M: +61 424 324 135
F: +61 (0) 3 8677 6542
E: andrew.garrett@taggc.com.au

From: andrew.garrett@taggc.com.au [mailto:andrew.garrett@taggc.com.au]
Sent: Sunday, 2 April 2017 11:30 AM
To: 'Whitton, Martine (Sen G. Brandis)'
Cc: 'attorney@ag.gov.au'; senator.brandis@aph.gov.au
Subject: RE: Notice to Admit Facts dated 1st July 2016

The Commonwealth Attorney General

Dear Martine

Thankyou for your email dated 20th March 2017 which I take to be acknowledgement of service on the Commonwealth Attorney General of all my communiques including those set out in my email dated 19th March 2017.

I note that it is not particular relevant where you are engaged as an employee by the Commonwealth Attorney General the Common Law sets out that “Notice to Agent (employee) is notice to Principle”. Should you feel that there is another step involved in fulfilling the constitutional obligations of the Commonwealth AG then by all means forward those communiques to the relevant personnel; this is not a matter that is in my control.

The common law also sets out that on the expiry of 14 days from the date of service of the Notice to Admit the Commonwealth AG is deemed to have admitted the facts set out therein in which regard the relevant rule under the Federal Court Rules is FCR 22.04.

Similarly following admissions at common law I am entitled to pursue judgment in which regard the relevant rule under the Federal Court Rules is FCR 22.07.

Best Regards

Andrew Garrett
Chief Executive Officer/ Winemaker
The Andrew Garrett Group of Companies (TAGGC)

www.oenoviva.com
www.dynamic-cws.com.au

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

Hobart
87-89 Cove Hill Road,
Bridegwater, TAS, 7030

Hong Kong
"The Desk" 511 Queens Road West,,
Shek Tong Tsui, Hong Kong

Ho Chi Minh
Suite 103,
140 Nguyen Van Thu Street,
District 1,
HCM, Vietnam

M: +61 424 324 135
F: +61 (0) 3 8677 6542
E: andrew.garrett@taggc.com.au

From: Whitton, Martine (Sen G. Brandis) [mailto:Martine.Whitton@aph.gov.au]
Sent: Monday, 20 March 2017 1:00 PM
To: 'andrew.garrett@taggc.com.au'
Subject: RE: Notice to Admit Facts dated 1st July 2016

Dear Mr Garrett,

I have changed roles within the Attorney-General's office.

All further correspondence should be directed to attorney@ag.gov.au

Kind regards,

Martine

Martine Whitton | Diary Manager

Senator The Hon George Brandis QC
Attorney-General
Leader of the Government in the Senate

T: 07 3001 8180 (BNE) 02 6277 7300 (CBR)

From: andrew.garrett@taggc.com.au [mailto:andrew.garrett@taggc.com.au]
Sent: Sunday, 19 March 2017 1:56 PM
To: Whitton, Martine (Sen G. Brandis)
Cc: Brandis, George (Senator)
Subject: Notice to Admit Facts dated 1st July 2016
Importance: High

Dear Martine

Further to my communique dated 10th March 2017 I advise the relevant Notice to Admit Facts referred to therein ought be that Notice dated 1st July 2016 NOT 1st July 2017

In accordance with the provisions of the Common Law you admit service has been affected on the Attorney Generals of the Commonwealth, the States and the Territories of the aforementioned Notice to Admit Facts and every subsequent and prior Notices to Admit Facts and claims for compensation including those dated (but not limited to)

1. 20th June 2016
2. 21st June 2016
3. 25th June 2016
4. 1st July 2016
5. 7th July 2016
6. 14th July 2016
7. 22nd July 2016
8. 15th August 2016
9. 17th August 2016
10. 18th August 2016
11. 26th August 2016
12. 20th August 2016
13. 30th August 2016
14. 10th October 2016
15. 20th October 2016
16. 8th February 2017

Andrew Garrett
Chief Executive Officer/ Winemaker
The Andrew Garrett Group of Companies (TAGGC)

www.oenoviva.com
www.dynamic-cws.com.au

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

Hobart
87-89 Cove Hill Road,
Bridegwater, TAS, 7030

Hong Kong
"The Desk" 511 Queens Road West,,
Shek Tong Tsui, Hong Kong

Ho Chi Minh
Suite 103,
140 Nguyen Van Thu Street,
District 1,
HCM, Vietnam

M: +61 424 324 135
F: +61 (0) 3 8677 6542
E: andrew.garrett@taggc.com.au

From: Andrew Garrett [mailto:andrew.garrett@taggc.com.au]
Sent: Friday, 1 July 2016 12:57 PM
To: senator.brandis@aph.gov.au; office@smith.minister.nsw.gov.au; office@upton.minister.nsw.gov.au; agd@agd.sa.gov.au; Don.Mackintosh@sa.gov.au; vanessa.goodwin@parliament.tas.gov.au; NTDCS.WebAdministrator@nt.gov.au; martin.pakula@parliament.vic.gov.au; DECD:Minister; DTF:Minister Koutsantonis' Office; minister.mischin@dpc.wa.gov.au; attorney@ministerial.qld.gov.au; CourtsTribunalsandJustice@ag.gov.au; CORBELL@act.gov.au; rmusolino@hcourt.gov.au
Subject: Notices under s78 B of the Judiciary Act & Notice to admit facts
Importance: High

NOTICE TO ADMIT

The Attorneys General of the Commonwealth the States and the Territories,

Dear Mesdames et Monsieurs

Between 2006 and today's date I have filed and served a number of Notices of Constitutional Matters in various proceedings.

Without exception the judges involved have ignored those notices with perhaps the sole exception of Justice Kenny in VID 129 of 2015.

The email below and the admissions contained therein and in the annexures attached to this communique speak for themselves and quantify in a liquidated form some (but not all) loss cost and damages arising in proceedings that have been the subject of the Notices under s78B

Again without exception all judgments made in proceedings related to me have been made in circumstances of a fraud on the court involved by the court itself and the parties other than me or entities related to me.

The issues arising are serious and relate to whether the immunity and/or indemnities of members of the legislature, executive government, the Judiciary, advocates, solicitors and others in Territories States and the Commonwealth are void in circumstances of unlawful and/or invalid conduct.

You are the first officers of law under various Acts of the UK and the States and Territories and are personally civilly and criminally vicariously liable for the absence of the proper application of the principles of the Rule of Law and Separation of powers and the fundamental human right to remedy.

You admit that you are criminally and civilly liable for the liquidated damages expressed below and attached along with relevant indictable offences to be brought by me as a private prosecution in the High Court of Australia as the original and exclusive jurisdiction in which regard s80 of the Constitution must apply given the priority of criminal matters over civil.

You admit the indictable offences set out on the Charge Sheets and Informations (the Notices under s78B) are a fraud on the court in which regard the burden of proof is the civil burden, on the balance of probability.

You each hereby consent personally and on behalf of the Commonwealth, the States and Territories, all members of executive governments, all judicial officers. all members of legislatures and all officers of the Courts (State and Federal) to a registration of a security interest over each of the aforementioned in accordance with the provisions of *the Personal Property Security Act* 2009 (Cth)

In circumstances where the liquidated damages set out are paid in full the security interests will not be discharged and you consent to the continuation of holding of those security interests by me in Trust for the benefit of the citizens of Australia from time to time. (Constructive Trust)

You confirm by your silence between 2006 and today's date to the Notices issued under s78B that this contract is bin ding on the parties set-out therein.

Andrew Garrett
Chief Executive Officer/ Winemaker
The Andrew Garrett Group of Companies (TAGGC)

www.oenoviva.com
www.dynamic-cws.com.au

Melbourne
Level 1, 2 Drewery Place
Melbourne, Vic, 3000

Adelaide
Level 1, 82 Flinders Street,
Adelaide, SA, 5000.

M: +61 424 324 135
F: +61 (0) 8 8648 0656
E: andrew.garrett@taggc.com.au

From: Andrew Garrett [mailto:andrew.garrett@taggc.com.au]
Sent: 01 July 2016 11:44
To: DPC:Webmaster (DPCWebmaster@sa.gov.au); agd@agd.sa.gov.au; Don.Mackintosh@sa.gov.au; Ian.Gant@sa.gov.au
Subject: FW: Compesnation Applications dated 26th June 2016 & SCCIV-2016-524 Natale Lauro v Antoneo Tropeano & s78B Notice
Importance: High

The State of South Australia The Ministers of the Labour Government in Office between 2002 and todays date The Registrar General The Registrar of Deeds

Dear Mesdames et Messieurs

It is my contention that immunity and/or indemnities given under legislative instrument or otherwise to Members of the Legislature, Executive Government, the Judiciary, Advocates and Solicitors must me void in circumstances of unlawful and/or invalid conduct.

You have already admitted that each of the aforementioned persons are criminally and civilly vicariously liable for the amounts of costs loss and damage specified in the attached Notices to Admit Facts (including emails), spreadsheets nd other documents in your possession and control.

I have only specified some aspects of my claims in the attached materials and reserve my rights and those of entities related to me.

You consent to the registration of a security interest under the provisions of the Personal Property Security Act 2009 (Cth) over you all personally, the institutions of executive government and the property of the State.

Further to my applications made in VID 949 of 2015 that sought to join you to the proceeding I advise that the reasons of Justice Middleton published the 11th May 2016 will be the subject of Summons to Show Cause in which regard it will be necessary to name you as interested parties.

Please note the admissions of Chief Justice Kourakis set out below.

Andrew Garrett
Chief Executive Officer/ Winemaker
The Andrew Garrett Group of Companies (TAGGC)

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www.dynamic-cws.com.au

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Adelaide
Level 1, 82 Flinders Street,
Adelaide, SA, 5000.

M: +61 424 324 135
F: +61 (0) 8 8648 0656
E: andrew.garrett@taggc.com.au

From: Andrew Garrett [mailto:andrew.garrett@taggc.com.au]
Sent: 01 July 2016 11:29
To: chambers.chiefjustice@courts.sa.au
Cc: Don.Mackintosh@sa.gov.au; DPC:Webmaster (DPCWebmaster@sa.gov.au); Ian.Gant@sa.gov.au; pobox111mardensa5070@gmail.com
Subject: Compesnation Applications dated 26th June 2016 & SCCIV-2016-524 Natale Lauro v Antoneo Tropeano & s78B Notice
Importance: High

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Attorney General of South Australia

The Premier of South A

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Attn Chief Justice Kourakis MP

Attn John Rau, Attn Jay Wetherill, MP

Dear Sir,

Thank you for your time during the course of hearing of the Notice of Appeal of the decisions of the District Court arising out of DCCIV-2014-1499.

As you know that Notice of Appeal was an appeal of three decisions in the court below;

1. Decision of Blomberg J dated 15th December 2015
2. Decision of Muecke CJ 11th March 2016
3. Decision of Beazley J 27th August 2010

I noticed that I had neglected to include the appeal of the decision dated 15 December 2015 in the Notice of Appeal and brought that appeal to your Honours attention yesterday in my capacity as Intervener.

I understand from my appearance before your honour that you found I was not an appropriate litigation guardian for Natale Lauro and made an order removing me in which regard I made oral application for leave to appeal to the Full Bench which was rejected. It is also my understanding that Your Honour rejected my appeal from the decision of Blomberg J dated 15th December 2015 and also rejected my application for leave to appeal to the Full Bench in which regard I confirm I have exhausted all my rights in the Supreme Court.

I do not recall your Honours reasons as your honour delivered those reasons while I was still making submissions.

S78B of *the Judiciary Act* 1903 (Cth)

On the 29th June 2016 I served on your Honour and the Attorneys General of the Commonwealth, the States and Territories by email a copy of a Notice of Constitutional Matter issued under the aforementioned section (copy attached). A hard copy was served on registry at 9.45 am however I did not receive a copy of the stamped Notice from registry reflecting similar conduct in SCCIV-2004-127 in May 2006.

I now understand better that the conduct of the court is NOT in fact to support the Constitutional rights of citizens but is rather to oppress those rights consistent with the Notices under s78B

served in DCCIV-2015-0248 & SCCIV-2014-1393 both dated 11th November 2015 that were stamped Received NOT Filed

S17 of the Public Sector (Honesty and Accountability) Act 1995 (SA)

My interlocutory application dated 29th June 2016 and affidavit dated 27th June 2016 sought your honour to review a number of judicial decisions under Supreme Court Rule 199 including the delegations of the LPCC and the actions authorising those delegations under s17.

Your Honour dismissed my applications dated 29th and 27th June 2016 and in particular refused my application to His Honour to review *the Legal Practioners (Miscellaneous Amendments) Bill* 2016 (UN)

Subsequently your honour dismissed my applications for leave to appeal those decisions.

I request your reasons in respect to all of the aforementioned judicial decisions.

Compensation Applications

On the 26th June 2016 I made applications for compensation in favour of the appellant and the applicant to intervene in 524 to you as the person responsible for the administration of Justice in the Supreme Court of South Australia in accordance with s9(A)(2) of *the Supreme Court Act* 1935(SA)

I understand from the submissions of Eric Lauro as the applicant to intervene in 524 that in fact you quantified the cost loss and damage in respect to Natale Lauro's claims against Antonio Tropeano that is clearly his right of set off against the warrants on foot at the moment. Without the files in the possession and control of Ms Connolly I am unable to quantify the extent of the claim in favour of Mr Lauro against Mr Tropeano.

