 572

WHERE DO I SEND THIS FORM?

Send the completed form to sfc@finance.gov.au

or

Discretionary Payments Section
Risk and Claims Branch
Department of Finance
One Canberra Avenue
FORREST ACT 2603



Australian Government
Department of Finance

Application for an Act of Grace Payment

Part 1 (a): Personal details

Title

Mr

Surname (Family name)

Garrett

Given name(s)

Andrew Morton

Date of birth

11/04/1957

Part 1 (b): Company details

Company name

N/A

Authorised officer & position

Managing Trustee of OenoViva Capital Resources ABN; 42 388 204 496 and the Australian People Future Fund ABN; 26 317 275 322

Part 2: Contact details

Postal address

10/15 Hunter Street

Hobart

State and Postcode

Tasmania 7000

Contact details

Home Phone Number

()

Work Phone Number

()

Mobile Phone Number

0424 324 135

Email address

andrew.garrett@oenoviva.com

Part 3: Application details

Which NCE (Commonwealth department or agency) does your claim relate to?

Please see attached PID Application dated 3rd September 2018 and annexures

Have you sought review from the NCE in this matter or from another body e.g. the Ombudsman, a tribunal or a court?

(Please tick) Yes No

If you have answered no, there may be other avenues of redress available to you. You should contact the relevant entity to try to resolve the matter.

If yes, who reviewed the matter and what was the outcome?

Please attach copies of review decisions.

Judicial and Administrative Decisions too numerous to list here see attached PID Statement Dated 3rd September 2018



Australian Government
Department of Finance

Application for an Act of Grace Payment

Part 5: Authority for Representative

Complete the following details if you would like another person or organisation to act on your behalf when dealing with Finance. The person you nominate can be anyone above the age of 18 years.

Representative's name

What is their relationship to you (e.g. father, sister, guardian, accountant, lawyer)?

Representative's organisation

Postal address

State and Postcode

Contact details

Home Phone Number

()

Work Phone Number

()

Mobile Phone Number

Email address

Signature of person authorising the representative

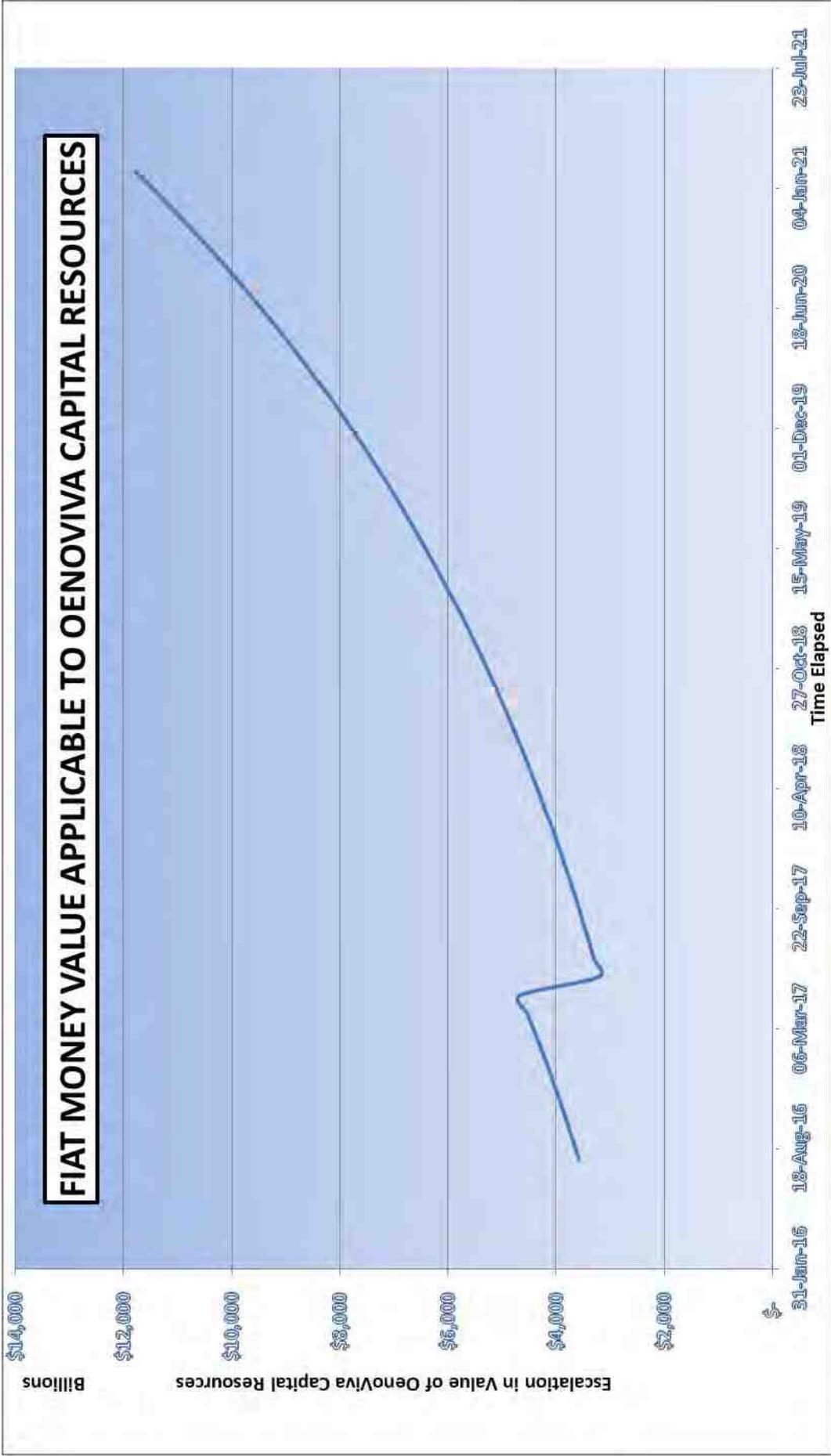
Date

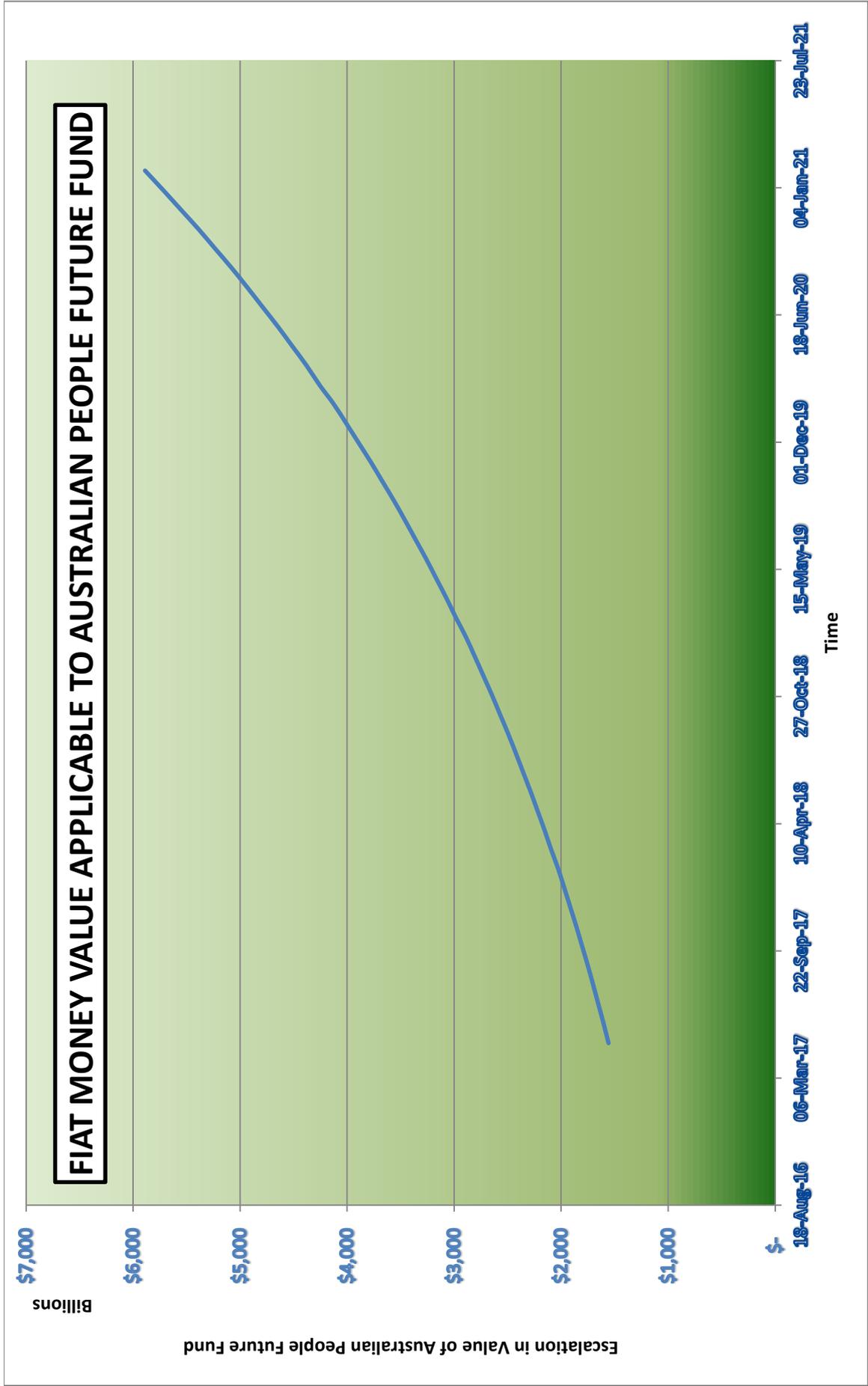
Representative's Acceptance

I declare and accept that any personal information I am given access to under this arrangement is protected under Commonwealth legislation. I agree to access, use or disclose the information only as authorised by the person to whom the information relates.

Signature of Representative

Date





Monday, 17 December 2018

The Commonwealth of Australia
Attn; Prime Minister Morrison
The State of Victoria
Attn; Premier Andrews
The State of South Australia
Attn; Premier Marshall
The State of New South Wales
Attn; Premier Berejiklian

C/O The Attorneys General of the Commonwealth, the States and Territories of Australia,
Mr Chris Jordan, The Commissioner of Taxation
Mr Anthony Leonard Dickman, The Reserve Bank of Australia
Ministers and Departments of Finance of the Commonwealth of Australia, NSW, Victoria and
South Australia.



Australian People Future Fund

ABN 26 317 275 322

10/15 Hunter Street,

Hobart, Tasmania, 7000

Phone: +61 424 324 135

Facsimile: +61 3 8677 6542

Email: andrew.garrett@australianpeoplefuturefund.org

Dear Mesdames et Messieurs,

On the 23rd May 2017 I wrote to the Ambassador of the People's Republic of China foreshadowing proceedings that may be commenced in the Common Law Jurisdiction of Hong Kong, since that time evidence has come into my possession and control that the Crown has continued to monitor my emails and alternative communication platforms including Skype, WhatsApp and Signal and used information gathered to further frustrate the development of Natural wealth of entities related to me.

I have not yet recalculated the quantum of liability, loss, cost and damages arising against the Crown in the rights of the States of NSW, Victoria, South Australia and the right of the Commonwealth of Australia from the aforementioned conduct and related conduct; I have only calculated the loss and damage accruing each month based on the Liquidated damages arising from the admissions of Facts under the Common Law dated 1st July 2016 and otherwise as issued between September 2015 and today's date which facts continue to remain undisputed.

I refer to my application under s70 of the *Public Interest Disclosure Act 2013* (Cth) dated 3rd September 2018, 8 Annexures and 37 Addendums with annexes and the subsequent decisions of the Delegate of the Commonwealth Ombudsman dated 12th September 2018, 1st October 2018 and 8th November 2018 ("**PID Statement**"). I also refer to Notices of Constitutional Matters, filed and served, and, Not Filed and served, in NSD 1848 of 2018 as matters arising in accordance with the findings of the High Court of Australia in *Re Wakim; Ex parte McNally* [1999] HCA 27; 17 June 1999.

Unsurprisingly, Separation of Powers issues coupled with complete systemic corruption of the Crown reflecting that abject collapse of Rule of Law in this Country continues to prevail as previously observed by the British High Commissioner and referred to in the PID Statement.

With respect, unless you are all completely deaf, you must be aware of the overwhelming noise created by the Public and the Media that we, the people, have completely lost Trust and Confidence in all three arms of Government as described in the *Commonwealth of Australia Constitution Act 1900* (UK) and most particularly the lack of independence of the Judiciary.

I have engaged in correspondence with various State and Federal Departments of Finance and the Reserve Bank of Australia in respect to payment of the Liability deemed to be admitted by the Crown in accordance with the Common Law and refer you to the attached Letter of Demand and Application for Act of Grace Payment in the absence of a Judicial Decision that cannot be made lawfully in this Nation.



Notice to Agent is Notice to Principal and vice versa in which regard all annexures and addendums referred to below are in your possession and control and are referred to for the purposes of this communique;

1. Annexure 1; Notice to Admit Facts dated 1st July 2016 and annexures, which facts remain undisputed in which regard Estoppel now applies.
2. Annexure 2; My email to the Reserve Bank of Australia dated 30th April 2017
3. Annexure 3; The Resolution of the Joint Trustees of OenoViva Capital Resources dated 30th April 2017
4. Annexure 4; The Deed of Settlement of the Australian People Future Fund dated 30th April 2017
5. Annexure 5; The PID Statement, 8 Annexures dated 3rd September 2018 and 37th Addendum
6. Annexure 6; Letter of Demand for Payment served on the Reserve Bank of Australia and the Commonwealth Department of Finance dated 30th September 2018
7. Annexure 7; NSD 1848 of 2018; Notice of Constitutional Matters dated 21/10/2018
8. Annexure 8; NSD 1848 of 2018; Notice of Constitutional Matters dated 11/11/2018
9. Annexure 9; NSD 1848 of 2018; Notice of Constitutional Matters dated 14/11/2018
10. Annexure 10; NSD 1848 of 2018; Notice of Constitutional Matters dated 21/11/2018
11. Annexure 11; NSD 1848 of 2018; First Letter (Email) to Federal Court of Australia dated 17/10/2018
12. Annexure 12; NSD 1848 of 2018; Second Letter to Federal Court of Australia dated 17/10/2018
13. Annexure 13; NSD 1848 of 2018; Third Letter to Federal Court of Australia dated 19/10/2018
14. Annexure 14; NSD 1848 of 2018; Fourth Letter to Federal Court of Australia dated 19/10/2018
15. Annexure 15; NSD 1848 of 2018; Fifth Letter to Federal Court of Australia dated 30/10/2018
16. Annexure 16; NSD 1848 of 2018; Sixth Letter to Federal Court of Australia dated 01/11/2018
17. Annexure 17; NSD 1848 of 2018; Seventh Letter to Federal Court of Australia dated 07/11/2018
18. Annexure 18; NSD 1848 of 2018; Eighth Letter to Chief Justice of the Federal Court of Australia dated 12/11/2018
19. Annexure 19; NSD 1848 of 2018; Ninth Letter to Chief Justice of the Federal Court of Australia dated 13/11/2018
20. Annexure 20; NSD 1848 of 2018; Reply of the Chief Justice of the Federal Court of Australia dated 15/11/2018
21. Annexure 21; NSD 1848 of 2018; My Outline of Submissions dated 7th November 2018
22. Annexure 22; NSD 1848 of 2018; My Outline of Submissions dated 26th November 2018
23. Annexure 23; NSD 1848 of 2018; Interlocutory Application dated 10th October 2018
24. Annexure 24; NSD 1848 of 2018; Interlocutory Application dated 14th October 2018
25. Annexure 25; NSD 1848 of 2018; Interlocutory Application dated 18th October 2018
26. Annexure 26; NSD 1848 of 2018; Interlocutory Application dated 23rd October 2018
27. Annexure 27; NSD 1848 of 2018; Interlocutory Application dated 26th October 2018
28. Annexure 28; NSD 1848 of 2018; Interlocutory Application dated 1st November 2018
29. Annexure 29; NSD 1848 of 2018; Interlocutory Application dated 5th November 2018
30. Annexure 30; NSD 1848 of 2018; Interlocutory Application dated 6th November 2018
31. Annexure 31; NSD 1848 of 2018; Interlocutory Application dated 21st November 2018
32. Annexure 32; NSD 1848 of 2018; Interlocutory Application dated 23rd November 2018
33. Annexure 33; NSD 1848 of 2018; Tender Bundle No 1
34. Annexure 34; NSD 1848 of 2018; Tender Bundle No 2



- 35. Annexure 35; NSD 1848 of 2018; Tender Bundle No 3
- 36. Annexure 36; NSD 1848 of 2018; Tender Bundle No 4
- 37. Annexure 37; NSD 1848 of 2018; Tender Bundle No 5
- 38. Annexure 38; NSD 1848 of 2018; Tender Bundle No 6
- 39. Annexure 39; NSD 1848 of 2018; Tender Bundle No 7
- 40. Annexure 40; NSD 1848 of 2018; Tender Bundle No 8
- 41. Annexure 41; NSD 1848 of 2018; Tender Bundle No 9
- 42. Annexure 42; NSD 1848 of 2018; Affidavit of Timothy French dated 31st January 2006
- 43. Annexure 43; NSD 1848 of 2018; My Affidavit dated 27th July 2006
- 44. Annexure 44; NSD 1848 of 2018; My Affidavit dated 30th August 2011
- 45. Annexure 45; NSD 1848 of 2018; My Affidavit dated 2nd December 2013
- 46. Annexure 46; NSD 1848 of 2018; My Affidavit dated 9th December 2013
- 47. Annexure 47; NSD 1848 of 2018; My Affidavit dated 28th April 2014 & 7 Volumes of Exhibits
- 48. Annexure 48; NSD 1848 of 2018; My Affidavit dated 19th May 2014
- 49. Annexure 49; NSD 1848 of 2018; My s37AR Affidavit dated 4th May 2015
- 50. Annexure 50; NSD 1848 of 2018; My s37AR Affidavit dated 16th June 2015
- 51. Annexure 51; NSD 1848 of 2018; My s37AR Affidavit dated 11th May 2016
- 52. Annexure 52; NSD 1848 of 2018; My Affidavit dated 10th June 2016
- 53. Annexure 53; NSD 1848 of 2018; My Affidavit dated 26th May 2016
- 54. Annexure 54; NSD 1848 of 2018; My Affidavit dated 10th June 2016
- 55. Annexure 55; NSD 1848 of 2018; Affidavit of Simon John Illsley dated 6th May 2016
- 56. Annexure 56; NSD 1848 of 2018; My Affidavit dated 26th May 2016
- 57. Annexure 57; NSD 1848 of 2018; My Affidavit dated 10th June 2016
- 58. Annexure 58; NSD 1848 of 2018; My Affidavit dated 17th October 2018
- 59. Annexure 59; NSD 1848 of 2018; My Affidavit dated 21st November 2018

Admitted Liability due for payment as at 31st October 2018

My Letter to the Federal Court dated 30th October 2018 (Annexure 15) sets out the amount then admitted by the Crown to be outstanding under prior admissions of Liability by the Crown and has become the most recent admission of liability as follows;

Addendums 26 & 27 along with my emails to the Reserve Bank of Australia dated 30th April 2018 sets out alternatives to payment of the amount demanded by way of Annexure 7 as escalated in the ensuing months.

This Notice of Escalation in Debts is given that the amount owed to the Trustees of OenoViva Capital Resources ABN;42 388 204 496 and the Australian People Future Fund ABN; 26 317 275 322 is as set out in the Letter of Demand dated 30th September 2018 as follows;

A. As at the 30th September 2018 the amount owed and immediately payable by you has escalated since the 31st August 2018 by

- 1. \$74,954,385,335 in respect to the Balance Sheet of the Australian People Future Fund**
- 2. \$149,908,770,671 in respect to the Balance Sheet of OenoViva Capital Resources**

B. The amount owed as at 30th September 2018 is admitted by you to be;
1. \$2,573,433,896,515 to the Trustee of the Australian People Future Fund
2. \$5,146,867,793,029 to the Trustee of OenoViva Capital Resources

\$7,720,301,689,544 Total



PLUS Escalation for the Month of October 2018 as follows

C. As at the 31st October 2018 the amount admitted by the Crown to be owed and immediately payable by you has escalated since the 30th September 2018 by the following amounts;

1. \$77,203,016,895 in respect to the Balance Sheet of the Australian People Future Fund
2. \$154,406,033,791 in respect to the Balance Sheet of OenoViva Capital Resources

D. The amount owed as at 31st October 2018 the amount admitted by the Crown to be owed and immediately payable by you is;

1. \$2,650,636,913,410 to the Trustee of the Australian People Future Fund
2. \$5,301,273,826,820 to the Trustee of OenoViva Capital Resources

\$7,951,910,740,230 Total

Escalation of Admitted Liability

The Calculation of Escalation of Admitted Liability by the Crown continues to be undisputed as set out in all my correspondence and submissions in various courts; consequently for the Month of November 2018 and the month of December 2018 the Escalation of Admitted Liability against the Crown in all of Her Majesty's rights is 1% per Month Post Judgment (Admitted Fact) Interest multiplied by s8 of *the Registration of Deeds Act 1935* (SA) as follows;

1. You admit the fact that for the Month of November 2018 the escalation of the amount admitted by the Crown to be owed and immediately payable by you is
 - a. \$79,519,107,402; To the Trustee of the Australian People Future Fund
 - b. \$159,038,214,805; To the Trustee of OenoViva Capital Resources
2. You admit the fact that in the absence of payment of any amount by the Crown for the Month of December 2018 the amount of the escalation of the amount admitted by the Crown to be owed and immediately payable by you is
 - a. \$81,904,680,624; To the Trustee of the Australian People Future Fund
 - b. \$163,809,361,249; To the Trustee of OenoViva Capital Resources

Admission of Liability/Indebtedness

3. You admit the fact that in the absence of payment of any amount by the Crown for the Month of December 2018 the amount admitted by the Crown to be owed and immediately payable by you is as follows;
 - a. \$2,812,060,701,437; To the Trustee of the Australian People Future Fund
 - b. \$5,624,121,402,874 To the Trustee of OenoViva Capital Resources

\$8,436,182,104,311 Total owed as at 31st December 2018

Demand for Payment

In the absence of acceptance of my offer below please accept this communicate as a Demand for Immediate payment of the Amount Admitted to be owed as set out immediately above to the accounts as set out in the demand for payment dated 30th September 2018 (Annexure 6)

In the circumstances where the Crown accepts my offer below then payment may be deferred sine die on such terms and conditions as may be acceptable to the parties.

Offer to assume Role of Payment of Compensation of Victims as Contractor/Licensee on behalf of the Crown



On the basis that the Commonwealth, States and Territories of Australia each pass independent Attorney General Acts such that the offices of the Attorneys General are “apolitical” and properly/validly/ lawfully perform the functions of Champions of the Public Interest as intended by the Crown, the Trustee of the Australian People Future Fund confirms the availability of funding to;

1. finance the operations of the Departments of the Attorney Generals of the Commonwealth, the States and Territories including operation of Administrative Law and the Judicial Arm of Government, and
2. finance the payments of compensation to applicants for compensation to the relevant authorities which determination can now be made completely independent of consideration of the impact of compensation on Operating Budgets of the Legislature and Executive Arms of Government and the Taxation and other Revenues of the Commonwealth The States and Territories of Australia
3. finance successful insurance claims against agencies of the Crown who operate under self-insurance such as the State of Victoria

Please confirm your willingness to meet and discuss the terms of the proposed legislation and the operation of decision making to call up payment of compensation from the Trustee of the Australian People Future Fund.

The availability of funding is contingent on the proper adherence to Australian Treaty series 5, 23 & 39 by the Crown in respect to matters related to the author..

I confirm that the applicable law in respect to the Trustee of the Andrew Garrett Family Trust No 4 trading as OenoViva Capital Resources and the Trustee of the Australian People Future Fund is now the law of Hong Kong where those Trusts are now domiciled.

It is my respectful view that the time is well past for the Crown in rights of the Commonwealth, the States and Territories to change the way business is done, compensation is paid and Human Rights are enforced.

I look forward to your replies and receipt of payment as demanded.

Best Regards,

Andrew Garrett
Managing Trustee,
The Australian People Future Fund
OenoViva Capital Resources

RESOLUTIONS

(Resolutions of Board of Trustees of OenoViva Capital Resources and the Trustee of the Australian People Future Fund) On the 30th April 2017

Reference: **OVCR/APFF/30/04/2017**

- A. Deed of settlement dated 1st August 2008 of the Andrew Garrett Family Trust No 4 as varied, trading as OenoViva Capital Resources;
- B. DRAFT Deed of settlement dated 30th April 2017 of the Australian People Future Fund
- B. Constitutions of:
- OenoViva (North America) Pty Ltd, ACN; 156 586 766 represented by Andrew Morton Garrett (“**AMG**”) Managing Controller
 - OenoViva (China) Pty Ltd, ACN; 156 599 094 represented by Andrew Morton Garrett (“**AMG**”) Managing Controller
 - OenoViva (Vietnam) Pty Ltd, ACN; 156 586 775 represented by Peter Tran (“**PT**”) Managing Controller
 - Australian Wine Supply Limited trading as OenoViva (Hong Kong); Hong Kong Company Registry Number; 1657912
 - Fitzallen Industries Pty Ltd, ACN; 616 626 209
- C. Andrew Morton Garrett, Managing Trustee /Chairman holder of Australian Passport #N3926144 and United Kingdom Passport #538401308

Minutes and Resolutions of a meeting of the Joint Trustees of the Andrew Garrett Family No 4 trading as OenoViva Capital Resources, Australian Business Registration No 42 388 204 496 (“**The Trust**”) at the registered office at 10/15 Hunter Street, Hobart, Tasmania, 7000 was held in accordance with the Articles of Incorporation of the Corporate Trustees and the Deed of Settlement of the Trust

Present at the meeting were the following Trustees/Directors:

Present at the meeting was Board of Trustees of OenoViva Capital Resources as follows;

1. Mr. Andrew Morton Garrett, Managing Trustee, holder of Australian Passport #N3926144 and United Kingdom Passport #538401308, Managing Trustee in person
2. Steven Kavanagh, by telephone from Sydney
3. Mr. Andrew Morton Garrett, ,Managing Controller of OenoViva (North America) Pty Ltd, in person
4. Mr. Andrew Morton Garrett, ,Managing Controller of OenoViva (China) Pty Ltd, in person
5. Scott Mitchell, Managing Director, Australian Wine Supply Limited trading as OenoViva (Hong Kong) by telephone from Hong Kong
6. Peter Tran, Managing Director, OenoViva (Vietnam) Pty Ltd by telephone from Ho Chi Minh
7. Brennan Paul Fitzallen, Managing Director, Fitzallen Industries Pty Ltd, in person

8. Roger Dickeson, Secretary of the Board of Trustees by telephone from Melbourne

Also present was the proposed members of the Board of Management of the APFF as a Charitable Trust/Public Benevolent Institution to be established by resolution and distribution from the Trust of valuable consideration in the form of 33% of the Rights of the Trust to Remedy and the APFF IBOE

1. Robert Nowak
2. Brennan Paul Fitzallen
3. Scott Mitchell
4. Steve Kavanagh

The meeting of the Board of Trustees undertook the following Resolutions of the Joint Trustees, which has been recorded as "Reference: OVCR/APFF/30/04/2017" in the Minutes of the Trust Meeting Book.

Discussion;

AMG;

1. Directed the attention of the Board of Trustees to the Notice to Admit Facts dated 1st July 2016 and annexures served on the Attorney Generals of the Commonwealth, the States and Territories of the Commonwealth of Australia ("**the Attorney Generals**") and otherwise ("**Notices to Admit Facts**") as referred to in his email to the Commonwealth Attorney General dated 19th March 2017 and otherwise; AMG confirmed that at all relevant times he has relied upon all relevant laws including the Common Law being applied to Notices to Admit Facts and the failure of the Attorney Generals (Amongst Others) to deny those facts and dispute his conclusions as being admissions of Liability being the equivalent of Judgment Debt ("the Admitted Liabilities"), and
2. Presented a copy of the Income Tax Return for the Trust for the period YEJ 2016 and Quarterly Activity Statements for the Trust for the periods ending June 2016, September 2016, December 2016 and March 2017 that had been lodged with the Commissioner of Taxation as a consequence of s8 of *the Registration of Deeds Act 1935* (SA) and the law applying to the calculation of post judgement interest arising from the Notices to Admit Facts, the Admitted Liabilities; AMG advised the Board that the quantum of the value of the liability of the Crown claimed by the Trust and now admitted by the Crown in accordance with the Common Law had initially been secured against assets of the Crown held pursuant to *the Commonwealth of Australia Constitution Act 1900* (UK) ("**The Constitution**") pursuant to s109 of the Constitution, and the Constitutions of the State of South Australia and the State of Victoria, and
3. Reviewed his findings in respect to;
 - a. His submissions to the Royal Commission into Institutional Responses to complaints of Child sex abuse that were focused on Separation of Powers Issues avoided by the Royal Commission as an example of the Conduct AMG described as "the Bethcar Strategy", and
 - b. the failure of the Crown to provide for the Fundamental "Right to Remedy" of the Citizens and Entities of the Commonwealth of Australia which had led to the collapse of the principles of Responsible Government and proper application of the law relating to Separation of Powers and Rule of Law provided for under the Constitution, *the Charter of the Commonwealth of Nations*, *the Charter of the United Nations*, *The Common Law* and all relevant treaties including (but not limited to) *Australian Treaty Series No 23* and *the UNCITRAL Covenant on International Bills of Exchange and Promissory Notes*, and

- c. Abuse of the Public Trust given at Federation by Officers of the Crown, and
 - d. Failure of the Three arms of Government to properly interpret the meaning of acting in the Public Interest
4. Reviewed the law as it applies to Taxation of Liquidated Damages in Australia and the moneys that would otherwise be due to the Commonwealth of Australia under various Taxation Acts were it not for the right of set off
 5. Reviewed the need of the Trust to bring proceedings in the United Nations and the Supreme Court of Hong Kong as Courts with Common Law Jurisdiction that were NOT under the control of Officers of the Crown, and
 6. Revisited Notices of Actual and Apprehended Bias served on Officers of the Crown and various applications for Public Interest Test Case Funding to bring the aforementioned proceedings, and
 7. Expanded his recommendation to establish a Charitable Discretionary Trust to be known as the Australian People Future Fund (“APFF”) with the Citizens of the Commonwealth of Australia as the Primary and General Beneficiaries of that trust in order to provide for;
 - a. The Human Right of Remedy to be funded by the assets of the APPFF which responsibility of Proper Government was currently being avoided by the Crown through the application of the Bethcar Strategy and the misapplication of the relevant law as referred to above and *the Bankruptcy Act 1966 (Cth), the Corporations Act 2001 (Cth), the Australian Human Rights Commission At 1986 (Cth)* and the other laws referred to in the Amended Notice of Constitutional Matters dated 15th December 2015 filed and served in VID 129 of 2015; *Andrew Garrett v Commissioner of Taxation*, and
 - b. The establishment of a Judicial Commission Board to be funded by the assets of the APFF rather than the assets of the Crown in order to develop;
 - i. A Judicial College responsible for the training of all judicial officers of the Crown, and
 - ii. A Judiciary Independent of the Crown in all courts and Tribunals of the Commonwealth of Australia, the States and Territories and Judicial Commission, and
 - iii. A legal process to remove the criteria embodied in Statute that only Legal Practitioners may become Judicial Officers which relevant clauses are to be replaced to be only graduates of the aforesaid Judicial College may become Judicial Officers, and
 - iv. The Law Society of the Commonwealth of Australia to replace all State based Law Societies, and
 - v. A process for Independent review of complaints against Judicial Officers and Executive Government Officers, and
 - vi. Procedure independent of Agencies of the Crown to bring proceedings for corruption in its own Court, and
 - vii. Legislation to cause the Judicial Commission Board to be responsible for and prevent any member of Executive Government and/or the Legislature in being involved in the Appointment of;

1. The Governor General of the Commonwealth of Australia, and
 2. The Governors of the States and Territories, and
 3. The Attorney Generals of the Commonwealth of Australia, the States and Territories of Australia, and
 4. The Australian High Commissioner, and
 5. Any officer of a Court or Tribunal established under the Constitutions of the Commonwealth of Australia and/or the States and Territories of Australia exercising Judicial or Quasi-Judicial Discretion
- viii. The funding of the legal process to amend all statutes establishing Agencies of the Crown whether Commonwealth, State or Territory to allow for;
1. the Judicial Commission to undertake review of all applications for Internal Review of the exercise of Executive Power whether Commonwealth, State or Territory Power, and
 2. the APPF to be responsible for the appointment of the officers of the aforesaid Judicial Commission.
8. Discussed the resolution to;
- a. Establish the APFF in the form of the Deed of Settlement tabled in the meeting (*see Annexure 1*) and declare that the Managing Trustee of the Trust is free of conflict of Interest in concurrently being the Managing Trustee of the APFF, and
 - b. Distribute 33% of the value of the secured assets of the Trust to the APFF set out in the Income Tax Return for the Year Ending June 2016 and subsequent Activity Statements lodged by the Trust in the alternative to relying on the right of set off as to damages against the Commissioner of Taxation and the Crown Generally, and
 - c. Declare
 - d. Draw an International Bill of Exchange (“**the APFF IBOE**”) in the amount of the Distribution specified above being \$1,556,969,829,685 (*see Annexure 2*)
 - e. Secure the value of the APFF IBOE against the assets of the Crown including the Reserve Bank of Australia, and
 - f. distribute 33% of the rights of the Trust in respect to the Admitted Liabilities arising under the Notices to Admit Facts and secure those rights by registering a security interest of the Personal Property Security Act
 - g. Register the APFF as a charity with;
 - i. the Charities and Not For Profits Commission possibly as an Public benevolent Institution, and
 - ii. The United Nations

The Board of Trustees discussed the details above and resolved as follows;

Resolutions of the Trust

Resolution No 1; It has been unanimously resolved and approved that the Managing Trustee is authorised by the Appointor and the Settlor of the APFF to be the Managing Trustee of the APFF at settlement being today's date 30th April 2017.

