



OENOVIVA

- c. Payment of costs on an indemnity basis secured by the above Personal Property Security Interests to be registered on the Personal Property Security Register

## INTERFERENCE WITH TRANSFER OF STORED VALUE

In order to exercise my fundamental Human Right of transferring the Wealth of entities related to me I have been issuing Paper Security Instruments in accordance with Domestic and International Trade Law :

18. Register of Inland Bills of Exchange drawn prior to 18th May 2016 (**ANNEXURE 10**)
19. Register of UNCITRAL INTERNATIONAL BILLS OF EXCHANGE drawn after 18th May 2016 (**ANNEXURE 11**)

## ALLEGED TAX DECISIONS OF THE COMMISSIONER DATE 30th AUGUST 2021

The Alleged Delegates of the Commissioner of Taxation published Alleged Taxation Decisions for :

- (a) the Trustees of the Andrew Garrett Family Trust No 4 trading as OenoViva Capital Resources after Review of the YEJ 2021 Tax Return and the Special Purpose Accounts **Annexure 5**
- (b) the Trustees of the Australian People Future Fund after Review of the YEJ 2021 Tax Return and the Special Purpose Accounts **Annexure 6**

The Purported Decisions do not exist as a Matter of Law and are a Nullity <sup>26</sup>

---

26

**AMG 13** *Back to Futuris; The Malicious Tax office*

**AMG 14** *Shord v Commissioner of Taxation 2017 FCAFC 167 highlighted*

**AMG 25** *Commonwealth of Australia Constitution Act 1900 (UK) & Notes*

**AMG 26** *Speech by Neville Chamberlain; Copy of Hansard UK Parliament 14th May 1900*

**AMG 27** *Copy of Part 1 of Australia the Concealed Colony Submissions*

**AMG 28** *Copy of Part 2 of Australia the Concealed Colony Submissions*

**AMG 29** *Sue v Hill [1999] HCA 30 (23 June 1999)*

**AMG 31** *Articles of Agreement for creation of The International Monetary Fund*

**AMG 32** *Minister for Immigration and Multicultural Affairs v Bhardwaj (2002) HCA 11*

**AMG 33** *Minister of State for Immigration & Ethnic Affairs v Ah Hin Teoh (\_Teoh's case\_) [1995] HCA 20; (1995) 128 ALR 353; (1995) 69 ALJR 423; (1995) EOC 92-696 (extract); (1995) 183 CLR 273 (7 April 1995)*

**AMG 34** *Judicial Review of Discretionary Public Power*

**AMG 35** *Aronson, Mark; Misfeasance in Public Office; A Very Peculiar Tort [2011] MelbULawRw 1; (2011) 35(1)*

**AMG 36** *LIABILITY OF PUBLIC OFFICERS*

**AMG 37** *Monetary Policy and the Role of Central Banks - FINANCE ACADEMY*

**AMG 38** *Weaponization of finance – Wikipedia*

**AMG 39** *UBS AG New York and others (Appellants) v Fairfield Sentry Ltd (In Liquidation) and others (Respondents) (British Virgin Islands)*

**AMG 252** *Charter of the Commonwealth Nations executed 11.03.2013*

**AMG 289** *Charter of the United Nations*

**AMG 365** *THE COMMONWEALTH OF AUSTRALIA v. TASMANIA. THE TASMANIAN DAM CASE 1983 HCA 21*

**AMG 369** *High Court of Australia 32-2008-07-31 re Futuris summary Misfeasance*

**AMG 1853** *Charter of Human Rights and Responsibilities Act 2006 (Vic)*

**AMG 1881** *Australian Taxation Office Taxpayers' Charter as at 31st July 2020*

**AMG 1882** *Taxpayers' Charter Australian Taxation Office Audit Report No 19 2004 - 2005*

**AMG 2332** *Minister for Immigration, Citizenship, Migrant Services and Multicultural Affairs v PDWL [2020]*



# OENOVIVA

The Alleged Delegates purport to rely upon PS LA 2010/4 (**ANNEXURE 7**) as reasons for failing to comply with the Statutory Duty to issue Notices of Assesment in respect to the Credits that remain due and payable under the principle that Equities are NOT Abolished by invalid criminal actions.

The Basis of the alleged decisions is that I have claimed that Australian Taxation Laws do not apply in circumstances where the reverse is true and that those Tax Laws are acknowledged and confirmed as enforcable by me within Annexures 1 -11.

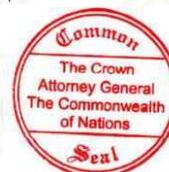
I require the Parliamentary Committees addressed on this communique to set a time and date for Oral Submissions for Declatory Relief by return communique.

Please note attached to the courriel of Service of this Communique Exhibit AMG 2000; Index to Public Interest to Disclosure to YOU as Public Officials empowered by me and the Commonwealth of Australia Constitution Act 1900 (UK).

Kind Regards,



RESERVE BANK OF AUSTRALIA



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

Name / Title: Mr. Andrew Morton Garrett  
CEO/ Chairman/ Managing Trustee of the Boards of Trustees of the Andrew Garrett Family Trust No 4 trading as OenoViva Capital Resources, and the Australian People Future Fund, The Crown Attorney General to Commonwealth of Nations, Managing Controller and Liquidator appointed to the Crown (Liquidator and Managing Controller Appointed)



OENO VIVA

ANNEXURE 1

Section 2 – Overview of Ministerial Responsibilities <sup>1</sup>

**SECTION 2**

**OVERVIEW OF MINISTERIAL RESPONSIBILITIES**

- Government Decision Making
- Role of the Attorney-General
- Role of the Minister for Emergency Management
- Machinery of Government Changes
- Legal Services to the Commonwealth
- Provision of Legal Assistance to Ministers and their Staff
- Ministerial Councils

~~PROTECTED~~  
~~Sensitive Cabinet~~

RELEASED UNDER THE FOIACT1982 BY  
THE ATTORNEY-GENERAL'S DEPARTMENT



OENOVIVA

2

~~PROTECTED~~  
~~Sensitive Cabinet~~

## Section 2 – Overview of Ministerial Responsibilities

### GOVERNMENT DECISION MAKING

This sets out briefly the legal context in which Australian Government decision-making takes place.

#### Sources of Commonwealth power

The Australian Government exercises:

- **Executive power** which is vested in the Queen and is exercisable by the Governor-General (Constitution: s.61), the Ministers responsible for the Departments of State established by the Governor-General in Council (Constitution: s.64) and to a more limited extent by public servants. The Constitution also confers other specific executive powers on the Governor-General or on the Governor-General in Council.
- the traditional and non-statutory **prerogative power** of the Crown, such as the power to conduct foreign affairs (the negotiation, conclusion and ratification of treaties), to make war and peace and to grant mercy. This is now generally seen to be part of the executive power vested by s.61 of the Constitution.
- **Statutory power** which may be conferred by legislation on the Governor-General, a Minister, the Secretary to a Department of State or other persons.

The administrative decisions of the Australian Government, which include the decisions of the Governor-General, Ministers and others who act for the Commonwealth, must:

- be made within the limits of the powers outlined above
- comply with any specific limitations imposed on particular powers, and
- satisfy general administrative law requirements.

#### Exercise of decision-making powers

In most cases the holder of the office in which the Parliament vests a power, such as the Minister, Attorney-General or Secretary of a Department, may arrange for that power to be exercised by another person through operation of:

- an express statutory power to delegate to another person
- a statutory or implied power to authorise an official to exercise the power on that person's behalf, or
- a statutory or implied power to authorise an official to carry out duties that form part of the process of making a decision.

Generally, a change in office-holder, or the designation of an office, does not affect delegations. As a matter of good practice, delegations are reviewed where there is such a change and remade. Authorisations must be reviewed and remade where there is such a change.

#### General administrative law requirements

In addition to any specific requirements, general administrative law principles apply to the exercise of decision-making powers by ministers and public servants. The requirements for the exercise of decision-making powers are set out by the courts. In general, Ministers or public servants exercising a decision-making power should:

Page 25 of 155

~~PROTECTED~~  
~~Sensitive Cabinet~~

RELEASED UNDER THE FOI ACT 1982 BY  
THE ATTORNEY-GENERAL'S DEPARTMENT



OENOVIVA

3

~~PROTECTED~~  
~~Sensitive Cabinet~~

## Section 2 – Overview of Ministerial Responsibilities

- afford a person affected by a decision procedural fairness. In general, the minimum requirements of procedural fairness are satisfied if the decision-maker is not biased and if the person affected by the decision is given a reasonable opportunity to comment on any relevant material adverse to the person
- exercise their decision in the terms of the decision-making power, for example the terms of the statute conferring a power, and
- make the decision themselves, and not under 'dictation' from another person.

### Accountability mechanisms for decision-making

There are a variety of mechanisms for keeping government accountable for its decisions. In addition to judicial review, merits review and the Ombudsman, there are other subject specific agencies such as the Australian Human Rights Commission, the Information Commissioner and the Auditor-General.

#### Judicial review

Under the Constitution, the High Court can review decisions of Commonwealth officers, including Ministers. The Federal Court has a parallel jurisdiction under s 39B of the *Judiciary Act 1903*. The Federal Court can review decisions of an administrative character made under an enactment (eg legislation, regulations, and legislative instruments) under the *Administrative Decisions (Judicial Review) Act 1977*.

In general, any person whose rights or interests are adversely affected by a government decision, conduct or failure to make a decision can seek judicial review. Judicial review is only available for procedural errors or errors of law. The court does not look at the merits of a particular decision.

The grounds on which an order of review may be sought under the ADJR Act are codified in that Act. These grounds effectively cover failure to comply with the specific requirements of legislation or other decision-making power, and general administrative law principles. Important grounds include failure to afford a person procedural fairness, acting under dictation, failure to follow required procedures, lack of jurisdiction, acting on the basis of a rule or policy without regard to the merits of the case and abuse of power.

Judicial review remedies typically involve either a declaration that a decision was invalid, in which case the government makes the decision again, or an order quashing the decision and remitting the decision to the original decision maker to make again.

#### Merits Review

Unlike judicial review, merits review involves a reconsideration of the entire decision on the facts. The Administrative Appeals Tribunal's function can review the merits of decisions of Ministers, officers and authorities where there is a law which specifically provides for that review. The AAT can decide that, while a particular decision may be legally correct, it is not the preferable decision, and can substitute its decision for that of the Minister, officer or authority. There are also separate specialised merits review tribunals for social security, migration and veteran's entitlements decisions. The AAT is in the Attorney-General's portfolio, but is an independent agency.

#### The Ombudsman

The Ombudsman has broad powers to investigate complaints about administrative action and to make recommendations to the department or authority concerned and to the responsible Minister.

Page 26 of 155

~~PROTECTED~~  
~~Sensitive Cabinet~~



OENOVIVA

4  
**PROTECTED**  
 Sensitive Cabinet

## Section 2 – Overview of Ministerial Responsibilities

In some circumstances, the Ombudsman may inform the Prime Minister of matters, and make special reports to Parliament. The Ombudsman has considerable powers under the *Ombudsman Act 1976* to obtain information and may investigate administrative action of his/her own motion. The Ombudsman is in the Prime Minister's portfolio, but is an independent agency.

### **Information Commissioner**

The Australian Information Commissioner was established on 1 November 2010. The Information Commissioner has functions relating to Australian Government information policy, freedom of information and privacy and is supported by two statutory officers: the Privacy Commissioner and the FOI Commissioner.

The object of the Commonwealth *Freedom of Information Act 1982* (FOI Act) is to give the Australian community access to information held by the Australian Government. The FOI Act imposes on agencies a legal duty to provide members of the public with access to government information, including official documents of Ministers, unless those documents fall within defined classes of exempt documents. Since 1 November 2010, the Australian Information Commissioner, supported by the FOI Commissioner, has exercised wide ranging functions related to the oversight of the FOI Act. This includes the functions of reviewing FOI decisions and investigating complaints about the handling of FOI applications. A right of review to the AAT lies from a review decision made by the Commissioners.

The *Privacy Act 1988* is the principal legislation governing the protection of personal information in the federal public sector and in the private sector. The Act includes Information Privacy Principles (for the public sector) and National Privacy Principles (for the private sector) addressing the collection, use, disclosure, quality and security of personal information as well as access to personal information. A breach of the privacy principles in relation to an individual's information is taken to be an interference with the privacy of that individual. An individual may complain to the Privacy Commissioner about certain interferences with his or her privacy. Since 1 November 2010, the Australian Information Commissioner, supported by the Privacy Commissioner, has exercised the Commissioner functions under the Privacy Act.

### **Reasons and Documents**

The ADJR Act and AAT Act confer on persons able to seek review of a decision, the right to obtain a written statement setting out the findings on material questions of fact, referring to the evidence or other material on which those findings were based and giving reasons for the decision for a decision (subject to certain exceptions).

The *Freedom of Information Act 1982* imposes a legal duty to provide to members of the public access to government information, including official documents of Ministers, unless those documents fall within defined classes of exempt documents.

### **Further information**

The Legislation Handbook requires the Attorney-General's Department to be consulted on legislative proposals for:

- the conferral of new jurisdiction on courts and tribunals
- the conferral of administrative discretions
- the review of administrative decision-making powers, and
- the creation or amendment of criminal offences and penalties.

Page 27 of 155

**PROTECTED**  
 Sensitive Cabinet

RELEASED UNDER THE FOI ACT 1982 BY  
 THE ATTORNEY-GENERAL'S DEPARTMENT



OENOVIVA

5

~~PROTECTED~~  
~~Sensitive Cabinet~~

Section 2 – Overview of Ministerial Responsibilities

## ROLE OF THE ATTORNEY-GENERAL

### ROLE OF THE ATTORNEY-GENERAL

#### Background

The Attorney-General is the First Law Officer of the Commonwealth. The Second Law Officer, under the *Law Officers Act 1964*, is the Solicitor-General.

The Attorney-General has three types of responsibility:

- The Attorney-General, and any other Ministers appointed to administer the Portfolio, are responsible for the administration of the Portfolio policy areas, and Commonwealth Acts, set out in the Administrative Arrangements Order.
- As First Law Officer of the Commonwealth, the Attorney-General also has general legal policy responsibility for all Commonwealth laws. The Attorney-General is the legal adviser to the Commonwealth Government. The Department receives a copy of all Cabinet submissions related to the Department and facilitates input from the Australian Government Solicitor.
- Third, the Attorney-General traditionally has had a special independent responsibility within government to act in the public interest. The principal areas where this responsibility arises are in litigation and prosecution processes.

#### The Attorney-General's role in the Cabinet and on Cabinet committees

Traditionally, the Attorney-General has been a member of the Cabinet, representing the interests of the whole portfolio. Under successive governments, the Attorney-General has also been a member of the National Security Committee (NSC) and the Parliamentary Business Committee (PBC). Under current arrangements, the Attorney-General can be co-opted to other committees (such as the Expenditure Review Committee) for specific items.

NSC focuses on major international security issues of strategic importance to Australia, national responses to developing situations (either domestic or international) and classified matters relating to aspects of operations and activities of the Australian Intelligence Community. PBC considers priorities for the Australian Government's legislation program.

The Cabinet Handbook requires ministers to take full responsibility for the proposals they bring forward, even where detailed development or drafting may have been done on their behalf by officials. As well as representing your own portfolio interests in Cabinet, the Attorney-General is at times asked to provide legal advice in relation to proposals put forward by other Ministers.

#### Policy and Legislation

The Attorney-General and the Department provide advice to all Ministers and agencies as part of the development by those Ministers of policy proposals.