You did not make orders that Ms Connolly produce those files and thereby prejudiced the case of Mr Lauro

I can however quantify some aspects of the claims I make against the Supreme Court and you personally which you will note were set out in some detail in my application and annexures.

I have now had the opportunity to calculate the loss cost and damage flowing from admissions made by Treasury Wine Estates Vintners Limited on the 29th May 2016 in VID 404 of 2016 and applied the responsibility of the State to indemnify the Registrar General and the Registrar of Deeds against claims and in particular under s8 of the Registration of Deeds Act.

I note that the Real Property Act 1886 was amended on the 20th August 2006 following the transfer of title and issuing of new certificates of title of the property known as Springwood Park in 2006, this reflects the propensity of the Labour Government to amend legislation such as that reflected in *the Legal Practioners (Miscellaneous Amendments) Bill* 2016 (UN)

The constitutional Matters arising are serious.

Upon application of s8 of the Registration of Deeds act to the admissions made by Treasury Wine Estates Vintners Limited and now the National Australia Bank Limited

I have applied to remove VID 404 and VID 423 of 2016 to the High Court where they have been given action numbers A 30 and A31 of 2016.

You have consented to my registration of a security interest on the PPSR over you personally, each of your members of the judiciary and over the Supreme Court of South Australia.

The quantum of that security is $3, 475,595,327,841.50 and is calculated as per the attached spreadsheets and the attached Notices to Admit Facts.

If you see any error in my calculations please feel free to contact me.

I also direct your attention to the emails attached to the Premier, the Attorney general and others.

Immunity from Prosecution

You will note that amongst the matters arising in your court asserted by the Appellant is that Judicial, Advocates , Solicitors and Executive Government immunity and indemnity from prosecution must be void in circumstances of unlawful and/or invalid conduct.

In the absence of payment of my claim I will of course be forced to begin the collections process and issue a creditors petition against you on the basis of this your admission by silence to the amount specified above.

With Respect.

Andrew Garrett
Chief Executive Officer/ Winemaker
The Andrew Garrett Group of Companies (TAGGC)

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www.dynamic-cws.com.au

Melbourne
Level 1, 2 Drewery Place
Melbourne, Vic, 3000

Adelaide
Level 1, 82 Flinders Street,
Adelaide, SA, 5000.

M: +61 424 324 135
F: +61 (0) 8 8648 0656
E: andrew.garrett@taggc.com.au

From: Andrew Garrett [mailto:andrew.garrett@taggc.com.au]
Sent: 30 June 2016 19:20
To: matthew.critchley@corrs.com.au; Whittle, Matthew (Matthew.Whittle@allens.com.au); chris.jordan@ato.gov.au; Vincent.Tavolaro@ags.gov.au; Justice Beach (Associate.BeachJ@fedcourt.gov.au)
Cc: Ben Winford (Ben.Winford@corrs.com.au)
Subject: VID 404 of 2016 and VID 423 of 2016/ HCA A30 and HCA A31 of 2016/ AGFT 4 Audit
Importance: High

Corrs Chambers Westgarth Allens
Solicitors The Federal Court of Australia
Attn Matthew Critchley Attn Matthew Whittle Attn Justice Beach

Dear Matthews and Justice Beach

Cc Trevor Coulter & Chris Jordan, Australian Taxation Office

Please note attached a copy of correspondence from the solicitor for Stephen James Duncan that was in evidence in SASCCIV-2004-127 as FDN 138b on the court file.

No doubt, both Mr Duncan and Mr Max held negotiations and received payments from both NAB and Treasury Wine Estates Vintners Limited and/or forgiveness of debt which in the case of Mr Macks was $19,000,000.00 then owed to Foster's Brewing Group by him pursuant to court orders made in the Supreme Court of Queensland

I have copied the Commissioner of Taxation and Mr Trevor Coulter on this communique as you will note that it relates to the queries I have raised and the request for a Private Binding Ruling in respect to taxation implications on Liquidated Damages in respect of a current audit of the Trustee of the Andrew Garrett Family Trust No 4.

As you are aware I have made application to remove VID 404 and VID 423 of 2016 which are now the subject of applications for leave to file and serve the applications to remove in the aforementioned proceedings.

Given my experience in the courts below, I anticipate similar issues in the High Court of Australia consequently I have now made complaint to the relevant committees in respect to Rule of Law and Separation of Powers of the Secretariat of the Commonwealth of Nations under the Charter of the Commonwealth of Nations.

Given the Summons to Show Cause why the judgements of Beach J in VID 730, VID 731 and VID 732 of 2014 have not yet been issued by the High Court of Australia despite having been in the possession and control of the High Court Registry since 20th April 2015, I have foreshadowed to that court that two further Summons to Show Cause will now be applied for in respect to the Judgments of Beach delivered in VID 404 and VID 423 of 2016.

I can also confirm that a proceeding also in the original and exclusive jurisdiction will be lodged for filing in the High Court naming the persons listed in my interlocutory application dated 8th February 2016 in VID 949 of 2015 and subsequent applications that were not filed in that proceeding.

The issues arising will also mean an application to the Privy Council as the original jurisdiction naming the Commonwealth of Australia and your respective clients as parties.

Please confirm that you are instructed to accept service of the aforementioned Summons to Show Cause, originating process in the High Court of Australia and Application in the Privy Council.

As you know I served Notices to Admit Facts in VID 404 of 2016 dated 29th May 2016 please note the attached spreadsheets reflecting those admissions

I have recalculated the quantum of loss cost and damage arising on the basis of application of s8 of the Registration of Deeds Act as at 1st July 2016 (see attached), which I claim all parties in VID 404 and VID 423 are jointly criminally and civilly vicariously liable for that Quantum.

1. Re OenoViva IP; $3,471,018,099,753.90

2. Re Notices to Admit dated 29th May 2016; $4,577,228,087.60

TOTAL $3, 475,595,327,841.50

As with all things I continue to reserve all my rights and the entities related to me.

At first blush and on the basis of 30% Corporate Tax Rate it would appear that entities related to me in respect to the liquidated damages as attached that I and/or the Corporate Trustees of Trusts owe the Commissioner a tax payment of $1,042,678,598,352.45.

Of Course, I have made an initial payment of $10,000,000,000.00 in this regard on the basis that the Trustee of the Andrew Garrett Family Trust No 4 is liable for that tax payment and will now draw a payment for the Balance as it will need to be included in my YEJ 2016 accounts for that entity.

I note that the findings of Beach J the my submissions on the law in respect to Bills of Exchange are misconceived are in themselves misconceived.

I hereby request reasons in respect to that bold statement of his honor by way of this communique

Andrew Garrett
Chief Executive Officer/ Winemaker
The Andrew Garrett Group of Companies (TAGGC)

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www.dynamic-cws.com.au

Melbourne
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Melbourne, Vic, 3000

Adelaide
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M: +61 424 324 135
F: +61 (0) 8 8648 0656
E: andrew.garrett@taggc.com.au

ANNEXURE 9

OENOVIVA

ENDURING POWER OF ATTORNEY

BY THIS DEED. ANDREW MORTON GARRETT (Donor) of 10/15 Hunter Street, Hobart Tasmania, 7000 **HEREBY APPOINTS ALI LABABIDI-SALMAJI (ALI)** (Donee) holder of Syrian Passport Number N009176866 to be my attorney and to do on my behalf anything that I may lawfully authorise my Attorney to do in respect to Negotiable Instruments Drawn against the Balance Sheet of OenoViva Capital Resources and in particular International Bills of Exchange Serial Numbers: 60.00039/16; 61.00063/16 & 61.00064/17, subject only to written instructions from the Donor to the Donee from time to time including (but not limited to) application of the Signature of the Donee as that signature of the Donor.

AND BY THIS DEED the donor agrees to ratify whatever the attorney shall lawfully do or cause to be done by virtue of this Deed and the attorney shall be entitled to assume the validity of this power of attorney until otherwise advised.

I DECLARE that this is an Enduring Power of Attorney and will continue to operate and have full force and effect notwithstanding that I may subsequently become incapable. unless otherwise terminated in writing.

EXECUTED AS A DEED THIS WEDNESDAY, 2 MAY 2018

SIGNED SEALED & DELIVERED)
BY ANDREW MORTON GARRETT)
IN THE PRESENCE OF THE FOLLOWING TWO WITNESSES: .....)

OenoViva Capital Resources ABN: 42 388 204 496 Seal

.....
[WITNESS ONE'S NAME AND ADDRESS]
TRACEY LEE HURD, LEGAL ASSISTANT
9/65 MACQUARIE ST, HOBART, TAS, 7000

.....
[WITNESS TWO'S NAME AND ADDRESS]
Alexandra Louise Saunders
Legal Assistant
9/85 Macquarie Street
Hobart TAS 7000

I, ALI LABABIDI-SALMAJI, the person appointed to be the Donee of the power of attorney created by the instrument on which this acceptance is endorsed accept the appointment, and acknowledge

(a) that the power of attorney is an enduring power of attorney and will continue in force notwithstanding the subsequent legal incapacity of the donor:

(b) that I will, by accepting this power of attorney, be subject to the provisions of all relevant laws that govern the administration of the affairs of an incapacitated person.

Signed ..... Date .....
[ATTORNEY]

OENOVIVA

DONOROF ENDURING POWER OF ATTORNEY ANNEXED HERETO

DATED Wednesday, 2 May 2018

OENOVIVA

CERTIFICATION OF AUTHENTICITY

COMMERCIAL IN CONFIDENCE

DATE: WEDNESDAY, 2 MAY 2018

TO: WHOM IT MAY CONCERN

RE: ENDURING POWER OF ATTORNEY GRANTED BY OENOVIVA CAPITAL RESOURCES (DONOR) TO ALI LABABIDI-SALMAJI (DONEE)

We, OenoViva Capital Resources ABN; 42 388 204 496, herewith certify with full responsibility the attached Enduring Power of Attorney executed between Andrew Morton Garrett (DONOR) and ALI LABABIDI-SALMAJI (DONEE), issued this day pursuant to the Deed of Settlement of the Andrew Garrett Family Trust No 4 dated 1st August 2008, our Banking Indenture as a Private Merchant and Investment Bank trading as OenoViva Capital Resources and Dynamic Capital Resources and business activities as the Global Licensor of Intellectual Property known as OenoViva Business Systems and OenoViva Hand Crafting trading as OenoViva (Global)

Furthermore, we certify that the Passport scans annexed hereto are those of the Donor and the Donee and that:

- Negotiable Instruments Drawn against the Credit Value of the Balance Sheet of OenoViva Capital Resources ABN 42 388 204 496 and in particular International Bills of Exchange Serial Numbers; 60.00039/16; 61.00063/16 & 61.00064/1 pursuant to *the Banking Act* 1959 (AU), *the Banking Regulations* 1966 (AU) *the Bills of Exchange Act* 1909 (AU), *the Payment Systems Regulation Act* 1998 (AU) and *the UNCITRAL Convention – 1990 UNITED NATIONS* may be executed at the Direction by the Donee at the written direction of the Donor with full legal effect as if the Donor had personally executed the International Bills of Exchange issued, and

- Intellectual property licenses related to OenoViva Business Systems and OenoViva Hand Crafting may be executed by the Donee on behalf of the Donor with full legal effect.

SIGNED AND SEALED

AUTHORISED SIGNATORY)
ANDREW MORTON GARRETT)
MANAGING TRUSTEE)

Common Seal
OenoViva
Capital Resources
ABN:
42 388 204 496

IPICO
INDUSTRIAL PLANNING AND INVESTMENT CONSULTANT

OENOVIVA

DONEE OF ENDURING POWER OF ATTORNEY ANNEXED HERETO

DATED Wednesday, 2 May 2018

وزارة الداخلية – إدارة الهجرة والجوازات

MINISTRY OF INTERIOR - DEPARTMENT OF IMMIGRATION AND PASSPORTS

MINISTÈRE DE L'INTÉRIEUR – DÉPARTEMENT DE L'IMMIGRATION ET DES PASSEPORTS

رقم الجواز N 009176866

Passport No. Passeport N°

يطلب من موظفي حكومة الجمهورية العربية السورية ومن ممثليها في الخارج وومن في حكم سلطة أخرى تعمل باسم الحكومة العربية السورية ومن السلطات الأجنبة أن تسمح لحامل هذا الجواز بحرية المرور وأن تقدم له كل مايحتاج إليه من مساعدة وحماية

Officials of the Syrian Arab Republic and the diplomatic and consular authorities and any other authority acting on behalf of the Syrian Arab Government together with the relevant foreign authorities are kindly requested to let this passport holder pass freely and to give him the assistance and protection he may need.

Les fonctionnaires du Gouvernement de la République Arabe Syrienne et les représentants à l'étranger et toute autre autorité agissant pour le Gouvernement Arabe Syrien ainsi que les autorités étrangères concernées sont priés de laisser librement passer le titulaire de ce passeport et de lui accorder toute aide et protection dont il peut avoir besoin.

Director of Department of Immigration and Passports or the General Consul

Directeur du Département de l'Immigration et des Passeports ou le Consul Général

PASSPORT جوازسفر PASSEPORT

SYRIAN ARAB REPUBLIC الجمهورية العربية السورية RÉPUBLIQUE ARABE SYRIENNE

Type/Type الرمز P

Country code/رمز البلد SYR

Issue no./N délivrance: 002-14-L072819 رقم الإصدار:

Given Name/Prénom: ALI الاسم: علي

Surname/Nom: LABABIDI-SALMAJI النسبة: لبابيدي ملقب سلمه جي

Father Name/Nom du père: ABDULKADER اسم الأب: عبد القادر

Mother Name/Nom de la mère: ADAWIE اسم الأم: عدوية

Birth Date/Date de naissance: 20/03/1955 تاريخ الولادة:

Birth Place/Lieu de naissance: ALEPPO مكان الولادة: حلب

Sex/Sexe: M الجنس:

PNSYRI ARABIDI<<SALMA JI<<ALI

OENOVIVA

WITNESS & ACKNOWLEDGEMENT

AT: Hobart, Tasmania Australia On this Wednesday, 2 May 2018 before me Dayne Emil Johnson **Notary Public,** the person named hereto did personally appear: Andrew Morton Garrett, verified to me as the Managing Trustee on behalf of OenoViva Capital Resources ABN: 42388 204 496, which registration and existence was proved to me and on the basis of satisfactory evidence, to be the sovereign citizen and/or person whose name is subscribed to be within the Certification hereto and the Enduring Power of Attorney dated 2 May 2018 annexed hereto and stated to me that he signed in his authorised capacity for the entity upon which he executed the aforementioned Enduring Power of Attorney. I take no responsibility for the contents or efficacy of the document in any jurisdiction.

WITNESSED BY MY HAND AND OFFICIAL SEAL HERETO:

Dayne Emil Johnson;
Notary Public
Level 9/85 Macquarie Street
Hobart Tasmania Australia

MY COMMISSION: TERM OF MY LIFE SIGNATURE: .....

APOSTILLE

(Convention de La Haye du 5 octobre 1961)

1. Country	**Australia**
This public document	
2. has been signed by	**Dayne Emil Johnson**
3 acting in the capacity of	**Notary Public**
4. bears the seal/stamp of	**Dayne Emil Johnson, Notary Public**
	Certified
5. at **Hobart**	6. **the 3rd day of May, 2018**
7. by **Heath Ware**	**Department of Foreign Affairs and Trade Hobart Australia**
8. No. **HFAF-A7-1322**	
9. Seal/Stamp	10. Signature

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ANNEXURE 10

Monday, 6 May 2019

IPICO,
Attn; Mr. Ali Lababidi,
P.O Box 24767
Riyadh P.C 11456
Saudi Arabia
Email; alilababidi2009@hotmail.com

OENOVIVA

OenoViva Capital Resources
OenoViva Global
ABN 42 388 204 496
Level 6, Reserve Bank Building,
111 Macquarie Street,
Hobart, 7000, Tasmania
Phone: +61 1300 OENOVIVA
Fax: +61 (0) 3 8677 6542
Email: admin@oenoviva-capital-resources.com

www.oenoviva.com
www.oenoviva-capital-resources.com

RE: INVESTOR TRANSACTION CODE: OVCR/POA/MAY2018
Extension of Maturity Dates and Identification re;

1. IBOE: ISIN: AU0000023194/CFI: DCZSFB/
   FISN: OENOVIVA/BEX 20221001 GTD FM BR/
   SN; 60.00039/16 For Effect 31st August 2017

2. IBOE: ISIN: AU0000023194/CFI: DCZSFB/
   FISN: OENOVIVA/BEX 20221001 GTD FM BR/
   APOSTILLE NO: HFAF-JS-937/ **SN; 1.00063/17**
   For Effect 9th May 2019

3. IBOE: ISIN: AU0000023194/CFI: DCZSFB/
   FISN: OENOVIVA/BEX 20221001 GTD FM BR/
   APOSTILLE NO: HFAF-AF-1334/ **SN; 61.00064/17**
   For Effect 9th May 2022

LETTER OF CONFIRMATION OF EXTENSION OF MATURITY DATES AND ISSUANCE OF INTERNATIONAL SECURITY IDENTIFICATION NUMBER (ISIN): AU0000023194/ CLASS OF FINANCIAL INSTRUMENT IDENTIFICATION (CFI): DCZSFB/FINANCIAL INSTRUMENT SHORT NAME (FISN): OENOVIVA/BEX 20221001 GTD FM BR TO OENOVIVA CAPITAL RESOURCES BY THE AUSTRALIAN STOCK EXCHANGE.

Dear Sir,

I refer to your appointment as Power of Attorney (Donee) for me (Donor) dated 2nd May 2018 which power was specifically limited to acting in that capacity in accordance with my Letters of Instruction in writing; further to my correspondence set out in my letters and those of my solicitors dated 07/05/2018, 10/05/2018, 13/05/2018, 17/05/2018, 05/07/2018, 07/07/2018, 11/07/2018, 13/07/2018, 17/07/2018, 19/07/2018, 21/07/2018, 23/07/2018, 21/09/2018, 04/12/2018 and otherwise in text and email following deposit and issuance of SKR.

In order to be ISO 2000 Compliant within the meaning of the requirements of Association of National Numbering Agencies (**ANNA**) , OenoViva Capital Resources (**OVCR**) applied to the Australian Stock Exchange (**ASX**) for registration and issuance of ISIN, FISN & CFI, subsequently the ASX issued OVCR the Identification details as set out above which incorporates a Maturity Date of the 1st October 2022; these identification details enable the instruments the subject of your Power of Attorney to be traded on Australian & International Exchanges if so required.

The ISIN may be validated by reference to the ISINs published by the ASX on its website, neither the FISN nor the CFI are published by the ASX. Currently, Instruments issued by OVCR are not quoted/listed on the ASX for trading but may be listed on that exchange at some future date.

Common Seal OenoViva Capital Resources ABN 42 388 204 496

A list of ISINs published by the ASX may be downloaded from the ASX website as an Excel spread sheet alternatively contact may be made with the ASX ISIN services at;

https://www.asx.com.au/services/information-services/isin-services/contact-isin-services.htm

XINEAV	ANNA UNQUOTED ISIN'S	SEC UNCITRAL INTRNTL BILL OF XCHNGE PROMISSORY NTS	AU0000023194

As a consequence of the aforementioned steps I write to advise that the Maturity Dates for effect of the Instruments referred to above has been extended to be the 1st October 2022 which date is expressed within the FISN.

The Apostille affixed to the Instrument by the Department of Foreign Affairs and Trade by reference to the Apostille Reference Number; see below;

a. To comply with foreign requirements, Australian documents sometimes need additional government Legalisation before they can be used overseas. The Department of Foreign Affairs and Trade ("**DFAT**") provides a number of Legalisation services to help Australian documents meet the requirements of foreign governments.

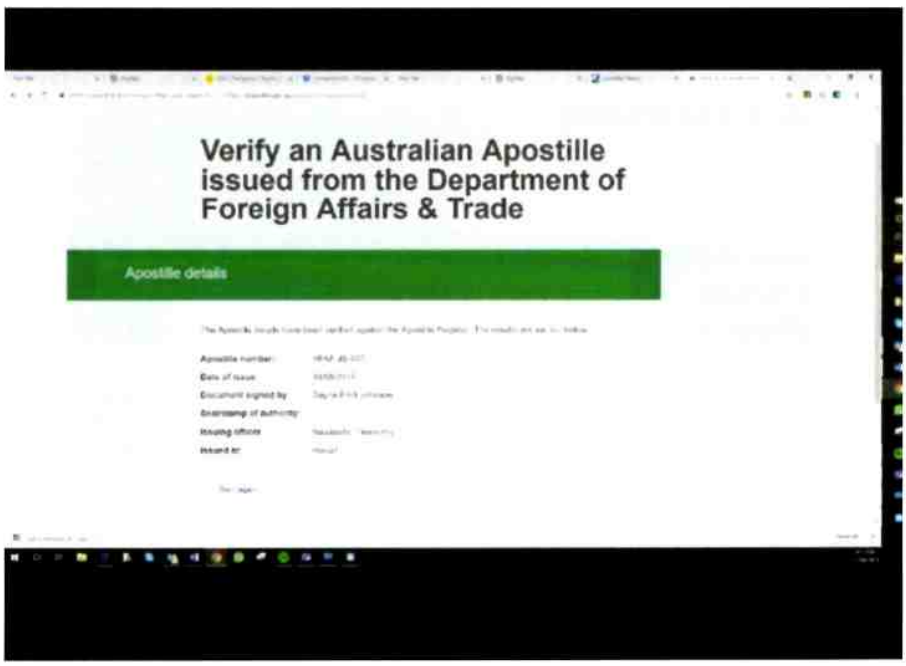
b. All Australian Apostille documents are only affix Appostille once. When the registration is in place the document will not be re-registered.

c. Australian Apostille documents are all registered by DFAT

d. The registration number is the unique identifying number shown in section 8 on the Apostille itself.

e. An independent link shows " How overseas parties can check Apostilles https://apostillestamp.com.au/how-overseas-parties-can-check-apostilles/

f. Verification of the Registration Number the document is undertaken by search of the DFAT data base at https://orao.dfat.gov.au/pages/verifyapostille.aspx



In all other respects the identification Serial Numbers of the instruments remains unchanged and may be continued to referred to by the Serial Number set out on the face of the Instruments.

Amman Oenovia Capital Resources ABN: 42 388 204 496 Seal

I, Andrew Morton Garrett, hereby swear under penalty of perjury, that the information provided herein is accurate and true as of this date: Monday, May 6, 2019, for and on behalf of OenoViva Capital Resources

Signature: _____

Name / Title: Andrew Morton Garrett, Chairman/Managing Trustee

Entity: OenoViva Capital Resources

Passport Number: AUS #N3926144
Date of Issue: 3rd March 2011
Date of Expiry: 3rd March 2021
Issuing Authority: Commonwealth of Australia

Passport Number: GBR 538401308
Date of Issue: 15/08/2016
Date of Expiry: 15/08/2016
Issuing Authority: Great Britain and Northern Ireland

The Unfortunate Background to Derek Bromley's Criminal Appeal

Dr Bob Moles*

Bob Moles is one of Australia's leading experts in wrongful convictions. In this article he traverses the controversial career of Dr Colin Manock. By all accounts, during his professional life, Dr Manock appears to have misrepresented his qualifications and engaged in malpractice. As Bob demonstrates here, the time has come for Australian governments, who drew on Manock's self-proclaimed expertise in ways that resulted in convictions, including that of Mr Derek Bromley, to re-examine this body of work and the extent to which it has resulted in many possible miscarriages of justice. This article refers to the deaths of an Aboriginal boy and of an un-named Aboriginal man. Advice was sought from Elders in the interests of justice and of the families and communities involved.

In recent times there have been over 4,000 criminal convictions which have been overturned, in countries comparable to ours, after having exhausted all usual avenues of appeal. In the United States, Michigan University's *National Registry of Exonerations* lists the current figure of exonerations since 1989 at 3,565.[1] The Canadian registry of wrongful convictions has 89 cases.[2] The United Kingdom has had 586 successful appeals as a result of the work of the Criminal Cases Review Commission (CCRC) since 1997.[3] By comparison Australia and New Zealand have had very few.

Among all these cases, there has not been one that compares with the situation which has occurred in South Australia.[4] It should be emphasised that a most significant issue found to be the cause of wrongful convictions in these cases is the failure in the duty of disclosure.[5] "Duty" is clearly important as referring to something which is mandatory, not discretionary. It requires, in the context of the prosecution case, that, if the Crown knows of any matter which goes to the credibility or competence of a prosecution witness or may open up a new line of inquiry which might benefit the defence it *must* be disclosed. It does not matter whether the prosecutor had personal knowledge of the information or not.[6] It includes anything which is relevant and in the possession of or available to the Crown, which includes the police, forensic services and any government departments. The prosecutor must make inquiries to see if disclosable material exists. The obligation is continuing, post-trial and even post-appeal.

* An Adjunct Associate Professor at Flinders University. He is known for his expertise and publications in legal theory and wrongful convictions. He founded Networked Knowledge [NetK] and played a key role in the release of Henry Keogh. Dr Moles has worked on cases like Derek Bromley and Frits Van Beelen. His work has significantly contributed to reforming post-conviction pathways, including the right to a second appeal in South Australia and other states.

[1] University of Michigan, *National Registry of Exonerations* <https://www.law.umich.edu/special/exoneration/Pages/about.aspx>.

[2] The Canadian Registry of Wrongful Convictions, *Wrongful Convictions Data Visualized* <https://www.wrongfulconvictions.ca/data>.

[3] Criminal Cases Review Commission (UK), *Facts and Figures* <https://ccrc.gov.uk/facts-figures/>.

[4] The law and media reports, submissions and other materials relating to each case referred to in this article are available at the respective NetK Homepage listed at <http://netk.net.au/reports.asp>. This includes the full text of the chapter discussing each case in Robert N Moles, *A State of Injustice* (Lothian Books, 2004). Issues relating to Dr Manock and not specific to an individual case are available at the NetK Dr Manock Homepage <http://netk.net.au/ManockHome.asp>.

[5] J Ungoed-Thomas, "Courts Are Close to Collapse Over Police Disclosure Failures", *The Guardian*, 31 October 2021. The Crown Prosecution Service had reported that 1,648 cases had collapsed over disclosure failures in the previous year.

[6] B Sangha and R Moles, *Miscarriages of Justice: Criminal Appeals and the Rule of Law in Australia* (LexisNexis Butterworths, 2015) 243–248.

The recent cases emphasise, "[t]he duty of disclosure is owed to the court and not to the defendant" – "it is a duty owed to the court and not a duty, enforceable at law at the instance of the accused".[7] In a 2014 judicial inquiry into the conviction of David Eastman in 1995, Acting Justice Martin concluded that Eastman had been denied procedural fairness due to failures in disclosure by the prosecution of all relevant material.[8] He said those failures related to issues which had been raised with the prosecution about the qualifications and competence of the Crown's forensic witness in the case. They had been recorded on file by the prosecution but not disclosed. He said that file notes about other experts raising concerns in conversations should have been handed over as well as more formal statements and reports. He noted that they were the standards which applied in 1995. No doubt they were also applicable at the time of Mr Bromley's trial in 1984.

Earlier in his career Mr Martin had been the senior prosecutor at the trial of Derek Bromley who was convicted of the murder of Stephen Docoza in 1984.[9] It was claimed that Bromley had assaulted and then drowned Docoza in the River Torrens in Adelaide. The body was recovered five days later, in an advanced state of putrefaction. The forensic evidence as to cause, timing and circumstances of the incident was central to the prosecution's case. It was given by Dr Colin Manock who had been the chief forensic pathologist in South Australia since 1968. So, were there any deficiencies in the duty of disclosure by Mr Martin at the Bromley trial in 1984?

A Chronology of Manock's Questionable Career

Prior to his appointment in Adelaide, Dr Manock had no formal training in forensic pathology. Yet, from the early 1970s, he presented as a Fellow of the College of Pathology of Australasia. This prestigious qualification normally requires five years of study and two rounds of demanding examinations. However, Dr Weedon, on behalf of the College, said Manock was just given the certificate in 1971 "because of the seniority of the position he held".[10] All of the formal study and examination requirements were waived. This arrangement has never been disclosed in any subsequent proceedings in which Dr Manock gave evidence.

In the mid 1970's, Manock took civil action against the forensic science centre (then called the Institute of Medical and Veterinary Science) and "the State of South Australia" about the terms of his employment. Dr Bonnin, then head of the forensic science centre, gave sworn evidence in the Supreme Court that Manock was "unable to do certifying the cause of death because of his lack in Histopathology".[11] He was appointed "in spite of his youth and inexperience and lack of a specialist qualification".[12] That evidence was clearly more important than the undisclosed file notes referred to by Justice Martin in the Eastman case. Yet Bonnin's views were never disclosed in any of the subsequent 400 criminal convictions which Manock helped to secure, a significant number of which were based upon his certifications of the cause of death. Importantly, they were not disclosed by Mr Martin at Mr Bromley's trial.

There was, in addition, other evidence which ought to have been disclosed. For example, Frits Van Beelen had been convicted of murder in the early 1970s. The timing of death was crucial and based upon Manock's visual inspection of stomach contents of the young girl who had been killed. Manock said he could give a precise time of death, based upon her rate of digestion, about which he was "virtually

[7] *R v Keogh (No 2)* (2015) 255 A Crim R 546, [62] (Blue J); [2015] SASC 180. Blue J further adds in footnote 78 of the decision that "the defendant is the beneficiary of the duty".

[8] Sangha and Moles, n 6, 273–276. See also B Martin, *Inquiry into the Conviction of David Harold Eastman for the Murder of Colin Stanley Winchester*, Report of the Board of Inquiry, 2 <https://www.courts.act.gov.au/__data/assets/pdf_file/0010/977680/eastman_inquiry_-_board_of_inquiry_redacted_full_report_29_may_2014.pdf>.

[9] He was appointed "Senior Crown Prosecutor" in 1982.

[10] ABC 4 Corners, *Expert Witness* (22 October 2001). Television and radio programs on these and related issues are available at <http://netk.net.au/VideosHome.asp>.

[11] See Dr Byron Collins, *ABC 4 Corners "Expert Witness"* (22 October 2001) where he explains that histopathology is an essential part of any complete autopsy.

[12] Dr Bonnin transcript of evidence at <http://netk.net.au/Manock/IMVS.pdf>.

certain". Following the conviction, Professor Horowitz and Dr Pounder published an article in a scientific journal to say that the time of death Dr Manock had given had no scientific basis to it.

Shortly after, under cross-examination in another case, Dr Manock was questioned on Professor Pounder's statement about the *Van Beelen v The Queen* case. "I did see that comment, yes" he replied. He then responded:

> Counsel: And would you agree that estimates of time of death on the basis of stomach contents are very unreliable.
>
> Dr Manock: I do agree with that.[13]

The High Court, some 40 years later, affirmed that Manock's time of death calculation in this case had no scientific basis to it.[14]

In 1979, David Szach was convicted of the murder of a prominent criminal lawyer in Adelaide. The body had been found in the freezer at his home office. At the trial, the prosecutor (Mr Martin) told the jury that Dr Manock's precise time of death calculation put the accused at the scene at the time the death occurred. However, five weeks before the Szach trial, Dr Manock's deputy wrote to the coroner to say that any calculation of a time of death using any of the existing formulas would be "reckless". Dr Manock not only used the formula; he then changed the answer he arrived at by 40% because of the position of the body. In 1994, the leading UK expert on timing death from post-mortem temperatures issued a report stating that Manock had used figures "plucked from the air". Another expert (Dr Byron Collins) said Manock's calculation would not have been used by any practising pathologist at the time.

In 1978, in the remote outback town of Mintabie, Dr Manock was called to the scene where an Aboriginal man had been shot and killed in the street.[15] Instead of using nearby premises which had been cleared for the purpose, he decided to do the "autopsy" in the street. He had two empty oil drums set in front of him with a sheet of corrugated iron on top. The body was stripped and placed before him. Then, in front of the local traders and people who happened to be in the area, he opened up the chest, removed the internal organs and threw them into a bucket at his side. Then, scooping up bodily fluids from within the cavity he offered the ladle to bystanders asking "anyone for soup?" The detective from Adelaide was reported to have said, "Oh, typical Colin".

Some years later, Dr Manock's deputy informed the medical board that a pathologist cannot do anything to a deceased person without the explicit consent of the coroner:

> No pathologist is allowed to carry out a post-mortem examination unless the Coroner has specifically nominated that person when and where they can conduct that post-mortem examination.[16]

Clearly, not in the street, and not in front of those known to the deceased.

In 1981, Mrs Emily Perry was convicted of the attempted murder of her husband by poisoning him with arsenic. The High Court, in overturning the conviction in 1982, stated that Manock's evidence was "not fit to be taken into consideration". It said prosecutors should use people who are "substantially" and not just "nominally" experts in their field.[17] Mr Martin was a prosecutor in this case. None of the adverse reports from the leading experts in the Van Beelen and Szach cases, or the adverse judgment of the High Court in the Perry case were disclosed to the court by Mr Martin when putting forward Dr Manock as a credible expert witness at Mr Bromley's trial.

There was another important issue which went to Dr Manock's integrity. Shortly before Mr Bromley's trial Dr Manock had completed the last of three job applications. The first was in March 1968 when Manock applied for the job of chief forensic pathologist. He said that, while he was in Leeds he had completed 1,200 coroner's postmortems of which "30 were murder cases for which I was personally responsible".

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[13] Cross-examination at the trial concerning the death of Mrs Cooke arising from an autopsy conducted on 14 April 1984, transcript 829.

[14] *Van Beelen v The Queen* (2017) 262 CLR 565, 591; [2017] HCA 48.

[15] D Rooke, *A Witness of Fact* (Scribe, 2022) Ch 5.

[16] R Moles, *Losing Their Grip: The Case of Henry Keogh* (Elvis Press, 2006) 192.

[17] *Perry v The Queen* (1982) 150 CLR 580, 600.

The second was in May 1977 when he applied for the post of Director of Forensic Pathology. He stated he had completed 1,400 coroner's autopsies while he had been in Leeds, with 35 homicide cases "in which I was wholly responsible for the medical investigation and the presentation of evidence". This is an increase of 200 autopsies and five murder cases. His claim that he was "wholly responsible" for the evidence in 35 homicide cases is, in light of what we now know, a deeply disturbing claim which should, no doubt, be reported to the UK CCRC. The third application was in August 1983 when Manock applied for the post of Director of the Forensic Science Centre. He stated he had completed 1,845 coroner's autopsies while in Leeds. This was a 50% increase in the numbers of autopsies declared in his original job application. In each of the last two applications he put the chief prosecutor in South Australia as a referee. The last application had "Crown Prosecutor, Brian Martin esq". This was just months after the decision of the High Court in the Perry case and only a few months before the trial of Mr Bromley. As all three applications were to the same employer, even the most basic due diligence would have brought to light these anomalies.

So, prior to Bromley's trial in 1984, there was incontrovertible evidence that Manock was not qualified or competent as a forensic pathologist or as an expert witness. Leading experts and the High Court had found that Manock's evidence in major cases had been false or misleading. Clearly, he had not been honest about his experience and qualifications. None of this was disclosed at Mr Bromley's trial.

In addition, there were other important issues which occurred subsequent to Mr Bromley's trial, and which should have been disclosed to the court as part of the further appeal proceedings which commenced in 2013. Gerald Warren, a 15-year-old Aboriginal boy, had been found dead in the outback in 1985. Manock said the death was the result of an accident. He said Gerald had fallen from a moving vehicle while intoxicated. Later, after the perpetrators had confessed, Manock was told it had been a murder. His initial autopsy report stated that the parallel marks on the injuries to the boy's hand and face were caused by contact with the corduroy of his trousers as he fell from a moving vehicle. He later told the jury that the marks had resulted from blows from a metal pipe with a thread on the end of it. He also accepted that Gerald had not fallen from a vehicle as he originally stated. He told the jury that the major injuries had been caused by a vehicle being driven backwards and forwards over Gerald's body. Manock did not accept his original findings had been erroneous. He told the jury that the physical forces in both scenarios would have been "very similar". He claimed the injuries he found at autopsy were therefore consistent with both explanations. That clearly was false.[18]

In 1990, Terry Akritidis had been found dead at the base of a telecommunications tower on a hill outside Adelaide. Manock had not undertaken the initial autopsy but reported to the coroner on the case. He said the death was a suicide resulting from a fall from the tower, with the body hitting the roof of the adjacent building at 100 kms per hour. The impact of the body had knocked a hole in the roof, which was made of thick, heavily reinforced concrete. The impact had not caused any serious external injuries. Manock explained this was because his clothing (a shirt and a pair of jeans) "had been interposed between his body and the surface that it struck". Clearly, that explanation was also false.[19]

Manock also changed the time of death from that given by the first pathologist who said the evidence of rigor mortis meant it occurred 12 hours before the body was found. Manock said the actual time of death was 12 hours before the body was undressed at the autopsy the following morning. That was two hours *after* his dead body had been found by the police. The initial timing would have placed the young man at a regional police station at that time. Manock's evidence about "the suicide" and the revised timing clearly avoided an inquiry into what might otherwise have been a death in police custody.

Peter Marshall's death in 1992 was equally perplexing. He was found lying on the floor of his ground-floor unit with blood pooling around his head. Manock told those in attendance that Marshall had most likely bumped his head on the bedside table as he fell out of bed. He also suggested it might have been "an aneurism because of the amount of blood around his face". An aneurism may lead to internal bleeding as a result of a burst blood vessel but cannot explain bleeding external to the body. Manock's

[18] Robert Moles, *A State of Injustice* (Lothian Books, 2004) 102–108.

[19] Moles, n 18, 125–138.

explanation resulted in the autopsy being delayed while the scene had been cleaned. He subsequently announced that scans during the autopsy procedure had revealed an opaque object (a bullet) lodged in his brain. A news report stated, "[t]he speckling indicates the weapon was fired in proximity to his face". Despite Manock stating in his job applications that his special interest was firearms injuries, he appears not to have noticed that Marshall had been shot at close range or that the source of the bleeding was a hole in the skull.

In 1994 Dr Manock's autopsies of three young babies eventually caused such a public outcry that he finally tendered his resignation. Each baby was under one year of age and they were unrelated to each other. Manock determined they had all died of bronchial pneumonia. The subsequent coronial inquiry found they had suffered severe non-accidental injuries. One had 15 broken ribs. There was also a fractured skull and a very serious fracture of the spine in one case along with other broken bones, extensive bruising and burns. The coroner found that Manock had claimed to have seen things that couldn't have been seen (such as signs of a chest infection) because they did not exist. He said Manock's autopsy reports achieved the opposite of their intended purpose. They had closed off criminal inquiries instead of opening them up. He found that Manock had given answers on oath which were "spurious" – not genuine, not true.

