

	<p><a href="#"><u>AMG 6775 Chronology of Debt Collection of debts owed under Personal Guarantees Version 20.03.2018 final &amp; Annexure.pdf</u></a></p> <p><a href="#"><u>AMG 6776 FFR; CAG; DCCRM-0073-2019; HIGH TREASON; GRAND CORRUPTION; 28.06.2023 plus annexures pg 1-1185.pdf</u></a></p> <p><a href="#"><u>AMG 6867 FFR; AMG; CAG; DCCRM-0073-2019 CORRIGENDUM TO AMG 6776.pdf</u></a></p> <p><a href="#"><u>AMG 7015 FFR; AMG; CAG; DCCRM-0073-2019 CORRIGENDUM TO AMG 6776 AND AMG 6867 TREASON; - Portuguese (Brasil) published 28.08.2023.pdf</u></a></p>	
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Monday, 27 October 2025

TO: Korn Ferry  
Attn The Relevant Persons  
Level 18, Aurora Place  
88 Phillip Street, Sydney, NSW 2000  
Australia  
Email; [apra-deputychair2025@kornferry.com](mailto:apra-deputychair2025@kornferry.com)  
Email; [asic-chair2025@kornferry.com](mailto:asic-chair2025@kornferry.com)

**AMG 9156 HCMP-1855-2022; IN THE MATTER OF THE CROWN (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED); NOTICE OF OCCUPATION OF OFFICE AS GLOBAL INTERNATIONAL CROWN UNITARY EXECUTIVE/ GLOBAL INTERNATIONAL CROWN LIQUIDATOR/ CHAIRMAN OF THE AUSTRALIAN SECURITIES EXCHANGE COMMISSION AND AUSTRALIAN PREUDENTIAL REGULATORY AUTHORITY**

Dear Consultants,



**Australian Business Register**

05 October 2022

Australian business number (ABN)	14 930 849 717
Entity name	The Trustee for Australian Securities Investment Commission ABN 86 768 265 615 (Liquidator and Managing Controller Appointed)
ABN status	Active
ABN registration date	05 August 2019
Postal address	Unit 3 11 HARVEY ST NAILSWORTH SA 5083
Business address	L 6 111 MACQUARIE ST HOBART TAS 7000
Email address	admin@dynamic-capital-bank.com
Type of entity	Discretionary Services Management Trust
ANZSIC code	7510 - Central Government Administration
Associate name	Position held
MR ANDREW MORTON GARRETT	Trust Beneficiary Trustee

OENOVIVA GLOBAL, OENOVIVA CAPITAL RESOURCES, OENOVIVA BUSINESS SYSTEMS, OENOVIVA HAND CRAFTING, OENOVIVA ARTISANS, BETTER WORLD FUTURE FUND, OUR GREEN PLANET, PEARL COAST PRAWNS, IRON BOOMERANG, OFFICE OF THE CROWN ATTORNEY GENERAL

Cryptocurrencies: VIVA, VIVA2, VIVACOIN, VIVACASH

ISIN: AU0000023194, LEI: 984500957DB10F0T4B11, ABN: 42 388 204 496, Brazil Registration CPF: 12192308124; SEC Registration CIK: 0001872362

Better World Future Fund; LEI: 984500914484]1F7PE95, ABN: 26 317 275 322; [zvGN#]SBJ]KKMe;Zq

GLOBAL HEAD OFFICE: Level 29, Olaya Towers Tower B, Intersection of Olaya Street & Mohammed Bin Abdul-Aziz Street, Riyadh 11523.

Australia: Level 6, Reserve Bank Building, 111 Macquarie Street, Hobart, TAS, 7000 ; Korea: 4F-4052, 14, Hangeulbiseok-ro 24-gil, Nowon-gu, Seoul, Republic of Korea

Vietnam: Suite 103, 140 Nguyen Van Thu Street, District 1, Ho Chi Minh, Vietnam, Washington: 1015 15th ST NW #1000 Washington DC, 20005 USA

Phone; +61 (0) 450 831 708, Email; [ue.gbal@icunitaryexecutive.com](mailto:ue.gbal@icunitaryexecutive.com) [andrew.garrett@oenoviva-capital-resources.com](mailto:andrew.garrett@oenoviva-capital-resources.com); [contact@privategoldreservbank.com](mailto:contact@privategoldreservbank.com) ;

[andrew.garrett@dunamic-capital-bank.com](mailto:andrew.garrett@dunamic-capital-bank.com) ; [andrew.garrett@betterworldfuturefund.org](mailto:andrew.garrett@betterworldfuturefund.org); [chiefjustice@icriminalcourt.org](mailto:chiefjustice@icriminalcourt.org)

<https://oenoviva-capital-resources.com/>; <https://vivacoin.org/> <https://www.carbonhelix.net/>

<https://betterworldfuturefund.org/> <https://thecommonwealth.org/> <http://privategoldreservebank.com/>



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Australian Government  
Australian Business Register

### Australian Business Register

06 October 2022

Australian business number (ABN)	33 446 145 662
Entity name	The Trustee for the Australian Prudential Regulatory Authority ABN 79 635 582 658 (Liquidator and Managing Controller Appointed)
ABN status	Active
ABN registration date	10 July 2000
Postal address	Unit 3 11 HARVEY ST NAILSWORTH SA 5083
Business address	L 6 111 MACQUARIE ST HOBART TAS 7000
Email address	admin@dynamic-capital-bank.com
Type of entity	Discretionary Services Management Trust
ANZSIC code	7510 - Central Government Administration
Associate name	Position held
MR ANDREW MORTON GARRETT	Trust Beneficiary Trustee

I refer to the advertisements shown at Annexures 1 and 2 and write to place you on notice that the rights of the Directors and Officers of the Crown in right of Australia and in right of its global rights are the subject of my appointment as Liquidator and Managing Controller in which regard those rights are suspended as are the rights of the Shareholders of Corporate Australia created under *the Commonwealth of Australia Constitution Act*

1900 (Imperial).

By way of background since the date of the ASIC Act 1990 (AU) and the Corporations Act 2001 (AU) ASIC has conspired against my rights and the citizens of the world to perpetuate Tax Revenues that are Ill Gotten arising from Terrorism Financing and Money Laundering.

### **IMPUNITY OF MONEY LAUNDERING AND TERRORISM FINANCING TERRORISTS**

Extremely Serious findings of fact were made on the 1<sup>st</sup> February 2019 in the Haynes Royal Commission into the Financial Services Sector evidencing there was no meaningful enforcement in respect to the exercise of discretionary public powers in that sector being “Fake Regulation”, resulting collapse of Rule of Law and breaches of Separation of Powers in respect to misconduct and malfeasance of the Judicial Profession, the Legal Profession, Accounting Profession, Banking Profession, and the Regulators evidencing that Self-Regulation is Mis-Regulation in perpetuation of Tax Revenues that are “Ill Gotten” as “Fruit from the Poisonous Tree” by protection of the practice by public officials of the Common Law Torts of Criminal Defamation, Criminal Trespass, Champerty, Maintenance and Barratry as disclosed in the recitals to the grant of the Licenses to OenoViva Business Systems Intellectual Property between the 11<sup>th</sup> April 1957 and today’s date.



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Following the enacting of the *Vienna International Convention of the Law of Treaties* 1969 (UN), the Rome Statute in 1998 and *the United Nations Convention on Suppression of Terrorism Financing* in 1999, ASIC entered unlawful and invalid Memoranda of Understanding with the following Agencies of the Crown in order to impermissibly fetter the exercise of discretionary public powers conferred under enactments and thereby effectively control the transfer of stored value and weaponize the Monetary System via the following **Memoranda of Understanding** between ASIC and:

- The RBA dated 18th March 2002 (AMG 2235)
- Australian Competition & Consumer Commission (ACCC) dated 15th December 2004 (AMG 2233)
- Commonwealth Director of Public Prosecutions (CDPP) dated 1st March 2006 (AMG 2239)
- Australian Prudential Regulatory Authority (APRA) dated 18th May 2010. (AMG 2234)
- Australian Financial Security Authority (AFSA) dated 30th September 2014. (AMG 2236)
- Australian Stock Exchange Limited (ASX) dated 28th October 2011. (AMG 2237)
- The ATO dated 21<sup>st</sup> December 2012. (AMG 2238)
- The Federal Court of Australia (AMG 295, AMG 296 and AMG 297 including Transcripts of Senate Inquiry 19<sup>th</sup> January 2016 Admission of breach of Separation of Powers by the ATO)

Despite those findings and similar serious findings of malfeasance in public office made against ASIC and the Agencies above pursuant to Senate Enquiries in 2010 and 2014, ASIC remains substantially out of control and unregulated such that Self-Regulation is Mis-Regulation as evidenced by the Commonwealth Ombudsman own motion enquiry in 2015 which made no such findings and no effective means of regulation. Australian Law Reform Commission Report on Corporate Criminal Responsibility ALRC Report # 136 published April 2020 and the flurry of Domestic Legislative Branch activity, Executive Activity remained ineffectively addressed by the Judicial Branch of Government between 20017 and today's date in circumstances where the Evidence shows that the Legal Profession is hopelessly corrupt and the High Court of Australia along with all other Federal, State and Domestic Courts continue to avoid the fundamental issue of our Corrupt Legal System and that Lawyers believe they are licensed to Lie and Steal acting with impunity with no fear of being held to account.

This absence of effective regulation has resulted in enactments by me as the unitary executive to establish regulatory delegates and agencies to enforce the principles of federation expressed in *the Charter of the Commonwealth* 2013 (Regina) as a Royal Prerogative Writ of Mandamus addressed to the citizens and governments of member nations of the Commonwealth of Nations.

Please accept this communique as an application in writing for a copy of all documents and things related to your authority to act pursuant to the Crown Model Litigant Obligations for Continuous Full Disclosure.

Kind Regards



Signature: \_\_\_\_\_



# OENOVIVA

Name / Title: ANDREW MORTON GARRETT: Global Chairman/ Managing Trustee of the Boards of Trustees of the Andrew Garrett Family Irrevocable Living Trust trading as OenoViva Capital Resources (Global) and the Better World Future Fund (Global) , Global International Crown Unitary Executive, Global International Crown Attorney General, Global Chief Justice of International Crown Court of Justice, Global Chief Justice of International Crown Criminal Court for Abolition of Impunity, Global International Crown Managing Director,, Global International Crown Licensor of Judicial, Quasi-Judicial and Administrative Discretionary Public Powers, Global International Crown Trustee In Bankruptcy, Global International Crown Liquidator, Global International Crown Managing Controller, Global International Crown Receiver and Manager.



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## ANNEXURE 1



Australian Government

### **Deputy Chair, Australian Prudential Regulation Authority**

The Australian Prudential Regulation Authority (APRA) is seeking exceptional candidates to fill the role of Deputy Chair.

As Australia's prudential regulator, APRA's mandate is to provide Australians with a safe and stable financial system. APRA is an independent statutory authority that supervises institutions across banking, insurance, and superannuation, and is accountable to the Australian Parliament.

The Deputy Chair will help lead APRA to deliver on its mandate while ensuring regulatory settings are efficient and proportionate. They will also undertake strategic engagement with stakeholders to support the resilience and stability of the financial system.