The Legislation Handbook requires all Cabinet Submissions proposing legislative action to include a statement whether the Attorney-General's Department considers any proposed legislation necessary.

The Office of Parliamentary Counsel, which drafts all Commonwealth legislation, is also part of the Attorney-General's portfolio. The Office of Parliamentary Counsel prepares the Attorney-General's certificate, in accordance with section 58 of the Constitution, advising the Governor-General

Page 28 of 155

~~PROTECTED~~  
~~Sensitive Cabinet~~

RELEASED UNDER THE FOI ACT 1982 BY  
THE ATTORNEY-GENERAL'S DEPARTMENT



# OENOVIVA

6

~~PROTECTED~~  
~~Sensitive Cabinet~~

## Section 2 – Overview of Ministerial Responsibilities

whether she should recommend any amendments to the Bill or whether it should be reserved for the Queen's pleasure.

### Litigation

The Attorney-General is the first representative of the Crown in the courts.

Proceedings may be brought in the name of the Commonwealth by the Attorney-General or by any person appointed by him for that purpose (*Judiciary Act 1903*: s.61).

Where the Commonwealth is party to proceedings, all process required to be served on the Commonwealth is required to be served on the Attorney-General or a person appointed by the Attorney-General to accept service (*Judiciary Act 1903*: s.63).

Attorneys-General since 1999 have issued Legal Services Directions (Directions) under section 55ZF of the *Judiciary Act 1903*, which set out the requirements for the conduct of legal affairs by the Commonwealth and its agencies (see **Legal Services Directions** for comprehensive brief). The Directions are made as a statutory instrument and have the force of law. They include, amongst other things, obligations in relation to the sharing of advice within the Commonwealth, the Commonwealth's obligation to act as a model litigant, the settlement of claims against the Commonwealth, procurement of legal services including the engagement of counsel on behalf of the Commonwealth. There are also a number of reporting requirements including on significant issues arising in the provision of legal services, legal services expenditure, and annual compliance with the Directions.

Under the Directions, legal work in relation to key strategic areas of the law is tied to certain providers of legal services. This is to ensure a consistent approach by the Commonwealth in these areas of the law; namely, advice to Cabinet, national security, Constitutional law, public international law, and legislative drafting. Generally, this work is tied to the Australian Government Solicitor, the Attorney-General's Department, and in relation to public international law, the Department of Foreign Affairs and Trade.

All cases involving a matter arising under the Constitution or involving its interpretation are required to be brought to the attention of the Attorney-General (*Judiciary Act 1903*: s.78B). The Attorney-General has a right to intervene in any proceedings that relate to a constitutional issue (*Judiciary Act 1903*: s.78A).

The Attorney-General has other specific rights of intervention, and is able to seek to intervene in judicial proceedings in the public interest. The certificate or fiat of the Attorney-General is necessary before proceedings seeking to enforce a public right can be instituted by a private person. This process has generally been overtaken by the use of administrative law procedures, and the relaxed attitude of the courts to standing.

### Prosecution Process

Under the *Director of Public Prosecutions Act 1983* (DPP Act) and the *Judiciary Act 1903*, the Attorney-General has the legal authority to:

- initiate or discontinue a prosecution, or
- issue directions to the Commonwealth Director of Public Prosecutions (CDPP) which must be tabled in Parliament, including directions as to the handling of a particular case.

---

Page 29 of 155

~~PROTECTED~~  
~~Sensitive Cabinet~~

RELEASED UNDER THE FOI ACT 1982 BY  
THE ATTORNEY-GENERAL'S DEPARTMENT



OENO VIVA

7

~~PROTECTED~~  
~~Sensitive Cabinet~~

Section 2 – Overview of Ministerial Responsibilities

---

These powers have rarely been exercised since the DPP Act came into force. It has been a longstanding practice to leave prosecution decisions to the independent judgment of the CDPP and avoid the appearance of political interference.

The Attorney-General does have an active role in determining whether to consent to certain prosecutions. There is a range of offences that require the Attorney-General's consent to prosecute, generally because there is some issue of international relations or national security that must be weighed against the desirability of proceeding with a prosecution. You will be fully briefed on each of these matters, which typically arise once or twice a year.

---

Page 30 of 155

~~PROTECTED~~  
~~Sensitive Cabinet~~

RELEASED UNDER THE FOI ACT 1982 BY  
THE ATTORNEY-GENERAL'S DEPARTMENT



# OENO VIVA

## ANNEXURE 2

### STATUTORY DECLARATION

MR 28  
0902

ANDREW MORTON GARRIST  
(Full Name)

of 35 St Ives Boulevard, Brompton, SA, 5007  
(Address)

WineMaker, Tourie, Managing Controller  
(Occupation)

in the State of South Australia,  
do solemnly and sincerely declare that:

*In all of my capacities I have signed  
lots of my packages and have been  
pleased to have my brand of whisky  
distributed in the state of Victoria  
by the name of Simon Taylor, Colman  
John Casso, Myrtle Liversidge,  
Paulman, Scott Evans.  
I suggest, this Statutory Declaration in  
support of my application for  
under 5292 and 219 of the Real Property  
Act 1986 (SA) given in assurance  
dated 3rd August 2015 as  
averred hereto*

And I make this solemn declaration conscientiously believing the same to be true,  
and by virtue of the provisions of the Oaths Act, 1936-1969.

Signature *[Handwritten Signature]*

*Chester House*  
Declared and subscribed at 91-97 Grenfell Street  
ADELAIDE SA 5000

in the said State by the said Andrew Morton

this 4<sup>th</sup> day of August 2015

Before me:

*[Handwritten Signature]*  
Ian Donald Burtonworth  
JP # 10803  
A Justice of the Peace  
J.P. for South Australia



OENO VIVA

**andrew.garrett@taggc.com.au**

**From:** andrew.garrett@taggc.com.au  
**Sent:** 04 August 2015 11:51  
**To:** LSCustomerSupport@sa.gov.au; 'mackintosh.don@agd.sa.gov.au'  
**Cc:** richard.frost@police.sa.gov.au; greg.may@pcc.sa.gov.au;  
bragg@parliament.sa.gov.au; Tom.Wallbridge@parliament.sa.gov.au;  
peter.weekes@ag.gov.au; 'admin@opi.sa.gov.au';  
'Ombudsman@ombudsman.sa.gov.au'; 'ombudvic@ombudsman.vic.gov.au'; 'IBAC  
Enquiry Email'; 'James.Davaris@klgates.com'; 'mark.dobbie@klgates.com';  
'fcahill@altiuspartners.com.au'; 'lucykirwan@vicbar.com.au';  
'Lillie.Humberstone@supremecourt.vic.gov.au'; 'associate.daviesj@fedcourt.gov.au';  
'Vic Federal Court Registry E-mail'; 'Mary McIlwain'; 'Ben.Davidson@corrs.com.au';  
'Claire.Newhouse@corrs.com.au'  
**Subject:** FW: Application for Compensation under the Real Property Act 1886 (SA)  
**Attachments:** AMG to Ian Gant 22112007.pdf; State AG to AMG dated 31012008.pdf; NAB  
Summary Security and Breach of Contract Issues.pdf; AGFT Balance sheet March  
2004.pdf; AGFT P&L March 2004.pdf; LODGE Originating Process AMG v Greg May  
and others.pdf; Originating Process AMG v Greg May and others.pdf; Statement of  
Claim Andrew Garrett v Greg May and Ors.pdf; BC\_honesty-accountability in South  
Australia 2011.pdf; Final Report and Decision of Frances Nelson QC as alleged  
delegate of the Legal Practitioners Conduct Commissioner dated 03112014.pdf  
**Importance:** High

Attn Ian Gant  
Land Services Group

Cc Victoria District Registrar Caporale  
Associate Justice Davies

Dear Ian,

Thanks again for your time yesterday.

I have further considered the provisions of the Real Property Act 1886 (SA) and the letter from  
Don Mackintosh ("**the AG**") dated 31<sup>st</sup> January 2008.

It continues to be unclear to me as to when the duplicate certificates of title came into the  
possession of NAB after the discharge of the St George Bank Mortgage.

**208—Proceedings against the Registrar-General as nominal defendant**

Any person sustaining loss or damage through any omission, mistake, or misfeasance of the  
Registrar-General, or any of his officers or clerks in the execution of their respective duties under  
the provisions of this Act, or of any Act hereby repealed, and any person deprived of any land  
through the bringing of the same under the provisions of this Act, or of any Act hereby repealed,  
or by the registration of any other person as proprietor of such land, or by any error, omission, or  
misdescription in any certificate, or in any entry or memorial in the Register Book, and who by  
the provisions of this Act is barred from bringing an action for the recovery of such land, may, in  
any case in which the remedy by action for recovery of compensation as hereinbefore provided is  
barred, or inapplicable, institute proceedings against the Registrar-General, as nominal defendant,  
for recovery of compensation as hereinafter provided.

*Annexure*

i

It is clear to me from the letter from the AG that the NAB exercised Power of Sale in respect to  
Mortgage 9374752 (top of page 3);

**I reiterate that Memorandum of Transfer by Mortgagee Exercising  
reveals that NAB exercised its powers under Mortgage 93747  
9617285.**

Please confirm to me how the staff of the Registrar General registered a Memorandum of Transfer  
in respect to Mortgage 9374752



# OENOVIVA

- g. A memorandum of transfer of Mortgage executed by the registered proprietors of Springwood Park dated 24<sup>th</sup> June 2002 prepared by NAB officers describes the Arranmore as an instrument registered over SP (which was not the case) and relevantly sets out;

Form T3

## MEMORANDUM OF TRANSFER OF MORTGAGE, ENCUMBRANCE OR LEASE

MORTGAGE, ENCUMBRANCE OR LEASE BEING TRANSFERRED (Delete the inapplicable)	
7752654	COMMISSIONER OF STATE CA STAMP DUTY PAID EXCEPT / NOT CHARGED REF NO: WITH NAB REP AT
CERTIFICATE(S) OF TITLE OVER WHICH INSTRUMENT IS REGISTERED	
THE WHOLE OF THE LAND COMPRISED IN CERTIFICATE OF TITLE REGISTER BOOK FIRSTLY VOLUME 5324 FOLIO 475, SECOND VOLUME 5344 FOLIO 326 & THIRDLY VOLUME 5348 FOLIO 15	

- h. NAB officers were aware at the date of registration of the memorandum of transfer mortgage on the 28<sup>th</sup> June 2002 that this mortgage was not registered over SP ..... the description of the certificates of title over which the instrument was purported subsequently NAB officers sought to conceal their error in an act of Fraud.
- i. It appears from the hand amendments on the face of the document being *the error "CTRBV5132/961"* that the solicitors for the bank (Johnson Winter & Slattery) in their advice (prior to July 2003) also realised that the land had been incorrectly described securities were fatally flawed. Alternatively it is possible that these notes were affixed by NAB officers and that this could have predated December 31<sup>st</sup> 2002.
- j. A few days earlier a Deed of assignment of Debt and Security dated 21<sup>st</sup> June 2002, was also executed in respect of the Arranmore Mortgage between BankSA and NAB over the land over which the Arranmore Mortgage was registered as follows;

Assigned Security means the following :

- real property mortgage no. 7752654 granted to the Assignor by the Certificate of Title Volume 5132 Folio 961.

- k. The deceit of the NAB officers continued during the finalisation of the security document, the 1<sup>st</sup> AGFT Bill Facility from the date of execution by the registered proprietors, the LTO and from the date of the return from registration of the first raft of security documents NAB officers knowingly sought to register and conceal the fatal flaws in the document the Registered Proprietors being the Mortgagees.
- l. Prior to the lodging for registration of the 1<sup>st</sup> NAB Mortgage with the LTO on the 28<sup>th</sup> June 2002 the execution of that Mortgage by the Registered Proprietors on the 21<sup>st</sup> June 2002 the NAB endeavoured to conceal flaws in the mortgage and made hand amendments to the Mortgage without the knowledge or consent of the Registered Proprietors of SP or M.
- m. The 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> amendments made were the deletion of the numbers "8213956" (the 1<sup>st</sup> Registered Mortgage) on page 1 of 4 in the paragraph entitled en

ENCUMBRANCES  
 FIRSTLY SUBJECT TO ENCUMBRANCE NO. 7940253 & MORTGAGE NO. 8213956  
 SECONDLY SUBJECT TO MORTGAGE NO. 8213956 & 8909699  
 THIRDLY SUBJECT TO MORTGAGE NO. 8213956 & 8909699



OENOVIVA

I look forward to your response as to how, when and/or why NAB came into possession of the duplicate certificates of title in circumstances where Mortgage 9374752 was the second registered mortgage and in fact secured no money.

I am yet to receive a response from the South Australian AG in respect to my communiques in 2014.

I note that the Chief Operating Officer of Minter Ellison who was responsible for the NAB documentation was Greg May who became the Legal Practitioners Conduct Commissioner ("**the LPCC**") on the 1<sup>st</sup> July 2014 following the passage of *the Legal Practitioners (Amendments) Act 2014*

In August 2014 the LPCC delegated to Elizabeth Manos who sub-delegated to Frances Nelson QC an investigation of himself following the complaints I had lodged against him 10 years earlier with the Legal Practitioners Conduct Board.

Needless to say the LPCC's Delegate was hopelessly conflicted (**as a result of the Conflict of the LPCC**) in making the sub-delegation to Frances Nelson QC who was also equally hopelessly conflicted as a result of the aforementioned conflict.

The Attorney General was not advised of that conflict and delegation as required under s17 of *the Public Sector (Honesty & Accountability) Act 1995 (SA)*

Unsurprisingly the decision of Frances Nelson QC dated 3<sup>rd</sup> November 2014 was a whitewash which apparently exonerated the LPCC of wrongdoing.

The constitutional issues arising are extraordinary but not as extraordinary as the actions of the ICAC Commissioner Bruce Lander or the South Australian Ombudsman who both refused to investigate the decision or my complaints.....the pattern of conduct has been replicated in Victoria consequently I have copied the Legal Services Commissioner, the Victorian Ombudsman and the IBAC Commissioner along with the associate of the Honourable Justice Riordan and counsel for Altius Partners Pty Ltd in S CI-2015-01232 who are funded by the Legal Practitioners Liability Committee and consequently are bound by the Model Litigant Obligations of the Crown.

It is *the Constitution of Australia Act 1900 (UK)* at section 109 which provision must be the policeman of the policemen and breaches of the acts under which they are appointed. The use by the State Governments of Victoria and South Australia (Labour Governments) of various victim funds for the purposes of propping up the budgets must be unconstitutional and must stop.

I ask you to consider my application for compensation to the Assurance fund to be made under s208 and s210; the damage to my reputation and consequential loss over the last 13 years beggars belief.

Please note attached a copy of the P&L and Balance sheet of AGFT as at 31<sup>st</sup> March 2004.....in hind sight the balance sheet has been undervalued.



OENOVIVA

The South Australian Cabinet's views on Honesty and Accountability are expressed in the attached document dated March 2011.

My application to the Federal Court of Australia in Melbourne to bring Greg May to account was blocked by the Victorian District Registrar and the Honourable Justice Davies (at the very least).

Apparently, I am a vexatious litigant in South Australia and now the Federal Court because I seek access to Justice, certainly Counsel for the Legal Services Commissioner and Board in Victoria appears to be of that view.

Best Regards

Andrew Garrett

---

**From:** andrew.garrett@taggc.com.au [mailto:andrew.garrett@taggc.com.au]  
**Sent:** 03 August 2015 17:56  
**To:** 'LSCustomerSupport@sa.gov.au'; 'mackintosh.don@agd.sa.gov.au'; 'agd@agd.sa.gov.au'  
**Cc:** bragg@parliament.sa.gov.au; Tom.Wallbridge@parliament.sa.gov.au; richard.frost@police.sa.gov.au  
**Subject:** Application for Compensation under the Real Property Act 1886 (SA)  
**Importance:** High

Attn Ian Gant  
 Land Services Group

Dear Ian

Thank you for your time today. I confirm that I have no recollection of having seen the letter from Don to me dated 31<sup>st</sup> January 2008 at any time prior to today.

I note that while at some earlier point in time I did have an office at 255 Flinders Street in Adelaide that in fact I was not at that address since October 2006.

My letter to you dated 22<sup>nd</sup> November 2007 had a different address.

**210—Persons claiming may, before taking proceedings, apply to the Registrar-General for compensation**

Any person sustaining loss or damage in any case in which he shall be entitled to institute proceedings to recover compensation against the Registrar-General as nominal defendant, may, before commencing such proceedings, make application in writing to the Registrar-General, for compensation, and such application shall be supported by affidavit or declaration. If the Registrar-General admits the claim, or any part thereof, and certifies accordingly, the Treasurer may—

- (a) where the amount that the Registrar-General admits does not exceed twenty thousand dollars—on receipt of written authority under the hand of the Crown Solicitor; or
- (b) where the amount that the Registrar-General admits exceeds twenty thousand dollars—on receipt of a warrant under the hand of the Governor and countersigned by the Attorney-General,

pay the amount out of the Assurance Fund.

I make this application for compensation from the assurance fund for compensation for the loss of land by Fraud in all of my capacities.



# OENOVIVA

The Registrar-General delivered the duplicate of certificate of title Volume 532 Volume 5344 Folio 326 and Volume 5348 Folio 15 to National Australia Bank Lt 8 July 2003 following the registration of Mortgage 9617285 (*not* 96717285). In doing so were in accordance with the written instructions issued to him by I lodged that mortgage and the duplicate titles in the Lands Titles Office ("LTO").

It is not clear to me from your letter as to how long the relevant CTs had been in the possession of the RG as at the 8<sup>th</sup> July 2003 please confirm.

The Supreme Court of South Australia made vexatious litigant orders against me in SASC-2004-127; *Andrew Garrett Wine Resorts v NAB* dismissing those proceedings and also in SASC-2007-1342; *Attorney General v Andrew Garrett*

The Attorney General did not respond to my communiques in 2014 following the provision of FOI by the ATO between June and August 2014

The Attorney General has used the vexatious litigant orders as a barrier to justice

Please advise of the relevant affidavits that are already in your hands from SASC 2127 of 204 in support of my application

I advise that I will deliver a Statutory Declaration to your office tomorrow

I have copied the South Australian Police on this communique following my lodging of a fraud report on the 20<sup>th</sup> July 2015 against the NAB and their solicitors

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

[www.oenoviva.com](http://www.oenoviva.com)  
[www.dynamic-cws.com.au](http://www.dynamic-cws.com.au)

All Rights Reserved, UCC 1-308a





# OENOVIVA

## ANNEXURE 3

### **NATIONAL AUSTRALIA BANK (NAB)**

1. Refer Statement dated 24/03/ 2010 for more detail of this matter.

### **2. Initial involvement with NAB**

In November 2000, I engaged with NAB as a Banker for a vineyard development known as Braidwood Vineyard at Mt Jagged, SA.

Later, in 2001, I arranged a competitive tender for the banking business of the Braidwood and Sunburst entities between NAB, St George Bank/ Bank SA, (**Bank SA**) NM Rothschild & Sons (Australia) Limited (**NMR**), Westpac(**Westpac**) and Rabo Bank(**Rabo**) though the auspices of Andrew Sandow Office Management.

In January 2002 NAB provided an indicative letter offering 65% LVR on which basis I decided to pursue their offer.

Subsequently an internal bank document describing the banking proposal was circulated in the Bank citing the value of the deal at \$14 million and entitled Top 10 sales funnel deal- Information sheet.

In the ensuing negotiation process NAB made representations that I should consolidate my banking business with them as it would make my life simpler. Subsequently on the 16<sup>th</sup> May a credit submission was authorised by NAB.

### **3. The NAB financing**

A formal letter of Offer in the amount of \$10,350,000 was finally accepted by me in May 2002 which proceeded to settlement in stages.

### **4. Stage 1 was:**

- a. An advance of \$1,500,000 made to The Trustees of the Andrew Garrett Family Trust (**AGFT**) and was **intended to be secured** by a Mortgage over the property known as "Springwood Park" (**SP**). **For the reasons that follow this was not possible.**

That property (SP) was owned by Averil Garrett (**AGG**) as to 3 undivided 26<sup>th</sup> parts in respect of the section of land occupied by our principal place of residence, and the remaining 23 parts by Andrew Garrett Wine Resorts P/L in its capacity as Trustee of the Springwood Park Unit Trust (**SPUT**).

100% of the units issued in SPUT were owned by Andrew and Averil Garrett in their capacities as Trustees of the AGFT.

- b. A further \$4,120,000 in respect of Stage 1 Finance was also advanced by NAB pursuant to a 1<sup>st</sup> Bill facility Letter of Offer in favour of Sunburst Properties (**Sunburst**) dated 28<sup>th</sup> June 2002.

This amount was secured by mortgages over the Vinescape/Whisson assets (amongst other securities including debentures and guarantees) that were purchased with the advance from the vendors, along with a deposit to be paid in respect of the Gelnhurst assets;

- i. KPMG (Adelaide) as receivers and managers of Vinescape and Alexandrina Water as vendors of the Vinescape Assets being ;
- 75 acres of Vineyards planted on 1200 acres of land
  - 7.5 kilometre pipeline
  - Homestead buildings and shedding.
  - Filtration Manifolds
  - Easements, Leases, licenses to occupy
  - Coleambally farm 652, NSW
  - Irrigation license 2512
  - Irrigation License 2702



# OENOVIVA

- Irrigation license 2632
  - 601 shares in the Coleambally Irrigation Co-operative
  - ii. Mark Whisson and Philip Marshall as Vendors of the Whisson Assets;
    - La BBQ vineyard 160 acres of vineyard
    - Mt Carey Vineyard
    - \$750,000 plant & equipment
    - 20% interest in Colton Vineyard
    - Trig Point Viticulture Management Customers
    - Personnel & Intellectual Property
    - Head Office Furniture and effects \$100,000
  - c. Continuation of \$1,750,000 Facility made available to Sunburst Holdings Pty. Ltd (**Holdings**) in January, 2002.
5. Stage 2 was to be an advance of \$3.6 million (with \$350,000 deposit already paid) for acquisition of assets known as the Glenhurst assets, pursuant to a contract of purchase executed on 15 February 2002.
6. Variation of Stage 2 In September 2002 NAB convinced me to withdraw from the Glenhurst acquisition and instead acquire the property known as Old Stornoway from their agent Colin Nichol of McGrath Nichol. NAB agreed to advance 100% of the funds for the purchase, leasehold equipment and operating capital.

## Securitisation of Stage 1

6. The advance of \$1.5 million under Stage 1 was to enable the payout of existing loans, and for other purposes, specifically:
- a. \$344,000 was to be used to pay out that amount owed to St George Bank/BankSA by the AGFT, that was then secured by a first Registered Mortgage No 8213956 over SP. (**BankSA Mortgage**)
  - b. \$600,000 was to be paid to NM Rothschild & Sons (Australia) Limited in consideration of the execution of Deed of Priority to allow NAB priority in respect of the second registered Mortgage No 8909699 (**NMR Mortgage**)
  - c. \$536,000 for other purposes including the deposit on the Vinescape assets.

## The 1<sup>st</sup> NAB Mortgage

7. NAB Mortgage No 9374752 (**1<sup>st</sup> NAB Mortgage**) over SP was given as security in respect of a Bill Facility Letter of Offer dated 11<sup>th</sup> June 2002 in favour of AGFT (**the 1<sup>st</sup> AGFT Bill facility**). Upon registration, this mortgage became the second registered mortgage following the discharge of the BankSA Mortgage which occurred concurrently.
- a. On settlement of the 1<sup>st</sup> AGFT Bill Facility the NMR Mortgage advanced to become the 1<sup>st</sup> Registered Mortgage over SP as the Bank SA mortgage was unconditionally discharged.
  - b. During the first week of June 2002 it was represented to me by officers of NAB that it would be cost effective and for the benefit of AGFT if BankSA were to transfer/assign the Prime Stamped BankSA mortgage to NAB as the Stamp Duty already paid on that mortgage could be used as a credit against the Stamp Duty Assessment for the 1<sup>st</sup> NAB Mortgage resulting in a saving of money to AGFT.
  - c. From discovery provided to me on the 29<sup>th</sup> September 2004 (5 days after my sequestration) and communications evidenced in that discovery between NAB officers and bank SA officers it is apparent that there was significant confusion in NAB as to the level of stamp duty paid on the BankSA Mortgage and indeed which mortgage should actually be assigned to NAB by BankSA.
  - d. At this time the NAB officers realised that "The Prime Stamped BankSA mortgage" that was subject of their communications with bank SA was in fact Mortgage No 7752654 (**the Arranmore Mortgage**) and that this mortgage was never registered over SP.
  - e. The Arranmore mortgage was the only remaining BankSA Prime Stamped security and was stamped as follows;

SUBJECT SECTION 10 & 7B	
PREVIOUS PRIMARY SECURITY \$	200,000
NEW PRIMARY SECURITY \$	200,000
DUTY PAID \$	750
COLLATERAL SECURITY \$	1,950,000
TOTAL SECURITY \$	2,350,000
DATE 17/11/04 DELEGATION NO	5
AUTHORISED BY	



OENO VIVA

- f. The BankSA mortgage was only ever stamped as a collateral security as follows;

S.D. ACT SECTION 10 & 79	
PREVIOUS PRIMARY SECURITY \$	
NEW PRIMARY SECURITY \$	
DUTY PAID \$	
COLLATERAL SECURITY \$	2,350,000
TOTAL SECURITY \$	2,350,000
DATE 3/12/2002 & DECLARATION NO.	
AUTHORISED BY	

- g. A memorandum of transfer of Mortgage executed by the registered proprietors of the property known as Springwood Park dated 24<sup>th</sup> June 2002 prepared by NAB officers describes the Arranmore mortgage as being an instrument registered over SP (which was not the case) and relevantly sets out;

Form T3

### MEMORANDUM OF TRANSFER OF MORTGAGE, ENCUMBRANCE OR LEASE

MORTGAGE, ENCUMBRANCE OR LEASE BEING TRANSFERRED (Delete the inapplicable) → *CTRBV5132/961*

7752654 → COMMISSIONER OF STATE TAXATION - TITLES  
CA STAMP DUTY PAID

CERTIFICATE(S) OF TITLE OVER WHICH INSTRUMENT IS REGISTERED

ORIGINAL WITH 3 Surveys  
EYEBIT / NOT CHANGABLE  
REF NO: 5704  
AUTH: 448 888 41 28/06/2002

THE WHOLE OF THE LAND COMPRISED IN CERTIFICATE OF  
TITLE REGISTER BOOK FIRSTLY VOLUME 5324 FOLIO 475, SECONDLY  
VOLUME 5344 FOLIO 326 & THIRDLY VOLUME 5348 FOLIO 15

- h. NAB officers were aware at the date of registration of the memorandum of transfer of the Arranmore mortgage on the 28<sup>th</sup> June 2002 that this mortgage was not registered over SP .....being the Land set out in the description of the certificates of title over which the instrument was purported to be registered, subsequently NAB officers sought to conceal their error in an act of Fraud.
- i. It appears from the hand amendments on the face of the document being ***the arrow and the CT reference "CTRBV5132/961"*** that the solicitors for the bank (Johnson Winter & Slattery) in the preparation of their advice (prior to July 2003) also realised that the land had been incorrectly described and that the NAB securities were fatally flawed. Alternatively it is possible that these notes were affixed at some earlier time by NAB officers and that this could have predated December 31<sup>st</sup> 2002.
- j. A few days earlier a Deed of assignment of Debt and Security dated 21<sup>st</sup> June 2002 prepared by NAB officers was also executed in respect of the Arranmore Mortgage between BankSA and NAB which correctly describes the land over which the Arranmore Mortgage was registered as follows;

Assigned Security means the following :

- real property mortgage no. 7752654 granted to the Assignor by the Chargor over Certificate of Title Volume 5132 Folio 961.

- k. The deceit of the NAB officers continued during the finalisation of the security documents required under the 1<sup>st</sup> AGFT Bill Facility from the date of execution by the registered proprietors, the date of lodgement with the LTO and from the date of the return from registration of the first raft of security documents from the LTO; NAB officers knowingly sought to register and conceal the fatal flaws in the documents from both the LTO and the Registered Proprietors being the Mortgagees.
- l. Prior to the lodging for registration of the 1<sup>st</sup> NAB Mortgage with the LTO on the 28<sup>th</sup> June 2002 (***subsequent to the execution of that Mortgage by the Registered Proprietors on the 21<sup>st</sup> June 2002***) it appears that officers of the NAB endeavoured to conceal flaws in the mortgage and made hand amendments to the face of the Mortgage without the knowledge or consent of the Registered Proprietors of SP or the Trustees of AGFT
- m. The 1<sup>st</sup>, 2<sup>nd</sup> & 3<sup>rd</sup> amendments made were the deletion of the numbers "8213956" referring to the BankSA Mortgage (the 1<sup>st</sup> Registered Mortgage) on page 1 of 4 in the paragraph entitled encumbrances

ENCUMBRANCES  
FIRSTLY SUBJECT TO ENCUMBRANCE NO. 7940253 & MORTGAGE NO. ~~8213956~~ & 8909699  
SECONDLY SUBJECT TO MORTGAGE NO. ~~8213956~~ & 8909699  
THIRDLY SUBJECT TO MORTGAGE NO. ~~8213956~~ & 8909699

- n. The 4<sup>th</sup> & 5<sup>th</sup> amendments were made at paragraph 2(b) also on page 1 of 4



# OENOVIVA

(b) Notwithstanding any other provisions of this Mortgage it shall be security only for the payment to the Mortgagee of the moneys which are purported to be secured by

~~the discharge of~~ DISCHARGED MORTGAGE NO. 7752654 DATED 30/06/1994 GIVEN BY ANDREW MORTON GARRETT & AVERIL GAY GARRETT FOR WHICH THIS DOCUMENT IS GIVEN IN SUBSTITUTION

→ Carbonhelix/1961

- i. Those amendments appear to attempt to remedy a statement that Mortgage 7752654 was in fact discharged as well as state that the 1<sup>st</sup> NAB Mortgage was given in substitution for Mortgage 7752654 (**The Arranmore Mortgage**).
- p. I can only imagine that whoever made the amendment was seeking to create the impression to whomever viewed the document that the Arranmore Mortgage was not discharged and still held an interest in Land; this is very clearly **NOT** the case.
- q. It appears that at some later time NAB staff or in the alternative JWS made a further 6<sup>th</sup> hand amendment to the face of the document encircling the words "No 7752654 dated 30/06/1994" and noting that this mortgage applied to Certificate of Title Register Book Volume 5132/961 again referring to the Arranmore Mortgage. This amendment probably would have been made during the stage when JWS (NAB Lawyers) provided its initial advice to NAB prior to appointment of Receivers and managers to the Sunburst /Braidwood Group of companies.
- r. This notation does not appear on the LTO Copy of the Mortgage and therefore must have been affixed after registration with the LTO.
- s. Within the circle (that appears to be affixed by JWS) a heavy black line appears that has no apparent purpose and that should not have been on the document at the time of lodgement with the LTO.....this line suggests a subsequent unknown amendment.
- t. Of great concern is that the 1<sup>st</sup> NAB mortgage has 6 amendments that were clearly initialled by only one of the parties to the document.
- u. That party was not either of the registered proprietors/mortgagors; the initial could only have been an officer of the NAB or in the alternative an officer of the LTO
- v. This document was apparently allowed to be processed through the LTO by the LTO and registered without acknowledgment of hand amendments by all parties to the document .....specifically the Registered Proprietors.
- w. Of greatest relevance is the amendment to the operative clause which I am assured by Dean Watson of the LTO during a discussion on the 16<sup>th</sup> April 2010 would never have been amended by the LTO, consequently the only party who would have made the amendment was the NAB.
- x. In a normal circumstance the procedure of the LTO would be to send the document back for correction before registration with acknowledgment of amendments by all parties to the Deed.
- y. A requisition notice for correction was raised by the examiner Bernard Sayer on the 16<sup>th</sup> July 2002 but only in so far as correction to the capacity of the first Mortgagor. This amendment to capacity of the First Mortgagor was made by the conveyancer, SJ Fisher acting on behalf of NAB.
- z. It is apparently acknowledged by NAB at this amendment that this mortgage was given only in respect of moneys purported to be secured by the Arranmore Mortgage.....however; The Arranmore Mortgage was fully discharged and secured no money.
- aa. The Arranmore mortgage was fully discharged 6 years earlier on the 23<sup>rd</sup> July 1996 when SP was originally purchased by the registered proprietors and the property known as Arranmore was sold by Andrew & Averil Garrett. The face of the registered discharge of the Arranmore Mortgage shows that a total of 4 Bank SA mortgages were discharged concurrently as follows;

MORTGAGE BEING DISCHARGED:	Number	7026 189 7035137 704 1075 775 26 54
LAND DESCRIPTION	The whole of the land comprised in Certificate of Title	
SOUTH AUSTRALIA		
	REGISTER BOOK	
	VOLUME	FOLIO
	5132	961



# OENOVIVA

gg. It appears that what NAB officers had intended was that the BankSA Mortgage should have been assigned by BankSA to NAB and not the Arranmore Mortgage. This is reflected by the Deed of Priority that was prepared between NAB and NMR which set out the NAB security as follows;

Item 1 (Date)	Dated this 21 <sup>st</sup> day of June 2002
Item 2 (Secured Lender)	N M ROTHSCHILD & SONS (AUSTRALIA) LIMITED ABN 32 008 458 366 of Level 21, 120 Collins Street, Melbourne VICTORIA 3000
Item 3 (Mortgagor)	Firstly: <del>ANDREW GARRETT WINE RESORTS PTY LTD</del> A.C.N. 064 792 221 in its own right (and as trustee for) <del>THE SPRINGWOOD-PARK UNIT TRUST</del> of BDO Chartered Accountants 248 Flinders St: ADELAIDE SA 5000 and AVERIL GAY GARRETT of PO Box 203 GLEN OSMOND SA 5064
Item 4 (Bank's Security)	Memorandum of Mortgage Registered No. 8213956 dated 29 November 1996 from ANDREW GARRETT WINE RESORTS PTY LTD and AVERIL GAY GARRETT over the whole of the land comprised in Certificate of Title Register Book Volume 5324 Folio 475 and Volume 5344 Folio 326 and Volume 5348 Folio 15.
Item 5 (First Priority Amount)	One Million Five Hundred Thousand Dollars (\$1,500,000-00)
Item 6 (Secured Lender's Security)	Memorandum of Mortgage Registered No. 8909699 dated 9 May 2000 from ANDREW GARRETT WINE RESORTS PTY LTD and AVERIL GAY GARRETT over the whole of the land comprised in Certificate of Title Register Book Volume 5324 Folio 475 and Volume 5344 Folio 326 and Volume 5348 Folio 15.

- hh. Had the NAB officers in fact amended the 1<sup>st</sup> NAB Mortgage to refer to the BankSA mortgage rather than the Arranmore Mortgage then the limit of security offered by the 1<sup>st</sup> NAB mortgage would have been the money owed to BankSA at the time of the taking of the mortgage being \$344,000 but instead the amount secured by the 1<sup>st</sup> NAB Mortgage was NO MONEY whatsoever.
- ii. It follows that the 1<sup>st</sup> NAB Mortgage (No 9374752) was ineffective to provide any security in respect of the \$1,500,000 advance made under the 1<sup>st</sup> AGFT Bill Facility Letter of Offer as the mortgage was specifically limited by agreement between Mortgagee and Mortgagor.
- jj. NAB officers realised as early as 28<sup>th</sup> June 2002 that the 1<sup>st</sup> NAB mortgage in fact secured NO MONEY whatsoever.
- kk. Additionally the Deed of Priority executed between NMR and NAB was ineffective to rank the 1st NAB Mortgage in front of the NMR Mortgage in any way.
- ll. The only mortgage that was entitled to such ranking was the BankSA mortgage as expressed in the Deed of Priority,
- mm. As set out above this mortgage was never assigned or transferred to NAB by BankSA and was fully and unconditionally discharged on the 28<sup>th</sup> June 2002;

## DISCHARGE OF MORTGAGE

MORTGAGE BEING DISCHARGED	0213856
CERTIFICATE(S) OF TITLE AFFECTED	
The whole of the land comprised in Certificates of Title Register Book Volume 5324 Folio 475, Volume 5344 Folio 326 and Volume 5348 Folio 15	

### NMR Mortgage

8. On the 24<sup>th</sup> December 2002 International Vintners Australia (IVA) sold a property in the Yarra Valley. The proceeds of this sale were used to for the sole purpose of reducing indebtedness of IVA to NMR by \$940,000. A condition of the debt reduction was the discharge of the Garrett related securities including the Guarantees and the NMR mortgage (the NMR securities) to enable AGFT to procure additional funding to invest in IVA.



OENOVIVA

bb. It is extremely relevant that a hand written discharge of the Arranmore Mortgage was prepared and stamped by NAB officers on the 28<sup>th</sup> June 2002.

MORTGAGE BEING DISCHARGED 7752654		CONSIDERATION BY STATE TRANSFER - 11/02/02 ON STAFF DUTY PAID 12/2/02 ORIGINAL WITH O-Register DISCHARGE OF MORTGAGE RETR: 11/02/02 12/2/02
CERTIFICATE/S OF TITLE AFFECTED THE WHOLE OF THE LAND COMPRISED IN CERTIFICATE OF TITLE REGISTER BOOK VOLUME 5132 FOLIO 961		
State if WHOLE or PART of land in mortgage is being discharged. WHOLE/PARTIAL	State if WHOLE or PART of money secured is being discharged. WHOLE/PARTIAL	
CONSIDERATION (Words and figures) SECURITY IN SUBSTITUTION		

cc. It is impossible to discern how NAB could seek to discharge a mortgage that was already discharged; In fact this document could have only been prepared for internal NAB purposes and is consistent with the amendment set out in paragraph n & o above. Furthermore the handwriting is also consistent and appears to be the writing belonging to the person who prepared the document being the NAB Attorney, Sally Jane Potter.

NATIONAL AUSTRALIA BANK LIMITED  
 ABN 12 004 044 937 By its Attorney  
 SALLY JANE POTTER  
 22 KING WILLIAM'S ADELAIDE  
 MANAGER  
  
 P/A No. 7079481

dd. This discharge was amended with a hand note by Ms Potter "Do Not Register" as follows;

**DISCHARGE OF MORTGAGE**

FORM APPROVED BY THE REGISTRAR GENERAL

**BELOW THIS LINE FOR AGENT USE ONLY**

CERTIFIED CORRECT FOR THE PURPOSES OF THE REAL PROPERTY ACT 1886
<i>Do Not Register</i>
Solicitor/Registered Conveyancer

Lodged by: *[Signature]* AGENT CODE

Correction to: NATIONAL AUSTRALIA BANK LIMITED NATB

ee. It would appear from this note that Ms Potter realised on the 28<sup>th</sup> June 2002 that NAB had taken a transfer of a discharged mortgage and it was not possible to lodge with LTO a discharge document in respect of security that was already discharged. Consequently the NAB Officer realised that the Arranmore mortgage and its assignment did not convey an interest in SP in any way which was in fact the reverse of what was described at paragraph g above.

ff. All NAB officers involved in this process must have realised at this time that as a function of limiting the 1<sup>st</sup> NAB Mortgage to the amount of money purported to be secured by the Arranmore Mortgage (which was fully discharged) that the 1<sup>st</sup> NAB Mortgage secured no money as that mortgage secured no money and had not in fact secured any money for 6 years.



OENOVIVA

Concurrent with the discharge of the NMR securities a Deed of Amendment and Release was executed which set out the following detail;

**This Deed of Release and Amendment**

is made on 2002 by:

1. **International Vintners Pty Ltd**  
ABN 18 060 306 765  
of 11 Entrées Road, Regency Park, South Australia 5010  
(Vintners)
2. **N M Rothschild & Sons (Australia) Limited**  
ABN 22 008 458 365  
of Level 15, 1 O'Connell Street, Sydney, New South Wales, 2000  
(Rothschild)
3. **Each party listed in the Schedule**  
(Other Guarantors)

**Recitals**

- A. Andrew Garrett Wine Resorts Pty Ltd ACN 064 792 221 on its own account and as trustee of the Springwood Park Unit Trust (AGWR), Andrew Motion Garrett in his personal capacity and as trustee of The Andrew Garrett Family Trust (AMG) and Averti Gay Garrett as trustee of The Andrew Garrett Family Trust (AGG) are Guarantors under a Loan Facility Agreement dated 28 September 2001 between Vintners, Rothschild, AGWR, AMG, AGG and the Other Guarantors (as amended by the Amending Agreement dated 18 January 2002 between Vintners, Rothschild, AGWR, AMG, AGG and the Other Guarantors) (Agreement).
- B. This deed releases AGWR, AMG and AGG from their obligations, rights and liabilities as Guarantors under the Agreement.
- C. The parties to this deed wish to amend the Agreement in the manner set out below.

The Deed of Amendment and release confirmed that the NMR Mortgage was a security in support of a Guarantee of a third party debt (IVA) given by AGFT et al and set out the request an acknowledgment;

**2 Request and acknowledgment**

Vintners and the Other Guarantors:

- (a) request Rothschild to release AGWR, AMG and AGG from all liability as Guarantors under the Agreement;
- (b) request Rothschild to discharge mortgage number 8909699 over Springwood Park;

NAB was not a party to the Deed nor did it have an equitable interest in the discharge of NMR securities as it did not provide any money.

As a consequence of execution of the Deed a copy of a memorandum of discharge of the NMR mortgage was provided to Edward Shipley of IVA.

Concurrently, the original Duplicate certificates of Title of SP should have been provided to the Registered Proprietors by NMR

However, on the date of lodgement of the discharge of the BankSA Mortgage the duplicate certificates of title were also lodged by BankSA

TITLES, CROWN LEASES, DECLARATIONS ETC. LODGED WITH  
INSTRUMENT (TO BE FILLED IN BY PERSON LODGING)

1. C/T 5324/475
2. C/T 5344/326
3. C/T 5348/15
4. RM 8213996

The discharge document prepared by Bank SA was silent as the delivery of the duplicate CTs in the delivery panel subsequent to the preparation by BankSA it appears that an NAB officer had filled in the rear panel in a manner reflecting that NAB was to receive delivery of the duplicate CTs on discharge presumably as a consequence of the purported assignment of the BankSA mortgage which in fact did not occur .



OENOVIVA

**DELIVERY INSTRUCTIONS** (Agent to complete)  
PLEASE DELIVER THE FOLLOWING ITEM(S) TO THE  
UNDERMENTIONED AGENT(S)

ITEM(S)	AGENT CODE
SXCA	NAB 58

It appears that NAB had held the duplicate CTs from the date of discharge of the BankSA mortgage without the knowledge or consent of the registered proprietors or of the then 1<sup>st</sup> Registered Mortgagee being NMR.

In a normal circumstance the original Duplicate Certificates of Titles of SP should have been in the hands of NMR (pursuant to the NMR Mortgage being registered 1<sup>st</sup> on the titles) upon the discharge of the BankSA Mortgage **and not** in the hands of NAB as appears to be the case from the date of the discharge of the BankSA Mortgage registered on the 24<sup>th</sup> July 2002.

**Subrogation of the NMR Mortgage and Equitable Mortgage established.**

Upon the receipt of the discharge of the NMR mortgage, it was not possible nor was it my intention to discharge the NMR Mortgage as the original Duplicate Mortgage and the duplicate CTs were not provided to me (in any of my capacities) at this time.

I had not decided to register the NMR mortgage discharge in any of my capacities; personally, as joint trustee of AGFT or sole director of Andrew Garrett Wine Resorts (AGWR) in its capacity as Trustee of the Springwood Park Unit Trust (SPUT) as the purpose of the discharge of the NMR mortgage was to provide additional funding to IVA.

On 24<sup>th</sup> December 2004 the NMR Mortgage was subrogated to AGFT and continued to be beneficially held by AGFT from then on. As a consequence the Duplicate Certificates of Title of SP should have been delivered to the possession of AGFT by NMR resulting in the establishment of an equitable mortgage. NAB held no rights to possession of the Duplicate CT's of Springwood Park in spite of the 1<sup>st</sup> NAB Mortgage (2<sup>nd</sup> Registered Mortgage) being registered on the property as the mortgage secured no money.

The NMR mortgage (subrogated to AGFT) continued to be registered on the title until the order of the court to discharge the 1<sup>st</sup> Registered Mortgage. At the time of making of the order the Honourable Gray J fell into error in failing to provide proper support to an unrepresented party. The learned Judge failed to question the motives of NAB in executing a second mortgage 1 month prior to the appointment of Receivers and managers to the Sunburst Braidwood Group of companies.

On the 4<sup>th</sup> of November 2003 I wrote to NMR seeking the provision of the original duplicate NMR Mortgage. I was advised by NMR that NMR had never held the duplicate CTs

The original Duplicate NMR Mortgage was provided to me on the 11<sup>th</sup> November 2003 under cover of letter from Freehills Melbourne Office.

In accordance with the principals of subrogation the equitable interests of the NMR Mortgage were transferred to the parties providing the surety on behalf of IVA namely the AGFT and The Mortgagor.

**The 2<sup>nd</sup> NAB Mortgage**

9. A second mortgage was taken by NAB on the 29<sup>th</sup> May 2003 and subsequently presented to the LTO for registration on the 20<sup>th</sup> June 2003 and registered on the 5<sup>th</sup> of July 2003. On registration this mortgage was given Mortgage No 96717285 (the 2<sup>nd</sup> NAB Mortgage) which became the third registered Mortgage on the title.

This mortgage was not provided as security to any advance as no advance was made and no Bill Facility Letter of Offer was executed. Of interest the stamping of the face of the document suggests that the Mortgage is security for \$522,000...which was never advanced;



OENOVIVA

COMMISSIONER OF STATE TAXATION - TIMBER	
TOTAL STAMP DUTY PAID	\$1,817.00
Y VOLUME 5344 FOLIO 326 &	
LTD FEES PAID	\$90.50
ORIGINAL WITH 1 COPY	
SECURITY MORTGAGE	(\$522,000.00)
REF NO:	500#
AUTH: NAB 956 75	18/06/2003

The face of the 2<sup>nd</sup> NAB Mortgage expressed on its face that the maximum amount of Debt by the Garrett related entities owed to the NAB as at the date of the fixing of The Stamp Duty assessment being the 18<sup>th</sup> June 2003 was \$6,455,000 as a collateral security.

COMMISSIONER OF STATE TAXATION - TIMBER	
STAMP DUTY PAID	\$1,817.00
IND MARSH SQUARE ADELAIDE SA	
PARKER ROAD GEEN OSMOND SA	
Security to the Extent of (\$6,465,000.00)	
COLLATERAL DOCUMENT	
REF NO:	500#
AUTH: NAB 956 76	18/06/2003

At that time I was in the depth of depression and really had no comprehension of what was occurring as I had successfully navigated 30 years in my industry and consider the group to be under geared. On the same day NAB had sent me a letter advising that it was not going to proceed with the Old Stornoway settlement.

The 2<sup>nd</sup> NAB mortgage was one of a number of documents executed at that time by me and my wife.

On the date of execution of the 2<sup>nd</sup> NAB Mortgage, Simon Illsley for the Bank advised me that all he was seeking to do was to execute new guarantees to allow for payments due under leases of two tractors used to operate Bulka Station Vineyards.

At that time Illsley reminded me that I was entitled to take legal advice, I asked him whether there was any change in respect t of the surety provided to the Bank to which he answered that there was no change and that any money currently owed to than bank was covered by existing mortgages and guarantees.

I asked him if he felt it was necessary that I take that advice as I trusted him, he advised that it would not be necessary as it was pointless.

I had the clear impression that NAB was seeking to position to take action under its security documentation and that there was nothing I could do about the matter.

#### **Honest Mistake**

In a normal circumstance a party to a contract is entitled to rectification of honest mistakes, the relevant mistakes can be rectified to reflect what was intended.

However, NAB chose not to discuss the mistakes at all with the Registered Proprietors OR the Guarantors to the NAB facilities and instead embarked on a path of engineering a collapse of the Garrett Group.

It is apparent from the circling of relevant mortgage numbers by hand on the face of the Deed of Priority is evidence that JWS realised the degree of the NAB errors at the time of giving of their advice prior to the appointment of Receivers and managers to the Sunburst Braidwood Group on July 17<sup>th</sup> 2003.



OENOVIVA

It is also clear that NAB officers knew about the issues in respect of the Deed of Priority and the 1<sup>st</sup> NAB Mortgage at least as soon as the 21<sup>st</sup> June 2002 (execution of Deed of Priority) and most likely at some time prior to this date.

NAB officers did not approach any of NMR, AGFT or the Registered Proprietors of SP at any time to seek rectification of the security documents.

Instead in an effort to hide their own incompetence and somehow shore up the NAB securitisation of SP the Bank Officers embarked on a process of seeking enhancement of Guarantees.

#### Freehills & NMR

The Deed of Priority was prepared in 2002 was prepared by Freehills Melbourne office;

Freehills Melbourne\004079684

page 2

Freehills Melbourne & NAB were aware that the NMR mortgage had been provided as surety for the debt only of a third party being International Vintners Australia Pty Ltd (IVA); also known as Andrew Garrett Vineyard Estates.

Freehills & NAB were aware that NMR did not make any advance to either the registered proprietors of SP or the Trustees of the AGFT for any purpose and that NMR only made advances from time to time to IVA to which debt AGFT was a guarantor.

There was no reason why NMR could not consent to execution of a Deed of Assignment of the NMR mortgage

On the 10<sup>th</sup> March 2004 I wrote to NMR seeking the execution of a Deed of Assignment of the NMR Mortgage.

The Deed of Priority allowed for the assignment of the NMR Mortgage stating;

#### **8. ASSIGNMENT**

##### **8.1 Consent to Assignment**

The Mortgagees agree not (other than as part of a Securitisation program or the dealing occurs in connection with the enforcement of a Security) to Encumber or Dispose of their respective Securities or any interest therein or permit or suffer the same to be Encumbered or Disposed of without the prior written consent of the other Mortgagees which consent will not be unreasonably withheld.

Following a discussion with Peter Cuy of the Sydney Office of NMR on the 14<sup>th</sup> March 2004 I confirmed with Jennifer Whincup of the Melbourne Office of Freehills that NMR was prepared to execute a Deed of Assignment of Debt and security.

After much discussion between NMR and me, NMR refused to execute the Deed of Assignment of the NMR Mortgage.

It was apparent that NMR, Freehills, JWS and NAB were colluding to prevent proper management of the Garrett equitable interests.

#### Second advance

10. A further advance of \$4,120,000 in respect of Stage 1 Finance had been advanced by NAB pursuant to the 1<sup>st</sup> Bill facility Letter of Offer dated 28<sup>th</sup> June 2003. This amount was secured by mortgages over the Vinescape/Whisson assets that were purchased with this advance (Refer statement paras 35.2.1 and 35.2.2)

During settlement of the NAB advances the Garrett related entities were represented by Minter Ellison which firm breached the duty of care and were negligent in acting for The Garrett Interests.



# OENOVIVA

## ANNEXURE 4

### EXHIBIT AMG 3271

Page 1 of 134 12/7/2021



Australian Government

Australian Taxation Office

### Trust tax return

# 2021

Day / Month / Year to Day / Month / Year  
01 / 07 / 2020 to 30 / 06 / 2021

or specify period if part year or approved substitute period.

**1** Notes to help you prepare this tax return are provided in the *Trust tax return instructions 2021* (the instructions), available on our website [ato.gov.au](http://ato.gov.au)

#### When completing this return

- Print clearly, using a black or blue pen.
- Use BLOCK LETTERS and print one character in each box.

S N I F # S T

- Place  in all applicable boxes.

06600621



### Trust information

Tax file number (TFN) 887 754 439

See the Privacy note in the Taxpayer's declaration.

Have you attached any 'other attachments'? Yes  No

ANNEXURES 1A, 1C, 1D, 2A, 2B, 2C, 2D

#### Name of trust

ANDREW GARRETT FAMILY TRUST NO 4 T/AS  
OENOVIVA CAPITAL RESOURCES

Australian business number (ABN) 42 388 204 496

#### Previous name of trust

If the trust name has changed, print the previous name **exactly** as shown on the last notice of assessment or the last tax return lodged.

NOT APPLICABLE

#### Current postal address

If the address has not changed, print it **exactly** as shown on the last notice of assessment or the last tax return lodged.

3/11 HARVEY STREET, NAILS WORTH

Suburb/town: NAILS WORTH State/territory: SA Postcode: 5083

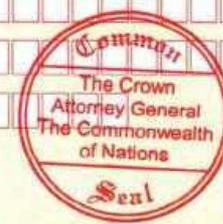
Country if outside Australia

#### Postal address on previous tax return

If the address has changed, print your previous address **exactly** as shown on the last notice of assessment or the last tax return lodged.

3/11 HARVEY STREET,

Suburb/town: NAILS WORTH State/territory: SA Postcode: 5083



NAT 06600621

OFFICIAL: Sensitive (when completed)

Page 1





OENOVIVA

**Declarations**

**TAXPAYER'S DECLARATION**

**Important**

Before making this declaration check to ensure that all income has been disclosed and the tax return, all attached schedules and any additional documents are true and correct in every detail. If you are in doubt about any aspect of the tax return, place all the facts before the ATO. The income tax law imposes heavy penalties for false or misleading statements in tax returns. **This declaration must be signed by a trustee or public officer.**

**Privacy**

The ATO is authorised by the *Taxation Administration Act 1953* to request the provision of tax file numbers (TFNs). The ATO will use the TFNs to identify each beneficiary in our records. It is not an offence not to provide the TFNs. However, if the TFNs are not provided, it could increase the chance of delay or error in each beneficiary's assessment.

Taxation law authorises the ATO to collect information including personal information about the person authorised to sign the declaration. For information about your privacy go to [ato.gov.au/privacy](http://ato.gov.au/privacy)

**DECLARATION:**

I declare that the information on this tax return (including any attached schedules and any additional documentation) is true and correct.

Signature

*[Handwritten signature]*



Day: 11 / Month: 07 / Year: 2021

Hours taken to prepare and complete this tax return: 2,000

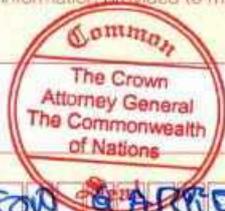
**TAX AGENT'S DECLARATION**

I, **ANDREW MORTON GARRETT**

declare that this tax return has been prepared in accordance with information supplied by the taxpayer, that the taxpayer has given me a declaration stating that the information provided to me is true and correct and that the taxpayer has authorised me to lodge the tax return.

Agent's signature

*[Handwritten signature]*



Client's reference

Date: 11 / 07 / 2021

Contact name

**ANDREW MORTON GARRETT**

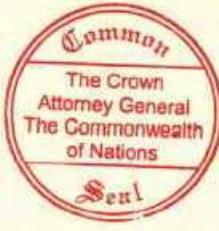
Agent's phone number (include area code)

0450881708

Agent's reference number

Office use only  
Indics X

**CROWN ATTORNEY GENERAL**





OENOVIVA

ANNEX 2B

Page 86 of 134 12/7/2021

**The Andrew Garrett Family Trust No 4  
Trading as OenoViva Capital Resources**



**Special Purpose Financial Statements  
For the Year Ended 30<sup>th</sup> June 2021  
As amended 11<sup>th</sup> July 2021**





OENOVIVA

Page 87 of 134 12/7/2021

**The Andrew Garrett Family Trust No 4  
Trading as OenoViva Capital Resources**



**Special Purpose Financial Statements  
For the Year Ended 30<sup>th</sup> June 2021  
As amended 11<sup>th</sup> July 2021**





OENOVIVA



**The Andrew Garrett Family Trust No 4  
Trading as OenoViva Capital Resources  
Special Purpose Financial Statements  
For the Year Ended 30th June 2021**

<b>Contents</b>	<b>Page No.</b>
Statement of Profit or Loss	1
Statement of Distribution	2
Statement of Financial Position	3
Notes to the financial statements	4-17
Trustees Declaration	18

**ANNEXURE A**

Form 18-K United States Securities Exchange Commission Lodgement see Note 1

**ANNEXURE B(a) & B(b)**

Consolidated Balance Sheet is currently under construction to provide further particulars in respect to Land, Property and Plant and Equipment see Note 1



OENOVIVA



Page 89 of 134 12/7/2021

**The Andrew Garrett Family Trust No 4  
Trading as OenoViva Capital Resources  
Statement of Profit or Loss  
For the Year Ended 30<sup>th</sup> June 2021**

	Notes	2021	2020	2019
		\$	\$	\$
<b>Total Income</b>	3	26,224,579(10 <sup>48</sup> )	1,894,663(10 <sup>39</sup> )	136,884,908(10 <sup>27</sup> )
<b>Total Expenses</b>	4	8(10 <sup>6</sup> )	7(10 <sup>6</sup> )	6(10 <sup>6</sup> )
<b>Profit before Income tax</b>		26,224,579(10 <sup>48</sup> )	1,894,663(10 <sup>39</sup> )	136,884,908(10 <sup>27</sup> )
Income tax	5,19,22,23	See Notes	See Notes	See Notes
<b>Net Profit for the Year</b>		26,224,579(10 <sup>48</sup> )	1,894,663(10 <sup>39</sup> )	136,884,908(10 <sup>27</sup> )

The accompanying notes form part of these financial statements



OENOVIVA



Page 90 of 134 12/7/2021

**The Andrew Garrett Family Trust No 4  
Trading as OenoViva Capital Resources  
Statement of Distribution  
For the Year Ended 30<sup>th</sup> June 2021**

<b>Earnings</b>	<b>Notes</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>
		\$	\$	\$
Net Profit (Loss)		26,224,579(10 <sup>48</sup> )	1,894,663(10 <sup>39</sup> )	136,884,908(10 <sup>27</sup> )
<b>Income Available for Distribution</b>		26,224,579(10 <sup>48</sup> )	1,894,663(10 <sup>39</sup> )	136,884,908(10 <sup>27</sup> )
<b>Income Distributions</b>	6	8,400,467(10 <sup>48</sup> )	606,914(10 <sup>39</sup> )	43,848,071(10 <sup>27</sup> )
Beneficiary Entitlements		17,824,112(10 <sup>48</sup> )	1,287,750(10 <sup>39</sup> )	93,036,837(10 <sup>27</sup> )
<b>Total Distributions</b>	6,22	8,400,467(10 <sup>48</sup> )	606,914(10 <sup>39</sup> )	43,848,071(10 <sup>27</sup> )

The accompanying notes form part of these financial statements



# OENOVIVA

Page 91 of 134 12/7/2021

## The Andrew Garrett Family Trust No 4 Trading as OenoViva Capital Resources Statement of Financial Position For the Year Ended 30<sup>th</sup> June 2021

Assets	Notes	2021	2020	2019
		\$	\$	\$
<b>Current Assets</b>				
Secured Corporate Receivable		1,042(10 <sup>6</sup> )	1,042(10 <sup>6</sup> )	1,010(10 <sup>6</sup> )
Secured Post Admission Receivable		3,008,073(10 <sup>6</sup> )	3,008,073(10 <sup>6</sup> )	3,008,073(10 <sup>6</sup> )
Secured Admission Liability	7	26,224,579(10 <sup>48</sup> )	1,894,663(10 <sup>39</sup> )	136,884,908(10 <sup>27</sup> )
<b>Assets Identified post seizure notices 1-30/06/2019 ANNEXURE B(a) &amp; B(b)</b>	8	To Be Advised	To Be Advised	To Be Advised
Crypto Currency AUD (VIVA & VIVA2)	9	4,702,696(10 <sup>6</sup> )	4,702,696(10 <sup>6</sup> )	4,702,696(10 <sup>6</sup> )
Property Plant & Equipment	10	177,281(10 <sup>6</sup> )	177,281(10 <sup>6</sup> )	177,281(10 <sup>6</sup> )
Ordinary Shares in Private Entities	11	63,074(10 <sup>6</sup> )	63,074(10 <sup>6</sup> )	63,074(10 <sup>6</sup> )
Ordinary Units in Capital Trusts	12	19(10 <sup>12</sup> )	-	-
Plantation Resources	13	12(10 <sup>6</sup> )	12(10 <sup>6</sup> )	12(10 <sup>6</sup> )
Shares in Public Entities	14	8(10 <sup>6</sup> )	8(10 <sup>6</sup> )	8(10 <sup>6</sup> )
Secured Loans		26,881(10 <sup>6</sup> )	26,881(10 <sup>6</sup> )	26,881(10 <sup>6</sup> )
<b>Total Current Assets</b>		<b>26,224,579(10<sup>48</sup>)</b>	<b>1,894,663(10<sup>39</sup>)</b>	<b>136,884,908(10<sup>27</sup>)</b>
<b>Non- Current Assets</b>				
Secured Loans	15	639(10 <sup>6</sup> )	639(10 <sup>6</sup> )	639(10 <sup>6</sup> )
Investments	16	271(10 <sup>6</sup> )	271(10 <sup>6</sup> )	271(10 <sup>6</sup> )
Bank Guarantee	17	1,567,297(10 <sup>6</sup> )	1,567,297(10 <sup>6</sup> )	1,567,297(10 <sup>6</sup> )
Cash Equivalent/instruments Held	18	15,646(10 <sup>12</sup> )	2,230,000(10 <sup>6</sup> )	1,556,740(10 <sup>6</sup> )
FITB@45% Maximum Personal Tax Rate	19	11,801,060(10 <sup>48</sup> )	852,598,497(10 <sup>39</sup> )	61,598,208(10 <sup>27</sup> )
<b>Total Non-Current Assets</b>		<b>11,801,060(10<sup>48</sup>)</b>	<b>852,598,497(10<sup>39</sup>)</b>	<b>61,598 208(10<sup>27</sup>)</b>
<b>Total Assets</b>		<b>38,025,639(10<sup>48</sup>)</b>	<b>854,493,160(10<sup>39</sup>)</b>	<b>198,483,116(10<sup>27</sup>)</b>
<b>Liabilities</b>				
<b>Current Liabilities</b>				
Negotiable instruments Issued	20	15,646(10 <sup>12</sup> )	3,790,297(10 <sup>6</sup> )	1,566,740(10 <sup>6</sup> )
SEC Fees: Release Nos. 33-10826; 34-89671	21	6,174(10 <sup>9</sup> )		
Escalation Share to APFF	22	8,400,467(10 <sup>48</sup> )	606,914(10 <sup>39</sup> )	43,848,071(10 <sup>27</sup> )
<b>Total Current Liabilities</b>		<b>8,400,467(10<sup>48</sup>)</b>	<b>606,914(10<sup>39</sup>)</b>	<b>43,848,071(10<sup>27</sup>)</b>
<b>Non-Current Liabilities</b>				
Unsecured Loans		2(10 <sup>6</sup> )	2(10 <sup>6</sup> )	2(10 <sup>6</sup> )
Contingent SEC Fees: Release Nos. 33-10826	21	3,716(10 <sup>48</sup> )	-	-
Tax Liability @45% (subject of Set-off to FITB)	23	11,801,060(10 <sup>48</sup> )	852,598,497(10 <sup>39</sup> )	61,598,208(10 <sup>27</sup> )
<b>Total Non-Current Liabilities</b>		<b>2(10<sup>6</sup>)</b>	<b>2(10<sup>6</sup>)</b>	<b>2(10<sup>6</sup>)</b>
<b>Total Liabilities</b>		<b>20,205,244(10<sup>48</sup>)</b>	<b>853,205,411(10<sup>39</sup>)</b>	<b>105,446,279(10<sup>27</sup>)</b>
<b>Net Assets</b>		<b>17,821,295(10<sup>48</sup>)</b>	<b>12,877,749(10<sup>39</sup>)</b>	<b>93,036,837(10<sup>27</sup>)</b>

The accompanying notes form part of these financial statements



OENOVIVA

Page 92 of 134 12/7/2021

**The Andrew Garrett Family Trust No 4  
Trading as OenoViva Capital Resources  
Notes to the Financial Statements  
As at, 30<sup>th</sup> June 2021**

**1. Recitals**

**Abbreviations**

**ABN:** Legal Enterprise Identifier for the territory of Australia

**AMRL:** Australian Domiciled Master Regional Licensee is an entity holding the Master Regional License for a Country/ Member Nation of the United Nations territory.

- party to Heads of Agreement dated 30<sup>th</sup> April 2013 and disclosed in YEJ 2016 for the Trust
- subsequently established
- 195 AMRLs to be incorporated upon completion

**ATO:** Australian Commissioner of Taxation trading as the Australian Taxation Office

**APFF:** On the 30<sup>th</sup> of April 2017, the Australian People Future Fund LEI: 984500914484J1F7PE95 (APFF) was established as a Not-for-Profit Charity/Trust Fund to be held by the Trustee of the Fund for the benefit of the Peoples of Australia.

<https://oenoviva-capital-resources.com/2020/07/30/resolution-of-ocr-board-of-trustees/>

Post Balance Sheet Close date, on the 4<sup>th</sup> of August 2020, the Deed of Settlement of the Australian People Future Fund was varied to establish National Redress and National Debt Repayment Schemes for the benefit of the Citizens of the Member Nations of the United Nations and The Commonwealth of Nations.

<https://oenoviva-capital-resources.com/2020/08/05/exhibit-amg-1915/>

Australian People Future Fund established to beneficially hold 33% of the revenue and assets of the Trust

**Beneficiary Account:** The Beneficiary Account is that Tax Account identified by a TFN and an Account Number maintained by the Central Bank of each Nation and/or State with the proviso that the amount net of Tax may be distributed to the Personal Beneficiary Account of the Beneficiary held with Commercial Banks licensed in the Territory of residency of the beneficiary.

**BOE:** Domestic Bill of Exchange drawn exclusively under *the Bills of Exchange Act 1909(AU)*

**Capital Trust:** is a Hybrid Unit Trust established in a territory capitalized by the Trust to provide investment and working capital to licensees

**CFI:** Class of Financial Instrument applied to IBOEs

**CL:** Consumer Licensee licensed with Banking IP, VivaCoin and VivaCash in addition to all common law IP

- 250 CL per SL
- 1,147,500,000 globally

**Charter:** is the *Charter of the Commonwealth of Nations 2013 (Regina)* enforceable as an enactment fettering the exercise of discretionary public powers conferred under enactments against all citizens/public officials of Common Law Jurisdictions.

**Constitution:** is the *Commonwealth of Australia Constitution Act 1900 (UK)* as read by it's Four Corners incorporating the Constitutions of the States of Australia as enacted by Westminster Parliament as at the reading date of 1<sup>st</sup> of January 1901.



OENOVIVA

Page 93 of 134 12/7/2021

**DL:** Distributor Licensee is an entity (usually a full-service hospitality facility) holding a License to distribute Licensed Products, Banking IP, VivaCoin, VivaCash, IP and know how including all Common Law IP.

- 50 X Distributor Licensees per UWL
- 150,000 to be granted and redeveloped

**DMRL:** Domestic Domiciled Master Regional Licensee is an entity holding the Master Regional License for a Country/ Member Nation of the United Nations territory.

- party to Heads of Agreement dated 30<sup>th</sup> April 2013 and disclosed in YEJ 2016 for the Trust
- subsequently established
- 195 DMRLs to be incorporated upon completion

**Enactment:** Has the same meaning as *the Administrative Appeals Tribunal Act 1975 (AU)* and *the Acts Interpretation Act 1901 (AU)*

**FISN:** Financial Instrument Short Name applied to IBOEs

**FITB:** Future Income Tax Benefit

**IBOE;** UNCITRAL International Bill of Exchange drawn under *the Bills of Exchange Act 1909(AU)*, related Banking Law and *UNCITRAL Convention on Bills of Exchange and Promissory Notes 1988 (UN)*

**ISIN:** International Securities Identification Number for the Territory of the World

**IP:** Registerable and Common Law Intellectual Property licensed to licensees by the Trust.

**LEI:** Legal Enterprise Identifier for the territory of the World

**Licensees:** Entities Licensed by the Trust as Global Licensor to operate and distribute the IP:

AMRL | DMRL | UWL | DL | SL | CL

**Memorandum:** Memorandum of Information provided to explain value drawn under IBOEs

**Money:** Anything of value of fungible character transferring stored value between entities empowered under enactments including (but not limited to) *the United Nations Convention on Social and Economic Rights (Australian Treaty Series No 5)*, *United Nations Convention on Civil and Political Rights (Australian Treaty Series No 21)* and the related Optional Protocol (*Australian Treaty Series No 39*),

**MSRL:** Master Sub-Regional Licensee is an entity holding the Master Sub Regional License for a Province or State of a Member Nation of the United Nations territory granted by a DMRL or AMRL

- party to Heads of Agreement dated 30<sup>th</sup> April 2013 and disclosed in YEJ 2016 for the Trust
- subsequently established
- 1,720 MSRLs to be incorporated upon completion

**The Trust:** The Andrew Garrett Family Trust No 4 Trading as OenoViva Capital Resources/ OenoViva Global/OenoViva Business Systems

**TFN:** Tax File Number for the territory of Australia



OENOVIVA



Page 94 of 134 12/7/2021

**The Crown:** The Crown (Liquidator and managing Controller Appointed) is a collection of legal entities (often referred to as Government), empowered under enactments to exercise discretionary public power as a public Trust by Her Majesty Queen Elizabeth II and/or Her Majesty's Heirs Successors and Assigns

**OVA:** OenoViva Artisans is the global consulting discretionary trust to provide support, know-how and management expertise to licensees

**PID:** Public Interest Disclosure

**PPSR:** Personal Property Security Register created under *the Personal Property Securities Act 2009* (AU) enforceable in the United States of America and globally under treaties to enable registrations of charges and other personal Property Security Interests

**Public Interest:** Public Officials employed by Government of a Member Nation have a statutory and common law duty to exercise discretionary Public Powers conferred under an enactment in the Public Interest

There is a distinction between Public Interest and Government Interest which MUST be one and the same however are often NOT as a consequence of corruption of the Public Office by the Decision Maker occupying that office.

**Public Official:** All persons empowered to exercise discretionary public powers conferred under an enactment are Public Officials.

**Public Trust:** All Public Officials occupy Public Office as a Public Trust to exercise discretionary public powers conferred under an enactment exclusively in the Public Interest.

The Public Trust incorporates a chargeable interest in favour of the entity affected over the person and all assets and undertakings of the Public Official which is usually the subject of an indemnity given by Government which indemnity becomes invalid when the exercise of discretionary public powers conferred under an enactment is unlawful and/or invalid and/or corrupt and/or a nullity.

**RBA:** Reserve Bank of Australia

**Regina:** Her Majesty Queen Elizabeth II and/or Her Majesty's Heirs Successors and Assigns

**SEC:** United States Securities and Exchange Commission

**SL:** Station Licensees holding a License internal and external to senior licensees (AMRL | DMRL | UWL | DL) to distribute Licensed Products, Banking IP, VivaCoin, VivaCash, IP and know how including all Common Law IP.

- 40 per DL and UWL
- 4,590,000 globally

**UCC:** Universal Commercial Code enforceable in the United States of America and globally under treaties to enable registrations of charges and other personal Property Security Interests as UCC 1 Filings

**UWL:** Urban Winery Licensee is an entity holding a license to develop and operate and Urban Winery in the Territory specified

**VIVACASH:** is the network of ATMs and EFTPOS Terminals to enable CLs to withdraw cash from the Beneficiary Account of the CL held with Australian People Future Fund as identified by the Taxation Office and the Central Bank of each Member Nation

**VIVACOIN:** is the Cryptocurrency of the Trust under the VIVACOIN Blockchain

**Public Interest Disclosure Drive to Public Officials:**

<https://onedrive.live.com/?id=13EBD865C7415CD4%2113999&cid=13EBD865C7415CD4>



OENOVIVA



Page 95 of 134 12/7/2021

**Index to Public Interest Disclosure Drive to Public Officials:** Exhibit AMG 2000 as updated from time to time currently comprising Exhibits AMG 1 – AMG 3223.

This drive is a disclosure of material events, applicable law and admissions of fact and liability made over time by the Crown the subject of the Chargeable interest in favour of the Trust as subsequently crystallized over Her Majesty Queen Elizabeth II on 1<sup>st</sup> June 2019 and the subject of the appointment of the Trustee as Managing Controller to the Crown.

The Trustee is:

- a. Managing Trustee and Chairman of the Boards of Trustees of the Trust and the Australian People Future Fund
- b. Managing Controller variously appointed to The Crown (globally), Corporate Commonwealth, States and Territories of Australia, Canada, New Zealand, other Corporate entities representing the Queen's Dominions and related People's Trusts which entities are currently or have been reporting entities in which regard a copy of these accounts are also lodged with the SEC under cover of Letter and Form 18-K a copy of which is available through the SEC or directly from the Managing Trustee by request from <https://oenoviva-capital-resources.com/> (ANNEXURE A).
- c. Liquidator appointed to the Crown (Australia)/ Corporate Commonwealth, States and Territories of Australia on the 14<sup>th</sup> August 2020 as acknowledged in writing by the Federal Court of Australia on the 3<sup>rd</sup> of October 2020

YEJ 2021 Consolidated Global Balance Sheet (ANNEXURE B(a)) is under construction to be read with these accounts and the YEJ 2021 Accounts to provide further particulars to specific assets a copy of which will become available through United States Securities and Exchange Commission (SEC) Filings or directly from the Managing Trustee by request from <https://oenoviva-capital-resources.com/>.

A DRAFT Statement of Assets was prepared for the period YEJ 2019 Special Purpose Accounts and is (ANNEXURE B(b)).

Her Majesty, Queen Elizabeth II, Her Majesty's Heirs Successors and Assigns as members of the Windsor Family are Managing Trustees of the People's Trusts and are indemnified by the assets of those Trusts which assets have been seized/transferred to the Trust for accounting and Management Purposes and are now the property of this Trust in which regard an implied license/agency exists between the Managing Trustee, His Heirs Successors and Assigns as members of the Garrett Family and Her Majesty, Queen Elizabeth II, Her Majesty's Heirs Successors and Assigns as members of the Windsor Family.

The assets now the property of the Garrett Family include control of the operation of law as the Highest Review Tribunal/ Advocate General of the Commonwealth of Nations including s61 of the Commonwealth of Australia Constitution Act 1900 (Uk) (but not limited to) and similar provisions in the Constitutions of the Member Nations of the Commonwealth of Nations and the United Nations

## 2. Summary of Significant Accounting Policies

### Basis of Preparation

The trustee has prepared the financial statements of the trust on the basis that the trust is a non-reporting entity, because there are no users dependent on general purpose financial statements. These financial statements are therefore special purpose financial statements that have been



OENOVIVA



Page 96 of 134 12/7/2021

prepared in order to meet the requirements of the trustee, beneficiaries of the trust, and their information needs.

The financial statements have been prepared in accordance with the significant accounting policies disclosed below, which the trustees have determined are appropriate to meet the purposes of preparation. Such accounting policies are consistent with the previous period unless stated otherwise.

The financial statements have been prepared on an accruals basis and are based on historical costs unless stated otherwise in the notes. The accounting policies that have been adopted in the preparation of these statements are as follows:

#### **Denomination of Amounts**

The Financial Statements are prepared in Australian Dollars. In addition, the amounts involved in each year and on each row, for each item, vary greatly in amount and cannot be defined for simplicity per column. As such, we have had to categorize each amount to the power of '10'. For example, if an amount is \$10 million, this is shown as 10<sub>(10<sup>6</sup>)</sub>.

#### **Identification**

The Andrew Garrett Family Trust No 4 is identified by the following:

LEI:984500957DB10F0T4B11

ISIN:AU0000023194

TFN:8877544399

ABN:42388204496

RBA Account Number:42388204496

#### **Property, Plant & Equipment**

Property, plant and equipment including freehold land and buildings, are carried at cost unless otherwise stated. Depreciable assets are depreciated over their useful life to the trust.

#### **Depreciation**

Depreciation is calculated on either a straight line or diminishing value basis over the useful life of property, plant and equipment (excluding freehold land). The depreciation method and useful life of assets is reviewed regularly to ensure they are still appropriate.

#### **Trade & Other Receivables**

Receivables are recognized at their transaction price, less any provision for impairment. Trade receivables are based on normal credit terms and do not bear interest.