At the time he completed his report, the coroner said he said he was sensitive to the fact that Mr Keogh's murder trial was about to start. It was alleged that Keogh had drowned his fiancée in the domestic bath at their home. The coroner said he was aware that Manock was to be a principal Crown witness, so he decided, of his own volition, to delay publishing the Findings until after the trial had concluded.[20] We now know that Mr Keogh's conviction was also based upon Dr Manock's claims to have seen things (signs of murder) which couldn't have been seen – because, as the appeal court subsequently found, they too did not exist. If the disclosure of the baby deaths coronial findings had led to a mistrial for Mr Keogh, that would have been preferable to the 20 years of his wrongful imprisonment.[21]

Keogh had been convicted of murder in 1995. He undertook a series of applications for further appeals in an attempt to reopen his case, all without success. These included submissions to the Medical Board which sought an investigation into Dr Manock's "unprofessional conduct". In his evidence to the inquiry, Manock contradicted the evidence he had given at Keogh's trial on a number of important issues, especially concerning the means by which the so-called murder had occurred. It was subsequently found that in the Board's internal communications, the pathologists had been scathing in their references to Dr Manock's incompetent and sub-standard work and the fact that he had no formal qualification in his speciality. Dr Coleman had said that "[t]he documentation in the autopsy in question was manifestly inadequate, even by the lowest of standards". He added, "the standard of the conduct of the autopsy and the quality of the resulting evidence was markedly sub-standard to the point of incompetence". It is clear that such reports, provided as they were by eminent specialists in the field of pathology, were disclosable by the Crown in subsequent legal proceedings involving Manock.

It should be noted, in Mr Keogh's appeal against conviction, his highly respected barrister failed to mention the non-disclosure of the Coronial findings.[22] When subsequently asked about this he responded by saying he "could not see how they could assist Keogh". He added, "he did not have time to consider them in more than an embryonic level and was without the opportunity for an in-depth analysis prior to the appeal being heard".[23] There were three months between the conviction and the appeal, and the findings comprised around 70 pages.

In May 2013 the Parliament of South Australia passed legislation to create a right to a second or further appeal.[24] Mr Keogh applied for leave to appeal. He was then provided with a forensic report which

[20] Affidavit of Mr Michael Sykes, Solicitor (7 November 1996) <http://netk.net.au/Reports/Affidavits_Sykes.asp>.

[21] Sangha and Moles, n 6, 355–403.

[22] They were eventually published two days after Mr Keogh was convicted.

[23] Affidavit of Michael Sykes, n 20.

[24] The materials relating to this issue are available at the Netk Appeals: new statutory right of appeal Homepage, <http://netk.net.au/AppealsHome.asp>.

the Solicitor-General had commissioned nine years earlier. It stated that "there was a lack of essential pathological findings" to support the view that there had been a forcible drowning.[25] It stated it was most likely that she died during a fall after she collapsed or fainted in the bathroom.[26]

The forensic report was not disclosed at the time. The Solicitor-General recommended the case not be referred to the appeal court. It subsequently took Channel 7 several years of litigation and the appointment of three interstate judges to order the release of that report.[27] The former Solicitor-General had, by then, been appointed to be the Chief Justice in South Australia and the South Australian judges were unwilling to rule on the matter. On the hearing of Mr Keogh's appeal, the court determined that Dr Manock's evidence had been false and misleading on important issues and other possible causes of death had not been properly explored.

Mr Bromley's appeal was very similar to that of Mr Keogh. Both cases involved a suspected homicidal drowning and the chief witness for the Crown in respect of cause of death, time of death and the identification of injuries was Dr Manock. However, his lack of qualifications and the many adverse findings had not been mentioned in any criminal proceedings prior to Mr Bromley's appeal. He was determined to change all that. He spoke and wrote to his senior counsel emphasising the need to put Manock's lack of qualifications at the forefront of the appeal. That would inevitably mean that the whole of Manock's evidence would have been inadmissible. His written instructions were:[28]

> I, Derek John Bromley, instruct you and the rest of my legal team to include Colin Manock's qualifications in the evidence we put before the Supreme Court during my appeal on the 20th March 2017. I want this done irrespective of whether we get any information from elsewhere.

The barrister agreed to do that. He said he would also provide expert evidence to demonstrate that Dr Manock did not know how properly to diagnose a drowning case, as was done on the Keogh appeal. He retained Professor Thomas who had given evidence to the baby deaths inquiry and to the Keogh appeal along with Dr Byron Collins who has a special interest in drowning cases. The Crown appointed Dr Mathew Lynch who had also given similar evidence in the Keogh appeal. All experts agreed that Dr Manock's evidence about the timing and causes of bruising and injuries, in relation to a body which had been in the river for five days, had no scientific support. They said his autopsy findings were so incomplete they were insufficient to enable them to exclude a death by natural causes and that all of the injuries could have occurred in the postmortem period.

Just before the appeal concluded Bromley's senior counsel informed the court that the evidence about Manock's history of failings and lack of qualifications would be withdrawn. The other criticisms concerning Dr Manock's autopsy findings in this case would remain. The appeal court then decided that the unchallenged evidence about Manock's failed autopsy procedures was not sufficiently compelling to pass the test for leave to appeal. They said that the other (non-pathological) evidence in the case was sufficient to satisfy them that the deceased had not died from natural causes and that he had in fact been drowned.[29]

Evidence from the pathology experts in Mr Keogh's case that were sufficient to require the conviction to be set aside, now appeared insufficient for the grant of leave to appeal for Mr Bromley. Unfortunately, the adequacy of the reasoning by the appeal court on that matter would not be subjected to review by the High Court. The application for special leave to appeal to the High Court was referred by the three judges to the full court of five judges.[30] In doing so, and without reasons being given, the referral specifically excluded the forensic pathology evidence from their consideration.

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[25] Sangha and Moles, n 6, 384–388; See also reports on the NetK Henry Keogh Homepage <http://netk.net.au/KeoghHome.asp>.

[26] A subsequent report from another specialist retained by the Crown for the appeal stated there was "no evidence" to suggest the death was other than a presumed drowning following a fall with a head injury.

[27] It is now available at the NetK Henry Keogh homepage.

[28] Rooke, n 15, 191.

[29] For a critical evaluation of their judgment, see B Sangha and R Moles, *Research Report with regard to R v Bromley* [2018] SASC 41 (22 March 2019) <http://netk.net.au/BromleyHome.asp>.

[30] *Bromley v The King* [2022] HCATrans 158.

On 20 March 2023 we provided a submission to the Premier, the Attorney-General and the Director of Public Prosecutions (DPP) shortly before the High Court hearing of the leave application before the High Court.[31] It stated that the DPP had asserted in his written submissions that the High Court must accept the evidence of Dr Manock as given at Bromley's trial, because it had not been challenged at that time. We pointed to the Crown's duty of disclosure and the need to inform the court of Dr Manock's catastrophic record including the earlier findings of the High Court itself. We pointed to the earlier legal decisions which determined that the securing or maintaining of a conviction based upon evidence known to be false or misleading would amount to "an unspeakable outrage" and "criminal misconduct at the extreme end of official corruption". The submission was tabled in the South Australian parliament on 23 March 2023.

The DPP repeated in oral submissions to the High Court the need for the court to rely upon Dr Manock's evidence at trial, without disclosing any aspects of his history of failures or lack of qualifications. The court, by a majority, determined to refuse leave to appeal.[32]

Possibilities Beyond the High Court

Many would regard an adverse decision by the High Court to be the final word on the case. However, other possibilities are available. There is provision in the new appeal legislation for a second *or further appeal*. The evidence provided to the Supreme Court by Dr Bonnin about Manock's inability to certify the cause of death and his lack of expert qualifications should be sufficient. The members of the Medical Board subsequently affirmed long after Manock's retirement that he "does not appear to have up-skilled himself in any significant way".[33] As we have seen, through no fault of Mr Bromley, these issues have not been previously raised in any legal proceedings.

There is also the material referred to in this article and in a series of books and television programs. Since February 2023, we could also add the statements broadcast on national television in Australia, by Dr Richard Shepherd, a leading forensic pathologist in the United Kingdom. During his interview, he exclaimed, "Dr Manock isn't a forensic pathologist – he's a charlatan – [t]his man has gone completely rogue".[34] Rather more significant, one might think, than the file notes referred to by Martin AJ in the case of David Eastman.[35]

Another possibility is that which had been raised in Mr Keogh's application to the High Court.[36] It involves an action based on fraud. Mr Game KC had drafted an earlier application to the state Supreme Court raising that issue which had not been activated but remained on the file. The Chief Justice asked whether, if the current application to the High Court was refused, the previous application would be filed to commence those fraud proceedings. Mr Game said he expected it would be. While that did not eventuate, the option is still clearly available.[37]

Key Features of Fraud Proceedings

The approach of the courts to issues of fraud is that "fraud unravels everything".[38] In a case where a witness had chosen to commit perjury by concealing evidence about his credibility (as we would say

[31] It is available at <http://netk.net.au/Manock/Manock49.pdf>.

[32] *Bromley v The King* (2023) 98 ALJR 84; [2023] HCA 42. For a critical evaluation of their judgment, see Dr Bob Moles, *Research Report: "La-La Land or the Rule of Law - The case of Derek Bromley"* (21 May 2024) <https://netk.net.au/BromleyHome.asp>.

[33] Professor Ian Maddocks, 9 November 2004 <http://netk.net.au/MedicalBoard/Maddocks18nov.asp>.

[34] Channel Nine, *Under Investigation: The Disgraceful Dr Manock* (22 February 2023). The program and transcript are available at the NetK Dr Manock Homepage.

[35] Sangha and Moles, n 6, 273–276..

[36] *Keogh v The Queen* [2007] HCATrans 693.

[37] See B Sangha, "Extending the Scope of Post-Conviction Reviews" (2007) 30 Aust Bar Rev 90; B Sangha, RN Moles and K Roach, *Forensic Investigations and Miscarriages of Justice: The Rhetoric Meets the Reality* (Irwin Law, 2010) 169–187; Sangha and Moles, n 6, 207–228. See also *NetK Fraud Homepage* <http://netk.net.au/FraudHome.asp>.

[38] Sangha and Moles, n 6, 211, citing *SZFDE v Minister for Immigration and Citizenship* (2007) 232 CLR 189, [29]; [2007] HCA 35 referring to Denning LJ in *Lazarus Estates Ltd v Beasley* [1956] 1 QB 702, 712–713.

Dr Manock had done) the court said that the concealment amounted to a fraudulent misrepresentation of a material fact – that he was honest and truthful. Its purpose was to deprive the court of the opportunity to make a full and public assessment of the value of his evidence. The court added:[39]

> It is beyond doubt that it is the duty of the prosecution to give that kind of information to the defence if, of course, they are aware of it. It is simply unbelievable, if the defence here had known about [the witness] in this respect, that they would not have cross-examined him about it, probably with telling effect.

In relation to Dr Manock, many senior lawyers and eminent specialists reported they were unaware of his lack of qualifications:[40]

> They claim they only found this out after Manock retired, when other people started looking into his career and background, and dug out the dusty, long-forgotten transcript of the legal action he launched against the IMVS for constructive dismissal. In fact, it seems nearly everyone was kept in the dark about the fact that Manock was deemed unable to perform the job he was appointed to by his former boss, and was essentially gifted the qualification he required to appear as an expert witness in court.

It is said that: "Fraud is conduct which vitiates every transaction known to law. It even vitiates a judgment of the court. It is an insidious disease".[41]

Importantly, for our purposes, on the question of whether a decision should be rescinded on the basis of fraud, the courts have taken the view that "the fraud issue is tried alone".[42] The High Court has referred to the need for "separate proceedings" where it is alleged the judgment was obtained through fraud.[43] If Mr Bromley were to establish for example, that Dr Manock was not qualified to give expert evidence in court, then that would be sufficient to have the whole of his evidence excluded. It would then only be necessary to establish that it could have had *some* influence on the outcome of the proceedings for the conviction to be set aside.[44]

In the case of *Moseley v Director of Public Prosecutions* (*Moseley*), it was claimed that the criminal appeal court had set aside a conviction on the basis of a fraudulent misrepresentation by a third party who had confessed to committing the crime. The prosecutor brought the fraud application by way of an originating motion in the *civil* jurisdiction of the court on a balance of probabilities. The application was to a single judge of the Supreme Court in the absence of a right of appeal. The prosecutor wanted the appeal court judgment to be set aside, thereby reinstating the original conviction.