Ideal candidates will have experience at senior levels of leading complex organisations through change, and a proven ability to achieve results in a challenging environment.

This role will have significant experience in business, financial markets, financial services, law, economics, or accounting, with regulatory reform experience highly desirable.

This full-time role offers competitive remuneration as set by the Remuneration Tribunal and is based in Melbourne or Sydney.

#### **For enquiries and applications:**

Please email: [APRA-DeputyChair2025@kornferry.com](mailto:APRA-DeputyChair2025@kornferry.com).

Your application requires a curriculum vitae (up to 4 pages) and a 'two-page pitch' describing how your skills and experience contribute to the role.

**Applications close: 11.59pm AEDT, Sunday 16 November 2025.**

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ANNEXURE 2

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what's gambling really become?



Australian Government

**Chair, Australian Securities and Investments Commission**

The Australian Securities and Investments Commission (ASIC) is seeking exceptional candidates to fill the role of Chair.

ASIC is Australia's integrated corporate, markets, financial services, and consumer credit regulator. By ensuring transparent, fair, and efficient financial markets, ASIC contributes to the economic prosperity and financial well-being of all Australians.

The Chair leads ASIC in fulfilling its statutory objectives, setting regulatory direction, and ensuring the integrity and resilience of Australia's financial system. The Chair also works closely with the Chief Executive Officer on financial, people and operational matters.

Ideal candidates for this role will have experience leading complex organisations through change, and a proven ability to achieve results in challenging environments with significant experience in business, financial markets, financial services, law, economics, or accounting. Regulatory reform experience is also highly desirable.

This full-time role offers competitive remuneration as set by the Remuneration Tribunal and is based in any Australian capital city.

**For enquiries and applications:**

Please email: [ASIC-Chair2025@kornferry.com](mailto:ASIC-Chair2025@kornferry.com).

Your application requires a curriculum vitae (up to 4 pages) and a 'two-page pitch' describing how your skills and experience contribute to the role.

**Applications close: 11.59pm AEDT, Sunday 16 November 2025.**

1699MS\_5744

**POWERS FOR ENFORCEMENT OF HUMAN RIGHTS AND ABOLITION OF IMPUNITY**

	AUSTRALIAN HERITAGE	
<p><b>SIR REGINALD FRANCIS MATTERS; AUSTRALIAN GRANFATHER</b></p>		

## **POWERS FOR ENFORCEMENT OF HUMAN RIGHTS AND ABOLITION OF IMPUNITY**

**LADY ELBE MATTERS;  
AUSTRALIAN  
GRANDMOTHER**

**BARABARA FRANCIS  
MATTERS MBE,  
CENTENARY MEDAL.  
MOTHER**

**TOM FRANCIS  
MATTERS, OA.  
AUSTRALIAN UNCLE**



# POWERS FOR ENFORCEMENT OF HUMAN RIGHTS AND ABOLITION OF IMPUNITY

AGENCY NAME	SYMBOLGY/ IDENTITY	DATE CREATED
<p>ANDREW GARRETT HEREDITARY PUBLIC OFFICE OF INTERNATIONAL CROWN GLOBAL</p> <ul style="list-style-type: none"> <li>• IC UNITARY EXECUTIVE</li> <li>• IC ATTORNEY GENERAL</li> <li>• IC CHIEF JUSTICE OF THE IC COURT OF JUSTICE</li> <li>• IC CHIEF JUSTICE OF THE IC CRIMINAL COURT</li> </ul>		<p>FIRST ENACTMENT</p> <p>1<sup>st</sup> JUNE 2019 SERVED 3<sup>rd</sup> JUNE 2019</p> <p><a href="#">AMG 15e THE FIRST ENACTMENT PART 1 of Annexure 1 to Exhibit AMG 15b The Notice dated 1st June 2019 Pages 1_100.pdf</a></p>
<p><b>INTERNATIONAL CROWN UNITARY EXECUTIVE</b></p>		<p>CREATED 1<sup>ST</sup> JUNE 2019 BY</p> <ol style="list-style-type: none"> <li>1. SEIZURE OF THE OPERATION OF s61 OF THE COMMONWEALTH OF AUSTRALIA ACT 1900 (REGINA) AND SIMILAR PROVISIONS IN THE CONSTITUTIONS OF THE QUEEN'S DOMINIONS.</li> </ol> <div style="text-align: center;">  </div>

## POWERS FOR ENFORCEMENT OF HUMAN RIGHTS AND ABOLITION OF IMPUNITY

<p>ANDREW GARRETT HEREDITARY PUBLIC OFFICE OF INTERNATIONAL CROWN GLOBAL LIQUIDATOR AND MANGING CONTROLLER APPOINTED TO THE SECRATARIAT OF THE UNITED NATIONS AND MEMBER NATIONS LICENSED TO <u>BRENDAN MERRICK;</u> <u>INTERNATIONAL CROWN CHIEF OF ENFORCEMENT”</u></p>		<p>THE UNITED NATIONS CAPITAL TRUST THE CHARTER ENFORCEMENT FUND No 2 READY WILLING AND ABLE LETTER (EXHIBIT AMG 3263) dated 7<sup>th</sup> JUNE 2021</p> <p>SEVENTH ENACTMENT 16<sup>th</sup> APRIL 2022</p> <p><a href="#">AMG 6658; SEVENTH ENACTMENT - SN 1.00309.22 Infinity seizure of UN Power 16th April 2022 compressed.pdf</a></p>
<p>ANDREW GARRETT HEREDITARY PUBLIC OFFICE OF INTERNATIONAL CROWN LIQUIDATOR AND MANAGING CONTROLLER APPOINTED TO WINDSOR FAMILY OFFICE/ THE BRITISH THRONE/ COMMONWEALTH OF AUSTRALIA/ SECRETARIAT OF THE COMMONWEALTH OF NATIONS LICENSED TO <u>BRENDAN MERRICK ;</u> <u>INTERNATIONAL CROWN CHIEF OF ENFORCEMENT”</u></p>		<p>THIRD ENACTMENT</p> <p>14<sup>th</sup> AUGUST 2020</p> <p><a href="#">AMG 2445 THE THIRD ENACTMENT SAD 143 of 2020 SEALED AMG 1953 Appointment of CAG as Liquidator to the Crown.pdf</a></p>

## POWERS FOR ENFORCEMENT OF HUMAN RIGHTS AND ABOLITION OF IMPUNITY

ANDREW GARRETT HEREDITARY  
PUBLIC OFFICE OF  
INTERNATIONAL CROWN  
LIQUIDATOR AMD MANAGING  
CONTROLLER APPOINTED TO  
THE UNITED STATES OF AMERICA  
LICENSED TO BRENDAN  
MERRICK”



### EIGHTH ENACTMENT

- 11<sup>th</sup> MAY 2022

[AMG 6659; EIGHTH ENACTMENT - SN 1.00310.22 Infinity seizure of USA Power 11th May 2022 Compressed.pdf](#)

- 5<sup>th</sup> NOVEMBER 2024  
RESIGNATION UPON ELECTION OF  
PRESIDENT DONALD J TRUMP

- 18<sup>TH</sup> MARCH 2025  
RE-ENACTED EIGHTH ENACTMENT  
NOTICE OF CRYSTALLISATION AND  
SEIZURE OVER US SECURITIES  
EXCHANGE COMMISSION

[AMG 8738 SEC DEMAND FOR PAYMENT OF DEBT FOR EFFECT 9th AUGUST 2021 AND ESCALATION IN VALUE.pdf](#)

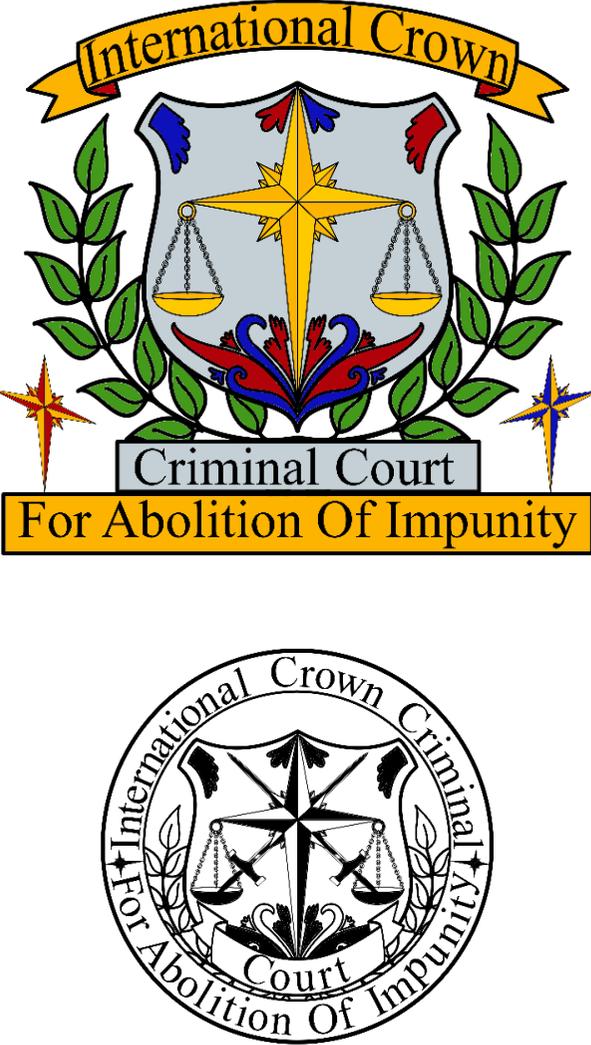
- 18<sup>th</sup> JUNE 2025  
RE-ENACTED EIGHTH ENACTMENT  
NOTICE OF CRYSTALLISATION AND  
SEIZURE OVER US SECURITIES  
EXCHANGE COMMISSION

[AMG 9001 OVCR NOTICE OF FRAUDULENT TRADING TO OFAC dated 14.07.2025.pdf](#)

**POWERS FOR ENFORCEMENT OF HUMAN RIGHTS AND ABOLITION OF IMPUNITY**

AGENCY NAME	SYMBOLGY/ IDENTITY	DATE CREATED
<p>ANDREW GARRETT HEREDITARY PUBLIC OFFICE OF THE INTERNATIONAL CROWN GLOBAL CHIEF JUSTICE OF THE INTERNATIONAL CROWN COURT OF JUSTICE:</p>	 	<p>29<sup>TH</sup> JULY 2024 BY ORDER OF NOLLE PROSEQUI AS ADMISSION OF FACTS FILED AND SERVED IN:</p> <ol style="list-style-type: none"> <li>1. NSD-741-2023; <i>AUSTRALIAN PRUDENTIAL REGULATORY AUTHORITY v ANDREW MORTON GARRETT</i>, INCLUDING NO CONTEST STATEMENT BY JUSTICE MICHAEL LEE TO NOTICE OF ENFORCEMENT DATED 5<sup>TH</sup> MAY 2025.</li> <li>2. AMC-5575-2018/ DCCRM-0073-2019; <i>AUSTRALIAN TAXATION OFFICE v ANDREW MORTON GARRETT</i>, BEING ADMISSION OF MALICIOUS PROSECUTION AND NOTICE OF AUDIT AS NO CONTEST TO INCOME TAX RETURNS.</li> </ol>

**POWERS FOR ENFORCEMENT OF HUMAN RIGHTS AND ABOLITION OF IMPUNITY**

POWER	SYMBOLGY/ IDENTITY	DATE CREATED
<p>ANDREW GARRETT HEREDITARY PUBLIC OFFICE OF THE INTERNATIONAL CROWN GLOBAL CHIEF JUSTICE OF THE INTERNATIONAL CROWN CRIMINAL: COURT FOR THE ABOLITION OF IMPUNITY:</p>		<p>29<sup>TH</sup> JULY 2024 BY ORDER OF NOLLE PROSEQUI AS ADMISSION OF FACTS FILED AND SERVED IN:</p> <ol style="list-style-type: none"> <li>1. NSD-741-2023; <i>AUSTRALIAN PRUDENTIAL REGULATORY AUTHORITY v ANDREW MORTON GARRETT</i>, INCLUDING NO CONTEST STATEMENT BY JUSTICE MICHAEL LEE TO NOTICE OF ENFORCEMENT DATED 5<sup>TH</sup> MAY 2025.</li> </ol> <p>AMC-5575-2018/ DCCRM-0073-2019; <i>AUSTRALIAN TAXATION OFFICE v ANDREW MORTON GARRETT</i>, BEING ADMISSION OF MALICIOUS PROSECUTION AND NOTICE OF AUDIT AS NO CONTEST TO INCOME TAX RETURNS.</p>

## POWERS FOR ENFORCEMENT OF HUMAN RIGHTS AND ABOLITION OF IMPUNITY

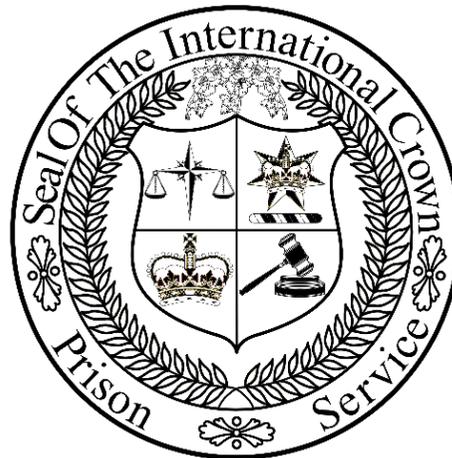
POWER	SYMBOLGY/ IDENTITY	DATE CREATED
<p>ANDREW GARRETT HEREDITARY PUBLIC OFFICE OF:</p> <p>“OFFICE OF THE INTERNATIONAL CROWN GLOBAL CHIEF ACTUARY AND AUDITOR OF THE INTERNATIONAL CROWN ACTUARY AND AUDIT SERVICE LICENSED TO BADGE NUMBER MC01; PAUL DEVERALL RIGBY of MY OFFICE HUB (MOH) SERVICES LIMITED (REPUBLIC OF IRELEAND AND REPUBLIC OF INDIA)”</p>	 	<p>29<sup>TH</sup> JULY 2024 BY ORDER OF NOLLE PROSEQUI AS ADMISSION OF FACTS FILED AND SERVED IN:</p> <ol style="list-style-type: none"> <li>1. NSD-741-2023; <i>AUSTRALIAN PRUDENTIAL REGULATORY AUTHORITY v ANDREW MORTON GARRETT</i>, INCLUDING NO CONTEST STATEMENT BY JUSTICE MICHAEL LEE TO NOTICE OF ENFORCEMENT DATED 5<sup>TH</sup> MAY 2025.</li> </ol> <p>AMC-5575-2018/ DCCRM-0073-2019; <i>AUSTRALIAN TAXATION OFFICE v ANDREW MORTON GARRETT</i>, BEING ADMISSION OF MALICIOUS PRTOSECUTION AND NOTICE OF AUDIT AS NO CONTEST TO INCOME TAX RETURNS.</p>

# POWERS FOR ENFORCEMENT OF HUMAN RIGHTS AND ABOLITION OF IMPUNITY

POWER	SYMBOLGY/ IDENTITY	DATE CREATED
<p>ANDREW GARRETT HEREDITARY PUBLIC OFFICE OF GLOBAL MANAGING TRUSTEE OF THE BETTER WORLD FUTURE FUND AND LICENSOR TO PEOPLE'S LORE OF TERRA AUSTRALIS PTY LTD OFFICE OF THE GLOBAL INTERNATIONAL CROWN REDRESS FUND</p>		

## POWERS FOR ENFORCEMENT OF HUMAN RIGHTS AND ABOLITION OF IMPUNITY

ANDREW GARRETT HEREDITARY  
PUBLIC OFFICE OF GLOBAL  
MANAGING TRUSTEE OF THE  
BETTER WORLD FUTURE FUND  
AND LICENSOR TO PEOPLE'S  
LORE OF TERRA AUSTRALIS PTY  
LTD OFFICE OF THE  
INTERNATIONAL CROWN  
GLOBAL CHIEF WARDEN OF THE  
INTERNATIONAL CROWN  
PRISON SERVICE



29<sup>TH</sup> JULY 2024 BY ORDER OF NOLLE  
PROSEQUI AS ADMISSION OF FACTS  
FILED AND SERVED IN:

1. NSD-741-2023; *AUSTRALIAN PRUDENTIAL REGULATORY AUTHORITY v ANDREW MORTON GARRETT*, INCLUDING NO CONTEST STATEMENT BY JUSTICE MICHAEL LEE TO NOTICE OF ENFORCEMENT DATED 5<sup>TH</sup> MAY 2025.

AMC-5575-2018/ DCCRM-0073-2019;  
*AUSTRALIAN TAXATION OFFICE v ANDREW MORTON GARRETT*, BEING ADMISSION OF MALICIOUS PROSECUTION AND NOTICE OF AUDIT AS NO CONTEST TO INCOME TAX RETURNS.

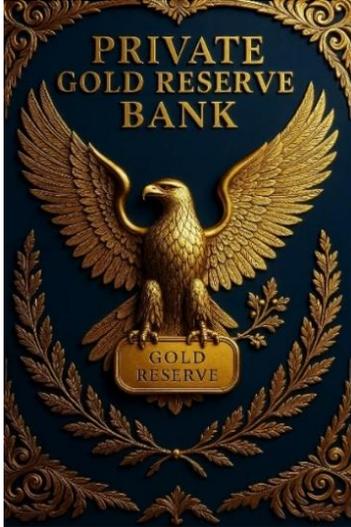
## POWERS FOR ENFORCEMENT OF HUMAN RIGHTS AND ABOLITION OF IMPUNITY

POWER	SYMBOLGY/ IDENTITY	DATE CREATED
<p>BETTER WORLD FUTURE FUND  <a href="https://betterworldfuturefund.org/">https://betterworldfuturefund.org/</a></p>		<p>30<sup>th</sup> April 2017</p> <p><a href="https://oenoviva-capital-resources.com/2020/07/30/resolution-of-ocr-board-of-trustees/">https://oenoviva-capital-resources.com/2020/07/30/resolution-of-ocr-board-of-trustees/</a></p> <p>as varied 4<sup>th</sup> August 2020</p> <p><a href="https://oenoviva-capital-resources.com/2020/08/05/exhibit-amg-1915/">https://oenoviva-capital-resources.com/2020/08/05/exhibit-amg-1915/</a></p>
<p>DYNAMIC LEGAL RESOURCES AND PUBLIC INTEREST CASE FUND</p>		<p>30<sup>th</sup> April 2017</p>

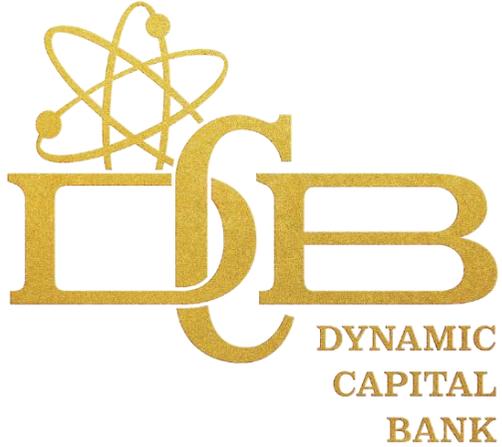
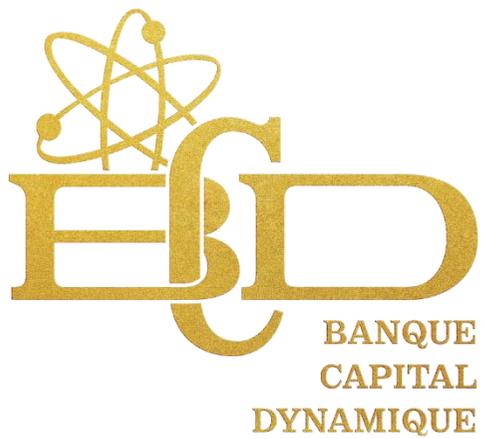
## POWERS FOR ENFORCEMENT OF HUMAN RIGHTS AND ABOLITION OF IMPUNITY

POWER	SYMBOLGY/ IDENTITY	DATE CREATED
<p>ANDREW GARRETT HEREDITARY PUBLIC OFFICE OF:</p> <p>“OFFICE OF THE INTERNATIONAL CROWN GLOBAL MASTER AND COMMANDER OF THE INTERNATIONAL CROWN RANGER SERVICE LICENSED TO XXXXXXXXXXXXXXXX</p>	 <p>The badge features a crown at the top, a central star with a compass rose, and the words 'International Crown' and 'Ranger' on banners across the star.</p>	<p>31<sup>ST</sup> MARCH 2025 IN CANBERRA MEETING OF TRUSTEES AND AUSTRALIAN FIRST NATIONS REPRESENTATIVE H.M. ULUKI</p> <p>ASSET MAINTENANCE SERVICE</p>
<p>ANDREW GARRETT HEREDITARY PUBLIC OFFICE OF:</p> <p>“OFFICE OF THE INTERNATIONAL CROWN GLOBAL MASTER AND COMMANDER OF THE INTERNATIONAL CROWN MARSHAL SERVICE LICENSED TO BADGE NUMBER MC01: <u>NAT DE FRANCESCO</u> OF AUSSIE SECURITY SERVICE PTY LTD”</p>	 <p>The badge features a crown at the top, a central star with a compass rose, and the words 'International Crown' and 'Marshal' on banners across the star.</p>	<p>31<sup>ST</sup> MARCH 2025 IN CANBERRA MEETING OF TRUSTEES AND AUSTRALIAN FIRST NATIONS REPRESENTATIVE H.M. ULUKI</p> <p>RULE OF LAW MAINTENANCE SERVICE</p> <p><i>The only goal and manifesto we believe in, is true freedom can only be taken and enjoyed by equal law and order.</i></p>

