

**AND**

**ANTHONY NORTH**

Fourteenth Accused

**CHRIS KOURAKIS**

Fifteenth Accused

**AND**

**DAVID PEEK**

Sixteenth Accused

**AND**

**ROBYN LAYTON**

Seventeenth Accused

**AND**

**JOHN RAU**

Eighteenth Accused

**AND**

**MICHAEL ATKINSON**

Nineteenth Accused

**AND**

**DON MACKINTOSH**

Twentieth Accused

**AND**

**GEORGE BRANDIS**

Twenty First Accused

**AND**

**PETER IVAN MACKS**

Twenty Second Accused

**AND**

**SKIP LIPMAN**

Twenty Third Accused

**AND**

**TIMOTHY FOREMAN**

Twenty Fourth Accused

**AND**

**MICHAEL LHUEDE**

Twenty Fifth Accused

Form CP15  
Federal Court (Criminal Proceedings) Rule 3.01(7)

### Indictment Information Notice

No. \_\_\_\_\_ of 2017

Federal Court of Australia  
District Registry: Tasmanian  
Division: General

**ANDREW MORTON GARRETT**

Prosecutor

**AND**

**MATHEW CRITCHLEY**

First Accused

**AND**

**Others named in the Schedule**

To the Federal Court of Australia

And to the Accused

**Committal proceedings**

This is an ex officio Indictment.

**Bail and custody orders**

No Bail and/or Custody Orders are sought

**Other orders**

1. That an order is made that the accused are committed for trial
2. Such other orders as this Honourable Court Deems Fit

**Prosecutor's address for service**

The Prosecutor's address for service is:

Place: 10/15 Hunter Street, Hobart, Tasmania, 7000

Email: [andrew.garrett@taggc.com.au](mailto:andrew.garrett@taggc.com.au)

**Accused's address for service**

The Accused has not yet nominated an address for service.

Filed on behalf of (name & role of party)	Andrew Garrett, The Prosecutor
Prepared by (name of person/lawyer)	The Prosecutor
Law firm (if applicable)	NA
Tel	
Email	
<b>Address</b> (include state and postcode)	

Date: 24<sup>th</sup> November 2017



---

Signed by Andrew Morton Garrett  
Prosecutor

**SCHEDULE**

**BEN DAVIDSON**

Second Accused

**THE PARTNERS OF CORRS CHAMBERS WESTGARTH**

Third Accused

**AND**

**TREASURY WINE ESTATES LIMITED**

Fourth Accused

**AND**

**FOSTERS BREWING GROUP PTY LTD**

Fifth Accused

**AND**

**SAB MILLER BEVERAGE INVESTMENTS PTY LTD**

Sixth Accused

**AND**

**MAKE WINE PTY LTD**

Seventh Accused

**AND**

**REGIS**

Eighth Accused

**AND**

**JAMES ALLSOP**

Ninth Accused

**AND**

**DEBBIE MORTIMER**

Tenth Accused

**AND**

**JONATHON BEACH**

Eleventh Accused

**JENIFER DAVIES**

Twelfth Accused

**AND**

**JOHN MIDDLETON**

Thirteenth Accused

**AND**

**ANTHONY NORTH**

Fourteenth Accused

**CHRIS KOURAKIS**

Fifteenth Accused

**AND**

**DAVID PEEK**

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Eighteenth Accused

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Nineteenth Accused

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**DON MACKINTOSH**

Twentieth Accused

**AND**

**GEORGE BRANDIS**

Twenty First Accused

**AND**

**PETER IVAN MACKS**

Twenty Second Accused

**AND**

**SKIP LIPMAN**

Twenty Third Accused

**AND**

**TIMOTHY FOREMAN**

Twenty Fourth Accused

**AND**

**MICHAEL LHUEDE**

Twenty Fifth Accused

Form CP14  
Federal Court (Criminal Proceedings) Rule 3.01  
Federal Court of Australia Act 1976 section 23BA to section 23BH

### Indictment

No. of 2017

Federal Court of Australia  
District Registry: Tasmanian  
Division: General

**ANDREW MORTON GARRETT**

Prosecutor

**AND**

**MATHEW CRITCHLEY**

First Accused

**AND**

**Others named in the Schedule**

To the Federal Court of Australia

And to the Accused

### Indictment

The Prosecutor charges the Accused with the following offences:

1. Between the 19<sup>th</sup> January 1996 and today's date the Accused committed multiple offences under s42 & s43 of *the Crimes Act 2014* (Cth) for the sole financial benefit of the accused.
2. Between the 20th June 2002 and today's date the accused have deprived the Prosecutor and related entities of Land by Fraud and as a consequence committed multiple offences under s42 & s43 of the *Crimes Act 2014* (Cth)

Date: 24<sup>th</sup> November 2017



Signed by Andrew Morton Garrett  
Prosecutor

Filed on behalf of (name & role of party)	Andrew Garrett, The Prosecutor
Prepared by (name of person/lawyer)	The Prosecutor
Law firm (if applicable)	NA
Tel	[Redacted]
Email	[Redacted]
Address (include	[Redacted]

**SCHEDULE**

**BEN DAVIDSON**

Second Accused

**THE PARTNERS OF CORRS CHAMBERS WESTGARTH**

Third Accused

**AND**

**TREASURY WINE ESTATES LIMITED**

Fourth Accused

**AND**

**FOSTERS BREWING GROUP PTY LTD**

Fifth Accused

**AND**

**SAB MILLER BEVERAGE INVESTMENTS PTY LTD**

Sixth Accused

**AND**

**MAKE WINE PTY LTD**

Seventh Accused

**AND**

**REGIS**

Eighth Accused

**AND**

**JAMES ALLSOP**

Ninth Accused

**AND**

**DEBBIE MORTIMER**

Tenth Accused

**AND**

**JONATHON BEACH**

Eleventh Accused

**JENIFER DAVIES**

Twelfth Accused

**AND**

**JOHN MIDDLETON**

Thirteenth Accused

**AND**

**ANTHONY NORTH**

Fourteenth Accused

**CHRIS KOURAKIS**

Fifteenth Accused

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Nineteenth Accused

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Twenty First Accused

**AND**

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Twenty Second Accused

**AND**

**SKIP LIPMAN**

Twenty Third Accused

**AND**

**TIMOTHY FOREMAN**

Twenty Fourth Accused

**AND**

**MICHAEL LHUEDE**

Twenty Fifth Accused

## Notice of Actual and Apprehended Bias

No. \_\_\_\_\_ of 2017

Federal Court of Australia  
District Registry: Tasmanian  
Division: General

**ANDREW MORTON GARRETT**

Prosecutor

**AND**

**MATTHEW CRICHLEY**

First Accused

**AND**

**Others named in the Schedule**

To the Federal Court of Australia

And to the Accused

Take Notice the Prosecutor apprehends actual and apprehended bias by any officer of the Crown in making any administrative and/or judicial decision in the bringing of these proceedings and respectfully requests that the Chief Justice Delegates his responsibilities under the Federal Court of Australia Act 1976 (Cth) to a person to be nominated by the Prosecutor.

The Grounds of this Notice are set out in communications with the Director of Client Services of the Court dated 24<sup>th</sup> November 2017 and email communications between the 1<sup>st</sup> January 2014 and today's date sent to the attention of the persons named, and proposed to be named in the Criminal Proceedings lodged for filing on the 22<sup>nd</sup> November 2017 Andrew Garrett v Trevor Coulter & Ors.

Date: 24<sup>th</sup> November 2017



Signed by Andrew Morton Garrett  
Prosecutor

Filed on behalf of (name & role of party) \_\_\_\_\_

Prepared by (name of person/lawyer) \_\_\_\_\_

Law firm \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SCHEDULE**

**BEN DAVIDSON**

Second Accused

**THE PARTNERS OF CORRS CHAMBERS WESTGARTH**

Third Accused

**AND**

**TREASURY WINE ESTATES LIMITED**

Fourth Accused

**AND**

**FOSTERS BREWING GROUP PTY LTD**

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Seventh Accused

**AND**

**REGIS**

Eighth Accused

**AND**

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Ninth Accused

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**MICHAEL ATKINSON**

Nineteenth Accused

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**AND**

**GEORGE BRANDIS**

Twenty First Accused

**AND**

**PETER IVAN MACKS**

Twenty Second Accused

**AND**

**SKIP LIPMAN**

Twenty Third Accused

**AND**

**TIMOTHY FOREMAN**

Twenty Fourth Accused

**AND**

**MICHAEL LHUEDE**

Twenty Fifth Accused

Lodgment Details			
Lodgment ID:	525648	Transmission Date:	24/11/2017 11:29:42 AM AEDT
Lodgment Date:	24/11/2017 11:29:42 AM AEDT		

Cause of Action Details			
Filing:	New	Jurisdiction:	Federal Court of Australia (FCA)
Filing Registry:	TASMANIA REGISTRY - FEDERAL COURT OF AUSTRALIA	Appeal Y/N:	No
Case Type:	Criminal	Action:	MISCELLANEOUS ACTION
Source:	Federal Court of Australia	Primary Act:	CRIMES ACT 1914
		National Practice Area / Area of Law:	Federal Crime and Related Proceedings

Lodged Documents				
Original Document	Document Type	Document Status	Fee	Requests
CP14 Indictment AMG v Regis & Ors.pdf	Indictment: Federal Court (Criminal Proceeding)(Interim) Rules 2016 form CP(1)3	Originating Document	AUD\$ 0.00	
CP15 Indictment Information Notice AMG v Regis & Ors.pdf	Indictment Information Notice: Federal Court (Criminal Proceeding)(Interim) Rules 2016 form CP(1)4	Supporting Document	AUD\$ 0.00	
CP10 Address for Service AMG v Regis & Ors.pdf	Notice of Address for Service - Form 10 - Rule 5.02	Supporting Document	AUD\$ 0.00	
NOTICE OF ACTUAL AND APPREHENDED BIAS AMG v REGIS & ORS.pdf	Correspondence	Supporting Document	AUD\$ 0.00	
Total Cost (\$AUD):			AUD\$ 0.00	

Parties for this Action					
Sequence	Representative	Name	Matter Role Type	Lodged on behalf of	Corporate Type
1		Garrett, Andrew Morton	Prosecutor	<input checked="" type="checkbox"/>	other
1		REGIS	Accused	<input type="checkbox"/>	
1		Governor of South Australia	Accused	<input type="checkbox"/>	
1		Wran, Michael	Accused	<input type="checkbox"/>	
1		Atkinson, Michael	Accused	<input type="checkbox"/>	
1		DOYLE, John	Accused	<input type="checkbox"/>	
1		Gray, Tom	Accused	<input type="checkbox"/>	
1		Lunn, Robert	Accused	<input type="checkbox"/>	
1		Surman, Errol	Accused	<input type="checkbox"/>	
1		Rau, John	Accused	<input type="checkbox"/>	
1		Korakis, Chris	Accused	<input type="checkbox"/>	
1		Mackintosh, Donald	Accused	<input type="checkbox"/>	
1		Registrar General	Accused	<input type="checkbox"/>	
1		Registrar of Deeds	Accused	<input type="checkbox"/>	
1		Legal Practitioners Conduct Commissioner	Accused	<input type="checkbox"/>	
1		Marsh, James	Accused	<input type="checkbox"/>	
1		Lander, Bruce	Accused	<input type="checkbox"/>	
1		NATIONAL AUSTRALIA BANK LIMITED ACN 004 044 937	Accused	<input type="checkbox"/>	publicly listed company
1		Illsley, Simon	Accused	<input type="checkbox"/>	

Form CP10  
Federal Court (Criminal Proceedings) Rule 1.38

**Notice of address for service**

No. \_\_\_\_\_ of 2017

Federal Court of Australia  
District Registry: Tasmanian  
Division: General

**ANDREW MORTON GARRETT**

Prosecutor

**AND**

**REGIS**

First Accused

**AND**

**Others named in the Schedule**

To the Federal Court of Australia

And to the Accused

**Address for service**

Andrew Morton Garrett of 10/15 Hunter Street, Hobart, Tasmania, 7000, the Prosecutor gives notice that the Prosecutor's address for service is:

Place: 10/15 Hunter Street, Hobart, Tasmania, 7000

Email: [Redacted]

Date: 24<sup>th</sup> November 2017



.....  
Signed by Andrew Morton Garrett  
Prosecutor

*Note*

**Service:** The party who files a notice of address for service must serve a stamped copy of the notice on each other party to the proceedings as soon as practicable after it has been filed: (CP Rule 1.39). See Part 7 of the CP Rules for rules about service.

.....  
Filed on behalf of (name & role of party) Andrew Garrett, The Prosecutor  
Prepared by (name of person/lawyer) The Prosecutor  
Law firm (if applicable) NA  
Tel [Redacted]  
Email [Redacted]  
**Addre** [Redacted]  
(include [Redacted])  
.....

Form CP14  
Federal Court (Criminal Proceedings) Rule 3.01  
Federal Court of Australia Act 1976 section 23BA to section 23BH

### Indictment

No. of 2017

Federal Court of Australia  
District Registry: Tasmanian  
Division: General

**ANDREW MORTON GARRETT**

Prosecutor

**AND**

**REGIS**

First Accused

**AND**

**Others named in the Schedule**

To the Federal Court of Australia

And to the Accused

### Indictment

The Prosecutor charges the Accused with the following offences:

1. Between the 20<sup>th</sup> June 2002 and today's date the Accused committed multiple offences under s42 & s43 of *the Crimes Act 2014* (Cth) for the sole financial benefit of the accused.
2. Between the 20th June 2002 and today's date the accused have deprived the Prosecutor and related entities of Land by Fraud and as a consequence committed multiple offences under s42 & s43 of the Crimes Act 2014 (Cth)

Date: 24<sup>th</sup> November 2017



Signed by Andrew Morton Garrett  
Prosecutor

Filed on behalf of (name & role of party) [REDACTED]

Prepared by (name of person/lawyer) [REDACTED]

Law firm [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**SCHEDULE**

**AND**

**GOVERNOR OF SOUTH AUSTRALIA**

Second Accused

**MICHAEL WRAN**

Third Accused

**AND**

**MICHAEL ATKINSON**

Fourth Accused

**AND**

**DYOLE CJ (Retired)**

Fifth Accused

**AND**

**GRAY J (Retired)**

Sixth Accused

**AND**

**LUNN J (Retired)**

Seventh Accused

**AND**

**ERROL SURMAN**

Eighth Accused

**AND**

**JOHN RAU**

Ninth Accused

**AND**

**CHRIS KOURAKIS**

Tenth Accused

**AND**

**DON MACKINTOSH**

Eleventh Accused

**AND**

**THE REGISTRAR OF THE REAL PROPERTY ACT**

Twelfth Accused

**AND**

**THE REGISTRAR OF DEEDS**

Thirteenth Accused

**AND**

**LEGAL PRACTITIONERS CONDUCT COMMISSIONER**

Fourteenth Accused

**AND**

**JAMES MARSH**

Fifteenth Accused

**AND**

**BRUCE LANDER**

Sixteenth Accused

**AND**

**NATIONAL AUSTRALIA BANK**

Seventeenth Accused

**AND**

**SIMON ILLSLEY**

Sixteenth Accused

**SCHEDULE**

**AND**

**GOVERNOR OF SOUTH AUSTRALIA**

Second Accused

**MICHAEL WRAN**

Third Accused

**AND**

**MICHAEL ATKINSON**

Fourth Accused

**AND**

**DYOLE CJ (Retired)**

Fifth Accused

**AND**

**GRAY J (Retired)**

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Ninth Accused

**AND**

**CHRIS KOURAKIS**

Tenth Accused

**AND**

**DON MACKINTOSH**

Eleventh Accused

**AND**

**THE REGISTRAR OF THE REAL PROPERTY ACT**

Twelfth Accused

**AND**

**THE REGISTRAR OF DEEDS**

Thirteenth Accused

**AND**

**LEGAL PRACTITIONERS CONDUCT COMMISSIONER**

Fourteenth Accused

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Sixteenth Accused

**AND**

**NATIONAL AUSTRALIA BANK**

Seventeenth Accused

**AND**

**SIMON ILLSLEY**

Sixteenth Accused

Form CP15  
Federal Court (Criminal Proceedings) Rule 3.01(7)

**Indictment information notice**

No. of 2017

Federal Court of Australia  
District Registry: Tasmanian  
Division: General

**ANDREW MORTON GARRETT**

Prosecutor

**AND**

**REGIS**

First Accused

**AND**

**Others named in the Schedule**

To the Federal Court of Australia

And to the Accused

**Committal proceedings**

This is an ex officio Indictment.

**Bail and custody orders**

No Bail and/or Custody Orders are sought

**Other orders**

- 1. That an order is made that the accused are committed for trial
- 2. Such other orders as this Honourable Court Deems Fit

**Prosecutor's address for service**

The Prosecutor's address for service is:

Place: 10/15 Hunter Street, Hobart, Tasmania, 7000

Email: [Redacted]  
**Accus** [Redacted]

The Accused has not yet nominated an address for service.

---

Filed on behalf of (name & role of party) Andrew Garrett, The Prosecutor  
 Prepared by (name of person/lawyer) The Prosecutor  
 Law firm (if applicable) NA  
 Tel [Redacted]  
 Email [Redacted]  
**Addr** [Redacted]  
 (includ

Date: 24<sup>th</sup> November 2017



---

Signed by Andrew Morton Garrett  
Prosecutor

**SCHEDULE**

**AND**

**GOVERNOR OF SOUTH AUSTRALIA**

Second Accused

**MICHAEL WRAN**

Third Accused

**AND**

**MICHAEL ATKINSON**

Fourth Accused

**AND**

**DYOLE CJ (Retired)**

Fifth Accused

**AND**

**GRAY J (Retired)**

Sixth Accused

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**LUNN J (Retired)**

Seventh Accused

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Ninth Accused

**AND**

**CHRIS KOURAKIS**

Tenth Accused

**AND**

**DON MACKINTOSH**

Eleventh Accused

**AND**

**THE REGISTRAR OF THE REAL PROPERTY ACT**

Twelfth Accused

**AND**

**THE REGISTRAR OF DEEDS**

Thirteenth Accused

**AND**

**LEGAL PRACTITIONERS CONDUCT COMMISSIONER**

Fourteenth Accused

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Sixteenth Accused

**AND**

**NATIONAL AUSTRALIA BANK**

Seventeenth Accused

**AND**

**SIMON ILLSLEY**

Sixteenth Accused

### Notice of Actual and Apprehended Bias

No. \_\_\_\_\_ of 2017

Federal Court of Australia  
District Registry: Tasmanian  
Division: General

**ANDREW MORTON GARRETT**

Prosecutor

**AND**

**REGIS**

First Accused

**AND**

**Others named in the Schedule**

To the Federal Court of Australia

And to the Accused

Take Notice the Prosecutor apprehends actual and apprehended bias by any officer of the Crown in making any administrative and/or judicial decision in the bringing of these proceedings and respectfully request that the Chief Justice Delegates his responsibilities under the Federal Court of Australia Act 1976 (Cth) to a person to be nominated by the Prosecutor.

The Grounds of this Notice are set out in communications with the Director of Client Services of the Court dated 24<sup>th</sup> November 2017 and email communications between the 1<sup>st</sup> January 2014 and today's date sent to the attention of the persons named, and proposed to be named in the Criminal Proceedings lodged for filing on the 22<sup>nd</sup> November 2017 Andrew Garrett v Trevor Coulter & Ors.

Date: 24<sup>th</sup> November 2017



Signed by Andrew Morton Garrett  
Prosecutor

Filed on behalf of (name & role of party)	Andrew Garrett, The Prosecutor
Prepared by (name of person/lawyer)	The Prosecutor
Law firm (if applicable)	NA
Tel	[Redacted]
Email	[Redacted]
Add (inclu	[Redacted]

**SCHEDULE**

**AND**

**GOVERNOR OF SOUTH AUSTRALIA**

Second Accused

**MICHAEL WRAN**

Third Accused

**AND**

**MICHAEL ATKINSON**

Fourth Accused

**AND**

**DYOLE CJ (Retired)**

Fifth Accused

**AND**

**GRAY J (Retired)**

Sixth Accused

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Ninth Accused

**AND**

**CHRIS KOURAKIS**

Tenth Accused

**AND**

**DON MACKINTOSH**

Eleventh Accused

**AND**

**THE REGISTRAR OF THE REAL PROPERTY ACT**

Twelfth Accused

**AND**

**THE REGISTRAR OF DEEDS**

Thirteenth Accused

**AND**

**LEGAL PRACTITIONERS CONDUCT COMMISSIONER**

Fourteenth Accused

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**BRUCE LANDER**

Sixteenth Accused

**AND**

**NATIONAL AUSTRALIA BANK**

Seventeenth Accused

**AND**

**SIMON ILLSLEY**

Sixteenth Accused

Lodgment Details			
Lodgment ID:	524743	Transmission Date:	22/11/2017 3:06:27 PM AEDT
Lodgment Date:	22/11/2017 3:06:27 PM AEDT		

Cause of Action Details			
Filing:	New	Jurisdiction:	Federal Court of Australia (FCA)
Filing Registry:	TASMANIA REGISTRY - FEDERAL COURT OF AUSTRALIA	Appeal Y/N:	No
Case Type:	Criminal	Action:	MISCELLANEOUS ACTION
Source:	Federal Court of Australia	Primary Act:	Criminal Code Act 1995
		National Practice Area / Area of Law:	Federal Crime and Related Proceedings

Lodged Documents				
Original Document	Document Type	Document Status	Fee	Requests
CP14 Indictment AMG v Trevor Coulter & Ors dated 22nd November 2017.pdf	Indictment: Federal Court (Criminal Proceeding)(Interim) Rules 2016 form CP(1)3	Originating Document	AUD\$ 0.00	
CP15 Information Notice AMG v Trevor Coulter & Ors 22.11.2017.pdf	Indictment Information Notice: Federal Court (Criminal Proceeding)(Interim) Rules 2016 form CP(1)4	Supporting Document	AUD\$ 0.00	
CP10 Address for Service AMG v Trevor Coulter & Ors 22.11.2017.pdf	Notice of Address for Service - Form 10 - Rule 5.02	Supporting Document	AUD\$ 0.00	
			Total Cost (\$AUD): AUD\$ 0.00	

Parties for this Action					
Sequence	Representative	Name	Matter Role Type	Lodged on behalf of	Corporate Type
1		Garrett, Andrew Morton	Prosecutor	<input checked="" type="checkbox"/>	other
1		Coulter, Trveor	Accused	<input type="checkbox"/>	
1		Thomas, Neville	Accused	<input type="checkbox"/>	
1		Unwin, Siobhan	Accused	<input type="checkbox"/>	
1		Jordan, Chris	Accused	<input type="checkbox"/>	



Australian Government  
Australian Taxation Office

# Application for Test Case Litigation Funding

Complete this form to apply for test case litigation funding.

## Section A: Applicant's details

### 1 Full name of the applicant (individual or non-individual entity the funding application is for)

Name of individual

Title: Mr  Mrs  Miss  Ms  Other

Family name

Garrett

First given name

Andrew

Other given names

Morton

Relationship to the entity (eg director, public officer)

Managing Trustee/ Public Officer

OR

Name of non-individual entity (company, trust, partnership or superannuation fund)

The Trustee of the Andrew Garrett Family Trust No 4

### 2 Tax file number (TFN) for the individual or Australian business number (ABN) of the entity

TFN   OR ABN

! While it is not compulsory to provide your TFN or ABN, it will help process your application promptly. For information about providing your TFNs, see 'Privacy' on page 4.

## Section B: Contact details

### 3 Full name of contact person for this application

➤ If these details are the same as those entered in section A, enter 'as above' in the 'Other' box.

Title: Mr  Mrs  Miss  Ms  Other

Family name

Garrett

First given name

Andrew

Other given names

Morton

### 4 Contact details

(phone number) Fax number (if available)

Email address

Address for related correspondence (street address or PO Box)

Suburb/town

Hobart

State/territory

TAS

Postcode

7000

## Section C: Application details

- ! You must meet the criterion and expectations for your application to be considered.

Once the program receives your application, comments will be sought from ATO officers on whether your application meets the criterion and expectations. If more information is needed, you will be given the opportunity to provide further information.

- > Include your reasons and any research, analysis and references to any relevant legislation, case law and/or decisions by courts or the Administrative Appeals Tribunal (AAT).

### 5 What issues are you seeking funding for?

Provide a brief summary of the issues your client is seeking funding for. Identify the area (or areas) of law that you expect their case to consider and specify the particular provision or provisions.

- > If there is insufficient space, include a separate document with the relevant details.

I seek to brief counsel to bring proceedings by Primary Indictments under the Federal Court (Criminal Proceedings) Rules 2016 in the original jurisdiction of the Federal Court of Australia in my name as the prosecutor and informant against

1. Mr Chris Jordan, Ms Debbie Hastings, Ms Dianne Burn, Ms Elizabeth Risteski, Ms Siobhan Unwin, Mr Trevor Coulter and Mr Neville Thomas of the Australian Tax Office and
2. Professor John and Mr Timothy Pilgrim of the Office of the Australian Information Commissioner and
3. Chief Justice Alsop

The Offenses applicable to the indictment are offenses under s42 & s43 of the Crimes Act 2014 (Cth) which bear penalties of a maximum of 10 years in jail per offense in which regard Absolute Liability under s6.2 of the Criminal Code Act 1995 (Cth) applies.

This Panel has refused earlier applications for test case funding made by me by way of email dated 3rd September 2015, 2nd October 2015 and otherwise.

The question arises whether the conduct of the panel in making those refusals upon application and upon Internal Review are also offenses under the aforesaid s42 & s43 of the Crimes Act 2014 (Cth).

The offenses that require prosecution on primary indictment are the actions of the aforementioned personnel in making administrative decisions and most recently on the 3rd August 2017 transferring money from the account of Grain Master Pty Ltd that was held in surplus (with no tax liability) to another unknown and unrelated entity for the benefit of the Commissioner of Taxation and the unknown entity.

On the 21st April 2016 Commissioner Jordan admit to the Senate Committee on Economics in respect to Tax avoidance that he was working with the Federal Court in respect to Strategically important cases which is a Criminal Admission. That admission is evidence of indictable offenses under s42 & s43 of the Crimes Act and is set out at page 27 of the transcripts of that day of collapse of the application of Separation of Powers enshrined in the Commonwealth of Australia Constitution Act 1901 (UK)

The Commissioner holds the benefit of orders under s89 K given in his favor by Mr Timothy Pilgrim dated 29th May 2017 which orders require prosecution as a primary indictable offence as do the orders made on 15th May 2015 by Professor John McMillan.

The Federal Court of Australia holds the benefit of orders under s89 K given in his favor by Mr Timothy Pilgrim dated 22nd January 2016 which orders require prosecution as a primary indictable offense.

The issue arising are whether there are systemic issues of criminal malfeasance in the administration of

1. Tax Law under the control of the Commissioner of Taxation, and
2. Freedom of Information Law under the control of the Australian Information Commissioner, and
3. the Federal Court of Australia Act under the control of Alsop CJ

**6 How do the issues create uncertainty or contention about how the law operates, and how is it in the public interest to be litigated?** (Refer to the Test Case criterion.)

 If there is insufficient space, include a separate document with the relevant details.

The issues create uncertainty in the minds of the public that there is widespread regarding the systemic widespread collapse of Rule of Law and fundamental breaches of the Constitution relating to separation of Powers in respect to all three arms of the Governments of Australia.

7 **What is the history of the dispute?**

 If there is insufficient space, include a separate document with the relevant details.

The History of the disputes are set out in previous applications and information provided to the Panel in which regard I rely on all of that material and other information in the possession and control of the Commissioner of Taxation arising from Search Warrants dated February 2017 in respect to Storage Facilities located at UStoreIt in Adelaide.

**8 Details of the type of application and type of funding**

➤ Choose one of the options below and provide additional information.

**Pre-litigation dispute:** includes objections, rulings and audits  Identify the dispute by ATO reference number and status of the dispute. Provide details below.

**Pre-litigation dispute and litigation**  Identify the dispute by ATO reference number and status of the dispute and/or identify the dispute by court or AAT reference number and the status of proceedings or proposed important dates. Provide details below.

**Litigation**  Identify the dispute by court or AAT reference number and the status of proceedings or proposed important dates. Provide details below.

Details

The Proceeding to be commenced is to be commenced in the original Criminal Jurisdiction of the Federal Court of Australia as a Primary Indictment

**9 In which venue will your proposed test case be conducted?**

Federal Court

Other

**10 Details of the type of litigation proceedings**

For example: Part IVC of the *Taxation Administration Act 1953*, section 39B of the *Judiciary Act 1903*, declaratory proceedings or other.

See Above

## Section D: **Expectations of funding – additional information**

**!** The ATO will ask ATO officers the following questions about your case, which will help us consider whether you meet the funding criterion and expectations. If you have any information that addresses any of these questions below, you may choose to provide this information.

**11 Does the case have significance to a substantial section of the public or have significant commercial implications for an industry?** (Refer to **legal precedent** for further information.)

No  Yes  Provide details below

Refer to Shord v Commissioner of Taxation [2017] FCAFC 167 paragraphs 100 and 165 - 174 (reasons of Logan J)

**12 Have/will you demonstrate a willingness to progress the dispute in a timely manner?**

No  Yes  Provide details below

**13 Is your case likely to provide legal precedent?**

No  Yes  Provide details below

14 Does your case involve a tax avoidance scheme?

No

Yes

The only exception for funding is if your case will test the proper meaning of 'anti-avoidance provisions'. (Refer to tax avoidance for further information.)

[Empty text box for response to question 14]

15 Does your case appear to be an attempt to gain a benefit not intended by the law?

This includes cases where there is an attempt to seek a windfall gain or outcome contrary to the intent of the legislation and public policy.

No

Yes

Provide details below

[Empty text box for response to question 15]

Section E: Further Information

16 What are your expected costs in these proceedings?

Significant

17 What is the primary tax and penalties involved?

(If unknown, provide an estimate if possible.)

[Empty text box for response to question 17]

18 Any additional information relevant to your application.

See HCA A67-2004, HCA M42-2014, HCA A30 and A31 of 2016

## Section F: Declaration

### Privacy

The ATO is a government agency bound by the *Privacy Act 1988* in terms of collection and handling of personal information and tax file numbers (TFNs). For further information about privacy law notices, go to [ato.gov.au/privacy](http://ato.gov.au/privacy)

**If you are submitting this application on behalf of yourself, by checking this box you are declaring the following:**

*The information contained in this request, and in any attached documents, is true and correct.*

**If you are submitting this application as a tax professional or agent on behalf of your client, by checking this box you are declaring the following:**

*I certify this document and any attached documents have been prepared in accordance with the information supplied by the individual or entity identified in this request and in the attached documents.*

*I have received a declaration from the individual or entity identified in this request and in the attached documents, stating that the information provided in each document is true and correct.*

*I am authorised by the individual or entity identified in this request and in the attached documents, to submit this Test case funding application to the ATO.*

### Definitions

'You' includes a trustee of a trust, a partner in a partnership, public officer, company director.

'Agent' includes spouse, relative, friend, or another agent (but not a tax agent or other tax professional) authorised to give this application to the Australian Taxation Office.

'Tax Professional' includes tax agents or other tax professionals authorised to give this application to the Australian Taxation Office.

Sign below only if you are sending by post

Date

Day		Month		Year					
2	0	/	1	1	/	2	0	1	7

## How to lodge your form

You can lodge this form by:

- clicking the 'submit by email' button below
- email to [TestCaseLitigationProgram@ato.gov.au](mailto:TestCaseLitigationProgram@ato.gov.au)
- mail to

**Test Case Litigation Program  
Australian Taxation Office  
GPO Box 4889  
SYDNEY NSW 2001**

- If you wish to speak to someone about your application, phone **13 28 69** between 8.00am and 5.00pm, Monday to Friday, and ask for the Test Case Litigation Program.
- If you have further documentation to provide, include it when submitting this form. If you click 'Submit via email', you can attach the additional information to the email that will be generated.

Form CP10  
Federal Court (Criminal Proceedings) Rule 1.38

**Notice of address for service**

No. of 2017

Federal Court of Australia  
District Registry: Tasmanian  
Division: General

**ANDREW MORTON GARRETT**

Prosecutor

**AND**

**TREVOR COULTER**

First Accused

**AND**

**NEVILLE THOMAS**

Second Accused

**AND**

**SIOBHAN UNWIN**

Third Accused

**AND**

**CHRIS JORDAN**

Fourth Accused

To the Federal Court of Australia

And to the Accused

**Address for service**

Andrew Morton Garrett of 10/15 Hunter Street, Hobart, Tasmania, 7000, the Prosecutor gives notice that the Prosecutor's address for service is:



Filed on behalf of (name & role of party)	Andrew Garrett, The Prosecutor
Prepared by (name of person/lawyer)	The Prosecutor
Law firm (if applicable)	NA
Tel	
Email	
<b>Addr</b>	
(includ	

Date: 22<sup>nd</sup> November 2017

A handwritten signature in black ink, appearing to read "Garrett", written in a cursive style. The signature is enclosed in a light gray rectangular box.

---

Signed by Andrew Morton Garrett  
Prosecutor

*Note*

**Service:** The party who files a notice of address for service must serve a stamped copy of the notice on each other party to the proceedings as soon as practicable after it has been filed: (CP Rule 1.39). See Part 7 of the CP Rules for rules about service.

Form CP14  
Federal Court (Criminal Proceedings) Rule 3.01  
Federal Court of Australia Act 1976 section 23BA to section 23BH

### Indictment

No. of 2017

Federal Court of Australia  
District Registry: Tasmanian  
Division: General

**ANDREW MORTON GARRETT**

Prosecutor

**AND**

**TREVOR COULTER**

First Accused

**AND**

**NEVILLE THOMAS**

Second Accused

**AND**

**SIOBHAN UNWIN**

Third Accused

**AND**

**CHRIS JORDAN**

Fourth Accused

To the Federal Court of Australia

And to the Accused

### Indictment

The Prosecutor charges Trevor Coulter, Neville Thomas, Siobhan Unwin and Chris Jordan with the following offences:

1. On the 3<sup>rd</sup> August 2017 The Accused transferred money from the Tax Account of Grain Master Pty Ltd to an unknown and unrelated account and breached s42 & s43 of *the*

Filed on behalf of (name & role of party)	Andrew Garrett, The Prosecutor
Prepared by (name of person/lawyer)	The Prosecutor
Law firm (if applicable)	NA
Tel	[REDACTED]
Email	[REDACTED]

*Crimes Act* 2014 (Cth) for the sole financial benefit of the accused and the unknown account holder.

2. On the 8<sup>th</sup> November 2017 the Accused conspired to and did publish Taxation Decision Reference 1-CP92HCH which was an offence against s42 & s43 of *the Crimes Act* 1914 (Cth)
3. On the 24<sup>th</sup> of September 2004 and the 15<sup>th</sup> May 2015 the Fourth Accused obtained sequestration orders against the Prosecutor which were offences against s42 and 243 of *the Crimes Act* 1914 (Cth)
4. On the 21<sup>st</sup> April 2017 the Fourth Accused admitted conspiring at all times to breach the provisions of the Common Law and *the Commonwealth of Australia Constitution Act* 1900 (UK) relating to Separation of Powers with the Federal Court of Australia in respect to proceedings brought by the Fourth Accused and/or his employees/agents/delegates which was and remains an offence against s42 & s43 of *the Crimes Act* 1914 (Cth)

Date: 22<sup>nd</sup> November 2017



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Signed by Andrew Morton Garrett  
Prosecutor

Form CP15  
Federal Court (Criminal Proceedings) Rule 3.01(7)

**Indictment information notice**

No. of 2017

Federal Court of Australia  
District Registry: Tasmanian  
Division: General

**ANDREW MORTON GARRETT**

Prosecutor

**AND**

**TREVOR COULTER**

First Accused

**AND**

**NEVILLE THOMAS**

Second Accused

**AND**

**SIOBHAN UNWIN**

Third Accused

**AND**

**CHRIS JORDAN**

Fourth Accused

To the Federal Court of Australia

And to the Accused

**Committal proceedings**

This is an ex officio Indictment.

**Bail and custody orders**

No Bail and/or Custody Orders are sought

Filed on behalf of (name & role of party)	Andrew Garrett, The Prosecutor
Prepared by (name of person/lawyer)	The Prosecutor
Law firm (if applicable)	NA
Tel	[REDACTED] 542
Email	[REDACTED]

**Other orders**

1. That an order is made that the accused are committed for trial
2. Such other orders as this Honourable Court Deems Fit

**Prosecutor's address for service**

The Prosecutor's address for service is:

Place:

Email:

**Accused's address for service**

The Accused has not nominated an address for service.

To Be Advised

Date: 22<sup>nd</sup> November 2017



Signed by Andrew Morton Garrett  
Prosecutor

The Prosecutor informs this Honourable Court as follows;

**The Parties**

**1. The Prosecutor**

- 1.1. Is a natural person who is capable of suing, prosecuting and being sued and prosecuted, and
- 1.2. Has at all relevant times been the authorised officer of the Trustee of the Andrew Garrett Family Trust ("**AGFT**") and is authorised to bring this proceeding and swear affidavit materials on behalf of AGFT, and
- 1.3. Was a Trustee of the AGFT at settlement on the 31st May 1991 and at various other times a trustee until the 8th June 2013 and was reappointed on the 21st October 2014 and remains possessed of a lien over the assets of AGFT including the Choses in action against the Fourth Accused as property of AGFT, and

- 1.4. Has at all relevant times been the authorised officer of the Trustee of the Garrett Family Trust (“**GFT**”) and is authorised to bring this proceeding and swear affidavit materials on behalf of GFT, and
- 1.5. Was a Trustee of the GFT at settlement and remains a Trustee retaining a lien over the assets of GFT including the Choses in action against the Fourth Accused as property of GFT, and
- 1.6. Has at all relevant times been the authorised officer of the Trustee of the Andrew Garrett Family Trust No 2 (“**AGFT 2**”) and is authorised to bring this proceeding and swear affidavit materials on behalf of AGFT 2, and
- 1.7. Was a Trustee of the AGFT 2 at settlement on the 21st August 2003 until the 4th June 2004 and remains possessed as a Prior Trustee of a right of subrogation to the lien over the assets of AGFT 2 held by the current Trustee, including the Choses in action against the Fourth Accused as property of AGFT 2, and
- 1.8. Has at all relevant times been the authorised officer of the Trustee of the Andrew Garrett Family Trust No 3 (“**AGFT 3**”) and is authorised to bring this proceeding and swear affidavit materials on behalf of AGFT 3, and
- 1.9. Was a Trustee of the AGFT 3 at settlement on the 7<sup>th</sup> November 2005 until the 30<sup>th</sup> September 2009 and was reappointed on the 16th October 2014 as Trustee and remains possessed of a lien over the assets of AGFT 3 as a ~~Prior~~ Trustee including the Choses in action against the Fourth Accused as property of AGFT3, and
- 1.10. Has at all relevant times been the authorised officer of the Trustee of the Andrew Garrett Family Trust No 4 (“**AGFT 4**”) and is authorised to bring this proceeding and swear affidavit materials on behalf of AGFT 4, and
- 1.11. Was a Trustee of the AGFT 4 at settlement on the 1st August 2008 until the 30<sup>th</sup> September 2009 and was reappointed as Trustee of AGFT 4 at some time prior to the 14th May 2014 which appointment was confirmed on that day by deed of Variation in the absence of evidence of the prior appointment and remains possessed of a lien over the assets of AGFT 4 as Trustee including the Choses in action against the Fourth Accused as property of AGFT4, and
- 1.12. Has at all relevant times been the authorised officer of the Trustee of the Andrew Garrett Family Superannuation Fund (“**AGSF**”) and is authorised to bring this proceeding and swear affidavit materials on behalf of AGSF, and

- 1.13. Remains the Trustee of the Andrew Garrett Family Superannuation Fund and is possessed of a lien over the assets of the Superannuation Fund including the Choses in action against the Fourth Accused as property of AGSF, and
- 1.14. Has at all relevant times been the authorised officer of the Trustee of the Springwood Park Unit Trust (“**SPUT**”) and is authorised to bring this proceeding and swear affidavit materials on behalf of SPUT, and
- 1.15. Remains the Trustee of the Springwood Park Unit Trust and is possessed of a lien over the assets of SPUT including the Choses in action against the Fourth Accused as property of SPUT, and
- 1.16. Has at all relevant times been the authorised officer of the Trustee of the OenoViva (Australia & New Zealand) Trust (“**OVANZ**”) and is authorised to bring this proceeding and swear affidavit materials on behalf of OVANZ, and
- 1.17. Is the Managing Controller appointed to the sole Unit Holder of OVANZ and, became Trustee of OVANZ on the 21st October 2014 and, is possessed of a the lien over the assets of OVANZ including the Choses in action against the Fourth Accused as property of OVANZ, and
- 1.18. Has at all relevant times been the authorised officer of the Trustee of the OenoViva (Australia & New Zealand) Plant & Equipment Trust (“**OVPET**”) and is authorised to bring this proceeding and swear affidavit materials on behalf of OVPET, and
- 1.19. Is the Managing Controller appointed to the sole Unit Holder of OVPET and became a Trustee of OVPET on the 15th March 2013 and is possessed of a lien over the assets of OVPET including the Choses in action against the Fourth Accused as property of OVPET, and
- 1.20. Has at all relevant times been the authorised officer of the Trustee of the OenoViva (Australia & New Zealand) Plant & Equipment Trust No 2 (“**OVPET 2**”) and is authorised to bring this proceeding and swear affidavit materials on behalf of OVPET No 2, and
- 1.21. Is the sole Unit Holder of OVPET 2 and is the Managing Controller of the Prior Trustee of OVPET 2 and, is possessed of a lien over the assets of OVPET 2 including the Choses in action against the Fourth Accused as property of OVPET 2, and

- 1.22. Was appointed as Trustee to the Asbroek Business Trust No 2 (“**ABT 2**”) on the 10th November 2014 and is authorised to bring this proceeding and swear affidavit materials on behalf of ABT 2, and
- 1.23. Remains the Trustee of ABT 2 and is possessed of a lien over the assets of ABT 2 including the Choses in action against the Fourth Accused as property of ABT 2, and
- 1.24. Is appointed as Managing Controller pursuant to Part 5.2 of *the Corporations Act* 2001 (Cth) (“**the Corporations Act**”) to ACN 133 861 579 Pty Ltd (in Liquidation)(Controller Appointed), previously known as OenoViva (Australia & New Zealand) Pty Ltd (“**the Company**”) on the 23rd January 2014, which entity was;
  - 1.24.1. Is the Prosecutor for an EMDG Grant in its capacity as Prior Trustee of AGFT 3 in which capacity the Prosecutor is possessed of the lien over the assets of the AGFT 3 including the EMDG Application and the right to review the various taxation decisions made by the Fourth Accused against AGFT 3, and
  - 1.24.2. Was The Trustee of the OenoViva (Australia & New Zealand) Trust (“**OVANZ**”), and
  - 1.24.3. Was The Trustee of the OenoViva (Australia & New Zealand) Plant & Equipment Trust (“**OVPET**”), and
  - 1.24.4. Was The Trustee of the OenoViva (Australia & New Zealand) Plant & Equipment Trust (“**OVPET**”), and
  - 1.24.5. Was A Joint Trustee of AGFT 4, and
  - 1.24.6. Was A Joint Trustee of AGFT 3, and
  - 1.24.7. Holds the Right of Subrogation to the Lien of the current Trustees of the Trusts set out at para 1.18.1-1.18.6 as property of the Receivership Estate of the Company that is now my property of as controller of ACN 133 861 579 Pty Ltd (In Liquidation)(Controller Appointed)
- 1.25. Is appointed as Managing Controller pursuant to Part 5.2 of the Corporations Act to Sanctuary Australasia Pty Ltd (in Liquidation)(Controller Appointed), (“**Sanctuary**”) on the 9th May 2014, which entity;
  - 1.25.1. Traded in its own capacity as an entity importing Solar Panels, and
  - 1.25.2. Was a Joint Trustee of AGFT, and
  - 1.25.3. Was a Joint Trustee of AGFT 3, and

- 1.25.4. Was a Joint Trustee of AGFT 4, and
  - 1.25.5. Was a Joint Trustee of the Holy Grail Property Trust No 4, and
  - 1.25.6. Was a Joint Trustee of OVANZ, and
  - 1.25.7. Holds the Right of Subrogation to the Lien of the current Trustee of the Trusts set out at para 1.25.2-1.25.6 as property of the Receivership Estate of the Company that is now my property of as controller of Sanctuary.
- 1.26. Is appointed as Managing Controller pursuant to part 5.2 of the Corporations Act to the following entities in which capacity I have received as my property the choses in action of the entities including the Choses in action against the Fourth Accused as property of each entity ;
- 1.26.1. ASBROEK ENGINEERING SERVICES PTY LTD ("**AES**"), ACN; 080 682 220 (In Liquidation) (Controller Appointed) in its prior capacity as Trustee of the Asbroek Business Trust No 2 and holds the Right of Subrogation to the Lien of the current Trustee of ABT 2 as my property of the Receivership Estate of AES
  - 1.26.2. HOLY GRAIL BLUE PTY LTD ("**HGB**"), ACN; 139 789 012 (In Liquidation) (Controller Appointed)
  - 1.26.3. PROSPERO TRADING PTY LTD ("**PT**"), ACN; 123 655 845 (In Liquidation) (Controller Appointed)
  - 1.26.4. PROSPERO SOLUTIONS PTY LTD ("**PS**"), ACN; 139 984 595 (In Liquidation) (Controller Appointed)
  - 1.26.5. ACN; 122 281 574 PTY LTD (In Liquidation)(Controller Appointed)
  - 1.26.6. HC LEGAL PTY LTD ("**HCL**"), ACN; 116 629 602 (In Liquidation) (Controller Appointed)
  - 1.26.7. EDWARDS MOTOR COMPANY PTY LTD ("**EMC**"), ACN; 071 817 297 (In Liquidation) (Controller Appointed)
  - 1.26.8. CLP MASTERS PTY LTD ("**CLP**"), ACN; 093 221 946 (In Liquidation) (Controller Appointed)
  - 1.26.9. SHED 5 (SOUTH WHARF) PTY LTD ("**Shed 5**"), ACN; 157 987 007 (In Liquidation) (Controller Appointed) in its prior capacity as Trustee of;

- 1.26.9.1. The Shed 5 (South Wharf) Trust ("**Shed 5 Trust**"), and
- 1.26.9.2. The Two Tribes Wine Company Trust ("**TTWC**")
  - 1.26.9.3. and holds the Right of Subrogation to the Lien of the current Trustee of the Shed 5 Trust and TTWC as controller of property of the Receivership Estate of Shed 5 and/or in the alternative, holds the lien as property in the absence of appointment of a New Trustee of either Trust.
- 1.26.10. THE HUNGER FOOD & WINE COMPANY PTY LTD ("**HFWC**"), ACN; 159 571 356 (Controller Appointed) in its capacity as Trustee of the OenoViva (Victoria) