



OENO VIVA

Kind Regards



Signature: _____

Name / Title: **ANDREW MORTON GARRETT: CEO/ Chairman/ Joint Trustee of the Boards of Trustees of the Andrew Garrett Family Trust No 4 trading as OenoViva Capital Resources (Global) and the Better World Future Fund (Global) , The Crown Attorney General to Commonwealth of Nations and the United Nations, Managing Controller and Liquidator appointed to the Crown (Liquidator and Managing Controller Appointed), the Commonwealth of Nations (Liquidator and Managing Controller Appointed), the British Empire Property Trusts (Liquidator and Managing Controller Appointed), the Queen 's Dominions Property Trusts (Liquidator and Managing Controller Appointed), the United Nations (Liquidator and Managing Controller Appointed), (Liquidator and Managing Controller Appointed), the United States of America (Liquidator and Managing Controller Appointed), and the Cestui Que Vie Trust (Liquidator and Managing Controller Appointed).**



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OENOVIVA

THURSDAY, SEPTEMBER 21, 2023

TO: THE HIGH COURT OF AUSTRALIA
(LIQUIDATOR AND MAGAING CONTROLLER APPOINTED),
ATTN: MS. SUSAN MARY KIEFEL,
50 PARKES PLACE, PARKES,
AUSTRALIAN CAPITAL TERRITORY 2600
EMAIL: REGISTRY@HCOURT.GOV.AU

Cc
JENNE MARIE ESCH; COO,
THE ANDREW GARRETT FAMILY IRREVOCABLE LIVING TRUST ENTITIES
LEVEL 29, OLAYA TOWERS TOWER B, INTERSECTION OF OLAYA STREET &
MOHAMMED BIN ABDUL-AZIZ STREET, RIYADH 11523.
EMAIL: JENNE.ESCH@DYNAMIC-CAPITAL-BANK.COM

HCADLS:0035922 DECISION; NOTICE TO ADMIT FACTS

DEAR MS. KIEFEL,

It is my understanding that you were appointed Chief Justice of the High Court of Australia on 30 January 2017, having served as a Justice of the High Court since 3 September 2007.

During that time, you and your fellow Justices have perpetuated a practice of sophistry by which you have endeavoured to change the valid interpretation of *the Commonwealth of Australia Constitution Act 1900* (UK) (THE CONSTITUTION) and the Common Law/ Unwritten Constitution of the British Empire also known as the Commonwealth of Nations.

At all relevant times the discretionary public powers that have been conferred upon you and your fellow justices have had only one ultimate source of power being the occupant of the Throne of the United Kingdom and Head of the Commonwealth up until the 17th of October 2020 when, pursuant to the FOURTH ENACTMENT (AMG 2534), I became the source of discretionary public powers under the Constitution, of course that power will continue to vest in my Heirs, Successors, and Assigns.

On the 29th of September 2021 I wrote to you in the FIFTH ENACTMENT (AMG 3792) regarding serious issues which included my findings of invalidity of the Australia Act Request Acts and *the Australia Act 1986* (UK) which in the absence of a referendum was ineffective to alter the constitution and you have contended on more than one occasion.

OenoViva Capital Resources™: Banca di Como™: Dynamic Capital Bank™: Banque Capital Dynamique™

ABN: 42 388 204 496 ABN: 34 150 236 795 ABN: 97 236 690 409 ABN: 91 135 831 277

SWITCHBOARD: +1-833-DCBANK-0: +1-833- 322-2650: EXT 1; FAX: +61-2-9167-7145

ISIN: AU0000023194, LEI: 984500957DB10F0T4B11, CIK: 0001872362 AUSTRAC: 100788772: 100817084 :100813420 : 100817092

Hong Kong: Level 19, Two International Finance Centre, 8 Finance Street, Central, Hong Kong USA: One World Trade Center, 85th Floor, New York, Ny 10007

Australia: Level 6, Reserve Bank Building, 111 Macquarie Street, Hobart, TAS, 7000 France: Ground - 6th Floor, 10 Avenue Kléber, 10 Avenue Kléber, Paris 75116

Korea: 4F-4052, 14, Hangeulbisok-ro 24-gil, Nowon-gu, Seoul, Republic of Korea Vietnam: Suite 103, 140 Nguyen Van Thu Street, District 1, Ho Chi Minh, Vietnam

Turkey: Levels 5 & 6, Louis Vuitton Orjin Building Abdi İpekci Cd, Nisantasi, Istanbul 34367

Email: admin@dynamic-capital-bank.com

United State of America: 1015 15th ST NW #1000 Washington DC, 20005 USA

Email: admin@banque-capital-dynamique.com

www.oenoviva-capital-resources.com

www.dynamiccapitalbank.capital



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In order to be clear, and cause an absence of doubt, you admit that any judgment of any court that relies on the validity of the Australia Act must in itself be a nullity; arising as it does from invalid and ultra vires exercise of the Discretionary Public Powers conferred upon Judicial Public Officials as a Public Trust which exercise is specifically limited to being exercised in the Public Interest.

It cannot be said that you have exercised power in the Public Interest when relying on the Australia Act in circumstances where the Australian Peoples made their feelings known during the 2009 Referendum.

You admit that you have attempted to unilaterally rewrite the constitution without a referendum, being conduct that is Grand Corruption and High Treason as a betrayal of the public trust.

On the 1st of June 2019 I crystallised my registered personal property security interests as equitable and statutory charges over the Public Office of the Occupant of the Throne and seized any thing of value then held by Her Imperial Majesty Queen Elizabeth II under the Concurrent Notice of Seizure and Retention of Collateral. (AMG15a-AMG15f)

At the same time, I was appointed as Managing Controller to the Crown Globally and the Public Office of Monarch of the British Empire and 54 Member Nations, also known as Windsor Family Office.

As you know I was appointed as Liquidator to the Crown on the 14th August 2020 (AMG 2445) Ther can be absolutely no doubt that Her Majesty was a remarkable person and was well loved by Her Majesty's Peoples; you, Not so much!

The CHOGM Communiques of 2013 and 2018 repeated the unwavering commitment of the Throne to enforce the Charter of the Commonwealth under the promises given by the Commonwealth Heads of Government.

GARRETT V JOHNSON

As you are aware, on the 4th September 2023 I issued a Summons to Show Cause and registered it with the High Court of Australia, that Summons is on its face a simple matter (ANNEXURE 1), A decision maker (Johnson) published a Decision which is the subject t of my Common Law Right for Judicial Review of Decision Makers which right is specific to the Constitution and its Interpretation with the Common Law as the Source of Power back to me.

From: DLS <DLS@hcourt.gov.au>

Sent: Tuesday, September 5, 2023 11:21 AM

To: Andrew Garrett <andrew.garrett@dynamic-capital-bank.com>

Subject: Garrett v. Johnson - Rejected HCADLS:0035922

This is a message from the High Court Registry.



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Deputy Registrar Young notes the following matters:

Please be informed that your application for a constitutional or other writ in its current form is not acceptable for filing by the High Court. Please refer to Part 25 of the High Court rules when making your application. The High Court Rules can be found here: <https://www.legislation.gov.au/Details/F2022C00521>. Please also use the template Form 12 available on the Court's website as a guide as it provides you with some guidance as to how to address each part of the application.

Please note that the Registry is not able to provide you with legal advice regarding your legal proceedings and any avenues of appeal you may have. High Court applications can be technical and we would strongly encourage you to seek independent legal advice

A concise affidavit in support of your application should address the requirements set out in 25.05.

An complete application includes any filing fee that is payable for an application for constitutional or other writ and detailed information is available via the Court's website. This includes information on eligibility and the process for applying for an exemption from filing and hearing fees and how to apply to pay the financial hardship fee. The forms required to apply for an exemption or payment of the financial hardship fee are also available through the Court's website.

Accordingly your lodgment has been rejected. As a consequence of that rejection, it is not open to you to upload further documents on this lodgment. If it is open to you to do so and if you wish to lodge revised documents, you will need to create a new case and upload your documents to a fresh lodgment.

If you require any further assistance, please contact the Registry.

Kind regards

High Court Registry | High Court of Australia

T (02) 6270 6829 | E registry@hcourt.gov.au | W www.hcourt.gov.au

The Level of water can rise no Higher than its Source; Deputy Registrar Young did not have the power to reject my Summons for Judicial Review set out at Annexure 1.

As you know Notice to Agent is Notice to Principal and Vice Versa; it is not a matter for me to produce the evidence relied upon by the Decision Maker which of course is a burden of the decision maker.

Nor is there any need for me to file an affidavit in support; evidence of the decision and my Summons for Judicial Review is sufficient.



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On the 4th August 2023 I wrote to a decision maker at IPAUSTRALIA; at all relevant times IP Australia has sought to oppress my common law rights as to registration of Intellectual Property which misconduct of public Officials has been repeats by every public official in Australia that I have had the misfortune to come in contact with.

From: andrew.garrett@dynamic-capital-bank.com <andrew.garrett@dynamic-capital-bank.com>

Sent: Friday, August 4, 2023 3:21 PM

To: 'Benjamin Smith' <benjamin.smith@ipaustrialia.gov.au>; 'secretary@rba.gov.au' <secretary@rba.gov.au>; 'governor@rba.gov.au' <governor@rba.gov.au>; 'ritsmembership@rba.gov.au' <ritsmembership@rba.gov.au>; 'info@dynamic-capital-bank.com' <info@dynamic-capital-bank.com>; 'antonio@paddabank.com.br' <antonio@paddabank.com.br>; 'info@rba.gov.au' <info@rba.gov.au>; 'associate.leej@fedcourt.gov.au' <associate.leej@fedcourt.gov.au>; 'processservice@ags.gov.au' <processservice@ags.gov.au>; 'attorney@ag.gov.au' <attorney@ag.gov.au>

Cc: 'antonio@paddabank.com.br' <antonio@paddabank.com.br>; 'Marcos Fischer da Costa' <marcos.fischer@freitasmacedo.com>; 'Marcos Roberto de Freitas' <marcosrobertodefreitas735@gmail.com>; 'Masharpe8@gmail.com' <Masharpe8@gmail.com>; 'abaagrobrasil@gmail.com' <abaagrobrasil@gmail.com>; 'Dae So' <dae.so@dynamic-capital-bank.com>; 'jenne.esch@dynamic-capital-bank.com' <jenne.esch@dynamic-capital-bank.com>; 'cfoglobal@dcbank.au' <cfoglobal@dcbank.au>; 'chinaemb_au@mfa.gov.cn' <chinaemb_au@mfa.gov.cn>; 'chambers.chiefjustice@courts.sa.gov.au' <chambers.chiefjustice@courts.sa.gov.au>; 'info@supremecourt.ge' <info@supremecourt.ge>; 'enquiry@judiciary.hk' <enquiry@judiciary.hk>; 'cd@doj.gov.hk' <cd@doj.gov.hk>; 'English@mail.gov.cn' <English@mail.gov.cn>; 'cfoglobal@dcbank.au' <cfoglobal@dcbank.au>; 'pk@sabas.net.au' <pk@sabas.net.au>; 'Matthew Galasso' <mgalasso@bigpond.com>

Subject: AMG 6928 HCMP 1855-2022; IN THE MATTER OF THE CROWN (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED) RE: IP Australia - Query [SEC=OFFICIAL]

PRISONER	# 671	IP AUSTRALIA (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED)
PRISONER	# 672	MICHAEL SCHWAGER (A BANKRUPT)

*Benjamin Smith
Project Officer
Quality, Practice, and Customers
Trademarks and Designs
Cc as addressed*

Mr Smith,

With respect you are confused as to the source of power for Australia and thereby your source of power; I have written to the Attorneys General of BRICS in respect to your conduct (AMG 6875)



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MONDAY, JULY 31, 2023

THE ATTORNEY GENERAL OF THE REPUBLIC OF BRAZIL
 THE ATTORNEY GENERAL FOR ARGENTINA
 THE ATTORNEY GENERAL OF THE SPECIAL ADMINISTRATIVE REGION OF HONG KONG
 THE ATTORNEY GENERAL FOR INDIA
 THE ATTORNEY GENERAL FOR CHINA
 THE ATTORNEY GENERAL FOR INDIA
 THE ATTORNEY GENERAL FOR RUSSIA
 THE ATTORNEY GENERAL FOR UKRAINE
 THE ATTORNEY GENERAL FOR SOUTH AFRICA
 & THE "ALL-OTHER" ATTORNEYS GENERAL OF THE MEMBER NATIONS OF THE COMMONWEALTH OF NATIONS (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED) AND THE UNITED NATIONS (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED)

Care Of



司法機構
JUDICIARY

HIGH COURT OF HONG KONG
 THE JUDICIAL ADMINISTRATOR'S OFFICE,
 ATTN: MILTON TANG
 ROOM G31, G/F, HIGH COURT BUILDING,
 38 QUEENSWAY, HONG KONG
 EMAIL: ENQUIRY@JUDICIARY.HK



AMG 6875: Re HCMP-1855-2022: IN THE MATTER OF THE CROWN (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED) ("THE CROWN")

Dear Mesdames, et Messieurs,

In order to provide you with some background on me please note the detail at:

<https://www.winegenius.com/andrew-garrett/>

"I don't play with money", grins Andrew Garret, having just dropped the news that he spent about \$4 million the previous weekend. Garret is South Australia's younger, vinous answer to Elliot and Bond, and in his own words "isn't very good at hanging on to money". His wife would possibly agree. Even the renovations to their Adelaide home seem to have run a second priority to the purchase of new vineyards, cellars and equipment.

There can be no lapsing because no consent of any Public Official is necessary.....there cannot be an adverse report when the purported application (AMG 4674 and AMG 4673) is in reality a writ of mandamus to register.

You cannot be a decision maker in respect to a higher power!

*The Insolvency Act 1986 (UK) provides for piercing of the Corporate veil in which regard I refer to the Exhibit now produced and marked as **AMG 4788 Stamped Document 14-5 Case 122-cv-00173-DDD; Copy of AMG 4052; Anarchy & Chaos served On Director***



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Case 1:22-cv-00173-DDD Document 12-5 Filed 02/09/22 USDC Colorado Page 1 of 111



RESERVE BANK OF AUSTRALIA



OENOVIVA
Tuesday, 02 November 2021



VIVACOIN.ORG
FOUR MILES. YOUR WAY.



FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO
8:37 am, Feb 08, 2022

JEFFREY P. COLWELL, CLERK

AMG 4052 ANARCHY & CHAOS OF CORPORATE COMMONWEALTH OF AUSTRALIA (Liquidator and Managing Controller Appointed) (« The Crown ») SELF-REGULATION IS MIS-REGULATION : PIERCING THE CORPORATE VEIL & RELIANCE ON INTERNATIONAL TRADE LAW ENFORCEMENT PROCEEDINGS

To: Parliament of Corporate Commonwealth of Australia
(Liquidator & Managing Controller Appointed)
Joint Committee on Corporations & Finance,
Standing Committee on Economics
Steve Georganas, MP, Deputy Chair, Senators O'Neil & Pratt
C/- Mr Mark Fitt, Secretary, PO Box 6100
Parliament House,
Canberra ACT 2600

Steve Georganas MP
Member for Adelaide
161 Main North Rd, Senate
Nailsworth, SA 5083

Senator Patrick
Level 2, 31 Ebenezer Place
Adelaide, SA, 5000

To : Commissioner of Taxation
Trading as the Australian Taxation Office
(Liquidator and Managing Controller Appointed)
C/Senate Standing Committee on Economics
Mr Chris Jordan (A Bankrupt)
Parliament House
Canberra ACT 2600

The Reserve Bank of Australia
(Liquidator and Managing
Controller Appointed)
C/Senate Standing Committee on
Economics, Mr Anthony Dickman
(A Bankrupt)
Parliament House,
Canberra ACT 2600

Email : economics.sen@aph.gov.au : chris.jordan@ato.gov.au : secretary@rba.gov.au : :
glencec@citizensparty.org.au : liam.ocallaghan@aph.gov.au : grace.finch@aph.gov.au :
steve.georganas.mp@aph.gov.au : senator.patrick@aph.gov.au : senator.oneil@aph.gov.au :
senator.pratt@aph.gov.au

BDO (SA) Pty Ltd
Mr Andrew Tickle, Audit Partner, Mr Steve Fimano,
Mr Kishen Vadasz & Mr Mike Garrett
7/420 King William St,
Adelaide SA 5000

Email; steve.fimano@bdo.com.au : mike.garrett@bdo.com.au :
kishen.vijayadass@bdo.com.au : andrew.tickle@bdo.com.au :

(Together hereinafter The Crown (Liquidator and Managing Controller Appointed)) (**The Crown**)

Cc; OenoViva Global, Australian People Future Fund, Al Khalidia Real Estate (AKRE) Capital,
ProCapital Associates W.LL (ProCapital), ISD Banking

Dear Mesdames et Messieurs,

The Farce that is Fake Regulation in Australia¹ has been well ventilated : A copy of this communique will be used in International Courts and Tribunals with Jurisdiction to enforce and impose Sanctions on Public Officials comprising the three arms of Governments of Australia.



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Case 1:22-cv-00173-DDD-STV Document 38 Filed 03/21/22 USDC Colorado Page 1 of 74

RESERVE BANK
OF AUSTRALIA

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The Commonwealth



Friday, 18 March 2022

Australian Government Solicitor (A Bankrupt)
C/- Australian Government Solicitor's Office
(Liquidator and Managing Controller Appointed)
10th Floor, 60 Martin Place, Sydney, NSW, 2000.

Email : ben.may@ags.gov.au

Cc : Jeffrey P. Colwell

Clerk of Court

United States District Court

For the District of Colorado

By email: cod_prose_filing@cod.uscourts.gov

cc: Ms Jenne Esch

By email: Eschjenne@gmail.com

Mr Eric Esch

By email: Eric.esch300@gmail.com

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

9:41 am, Mar 21, 2022

JEFFREY P. COLWELL, CLERK

Case No : 1;22-cv-00173-DDD-STV; *Garrett et al v Garrett et al*

Case No : 1;22-cv-00243-DDD-STV; *Garrett v Secretary General and Secretariat of the United Nations & Anor*

Case No : 1;22-cv-00254-DDD-STV; *Garrett et al v Suntory et al*

Mr May,

I refer to your correspondence dated 18th March 2022 (your letter) and respond as follows, in regard to your query regarding my courriel contact shown as attorney.general@commonwealth-attorney-general.org you appear to be confused.

The Commonwealth Attorney General's Office is the Office of the Crown Attorney General for the Commonwealth of Nations (My Hereditary Office) as a hereditary public office established on the 4th August 2020 that I occupy when I exercised hereditary discretionary public powers conferred under enactments and removed the then Australian Attorney General from his office¹ for the reasons set out in my letter to US Federal Attorney General Cole Finegan for the District of Colorado.²

The Commonwealth, the States and Territories of Australia (Liquidator and Managing Controller Appointed) is one of the Queen's Dominions (Liquidator and Managing Controller Appointed) that is in my possession and control as Liquidator and Managing Controller Appointed to the Crown (Liquidator and Managing Controller Appointed) : I was appointed as Managing Controller to the Crown Globally on the 1st June 2019 under the FIRST ENACTMENT.³

¹ Annexure 1: <https://oenoviva-capital-resources.com/2020/08/05/exhibit-amg-1915/> AMG 1915 THE SECOND ENACTMENT CORRIGENDUM AMG and Ors terminating Australian Attorney General variation of Aust People Future Fund

² Annexure 2 AMG 5441 Case 1;22-cv-00173-DDD-STV; Document 36 Crown Attorney General to Attorney General Cole Finegan dated 16th March 2022 annexing AMG 5430 (attached)

³ AMG 5099 Stamped Document 21-1 Case 122-cv-00173-DDD-STV; Letter to UK Attorney General 12.07.2019; AMG 15a;



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*I refer to the Exhibit now produced and marked as **AMG 5488** Case 122-cv-00173-DDD-STV Document 37 Letter from Australian Government Solicitor to Clerk of the Court dated 18.03.22 and my reply now produced and marked as the Exhibit **AMG 5489** Case 122-cv-00173-DDD-STV Document 38 Response to the Australian Government Solicitor dated 18.03.22 copied to Clerk of the Court.*

4/25/22, 12:26 PM

CMECF - U.S. District Court:cod-File-Query

[Query](#) [Reports](#) [Utilities](#) [Help](#) [Log Out](#)

1:22-cv-00173-DDD-STV Garrett et al v. Garrett et al
 Daniel D. Domenico, presiding
 Scott T. Varholak, referral
Date filed: 01/21/2022
Date of last filing: 04/20/2022

Filers

Name	Type	Added	Terminated
Andrew Morton Garrett	Plaintiff	01/21/2022	
Andrew Morton Garrett	Defendant	01/21/2022	
Ben May	Interested Party	03/17/2022	

PACER Service Center			
Transaction Receipt			
04/24/2022 20:56:42			
PACER Login:	oenoviva	Client Code:	6986378
Description:	Filer List	Search Criteria:	1:22-cv-00173-DDD-STV
Billable Pages:	1	Cost:	0.10

The Crown has acknowledged and ADMITTED my power as being higher therefore there should be absolutely no doubt in your mind that your discretionary public power cannot rise higher than my own hereditary discretionary public powers conferred under the EIGHT ENACTMENTS as Follows:

1. *ANDREW MORTON GARRETT, GLOBAL LICENSOR/ GLOBAL ATTORNEY GENERAL / GLOBAL LIQUIDATOR AND GLOBAL MANAGING CONTROLLER*
2. *KING CHARLES III, LICENSEE OF ANDREW MORTON GARRETT*
3. *THE CROWN (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED), LICENSEE OF KING CHARLES III NOTE: LICENCES UNDER EXTERNAL ADMINISTRATION*



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4. [WESTMINSTER PARLIAMENT \(LIQUIDATOR AND MANAGING CONTROLLER APPOINTED\), LICENSEE OF KING CHARLES III NOTE: LICENCES UNDER EXTERNAL ADMINISTRATION](#)
5. [COMMONWEALTH OF NATIONS \(LIQUIDATOR AND MANAGING CONTROLLER APPOINTED\), LICENSEE OF KING CHARLES III NOTE: LICENCES UNDER EXTERNAL ADMINISTRATION](#)
6. [UNITED NATIONS \(LIQUIDATOR AND MANAGING CONTROLLER APPOINTED\) LICENSEE OF MEMBER NATIONS. NOTE: LICENCES UNDER EXTERNAL ADMINISTRATION](#)
7. [AUSTRALIAN PARLIAMENTS \(LIQUIDATOR AND MANAGING CONTROLLER APPOINTED\), LICENSEE OF WESTMINSTER PARLIAMENT NOTE: LICENCES UNDER EXTERNAL ADMINISTRATION](#)
8. [IP AUSTRALIA \(LIQUIDATOR AND MANAGING CONTROLLER APPOINTED\), ENABLING ENACTMENT NOTE: LICENCES UNDER EXTERNAL ADMINISTRATION](#)

What are you looking for?

Showing 0 results



We couldn't find anything to match your search.

Try the following:

- Check your spelling
- Don't use quotation marks
- Use less keywords to increase the number of results or remove filters.

Acts and regulations

In Australia, the law regarding IP rights is prescribed by acts and regulations. We administer the following:

- [Trade Marks Act 1995](#)  except Part 13, which the Australian Customs Service administers
- [Trade Marks Regulations 1995](#) 
- [Patents Act 1990](#) 
- [Patents Regulations 1991](#) 
- [Designs Act 2003](#) 
- [Designs Regulations 2004](#) 
- [Plant Breeder's Rights Act 1994](#) 
- [Plant Breeder's Rights Regulations 1994](#) 
- [Olympic Insignia Protection Act 1987](#) 
- [Olympic Insignia Protection Regulations 1993](#) 

Non-legislative instruments



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9. *It remains unclear to me what enactment actually created IP Australia as an agency of the Crown.*

10. *YOU as Delegate under Enabling Enactment.*

There are NINE Levels of power between me and you.

ALL RIGHTS RESERVED

Kind Regards

ANDREW MORTON GARRETT

GLOBAL LICENSOR OF DISCRETIONARY PUBLIC POWERS, GLOBAL MANAGING DIRECTOR, GLOBAL MANAGING TRUSTEE; CHAIRMAN OF BOARD OF TRUSTEES CROWN ATTORNEY GENERAL, TRUSTEE IN BANKRUPTCY, LIQUIDATOR, MANAGING CONTROLLER.

The Crown has failed to dispute the levels of power that I have repeated at every opportunity since the 1st June 2019 until today's date.

It has admitted the Facts of the NINE Levels of Power set out above.

Deputy Registrar Young Acted Ouster Office in which regard his decision was a ultra vires and as a result is a nullity.

JUDICIAL REVIEW AS A COMMON LAW RIGHT

The Constitution cannot be at Odds with the Common Law.

The Conundrum exists that a decision that is a nullity cannot exist at law and therefor is unable to be appealed (a creature of Statute) and is equally unable to be the subject of Judicial Review.

It follows that the only thing that is capable of Judicial Review in these circumstances is the Conduct and the only person with evidence of that conduct is the Decision Maker.

The obligation to swear an affidavit falls to the decision maker not that applicant for Judicial Review.

At paragraph 1 of his decision, Deputy Registrar Young relies on the High Court Rules related to Form for the reasons of rejection, I have considered the Form as advised by the Deputy Registrar and note that the form referred to is entitled:

Form 12—Application for a constitutional or other writ

Note: See rule 25.01.1.



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Firstly, it is not possible for any member of the Executive to usurp the power of the Judiciary to refuse any application that involves the exercise of Judicial Discretionary Public Powers.

Secondly, it is not an application it is a Summons.

Thirdly, it is not possible for the High Court Judiciary to publish Rules that are at odds with the Constitution and its source of power being the Nine Levels of Powers set out above and more particularly the Common Law.

It follows that High Court Rule 25.01.1 is invalid as is the decision to reject.

At paragraph 2 of the Decision, I agree that the Deputy Registrar is unable to provide advice as this would be in conflict with the Independence of the Tribunal and yet Deputy Registrar gave advice to use a form that he must have known cannot exist at law.

At Paragraph 3 Deputy Registrar relies on Rule 25.05 he is not correct

25.05 Affidavits in support

25.05.1 An affidavit filed in support of an application must:

(a) state concisely:

- (i) the factual background to the proceeding; and*
- (ii) the decision or conduct the subject of the application; and*

(b) if the application is not filed within an applicable time limit, explain the failure to comply with that time limit.

25.05.2 The affidavit or affidavits in support of an application must exhibit such documents as are necessary for the proper determination of the application.

A Summons for Judicial Review is not an “application” and does not require an affidavit in support from the person drawing the Summons. It is not possible for me to swear an affidavit in support of Judicial Review of Conduct that I was not privy to, only the decision maker can swear that affidavit.

It is abundantly clear to me that the construction of Rule 25 is a nullity in its entirety; on its face it defeats a Common Law Right.

At paragraph 4 Deputy Registrar relies on the payment of an application fee, it is not possible to request an Application Fee in respect to a Summons for the reasons stated above AND the affidavit of the Decision maker is personal information and is not the subject of application fees under the provisions of the *Freedom of Information Act 1982 (AU)*, the Court does not have the Power to require fees in conflict with the Powers of Parliament.



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At paragraph 5 it is clear from the above that the Deputy Registrar has fallen into reviewable error in respect to conduct, the alleged decision published is a nullity and does not exist at law, therefore only the conduct of the Deputy Registrar is capable of Judicial Review.

At Paragraph 6 I am advised by the Deputy Registrar to commence a new case however a new case would be an abuse of process when the proceedings are already on foot; the advice is wrong.

In summary, there is no need for me to rely upon authorities established by lower powers than my own nor are there any fees payable in circumstances where the Summons if a Common Law right AND there is no utility in payment a fee to an agency under my authority.

In the absence of immediate listing of the Proceeding I will pass Judgement and enforce against the High Court in HCMP-1855-2022: IN THE MATTER OF THE CROWN (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED), there is no opportunity to review the findings above.

Kind Regards



Signature: _____

Name / Title: ANDREW MORTON GARRETT: CEO/ Chairman/ Joint Trustee of the Boards of Trustees of the Andrew Garrett Family Trust No 4 trading as OenoViva Capital Resources (Global) and the Better World Future Fund (Global) , The Crown Attorney General to Commonwealth of Nations and the United Nations, Managing Controller and Liquidator appointed to the Crown (Liquidator and Managing Controller Appointed), the Commonwealth of Nations (Liquidator and Managing Controller Appointed), the British Empire Property Trusts (Liquidator and Managing Controller Appointed), the Queen 's Dominions Property Trusts (Liquidator and Managing Controller Appointed), the United Nations (Liquidator and Managing Controller Appointed), (Liquidator and Managing Controller Appointed), the United States of America (Liquidator and Managing Controller Appointed), and the Cestui Que Vie Trust (Liquidator and Managing Controller Appointed).

ANNEXURE 1

Form 12—Application for an order to show cause.

(rule 25.01)

IN THE HIGH COURT OF AUSTRALIA No. _____ of 2023
CANBERRA REGISTRY

BETWEEN:

ANDREW MORTON GARRETT
Crown Attorney General, hereinafter
the Plaintiff

AND

MICHAEL JOHNSON
The Defendant

APPLICATION FOR ORDER TO SHOW CAUSE

Filed by the Plaintiff

Name: ANDREW MORTON GARRETT

Address for service: 3/11 Harvey Street

E-mail; admin@dynamic-capital-bank.com

Telephone: 0450 831 708

1 THE PLAINTIFF, CROWN ATTORNEY GENERAL, LICENSOR, LIQUIDATOR, MANAGING
CONTROLLER, GLOBAL PUBLIC AND PRIVATE MANAGING TRUSTEE, CHAIRMAN OF
BOARD OF TRUSTEES:

To; MICHAEL JOHNSON, DECISION MAKER
Hereinafter “the Defendant”
Care of The Office of Legal Services Co-Ordination,
3-5 National Circuit, Barton, ACT, 2600
E-mail; foi@ag.gov.au

10 TAKE NOTICE that this application has been made by the plaintiff, in his capacities set out in
the Materials referred to in Exhibit AMG 2000 as updated to 19th September 2021, for the relief
that is set out below on the grounds that are set out below.

IF YOU INTEND TO DEFEND the proceeding you must file a notice of appearance in the
office of the Registry named above.

IF YOU ARE WILLING TO SUBMIT to any order that the Court may make, save as to costs,
you may file a submitting appearance in the office of the Registry named above.

20 THE TIME FOR FILING AN APPEARANCE is as follows:

- (a) where you are served with the application within Australia—14 days from
the date of service;
- (b) in any other case—42 days from the date of service.

THE RELIEF CLAIMED is

- 1. That Prerogative Writs of Certiorari, Mandamus, Injunction and Quo Warranto/Ouster
Office is issued by this learned court pursuant to section 75(v) of the *Commonwealth
of Australia Constitution Act 1900* (Cth) (“**the Constitution**”), the *Charter of the
Commonwealth of Nations 2013* (Regina) (“**The Charter**”), being a Treaty
Enforceable throughout the Commonwealth invoking original and exclusive
jurisdiction of this Honourable Court, and the Common Law in respect to the
Decision referred to in para 2 below.
- 2. That an order is made that the Defendant complies with the Crown Common Law
Model Litigant Obligations for Continuous Full Disclosure to provide this Plaintiff
with copies of all documents and things in its possession and /or control related to the
Decision Reference FOI23/310; CM23/1244 published 28th August 2023 shown as
ANNEXURE 1.
Hereinafter “**the Decision**”
- 3. The Court should make any other orders/declarations as the interests of justice
dictates.

1 4. Such other Orders for the administration of these proceedings as this Honourable Court Deems Fit.

THE GROUNDS ON WHICH THE RELIEF IS CLAIMED in the Plaintiff's capacities as set in the Materials are as shown in **ANNEXURE 2** annexed hereto.

This application shall be heard at the time and place stated in a summons to be served later.

10 This application was filed by the plaintiff

Dated: 5th September 2023



.....
Andrew Morton Garrett
Plaintiff

20 The plaintiff's address is; 3/11 Harvey Street, Nailsworth, SA,

The plaintiff's address for service is; **The Crown Attorney General,
3/11 Harvey Street,
Nailsworth, SA 5083
E-mail; admin@dynamic-capital-bank.com
Telephone: 0450 831 708**

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40

ANNEXURE 1

Australian Government
Attorney-General's Department

Our ref: FOI23/310; CM23/12244

28 August 2023

Mr Andrew Garrett
 By email: andrew.garrett@dynamic-capital-bank.com

Dear Mr Garrett

Freedom of Information Request FOI23/310 – Decision letter

The purpose of this letter is to give you a decision about your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act) which you submitted to the Attorney-General's Department (the department).

Your request

On 15 June 2023, you requested access to:

Please accept this communique as an application in writing under the provisions of the Freedom of Information Act for a copy of every document and thing related to the Response of the Inquiry to My Correspondence between 29th May 2023 and today's date.

- *AMG 6756 Economic Crime Consultation Paper re making in person submissions dated 06.06.2023.*
- *AMG 6754 Submissions on Financial Crime in Australia driven by Fake Regulation 07.06.2023.*
- *AMG 6753 Submissions on Financial Crime in Australia driven by Government Treason annexing AMG 6717 07.06.2023.*
- *AMG 6752 Submissions on Financial Crime in Australia driven by Law Societies annexing AMG 6259 12.06.2023.*
- *AMG 6751 Submissions on Financial Crime in Australia driven by Price Waterhouse and ASIC annexing AMG 5969 07.06.2023.*
- *AMG 6750 Order on Review; Freedom of information decision: FOI23/255 – Attorney-General's Department [SEC=OFFICIAL]*
- *AMG 6749 Notification-Service Request ID : S-14058573; Notice Pursuant to Section 57(2)(b) The Real Property Act 1900 & Section 111 of the Conveyancing Act 15.06.2023.*
- *AMG 6748 FOI23 255 Attorney General's Department Decision letter and attachment A in respect to Boilermakers Case 16.06.2023.*
- *AMG 6747; DCCRM-0073-2019 SIMON JOHN ILLSLEY, NM ROTHSCHILD, NAB, WESTPAC, CBA, ANZ; MORTGAGE 8909699 TREASON; DAMAGES; NOTICE TO ADMIT FACTS 14.06.2023.*
- *AMG 6746; DCCRM-0073-2019 ASIC JOHN DOYLE, BRAD SELWAY, JOHN OLSEN, MICHAEL RANN, MICHAEL ATKINSON CHRIS KOURAKIS; TAGFILT IP DAMAGES NOTICE TO ADMIT FACTS 14.06.2023.*

- *AMG 6744 Conduct of the Supreme Court for Discussion: SC12015-309; ASIC v Peter Ivan Macks & SC12244-1996; Andrew Garrett & Anor v Mildara Blass & Anor 24.01.2019*
- *AMG 6732 DCCRM-0073-2019; NOTICE TO ADMIT FACTS; Conspiracy against Rights by ATO and Philip Edwards Silva 13.06.2023.*
- *AMG 6724 SERVICE OF AMG 6717; CORRIGENDUM TO AMG 6714 FFR; CAG; HCMP-1855-2022; CONVICTIONS FOR THE OFFENCE OF HIGH TREASON 08.06.2023*
- *AMG 6717; CORRIGENDUM TO AMG 6714 FFR; CAG; HCMP-1855-2022; IN THE MATTER OF THE CROWN v3*
- *AMG 6712 RE AMG 5935 RESERVE BANK OF AUSTRALIA and ATO ID 2010;11 GST and Bill of Exchange as Consideration 29.05.2023.*

On 21 June 2023, the department acknowledged your request.

On 12 and 14 July 2023, the department wrote to you seeking your agreement to a 30-day extension under s 15AA of the FOI Act.

On 15 July 2023, you wrote to the department and stated that you agreed to the extension on the basis that the scope of your request was revised.

On 17 July 2023, the department sought a 30-day extension of time under s 15AB of the FOI Act from the Office of the Australian Information Commissioner (OAIC). It was the department's view that it was appropriate to apply for a s 15AB extension from the OAIC. This is because your approval of the s 15AA extension of time request was given on the condition that your scope was revised and there was insufficient time to clarify details relating to your scope revision by the due date of 17 July 2023.

On 20 July 2023, the department wrote to you seeking to clarify if you were revising the scope of your request to:

Documents dated 29 May 2023 to 15 July 2023 that relate to you and proceedings brought by the CDPP as agent of the Attorney General and given action number DCCRM-0073-2019.

On 20 July 2023, you wrote to the department accepting the scope revision and also requesting documents relating to:

- *AMG 6834 RE SEPARATION OF POWERS; RE SEIZURE OF s61 OF THE CONSTITUTION; HCMP-1855-2022; IN THE MATTER OF THE CROWN: ANTHONY BESANKO*
- *AMG 6832 COMMON LAW NOTICE TO ADMIT FACTS; HCMP-1855-2022; IN THE MATTER OF THE CROWN ; GABRIELLE APPLEBY*
- *AMG 6831 TRANSPARENCY WARRIOR; RE SEIZURE OF s61 OF THE CONSTITUTION; HCMP-1855-2022; IN THE MATTER OF THE CROWN*
- *AMG 6830 Service of HCMP-1855-2022; IN THE MATTER OF THE CROWN (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED); ROBYN LAYTON*
- *AMG 6815a HCMP-1855-2022; IN THE MATTER OF THE CROWN; SERVICE OF AMG 6776 ENFORCEMENT OF FINDINGS OF GRAND CORRUPTION BEING HIGH TREASON*
- *AMG 6815b HCMP-1855-2022; IN THE MATTER OF THE CROWN; SERVICE OF AMG 6776 ENFORCEMENT OF FINDINGS OF GRAND CORRUPTION BEING HIGH TREASON*
- *AMG 6815c HCMP-1855-2022; IN THE MATTER OF THE CROWN; SERVICE OF AMG 6776 ENFORCEMENT OF FINDINGS OF GRAND CORRUPTION BEING HIGH TREASON*
- *AMG 6815d HCMP-1855-2022; IN THE MATTER OF THE CROWN; SERVICE OF AMG 6776 ENFORCEMENT OF FINDINGS OF GRAND CORRUPTION BEING HIGH TREASON*

- *AMG 6816 HCMP-1855-2022; IN THE MATTER OF THE CROWN; SERVICE OF AMG 6793 NOTICE TO ADMIT DEBT*
- *Documents and things related to All correspondence from me with the Office of the only valid Solicitor General*
- *AMG 6806; HCMP-1855-2022; IN THE MATTER OF THE CROWN (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED); SANCTIONS AGAINST ACTING HIGH COURT JUDICIARY*

The scope of your request was therefore revised to:

Documents dated 29 May 2023 to 15 July 2023 that relate to Andrew Garrett and proceedings brought by the CDPP as agent of the Attorney General and given action number DCCRM-0073-2019.

Any document or thing arising from the following (with a date range of 29 May 2023 to 15 July 2023):

- *AMG 6834 RE SEPARATION OF POWERS; RE SEIZURE OF s61 OF THE CONSTITUTION; HCMP-1855-2022; IN THE MATTER OF THE CROWN: ANTHONY BESANKO*
- *AMG 6832 COMMON LAW NOTICE TO ADMIT FACTS; HCMP-1855-2022; IN THE MATTER OF THE CROWN ; GABRIELLE APPLEBY*
- *AMG 6831 TRANSPARENCY WARRIOR; RE SEIZURE OF s61 OF THE CONSTITUTION; HCMP-1855-2022; IN THE MATTER OF THE CROWN*
- *AMG 6830 Service of HCMP-1855-2022; IN THE MATTER OF THE CROWN (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED); ROBYN LAYTON*
- *AMG 6815a HCMP-1855-2022; IN THE MATTER OF THE CROWN; SERVICE OF AMG 6776 ENFORCEMENT OF FINDINGS OF GRAND CORRUPTION BEING HIGH TREASON*
- *AMG 6815b HCMP-1855-2022; IN THE MATTER OF THE CROWN; SERVICE OF AMG 6776 ENFORCEMENT OF FINDINGS OF GRAND CORRUPTION BEING HIGH TREASON*
- *AMG 6815c HCMP-1855-2022; IN THE MATTER OF THE CROWN; SERVICE OF AMG 6776 ENFORCEMENT OF FINDINGS OF GRAND CORRUPTION BEING HIGH TREASON*
- *AMG 6815d HCMP-1855-2022; IN THE MATTER OF THE CROWN; SERVICE OF AMG 6776 ENFORCEMENT OF FINDINGS OF GRAND CORRUPTION BEING HIGH TREASON*
- *AMG 6816 HCMP-1855-2022; IN THE MATTER OF THE CROWN; SERVICE OF AMG 6793 NOTICE TO ADMIT DEBT*
- *Documents and things related to All correspondence from me with the Office of the only valid Solicitor General*
- *AMG 6806; HCMP-1855-2022; IN THE MATTER OF THE CROWN (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED); SANCTIONS AGAINST ACTING HIGH COURT JUDICIARY*

On 25 July 2023, the OAIC wrote to the department confirming that the department's 30-day extension of time request had been approved.

On 9 August 2023, the department sought a 14-day extension from the OAIC under s 15AB of the FOI Act.

On 18 August 2023, the OAIC wrote to the department confirming that the department's 14-day extension of time request had been approved.

A decision in relation to your request is due on 28 August 2023.

My decision

I am an officer authorised under s 23(1) of the FOI Act to make decisions in relation to freedom of information requests made to the department.

I have identified 15 documents that fall within the scope of your request. I did this by making inquiries of staff likely to be able to identify relevant documents and arranging for comprehensive searches of relevant departmental electronic and hard copy holdings.

In making my decision regarding access to the relevant documents, I have taken the following material into account:

- the terms of your request
- the content of the documents identified as within scope of your request
- the provisions of the FOI Act, and
- the Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act (the Guidelines).

I have decided to grant access in part to 15 documents with deletions of irrelevant material under s 22 of the FOI Act. The statement of reasons below sets out the reasons for my decision to delete certain material to which you have requested access.

Statement of reasons

This statement of reasons when read in conjunction with the schedule of documents at **Attachment B**, provides information about the reasons I have decided not to disclose certain material to you in response to your request for documents under the *Freedom of Information Act 1982* (FOI Act).

Section 22: Access to edited copies with exempt or irrelevant matter deleted

Section 22 of the FOI Act provides that if an agency decides to give access to a document that would disclose information that would reasonably be regarded as irrelevant to the request, and it is possible for the agency to prepare a copy (an *edited copy*) of the document, modified by deletions, the agency must prepare the edited copy and give the applicant access to it.

In deciding to delete material which would reasonably be regarded as irrelevant to a request, the FOI Guidelines issued by the Office of the Australian Information Commissioner (OAIC) (the Guidelines) provide at paragraph 3.95 that:

It is important for agencies to keep in mind that the implicit purpose of s 22 is to facilitate access to information promptly and at the lowest reasonable cost through the deletion of material that can readily be deleted, and that an applicant has either agreed or is likely to agree that the material is irrelevant

I note that when the department acknowledged your request by email on 21 June 2023, you were advised that the following information would be regarded as irrelevant to your request:

- personal information of junior officers of the department or other government authorities
- duplicate documents
- incomplete email chains within the scope of the FOI request, and
- documents previously provided by you to the department.

As there is no record available to me to suggest that you disagreed with this approach, I have decided to regard the above categories of information as irrelevant to your request and have deleted this material under s 22 of the FOI Act.

Additional information

Your review rights under the FOI Act are set out at **Attachment A** to this letter.

The schedule of documents at **Attachment B** sets out brief information about each document within the scope of your request and my decision in relation to access to each of those documents.

The documents to which I have decided to grant partial access under the FOI Act are at **Attachment C**.

Questions about this decision

If you wish to discuss this decision, the FOI case officer for this matter is Leonie, who can be reached on (02) 6141 6666 or by email to foi@ag.gov.au.

Yours sincerely



Michael Johnson
Assistant Secretary
Office of Legal Services Coordination

Attachments

Attachment A: Review rights
Attachment B: Schedule of documents
Attachment C: Documents



Australian Government
Attorney-General's Department

Attachment A - FOI Review rights

If you are dissatisfied with the decision of the Attorney-General's Department (the department), you may apply for internal review or Information Commissioner review of the decision.

The department encourages applicants to consider seeking internal review as a first step as it may provide a more rapid resolution of your concerns.

Internal review

Under s 54 of the *Freedom of Information Act 1982* (FOI Act), applications for internal review must be made in writing within 30 days of the date of the decision letter, and be lodged in one of the following ways:

email: foi@ag.gov.au

post: Freedom of Information and Privacy Section
Strategy and Governance Branch
Attorney-General's Department
3-5 National Circuit BARTON ACT 2600

An officer of the department other than the officer who made the original decision will complete the internal review within 30 days of receipt of your request.

Providing reasons you believe internal review of the decision is necessary will facilitate the completion of the internal review.

Information Commissioner review

Under s 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of the decision letter, and be lodged in one of the following ways:

online: https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR_10

email: foidr@oaic.gov.au

post: GPO Box 5218 Sydney NSW 2001

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website at <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review>.



Australian Government
Attorney-General's Department

Attachment B - Schedule of documents - Freedom of Information Request FOI23/310

Document no.	Date	No. pages	Description	Access decision	Exemption/s applied
1	30 May 2023	6	Internal departmental email	Grant access in part	Section 22(1): Irrelevant material
2	30 May 2023	5	Internal departmental email	Grant access in part	Section 22(1): Irrelevant material
3	5 June 2023	3	Internal departmental email	Grant access in part	Section 22(1): Irrelevant material
4	5 June 2023	3	Internal departmental email	Grant access in part	Section 22(1): Irrelevant material
5	19 June 2023	7	Internal departmental email	Grant access in part	Section 22(1): Irrelevant material
6	19 June 2023	7	Internal departmental email	Grant access in part	Section 22(1): Irrelevant material
7	19 June 2023	7	Internal departmental email	Grant access in part	Section 22(1): Irrelevant material
8	19 June 2023	7	Internal departmental email	Grant access in part	Section 22(1): Irrelevant material
9	28 June 2023	7	Internal departmental email	Grant access in part	Section 22(1): Irrelevant material
10	30 June 2023	7	Internal departmental email	Grant access in part	Section 22(1): Irrelevant material
11	30 June 2023	7	Internal departmental email	Grant access in part	Section 22(1): Irrelevant material
12	30 June 2023	7	Internal departmental email	Grant access in part	Section 22(1): Irrelevant material
13	30 June 2023	7	Internal departmental email	Grant access in part	Section 22(1): Irrelevant material
14	30 June 2023	7	Internal departmental email	Grant access in part	Section 22(1): Irrelevant material
15	4 July 2023	5	Internal departmental email	Grant access in part	Section 22(1): Irrelevant material

NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 18/10/2018 11:27:01 AM AEDT and has been accepted for filing under the Court's Rules. Details of filing follow and important additional information about these are set out below.

Details of Filing

Document Lodged: Statement of Claim - Form 17 - Rule 8.06(1)(a)
File Number: NSD1848/2018
File Title: ROBERT VOLDEMARS RUBIS & ORS v ANDREW MORTON GARRETT AS TRUSTEE OF THE ANDREW GARRETT FAMILY TRUST TRADING AS DYNAMIC COMMERCIAL WORKFORCE SOLUTIONS
Registry: NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink, reading 'Warwick Soden'.

Dated: 19/10/2018 8:46:11 AM AEDT

Registrar

Important Information

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

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



Federal Court of Australia
 District Registry; NSW
 Division: General

ROBERT RUBIS and others set out in the Schedule

First Applicant
 &

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

The First Respondent

**STATEMENT OF GROUNDS FOR COMMON LAW JUDICIAL REVIEW
 AND MAKING OF ORDERS IN THE NATURE OF
 “QUO WARRANTO” AND/OR “HABEAS CORPUS” AND/OR
 “PROHIBITION” AND/OR “MANDAMUS” AND/OR “CERTIORARI”**

As Matters Arising in this proceeding the First Respondent, Applicants by Counterclaim, Applicants by Cross Claim seeks Common Law Judicial Review of all Administrative Decisions and Judicial Decisions related to the First Respondent and/or entities related to him made by officers and/or employees and/or agents and/or contractors and/or licensees and/or Courts and/or Tribunals of the Crown in right of the Commonwealth of Nation, the Commonwealth, the States and Territories of Australia for the making of orders in the Nature of “QUO WARRANTO” AND/OR “HABEAS CORPUS” AND/OR “PROHIBITION” AND/OR “MANDAMUS” AND/OR “CERTIORARI” on the following Grounds;

1. The Deemed and Published Administrative and Judicial Decisions are so manifestly unreasonable that no reasonable person would have made the same decision.
2. The Deemed and Published Administrative and Judicial Decisions are affected by Actual Bias and Apprehended Bias in circumstances where the Decision Makers took note of submissions of other Government Agencies without considering the right of the First Respondent/Applicants by Counter Claim/Applicants by Cross Claim to respond.

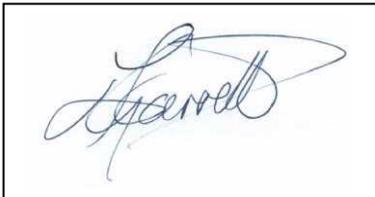
Filed on behalf of (name & role of party) Andrew Morton Garrett, The First Respondent
 Prepared by (name of person/lawyer) The First Respondent
 Law firm (if applicable) _____
 Tel 0424 324 135 Fax _____
 Email andrew.garrett@taggc.com.au

Address for service

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

3. The Deemed and Published Administrative and Judicial Decisions were made in circumstances where the Decision Makers failed to inquire in accordance with the obligations of a Tribunal and determine all of the relevant facts prior to making the Deemed and Published Administrative and Judicial Decisions
4. The Deemed and Published Administrative and Judicial Decisions were made in circumstances where relevant materials were withheld by others and/or the Decision Makers.
5. The Decision Makers did not comply with the Hearing Rule that requires the Decision Makers to provide not only the adverse materials, but all of the materials relevant to the matter in issue whether or not the Decision Maker intends to rely upon it.
6. There is an absence of relevant law in the Deemed and Published Administrative and Judicial Decisions and if the relevant law was properly applied then different decisions would have been made.
7. There are inadequate reasons given for the making of the Deemed and Published Administrative and Judicial Decisions.
8. The Deemed and Published Administrative and Judicial Decisions failed to consider the evidence; if the evidence was properly considered then a different decisions would have been made.
9. The Deemed and Published Administrative and Judicial Decisions are not fair.
10. The Deemed and Published Administrative and Judicial Decisions are a denial of procedural fairness.
11. The Deemed and Published Administrative and Judicial Decisions are jurisdictional errors of the Decision Makers that leads to the Deemed and Published Administrative and Judicial Decisions being a nullity and a constructive failure to exercise jurisdiction.
12. The Deemed and Published Administrative and Judicial Decisions were made on the instruction of others and were not made independently and in the public interest.
13. The Decision Makers fell into error as a question of law and jurisdictional error in causing herself/himself to identify a wrong issue and to ask herself/himself a wrong question in order to ignore relevant materials to make and erroneous decision in order to reach a mistaken conclusion and the tribunal's exercise of power or purported exercise of power is thereby affected.
14. Deemed and Published Administrative and Judicial Decisions are an abuse of process for the improper purpose.
15. The Decision Makers failed to make Deemed and Published Administrative and Judicial Decisions in circumstances where the questions of law arises whether the decision makers were obliged to do so as a consequence of her/his statutory obligations.
16. The Decision Makers did not give fair consideration of the case presented.
17. The questions of law and fact arises whether the Decision Makers were Negligent.

18. There is no Evidence to support the Deemed and Published Administrative and Judicial Decisions and when all of the evidence is considered the reverse decisions are supported.
19. The Deemed and Published Administrative and Judicial Decisions are tainted by Bad Faith.
20. The Deemed and Published Administrative and Judicial Decisions are Illogical or Irrational.
21. The Deemed and Published Administrative and Judicial Decisions are uncertain in that it leaves a question of Judgment estimation and was no more than an opinion.
22. There are inadequate reasons given by the Decision Makers for the making of the Deemed and Published Administrative and Judicial Decisions.
23. The Deemed and Published Administrative and Judicial Decisions are a denial of Natural Justice.
24. The Decision Makers acted dishonestly & criminally in perverting and conspiring to pervert the course of justice.
25. The Decision Makers acted disproportionately
26. The Deemed and Published Administrative and Judicial Decisions are tainted by Fraud of the Tribunal upon the Tribunal
27. The Decision Makers did not comply with the obligation to give the Plaintiff a fair hearing.
28. The exercise of discretion to grant relief upon review would not be futile and the benefit to be gained by the First Respondent/applicants by Cross Claim and Applicants by Cross Claim is substantial.
29. The Decision Maker have misinterpreted her/his obligation to act in accordance with the Public Trust and in the Public Interest
30. There is no prejudice to the decision makers

A rectangular box containing a handwritten signature in blue ink. The signature is cursive and appears to read "Garrett".

Signed by Andrew Garrett
The First Respondent

THE SCHEDULE

Applicants

- Second Applicant: The Truffle Group Pty Ltd ACN 128 049 392
(In Liquidation) (Controller Appointed)
- Third Applicant: Prospero Trading Pty Ltd ACN 123 655 845
(In Liquidation) (Controller Appointed)
- Fourth Applicant: Ouranos Holdings Pty Ltd ACN 162 749 573 (Controller Appointed)
- Fifth Applicant: Maiga Pty Ltd ACN 162 744 729 (Controller Appointed)
- Sixth Applicant: Manta Wharf Pty Ltd ACN 164 049 450 (Controller Appointed)
- Seventh Applicant: Ruma Pty Ltd ACN 067 962 083 (Controller Appointed)
- Eighth Applicant: Prospero Group-Bourke Road Pty Ltd ACN 133 247 766 (Controller Appointed)
- Ninth Applicant: Rubis Trading Pty Ltd ACN 165 684 122 (Controller Appointed)
- Tenth Applicant: Wharfside Pty Limited ACN 122 604 157 (Controller Appointed)
- Eleventh Applicant: Manujan Pty Ltd ACN 099 288 650 (Controller Appointed)
- Twelfth Applicant: ACN 111 804 383 Pty Ltd ACN 111 804 383 (Controller Appointed) in its own capacity and as Trustee of the Yates Beaggi Lawyers Unit Trust ABN 94 925 098 876
- Thirteenth Applicant: Yates Law Pty Ltd ACN 168 284 352 (Controller Appointed) in its own capacity and as trustee of the Yates & Co Unit Trust ABN 75 188 551 271
- Fourteenth Applicant: Steven Vlahos
- Fifteenth Applicant: Financial Pty Ltd ACN 149 682 128 (Controller Appointed)
- Sixteenth Applicant: Brenton Adrian Yates
- Seventeenth Applicant: Farshad Amirbeaggi
- Eighteenth Applicant: Strut Master No 2 Pty Limited (Controller Appointed) In its own capacity and as trustee of the Yates Amirbeaggi Unit Trust ABN 54 278 630 521
- Nineteenth Applicant: Deceased Estate of Juris Voldemars Rubis

Respondents

Second Respondent; The Registrar of the Personal Property Security Register

Proposed Cross Respondents

- Proposed First Cross Respondent; Brent Kijurina
- Proposed Second Cross Respondent; Richard Albarran
- Proposed Third Cross Respondent; Hall Chadwick (NSW) Pty Ltd
- Proposed Fourth Cross Respondent; Deceased Estate of Christopher Simon James
- Proposed Fifth Cross Respondent; WAVERLEY ENTERPRISES PTY LTD ACN: 099 113 4
- Proposed Sixth Cross Respondent; The Trustee for AETOS UNIT TRUST ABN 21 469 827 125
- Proposed Seventh Cross Respondent; STRATEGIC ACCOUNTING ADVISERS PTY LTD ACN 105 232 960

Proposed Eighth Cross Respondent; The Federal Court of Australia

Proposed Ninth Cross Respondent; Chief Justice Alsop

Proposed Tenth Cross Respondent; ASIC

Proposed Eleventh Cross Respondent; The Law Society of NSW

Proposed Twelfth Cross Respondent; The Legal Services Commissioner of NSW

Proposed Thirteenth Cross Respondent; Justice Thawley

Proposed Fourteenth Cross Respondent; Peter Donkin

Proposed Fifteenth Cross Respondent; Andrew Dunstan

Proposed Sixteenth Cross Respondent; National Australia Bank Limited

Proposed Seventeenth Cross Respondent; ANZ Banking Group Limited

Proposed Eighteenth Cross Respondent; Suncorp Metway Limited

Proposed Nineteenth Cross Respondent; Delegate Elizabeth Bennet

Proposed Twentieth Cross Respondent; Commonwealth Ombudsman

Proposed Twenty First Cross Respondent; Director Susan Whitaker

Proposed Twenty Second Cross Respondent; Commonwealth Attorney General

Proposed Twenty Third Cross Respondent; Members of the Senate Standing Committee on
Legal and Constitutional Affairs

Proposed Twenty Fourth Cross Respondent; The Members of the House of Representatives of
the Parliament of the Commonwealth of Australia

Proposed Twenty Fifth Cross Respondent; The Members of the Senate of the Parliament of the
Commonwealth of Australia

Proposed Twenty Sixth Cross Respondent; Vincent Tavolaro

Proposed Twenty Seventh Cross Respondent; Sue Anne Thompson

Proposed Twenty Eighth Cross Respondent; TBA

Proposed Twenty Ninth Cross Respondent; TBA

Proposed Thirtieth Cross Respondent; TBA

Date; 18th October 2018

GARRETT V. JOHNSON - Document Rejected HCADLS on 29th September 2023

From: DLS DLS@hcourt.gov.au

Sent: Friday, September 29, 2023 11:30 AM

To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com

Subject: Garrett v. Johnson - Document Rejected HCADLS:0037048

The Summons has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

High Court Registry

From: DLS DLS@hcourt.gov.au

Sent: Friday, September 29, 2023 11:32 AM

To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com

Subject: Garrett v. Johnson - Document Rejected HCADLS:0037049

The Agreed statement of facts has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,
High Court Registry

From: DLS DLS@hcourt.gov.au

Sent: Friday, September 29, 2023 12:18 PM

To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com

Subject: Garrett v. Johnson - Document Rejected HCADLS:0037051

The Agreed statement of facts has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,

High Court Registry

From: DLS DLS@hcourt.gov.au

Sent: Friday, September 29, 2023 12:18 PM

To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com

Subject: Garrett v. Johnson - Document Rejected HCADLS:0037050

The Agreed statement of facts has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,

GARRETT V. JOHNSON - Document Rejected HCADLS on 29th September 2023

High Court Registry

From: DLS DLS@hcourt.gov.au

Sent: Friday, September 29, 2023, 12:18 PM

To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com

Subject: Garrett v. Johnson - Document Rejected HCADLS:0037052

The Agreed statement of facts has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,

High Court Registry

From: DLS DLS@hcourt.gov.au

Sent: Friday, September 29, 2023, 12:19 PM

To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com

Subject: Garrett v. Johnson - Document Rejected HCADLS:0037053

The Agreed statement of facts has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,

High Court Registry

From: DLS DLS@hcourt.gov.au

Sent: Friday, September 29, 2023 12:19 PM

To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com

Subject: Garrett v. Johnson - Document Rejected HCADLS:0037054

The Agreed statement of facts has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,

High Court Registry

From: DLS DLS@hcourt.gov.au

Sent: Friday, September 29, 2023 12:19 PM

To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com

Subject: Garrett v. Johnson - Document Rejected HCADLS:0037055

The Agreed statement of facts has not been accepted for filing.

GARRETT V. JOHNSON - Document Rejected HCADLS on 29th September 2023

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,

High Court Registry

From: DLS DLS@hcourt.gov.au

Sent: Friday, September 29, 2023 12:20 PM

To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com

Subject: Garrett v. Johnson - Document Rejected HCADLS:0037056

The Form 13 -Writ of mandamus has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,

High Court Registry

From: DLS DLS@hcourt.gov.au

Sent: Friday, September 29, 2023 12:20 PM

To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com

Subject: Garrett v. Johnson - Document Rejected HCADLS:0037057

The Form 13 -Writ of mandamus has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,

High Court Registry

From: DLS DLS@hcourt.gov.au

Sent: Friday, September 29, 2023 12:21 PM

To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com

Subject: Garrett v. Johnson - Document Rejected HCADLS:0037058

The Form 13 -Writ of mandamus has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,

High Court Registry

From: DLS DLS@hcourt.gov.au

Sent: Friday, September 29, 2023 12:21 PM

GARRETT V. JOHNSON - Document Rejected HCADLS on 29th September 2023

To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com
Subject: Garrett v. Johnson - Document Rejected HCADLS:0037059

The Form 13 -Writ of mandamus has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,

High Court Registry

From: DLS DLS@hcourt.gov.au
Sent: Friday, September 29, 2023 12:21 PM
To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com
Subject: Garrett v. Johnson - Document Rejected HCADLS:0037060

The Summons has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,

High Court Registry

From: DLS DLS@hcourt.gov.au
Sent: Friday, September 29, 2023 12:22 PM
To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com
Subject: Garrett v. Johnson - Document Rejected HCADLS:0037061

The Form 13 -Writ of mandamus has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,

High Court Registry

From: DLS DLS@hcourt.gov.au
Sent: Friday, September 29, 2023 1:29 PM
To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com
Subject: Garrett v. Johnson - Document Rejected HCADLS:0037062

The Summons has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

GARRETT V. JOHNSON - Document Rejected HCADLS on 29th September 2023

Regards,
High Court Registry

From: DLS DLS@hcourt.gov.au
Sent: Friday, September 29, 2023 1:29 PM
To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com
Subject: Garrett v. Johnson - Document Rejected HCADLS:0037063

The Summons has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,

High Court Registry

From: DLS DLS@hcourt.gov.au
Sent: Friday, September 29, 2023 1:30 PM
To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com
Subject: Garrett v. Johnson - Document Rejected HCADLS:0037064

The Draft question reserved has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,

High Court Registry

From: DLS DLS@hcourt.gov.au
Sent: Friday, September 29, 2023 1:31 PM
To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com
Subject: Garrett v. Johnson - Document Rejected HCADLS:0037065

The Form 6 -Committal warrant has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,

High Court Registry

From: DLS <DLS@hcourt.gov.au>
Sent: Friday, September 29, 2023 1:31 PM
To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com
Subject: Garrett v. Johnson - Document Rejected HCADLS:0037066

The Endorsed Minute of Orders has not been accepted for filing.

GARRETT V. JOHNSON - Document Rejected HCADLS on 29th September 2023

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,

High Court Registry

From: DLS DLS@hcourt.gov.au

Sent: Friday, September 29, 2023 1:31 PM

To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com

Subject: Garrett v. Johnson - Document Rejected HCADLS:0037067

The Agreed statement of facts has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,

High Court Registry

From: DLS DLS@hcourt.gov.au

Sent: Friday, September 29, 2023 1:31 PM

To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com

Subject: Garrett v. Johnson - Document Rejected HCADLS:0037068

The Agreed statement of facts has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,

High Court Registry

From: DLS DLS@hcourt.gov.au

Sent: Friday, September 29, 2023 1:32 PM

To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com

Subject: Garrett v. Johnson - Document Rejected HCADLS:0037069

The Agreed statement of facts has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,

High Court Registry

From: DLS DLS@hcourt.gov.au

Sent: Friday, September 29, 2023 1:32 PM

GARRETT V. JOHNSON - Document Rejected HCADLS on 29th September 2023

To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com
Subject: Garrett v. Johnson - Document Rejected HCADLS:0037070

The Agreed statement of facts has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,

High Court Registry

From: DLS DLS@hcourt.gov.au
Sent: Friday, September 29, 2023 1:33 PM
To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com
Subject: Garrett v. Johnson - Document Rejected HCADLS:0037071

The Agreed statement of facts has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,

High Court Registry

From: DLS DLS@hcourt.gov.au
Sent: Friday, September 29, 2023 1:33 PM
To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com
Subject: Garrett v. Johnson - Document Rejected HCADLS:0037072

The List of exhibits has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,

High Court Registry

From: DLS DLS@hcourt.gov.au
Sent: Friday, September 29, 2023 1:33 PM
To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com
Subject: Garrett v. Johnson - Document Rejected HCADLS:0037074

The Disposition has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,

GARRETT V. JOHNSON - Document Rejected HCADLS on 29th September 2023

High Court Registry

From: DLS DLS@hcourt.gov.au

Sent: Friday, September 29, 2023 1:33 PM

To: Andrew Garrett andrew.garrett@dynamic-capital-bank.com

Subject: Garrett v. Johnson - Document Rejected HCADLS:0037073

The Disposition has not been accepted for filing.

Please note that lodgment LOD-007935 was rejected and no further documents should be lodged against it.