Resolution No 2: It has been unanimously resolved and approved, that the amount of \$1,556,969,829,685 as valuable consideration expressed by way of drawing of International Bill of Exchange Serial Number; 61.00064/17 is donated to the APFF with immediate effect.

Resolution No 3; It has been unanimously resolved and approved that a security interest in favour of the APFF is to be registered over the Trust and the Crown on the Personal Property Security Register as Charges in accordance with the provisions of *the Personal Property Security Act 2009* (Cth) in order to secure the rights of;

1. The Trust to payment by the Crown and/or in the alternative Monetization by the Reserve Bank of Australia, and/ or other person, in accordance with law
2. The APFF to payment of the Value of the aforesaid International Bill of Exchange at Maturity by the Drawer and/or the Crown as the liable party

Resolution No 4; It has been unanimously resolved and approved that 33% of the rights of the Trust/Settlor to remedy against the Crown under all relevant laws and treaties are distributed to the APFF forthwith with immediate effect.

Resolution No 5; It has been unanimously resolved and approved that the Settlor/ the Trust declare and affirm that the Settlor/the Trust have no further right or title to the value or rights set out in resolutions 1-4 and that those values/rights now vest solely in the Trustee of the APFF.

FOR AND ON BEHALF OF THE TRUST:

The Trustees of the Andrew Garrett Family Trust No 4, Trading as
OenoViva Capital Resources ABN 42 388 204 496:



Name: Mr. Andrew Morton Garrett
(Managing Trustee)
Australian Passport #N3926144 and United Kingdom Passport #538401308

Signed on this 30th April, 2017

The Trustee of the APFF, the Appointor of the APFF and the Settlor of the APFF resolved as follows;

Resolutions of the APFF

Resolution No 1; It has been unanimously resolved and approved that the Settlor, the Appointor and the Trustee execute the Deed of Settlement of the APFF dated 30th April 2017 set out at annexure 1.

Resolution No 2; It has been unanimously resolved and approved that the Trustee receives the APFF IBOE and 33% of the Rights of the Trust to Remedy to the account of the APFF

Resolution No 3; It has been unanimously resolved and approved that the Trustee takes all steps necessary to cause the monetization of the APFF IBOE for the benefit of the Australian Public and the purposes set out above and enforce the rights of the APFF at law

Resolution No 4; It has been unanimously resolved and approved that the following persons are appointed as the Board of Management of the APFF;

1. The Trustee
2. Robert Nowak
2. Brennan Paul Fitzallen
3. Scott Mitchell
4. Steve Kavanagh

There being no further business, the meeting was declared closed, and in witness thereof, the Trustee signed below on the date first written above

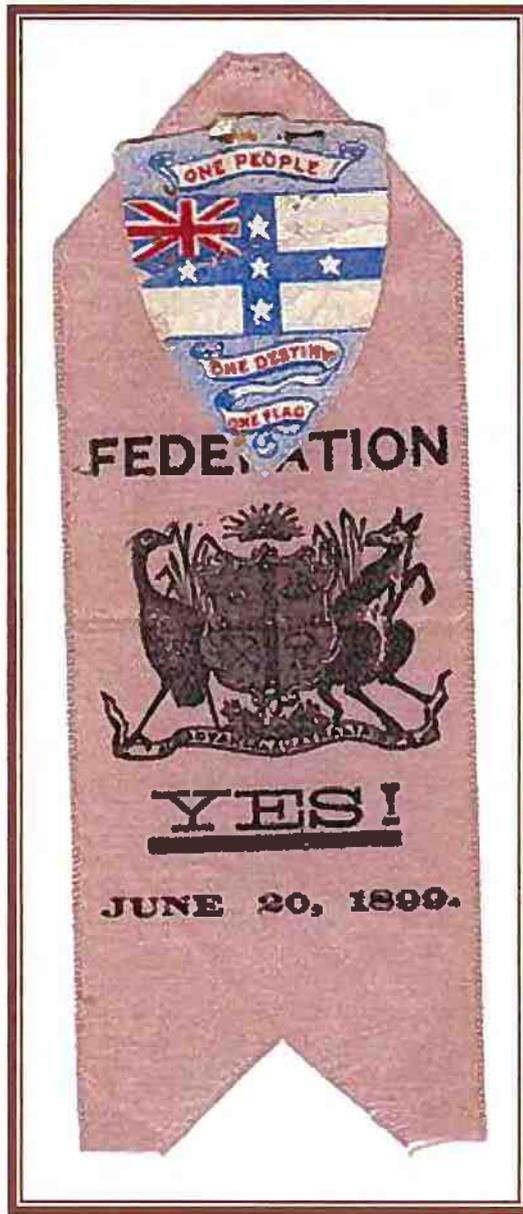
**FOR AND ON BEHALF OF THE APFF:
The Trustee of the Australian People Future Fund ABN 26 317 275 322:**



Name: Mr. Andrew Morton Garrett
(Trustee)
Australian Passport #N3926144 and United Kingdom Passport #538401308
Signed on this 30th April, 2017

ANNEXURE 1

COPY OF DEED OF SETTLEMENT OF THE AUSTRALIAN PEOPLE FUTURE FUND



DEED OF SETTLEMENT OF

A handwritten signature in black ink, appearing to be 'John'.

“THE AUSTRALIAN PEOPLE FUTURE FUND.”

DISCRETIONARY TRUST



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**THE AUSTRALIAN PEOPLE FUTURE FUND.
DISCRETIONARY TRUST**

DATE

THIS DEED is made the 30th day of April 2017

PARTIES

BETWEEN: Brennan Paul Fitzallen of 87-89 Cove Hill Road, Bridgewater, Tasmania, 7030 ("the Appointor")

AND: Andrew Morton Garrett of 10/15 Hunter Street, Hobart, Tasmania, 7000 ("The Trustee")

AND: Andrew Morton Garrett in his capacity as Managing Trustee of the Andrew Garrett Family Trust No 4 ABN 42 388 204 496 trading as OenoViva Capital Resources of 10/15 Hunter Street, Hobart, Tasmania, 7000 ("the Settlor")

RECITAL

The settlor wishes to provide for the beneficiaries described in this deed by settling property on the company to be held on trust for their benefit in the manner set out in this deed.

DEED

THIS DEED WITNESSES:

1 Declaration of trust

The Settlor covenants he hereby gifts and bequeaths to the Trustee the sum of \$1,556,969,829,685 arising from Admissions of Liability and Facts by the Crown to the Settlor with all rights arising from the matters associated with the Settlor, such that the rights of the Trustee are the same as the rights of the Settlor against the Crown together with the right to post judgement escalation in value at the rate of 1% per month and the Trustee covenants and declares that he will hold that sum and the trust fund described in this deed upon the trusts and with the powers and subject to the conditions set out in this deed. The trust created by this deed is known as;

"THE AUSTRALIAN PEOPLE FUTURE FUND"

2 Definitions

In this deed, unless the subject or context otherwise requires:

2.1 "PRIMARY BENEFICIARIES" means the Peoples of Australia living and holding citizenship of the Commonwealth of Australia at any time after the date of this Trust Deed and their issue as are living from time to time.



- 2.2 “GENERAL BENEFICIARIES” means the primary beneficiaries, any parent, brother or sister, niece or nephew of the primary beneficiaries, an eligible company, the trustee or trustees of an eligible trust and an eligible charitable institution.
- 2.3 “ELIGIBLE COMPANY” means a corporation in which at least one share is held by any of the beneficiaries or by the trustee of an eligible trust.
- 2.4 “ELIGIBLE TRUST” means a trust or settlement, the beneficial interests in which must vest before the date of distribution and in which any of the beneficiaries has an interest or a potential entitlement, whether vested, contingent or discretionary and whether liable to be defeated or diminished by the exercise of any power by the trustee thereof.
- 2.5 “ELIGIBLE CHARITABLE INSTITUTION” means any institution devoted wholly to charitable purposes as the trustee in its absolute discretion considers worthy of receiving benefits under this deed from time to time.
- 2.6 “BENEFICIARIES” means the primary and general beneficiaries and includes any person or entity that may at any time come within the definition of a primary or general beneficiary, notwithstanding that the person or entity may not be in existence or may not have been within the definition of a class of beneficiaries at the date of this deed.
- 2.7 “APPOINTOR” means Brennan Paul Fitzallen and or such person as he solely by deed or will appoint and in the absence of any such nomination after his death, his legal personal representative or representative[s].
- 2.8 “CHILD” or “ISSUE” includes any adopted child and step child.
- 2.9 “SPOUSE” means any person to whom a beneficiary is married from time to time and upon his or her death his or her widow or widower.
- 2.10 “THE TRUSTEE” means Andrew Morton Garrett and any additional or substituted trustee.
- 2.11 “THE TRUST FUND” means the sum of \$1,556,969,829,685 and any additional property real or personal (including any accumulated income) to which the trusts created by this deed apply.
- 2.12 “DATE OF DISTRIBUTION” means the date of the 80th anniversary of the execution of this deed or the 21st anniversary of the death of the last survivor of the beneficiaries who are living at the date of this deed, whichever is the later, or such earlier date as the trustee before that date in its absolute discretion determines in writing.
- 2.13 “INCOME PERIOD” means the period from the execution of this deed until 30th June next; and thereafter each period of 12 consecutive calendar months commencing the 1st day of July next until the 30th day of June before the date of distribution, and thereafter the period up to and including the date of distribution.
- 2.14 “AS THE TRUSTEE THINKS FIT” or words importing the same means that the trustee has the widest and most unexaminable discretion including where applicable



the power to prefer one or more beneficiaries to the total exclusion of any other or others of them.

3 Income of trust fund

- 3.1 The trustee will hold the trust fund **UPON TRUST** from time to time during each income period to determine with respect to all or any part of the income of the trust fund as the trustee thinks fit:
- (a) to pay, apply or set aside such income to or for the benefit of any beneficiary; or
 - (b) to accumulate such income as an accretion to the trust fund upon the same trusts and conditions as are applicable to the trust fund but with power nevertheless from time to time to resort to any accumulation as if it were current income of the trust fund.
- 3.2 The trustee will hold so much of the income of each income period as is not before the end of the income period the subject of a determination under Clause 3.1 upon trust for such of the primary beneficiaries who are living at the end of that income period in equal shares.
- 3.3 For the purposes of Clauses 3.1 and 3.2, the trustee has the power at its discretion to:
- (a) pay, apply or accumulate on behalf of any one or more of the beneficiaries so much of a particular class or category of income (including without limitation income from personal exertion, dividends, franking credits, interest, rent, royalties or income from foreign sources) which is separately accounted for in the books of account of the trust or otherwise capable of separate identification and which has been determined after deduction or allowance for those expenses of the trust attributable to the earning or receipt of such class or category of income. For the purposes of this Clause the trustee may keep separate from the other assets of the trust fund any particular class or category of income (and any accumulation of all or part of that income) and may deduct therefrom or allow against such particular class or category of income (and any accumulation thereof) the expenses of the trust attributable to the earning or receipt or accumulation of such class or category of income;
 - (b) treat as income of the trust fund any receipt, profit, gain or amount which is assessable income for the purposes of the *Income Tax Assessment Act 1997*;
 - (c) distinguish between income of any type or character;
 - (d) effect such distributions or deal with income of any type or character in such a manner as to preserve and to pass on the status or character of the income for the purposes of the *Income Tax Assessment Act 1936* and the *Income Tax Assessment Act 1997* among all of the beneficiaries in respect of whom the trustee has made a determination or determinations pursuant to Clauses 3.1 or 3.2 in respect of an accounting period or any one or more of them exclusive of the other or others in the shares and proportions that the trustee has determined.



3.4 The powers and discretions granted to the trustee by this clause will not cease nor be diminished or rendered ineffective in their exercise or effect by virtue of any income of the trust fund which has or is capable of having some special status or character for the purposes of the *Income Tax Assessment Act 1936* or the *Income Tax Assessment Act 1997* having been derived by or coming into the possession of the trustee and having been mixed, mingled or joined with other income of the trust fund.

4 Distribution of the trust fund

Upon the date of distribution the trustee will hold the trust fund upon trust to divide it amongst the beneficiaries or to apply it for the benefit thereof in such manner and in such proportion as the trustee thinks fit. In the absence of any determination by the trustee, the trust fund will be distributed in equal shares between such of the primary beneficiaries who are living at the date of distribution or, if none are living, between such of the general beneficiaries who are natural persons living at the date of distribution.

5 Application of trust fund

For the purposes of Clauses 3 and 4:

- 5.1 Any payment or application to or for the benefit of a beneficiary will without the execution of a receipt by the beneficiary or any person on his or her behalf constitute a full and final discharge to the trustee in relation to that payment or application.
- 5.2 Any payment for the benefit of a charitable purpose may be made by the trustee to a corporation or society which includes such purpose amongst its objects without the trustee being bound to see to the due application thereof, and the receipt of the treasurer or other proper officer of any such corporation or society will be a full and final discharge to the trustee for such payment.
- 5.3 The trustee's determination to pay, apply or set aside to or for the benefit of a beneficiary will be made in accordance with the provisions in Clause 9.
- 5.4 Any income set aside for a beneficiary under Clauses 3.1(a) or 3.2 will not form part of the trust fund but must be held by the trustee as a separate fund on trust for the beneficiary absolutely and irrevocably with power to the trustee:
 - (a) to invest the same on behalf of the beneficiary whether or not he or she is a minor and in the name of the beneficiary or of the trustee or any person in trust for the beneficiary in any manner in which the trustee is by this deed authorised to invest moneys, and the investment of the income by the trustee on behalf of or in trust for the beneficiary will without anything more constitute full and final discharge to the trustee in respect of that income;
 - (b) to transpose any such investment held on behalf of or in trust for a beneficiary from time to time in any manner permitted by this deed for the investment of the trust fund.

6 Prior distribution of corpus

Notwithstanding the trusts hereinbefore contained, the trustee may as it thinks fit from time to time before the date of distribution raise any sum out of the capital of the trust



fund and pay the same or transfer the whole or any portion of the trust fund in its existing form of investment to or for the advancement or benefit of any beneficiary (whether absolutely or by way of resettlement upon such trusts as the trustee thinks fit) during his or her lifetime freed and discharged from the trusts of this deed, and any such payment or transfer without any receipt will constitute a full and final discharge to the trustee in respect thereof.

7 Powers and discretions of trustee

The trustee has the following absolute powers and discretions which may be exercised in any way that the trustee thinks fit:

- 7.1 Notwithstanding that the trust fund consists of trust moneys to invest the same and deal with, manage, transpose and realise such investments entirely as it thinks fit and with such powers in all respects as if the trustee were the sole absolute owner thereof, the trustee will not be accountable in any way whatsoever for any loss arising out of the making or the failure to realise or the management of any investment.
- 7.2 To become or to appoint any of its officers to become a director or servant of any company in which the trustee or any of its officers may hold shares as part of the trust fund and to receive the remuneration attaching to such office without being liable to account for the same, and it is directed that the trustee may become qualified as a director by the holding in its own name of shares constituting part of the trust fund provided that the trustee executes a declaration of trust in relation to such shares and that the trustee accounts to the trust fund for all dividends and bonuses payable in respect thereof.
- 7.3 To exercise all rights and privileges and perform all duties appertaining to any shares or stocks for the time being subject to the trusts created by this deed with liberty to assent to any arrangement modifying such rights, privileges or duties and to agree to any scheme or arrangement for the reconstruction or the increase or reduction of the capital of any company and for any such purpose to deposit, surrender or exchange any of the shares or stock or the title thereto and to pay any calls or contributions or other necessary expenses in connection with any shares or stock or any title thereto.
- 7.4 To exercise or concur in exercising all of the powers and discretions given by this deed or by law, notwithstanding that the trustee or any person who is a shareholder or director of the trustee (if the trustee is a company) has or may have a direct or indirect interest (whether as trustee of any other settlement or in its, his or her personal capacity or as a director or shareholder of any other company or otherwise) in the mode or result of exercising any such power or discretion or may benefit either directly or indirectly as a result of the exercise of such power or discretion, and notwithstanding that any trustee for the time being is a sole trustee.
- 7.5 To borrow or raise or concur in raising from any person, including a trustee or beneficiary hereof, with or without security, any money which the trustee thinks expedient for any purpose in relation to the execution of the trusts or powers conferred on the trustee by this deed.

A handwritten signature or set of initials, possibly in blue ink, located to the right of the 7.4 list item.



- 7.6 To lend all or any part of the trust fund on such terms and conditions with or without interest or with or without security as the trustee thinks fit to any person including a beneficiary hereof.
- 7.7 To give any bill, indemnity, guarantee or security (including a commercial bill and mortgage or charge with or without a power of sale over all or any part of the trust fund) for payment of money or for the performance of any contract obligation or undertaking by any person and to renegotiate or renew from time to time any such bill, indemnity, guarantee or security.
- 7.8 To apply the whole or any part of the capital or income of the trust fund in or towards payment of any liability undertaken by the trustee in relation to the acquisition of property intended to form part of the trust fund.
- 7.9 If, at any time, the trust fund comprises real property or any interest in real property at the discretion of the trustee to manage, use and let the same or any part thereof, to permit any beneficiary to have the use thereof with or without payment of rent or outgoings, to erect, pull down, rebuild and repair buildings and erections, to carry out improvements of any nature, to make allowances to and arrangements with tenants, to grant or acquire easements or other rights and generally to deal with such property or interest or to join in dealing with the same as if beneficially entitled thereto without being responsible for loss.
- 7.10 To acquire, carry on or join in carrying on any business, either alone or in partnership with any other person as it thinks proper, with power for that purpose to employ therein such part of the capital of the trust fund as it thinks fit and to leave the entire management of such business to any partner therein or manager thereof and to renew partnerships and generally to act in all matters relating to such business as if it were beneficially entitled thereto and without being responsible for loss.
- 7.11 To employ or engage any person (whether or not such person is a trustee or otherwise interested in the trust fund) in any capacity, to transact all or any business of whatsoever nature required to be done in pursuance of the trusts and powers herein contained, including the receipt or payment of money, and to pay the expenses thereof and such further fee or other remuneration for the services thereof as the trustee thinks fit.
- 7.12 To pay out of the trust fund all expenses incidental to the management of the trust fund and the exercise of any discretion or power.
- 7.13 To make any investment on terms that the investment be paid for by more than one instalment and that outstanding instalments may bear interest.
- 7.14 To take on bailment, lease or exchange or on hire purchase or otherwise purchase or acquire any real and personal property and in particular (without limitation) any chattels, machinery, plant and stock-in-trade.
- 7.15 To take and act upon the opinion of any barrister or solicitor practising in the State of South Australia whether in relation to the interpretation of this deed or any other document or statute or as to the administration of the trusts hereof, without being liable to anyone in respect of any act done by it in accordance with such opinion

PROVIDED that nothing herein obliges the trustee to act in accordance with any such opinion **AND PROVIDED FURTHER** that nothing herein contained prohibits the trustee from applying to the court as it thinks fit.

8 Liability and indemnity of trustee

8.1 While acting or purporting to act in the execution of the trust and powers hereof, the trustee will have recourse only to the trust fund in payment of any debts incurred thereby or claims made against the trustee but will not be personally liable for any loss which is not attributable to its own wilful neglect or dishonesty. The beneficiaries are under no obligation to indemnify the trustee against any such debts or claims.

9 Exercise of powers

9.1 Any decision or determination by a trustee or any exercise of a power or discretion conferred by this deed is sufficiently made if the trustee is a company by a resolution of the board of directors or other governing body and is sufficiently evidenced (whether or not the trustee is a company) if noted in minutes of proceedings as trustee signed as a true record by the trustee or a director of the trustee. A decision so noted is irrevocable and binding on all beneficiaries unless expressed to be revocable.

10 Variation of deed

The trustee may from time to time as it thinks fit vary or add to this deed by a further deed supplemental hereto but not so that any person other than a beneficiary may acquire a beneficial interest in the trust fund.

11 Appointment of new trustee

- 11.1 The trustee may at any time as it thinks fit resign and by instrument in writing appoint a new trustee or trustees in succession and must transfer the trust fund to such trustee or trustees.
- 11.2 The office of a trustee will be vacated if that trustee becomes incapable of discharging his or her duties because of illness or an unsound mind or becomes bankrupt or, if the trustee is a corporation, an order is made or a resolution is passed which will have the effect of winding up the corporation.
- 11.3 An appointor has the power exercisable jointly with any other appointor from time to time by deed or will to remove a trustee from office and to appoint any person (including a corporation which is not a trustee company within the meaning of the *Trustee Act 1958* as amended or re-enacted from time to time) other than an appointor to act alone or jointly with any other person as a trustee hereof. Any appointor may at any time by deed renounce any power granted thereto by this deed and when made such renunciation will be irrevocable.
- 11.4 The trustee must upon retirement or removal cause the trust fund and the assets thereof to be vested in the new trustee or trustees and must deliver thereto all books, documents and other property relating to the trust fund.





11.5 A retiring trustee will be effectually discharged from the trusts created by this deed notwithstanding that any trustee appointed in substitution is acting alone or is not the Public Trustee of South Australia or a trustee company as defined in the *Trustee Act 1958* as amended or re-enacted from time to time.

11.6 A new trustee may accept the accounts rendered and the property delivered by a continuing or retiring trustee without being bound to enquire further as to the assets and income of the trust fund.

12 Remuneration

Any trustee may claim and be paid out of the trust fund management fees not exceeding in total the sum of [\$1,000 or 1%] of the income of the trust (whichever is the greater amount) in each income period. Any management fees in respect of an income period not claimed during such period will not be recoverable from the trust fund in any other income period. Any trustee other than a settlor hereof who is a solicitor or accountant is entitled to be paid in addition to any management fee all usual professional or business fees for business transacted, time expended and work done by the trustee or any employee or partner of the trustee or by any professional corporation of which the trustee is a director, an employee or a shareholder in connection with the administration of the trusts hereof, notwithstanding that such may include acts which a trustee not being a member of either profession could have done personally.

13 Construction

This deed will be construed and take effect according to the law of the State of South Australia.

14 Interpretation

In this deed where the context permits:

14.1 the singular includes the plural and vice versa;

14.2 any gender includes all other genders;

14.3 the headings in this deed will not be taken into account in the construction thereof;

14.4 any reference to a statute in this deed is a reference to that statute as amended or re-enacted from time to time and any statute enacted in substitution for that statute.

15 Resulting trusts

Any resulting trust to the settlor or to any subsequent donor to the trust fund arising by reason of this deed or any amendment thereto is hereby expressly negated.

16 Revocation

The settlor may at any time hereafter by deed or will revoke the trusts hereby declared in whole or in part in order to declare fresh trusts in favour of any person or persons other than himself with or without a like power of revocation.



SIGNATURES
EXECUTED by the parties.

SIGNED by **ANDREW MORTON GARRETT** as **"The Settlor"**

in the presence of:

Witness
BRENNAN PAUL FITZALLEN
Name (in block letters)

Signature of Settlor
ANDREW MORTON GARRETT
Name (in block letters)

SIGNED by **ANDREW MORTON GARRETT** as trustee for

"THE AUSTRALIAN PEOPLE FUTURE FUND."

in the presence of:

dm

Witness
BRENNAN PAUL FITZALLEN
Name (in block letters)

Signature of Trustee
ANDREW MORTON GARRETT
Name (in block letters)



SIGNED by BRENNAN PAUL FITZALLEN as "The Appointor"

in the presence of:

Witness

ANDREW MORTON GARRETT

Name (in block letters)

Signature of Appointor

BRENNAN PAUL FITZALLEN

Name (in block letters)

NOTARIZED by:

NOTARY PUBLIC ATTESTATION

Country of Australia
Subscribed and Affirmed
City of Hobart, Tasmania

Appears, one Mr. Andrew Morton Garrett, holder of an Australian Passport #N3926144 and United Kingdom Passport #538401308, in his capacity as Sole Trustee of The Australian People Future Fund, who is known to me to be the one who has presented the attached Copy of the Deed of Settlement of the Australian People Future Fund ABN: 26317275322 Discretionary Trust dated 30th April 2017 and who solemnly Affirms that the attached Copy of the Deed of Settlement is a true and correct copy of the Deed of Settlement of the Australian People Future Fund ABN: 26317275322 Discretionary Trust dated 30th April 2017 and that Affirmation to be the Truth, the whole Truth and nothing but the Truth under the pains and penalties of Perjury under the laws of the Commonwealth of Australia and the Common Law before Notary Public, this 8th Day of May, 2017

18th

Witness my hand and official seal:

Notary Public / ~~Attorney at Law~~

My commission expires: ~~is not time limited~~



Dayne Emil Johnson
Notary Public
59 Harrington Street Hobart
Tasmania Australia

ANNEXURE 2

COPY OF INTERNATIONAL BILL OF EXCHANGE SN 61.00064/17 IN FAVOUR OF AUSTRALIAN PEOPLE FUTURE FUND



OENOVIVA

INTERNATIONAL BILL OF EXCHANGE

(UNCITRAL CONVENTION)

AUD \$1,556,969,829,685.00

SERIAL No. 61:00064/17

FOR EFFECT: 9TH MAY 2022

DATE OF ISSUE: 10TH MAY, 2017

PLACE OF ISSUE: 10/15 HUNTER STREET, HOBART, TASMANIA, AUSTRALIA 7000

TO: THE RESERVE BANK OF AUSTRALIA, ABN; 50 008 559 486, 65 MARTIN PLACE SYDNEY, NSW, 2000
(DRAWEE)

PLEASE RECEIVE FOR DEPOSIT INTO ACCOUNT OF: ANDREW MORTON GARRETT AS TRUSTEE FOR THE AUSTRALIAN PEOPLE FUTURE FUND ABN: 26 317 275 322 (PAYEE)

AT SIGHT OF THIS SOLE SECURED INTERNATIONAL BILL OF EXCHANGE

THE SUM OF: ONE TRILLION FIVE HUNDRED FIFTY SIX BILLION NINE HUNDRED SIXTY NINE MILLION EIGHT HUNDRED TWENTY NINE THOUSAND SIX HUNDRED EIGHTY FIVE DOLLARS EXACTLY

FOR VALUE RECEIVED

Payment to be made in Australian Dollars, without deductions for and free of any taxes, impost, levies or duties present or future of any nature; Drawn in accordance with the Reserve Bank of Australia Act 1959 (AU), the Banking Act 1959 (AU), the Banking Regulations 1966 (AU) the Bills of Exchange Act 1909 (AU), the Payment Systems Regulation Act 1998 (AU), , the Payment Systems and Netting Act 1998 (AU) and Part 7.3 of the Corporations Act 2001 (AU), and the UNCITRAL Convention – 1990 UNITED NATIONS. The value of this International Bill of Exchange is secured in accordance with the provisions of the Personal Property Security Act 2009 (Cth) over the assets subject of the Credit Balance Sheet of the Drawer.

CREDIT RATING: MOODY'S: AAA / STANDARD & POORS: AAA

PERSONAL PROPERTY SECURITY REGISTRATION; 201705070000609

SEALED



FOR AND BEHALF OF THE DRAWER:

ACCEPTED BY:

..... (SIGNATURE)

ANDREW MORTON GARRETT, MANAGING TRUSTEE
OENOVIVA CAPITAL RESOURCES, ABN 42 388 204 496

OenoViva Capital Resources ABN 42 388 204 496: A Discretionary Trust settled under the Common Law, the Law of the Commonwealth of Australia, the Law of South Australia ;trading as OenoViva (Global) as Licensor of Intellectual Property and as a Private Merchant Investment Bank.

◆ Level 3, 2 Drewery Place, Melbourne, Victoria, 3000

Phone; +61 (0) 424 324 135

◆ 10/15 Hunter Street, Hobart, Tasmania, 7000

Fax ; +61 (0) 3 8677 6542

◆ "The Desk" 511 Queen's Road West, Shek Tong Tsui, Hong Kong **Page 1 of 7**

andrew.garrett@oenoviva.com



ENDORSEMENTS:



OenoViva Capital Resources ABN 42 388 204 496: A Discretionary Trust settled under the Common Law, the Law of the Commonwealth of Australia, the Law of South Australia, trading as OenoViva (Global) as Licensor of Intellectual Property and as a Private Merchant Investment Bank.

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andrew.garrett@oenoviva.com



OENOVIVA

ENDORSEMENTS:



OenoViva Capital Resources ABN 42 388 204 496: A Discretionary Trust settled under the Common Law, the Law of the Commonwealth of Australia, the Law of South Australia ;trading as OenoViva (Global) as Licensor of Intellectual Property and as a Private Merchant Investment Bank.

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Phone; +61 (0) 424 324 135
Fax ; +61 (0) 3 8677 6542
andrew.garrett@oenoviva.com



OENOVIVA
CERTIFICATION OF AUTHENTICITY
COMMERCIAL IN CONFIDENCE

DATE: WEDNESDAY, 10TH DAY OF MAY 2017

TO: THE RESERVE BANK OF AUSTRALIA, ABN: 50 008 559 486 (DRAWEE)

RE: ACCEPTANCE INTERNATIONAL BILL OF EXCHANGE SERIAL NO: 61:00064/17

We, OenoViva Capital Resources ABN; 42 388 204 496, herewith certify with full responsibility that this International Bill of Exchange Serial No: 61:00064/17 is issued pursuant to our Banking Indenture, *the UNCITRAL Convention on Bills of Exchange – 1990, United Nations*, for the purposes of deposit to account of Andrew Morton Garrett in his capacity as Trustee of the Australian People Future Fund ABN: 26 317 275 322 pursuant to a purchased payment facility to be established with the Drawee in accordance with an application made on the 30th March 2017 made by email from the Trustee to the Drawee.

Furthermore, we certify that this International Bill of Exchange Serial No: 61:00064/17 has been issued against the Credit Value of the balance sheet of OenoViva Capital Resources ABN 42 388 204 496 pursuant to *the Reserve Bank of Australia Act 1959 (AU), the Banking Act 1959 (AU), the Banking Regulations 1966 (AU) the Bills of Exchange Act 1909 (AU), the Payment Systems Regulation Act 1998 (AU), the Payment Systems and Netting Act 1998 (AU) and Part 7.3 of the Corporations Act 2001 (AU), and the UNCITRAL Convention – 1990 UNITED NATIONS*. We certify the value of International Bills of Exchange Serial No: 61:00064/17 is secured by Registration on the Personal Property Security Register as Registration ID 201705070000609 (see ANNEXURE) over the assets that are the subject of the Balance Sheet of OenoViva Capital Resources.

THE DRAWER

AUTHORISED SIGNATORY)
ANDREW MORTON GARRETT)
MANAGING TRUSTEE)



WITNESS & ACKNOWLEDGEMENT

AT: Hobart, Tasmania, Australia

On this 10th day of May 2017 before me ~~DAYNE EMIL JOHNSON OF HOBART TASMANIA~~ Notary Public, the person named hereto did personally appear: Andrew Morton Garrett, holding Australian Passport No: N3926144 and UK Passport No; 538401308 acting in his aforesaid capacity as the Managing Trustee on behalf of OenoViva Capital Resources ABN: 42388 204 496 and verified by me to be the sovereign citizen and/or person whose name is subscribed to be within the Certification hereto and this Secured International Bills of Exchange Serial No: 61:00064/17 related and attached hereto and who declared to me that he executed the attached instrument in his aforesaid authorized capacity of the entity in which he executed the International Bills of Exchange Serial No: 61.00064/17

WITNESSED BY MY HAND AND OFFICIAL SEAL HERETO:

Dayne Emil Johnson
Notary Public
59 Harrington Street Hobart
Tasmania Australia



MY COMMISSION; TERM OF MY LIFE

SIGNATURE:

THIS DOCUMENT AND THE DOCUMENTS ATTACHED HERETO ARE INTENDED FOR THE USE OF THE ADDRESSEE ONLY. THEY CONTAIN INFORMATION THAT IS PRIVILEGED AND CONFIDENTIAL. IF YOU ARE NOT THE INTENDED RECIPIENT OR AUTHORISED AGENT THEREOF, YOU ARE NOTIFIED THAT ANY DISSEMINATION OF INFORMATION REGARDING THESE DOCUMENTS IS STRICTLY PROHIBITED.

OenoViva Capital Resources ABN 42 388 204 496: A Discretionary Trust settled under the Common Law, the Law of the Commonwealth of Australia, the Law of South Australia ;trading as OenoViva (Global) as Licensor of Intellectual Property and as a Private Merchant Investment Bank.

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- ❖ 10/15 Hunter Street, Hobart, Tasmania, 7000
- ❖ "The Desk" 511 Queen's Road West, Shek Tong Tsui, Hong Kong

Phone; +61 (0) 424 324 135
Fax; +61 (0) 3 8677 6542
andrew.garrett@oenoviva.com



Australian Government
Australian Financial Security Authority



Personal Property
Securities Register

07/05/2017

Verification Statement Financing Statement

This verification statement is provided under section 156 of the *Personal Property Securities Act 2009*

This PPSR registration was created on 07/05/2017 14:02:58 (Canberra Time)

PPSR Registration Details

| | | | |
|------------------------------|---|----------------|----------|
| PPSR Registration number: | 201705070000609 | Change number: | 43798425 |
| Registration kind: | Security interest | | |
| Giving of notice identifier: | The Crown/The Australian People Future Fund | | |
| Registration start time: | 07/05/2017 14:02:58 (Canberra Time) | | |
| Registration end time: | No stated end time | | |
| Registration last changed: | 07/05/2017 14:02:58 (Canberra Time) | | |
| Subordinate registration: | Yes | Transitional: | No |

This registration is linked to an earlier registration.

Earlier PPSR registration number: 201605190014552

Grantor Details

| | | | |
|--------------------------|---|-------------------------------|-----|
| Organisation identifier: | 50 008 559 486 | Organisation identifier type: | ABN |
| Organisation name: | RESERVE BANK OF AUSTRALIA (Verified) | | |
| Organisation identifier: | 61 970 632 495 | Organisation identifier type: | ABN |
| Organisation name: | DEPARTMENT OF FINANCE (Verified) | | |
| Organisation identifier: | 15 217 882 958 | Organisation identifier type: | ABN |
| Organisation name: | THE LIBERAL PARTY OF AUSTRALIA - FEDERAL SECRETARIAT (Verified) | | |
| Organisation identifier: | 49 269 815 144 | Organisation identifier type: | ABN |
| Organisation name: | AUSTRALIAN LABOR PARTY (Verified) | | |
| Organisation identifier: | 65 528 840 245 | Organisation identifier type: | ABN |
| Organisation name: | GOVERNOR OF SA (Verified) | | |
| Organisation identifier: | 19 108 283 540 | Organisation identifier type: | ABN |
| Organisation name: | OFFICE OF THE GOVERNOR BRISBANE (Verified) | | |
| Organisation identifier: | 39 481 796 354 | Organisation identifier type: | ABN |
| Organisation name: | OFFICE OF THE GOVERNOR (VIC) (Verified) | | |
| Organisation identifier: | 57 079 680 866 | Organisation identifier type: | ABN |
| Organisation name: | OFFICE OF THE GOVERNOR (Verified) | | |
| Organisation identifier: | 67 582 329 284 | Organisation identifier type: | ABN |
| Organisation name: | OFFICE OF THE OFFICIAL SECRETARY TO THE GOVERNOR-GENERAL (Verified) | | |

| | | | |
|--------------------------|--|-------------------------------|-----|
| Organisation identifier: | 17 441 396 042 | Organisation identifier type: | ABN |
| Organisation name: | DEPARTMENT OF TRANSPORT PLANNING AND LOCAL INFRASTRUCTURE (Verified) | | |
| Organisation identifier: | 92 366 288 135 | Organisation identifier type: | ABN |
| Organisation name: | Department of Planning Transport and Infrastructure (Verified) | | |
| Organisation identifier: | 19 040 349 865 | Organisation identifier type: | ABN |
| Organisation name: | DEPT OF TREASURY & FINANCE SA (Verified) | | |
| Organisation identifier: | 44 128 890 975 | Organisation identifier type: | ABN |
| Organisation name: | DEPARTMENT OF TREASURY AND FINANCE (Verified) | | |
| Organisation identifier: | 75 277 967 856 | Organisation identifier type: | ABN |
| Organisation name: | SOUTH AUSTRALIAN GOVERNMENT FINANCING AUTHORITY (Verified) | | |
| Organisation identifier: | 99 593 347 728 | Organisation identifier type: | ABN |
| Organisation name: | Department of Finance (Verified) | | |
| Organisation identifier: | 25 628 526 128 | Organisation identifier type: | ABN |
| Organisation name: | DEPARTMENT OF TREASURY AND FINANCE (Verified) | | |
| Organisation identifier: | 84 104 377 806 | Organisation identifier type: | ABN |
| Organisation name: | Department Of Finance Services And Innovation - LPI (Verified) | | |

Collateral Details

Collateral type: Commercial property
Collateral class: All present and after-acquired property - With exceptions
Description: All Assets and Undertakings of the Crown howsoever arising, whether domiciled in the territory of the Commonwealth of Australia or elsewhere, securing admissions of Liability of the Crown to OenoViva Capital Resources ABN 42 388 204 496 in the amount of \$1,556,969,829,685 gifted by way of secured International Bill of Exchange SN; 61.00064/17 deposited to the Reserve Bank of Australia for the benefit of the Trustee of the Australian People Future Fund ABN 26 317 275 322
Proceeds: Yes - All present and after acquired property.

Secured Party Details

| | | | |
|--------------------------|--|-------------------------------|-----|
| Organisation identifier: | 26317275322 | Organisation identifier type: | ABN |
| Organisation name: | The Trustee for Australian People Future Fund (Verified) | | |

Address for Service

Contact name: Andrew Morton Garrett
Email: andrew.garrett@oenoviva.com
Mailing address: 10/15 Hunter Street
Hobart
Tasmania 7000
AUSTRALIA
Physical address: No address provided

You may be obliged by section 157 of the *Personal Property Securities Act 2009* to give a notice of this verification statement to another person. The notice must be in the approved form. Information about your obligations under section 157 of the *Personal Property Securities Act 2009* is available from: www.ppsr.gov.au.

Privacy and Terms and Conditions

The Australian Financial Security Authority is subject to the Privacy Act 1988 which requires that we comply with the Australian Privacy Principles (APPs) set out in the Act. The Act sets out how Australian Government agencies should collect, use, store and disclose personal information and how individuals can access records containing their personal information.

Access to and use of the PPSR is subject to the General Conditions of Use, as well as other relevant terms and conditions. All relevant terms and conditions can be found at www.ppsr.gov.au

End of Verification

EMAIL: enquiries@ppsr.gov.au Website: www.ppsr.gov.au

GPO Box 1944 Adelaide SA 5001

1300 00 77 77



NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 22/10/2018 3:04:45 PM AEDT and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged: Notice of a Constitutional Matter under s78B Judiciary Act 1903 - Form 18 - Rule 8.11(2)
File Number: NSD1848/2018
File Title: ROBERT VOLDEMARS RUBIS & ORS v ANDREW MORTON GARRETT AS TRUSTEE OF THE ANDREW GARRETT FAMILY TRUST TRADING AS DYNAMIC COMMERCIAL WORKFORCE SOLUTIONS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads "Warwick Soden".

Dated: 22/10/2018 3:05:49 PM AEDT

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



NOTICE OF CONSTITUTIONAL MATTERS

No. NSD 1848 of 2018

Federal Court of Australia
District Registry; NSW
Division: General

ROBERT RUBIS and others set out in the Schedule

First Applicant
&

ANDREW MORTON GARRETT as Trustee of the Andrew Garrett Family Trust trading as
Dynamic Commercial Workforce Solutions and others set out in the Schedule

The First Respondent

To the Respondents by Counterclaim/the Alleged Applicants, The Second
Respondent and the Proposed Cross Respondents by Cross Claim,

The First Respondent/ Applicants by Counter Claim and Applicants by Cross Claim gives notice
that the proceeding involves a matter arising under the Constitution or involving its
interpretation within the meaning of section 78B of the Judiciary Act 1903 (Cth) ("The Judiciary
Act").

- 1. The Constitutional Matters arise in this proceeding under 10(2)(d), (3), 117(1), 119(1),
136(1), 146, 147, 230, 233(1), 242(1), (2)(b), 302(1), 307 (1), (2), (3), (4), 308 (4) and 279A
(1) A of the District Court Civil Rules 2006; rule 30(2), 46(4) of the District Court Civil
Supplementary Rules 2014; Rule 10(1), 10(2)(d), (3), 117(1), 119(1), 136(1) (2), 146, 147,
156, 199, 233(1), 242(1), (2)(b), 302(1) of the Supreme Court Rules 2006; the Supreme
Court Rules 1987; the Independent Commission against Corruption Act 2012 (SA), the
Police Act 1998 (SA), s14(1), (2) of the Trustees Act 1936 (SA); s48(3)(b) of the Limitations
of Actions Act 1935 (SA); s238, s243, s251 and s267 of the Criminal Law Consolidation Act
1935 (SA); s19 of the Ombudsman Act 1972 (SA); the Freedom of Information Act 1991
(SA); the Legal Practitioners Act 1981 (SA); the Professional Conduct and Practice Rules

Filed on behalf of (name & role of party) Andrew Morton Garrett, The First Respondent
Prepared by (name of person/lawyer) The First Respondent
Law firm (if applicable)
Tel 0424 324 135 Fax
Email andrew.garrett@taggc.com.au

Address for service
(include state and postcode) 10/15 Hunter Street, Hobart, Tasmania, 7000

2003 (SA); *The South Australian Bar Rules*; *the District Court Act 1991 (SA)*; *the Supreme Court Act 1936 (SA)*; *the Public Sector Act 2009 (SA)*; *the Public Sector (Honesty and Accountability) Act 1995 (SA)*; *the Acts Interpretation Act 1915 (SA)*; *the Constitution Act 1934 (SA)*; *the Australia Acts (Request) Act 1985 (SA)*, (Vic), (NSW), (Qld), (WA), (TAS), (NT) & (ACT); *Imperial Acts Application Act 1980 (Vic)*; *The Legal Profession Act 2004 (Vic)*; *The Legal Profession Uniform Law Application Act 2014 (Vic)*; *The Freedom of Information Act 1982 (Vic)*; *The Public Administration Act 2004 (Vic)*; *The Public Administration Amendment (Public Sector Improvement) Act 2014 (Vic)*; *The Ombudsman Act 1973 (Vic)*; *The Independent Broad Based Commission Against Corruption Act 2011 (Vic)*; *The Property Law Act 1958 (Vic)*; *The Victoria Police Act 1998 (Vic)*; *The Charter of Human Rights and Responsibilities Act 2006 (Vic)*; *The Victorian Inspectorate Act 2011 (Vic)*; *The Victims of Crime Assistance Act 1996 (Vic)*; *The Workplace Injury Rehabilitation and Compensation Act 2013 (Vic)*; *The Crimes Act 1958 (Vic)*; *The Supreme Court Act 1986 (Vic)*; *The Constitution Act 1975 (Vic)*; Article 1(1)(2), 2(2)(3), 3, 5, 6(1), 7, 8, 12 (2), 14 (1), 15 (1), 16, 17, 18(1), 19(1)(2), 22 (1), 23 (1), 26 of *Schedule 2 of the Australian Human Rights Commission Act 1986 (Cth)*; Article 1(1)(2), 2(2)(3), 3, 5, 6(1), 7, 8, 12(2) 14(1), 15(1), 16, 17, 18(1), 18(1), 19(1)(2), 22(1), 23(1), 26 of *Australian Treaty Series No 23 (Cth)* (“**the Covenant**”); s32, s33 and s34 of *the Crimes Act 1914 (Cth)*; s61, s74, s75(i)(v), s109 of *the Commonwealth of Australia Constitution Act 1900 (Cth)* (“**the Constitution**”); s38(a)(e), s39B, s55ZF, s55ZG, s78, s78B of *the Judiciary Act 1903 (Cth)*; s5, s6 and s13 of *the Administrative Decisions Judicial Review Act 1977 (Cth)*; *the Taxation Administration Act 1953 (Cth)*; *the a New Tax System (Goods and Services Tax) Act 1999 (Cth)*; *the Public Service Act 1999 (Cth)*; *the Public Services Performance Governance and Accountability Act 2013 (Cth)*; *the Privy Council (Limitation of Appeals) Act 1968 (Cth)*; *the Privy Council (Appeals from the High Court) Act 1975 (Cth)* ; s11 of *the Australia Act 1986 (Cth)*; s11 of *the Australia Act 1986 (UK)* ; *the Privy Council (Limitation of Appeals) Act 1968 (Cth)*, *Privy Council (Appeals from the High Court) Act 1975 (Cth)*, (SA), *the Australia Act 1986 (UK)*; *the Australia Act 1986 (Cth)*; *the Public Service Act 1999 (Cth)*, *the Public Service Performance Governance and Accountability Act 2013 (Cth)*, *Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Act 2012 (Cth)*; s32, s34 and s34 of *the Crimes Act 1914 (Cth)*; s20, s37AO of *the Federal Court of Australia Act 1976 (Cth)* FCR 1.32, 22 of *the Federal Court Rules 2011*, FCR 1.3 of *the Federal Court Corporations Rules 2011*, *the Freedom of Information Act 1982 (Cth)*; s 81, s82, s83, s84 of *the Crimes Act 1958 (Vic)*, *the Criminal Code 1995 (Cth)*; *the Bankruptcy Act 1966 (Cth)*; *the Bankruptcy Regulations 1996 (Cth)*; *the Corporations Act 2001 (Cth)*; *the Corporations Regulations 2001 (Cth)* the Rule of Law and the Common Law;

2. The First Constitutional Matter arises whether each of the provisions of the following acts are both invalid and unlawful under s109 of when read against the separation of powers

expressed in *the Constitution* and Articles 1(1)(2),2(2)(3),3,5,6(1), 7, 8, 12(2) 14(1), 15(1), 16, 17, 18(1), 18(1), 19(1)(2), 22((1), 23(1), 26 of the Covenant, the Rule of Law and the Common Law;

a. South Australian Acts

- i. *The Acts Interpretation Act 1915 (SA)*
- ii. *The Legal Practitioners Act 1981 (SA),*
- iii. *The Freedom of Information Act 1991 (SA)*
- iv. *The Public Sector Act 2009 (SA)*
- v. *Public Sector (Honesty and Accountability) Act 1995 (SA)*
- vi. *The Ombudsman Act 1972 (SA)*
- vii. *The Independent Commission Against Corruption Act 2012 (SA)*
- viii. *The Police Act 1998 (SA)*
- ix. *The Real Property Act 1988 (SA)*
- x. *The Real Property Act (Registration of Titles) Act 1945 (SA)*
- xi. *The Registration of Deeds Act 1935 (SA)*
- xii. *The Real Property Act (Registration of Titles) Act 1945 (SA)*
- xiii. *Law of Property Act 1936 (SA)*
- xiv. *The Victims of Crime Act 1991 (SA)*
- xv. *The Criminal Law Consolidation Act 1935 (SA)*
- xvi. *The Australia Acts (Request) Act 1985 (SA)*
- xvii. *The District Court Act 1991 (SA)*
- xviii. *The Supreme Court Act 1936 (SA)*
- xix. *The Trustees Act 1936 (SA)*
- xx. *The Constitution Act 1934 (SA)*

b. Victorian Acts

- i. *Imperial Acts Application Act 1980 (Vic)*
- ii. *The Legal Profession Act 2004 (Vic),*
- iii. *The Legal Profession Uniform Law Application Act 2014 (Vic)*
- iv. *The Freedom of Information Act 1982 (Vic)*
- v. *The Public Administration Act 2004 (Vic)*
- vi. *Public Administration Amendment (Public Sector Improvement) Act 2014 (Vic)*
- vii. *The Ombudsman Act 1973 (Vic)*
- viii. *The Independent Broad Based Commission Against Corruption Act 2011 (Vic)*
- ix. *The Property Law Act 1958 (Vic)*
- x. *The Victoria Police Act 1998 (Vic)*
- xi. *The Charter of Human Rights and Responsibilities Act 2006 (Vic)*
- xii. *The Victorian Inspectorate Act 2011 (Vic)*

- xiii. *The Victims of Crime Assistance Act 1996 (Vic)*
 - xiv. *Workplace Injury Rehabilitation and Compensation Act 2013 (Vic)*
 - xv. *The Crimes Act 1958 (Vic)*
 - xvi. *The Australia Acts (Request) Act 1985 (Vic)*
 - xvii. *The Supreme Court Act 1986 (Vic)*
 - xviii. *The Constitution Act 1975 (Vic)*
3. The Second Constitutional Matter arises as to whether the Supreme Court of South Australia and the Supreme Court of Victoria are worthy receptacles for the Federal Jurisdiction and the Common Law Jurisdiction in admitting solicitors to practice under *the Legal Profession Act 2004 (Vic)*, *the Legal Profession Uniform Law Application Act 2014 (Vic)*, *the Legal Practitioners Act 1981 (SA)*, *the Legal Practitioners Amendment Act 2014 (SA)* as a consequence of the lack of separation of powers expressed within the provisions of *the Constitution Act 1934 (SA)* and *the Constitution Act 1975 (Vic)*
 4. The Third Constitutional Matter arises as to the suitability of Legal Practitioners admitted by the Supreme Courts of South Australia and Victoria to be appointed to act as officers of the Court in the Federal and State Jurisdictions.
 5. The Fourth Constitutional Matter arises as to whether the Appellant should be granted leave or needs to be granted leave to bring a private prosecution against the Judicial Officers and Registrars of the Federal Court of Australia, the Federal Circuit Court of Australia, the Supreme Court of Victoria, the District Court of South Australia and the Supreme Court of South Australia in the Summary Jurisdiction under the provisions of *the Judicial Misbehaviour and Incapacity (Parliamentary Commissions) Act 2012*, *the Crimes Act 1958 (Vic)*, *the Criminal Law Consolidation Act 1935 (SA)*, *the Crimes Act 1914 (Cth)*, *the Criminal Code 1995 (Cth)*, the Rule of Law and the Common Law.
 6. The Fifth Constitutional Matter arises as to whether the Constitutional, Common law and Human Right of “Access to Justice” of the Appellant should be properly interpreted to be Right of “Represented access to Justice”.
 7. The Sixth Constitutional Matter arises as to whether Federal Court Rule 22 is enforceable in actions under s459H or s459G of *the Corporations Act 2001 (Cth)*
 8. The Seventh Constitutional Matter arises as to whether Vexatious litigant orders can be made under s39 of *the Supreme Court Act 1936 (SA)* and/or s37AO of *the Federal Court of Australia Act 1976 (Cth)* without making a finding on the merits of the applications in which they are made.

9. The Ninth Constitutional Matters arises as to whether the Legislature intended the provisions of *the Bankruptcy Act 1966* (Cth) and *the Bankruptcy Regulations 1996* (Cth) to be applied by officers of the Court and the Judiciary as a barrier to justice.
10. The Tenth Constitutional Matter arises as to whether the Legislature intended the provisions of *the Corporations Act 2001* (Cth) and *the Corporations Regulations 2001* (Cth) to be applied by officers of the Court as a barrier to justice.
11. The Eleventh Constitutional Matters arises as to whether the Judiciary are under a duty to consider all of the evidence filed in any proceeding.
12. The Twelfth Constitutional Matter arises as to whether the Federal Court of Australia, the Federal Circuit Court of Australia, the Supreme Court of South Australia and the District Court of South Australia have properly interpreted the findings of the High Court in *Kline v Official Secretary to the Governor General* [2013] HCA 52 in respect to Freedom of Information Applications made by the Applicant to those courts.
13. The Thirteenth Constitutional Matter arises as to whether the Joint Venture/ Profit Sharing arrangements (“**the Agreements**”) entered into between Legal Practitioners and Insolvency Practitioners referred to by the Honourable Justice Nicholson in *Viscariello v Legal Practitioners Conduct Board* (2014) SASC 53 and by the Honourable Chief Justice Kourakis in *Viscariello v Macks* (2014) SASC 189 are lawful.
14. The Fourteenth Constitutional Matter arises as to whether it is lawful for the Respondent, the Chairman of ASIC, ASIC, the Inspector General of Bankruptcy and AFSA to be joint venture parties to the Agreements.
15. The Fifteenth Constitutional Matter arises as to whether s55ZG of *the Judiciary Act 1903* (Cth) is lawful when read against the Constitution, the Common Law, The Rule of Law and the Covenant.
16. The Sixteenth Constitutional Matter arises as to whether the National Policy on Legal Aid is discriminatory against Applicants with matters in the Civil Jurisdiction which discrimination, if found, is a breach of Human Rights of the Citizens of the Commonwealth.
17. The Seventeenth Constitutional Matter arises as to whether persons other than Legal Practitioners ought to be considered by the Commonwealth Attorney General and the State Attorney Generals to be Judicial Officers exercising Judicial Discretion in the Federal, State and Territory Jurisdictions.