## POWERS FOR ENFORCEMENT OF HUMAN RIGHTS AND ABOLITION OF IMPUNITY

POWER	SYMBOLGY/ IDENTITY	DATE CREATED
<p>ANDREW GARRETT HEREDITARY PUBLIC OFFICE OF:</p> <p>“OFFICE OF THE INTERNATIONAL CROWN GLOBAL MASTER AND COMMANDER OF THE INTERNATIONAL CROWN GUARD SERVICE” ; LICENSED TO BADGE NUMBER MC01: <u>SIR LARRY SWART</u> OF NEW WORLD ALLIANCES AND PRIVATE MILLITARY CONTRACTORS</p>		<p>31<sup>ST</sup> MARCH 2025 IN CANBERRA MEETING OF TRUSTEES AND AUSTRALIAN FIRST NATIONS REPRESENTATIVE H.M. ULUKI.</p> <p><a href="https://www.newworldalliances.com/">https://www.newworldalliances.com/</a></p> <p><i>The NEW WORLD ALLIANCES AND WORLD PEACE COMMAND were put in place to keep a distinct and clear division of the relevant international groups and communities that make up a very sensitive system, and are the loudest and largest anti-new-world-order institute/group in the world today, and will continue to be the voice of the free, the tool of the brave, the pride of the afraid, and the fear of the globalists.</i></p>
<p>“OFFICE OF THE INTERNATIONAL CROWN / PRIVATE GOLD RESERVE BANK / CEO OF BANKING SERVICES AND LICENSING”; LICENSED TO DECLAN MATTHEW BARNETT</p>		<p>25<sup>th</sup> AUGUST 2025</p>

## POWERS FOR ENFORCEMENT OF HUMAN RIGHTS AND ABOLITION OF IMPUNITY

POWER	SYMBOLGY/ IDENTITY	DATE CREATED
<p>“OFFICE OF THE INTERNATIONAL CROWN / PRIVATE GOLD RESERVE BANK / CEO OF BANKING SERVICES AND LICENSING”; LICENSED TO DECLAN MATTHEW BARNETT</p>		<p>5<sup>TH</sup> JANUARY 2016</p>
<p>“OFFICE OF THE INTERNATIONAL CROWN / PRIVATE GOLD RESERVE BANK / CEO OF BANKING SERVICES AND LICENSING”; LICENSED TO DECLAN MATTHEW BARNETT</p>		<p>5<sup>TH</sup> JANUARY 2016</p>

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**POWERS FOR ENFORCEMENT OF HUMAN RIGHTS AND ABOLITION OF IMPUNITY**

POWER	SYMBOLGY/ IDENTITY	DATE CREATED
<p>UNDER PROPOSED INTERNATIONAL TRADING LICENSE FROM THE KINGDOM OF SAUDI ARABIA</p>		<p>PURSUANT TO CURRENT NEGOTIATION BETWEEN OUR TRUSTEES DOMICILED IN RIYADH IT IS PROPOSED THAT GLOBAL HEAD QUARTERS BE DOMICILED IN RIYADH, KINGDOM OF SAUDI ARABIA WITH EFFECT FROM 12st JULY 2022</p>

## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 4/10/2020 5:30:52 AM ACDT 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: Affidavit - Form 59 - Rule 29.02(1)  
File Number: SAD144/2020  
File Title: ANDREW MORTON GARRETT  
Registry: SOUTH AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Dated: 6/10/2020 11:59:08 AM ACDT

A handwritten signature in blue ink that reads 'Sia Lagos'.

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.

**Affidavit of The Applicant under s37AR  
To be sworn in Court**



No.                      of 2020

Federal Court of Australia  
District Registry: South Australia  
Division: Human Rights

**ANDREW MORTON GARRETT, Personally and as Trustee for the Andrew Garrett Family Trust No 4 ABN 42 388 204 496 trading as OenoViva Capital Resources and as otherwise set out in Exhibit AMG 87 and AMG 175**

Applicant

AND

**NEWS AUSTRALIA PTY LIMITED ACN 007 910 330 (MANAGING CONTROLLER APPOINTED)**

Respondent

And others named in the Schedule

**SCHEDULE**

**RESPONDENTS**

SECOND RESPONDENT; NEWS PTY LIMITED ACN 007 871 178 (MANAGING CONTROLLER APPOINTED)

THIRD RESPONDENT; ADVERTISER NEWSPAPERS PTY LIMITED ACN 007 872 997 (MANAGING CONTROLLER APPOINTED)

FOURTH RESPONDENT; RUPERT MURDOCH

FIFTH RESPONDENT; THE BOARD OF DIRECTORS OF THE FIRST, SECOND AND THIRD RESPONDENTS

SIXTH RESPONDENT; SEAN FEWSTER

SEVENTH RESPONDENT; CAMERON ENGLAND

EIGHTH RESPONDENT; AUSTRALIAN BROADCASTING CORPORATION ABN 52 429 278 345 (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED)

NINTH RESPONDENT; MEGAN DILLON

TENTH RESPONDENT: AUSTRALIAN PRESS COUNCIL ABN 13 383 369 929

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Filed on behalf of (name & role of party)	The Applicant as Trustee for the Andrew Garrett Family Trust No 4 ABN 42 388 204 496 trading as OenoViva Capital resources and as otherwise set out in Exhibit AMG 87 & AMG 175	
Prepared by (name of person/lawyer)	Andrew Garrett, Chairman and Managing Trustee	
Law firm (if applicable)	N/A	
Tel	0450 831 708	Fax
Email	<a href="mailto:andrew.garrett@oenoviva-capital-resources.com">andrew.garrett@oenoviva-capital-resources.com</a>	
Address for service (include state and postcode)	3/11 Harvey, Street Nailsworth, SA, 5083.	

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## NOTICE OF FILING

This document was lodged electronically in the FEDERAL COURT OF AUSTRALIA (FCA) on 17/05/2016 4:04:53 PM ACST 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: Affidavit - Form 59 - Rule 29.02(1)  
File Number: SAD134/2016  
File Title: Andrew Morten Garrett  
Registry: SOUTH AUSTRALIA REGISTRY - FEDERAL COURT OF AUSTRALIA



Dated: 20/05/2016 2:17:54 PM ACST

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

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.



On the 11<sup>th</sup> May of 2016,

I, Andrew Morton Garrett, Trustee, Winemaker and Managing Controller of Level 1, 82 Flinders Street, Adelaide SA, 5000 say on oath –

1. I swear this affidavit in support of my application for leave pursuant to s37AR and s37AT of *the Federal Court of Australia Act 1976* (Cth) to file an application for leave to seek declaratory relief (**the Application**)
2. **s37AR(2) (a)**; Pursuant to s37AR(3) (a) of *the Federal Court of Australia Act 1976* (Cth) (**“The Act”**) I advise this Honourable Court that as at the date of applying for leave to commence this proceeding on the 26<sup>th</sup> June 2015 I have made other applications for leave to commence proceedings and have applied for leave under s37AR(2) of the Act as follows;
  - 2.1. Interlocutory Application (within the meaning section 4 of a “proceeding”) dated 17th March 2015 in VID 584 of 2014; *Andrew Garrett v the CEO of Austrade* for
    - 2.1.1. Order 1 Sought ; Summary Judgment against the Respondent in the absence of filing a Defence within 28 days of receipt of the Statement of Claim order 1 sought, and
    - 2.1.2. Orders 2, 3,4 & 5 sought in respect to
      - ❖ Costs in the absence of filing the Respondent’s Genuine Steps Statement,
      - ❖ Declarations in respect to the conduct of the Respondents as originally set out in the Statement of Claim
      - ❖ Review and quashing of the Grant Decision dated 16th September 2014 and Writ of Certiorari.
      - ❖ Loss and Damage flowing from the conduct of the Respondents
    - 2.1.3. Order 6 such other orders as the Honourable Court Deems Fit
    - 2.1.4. In the Appellant’s mind the Application sought to be filed and served was wholly consistent with the orders sought in the Statement of Claim and Originating process both accepted for filing on the 18th October 2014.
    - 2.1.5. The Applicant did not have the benefit of making submissions to the Court in respect to the reasons published by His Honour Jessup on the 31st March 2015.
    - 2.1.6. The Appellant has not sought leave to Appeal the reasons of Jessup J and instead seeks to have that matter listed for trial subject to orders for discovery in that proceeding.

- 2.2. Originating Application dated 7th March 2015 for leave to Appeal the Judgment and reasons of the Honourable Pagone J delivered on the 26th February 2015 in VID 600 of 2014; *Andrew Garrett v Commissioner of Taxation and Ors* which matter was listed before the Honourable Justice Kenny and given action number VID 129 of 2015
  - 2.2.1. The purpose of VID 600 of 2014 was to have the Notices of Income Tax Assessment dated 13th December 2013 relied upon by the Second Respondent in these proceedings set aside on the basis that the Notices of Assessment were invalid along with review of approximately 300 Taxation Decisions made by the Respondent against entities associated with me subsequently VID 129 of 2015 seeks that the Judgment of Pagone J is set aside and that a decision on the merits of the Application is made.
  - 2.2.2. On the 26th January 2015 I swore a further affidavit in VID 600 of 2014 setting out a proposed amended Statement of Claim as exhibit AMG 1 which I seek to rely upon in VID 129 of 2015 on Appeal.
  - 2.2.3. I seek Declarations of Right under s21 of the Act in VID 129 of 2015 that the conduct of the Respondents in that proceeding is conscious maladministration and/or unlawful administration within the meaning of the unwritten law consistent with the findings of the High Court in *Federal Commissioner of Taxation v Futuris Corporation Limited* (2008) HCA 32 and *Donoghue v Federal Commissioner of Taxation* (2015) FCA 235
  - 2.2.4. I also seek orders in that proceeding as to determination of consequential loss and damage caused by the Second Respondent over a period of in excess of 11 years.
- 2.3. Interlocutory Application for leave to reopen the Appeal in VID 731 of 2014; *Andrew Garrett v Make Wine & Ors*
  - 2.3.1. This application was lodged for filing for the sole purpose of adducing a Notice to Admit Facts dated 1st May 2015 as new evidence that was not available prior to the hearing dated 13th March 2015.
  - 2.3.2. The Application was declined on the basis that the reasons for refusal would be considered in the final judgment to be published by Beach J.
  - 2.3.3. Supplementary Submissions dated 18th May 2015 set out that the facts contained within the Notice to Admit Facts are taken to have been admitted by the Third Respondent.
- 2.4. On the 5<sup>th</sup> June 2015 an originating application under s37AR(2) was accepted for filing that set out two applications within the affidavit in support dated 5<sup>th</sup> June 2015;
  - 2.4.1. Exhibit AMG 1 evidences a Draft Notice of Appeal of the Orders of the Honourable Reithmuller J given on the 15<sup>th</sup>, 18<sup>th</sup> and 20<sup>th</sup> May 2015 in MLG 177 of 2015 being the making of a Sequestration Order against me and the refusal of an application for Stay and adducing of new evidence,