The action is commenced by an original bill to set aside a judgment based on fraud and can be filed *without leave*.[45] The Supreme Court of South Australia has the same powers to control its procedures as the High Court of Chancery in England. Its equitable jurisdiction includes the jurisdiction to set aside common law judgments on the grounds of fraud.[46] It extends, as it did in *Moseley*, to setting aside a criminal appeal judgment as well as a determination of a court of first instance.[47] The standard of proof is on the balance of probabilities, and that remains so, even where the matter to be proved involves criminal conduct or fraud.[48] However, as the court pointed out in *Moseley*, the onus discharged by the defendant to secure a retrial was not proof beyond reasonable doubt, nor even proof on the balance of probabilities, but rather proof of a "significant possibility" that a reasonable jury would have acquitted.[49]

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[39] Sangha and Moles, n 6, 217, citing *R v Crown Court at Knightsbridge, Ex parte Goonatilleke* [1986] QB 1.

[40] Rooke, n 15, 54–55.

[41] Sangha and Moles, n 6, 211, citing *Farley (Aust) Pty Ltd v JR Alexander & Sons (Queensland) Pty Ltd* (1946) 75 CLR 487.

[42] *Moseley v Director of Public Prosecutions* [2013] HCATrans 237.

[43] *DJL v Central Authority* (2000) 201 CLR 226, [94]; [2000] HCA 17.

[44] *Clone Pty Ltd v Players Pty Ltd (in liq)* (2018) 264 CLR 165, [12]; [2018] HCA 12.

[45] *Moseley v Director of Public Prosecutions* [2013] HCATrans 237, [39], citing *Harrison v Schipp* (2002) 54 NSWLR 612, [18]–[19]; [2002] NSWCA 78.

[46] *Moseley v Director of Public Prosecutions* [2013] HCATrans 237, [43]–[45].

[47] *Moseley v Director of Public Prosecutions* [2013] HCATrans 237, [46]–[49].

[48] *DPP v Moseley* [2013] NTSC 8 (citations omitted).

[49] *Moseley v Director of Public Prosecutions* [2013] HCATrans 237, [57].

The reference to further proceedings based upon fraud includes "perjury, deceit, manifest error and bad faith". References in the cases include conduct by "the prosecution" or a "witness" for the prosecution who had chosen to commit perjury by concealing evidence about the credibility of a witness. The court said in such cases, the conviction had been a "fraud and a mockery, the result of conspiracy and subornation of perjury".[50]

Certiorari, the quashing or setting aside of a prior judgment of a court, is the appropriate remedy where a conviction has been obtained by collusion or fraud. It is not an appeal. "The prosecution" does not refer to any particular body or group but includes all those responsible for the conduct of the prosecution whether one is responsible for the conduct of the other or not.[51] It clearly includes the police and any expert witnesses called by the crown. It is said the suppression of the truth has the same effect as putting forward a falsity, and may therefore distort the process leading to a conviction.[52]

If the fraud is only discovered after an appeal on other grounds is dismissed, there is no remedy, unless the court at first instance (the trial court) retains the power to set aside a judgment obtained by fraud in the exercise of a power long recognised in common law jurisdictions. This was acknowledged by Kourakis J, now Chief Justice in South Australia.[53] It has been said that:

> It would be a monstrous injustice if this court was disabled from bringing down a conviction which was obtained in circumstances where it should have been apparent to the prosecutor that there was no case against the applicant.[54]

The general power of a court to set aside its perfected judgment requires actual fraud. It is not a precondition to the exercise of the power that the party seeking to set aside the judgment exercised reasonable diligence to attempt to discover the fraud during the earlier proceedings.[55]

Conclusion

As mentioned at the outset of this article, the circumstances supporting the claim that Dr Manock was not competent to conduct autopsies or to give expert evidence in court was known by those in authority from the time he was appointed in 1968. It has been established that he has given substantive evidence which was false and misleading in many cases and evidence about his qualifications which was false and misleading in every case.

Earlier attempts to bring these matters before the courts were blocked for some 13 years by the use of the procedural technicalities of the appeal provisions. The most recent attempt by Mr Bromley, utilising new appeal provisions, was ultimately blocked by a refusal to consider the evidence – without further explanation or reason.

A fresh approach, based upon fraud, without any leave requirement, and based solely upon the sworn evidence of Dr Bonnin to the Supreme Court in the mid-1970s, given on behalf of the State of South Australia, should be sufficient and far less costly than any Royal Commission or other judicial inquiry. The same process could also be used for the other 400 convictions which Manock said he helped to secure. A Royal Commission will undoubtedly be necessary to deal with the 10,000 unlawful autopsies he is said to have undertaken.

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[50] *R v Gillyard* [1848] 12 QB 527 cited with approval in *SZFDE v Minister for Immigration and Citizenship* (2007) 232 CLR 189; [2007] HCA 35.

[51] *R v Birmingham Crown Court, ex parte Ricketts* [1991] RTR 105 (DC), 108.

[52] *Al-Mehdawi v Secretary of State for the Home Department* [1990] 1 AC 876, cited in *R v Bolton Justices ex parte Scally* [1991] 1 QB 537, 551.

[53] *Clone Pty Ltd v Players Pty Ltd (in liq)* [2012] SASC 12, [97] (Kourakis J), cited in *Moseley v Director of Public Prosecutions* [2013] HCATrans 237, [51].

[54] *R v Bolton Justices ex parte Scally* [1991] 1 QB 537, 553 (Watkins LJ), citing his judgment in *R v Kingston-upon-Thames Justices, ex parte Khanna* [1986] RTR 365, 371.

[55] *Clone Pty Ltd v Players Pty Ltd (in liq)* (2018) 264 CLR 165, 175; [2018] HCA 12.

OENOVIVA

Thursday, 18 September 2025

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Better World Future Fund; LEI: 984500914484J1F7PE95, ABN: 26 317 275 322
GLOBAL HEAD OFFICE: Level 29, Olaya Towers Tower B, Intersection of Olaya Street & Mohammed Bin Abdul-Aziz Street, Riyadh 11523.
Australia: Level 6, Reserve Bank Building, 111 Macquarie Street, Hobart, TAS, 7000 ; Korea: 4F-4052, 14, Hangeulbiseok-ro 24-gil, Nowon-gu, Seoul, Republic of Korea
Vietnam: Suite 103, 140 Nguyen Van Thu Street, District 1, Ho Chi Minh, Vietnam Phone; +61 (0) 450 831 708
Washington: 1015 15th ST NW #1000 Washington DC, 20005 USA Email; andrew.garrett@oenoviva-capital-resources.com ; andrew.garrett@dunamic-capital-bank.com ; andrew.garrett@betterworldfuturefund.org contact@privategoldreservbank.com
https://oenoviva-capital-resources.com/; https://vivacoin.org/ https://www.carbonhelix.net/
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To: those named in the Exhibits produced and marked as:

- AMG 7264 NSD 741 of 2023 SEALED Filed Respondent's Reply to Concise Statement and Cross Claim 11.12.2023.pdf
- AMG 7965 NSD 741 of 2023 ADDENDUM TO CONCISE REPLY AND CROSS CLAIM TO CONCISE STATEMENT OF LUCINDA MCCANN AND evidence of lodgement.pdf annexed to Exhibit AMG 9072

TO; the Honourable Associate Justice Ierodiaconou,
Attn Ms. Sarah Kivinen,
Associate to the Honourable Associate Justice Ierodiaconou
Department of Justice of Victoria trading as Supreme Court of Victoria
210 William Street, Melbourne VIC 3000
Tel: 03 8600 2541
Email: ierodiaconou.associate@supcourt.vic.gov.au ; requests@fundsincourt.vic.gov.au

CC: Mrs; Dorota Borkowski and
Mr Michael Mark Borkowski
Tenants In Common as Joint Trustees of
the Borkowski Family Irrevocable Living Trust,
15 Jacaranda Drive, Taylors Hill, Vic 3037
Email; dorisborkowski@bigpond.com
("**The Joint Plaintiffs**")

TO: Burchell J as Trustee for Department of Justice and Community Safety Victoria, trading as The County Court of Victoria, ABN 32 790 228 959
210 William St, Melbourne VIC 3000, Australia
Email: requests@fundsincourt.vic.gov.au ;
judgeburchell.chambers@countycourt.vic.gov.au; processservice@agso.gov.au
First Defendant.

TO: Westpac Banking Corporation
Mr Steven Gregg, Chairman
Level 18, 275 Kent Street
Sydney NSW 2000 Australia
CC:
Shannon Finch, Group General Counsel – shannon.finch@westpac.com.au
Ross Colquhoun, Senior Manager, Executive Complaints – rcolquhoun@westpac.com.au ;
Manager, Priority Cases, Executive Complaints/ Customer Solutions Complaints/
Customer & Corporate Services/ Customer Solutions
Reply Paid 5265, Sydney, NSW, 2001
Second Defendant

To: Minter Ellison Limited ABN 77 478 593 704; ABN 91 556 716 819; ABN 46 001 549 480; ABN 99 009 717 391 (Liquidator and Managing Controller Appointed) ABN 92 236 032 942
Alleged Solicitors for the Second Defendant (Westpac Banking Corporation)
Waterfront Place, 1 Eagle Street, Brisbane QLD 4000
Email brisbanelitigation@minterellison.com
Third Defendant



To: Susheila Vijendran, Registrar of Titles, for and on behalf of the Department of Transport and Planning of Victoria (Liquidator and Managing Controller Appointed) ABN 69 981 208 782
1 Spring St, Melbourne, VIC 3000
Email: advice.enquiries@victorianlrs.com.au; Lv.Warrants@transport.vic.gov.au
Fourth Defendant

To: **Jaclyn Symes,** Attorney General of The State of Victoria CEO of the Department of Justice of Victoria trading as the Sherriff's Office, ABN 32 790 228 959
Together with
Mark Dreyfus, Attorney General of Commonwealth of Australia CIK; 0000805157 (Liquidator and Managing Controller Appointed) ABN 86 150 409 985 and CEO of the Department of the Commonwealth Attorney General, ABN 92 661 124 436
Ground Level, 277 William Street, Melbourne, VIC 3000
Email: jaclyn.symes@parliament.vic.gov.au ; moneylaundering@ag.gov.au; processservice@ags.gov.au ;
Fifth Defendant

To: The CEO of Australian Financial Complaints Authority Limited
ABN 38 620 494 340 (**AFCA**)
130 Lonsdale Street, Melbourne, VIC 3000
Email. info@afca.org.au ; processservice@agso.gov.au
Sixth Defendant

To: The CEO of the Australian Financial Transactions Analysis Reporting Centre
ABN: 32 770 513 371 (**AUSTRAC**)
Level 27, Tower 2, 727 Collins Street, Docklands VIC 3008
Email. info@afca.org.au ; processservice@agso.gov.au
Seventh Defendant

TO: The CEO of Office of Foreign Assets Control of U.S. Department of The Treasury, Treasury Annex / Freedman's Bank Building,
1500 Pennsylvania Avenue, NW, Washington, DC 20220
Email: OFACdisclosures@treasury.gov ; ofacreport@treasury.gov ; processservice@agso.gov.au
Eighth Defendant

TO: McDonald J, As Trustee for Department of Justice and Community Safety Victoria trading as The Supreme Court Of Victoria ABN 32 790 228 959
210 William St, Melbourne VIC 3000, Australia
Email: requests@fundsincourt.vic.gov.au ; mcdonald.chambers@supcourt.vic.gov.au ; processservice@agso.gov.au
Ninth Defendant.

TO: Anthony Leonard Dickman, Acting CEO of The Reserve Bank of Australia, ABN 50 008 559 486 (Liquidator and Managing Controller Appointed) ABN 78 837 313 084 ("**RBA**") 65 Martin Place Sydney, NSW, 2000



Care Of; The Australian Government Solicitor
Level 5, 101 Pirie Street, Adelaide SA 5000
Email: secretary@rba.gov.au ; processservice@agso.gov.au
Eleventh Defendant.

TO Joe Longo, Acting CEO of The Australian Securities and Investment Commission, ABN 86 768 265 615 (Liquidator and Managing Controller Appointed) ABN 14 930 849 717 ("**ASIC**")
GPO Box 9827, Melbourne VIC 3001**,**
Care Of; The Australian Government Solicitor
Level 5, 101 Pirie Street, Adelaide SA 5000
Email: legal.document.service@asic.gov.au ; processservice@agso.gov.au
Twelfth Defendant.

TO: John Lonsdale, Acting CEO of Australian Prudential Regulatory Authority ABN 79 635 582 658 (Liquidator and Managing Controller Appointed) ABN 33 446 145 662 ("**APRA**")
Level 12, 1 Martin Place, Sydney NSW 2000, Australia
Care Of; The Australian Government Solicitor
Level 5, 101 Pirie Street, Adelaide SA 5000
Email: info@apra.gov.au ; processservice@agso.gov.au
Thirteenth Defendant.

TO: Jan Adams, Acting CEO of Department of Foreign Affairs and Trade, ABN 50 008 559 486 (Liquidator and Managing Controller Appointed) ABN 78 837 313 084 ("**DFAT**")
R G Casey Building, John McEwen Crescent, Barton, ACT, 0221
Care Of; The Australian Government Solicitor
Level 5, 101 Pirie Street, Adelaide SA 5000
Email: jan.adams@dfat.gov.au ; processservice@agso.gov.au
Fourteenth Defendant.

TO: Raelene Sharp, Acting CEO of The Commonwealth Director of Public Prosecutions ABN 41 036 606 436 (Liquidator and Managing Controller Appointed) ABN 81 695 234 966 ("**CDPP**")
12th Floor, 211 Victoria Square ADELAIDE SA 5000
Care Of; The Australian Government Solicitor
Level 5, 101 Pirie Street, Adelaide SA 5000
Email: adelaide@cdpp.gov.au ; processservice@agso.gov.au
Fifteenth Defendant.

TO: Helen Lofthouse, Acting CEO of ASX Limited trading as Australian Securities Exchange, ABN 98 008 624 691 (Liquidator and Managing Controller Appointed) ABN 13 838 529 239 ("**ASX**")
20 Bridge Street, Sydney, New South Wales, 2000
Care Of; The Australian Government Solicitor
Level 5, 101 Pirie Street, Adelaide SA 5000



Email: info@asx.com.au ; processservice@agso.gov.au
Sixteenth Defendant.

TO: Tim Beresford, Acting CEO of Australian Financial Security Authority, ABN 50 008 559 486 (Liquidator and Managing Controller Appointed) ABN 63 384 330 717 ("**AFSA**")

East Wing, Level 5, 4 National Circuit, Barton ACT 2600
Care Of; The Australian Government Solicitor
Level 5, 101 Pirie Street, Adelaide SA 5000
Email: info@afsa.gov.au ; processservice@agso.gov.au
Seventeenth Defendant.

TO: Rob Heffernan, Acting CEO of The Australian Tax Office, ABN 51 824 753 556 (Liquidator and Managing Controller Appointed) ABN 80 507 314 616 ("**ATO"**)
Ground Floor, Ethos House 28-36 Ainslie Avenue Canberra, ACT 2600 Australia.
Care Of; The Australian Government Solicitor
Level 5, 101 Pirie Street, Adelaide SA 5000
Email: rob.heffernan@ato.gov.au ; processservice@agso.gov.au
Eighteenth Defendant.

TO: Ruth Owen, Acting CEO ABN 51 248 702 319 of Office of Inspector General of Taxation, ABN 51 248 702 319 (Liquidator and Managing Controller Appointed) ("**IGT**")
GPO Box 551, Sydney NSW 2001**,**
Care Of; The Australian Government Solicitor
Level 5, 101 Pirie Street, Adelaide SA 5000
Email: service@igt.gov.au ; processservice@agso.gov.au
Nineteenth Defendant.

TO: Acting CEO of Australian Consumer and Competition Commission, ABN 94 410 483 623 (Liquidator and Managing Controller Appointed) ("ACCC")
23 Marcus Clarke Street, Canberra ACT 2601, Australia. Care Of; The Australian Government Solicitor
Level 5, 101 Pirie Street, Adelaide SA 5000
Email: international@accc.gov.au ; processservice@agso.gov.au
Twentieth Defendant.

TO: Acting CEO of The Law Society of South Australia ABN 16 305 983 353; ABN 42 522 803 276; ABN 22 570 040 022 (Liquidator and Managing Controller Appointed) ABN 90 709 399 147
178 North Terrace, Adelaide SA 5000, Australia.
Care Of; The Australian Government Solicitor
Level 5, 101 Pirie Street, Adelaide SA 5000
Email: email@lawsocietysa.asn.au ; processservice@agso.gov.au
Twenty First Defendant.



TO: Acting CEO of The Law Society of Western Australia ABN 41 434 516 549 (Liquidator and Managing Controller Appointed) ABN 95 860 991 647
4/160 St Georges Terrace, Perth WA 6000, Australia
Care Of; The Australian Government Solicitor
Level 5, 101 Pirie Street, Adelaide SA 5000
Email: info@lawsocietywa.asn.au ; processservice@agso.gov.au
Twenty Second Defendant.

TO: Acting CEO of The New South Wales Law Society ABN 98 696 304 966(Liquidator and Managing Controller Appointed) ABN 72 704 070 465
170 Phillip St, Sydney NSW 2000, Australia.
Care Of; The Australian Government Solicitor
Level 5, 101 Pirie Street, Adelaide SA 5000
Email: enquiries@lawsociety.com.au ; processservice@agso.gov.au
Twenty Third Defendant.

TO: Acting CEO of The Law Institute of Victoria ABN 32 075 475 731 (Liquidator and Managing Controller Appointed) ABN 56 396 731 926
Level 13, 140 William Street Melbourne VIC 3000
Care Of; The Australian Government Solicitor
Level 5, 101 Pirie Street, Adelaide SA 5000
Email: ethics@liv.asn.au ; processservice@agso.gov.au
Twenty Fourth Defendant.

TO: Acting CEO of The Queensland Law Society Inc. ABN 33 423 389 441 (Liquidator and Managing Controller Appointed) ABN 45 839 373 117
179 Ann St, Brisbane City QLD 4000, Australia
Care Of; The Australian Government Solicitor
Level 5, 101 Pirie Street, Adelaide SA 5000
Email: info@qls.com.au ; processservice@agso.gov.au
Twenty Fifth Defendant.

TO: Acting CEO of The Australian Capital Territory Law Society ABN 60 181 327 029 (Liquidator and Managing Controller Appointed) ABN 32 852 056 459
Level 1, 5 Constitution Avenue, CANBERRA ACT 2601
Care Of; The Australian Government Solicitor
Level 5, 101 Pirie Street, Adelaide SA 5000
Email: mail@actlawsociety.asn.au ; processservice@agso.gov.au
Twenty Sixth Defendant.

TO: Acting CEO of The Norther Territory Law Society ABN 62 208 314 893 (Liquidator and Managing Controller Appointed) ABN 73 870 534 439
3/6 Lindsay St, Darwin City NT 0800, Australia
Care Of; The Australian Government Solicitor
Level 5, 101 Pirie Street, Adelaide SA 5000
Email: LSPPT@lawsocietynt.asn.au ; processservice@agso.gov.au
Twenty Seventh Defendant.



TO: Acting CEO of The Law Society of Tasmania ABN 79 607 763 857 (Liquidator and Managing Controller Appointed) ABN 85 619 727 001
28 Murray St, Hobart TAS 7000, Australia
Care Of; The Australian Government Solicitor
Level 5, 101 Pirie Street, Adelaide SA 5000
Email: info@lst.org.au ; processservice@agso.gov.au
Twenty Eighth Defendant.

TO: Acting CEO of The Law Council of Australia Limited ABN 85 005 260 622; 005 260 622 (Liquidator and Managing Controller Appointed) ABN 23 375 123 813
Level 1, MODE3, 24 Lonsdale Street, Braddon, ACT 2612
Care Of; The Australian Government Solicitor
Level 5, 101 Pirie Street, Adelaide SA 5000
Email: mail@lawcouncil.au ; processservice@agso.gov.au
Twenty Ninth Defendant.

TO: Acting CEO of CPA Australia Limited ABN 64 008 392 452 (Liquidator and Managing Controller Appointed) ABN 23 84 677 839 323
Level 20, 28 Freshwater Place, Southbank VIC 3006. Australia
Care Of; The Australian Government Solicitor
Level 5, 101 Pirie Street, Adelaide SA 5000
Email: memberservice@cpaaustralia.com.au ; processservice@agso.gov.au
Thirtieth Defendant.

TO: Acting CEO of the High Court of Australia ABN 64 008 392 452 (Liquidator and Managing Controller Appointed)
Parkes Pl, Parkes ACT 2600, Australia
Care Of; The Australian Government Solicitor

Level 5, 101 Pirie Street, Adelaide SA 5000
Email: enquiries@hcourt.gov.au ; processservice@agso.gov.au
Thirty First Defendant.

TO: Acting CEO of the Australian Judicial Officers Association ABN 64 008 392 452 (Liquidator and Managing Controller Appointed)
ANU College of Law, Building 7, 5 Fellows Road,
Australian National University, Acton, ACT 2601
Care Of; The Australian Government Solicitor
Level 5, 101 Pirie Street, Adelaide SA 5000
Email: secretariat@ajoa.asn.au ; processservice@agso.gov.au
Thirty Second Defendant.

TO: Acting CEO of COORS CHAMBERS WESTGARTH ABN 89 690 832 091(LIQUIDATOR AND MANAGING CONTROLLER APPOINTED) ABN 24 748 668 169
Level 25, 567 Collins Street, Melbourne VIC 3000
Email: gavin.mclaren@coors.com.au
Thirty Third Defendant.

TO: Acting CEO of DENTONS AUSTRALIA LIMITED ABN 69 100 963 308 (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED) ABN 18 566 556 334
Attn; Ben Allen, Ben Pullen, Hugh Cranedonk
77 Castlereagh Street, Sydney NSW 2000
Email: ben.allen@dentons.com ben.allen@dentons.com
Thirty Fourth Defendant.

TO: Acting CEO of FINLAYSONS LAWYERS ABN 92 386 254 392 (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED) ABN 11 282 732 966

Level 7/43 Franklin Street, Adelaide SA 5000
Email: andrew.dyda@finlaysons.com.au
Thirty Fifth Defendant.

TO: Acting CEO of The Gehrig Piper Alderman Practice Trust trading as PIPER ALDERMAN LAWYERS ABN 25 549 962 112 (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED)
Level 23, 459 Collins Street, Melbourne, VIC 3000
Email: JWu@piperalderman.com.au
Thirty Sixth Defendant.

NOTICE TO ADMIT FACTS; A GLASS HOUSE SHATTERED[1]/ THERE IS NO UTILITY TO ENTERING TREATIES WITH AUSTRALIA[2]

Dear Associate Justice Ierodiaconou, Partners of Finlaysons Lawyers, Minter Ellison Lawyers, Coors Chambers Westgarth Lawyers, Dentons Australia Limited Lawyers, Piper Alderman Lawyers, and those as addressed,

The evidence shows that I am the Hereditary International Crown Attorney General and the International Crown Unitary Executive appointed over the Governments of the World which hereditary family office was created pursuant to the TWELEVE ENACTMENTS between the 1st of June 2019 and 11th of June 2025. [3, 4, 5]

I am also the registered liquidator and managing controller appointed to:

1. Windsor Family Office (The British Monarchy)
2. The Secretariat and the Member Nations of the Commonwealth of Nations,
3. The Secretariat and the Member Nations of the United Nations,
4. The Banks and other Financial Corporations [6] listed in the Schedule

[1] AMG 4118 CHRIS KOURAKIS AND THE HENRY KEOGH AFFAIR A GLASS HOUSE SHATTERED; INVALIDITY & UNLAWFULNESS OF THE AUSTRALIA ACTS.pdf (ANNEXURE 1)
[2] AMG 4124 NO UTILITY TO SIGNING TREATIES WITH THE AUSTRALIAN GOVERNMENT (2).pdf (ANNEXURE 2)
[3] AMG 8818 Crown Attorney General Care of Justice Michael Kirby dated 20.04.2025.pdf
[4] AMG 8738 SEC DEMAND FOR PAYMENT OF DEBT FOR EFFECT 9th AUGUST 2021 AND ESCALATION IN VALUE.pdf (THE ELEVENTH ENACTMENT)
[5] AMG 8950 UNITED STATES OF AMERICA; OFAC; NOTICE OF CRYSTALLISATION; SEIZURE; RETENTION OF COLLATERAL dated 11.06.2025.pdf (THE TWELFTH ENACTMENT)
[6] s51(xx) of the Constitution.



5. The Other Trading entities[7] listed in the Schedule,
6. Other as yet unlisted entities to be listed upon completion of relocation of Global Head Office,
7. arising from the fraud of Global Governments perpetrated by Fake Regulation and a hopelessly Corrupt Legal System (*inclusive of Judicial and Executive branches of that system*) disclosed the Secretariat and the Crown, the Commonwealth, the United Nations, the United States Securities Exchange Commission, and the Office of Foreign Asset Control acting for and on behalf of the US Treasury (ANNEXURE 1)

The Office of the International Crown Licensing and Regulatory Authority is responsible for registration systems arising from the abovementioned Fake Regulation/ Fraud/ Acts of Terrorism and the Fraudulent Trading Activities of Public Officials licensed with Discretionary Public Powers Conferred under Enactments from the above-mentioned Corporations that I am the Liquidator/ Managing Controller and Receiver and Manager of.

1. SUSPENSION OF OFFICER AND DIRECTOR POWERS

Upon the appointment of an external controller (administrator or liquidator), the powers and functions of a corporation's officers and directors are suspended, meaning they cannot exercise their usual authorities. Shareholders' rights are also curtailed because they lose their ability to make management decisions, and their focus shifts to assisting the external administrator. Officers are legally obligated to provide full cooperation, including delivering records and property, and producing a Report on Company Activities and Property (ROCAP).

Loss of Authority

: When an external administrator is appointed, directors and officers are prohibited from exercising their powers or performing their functions.

Administrator Takes Control

: The external administrator steps into the role, having all the powers of the company's directors.

Obligation to Assist

: Despite losing their powers, officers and directors still have a legal duty to assist the administrator.

Impact on Shareholder Rights

Loss of Control
: Shareholders generally lose their direct influence over company management once an external administrator is in control.

Shift in Focus
: Their role shifts to cooperating with the administrator by providing requested information and records to help with the investigation and winding up of the company's affairs.