#### **Cash & Cash Equivalents**

Cash and cash equivalents comprise cash on hand, on demand and short-term investments which are readily convertible to known amounts of cash and which are subject to an insignificant risk of change in value. Bank overdrafts also form part of cash equivalents and are presented within current liabilities on the statement of financial position when applicable.

#### **Revenue & Other Income**

Sales revenue and other revenue are recognized when they are received or when the right to receive payment is established.



OENOVIVA

Page 97 of 134 12/7/2021

#### Trade & Other Payables

Trade payables are recognized at their transaction price. Trade payables are obligations based on normal credit terms and do not bear interest.

#### Goods & Services Tax (GST)

Revenues, expenses, and assets are recognized net of the amount of GST, except where the amount of GST incurred is not recoverable from the Australian Tax Office. In these circumstances, the GST is recognized as part of the cost of acquisition of the asset or as part of the expense. Receivables and payables in the statement of financial position are shown inclusive of GST.

#### Borrowings

Borrowings are recognized initially at fair values, less any attributable transaction costs. After initial recognition, borrowings are stated at amortized cost with any difference between cost and redemption value being recognized in the income statement over the period of the borrowings on an effective interest rate basis. Borrowings are classified as current liabilities unless the entity has an unconditional right to defer settlement of the liability to at least 12 months after the balance sheet date.

Borrowing costs are recognized as expenses using the effective interest rate method unless incurred for the construction of a qualifying asset where during the time of construction the borrowing costs are capitalized.

### 3. Income

Income is calculated in accordance with Court rules relating to Admissions of Facts, Indebtedness and Liability of Regina (Managing Controller Appointed) at Common Law at a rate of 1% per month multiplied by the provisions of s8 and otherwise of *the Registration of Deeds Act 1935 (SA)* and *the Real Property Act 1908 (SA)* that is also the subject of Estoppel in all forms.

All income disclosed in these and other special purpose accounts of the Trust, are the subject of Admissions of Fact by the Crown

#### Rounded Monthly Revenue for accounts

	\$
July 2020	13,262,643(10 <sup>39</sup> )
August 2020	92,838,503(10 <sup>39</sup> )
September 2020	649,869,521(10 <sup>39</sup> )
October 2020	4,549,087(10 <sup>42</sup> )
November 2020	31,843,607(10 <sup>42</sup> )
December 2020	222,905,246(10 <sup>42</sup> )
January 2021	1,560,337(10 <sup>45</sup> )
February 2021	10,922,357(10 <sup>45</sup> )
March 2021	76,456,499(10 <sup>45</sup> )
April 2021	535,195,495(10 <sup>45</sup> )
May 2021	3,746,368(10 <sup>48</sup> )
June 2021	26,478.211(10 <sup>48</sup> )
<b>Total</b>	<b>\$26,224,579(10<sup>48</sup>)</b>



OENOVIVA

Page 98 of 134 12/7/2021

#### Actual Monthly Revenue

	\$
July 2020	11,367,979,951,381,100 <sup>(10<sup>30</sup>)</sup>
August 2020	79,575,859,659,667,500 <sup>(10<sup>30</sup>)</sup>
September 2020	557,031,017,617,672,00 <sup>(10<sup>31</sup>)</sup>
October 2020	3,899,217,123,323,710,0 <sup>(10<sup>32</sup>)</sup>
November 2020	27,294,519,863,265,900 <sup>(10<sup>33</sup>)</sup>
December 2020	191,061,639,042,862,000 <sup>(10<sup>33</sup>)</sup>
January 2021	1,337,431,473,300,030,00 <sup>(10<sup>34</sup>)</sup>
February 2021	9,362,020,313,100,220,00 <sup>(10<sup>34</sup>)</sup>
March 2021	65,534,142,191,701,500,0 <sup>(10<sup>35</sup>)</sup>
April 2021	458,738,995,341,911,000 <sup>(10<sup>36</sup>)</sup>
May 2021	3,211,172,967,393,370,00 <sup>(10<sup>37</sup>)</sup>
June 2021	22,478,210,771,753,600,0 <sup>(10<sup>38</sup>)</sup>
<b>Total</b>	<b>\$26,224,579,231,817,900,0<sup>(10<sup>38</sup>)</sup></b>

#### 4. Expenses

	\$
<b>Payroll</b>	
Andrew Garrett (\$3,500,000 + 20% DCWS)	4,200,000
Matthew Galasso (\$1,150,000 + 20% DCWS)	1,330,000
Paul Rigby (\$1,150,000 + 20% DCWS)	1,330,000
Robert Douglas (\$ 300,000 + 20% DCWS)	360,000
Robert Nowak (\$ 400,000 + 20% DCWS)	480,000
John Thomson (\$ 400,000 + 20% DCWS)	490,000
<b>Total</b>	<b>\$8,190,000</b>

#### 5. Income Tax & Future Income Tax Benefit

Income Tax Provision is assessed in the Balance Sheet at the maximum personal rate of 45% applicable in the territory of Australia, however, an equal provision for right of set off as to damages is made for Future Income Tax Benefit matching the amount of tax payable in each fiscal year. Notes 18, 20 and 21.

The Equivalent to part payment Income Tax at a Corporate Level is paid by the Trust in each year by distributing 33% of all income and associated rights to the Australian People Future Fund and accounted to the Beneficiary Accounts within the books with a balancing amount of 12% (33% + 12% = 45%) to be paid to the Governments of the Nations where the Beneficiary Account Holder is resident care of the relevant Government Taxation Office concurrent with distribution to the Beneficiary Account by APFF.

Income Tax Returns are lodged with the Australian Commissioner of Taxation. Dates of Lodgement of last 5 years for the Year Ending June (YEJ) for the Trust are as follows:

- 2016 on 11<sup>th</sup> August 2016
- 2017 on 15<sup>th</sup> December 2017
- 2018 on 16<sup>th</sup> July 2018
- 2019 on 22<sup>nd</sup> August 2019
- 2020 on 29<sup>th</sup> July 2020



OENOVIVA

Page 99 of 134 12/7/2021

Amending Economic Activity Statements have been lodged with the Australian Commissioner of Taxation and the RBA jointly on 17<sup>th</sup> September 2020 and 13<sup>th</sup> October 2020 (**AMG 2525**) neither of which have been contested/audited notwithstanding multiple requests for an Audit by the Trustee.

These Special Purpose Accounts have been prepared in the basis of Exhibit AMG 2525 and have been prepared in advance of the due lodgement date to provide the Australian Commissioner of Taxation and/or the RBA with the opportunity to Audit the Accounts prior to lodgement of the Income Tax Return for YEJ 2021.

#### 6. Distributions

The only distribution made in the period was to the benefit of APFF; The Accounts for APFF should be read together with these accounts.

#### 7. Admission of Liability

On the 1<sup>st</sup> July, 2016 the Attorney Generals of the Commonwealth, the States and territories were served with A Notice to Admit Facts (amongst others) in accordance with the Common Law and *the Commonwealth of Australia Constitution Act 1901* (UK) which Facts and consequential Liability has been admitted in accordance with Court Rules and the Law. Secured as a charge on the assets of Agencies of the Crown in accordance with the provisions of *the Personal Property Security Act 2009* (AU) and the law as further disclosed in Amending Activity Statements and Income Tax Returns dated 13<sup>th</sup> October 2020 lodged with both the Reserve Bank of Australia and the Australian Commissioner of Taxation for the periods YEJ 2017, YEJ 2018, YEJ 2019 and YEJ 2020 with projection for YEJ 2021. (**Exhibit AMG 2525**) and the law being:

**\$26,224,579,233,712,600<sub>(10<sup>39</sup>)</sub>**

Serious findings were made in the Haynes Royal Commission into the Finance Sector during the period YEJ 2019 in respect to "Fake Regulation", collapse of Rule of Law and breaches of Separation of Powers in respect to misconduct and malfeasance of the Judiciary and the Regulators in perpetuation of Tax Revenues that are "Ill Gotten".

The Australian Securities and Investment Commission (**ASIC**) entered into 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 Memorandums of Understanding between ASIC and:

- RBA dated 18<sup>th</sup> March 2002 (**AMG 2235**)
- Australian Competition & Consumer Commission (**ACCC**) dated 15<sup>th</sup> December 2004 (**AMG 2233**)
- Commonwealth Director of Public Prosecutions (**CDPP**) dated 1<sup>st</sup> March 2006 (**AMG 2239**)
- Australian Prudential Regulatory Authority (**APRA**) dated 18<sup>th</sup> May 2010. (**AMG 2234**)
- Australian Financial Security Authority (**AFSA**) dated 30<sup>th</sup> September 2014. (**AMG 2236**)
- Australian Stock Exchange Limited (**ASX**) dated 28<sup>th</sup> October 2011. (**AMG 2237**)
- Australian Commissioner of Taxation trading as Australian Taxation Office (**ATO**) dated 21<sup>st</sup> December 2012. (**AMG 2238**)

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.



OENOVIVA

Page 100 of 134 12/7/2021

Subsequently, Similar Notices to Admit Facts were also served on Regina (Managing Controller Appointed), the Reserve Bank of Australia the Australian Securities and Investment Commission,

Commonwealth Bank of Australia, Westpac Banking Corporation and ANZ Banking Group Limited and other entities the subject of instructions to DW Fox Tucker Lawyers and as otherwise set out in Exhibit AMG 87.

In accordance with the provisions of the Charter, the Constitution and the Common Law those Notices to Admit Facts have been deemed to be admitted within 14 days of service in which regard Estoppel in all its forms applies.

As a direct consequence of interference in the transfer of stored value by the Crown and more particularly the ATO, the RBA, Australian Signals Directorate and Australian Centre For Cyber Security in respect to criminal defamation tactics designed to discredit the Trustee and the source of stored value the Trustee has elected to declare that stored value to the government of the United States of America amongst other Governments and pay the SEC Fees as required by the United States Government. <https://oenoviva-capital-resources.com/2020/11/20/notice-of-criminal-defamation-imputed-concerns-dated-10th-june-2020/> (AMG 2610 & AMG 2627)

In accordance with the findings of the Full Bench of the Federal Court of Australia in *Commissioner of Taxation v Multiflex Pty Ltd* (includes Corrigendum dated 18 November 2011) [2011] FCAFC 142 (11 November 2011) and in the absence of issuing a Notice under s8AAZLGA of the *Taxation Administration Act 1953* (AU) by the Australian Commissioner of Taxation has a public duty to pay immediately the amount of liability admitted to be owed by the Crown to the Beneficiary Tax Account held by the Tax Payer with the RBA with the same Account Number Identity as the ABN in order to create a running Balance of Account (working Overdraft Purchased Payment Facility) of those moneys not disputed to be owed by the Crown to the Taxpayer as identified by the TFN or vice versa.

Until the date of these findings the Commonwealth of Australia disclosed its annual accounts to the SEC with Data source identity: CIK0000805157.json

The Crown has ceased making SEC filings because it does not wish to disclose the true indebtedness of the Crown in the Annual Financial Statements such that Ratings Agencies will downgrade the AAA++ Status of the Commonwealth of Australia currently published.

The Failure to disclose the indebtedness of the Crown to the Trust and the failure to credit the Beneficiary Account with the Moneys Owed, does not negate the debt admitted owed to the Trust, as identified by the TFN.

The Credit Rating arguably remains unchanged in the circumstances of the Change in Control by appointment of Managing Controller and the beneficial ownership of Corporate Commonwealth of Australia has changed from the Windsor Family to the Garrett Family.

The Trustee Reserves all rights to make further disclosures for the period 19<sup>th</sup> January 1994 to today's date and discloses that reassessment will only result in a greater income to be disclosed as a result of liability of the Crown failing to regulate its licensees and otherwise.

#### 8. Assets Seized

As a consequence of service on the Attorneys General of the Commonwealth, the States and Territories of Australia of numerous Notice to Admit Facts, Indebtedness & Liability including those dated 1<sup>st</sup> July 2016, 30<sup>th</sup> September 2018, 17<sup>th</sup> December 2018, 9<sup>th</sup> January 2019, 21<sup>st</sup> February 2019, 9<sup>th</sup> April 2019, 3<sup>rd</sup> May 2019 and 29<sup>th</sup> May 2019 Notice of Seizure of Collateral / Crystallization of Charges/Deed & Notice of Appointment of Managing Controller dated 1<sup>st</sup> June 2019 ("The



OENOVIVA

Page 101 of 134 12/7/2021

**Notice**) was served on the Windsor Family and the Attorneys General for the Commonwealth of Australia and also on the United Kingdom of Great Britain and Northern Ireland on the 3<sup>rd</sup> June 2019 and 12<sup>th</sup> July 2019 (**Exhibits AMG15a-AMG15t**).

Confirmation of Service of the Notice was acknowledged by the Crown (Liquidator & Managing Controller Appointed) on 6<sup>th</sup> June 2019 in respect to Australia and on 12<sup>th</sup> July 2019 in respect to the United Kingdom.

On 14<sup>th</sup> August 2020 the Managing Trustee was appointed as Liquidator to Corporate Commonwealth, States and Territories of Australia.

Similar Notices of Seizure of Collateral were served on:

- a. 1<sup>st</sup> May 2016 in respect to
  - o National Australia Bank Limited (Managing Controller Appointed),
  - o SAB Miller Beverage Investments Pty Ltd (Managing Controller Appointed),
  - o Foster's Brewing Group Pty Ltd (Managing Controller Appointed),
  - o Treasury Wine Estates Vintners Limited (Managing Controller Appointed),
  - o Treasury Wine Estates Limited (Managing Controller Appointed).
- b. 23<sup>rd</sup> June 2019 in respect to the Reserve Bank of Australia (Managing Controller Appointed) in which regard written and oral submissions were made in Administrative Appeals Tribunal Proceedings Case Numbers AAT-2020-2280 & 4143; Australian People Future Fund v Reserve Bank of Australia and the Registrar of the PPPSR. Of particular relevance are the oral submissions made by the Trustee on the 10<sup>th</sup> November 2020, shown as **Exhibit AMG 2841** which remain undisputed.
- c. 23<sup>rd</sup> June 2019 in respect to Westpac Banking Corporation Limited (Managing Controller Appointed)
- d. 30<sup>th</sup> June 2019 for effect 23<sup>rd</sup> of June 2019 in respect to Australia and New Zealand Banking Group Limited (Managing Controller Appointed)
- e. 23<sup>rd</sup> June 2019 in respect to Commonwealth Bank of Australia Limited (Managing Controller Appointed)
- f. 12<sup>th</sup> October 2020 in respect to Investec Australia Limited (Managing Controller Appointed)
- g. 12<sup>th</sup> October 2020 in respect to N.M. Rothschild and Sons (Australia) Limited (Managing Controller Appointed)
- h. 30<sup>th</sup> October 2020 in respect to The Australian Stock Exchange (Managing Controller Appointed)
- i. 16<sup>th</sup> January 2021 in respect to The Singapore Stock Exchange (Managing Controller Appointed)
- j. Amongst others subject of instructions to Counsel

The Assets of the Crown (Liquidator & Managing Controller Appointed) are identified in the annual accounts of the Governments of the Queen's Dominions as lodged with the United States Securities and Exchange Commission as being property of the Taxpayer operated in Trust by the existing Agencies under implied license/Agency Agreement from the Taxpayer.

The extended reach of *the Personal Property Security Act 2009* (Cth.) and the Notices perfects control of the assets seized ranking the Trust before any other Creditors set out in the Balance Sheets of the Financial Statements in respect to the Entities.

The Assets of the Crown (Liquidator & Managing Controller Appointed) are identified in the annual accounts of the Governments of the Queen's Dominions as lodged with the United States Securities and Exchange Commission as being property of the Taxpayer operated in Trust by the existing Agencies under implied license/Agency Agreement from the Taxpayer.



# OENOVIVA

Page 102 of 134 12/7/2021

The extended reach of the *Personal Property Security Act 2009* (Cth.) and the Notices perfects control of the assets seized ranking the Trust before any other Creditors set out in the Balance Sheets of the Financial Statements in respect to the Entities.

## 9. Investment in Cryptocurrency

The Trust minted two Cryptocurrencies on the Stellar Block Chain during the Financial Year in which regard the currencies are valued independently by the Exchange and operational Algorithms.

- **VIVA:** (Backed by IBOE ISIN: AU0000023194/CFI: DCZSFB/FISN: OENOVIVA/BEX 20221001 GTD FM BR/ AN: HFAF-IZ-1567/ SN:1.00075/18 with Face Value USD5,000,000,000)  
4,144,900,000 Tokens = USD2,275,367,499 x 1.47 = **AUD\$3,346,128,675**
- **VIVA 2:** (Backed by IBOE ISIN: AU0000023194/CFI: DCZSFB/FISN: OENOVIVA/BEX 20221001 GTD FM BR/ AN: HFAF-T3-1505/ SN:1.00065/18 with Face Value USD \$ 1,500,000,000,000)  
712,498,999,998 TOKENS = USD3,195,558,015,001 x 1.47 = **AUD\$4,697,470,282,051**
- **VIVACOIN:** an independent Cryptocurrency relying on its own blockchain; VIVACOIN is the Native Currency: <https://vivacoin.org/>
- **VIVACASH:** is a network of transaction terminals under development to dispense cash to Beneficiaries from the Beneficiary Accounts to ensure all Beneficiary have access to sufficient cash to sustain life independent of Governments.

## 10. Property Plant & Equipment

	\$
See Statement of Position dated 14 <sup>th</sup> August 2018	
1 Greenbanks Road, Brighton (Net of Costs)	21,290,000
2 <sup>nd</sup> Mortgage 19A Rawson Street, Croydon Park	583,000
1 Nugent Road, Nugent	165,000
Lot 15 B Duncan Street, Montrose	750,000
Bayview Estate (Net of Costs)	43,300,000
172 McGuire's Marsh Road, Bothwell	480,000
Meadsfield Road, Osterley	1,480,000
25 Powell Street, East Killara, NSW	6,500,000
Sunburst Properties Unit Trust	TBA
Springwood Park Unit Trust	90,000,000
Agwater Unit Trust Pipeline (leased)	12,733,000
<b>Total</b>	<b>\$177,281,000</b>

## 11. Shares in Private Entities

See Statement of Position dated 14 <sup>th</sup> August 2019	1,500,000
Crown Action Qu Warranto 17/03/2018 Pty Ltd	2,300,000
Antipodean Industries Pty Ltd	450,000
Shares issued in Revenue Share Capital pre-IPO (USD40,000,000 @ 0.68)	58,823,529
<b>Total</b>	<b>\$63,073,529</b>

## 12. Ordinary Units issued in Capital Hybrid Unit Trusts

Negotiable Instruments of the following values have been paid to Trustees of Capital Trusts in exchange for the issuing of Ordinary Units in those Capital Trusts which then domiciles the equity in the Tax jurisdictions of the Territory referred to in the name of the Capital Trust.

	€
• OenoViva (Greece& Cyprus) Capital Trust	1,127,000 <sup>(10<sup>6</sup>)</sup>



# OENOVIVA

Page 103 of 134 12/7/2021

• OenoViva (Saudi Arabia) Capital Trust	650,000(10 <sup>6</sup> )
• OenoViva (Vietnam) Capital Trust	100,000(10 <sup>6</sup> )
• P.T. Mutiara Bersaudara Semesta;	50,000(10 <sup>6</sup> )
• OenoViva (Malaysia/Singapore) Capital Trust;	27,075,000(10 <sup>6</sup> )
• OenoViva (District of Columbia) Capital Trust	3,000(10 <sup>6</sup> )
• OenoViva (United States of America) Capital Trust	10,000,000(10 <sup>9</sup> )
• OenoViva (Korea) Capital Trust	30,000(10 <sup>6</sup> )
• OenoViva (Indonesia) Capital Trust	20,000(10 <sup>6</sup> )
• OenoViva (Florida) Capital Trust	5,000(10 <sup>6</sup> )
• OenoViva (Colorado) Capital Trust	5,000(10 <sup>6</sup> )
• OenoViva (Wyoming) Capital Trust	5,000(10 <sup>6</sup> )
• OenoViva (Canada) Capital Trust	100,000(10 <sup>6</sup> )
• OenoViva (Bahía) Capital Trust	50,000(10 <sup>6</sup> )
• OenoViva (Parana) Capital Trust	50,000(10 <sup>6</sup> )
• Unison Pictures Capital Trust	2,000(10 <sup>6</sup> )
• Gourmet Traveller Wine Capital Trust	10,000(10 <sup>6</sup> )
• OenoViva (Australia & New Zealand) Capital Trust	20,000(10 <sup>6</sup> )
	<b>USD\$</b>
• OenoViva (Hong Kong) Capital Trust;	100,000(10 <sup>3</sup> )
• OenoViva (Taiwan) Capital Trust	5,000,000(10 <sup>3</sup> )

Exchange rate applicable:

- 1 x Euro = AUD 1.56; €10,029,297,000(10<sup>9</sup>) = AUD\$15,645,703,320(10<sup>9</sup>)
  - 1 x USD = AUD 1.29; USD\$105,000(10<sup>3</sup>) = AUD\$135,450(10<sup>3</sup>)
- Total = AUD\$15,645,703,455,450,000**

**Rounded value for accounts**

**AUD\$15,646(10<sup>12</sup>)**

### 13. Plantation Resources

Per Offtake Agreement re Antipodean Industries  
Wood Fibre Unit Trust 585 ha

**\$12,000,000**

### 14. Shares in Public Entities

See Statement of Position dated 14<sup>th</sup> August 2019,  
Statutory Declaration re Transfers dated 14<sup>th</sup> February 2018  
Letter Advanced Share Registry dated 11<sup>th</sup> July 2019

**\$8,015,987**

### 15. Secured Loans

See YEJ 2019/YEJ 2018 Accounts: No Change

### 16. Investments

See YEJ 2018/ YEJ 2017 Accounts: No Change

### 17. Bank Guarantees/ Safe Keeping Receipts

UNCITRAL Instruments Held by Commonwealth Bank  
Instruments held by other Australian Banks  
Domestic BOE  
ANZ Bank endorsed UNCITRAL Bill

**\$**  
31,300,000  
to be advised  
84,031(10<sup>6</sup>)  
20,000,000



OENOVIVA



Page 104 of 134 12/7/2021

Banque du Caire Safe Keeping Receipt \$1,567,297(10<sup>6</sup>) was cancelled, and instruments forwarded to OenoViva (Greece/Cyprus), however the Guarantee remains effective because of the Endorsement by both Bank du Caire and the Reserve Bank of Australia.

#### 18. Cash Equivalent/ Instruments Held

	\$
Active Domestic Bills of Exchange Register	84,081,533,973
Active UNCITRAL International Bills of Exchange Register	13,034,662,837,649,000
<b>Total Instruments Issued</b>	<b>13,034,746,919,182,900</b>
<b>Rounded value for accounts</b>	<b>13,035(10<sup>12</sup>)</b>

#### 19. Future Income Tax Benefit

Because of the Admissions of Facts, Liability and Indebtedness and the Monthly current rate of escalation exceeding all Tax Revenues the generation of Future Income Tax Benefit (FITB) exceeds the rate of escalation as equivalent to income. At the end of each Financial Year the FITB will exceed the Income Tax Payable. Calculated at the rate set out in Note 19

#### 20. Negotiable Instruments Issued

Refers to Liabilities for Negotiable Instruments (UNCITRAL International Bills of Exchange) drawn against the Balance Sheet that in some circumstances are also the subject of Safe Keeping Receipts issued by Banks recognizing the face value of those instruments as a liability payable by the Trust on the Maturity Date and/or held by Power of Attorney/Master Regional Licensees or under Joint Venture/Pledge Arrangements OR Otherwise invested in Private Entities of Private Capital Trusts.

#### 21. United States Securities and Exchange Commission (SEC) Fees

##### *Fee#1: Drawing Fee*

Fees are payable by the Trust to SEC at USD109.10 per Million in value, in respect to all instruments drawn in the period for 2021 in accordance with SEC Order dated 26<sup>th</sup> August 2020. These fees have not previously been accrued or paid in preceding periods.

- Total Value of all instruments Actually Issued.  
AUD \$13,034,746,919,182,900 = **USD \$10,101,928,862,366,800**
- Total Value of Instruments Notionally Issued regarding APFF Distributions.  
AUD \$31,714,432,940,846,700 = **USD \$24,578,685,529,156,200**

SEC Fee USD\$109.10 (AUD\$141.69) payable per USD million using AUD/USD Exchange rate of \$0.775

Actual SEC Fee #1 **AUD \$5,886,664,609,975**

##### *Fee#2: Securities Transaction Fee*

Further Fees are payable in respect to transactions paying the instruments drawn in exchange for the issue of Ordinary Units in the Capital Trusts disclosed in Note 12 at a rate of USD\$22.10 (AUD\$28.33) payable per Million using AUD/USD Exchange rate of \$0.78

Actual SEC Fee #2 **AUD \$286,894,779,691**

##### *Fee#3: Transaction Fee*

S31 Fee is payable in respect to securities futures sales which is not applicable to the current transactions.

**Total SEC Fees: \$6,173,559,389,666**



OENOVIVA



Page 105 of 134 12/7/2021

**Actual SEC Fee Rounded for Accounts = 6,174<sup>(10<sup>0</sup>)</sup>**

These accounts recognise a contingent Liability for SEC Fees payable on the whole of Balance Sheet Value at Balance Sheet close date if instruments were issued for the whole of the value.

Total Balance Sheet Value = \$26,224,579,233,712,600<sup>(10<sup>19</sup>)</sup>  
 Contingent SEC Fee net of Actual SEC Fee = \$3,715,716,356,361,090<sup>(10<sup>16</sup>)</sup>

**Contingent NET SEC Fee Rounded for Accounts = 3,716<sup>(10<sup>48</sup>)</sup>**

## 22. Escalation Share to Australian People Future Fund (APFF)

Because of distribution to the APFF of 33% of the Rights, Assets and Value on the 30<sup>th</sup> Aril 2017 as referred to above 33% of the Income/Escalation of Indebtedness of Regina is the property of the Trustees of APFF.

The Trustees of the Trust wish to contribute to Society at large consistent with the resolution of the Trust and APFF resolved on the before mentioned date in which regard the Escalation Share is the equivalent of what may have otherwise been paid at maximum applicable Beneficiary Personal Tax of 45%

Regina(Managing Controller Appointed and Her Majesty's Agents, servants, employees, officers, delegates, contractors, licensees and otherwise have demonstrated inability to act within the law in order to perpetuate revenue that is "Ill Gotten" and avoid liability through the application of "the Bethcar Strategy" as described in the Notice consequently the Trustees of APFF will be solely responsible for dealing with the Escalation Share in the Public Interest consistent with the Doctrine of the Public Trust now the responsibility of the Managing Controller and the Trustees.

Disclosed by Amending Tax Returns lodged with the Australian Commissioner of Taxation in AMG 2525 dated 13<sup>th</sup> October 2020

\$

YEJ 2021 APFF	8,400,467,432,832,950 <sup>(10<sup>13</sup>)</sup>
YEJ 2020 APFF	606,913,743,703,406 <sup>(10<sup>10</sup>)</sup>
YEJ 2019 APFF	43,848,070,984,291 <sup>(10<sup>7</sup>)</sup>
YEJ 2018 APFF	3,620,478,384,534,640 <sup>(10<sup>9</sup>)</sup>
YEJ 2017 APFF	228,874,564,963,814
<b>Total</b>	<b>\$8,400,467,434,046,780<sup>(10<sup>19</sup>)</sup></b>

## Rounded value for accounts

\$

YEJ 2021 APFF	8,400,467 <sup>(10<sup>48</sup>)</sup>
YEJ 2020 APFF	606,914 <sup>(10<sup>16</sup>)</sup>
YEJ 2019 APFF	43,848,071 <sup>(10<sup>27</sup>)</sup>
YEJ 2018 APFF	3,620,478 <sup>(10<sup>18</sup>)</sup>
YEJ 2017 APFF	228,875 <sup>(10<sup>9</sup>)</sup>

## 23. Contingent Tax Liability

Subject to the Equitable Right of Set off against Future Income Tax Benefit accounted for as an asset



OENOVIVA

**The Andrew Garrett Family Trust No 4  
Trading as OenoViva Capital Resources  
For the Year Ended 30th June 2021**

**Trustees Declaration**

The trustee, in all of his capacities, declares that the trust is not a reporting entity and that this special purpose financial report should be prepared in accordance with the accounting policies outlined in Note 1 to the financial statements.

The trustee of the trust declares that:

1. The financial statements and notes as set out on pages 2 to 6, present fairly the trust's financial position as at: 30 June 2021 and its performance for the year ended on those dates in accordance with the accounting policies described in Note 1 to the financial statements.
2. In the trustee's opinion, there are reasonable grounds to believe that the trust will be able to pay its debts as and when they become due and payable.

This declaration is made accordance with a resolution of the Board of Trustees.

Trustee: \_\_\_\_\_

Mr. Andrew Garrett  
Chairman/ Managing Trustee  
Crown Attorney General.  
Managing Controller & Liquidator appointed to the Crown,  
and the Commonwealth, the States and Territories of Australia



Dated this: As amended, 11<sup>th</sup> July 2021



# OENO VIVA

## ANNEXURE 5

### EXHIBIT AMG 3272

Page 1 of 134 12/7/21



Australian Government  
Australian Taxation Office

### Trust tax return

# 2021

Day Month Year to Day Month Year  
01 / 07 / 2020 to 30 / 06 / 2021  
or specify period if part year or approved substitute period.

**1** Notes to help you prepare this tax return are provided in the *Trust tax return instructions 2021* (the instructions), available on our website [ato.gov.au](http://ato.gov.au)

#### When completing this return

- Print clearly, using a black or blue pen.
  - Use BLOCK LETTERS and print one character in each box.
- S # / T # S T
- Place  in all applicable boxes.

06500621



### Trust information

Tax file number (TFN) 456 927 298

See the Privacy note in the Taxpayer's declaration.

Have you attached any 'other attachments'? Yes  No

ANNEXURE 1A, B, C, D  
2A, 2B, 2C, 2D

#### Name of trust

AUSTRALIAN PEOPLE FUTURE FUND

Australian business number (ABN) 26 317 275 322

#### Previous name of trust

If the trust name has changed, print the previous name **exactly** as shown on the last notice of assessment or the last tax return lodged.

N/A

#### Current postal address

If the address has not changed, print it **exactly** as shown on the last notice of assessment or the last tax return lodged.

UNIT 3/11  
HARVEY STREET  
NAILS WORTH  
SA 5083  
+ ANNEXURE 1A, B, C, D

#### Postal address on previous tax return

If the address has changed, print your previous address **exactly** as shown on the last notice of assessment or the last tax return lodged.

UNIT 3/11  
HARVEY STREET  
NAILS WORTH  
SA 5083