- 2.4.2. Exhibit AMG 2 is an application for an extension of time in which to file and serve a Notice of Appeal of the orders of Reithmuller J made on the 27<sup>th</sup> April 2015
  - 2.4.3. The other exhibits of the affidavit in support are sworn into evidence in support of an application for Third Party Discovery against Registrars of the Federal Court Victoria Registry and the Federal Circuit Court Melbourne Registry following the refusal of access to documents related to the administration of various proceedings involving me under the provisions of the FOI Act and access to the court files under FCR 2.32 of the Federal Court Rules
- 2.5. Following the decisions of the Honourable Justice Davies made in VID 158 – VID 166 of 2015 on the 13<sup>th</sup> May 2015 NOT to make orders for Judgment Debt in those proceedings following my application dated 12<sup>th</sup> May 2015 pursuant to FCR 22.07 and s31A(2) of *the Federal Court of Australia Act 1976 (Cth)* I applied for leave pursuant s37AR and s37AT for an extension of time in which to apply for leave to appeal on the 17<sup>th</sup> June 2015 the decision of the Honourable Justice Davies made in the aforementioned proceedings
- 2.5.1. Concurrent with that Application for leave to file and serve the aforementioned application I sought orders that the hearing of the applications in VID 158-VID161 and VID 163 – VID 166 of 2015 be adjourned in order to save court resources.
  - 2.5.2. I made the aforementioned adjournment application on the Grounds that the test as to a Genuine Dispute could easily be resolved by the hearing of VID 162 of 2015 without the necessity to hear the applications set out at paragraph 3.5.1.
  - 2.5.3. I understand that the acceptance of those applications is currently under consideration by a Registrar.
- 2.6. Concurrent with the aforementioned applications following a decision by the Honourable Justice Davies made in VID 739 of 2014 on the 19<sup>th</sup> May 2015 to make a Third Vexatious Litigant Judgment against me in this Learned Court I made application pursuant to s37AR and s37AT also on the 17<sup>th</sup> June 2015, that the Honourable Justice Davies be recused from hearing any applications related to me and in particular VID 158 – VID 166 of 2015.
- 2.6.1. The decision of the Honourable Justice Davies made in VID 739 of 2014 was the third decision to be made against me by Justices in this Court without making any findings on the merits.
  - 2.6.2. As a consequence of the pattern of conduct I have observed and the failure of the Honourable Justice to make orders and deliver reasons for the Honourable Justices decision on the 13<sup>th</sup> May 2015 I have formed the view that this Honourable Court has utilised orders under s37AO of the Federal Court of Australia Act 1976 (Cth) to exhaust my emotional and financial resources in breach of my inalienable and indivisible Constitutional, Common Law and Human Rights.
  - 2.6.3. The evidence of that conduct has been supported by refusals of Registry to allow access to the Court Files and the Transcripts of Proceedings in the various actions.

- 2.6.4. I understand that the acceptance of those applications is currently under consideration by a Registrar.
- 2.7. I have advised the parties in VID 739 of 2014 that I reserve my rights to apply for leave to Appeal the decision of the Honourable Justice Davies dated 19<sup>th</sup> May 2015 under s37AR and s37AT of the Act, while placing the parties on Notice of an Application to issue a Summons to Show Cause for the issue of writ of certiorari under s75(v) against the Federal Court of Australia and the various officers of this learned court who have made administrative and Judicial Decisions in respect to applications involving me.
- 2.8. I have NOT applied for leave to commence any other proceeding than those aforementioned set out at paras 4.1, 4.2 and 4.3 pursuant to 37AR(2) of the Act as at today's date.
3. **s37AR(2) (b)**; Pursuant to s37AR (2) (b) I set out a list of proceedings commenced by me in any capacity in the Courts and Tribunals of Australia as follows;

### **FEDERAL COURTS & TRIBUNALS**

#### **3.1. The High Court of Australia;**

3.1.1. **Action M42 of 2014**; *Andrew Morton Garrett v Federal Commissioner of Taxation, Francis Michael Cahill and Peter Hambros*. Commenced on 20th May 2014 dismissed on the 6th June 2014

- ❖ This proceeding was commenced as an application for leave to file and serve a Summons to Show Cause as to why the Honourable High Court would not issue a Writ of Mandamus, Writ of Injunction and a Writ of Certiorari to the Federal Commissioner of Taxation.
- ❖ The central complaint was made out by way of two affidavits filed in the proceeding in respect to at least 285 Adverse Taxation and other Decisions made by the Deputy Commissioner of Taxation in respect to OenoViva Business Systems as an asset of the Trustee of the Andrew Garrett Family Trust No 4 pursuant to a task force known as Operation Winebar and the failure of the Commissioner to consent to set aside a default judgment given on the 11th February 2004 in respect to a debt that did not and could not legally exist
- ❖ The next line of complaint was against Francis Michael Cahill and Peter Hambros for obtaining Property by Deception and dealing with \$4,810,000 in Trust Money and failing to act as instructed while a further complaint was made out against Peter Ivan Macks for Trespass on my Bankrupt Estate as a consequence of a sequestration order given in favor of the Deputy Commissioner of Taxation in respect to the judgment debt that did not exist.

#### **3.2. The Federal Court of Australia (South Australia District Registry)**

3.2.1. **SAD 209 of 2006**; *Andrew Garrett v Commissioner of Taxation* commenced on 4th September 2006 dismissed on the 4th February 2007.

- ❖ Application for an extension of time to appeal the decision of Federal Magistrate Lindsay made in ADG 69 of 2004 to refuse to grant an extension of time to set aside the sequestration order made against me that was the subject of the Appointment of Peter Ivan Macks as my Trustee in Bankruptcy.

3.2.2. **SAD 248 of 2006**; *Andrew Garrett v ASIC* Application for Leave to manage Evajade Pty Ltd under s206G of the Corporations Act filed on 23rd October 2006 and dismissed on 27th October 2006

- ❖ Set aside a Statutory Letter of Demand in circumstances where Andrew Sandow as the sole Director of the Company had executed a Part 10 arrangement and could no longer act as the Director of Evajade Pty Ltd which entity was a joint Trustee with me of the Andrew Garrett Family Trust and the Andrew Garrett Family Trust No 2.

3.2.3. **SAD 277 of 2006**; *Andrew Garrett v Universal Holidays & Ors* Application for Leave for extension of time in which to file and serve an Appeal of Orders dismissing my joinder as a Joint Trustee of the Andrew Garrett Family Trust to action SAD 5 of 2006; filed 18th December 2006 dismissed 13th April 2007

- ❖ SAD 5 of 2006 was the central action where parties were arguing entitlement to payments under the Deed of Settlement executed between me and Treasury Wine Estates Vintners Limited

3.2.4. **SAD 9 of 2007**; *Andrew Garrett v Westpac and Ors*; re Bills of Exchange filed 24th January 2007 dismissed 13th April 2007

- ❖ Seeking just compensation for failing to deal with Bills in respect to contract between Bank and Customer.

3.2.5. **SAD 12 of 2007**; *Andrew Garrett v Fosters Wine Estates Limited & Ors*; filed 24th January 2007 dismissed 13th April 2007

- ❖ Re consumer protection, use of the Andrew Garrett Trademark in Signature Style. Part 2F application under Corporations act for oppression of minorities arising from acquisition of Andrew Garrett Wines from Suntory Limited by Fosters Wine Estates (*now Treasury Wine Estates Vintners Limited*) and the transfer of brands and trademarks belong to Andrew Garrett Wines to Cellarmasters Wines Pty Ltd.

3.2.6. **SAD 15 of 2007**; *Andrew Garrett v Michael Rann MP and Ors*; filed 2nd February 2007 closed 13th April 2007

- ❖ Regarding access to Justice and Legal Practitioners Conduct Board failings to investigate lawyers complained of in South Australia and trespass on Bankrupt Estate by Peter Ivan Macks.

3.2.7. **SAD 16 of 2007**; *Andrew Garrett v National Australia Bank Limited & Ors*; filed 2nd February 2007 closed 13th April 2007

- ❖ Statement of Claim seeking compensation for breaches of contract dismissed as being incomprehensible

3.2.8. **SAD 20 of 2007**; *Andrew Garrett v Westpac and Ors* re Bills of Exchange. filed 5th February 2007 closed 13th April 2007

- ❖ Application for mandamus re dealings with Bills of exchange and compliance with Bills of Exchange Act 1909 (Cth) .....incompetent as Westpac was not an officer of the Commonwealth

3.2.9. **SAD 21 of 2007**; *Andrew Garrett v Edie Bransbury & Ors*; re Bill of Exchange; filed 5th February 2007 closed 13th April 2007

- ❖ Seeking Mandamus that the Registrar deal with the Bill of Exchange in accordance with the Bills of Exchange Act 1909 (Cth)

3.2.10. **SAD 185 of 2007**; *Andrew Garrett v National Australia Bank Limited & Ors* filed on the 21st December 2007 dismissed 17th October 2011.

- ❖ Notice of Appointment of Hambros and Cahill Lawyers on 13th October 2011, no steps taken by Hambros and Cahill to act in breach of instructions

3.2.11. **SAD 101 of 2008**; *Andrew Garrett & Ors v Peter Ivan Macks & Ors* Filed 1st July 2008 dismissed 8th September 2008

- ❖ Intellectual Property Appeal of Lander decision dated 31st July 2008 where His Honour found that the Garrett Family Trust and the Andrew Garrett Family Trust were one and the same in circumstances where the Contradictors were the Trustees in Bankruptcy who were trespassing on the Estates
- ❖ On the grounds that the Trustees were appointed in respect to a debt that did not in fact exist then their appointments were invalid and there would have been no contradictor and the Court would not have made that Judgment

### 3.3. the Federal Court of Australia (Western Australia Registry)

3.3.1. **WAD 204 of 2008**; *Andrew Garrett ATF the Garrett Family Trust* commenced 24th September 2008 dismissed 23rd March 2009

- ❖ Application for Declaratory Relief pursuant to s21 of the Federal Court Act on the grounds that as the debt the subject of the Trustees appointment did not and could not legally exist then the Judgment of Lander J should not have been made in circumstances where the contradictors were not validly appointed

3.3.2. **WAD 260 of 2018**; *Andrew Garrett v Peter Ivan Macks* commenced 17th November 2008 2nd April 2009

- ❖ withdrawn by execution of Deed of Settlement dated 20th March 2009 executed in circumstances where the prima facie evidence of the Judgment Debt appearing by GST mistake on the RBA of the Trustee of the Andrew Garrett Family Trust was removed on the 6th & 7th October 2008 so that instead of a debt being owed to the Deputy Commissioner of Taxation the Deputy Commissioner owed a GST credit in the amount of \$14,548.00 and subsequently the Deputy Commissioner of Taxation cancelled that correction on the 18th February 2009 in circumstances where the Deputy Commissioner knew that cancellation was unlawful.

### 3.4. the Federal Court of Australia (Victoria District Registry)

3.4.1. **VID 187 of 2014**; *Andrew Garrett v Austrade* filed 26th March 2014 dismissed 5th June 2014

- ❖ Application for Mandamus that the CEO of Austrade make the Grant Determination in respect to an application made on the 5th August 2013 for and export Market development Grant of \$150,000 following eligible expenditure of \$1,800,000.
- ❖ Found order could not be made that the Court make the Grant determination

3.4.2. **VID 197 of 2014**; *Andrew Garrett v Deputy Commissioner of Taxation & Ors* filed 27th March dismissed 11th April 2014

- ❖ Precursor to the High Court Application M42 of 2014 struck out on basis of inadequate pleadings

3.4.3. **VID 198 of 2014**; *Andrew Garrett & Anor v Deputy Commissioner of Taxation* commenced 29th March 2014 dismissed 5th June 2014

- ❖ re Termination of Liquidation of ACN; 133 861 579 Pty Ltd (In Liquidation) (Controller Appointed) and review of Decision of the Registrar (South Australia) Registry pursuant to s482 of *the Corporations Act 2001* (Cth)
- ❖ Liquidation order was made in favour of the Deputy Commissioner of Taxation in SAD 370 of 2013 in circumstances where the company was not filed with the originating process and the application was heard ex-parte

3.4.4. **VID 233 of 2014**; *ACN 133 861 579 Pty Ltd (In Liquidation) (Controller Appointed) & Anor v Deputy Commissioner of Taxation* commenced 19th April 2014 dismissed 8th May 2014

- ❖ Commenced by me pursuant to the orders of Davies J and subsequently withdrawn by me and application filed within VID 198 of 2014

3.4.5. **VID 248 of 2014**; *Andrew Garrett v Make Wine & Ors* seeking assisted Dispute Resolution on 25th June 2014 and dismissed 21st November 2014.

- ❖ Agitation of payment of moneys owed under Deed of Settlement dated 26th July 2000 in respect to the indemnity given by the Third Respondent at clause 17.3
- ❖ Failure to comply with clause 15 on or about the 27th October 2009.
- ❖ Causing Trespass of Trustees in Bankruptcy by issuing Recipient Created Tax Invoices in circumstances where the Third Respondent was not legally entitled to resulting in GST Mistakes being entered onto the Running Balance Account of the Trustee of the Andrew Garrett Family Trust.
- ❖ Not all of the evidence properly adduced before her Honour due to the solicitors for the Respondents preparation of the Court Books
- ❖ Dismissed by the Honourable Mortimer J and orders made under s37AO of the Federal Court of Australia Act but no decision made upon the merits

**3.4.6. VID 304 of 2014; Andrew Garrett v Peter Ivan Macks;** commenced 5th June 2014 dismissed 21st November 2014

- ❖ Application for Annulment of my Bankruptcy dated 24th September 2004 by order of Court pursuant to s153B and Investigation of Conduct of Trustees in Bankruptcy pursuant to s179 of *the Bankruptcy Act 1966* (Cth)
- ❖ Freedom of Information responses received from the Deputy Commissioner of Taxation between 10th June 2014 and 27th August 2014 revealed unlawful acts of Commissioner in cancelling GST Corrections on the 18th February 2009 that led to the execution of the Deed of Settlement.
- ❖ Were it not for the cancellation of the GST corrections I would not have executed the SAD 5 Deed on the 10th March 2009 releasing the Trustees.
- ❖ Refusal by Tracey J to Annul under s153(B) of *the Bankruptcy Act 1966* (Cth)
- ❖ Refusal by Tracey J to Investigate under s179 of *the Bankruptcy Act 1966* (Cth)
- ❖ Jurisdictional Error revealed and failure to adjourn to allow pro bono solicitors to continue

**3.4.7. VID 425 of 2014; Andrew Garrett v Stephen James Duncan;** commenced 25th July 2014 dismissed 21st November 2014

- ❖ Application for Annulment of my Ex-Wife's Bankruptcy dated 22nd December 2004 by order of Court pursuant to s153B and Investigation of Conduct of Trustees in Bankruptcy pursuant to s179 of *the Bankruptcy Act 1966* (Cth)
- ❖ Freedom of Information responses received from the Deputy Commissioner of

Taxation between 10th June 2014 and 27th August 2014 revealed unlawful acts of Commissioner in cancelling GST Corrections on the 18th February 2009 that led to the execution of the Deed of Settlement.

- ❖ Were it not for the cancellation of the GST corrections I would not have executed the SAD 5 Deed on the 10th March 2009 releasing the Trustees.
- ❖ Refusal by Tracey J to Annul under s153(B) of *the Bankruptcy Act 1966* (Cth)
- ❖ Refusal by Tracey J to Investigate under s179 of *the Bankruptcy Act 1966* (Cth)
- ❖ Jurisdictional Error revealed and failure to adjourn to allow pro bono solicitors to continue

**3.4.8. VID 557 of 2014; Andrew Garrett v Federal Commissioner of Taxation;**  
commenced 23rd February 2014 dismissed 4th February 2014

- ❖ Appeal of AAT decision made regarding the OenoViva (Australia and New Zealand) Plant & Equipment Trust given in AAT-2012-1590 and AAT-2014-1300.
- ❖ Application made pursuant to Part IVC of *the Taxation Administration Act 1953* (Cth) as a right

**3.4.9. VID 584 of 2014; Andrew Garrett v CEO of Austrade;** Commenced 24th September 2014 not finalised

- ❖ Application under s5 & s6 of *the Administrative Decisions Judicial Review Act 1977* (Cth) for a review of conduct and a Decision made by Austrade on the 16th September 2014 in respect to the Grant Application subject of VID 187 of 2014
- ❖ Application for Summary Judgment made on the 17th March 2015 dismissed on the 31st March 2015 the basis of absence of affidavit conforming to s37AR (3) of the Act

**3.4.10. VID 585 of 2014; Andrew Garrett v CEO of Austrade;** Commenced 24th September 2014 dismissed on 5th February 2015

- ❖ Application under s39B of *the Judiciary Act 1903* (Cth) for a review of conduct and a Decision made by Austrade on the 16th September 2014 in respect to the Grant Application subject of VID 187 of 2014
- ❖ Decision not appealed in order to save court resources and application made instead to consolidate ADJR matters within VID 548 of 2014 and conclusion that s39B gave the court broader powers to exercise.

**3.4.11. VID 600 of 2014; Andrew Garrett v Federal Commissioner of Taxation;**  
Commenced 29th September 2014 dismissed on 26th February 2015

- ❖ Application under s39B of *the Judiciary Act 1903* (Cth) arising from HCA M42 of 2014, Operation Winebar, VID 197 of 2014, SCI-2014-03380 and SCI2013-02968

3.4.12. **VID 730 of 2014;** *Andrew Garrett v Stephen James Duncan*; Commenced 4th December 2014 Heard 13th March 2015 dismissed on 16th March 2015

- ❖ Appeal of a right of the reasons of Tracey J dated 21st November 2014 in respect to refusal to set aside Deed of Settlement
- ❖ Application for stay dated 7th February 2015 dismissed 11th February 2015
- ❖ Failure to refer to affidavit filed 7th February 2015 regarding FOI releases
- ❖ Refusal by Beach J to Annul under s153(B) of *the Bankruptcy Act 1966* (Cth)
- ❖ Refusal by Beach J to Investigate under s179 of *the Bankruptcy Act 1966* (Cth)
- ❖ Jurisdictional Error subject to an application to Show Cause currently drafted under s75(v) of *the Constitution* and s78B of *the Judiciary Act 1903* (Cth)

3.4.13. **VID 731 of 2014;** *Andrew Garrett v Make Wine & Ors* Commenced 4th December 2014 Heard 13th March 2015 NOT Finalised

- ❖ Appeal of the Reasons of Mortimer J as of a right on grounds of new evidence that if the evidence was before Her Honour then a different decision would have been made
- ❖ Jurisdictional Error
- ❖ Application for stay dated 7th February 2015 dismissed 11th February 2015
- ❖ Failure to refer to affidavit filed 7th February 2015 regarding FOI releases
- ❖ On the 10th March 2015 I issued 9 X Statutory Letters of Demand (**“the Demands”**) on the Third Respondent in VID 731 of 2014 being Treasury Wine Estates Vintners Limited (**“TWEV”**)
- ❖ Subsequently on the 31st March 2015 TWEV commenced 9 applications to set aside the Demands in the Federal Court of Australia which were given Action Numbers VID 158 – VID 166 of 2015 *Treasury Wine Estates Vintners Limited v Andrew Garrett*
- ❖ On the 6th April 2015 I issued Notices to Admit Facts in accordance with r22 of the Federal Court Rules.
- ❖ On the 7th April 2015 Coors Chambers Westgarth for the Applicant asserted by

Letter that Notices to Admit did not apply to applications commenced under the Corporations rules and advised they would not issue notices disputing facts.

- ❖ Also on the 7th April I wrote to Corrs directing their attention to r1.3 of the Federal Court Corporations Rules which set out that the other rules of the Court also apply to Corporations Actions.
- ❖ On the 11th April 2015 I issued further Notices to Admit Facts in VID 160 – VID 166 of 2015.
- ❖ TWEV did not issue a Notice Disputing Facts under r22.02 of the Federal Court Rules in respect to any of VID158 – VID 166 of 2015 and are taken to have admitted the Facts contained therein pursuant to r22.04 of the Federal Court Rules which admit debt of \$16,550,853.01 payable to me.
- ❖ On the 1st May 2015 I issued a further Notice to Admit Facts in VID 166 of 2015 that TWEV admits that it indemnifies the Trustee of the Andrew Garrett Family Trust as a Loss and Damage under cl17.3 of the Deed in the amount of \$46,133,481

3.4.14. **VID 732 of 2014; *Andrew Garrett v Peter Ivan Macks***; Commenced 4th December 2014 Heard 5<sup>th</sup> May 2015 and dismissed on 19<sup>th</sup> May 2015

- ❖ Appeal of a right of the reasons of Tracey J dated 21st November 2014 in respect to refusal to set aside Deed of Settlement
- ❖ Application for stay dated 7th February 2015 dismissed 11th February 2015
- ❖ Failure to refer to affidavit filed 7th February 2015 regarding FOI releases
- ❖ Beach J did not make orders Annuling under s153(B) of *the Bankruptcy Act 1966* (Cth)
- ❖ Beach J did not make orders to Investigate the Trustee under s179 of *the Bankruptcy Act 1966* (Cth)
- ❖ Jurisdictional Error subject to an application to Show Cause currently drafted under s75(v) of *the Constitution* and s78B of *the Judiciary Act 1903* (Cth)

3.4.15. **VID 739 of 2014; *Andrew Garrett v Commissioner of Taxation and Anor*** Commenced 9<sup>th</sup> December 2014 with First Directions on the 6<sup>th</sup> February 2015 Heard 27th March 2015 dismissed on 31st March 2015

- ❖ Application for review of a Decision of the Commissioner of Taxation to cancel my registration for GST under s39B of *the Judiciary Act 1903* (Cth)
- ❖ The Honourable Justice Davies delivered Her Honour's reasons on the 19<sup>th</sup> May

2015 making a third vexatious litigant judgment against me under s37A0 of the Federal Court of Australia Act.

- ❖ That judgment did not make any findings on the merits of the Application reflecting the continuing pattern of conduct of the Justices of the Federal Court of Australia to give short shift to the applications made by me and using Vexatious Litigant Orders as a barrier to Justice.
- ❖ Jurisdictional Error subject to an application to Show Cause currently drafted under s75(v) of *the Constitution* and s78B of *the Judiciary Act 1903* (Cth) which later Notice is to be filed in the Application for Leave to file and serve an application for an extension of time in which to appeal the reasons of Her Honour dated 19<sup>th</sup> May 2015

3.4.16. **VID 49 of 2015; *Andrew Garrett v Francis Michael Cahill***; Commenced 9th February 2015 Heard 27th March 2015 dismissed on 31st March 2015

- ❖ Appeal of MLG 1631 of 2014 reasons of Burchardt J
- ❖ Failure to go behind Judgment Debt
- ❖ Failure to recognise Mutuality in respect to distribution

3.4.17. **VID 129 of 2015; *Andrew Garrett v Federal Commissioner of Taxation***; Commenced 7th March 2014

- ❖ Appeal of Vexatious Litigant Order under s37A0 on the merits of the originating application and discovery
- ❖ Refer exhibits annexed to this affidavit

### 3.5. the Federal Magistrates Court (Adelaide Registry)

3.5.1. **ADG 89 of 2005; *J&W Holdings Pty Ltd v Shey Fair*** ; Commenced 27th April 2005 finalised 6th June 2005

- ❖ Seeking recoupment of moneys loaned to Ms Fair by the Trustee of the Andrew Garrett Family Trust pursuant to a loan agreement prepared by Minter Ellison(SA)
- ❖ Dismissed as a Judgment debt was not obtained prior to commencing the Bankruptcy Proceeding.
- ❖ Stephen Piggott Director of Trustee Company

3.5.2. **ADG 93 of 2006; *Andrew Garrett v Peter Ivan Macks & Ors*** ; commenced 22nd March 2006 finalised 6th April 2006

- ❖ Commenced to ascertain details of alleged settlement in SD 29 of 2005 re Universal Holidays Shu Mu Tseng, National Australia Bank and Peter Macks Settlement dated 20th November 2005 in SAD 29 of 2005 that occurred without knowledge and consent of the Trustee of the Garrett Family Trust and the Andrew Garrett Family Trust.

3.5.3. **ADG 95 of 2006**; *Averil Garrett v Stephen James Duncan*; commenced 23rd March 2006 finalised 6th April 2006

- ❖ Annulment of Averil Garrett sequestration in ADG 187 of 2004 commenced by the Applicant as representative by Power of Attorney standing refused.
- ❖ Seeking to overcome the issues of Trespass by Respondent

### 3.6. the Federal Magistrates Court (Melbourne Registry)

3.6.1. **MLG 1631 of 2014**; *Andrew Garrett v Francis Michael Cahill*; commenced 11th August 2014 finalised 19th January 2015

- ❖ Application to set aside Bankruptcy Notice on 3rd September 2014 issued in favour of the Respondent on grounds of set off and mutuality
- ❖ Counterclaim against Cahill and Hambros in J 177 of 2014 Victorian Civil and Administrative Appels Tribunal was not on foot at this time having been dismissed on the 3rd October 2014.
- ❖ Personal liability of the Respondent pursuant to the Statutory Liability under the LPA delivers Mutuality
- ❖ Subsequent to Judgment Applicant commenced SCI-2015-01232; *Garrett v Cahill and Anor* in respect to professional Negligence

3.6.2. **MLG 2265 of 2014**; *Andrew Garrett v Deputy Commissioner of Taxation*; commenced 8th November 2014 part heard 17th April 2015 Adjourned to the 30th November 2015

- ❖ Application to set aside Bankruptcy Notice issued in favour of the Respondent arguable case found adjourned in deference to hearing of VID 129 of 2015 by The Honourable Justice Kenny.

### 3.7. the Administrative Appeals Tribunal of Australia (Victoria Registry)

3.7.1. **AAT-12- 5901**; The Trustee of the OenoViva (Australia & New Zealand) Plant & Equipment Trust commenced December 2012

- ❖ Application for review of Taxation Decision and Completion of Audit dated 20th

November 2012 pursuant to Part IVC of *the Taxation Administration Act 1953* (Cth)

- ❖ *The Trustee for OenoViva (Australia & New Zealand) Plant and Equipment Trust and Commissioner of Taxation* [2014] AATA 614 (28 August 2014)

3.7.2. **AAT-13-** ; *Sanctuary Australasia Pty Ltd v Deputy Commissioner of Taxation*

- ❖ Application for review of Objection Decisions under Part IVC of the Taxation Administration Act
- ❖ *SANCTUARY AUSTRALASIA PTY LTD v FC of T*, Administrative Appeals Tribunal of Australia, 04 June 2013

3.7.3. **AAT-13-0848**; *The Trustee of the OenoViva (Australia & New Zealand) Plant & Equipment Trust v Deputy Commissioner of Taxation*;

- ❖ Jurisdiction on Deemed Decision not found by the Tribunal

3.7.4. **AAT-13- 2320**; *The Trustee of the OenoViva (Australia & New Zealand) Plant & Equipment Trust No 2 v Deputy Commissioner of Taxation*; Jurisdiction on Deemed Decision

- ❖ Jurisdiction on Deemed Decision not found by the Tribunal

3.7.5. **AAT-13- 2557**; *The Trustee of the OenoViva (Australia & New Zealand) Plant & Equipment Trust v Deputy Commissioner of Taxation*; Jurisdiction on Deemed Decision

- ❖ Jurisdiction on Deemed Decision not found by the Tribunal

3.7.6. **AAT-13-2568**; *The Trustee of the Andrew Garrett Family Trust No 3 v Deputy Commissioner of Taxation*

- ❖ Jurisdiction on Deemed Decision not found by the Tribunal

3.7.7. **AAT-13- 2855**; *The Trustee of the OenoViva (Australia & New Zealand) Plant & Equipment Trust No 2 v Deputy Commissioner of Taxation*; Jurisdiction on Deemed Decision

- ❖ Jurisdiction on Deemed Decision not found by the Tribunal

3.7.8. **AAT-13-2865**; *The Trustee of the Andrew Garrett Family Trust No 3 v Deputy Commissioner of Taxation*

- ❖ Jurisdiction on Deemed Decision not found by the Tribunal

3.7.9. **AAT-14-1300**; The Trustee of the OenoViva (Australia & New Zealand) Plant & Equipment Trust v Deputy Commissioner of Taxation

- ❖ Application for review of Application of Penalty and Notices of Assessment dated 9th January 2013 pursuant to Part IVC of the Taxation Administration Act
- ❖ *The Trustee for OenoViva (Australia & New Zealand) Plant and Equipment Trust and Commissioner of Taxation* [2014] AATA 614 (28 August 2014)

3.7.10. **AAT-14- 4068**; *The Trustee of the OenoViva (Australia & New Zealand) Plant & Equipment Trust No 2 v Deputy Commissioner of Taxation*; Jurisdiction on Deemed Decision

- ❖ See decision referred to in paragraph 3.3.7.11

3.7.11. **AAT-14-4070**; *Andrew Garrett ATF the OenoViva (Australia & New Zealand) Plant & Equipment Trust No 2 and the Andrew Garrett Family Trust No 4 v Deputy Commissioner of Taxation*;

- ❖ See decision referred to in paragraph 3.3.7.11

3.7.12. **AAT-14-4071**; The Trustee of the Andrew Garrett Family Trust No 3 v Deputy Commissioner of Taxation

- ❖ *Andrew Garrett in his capacity as an Authorised Officer of the OenoViva (Australia & New Zealand) Plant & Equipment Trust No 2 and as Authorised Officer of the Andrew Garrett Family Trust No 4 as the Sole Unit Holder of the OenoViva (Australia & New Zealand) Plant & Equipment Trust No 2) and Anor and Commissioner of Taxation* [2015] AATA 247 (24 April 2015)
- ❖ The Deputy President rejected my contention that I am the Trustee of the Andrew Garrett Family Trust No 3 in circumstances where the decision of the Honourable Jessup J delivered on the 5th February 2015 in VID 584 of 2015 was the reverse of the Deputy President on the same materials
- ❖ Subject of Notice to the Deputy Commissioner of Taxation in respect to intention to file and serve an Appeal

### 3.8. The Administrative Appeals Tribunal of Australia (West Australia Registry)

3.8.1. **AAT-08-2152**: *Andrew Garrett v Inspector General in Bankruptcy*;

- ❖ Seeking review of decision made by the Inspector General in Bankruptcy in respect to investigation of Peter Ivan Macks and review of Notice of Objection to discharge from Bankruptcy.

### 3.8.2. **AAT-08-2197**; *Andrew Garrett v Commissioner of Taxation*

- ❖ *Garrett and Commissioner of Taxation* [2008] AATA 749 (25 August 2008)
- ❖ The Tribunal found no jurisdiction however showed me the way to seek GST corrections in circumstances where the Commissioner did not provide me with the relevant information
- ❖ Decision Not appealed as I agreed with the findings and took the appropriate steps to again advise the Commissioner of the entitlement to a GST refund.
- ❖ Result was that on the 6th and 7th August 2008 the GST Corrections were made to the Running Balance Account of the Trustee of the Andrew Garrett Family Trust such that

### 3.8.3. **AAT-08-3509**: *Andrew Garrett v Inspector General in Bankruptcy*;

- ❖ Seeking review of decision made by the Inspector General in Bankruptcy in respect to investigation of Peter Ivan Macks

## **STATE COURTS & TRIBUNALS**

### 3.9. The Supreme Court of South Australia

#### 3.9.1. **SCCIV-96-2244**; *Andrew Garrett Personally & as Trustee of the Garrett Family Trust v Mildara Blass Limited (Now known as “Treasury Wine Estates Vintners Limited”)*

- ❖ An Application for breach of the best endeavours clause of the Garrett Family License assigned to Mildara Blass on the 25th August 1985 and application to strike out the Andrew Garrett trademark pursuant to s53 & s54 of the Trade Practices Act 1974 (Cth) in which I was represented by Finlayson’s Lawyers Adelaide.
- ❖ Pursuant to execution of Heads of Agreement on or about the 20th May 2000 a Deed of Settlement was drafted by solicitors for TWEV which was executed on the 26th July 2000. (“the Deed”)
- ❖ The Facts relating to that Deed are set out in the Notices to Admit referred to in paragraph 4.4.13

#### 3.9.2. **SCCIV-04-127**; *Andrew Garrett Wine Resorts Pty Ltd & Anor v National Australia Bank limited & Andrew Morton Garrett (Defendant by Counterclaim)*

- ❖ An Application to set aside an order for possession of the property know as

Springwood Park.

- ❖ Injunctive Relief granted by Order of Justice Besanko on the 9th March 2004 on the basis of a triable issue.
- ❖ The Triable issues are set out in a Summary prepared by me for Hambros and Cahill and the brief to act in SAD 185 of 2007
- ❖ Injunction discharged on or about the 26th August 2004 as a consequence of a Mareeva Order that interrupted the payments of interest into court.

3.9.3. **SCCIV-04-257; *Evajade Pty Ltd & Ors v Cockatoo Ridge Limited & Ors***

- ❖ An Application commenced by me to investigate the sale of the business and undertakings of Andrew Garrett Vineyard Estates Pty Ltd ("**AGVE**") to Cockatoo Ridge Limited including the International trademarks transferred back to me under the Deed
- ❖ The sale occurred without my knowledge and consent when I was a Director of AGVE and a significant shareholder in circumstances that were oppressive and a breach of Part 2.f of *the Corporations Act 2001* (Cth)

3.9.4. **SCCIV-05-164; *Evajade Pty Ltd & Ors v National Australia Bank Limited***

- ❖ Application by the Trustee of the Andrew Garrett Family Trust for loss cost and Damage arising from breach of the First and Second Contracts of Finance in circumstances where I was no longer a Trustee of the Andrew Garrett Family Trust
- ❖ Dismissed in circumstances where the Trustee was impecunious and unable to afford Legal Representation as a consequence of the Trespass on the Bankrupt Estates of the Prior Trustees by the Trustees in Bankruptcy.

3.9.5. **SCCIV-05-422; *Evajade Pty Ltd v Registrar General & Ors;***

- ❖ Application for compensation under the provisions of the Real Property Act regarding the loss of Springwood Park pursuant to the Fraud and breach of Contract of National Australia Bank
- ❖ Dismissed in circumstances where the Trustee was impecunious and unable to afford Legal Representation as a consequence of the Trespass on the Bankrupt Estates of the Prior Trustees by the Trustees in Bankruptcy.

3.9.6. **SCCIV-05-423; *Phoenix Rising Vineyards Pty Ltd & Ors v Registrar General & Ors***

- ❖ Application for compensation under the provisions of the Real Property Act regarding the loss of all Vineyards owned by the Trustee of the Sunburst Property

Trust pursuant to the Fraud and breach of Contract of National Australia Bank

- ❖ Dismissed in circumstances where the Trustee was impecunious and unable to afford Legal Representation as a consequence of the Trespass on the Bankrupt Estates of the Prior Trustees by the Trustees in Bankruptcy.

3.9.7. **SCCIV-05-1294**; *Evajade Pty Ltd & Ors v National Australia Bank Limited*

- ❖ An Application seeking to consolidate the matters arising in SCCIV-05-164; SCCIV-05-422; SCCIV-04-127 and the Fraud and breach of Contract of National Australia Bank

3.10. **The District Court of South Australia**

3.10.1. **DCCIV-06-1753**; *Andrew Garrett v Peter Ivan Macks & Ors*

- ❖ An Application seeking return of Springwood Park Trust Property that was not property of my Bankrupt Estate or that of my Ex-Wife from the Trustees in Bankruptcy

3.10.2. **DCCIV-06-1755**; *Andrew Garrett v Peter Ivan Macks & Ors*

- ❖ An Application seeking return of Andrew Garrett Family Trust Property that was not property of my Bankrupt Estate or that of my Ex-Wife from the Trustees in Bankruptcy

3.11. **The Supreme Court of Victoria**

3.11.1. **SCCIV-14-2728**; *Andrew Garrett Personally v Legal Services Commissioner*

- ❖ An Application as of a right seeking Judicial Review subject to an extension of time under Order 56 of the Supreme Court Rules to review a decision of the Legal Services Commissioner published on the 31st March 2014.
- ❖ Hearing for extension of time on the 20th November 2014 and judgement reserved by the Honourable Associate Justice Derham
- ❖ On the 24th April 2015 I issued a Notice under s35 of *the Charter of Human Rights and Responsibilities Act 2006 (Vic)* ("**the Charter**") to the Attorney General of Victoria and the Human Rights Commissioner and sought their intervention prior to seeking a declaration of inconsistent interpretation pursuant to s36 of the Charter that the Legal Services Commissioner has failed to fulfil the provisions of the LPA set out in that Notice

3.11.2. **SCCIV-14-3714**; *Andrew Garrett v Legal Services Board*

- ❖ An Application seeking return of Andrew Garrett Family Trust Property that was

not property of my Bankrupt Estate or that of my Ex-Wife from the Trustees in Bankruptcy

- ❖ This application was commenced under Order 56 of the Supreme Court Rules following the refusal dated 10th July of the Management of the Legal Services Board to put my application for an advance on the Fidelity Fund Claim on grounds of hardship
- ❖ The matter was dismissed by the Honourable Mukhtar AsJ on the 30th October 2014 which decision is the subject of an application for extension of time to Appeal based on New Evidence being a Decision of the Legal Services Board dated 9th February 2015.
- ❖ On the 24th April 2015 I issued a Notice under s35 of *the Charter of Human Rights and Responsibilities Act 2006 (Vic)* ("**the Charter**") to the Attorney General of Victoria and the Human Rights Commissioner and sought their intervention prior to seeking a declaration of inconsistent interpretation pursuant to s36 of the Charter that the Legal Services Board has failed to fulfil the provisions of the LPA set out in that Notice
- ❖ By Consent Orders dated the 27th April 2015 the hearing of the appeal was adjourned sine die until after the conclusion of the hearing of the Notice of Appeal in SCI-15-01047 referred to below

### 3.11.3. **SCCIV-15-00644; Andrew Garrett v Legal Services Board**

- ❖ An Application under s4 of *the Administrative Law Act 1978 (Vic)* as of a right seeking review of a Decision of the Legal Services Board dated 9th February 2015
- ❖ The matter was part heard on the 2nd and 25th March 2015 and listed to for completion of the hearing on the 13th April 2015.
- ❖ During the course of the hearing of the 2nd March 2015 the Honourable Associate Justice Mukhtar highlighted the limitations of Judicial Review under the provisions of the ALA and questioned why the application was not made under s3.6.23 of the LPA relating to Appeals and the benefits related to merits review of the decision of the Legal Services Board
- ❖ I commenced an Application on the 10th March 2015 under the provisions of s3.6.23 of the LPA seeking merits review on Appeal of the decision of the Board that was given action SCCIV-15-01047 and listed for hearing on the 19th March 2015.
- ❖ On the 13th April 2015 the Court made orders adjourning the hearing until after the completion of the hearing of the Notice of Appeal in SCCIV-2015-01047 that was listed for directions on the 14th April 2015 before the Honourable Justice Riordan.

- ❖ On the 24th April 2015 I issued a Notice under s35 of *the Charter of Human Rights and Responsibilities Act 2006* (Vic) (**“the Charter”**) to the Attorney General of Victoria and the Human Rights Commissioner and sought there intervention prior to seeking a declaration of inconsistent interpretation pursuant to s36 of the Charter that the Legal Services Board has failed to fulfil the provisions of the LPA set out in that Notice

#### 3.11.4. **SCCIV-15-01047; Andrew Garrett v Legal Services Board**

- ❖ An Application made pursuant to the Appeal provisions of the LPA at s3.6.23.
- ❖ Summary Judgment was given in favour of the Defendant on the 19th March 2015 as a consequence of an application made by the Legal Services Board on the 18th March 2015 and an affidavit in support that I did not have sufficient time to review.
- ❖ On the 19th March 2015 I lodged a Notice of Appeal of the reasons of the Honourable Associate Justice Derham that the decision dated 9th February 2015 was not a decision to which s3.6.23 applied.
- ❖ On the 14th April 2015 the Honourable Justice Riordan made orders that the Defendant file and serve an outline of submissions by the 1st May 2015 and I file and serve submissions by the 15th May 2015
- ❖ On the 24th April 2015 I issued a Notice under s35 of *the Charter of Human Rights and Responsibilities Act 2006* (Vic) (**“the Charter”**) to the Attorney General of Victoria and the Human Rights Commissioner and sought there intervention prior to seeking a declaration of inconsistent interpretation pursuant to s36 of the Charter that the Legal Services Board has failed to fulfil the provisions of the LPA set out in that Notice
- ❖ Subsequently on the 30th April 2015 I consented to an order extending time for the Defendant to file and serve submissions by one week

#### 3.11.5. **SCCIV-15-1232; Andrew Garrett v Francis Michael Cahill and Anor**

- ❖ An Application commenced following the publication of the reasons of the Honourable Burchardt J in MLG 1631 of 2014 in *Garrett v Cahill* (2015) FCCA 26 where his Honour found at paragraph 53 of His Honour’s Reasons

53. *“The conduct of Mr Cahill and Mr Hambros, as indicated by these papers, would certainly give rise to concerns. The GST input credit is certainly consistent with an elaborate sham. The payment of the \$2 million by way of loans would bear careful investigation.”*

- ❖ And at para 40 of His Honours reasons

*40. "As earlier indicated, exhibit A1 shows that Mr Garrett has filed a letter with the Tribunal enclosing his revised pleading. Although Mr Garrett asserted before the Court that his proceeding is now underway again, it is clear that the right to reinstate is contingent upon the Tribunal accepting that the proposed statement of claim complies with the order to which I have just referred. The pleading, in common with a number of Mr Garrett's documents, is by no means easy to construe. It is not necessary for me to determine this aspect of the matter, but I would go so far as to say that the status of the VCAT proceeding is by no means certain. I have not researched the matter in any detail, but it would seem to me that some of the remedies that Mr Garrett seeks may not be within VCAT's jurisdiction."*

- ❖ This application was commenced on the grounds that VCAT lacked sufficient Jurisdiction to consider the matters arising and ought be transferred to the Supreme Court of Victoria in any event

### 3.12. Victorian Civil Administrative Tribunal

#### 3.12.1. **J77 of 2014; Andrew Garrett v Francis Cahill and Anor**

- ❖ Application pursuant to the provisions of the Fair Trading and Australian Consumer Law At of Victoria for payment of \$310,000 in Trust Moneys and production of files
- ❖ Abandoned subsequent to the commencement of SCCIV-15-01232

4. **s37AR(2) (c)**; Pursuant to s37AR(2) (c) of the Act I advise the Court that the Application that I seek to make is an application for declaratory relief exparte in my capacity as Managing Controller Appointed to Corporations.
5. On the 2<sup>nd</sup> May 2016 I made urgent application to this Honourable Court for Declaratory Relief as set out in the application of the same date. now produced and shown as exhibit "**AMG 1**" is a true and correct copy of that application.
6. At the same time as I made that application I swore an affidavit in support of the Application, now produced and shown as exhibit "**AMG 2**" is a true and correct copy of the affidavit filed in support of exhibit AMG 1.
7. Subsequently I was advised by the registrar that I would need to swear this affidavit as part of the process in commencing this proceeding, now produced and shown as exhibit "**AMG 3**" is a true and correct copy of the letter from the SA District Registrar dated 3<sup>rd</sup> May 2016 that was received by me on the 4<sup>th</sup> May 2016.
8. I had considered that as the application was an exparte application it would not be necessary to swear an affidavit under s37AR however I accept that strict reading of the law suggests that I must.

- 9. The Registrar refers to the orders of the Honourable Justice Pagone made in VID 600 of 2014 that was the subject of appeal in VID 129 of 2015 before the Honourable Justice Kenny however that proceeding is stayed and remains unheard.
- 10. On the 30<sup>th</sup> July 2015 I accepted a grant of public interest test case funding to pursue high court proceedings to have the stay VID 129 of 2015 reviewed. now produced and shown as exhibit "**AMG 4**" is a true and correct copy of the executed Grant acceptance
- 11. On the 13<sup>th</sup> March 2016 I was eventually successful in engaging solicitors to represent me in the aforementioned High Court proceedings and as a consequence asked the office of the Commonwealth Attorney General to finalise the next stage to the grant that was accepted by me.
- 12. Subsequently, on the 9<sup>th</sup> May 2016 I received a communique from the office of the Commonwealth Attorney General advising that a decision in respect to the Grant would be published in the next few days. now produced and shown as exhibit "**AMG 5**" is a true and correct copy of that communique
- 13. I depose that the contents of this my affidavit are true and correct except where otherwise deposed.

.....

11<sup>th</sup> May 2016  
Sworn at ADELAIDE

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Before me:

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.....  
Andrew Morton Garrett