[7] s51(xx) of the Constitution.



Officer's Obligations

Cooperation and Assistance
: Officers must provide books, records, and any other necessary information to the external administrator or receiver.

Report on Company Activities and Property (ROCAP)
: Directors must prepare and provide a ROCAP to the external administrator.

Providing Property
: They must deliver any company property they possess to the external administrator or receiver.

Penalties for Non-Compliance
: Failure to comply with these obligations can result in penalties.
See also Restructuring & Insolvency: Australia (2023) (ANNEXURE 3)

I am the Party paying Funds into Court and refer to the exhibit produced and marked as AMG 9018a Outline of Submissions Dorota Donata Borkowski 28.07.2025 in reply to Second Defendant's Submissions dated 18 July 2025.pdf (ANNEXURE 4) annexing the first submissions of the Joint Plaintiffs dated 4th July 2025 for hearing on that day but served on 3rd July 2025 upon the parties in S ECI 2025 02829; *Borkowski and Borkowski v The Department of Justice of Victoria and Others* for argument before Justice McDonald as Trustee of the Public Trust: The evidence shows that Registry has rejected all documents filed by me under the authority of the Plaintiffs as well as all documents filed by the Joint Plaintiffs as a filter of the Matters before the Court and avoidance of the proper administration of *Justice being treason against the laws of the King and Terrorist Acts withing the meaning of the Suppression of Terrorism Financing Act* 2002 (AU):

2. TERRORSIT ACTS OF REGISTRY OF THE DEPARTMENT OF JUSTICE AND COMMUNITY OF VICTORIA

These Submissions should be read in conjunction with the Submissions dated 4th July 2025 ("ANNEXURE 2") confirmed by the Joint Plaintiffs by email on the 28th of July 2025 ("ANNEXURE 1") the subject of rejection by registry on the 28th of July 2025

Showing 1 to 6 of 6

eFile ID	Filing Type	Case Number	Case Title	Filing Status	File Date
521932	Subsequent Filing	S ECI 2025 02829	S ECI 2025 02829 Borkowski, Dorota-Donata vs The County Court of Victoria ABN: 32 790 228 959)	Rejected	28/07/2025 0
521877	Subsequent Filing	S ECI 2025 02829	S ECI 2025 02829 Borkowski, Dorota-Donata vs The County Court of Victoria ABN: 32 790 228 959)	Rejected	28/07/2025 1
521876	Subsequent Filing	S ECI 2025 02829	S ECI 2025 02829 Borkowski, Dorota-Donata vs The County Court of Victoria ABN: 32 790 228 959)	Rejected	28/07/2025 1
521696	Subsequent Filing	S ECI 2025 02829	S ECI 2025 02829 Borkowski, Dorota-Donata vs The County Court of Victoria ABN: 32 790 228 959)	Rejected	25/07/2025 0
521691	Subsequent Filing	S ECI 2025 02829	S ECI 2025 02829 Borkowski, Dorota-Donata vs The County Court of Victoria ABN: 32 790 228 959)	Rejected	25/07/2025 0
521617	Subsequent Filing	S ECI 2025 02829	S ECI 2025 02829 Borkowski, Dorota-Donata vs The County Court of Victoria ABN: 32 790 228 959)	Rejected	25/07/2025 0

The evidence relied upon by the Plaintiffs and the proposed Tenth Defendant/ Intervenor is all the evidence in the Court below and this proceeding as follows:

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[8] Page 3 of AMG 9018a



3. THE PRIMARY AMTTER ARISING IN THE PROCEEDING

EXECUTIVE SUMMARY

1. The Primary "Matter arising in the Proceeding" [1] as a foundational matter of Federation is the failure of Public Officials [2] as employees, officers, agents, servants, contractors, delegates, licensees or otherwise related to the Crown [3] and/or employees, officers, agents, servants, contractors, delegates, licensees of "Constitutional Corporations"[4] licensed by the Crown in right of Australia, in their capacity as Trustees of the Public Trust to exercise discretionary public powers conferred under enactments in a manner that is exclusively in the Public Interest.

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[1] *Re Wakim; Ex parte McNally* [1999] HCA 27
[2] within the meaning of *the United Nations Convention Against Corruption* 2003 (AU) a.k.a. *Australian Treaty Series No 2* ("ATS 2")
[3] *Sue v Hill* [1999] HCA 30 (23 June 1999)
[4] S51(xx) of *the Commonwealth of Australia Constitution Act* 1900 (AU)

Page **1** of **33** 9

4. AVOIDANCE OF EVIDENCE; THE POSITION OF THE CHIEF JUSTICE IS UNTENABLE .....AND ALSO THAT OF BURCELL J and MACDONALD J

While this statement was made in respect to the appalling corrupt behavior of Chris Kourakis in South Australia initially as:

1. a solicitor, then as
2. a barrister then as
3. Solicitor General, then as
4. Justice of the South Australian Supreme Court
5. then as Chief Justice

it applies equally to every Chief Justice (CEO of a Commonwealth Entity, however described) of every Licensee/ representative (in any capacity) of the Crown, Court and Tribunal who I have appeared before since December 1987.

Kourakis avoided exculpatory evidence contained in the Vernon Roberts report and did not refer to that evidence in his advice to the then State Governor in respect to Henry Koegh's application for Clemency.

I refer to the Exhibit now produced and marked as AMG 9074b The Unfortunate Background to Derek Bromley's Criminal Appeal by Dr Bob Moles (ANNEXURE 5) which sets out as follows:

Keogh had been convicted of murder in 1995. He undertook a series of applications for further appeals in an attempt to reopen his case, all without success. These included

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[9] Page 30 of AMG 9018a



submissions to the Medical Board which sought an investigation into Dr Manock's "unprofessional conduct". In his evidence to the inquiry, Manock contradicted the evidence he had given at Keogh's trial on a number of important issues, especially concerning the means by which the so-called murder had occurred. It was subsequently found that in the Board's internal communications, the pathologists had been scathing in their references to Dr Manock's incompetent and sub-standard work and the fact that he had no formal qualification in his speciality. Dr Coleman had said that:

> *"[t]he documentation in the autopsy in question was manifestly inadequate, even by the lowest of standards".*

He added,

> *"the standard of the conduct of the autopsy and the quality of the resulting evidence was markedly sub-standard to the point of incompetence".*

It is clear that such reports, provided as they were by eminent specialists in the field of pathology, were disclosable by the Crown in subsequent legal proceedings involving Manock.

It should be noted, in Mr Keogh's appeal against conviction, his highly respected barrister failed to mention the non-disclosure of the Coronial findings.[10] When subsequently asked about this he responded by saying he

> *"could not see how they could assist Keogh".*

He added,

> *"he did not have time to consider them in more than an embryonic level and was without the opportunity for an in-depth analysis prior to the appeal being heard". [11]*

There were three months between the conviction and the appeal, and the findings comprised around 70 pages.

In May 2013 the Parliament of South Australia passed legislation to create a right to a second or further appeal.[12] Mr Keogh applied for leave to appeal. He was then provided with a forensic report which the Solicitor-General had commissioned nine years earlier. It stated that;

> *"there was a lack of essential pathological findings"*

to support the view that there had been a forcible drowning.[13]It stated it was most likely that she died during a fall after she collapsed or fainted in the bathroom.[14]

The forensic report was not disclosed at the time. The Solicitor-General recommended the

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[10] They were eventually published two days after Mr Keogh was convicted.
[11] Affidavit of Michael Sykes, (7 November 1996) http://netk.net.au/Reports/Affidavits_Sykes.asp
[12] The materials relating to this issue are available at the Netk Appeals: new statutory right of appeal Homepage, http://netk.net.au/AppealsHome.asp .
[13] Sangha and Moles, n 6, 384–388; See also reports on the NetK Henry Keogh Homepage http://netk.net.au/KeoghHome.asp
[14] A subsequent report from another specialist retained by the Crown for the appeal stated there was "no evidence" to suggest the death was other than a presumed drowning following a fall with a head injury.

case not be referred to the appeal court. It subsequently took Channel 7 several years of litigation and the appointment of three interstate judges to order the release of that report.[15]

The former Solicitor-General had, by then, been appointed to be the Chief Justice in South Australia and the South Australian judges were unwilling to rule on the matter. On the hearing of Mr Keogh's appeal, the court determined that Dr Manock's evidence had been false and misleading on important issues and other possible causes of death had not been properly explored.

KEY FEATURES OF FRAUD PROCEEDINGS

The approach of the courts to issues of fraud is that "fraud unravels everything". In a case where a witness had chosen to commit perjury by concealing evidence about his credibility (as we would say Its purpose was to deprive the court of the opportunity to make a full and public assessment of the value of his evidence. The court added:[16]

> *"It is beyond doubt that it is the duty of the prosecution to give that kind of information to the defence if, of course, they are aware of it. It is simply unbelievable, if the defence here had known about [the witness] in this respect, that they would not have cross-examined him about it, probably with telling effect."*

I have experienced the avoidance of evidence by Anderson J and Lunn J in SASC-127-2004; *Andrew Garrett Wine Resorts and anor v National Australia Bank Limited* that led to my correspondence to the Governor of South Australia, the Prime Minister and others requesting dismissal of Judges dated:

1. 15th November 2007 (ANNEXURE 6)
2. Response from Governor of SA dated 28th November 20007 (ANNEXURE 7)
3. 2nd December 2007 (ANNEXURE 8)
4. 3rd December 2007 (ANNEXURE 9)
5. 5th December 2007 (ANNEXURE 10)
6. 5th December 2007 to the Governor General (ANNEXURE 11)
7. 20th June 2018 FOI acknowledgement from Governor General following commencement of Criminal Proceedings against me on the 23rd March 2018((ANNEXURE 12)
8. 5th July 2018 FOI Decision from Governor General referring to earlier FOI dated 2016 (ANNEXURE 13)
9. 23rd April 2020 removal from office of South Australian Governor from Office.

His Excellency Hieu Van Le ,
Governor of South Australia,
Government House,
North Terrace,
Adelaide, SA 5000

Thursday, 23 April 2020
cc; Don Mackintosh
Crown Solicitor's Office

TAKE NOTICE
TERMINATION OF APPOINTMENT
NOTICE TO CEASE & DESIST

Your Excellency,

Further to;

1. the Notice of Seizure of Collateral/Crystallisation of Charges and Notice of Appointment of Managing Controller dated 1st June 2019 served upon Her majesty, Queen Elizabeth II and Her Majesty's Lawful representatives on the 3rd June 2019
2. My Correspondence with your predecessors and the Crown Solicitor.

I write to advise you that you are hereby removed from office by me exercising my powers under s61 of the Commonwealth of Australia Constitution Act 1900 (UK) and otherwise, for breaches of your Statutory and Common Law duties as Her Majesty's representative until that date and subsequently as my representative.

(ANNEXURE 14)

[15] It is now available at the NetK Henry Keogh homepage

[16] Sangha and Moles, n 6, 217, citing *R v Crown Court at Knightsbridge, Ex parte Goonatilleke* [1986] QB 1.



10. 23rd April 2020 removal from office of Governor General from Office.

ANDREW GARRETT©® TM

TM©®

His Excellency David Hurley,
Governor-General of Australia,
Government House,
Dunrossil Drive
YARRALUMLA ACT 2600

Thursday, 23 April 2020
cc; Don Mackintosh
Christian Porter
Crown Solicitor's Office

email to; governor-general@gg.gov.au

TAKE NOTICE
TERMINATION OF APPOINTMENT
NOTICE TO CEASE & DESIST

Your Excellency,

Further to;

1. the Notice of Seizure of Collateral/Crystallisation of Charges and Notice of Appointment of Managing Controller dated 1st June 2019 served upon Her majesty, Queen Elizabeth II and Her Majesty's Lawful representatives on the 3rd June 2019.

2. My Correspondence with your predecessors and the Crown Solicitor.

I write to advise you that you are hereby removed from office by me exercising my powers under s61 of the Commonwealth of Australia Constitution Act 1900 (UK) and otherwise, for breaches of your Statutory and Common Law duties as Her Majesty's representative until that date and subsequently as my representative.

You are instructed to cease and desist from holding yourself out to be the duly appointed Governor General of Australia.

You are hereby instructed to vacate the premises known as Government House forthwith and without delay

Kind Regards

Andrew Morton Garrett

1

THE ANDREW GARRETT GROUP OF ENTITIES
Level 6, Reserve Bank Building, 111 Macquarie Street, Hobart, Tasmania, 7000
MOBILE 0450 831 708
Email andrew.garrett@australianpeoplefuturefund.org

My Letters of 2007 were written without the benefit of the knowledge that I now know and the "Pigs Flying Report" where the National Law Council sought to justify the failures of lawyers to act in accordance with the paramount duty.[17]

Nor did I then have access to the body of works of Evan Whitton between 1986 – 2009 referred to in the Submissions of the Joint Plaintiffs at page 53 [18]

[17] AMG 7962 TENDER BUNDLE # 7 OUR CORRUPT LEGAL SYSTEM; ANARCHY AND CHAOS CAUSED BY FAKE REGULATION; SEIZURE OF SWIFT
[18] AMG 9018a