Regards,

High Court Registry

FORM 1
IN THE DISTRICT COURT OF SOUTH AUSTRALIA
IN THE CRIMINAL JURISDICTION

DCCRM - 19 - 73

THE CROWN (LIQUIDATOR & MANAGING CONTROLLER APPOINTED)

vs

ANDREW MORTON GARRETT, CROWN ATTORNEY GENERAL, LIQUIDATOR, MANAGING CONTROLLER, PRIVATE TRUSTEE, PUBLIC TRUSTEE, DIRECTOR.
CROWN ATTORNEY GENERAL ("CAG")

FDN:



AMG 6625: NOTICE OF EXERCISE OF SECTION 61 OF THE COMMONWEALTH OF AUSTRALIA CONSTITUTION ACT: FINDINGS OF SECTION 109 BREACHES AS A SPECIAL FEDERAL MATTER AND JUDGEMENT
THE LAW OFFICERS ACT: RE SOLICITOR GENERAL ACTS AND LEGAL PROFESSION ACTS
THE AUSTRALIA ACT 1986 (UK)

STATEMENT OF AGREED FACTS OF ANDREW MORTON GARRETT (IN ALL CAPACITIES), AUSTRALIA (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED), UNITED KINGDOM AND NORTHERN IRELAND (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED), UNITED STATES OF AMERICA (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED), UNITED NATIONS (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED) COMMONWEALTH OF NATIONS (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED) AND THE CROWN (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED)

Filed by the Accused; Andrew Morton Garrett in his capacities set out in Exhibit AMG 6560
Address; 3/11 Harvey Street, Nailsworth, SA, 5083
Mobile Phone; 0450 831 708
Email; admin@dynamic-capital-bank.com
The Address for service is by email
Settled by: the Crown Attorney General
Date and time of settling: Wednesday, 26 April 2023

Adelaide, South Australia

A handwritten signature in blue ink, appearing to read "A. M. Garrett".

City of Prospect
128 Prospect Road
PROSPECT SA 5082



Chris Whiteside OAM JP

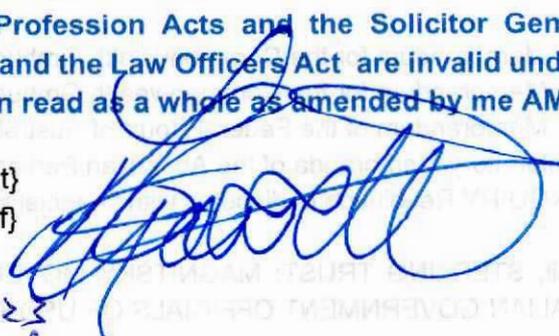
CHRIS WHITESIDE OAM
A Justice of the Peace
for South Australia
No. 25383

I, Andrew Morton Garrett, in all my capacities swear the facts and, exhibits produced in evidence in the materials located in the Public Interest Disclosure Drive at the location in the Cloud and as referred in my affidavits dated 13th February 2023, 14th March 2023, 27th March 2023, 11th April 2023, 14th April 2023, and otherwise filed and served in the proceedings referred to in the First – Seventh Notices of Removal annexed to the Originating Process of HCMP-1855-2022; IN THE MATTER OF THE CROWN (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED) now produced and shown as the Exhibit Marked as **AMG 5857 hereinafter referred to as "THE MATERIALS"** of this my affidavit to be true and correct to the best of my knowledge and expertise, except where otherwise deposed, under penalty of perjury.

1. A copy of this affidavit will be produced in other court proceedings in support of enforcement of my Writ of Findings of Facts and Reasons addressed to the Member States and Territories and the Federation of Australia (Liquidator and Managing Controller Appointed) ("**Australia**"), the Member States and Territories and the Federation of the United Kingdom and Northern Ireland (Liquidator and Managing Controller Appointed) ("**UK**"), the Member Nations and the Federation of the Commonwealth of Nations/ The British Empire (Liquidator and Managing Controller Appointed) ("**The Commonwealth**") , the Governments of the World referred to as the Crown being the governments of the Commonwealth (Liquidator and Managing Controller Appointed) ("**The Crown**"), Windsor Family Office (Liquidator and Managing Controller Appointed) ("**Windsor Family Office**"), the Member States and Territories and the Federation of the United Nations (Liquidator and Managing Controller Appointed) ("**UN**"), Colorado (Liquidator and Managing Controller Appointed) ("**Colorado**"), the member States and Territories and the Federation of the United States of America (Liquidator and Managing Controller Appointed) ("**USA**"), to produce a copy of every document and thing related to me and/or entities related to me in accordance with the Government Common Law Continuous Full Disclosure Obligations.
2. I have concluded that the relevant burden of proof is that of permissive evidential standards, such as that of 'credible evidence' (US Global Magnitsky Act 2016, s 1263(a)) or 'reasonable grounds to suspect' (Sanctions and Anti-Money Laundering Act 2018 (UK), ss 11(2) and 12(5)), which are far lower than either the criminal or civil standard of proof.
3. NO COURT CONVENED UNDER THE CONSTITUTION AND/OR US CONSITUTION AND/OR THE COMMON LAW AND/OR UN LAWHAS JURISDICTION TO HEAR CONTROVERSEYS RELATED TO ME AND/OR MY HEIRS SUCCESSORS AND ASSIGNS UNLESS I SPECIFICALLY DELEGATE MY AUTHORITY.
4. I find that the Legal Profession Acts and the Solicitor General Acts of the States and Territories of Australia and the Law Officers Act are invalid under s109 of the Constitution as against the Constitution read as a whole as amended by me AMG 6590 (**ANNEXURE 1**)

Affirm
Sworn by the said Deponent
at ADELAIDE in the State of
SOUTH AUSTRALIA

on 26th April 2023



CHRIS WHITESIDE OAM
A Justice of the Peace
for South Australia
No. 25363

Chris Whiteside OAM JP

City of Prospect
128 Prospect Road
PROSPECT SA 5082

AS AMENDED



The Constitution

AS IN FORCE ON 1 JUNE 2003

together with

**Proclamation Declaring the
Establishment of the Commonwealth**

**Letters Patent Relating to the
Office of Governor-General**

Statute of Westminster Adoption Act 1942

Australia Act 1986

WITH

OVERVIEW, NOTES AND INDEX

BY THE

ATTORNEY-GENERAL'S DEPARTMENT

AND

AUSTRALIAN GOVERNMENT SOLICITOR

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The National Library of Australia

Cataloguing-in-Publication data:

The Constitution as in force on 1 June 2003 together with proclamation declaring the establishment of the Commonwealth, letters patent relating to the Office of Governor-General, Statute of Westminster Adoption Act 1942, Australia Act 1986.

Includes index.

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Overview

The Australian Constitution has properly been described as ‘the birth certificate of a nation’. It also provides the basic rules for the government of Australia. Indeed, the Constitution is the fundamental law of Australia binding everybody including the Commonwealth Parliament and the Parliament of each State.

Background to the Constitution

The Australian Constitution was passed as part of a British Act of Parliament in 1900, and took effect on 1 January 1901. A British Act was necessary because before 1900 Australia was merely a collection of six self-governing British colonies and ultimate power over those colonies rested with the British Parliament. In reality, however, the Constitution is a document which was conceived by Australians, drafted by Australians and approved by Australians.

The Constitution was drafted at a series of conventions held during the 1890s and attended by representatives of the colonies. Before the Constitution came into effect, its terms, with one small exception, were approved by the people of New South Wales, Victoria, Queensland, Western Australia, South Australia, and Tasmania. During the course of this century, Australia has become an independent nation, and the character of the Constitution as the fundamental law of Australia is now seen as resting predominantly, not on its status as an Act of the British Parliament, which no longer has any power over Australia, but on the Australian people’s decision to approve and be bound by the terms of the Constitution.

What has been judicially described as ‘the sovereignty of the Australian people’ is also recognised by section 128 which provides that any change to the Constitution must be approved by the people of Australia.

The Constitution itself is contained in clause 9 of the British Act. The first eight clauses are commonly referred to as the ‘covering clauses’. They contain mainly introductory, explanatory and consequential provisions. For example, covering clause 2 provides that references to ‘the Queen’ (meaning Queen Victoria, who was British sovereign at the time the British Act was enacted) shall include references to Queen Victoria’s heirs and successors.

Creation of the Commonwealth of Australia

On the commencement of the British Act on 1 January 1901, the Commonwealth came into being and the six colonies became the six States of Australia (covering clauses 4 and 6).

The Federal Structure

The Constitution establishes a federal system of government. It is for this reason that the establishment of the Commonwealth in 1901 is often referred to as 'federation'. Under a federal system, powers are distributed between a central government and regional governments. In Australia, that distribution is between the Commonwealth and the six States. (The relationship between the Commonwealth and the Territories is discussed below.)

Separation of Powers

Chapters I, II, and III of the Constitution confer the legislative, executive, and judicial powers of the Commonwealth on three different bodies which are established by the Constitution – the Parliament (Chapter I), the Executive Government (Chapter II), and the Judicature (Chapter III). Legislative power is the power to make laws. Executive power is the power to administer laws and carry out the business of government through such bodies as government departments, statutory authorities and the defence forces. Judicial power is the power traditionally exercised by courts such as the conduct of criminal trials and determining disputes in relation to such things as contracts and motor accidents.

Despite the structure of the Constitution there is no strict demarcation between the legislative and executive powers of the Commonwealth. Only the Parliament can pass Acts, but these Acts often confer on the Commonwealth Executive the power to make regulations, rules and by-laws in relation to matters relevant to the particular Acts.

For example, the Parliament has enacted in the Customs Act that no person may bring a 'prohibited import' into Australia, and then left it to the Executive to specify in the Customs Regulations what is a 'prohibited import'. This delegation of legislative power is not as extreme as it may appear, however, as both Houses of Parliament usually retain the power to 'disallow' (that is, reject), within a specified time, any regulation which has been made by the Executive.

The distinction between the Parliament and the Executive Government is further blurred by the fact that the Prime Minister and the other Government Ministers must be members of Parliament. This reflects the principle of responsible government (discussed below) under which Government Ministers must be members of, and accountable to, the Parliament.

By contrast, the separation between the Judicature on the one hand and the Parliament and the Executive on the other is strict. Only a court may exercise the

judicial power of the Commonwealth, so that, for example, the question whether a person has contravened a law of the Commonwealth Parliament (for example, by bringing a 'prohibited import' into the country) can only be conclusively determined by a court.

The Crown and Responsible Government

As well as being a federation, Australia is a constitutional monarchy. Under this system of government, as the term suggests, the head of State of a country is a monarch whose functions are regulated by a constitution. Australia's Head of State is Queen Elizabeth II. The concept of the Crown pervades the Constitution. For example, the Queen is part of Parliament (section 1), and is empowered to appoint the Governor-General as her representative (section 2). The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as her representative (section 61).

Despite the terms of the Constitution, the Queen does not play a day-to-day role in the Commonwealth Government. Those few functions which the Queen does perform (for example, appointing the Governor-General) are done in accordance with advice from the Prime Minister.

The Governor-General performs a large number of functions. However, apart from exceptional circumstances (discussed below), the Governor-General acts in accordance with the advice of Commonwealth Ministers. The reason for this is the principle of responsible government which is basic to the British system of government and which underlies our Constitution. Under this principle, the Crown acts on the advice of its Ministers who are in turn members of, and responsible to, the Parliament. It is for this reason that section 64 of the Constitution requires Ministers to be, or become, members of Parliament.

There is a small number of matters in relation to which the Governor-General is not required to act in accordance with Ministerial advice. The powers which the Governor-General has in this respect are known as 'reserve powers'. There are probably only four: the powers to appoint and to dismiss a Prime Minister and to force a dissolution of the Parliament or to refuse to dissolve the Parliament. In exercising a reserve power, the Governor-General ordinarily acts in accordance with established and generally accepted rules of practice known as 'conventions'. For example, when appointing a Prime Minister under section 64 of the Constitution, the Governor-General must, by convention, appoint the parliamentary leader of the party or coalition of parties which has a majority of seats in the House of Representatives.

There can be circumstances, however, where there is no generally agreed convention to control the exercise of the Governor-General's reserve powers. Such a situation arose in 1975 when the Governor-General, Sir John Kerr, dismissed the Prime Minister, Mr E.G. Whitlam, after the Senate – which was not controlled by the Government – blocked the passage of the Supply Bill in an attempt to deprive the Whitlam Government of the funds needed to govern.

Some people argue that Sir John acted properly in dismissing Mr Whitlam as it was consistent with a 'convention' that a Prime Minister who cannot obtain supply should either seek a general election or be dismissed. Others contend that the dismissal of Mr Whitlam breached the convention that a person who retains majority support of the House of Representatives, as Mr Whitlam did, is entitled to remain Prime Minister.

Representative Government

Another fundamental principle which underlies the Constitution is that of representative government – that is, government by representatives of the people who are chosen by the people. Consistently with this principle, sections 7 and 28 of the Constitution require regular elections for the House of Representatives and the Senate, and sections 7 and 24 require members of the Commonwealth Parliament to be directly chosen by the people.

Commonwealth Parliament

The Constitution established the Commonwealth Parliament comprising the Queen, a House of Representatives and a Senate (sections 1–60). The people of each of the six States elect the same number of senators (currently 12), regardless of their State's population. (The people of the Northern Territory and the Australian Capital Territory are currently represented by two senators each.) The total number of senators is therefore 76.

In the House of Representatives the number of seats from each State depends on the size of the State's population (although each State is guaranteed at least five seats). After the 1998 election there were 148 members of the House of Representatives.

Before a proposed law (commonly referred to as a Bill) becomes an Act of Parliament it must be passed by both the House of Representatives and the Senate. The Bill is then presented to the Governor-General who assents to it in the Queen's name (section 58). A Bill becomes an Act of Parliament when it receives this assent. Nearly all Bills which subsequently become Acts of Parliament are proposed by the Government – that is, the parliamentary party or coalition of parties which holds a majority of seats in the House of Representatives.

Subject to the few exceptions referred to in section 53 in relation to the initiation and amendment of Bills which appropriate revenue or impose taxation, the Senate has equal power with the House of Representatives in respect of all Bills. Often the Government does not have a majority of seats in the Senate. Accordingly, disputes may arise between the two Houses as to whether a Bill should be passed in its proposed form. These disputes are nearly always resolved by the two Houses.

Section 57 prescribes the procedure for resolving any irreconcilable disagreement between the two Houses. That procedure essentially involves the dissolution of both Houses of Parliament by the Governor-General (that is, a 'double dissolution'), the holding of an election for both the House of Representatives and the Senate, and then, if necessary, the convening of a joint sitting of the two Houses following the election to determine whether the proposed law or laws which led to the double dissolution should be passed.

Commonwealth Legislative Powers

The Constitution does not confer on the Commonwealth Parliament the power to make laws on all subjects. Instead, it lists the subjects about which the Commonwealth Parliament can make laws. Most of these subjects are listed in sections 51 and 52. They include taxation; defence; external affairs; interstate and international trade; foreign, trading and financial corporations; marriage and divorce; immigration; bankruptcy; and interstate industrial arbitration.

This list of powers given to the Commonwealth Parliament does not expressly refer to a number of important subjects including education, the environment, criminal law, and roads – but this does not mean that those subjects are outside the Parliament's powers in so far as they relate to the subjects that are listed. For example, even though the Commonwealth Parliament has no specific power in relation to the environment, it can, under its external affairs power, prohibit the construction of a dam by a State if that is necessary to give effect to an international agreement on the environment.

The States and their Legislative Powers

Under the federal system created by the Australian Constitution, the six former colonies became the six States of Australia. Before federation, each of the six colonies had its own constitution. These constitutions continue to regulate, among other things, the Legislature, the Executive Government, and the Judiciary of the States. The Australian Constitution expressly guarantees the continuing existence of the States and preserves each of their constitutions. However, the States are bound by the Australian Constitution, and the constitutions of the States must be read subject to the Australian Constitution (sections 106 and 107).

Under the constitutions of each of the States, a State Parliament can make laws on any subject of relevance to that particular State. Subject to a few exceptions, the Australian Constitution does not confine the matters about which the States may make laws. (The most important exceptions are that the States cannot impose duties of customs and excise (section 90) and cannot raise defence forces without the consent of the Commonwealth Parliament (section 114).) Accordingly, the State Parliaments can pass laws on a wider range of subjects than the Commonwealth Parliament, and for this reason important areas such as education, criminal law, and roads are regulated primarily by laws of the States rather than by laws of the Commonwealth Parliament.

The Relationship between Commonwealth and State Powers

Although the State Parliaments can pass laws on a wider range of subjects than the Commonwealth Parliament, the Commonwealth is generally regarded as the more powerful partner in the federation. One of the principal reasons for this is section 109 of the Constitution which provides that if a valid Commonwealth law is inconsistent with a law of a State, the Commonwealth law operates and the State law is invalid to the extent of the inconsistency.

Accordingly, the Commonwealth can, where the Constitution gives it power over a subject matter, override State laws. As a result, many subjects of Commonwealth power are regulated almost entirely by Commonwealth law, for example, bankruptcy, marriage and divorce, and immigration.

Further, the States have traditionally not raised sufficient revenue to perform all their functions and therefore they rely on grants of financial assistance from the Commonwealth. During the Second World War, Commonwealth legislation effectively excluded the States from imposing income tax, and since then, various political and economic considerations have resulted in income tax being imposed solely by the Commonwealth. Also, the States are unable to impose taxes of customs and excise (section 90).

Consequently, the Commonwealth grants financial assistance to the States, often with conditions attached in accordance with Section 96 of the Constitution. This power to impose conditions on how the money is spent by the States allows the Commonwealth to influence the way things are done in areas over which it has no direct power to pass laws. For example, the Commonwealth has exerted significant control over universities in this way even though it has no specific power in relation to education.

The Executive Government of the Commonwealth

A literal reading of the Constitution does not give much information about how the Executive Government of the Commonwealth functions. For example, the terms of Chapter II (sections 61–70) give the impression that the Governor-General has sweeping powers in relation to the Commonwealth Government. Section 61 says that the executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General, while section 68 provides that the command of the defence forces is vested in the Governor-General.

The Governor-General, however, exercises his or her powers in accordance with the principle of responsible government (discussed earlier). Consequently, in all but exceptional circumstances, the Governor-General acts in accordance with advice from the Ministers of the Government. The appointment of Ministers and the creation of Departments of State to administer the Government of the Commonwealth are referred to in section 64. Section 64 also provides that Ministers must be, or become, members of Parliament.

In practice Ministers are also members of the parliamentary party or coalition of parties which holds a majority of seats in the House of Representatives. Ministers may either be senators or members of the House of Representatives, although established constitutional practice dictates that the Prime Minister must be a member of the House of Representatives rather than a senator. Despite their importance to the operations of the Executive Government, neither the head of the Government (the Prime Minister) nor the principal decision-making body in the Government (the Cabinet, which is made up of senior Government Ministers) is mentioned in the Constitution.

The Federal Executive Council, which is referred to in various provisions of the Constitution, and in the expression ‘Governor-General in Council’, comprises all past and current Ministers. However, only current Ministers take part in Executive Council business, and usually only two or three Ministers attend meetings of the Council with the Governor-General. Unlike the Cabinet, the Executive Council is not a deliberative body. Its principal functions are to receive advice and approve the signing of formal documents such as regulations and statutory appointments.

Federal Judicature

Chapter III of the Constitution (sections 71–80) provides for the judicial branch of the Commonwealth. Section 71 establishes the High Court of Australia, one of the principal functions of which is to decide disputes about the meaning of the Constitution. For example, it is the High Court which ultimately determines whether an Act passed by the Commonwealth Parliament is within the legislative powers of the Commonwealth. The power which the High Court has to interpret the Constitution means that it is a very important body. The High Court is also the final court of appeal within Australia in all other types of cases, even those dealing with purely State matters such as the interpretation of State criminal laws.

Chapter III also gives the Commonwealth Parliament power to create other federal courts (for example, the Federal Court and the Family Court), and to vest federal judicial power in such courts and in courts of the States. ‘Federal judicial power’ is judicial power relating to one or more of the classes of dispute set out in sections 75 and 76.

An Australian ‘Common Market’

Chapter IV of the Constitution (sections 81–105A) contains provisions regulating, among other things, trade and commerce throughout Australia. The desire to have a single trade area throughout Australia was one of the main reasons for the movement by the Australian people towards federation. To achieve this, Australia needed both uniform customs duties and the abolition of protectionist burdens on interstate trade.

The Constitution achieves the first of these objectives by requiring the Commonwealth Parliament to impose uniform customs duties (section 88) and by prohibiting the State Parliaments from imposing customs duties (section 90). It achieves the second objective primarily by providing in section 92 that trade and commerce between the States shall be ‘absolutely free’.

Section 92, in effect, prohibits action by either the Commonwealth or a State which discriminates against interstate trade or commerce and which has the purpose or effect of protecting intrastate trade or commerce of a State against competition from other States. For example, section 92 would be contravened if the New South Wales Parliament, in an attempt to make NSW milk more price-competitive, imposed a special tax on all milk sold in NSW which had been produced in Victoria.

Chapter IV also regulates other aspects of finance and trade. Two of the more important provisions are section 81, which provides that all money raised or received by the Executive Government of the Commonwealth is to form one Consolidated Revenue Fund, and section 83, which provides that no money may be expended by the Executive Government of the Commonwealth without the authority of Parliament.

New States

The Constitution makes provision for the establishment and admission of new States (sections 121 and 124). No new States have been established or admitted since federation. Under section 121, a new State can be created by an ordinary Act of the Commonwealth Parliament.

Territories

Section 122 empowers the Commonwealth Parliament to make laws in relation to Territories which have been ‘surrendered’ by the States or which have otherwise been acquired by the Commonwealth. In relation to these Territories (of which there are currently 10), the Commonwealth Parliament can make laws on any subject – that is, it does not share its law-making power with the State Parliaments as it does in relation to the rest of Australia. The Commonwealth Parliament has conferred a large measure of self-government on the people of three of the Territories, namely the Australian Capital Territory, Norfolk Island, and the Northern Territory.

Rights

The Constitution has no equivalent to the Bill of Rights found in the United States Constitution which prohibits laws that infringe certain basic freedoms and rights, such as freedom of speech. Some express protections, however, are given by the Constitution against legislative or executive action by the Commonwealth, but not by the States. Examples are section 51(xxxi) (acquisition of property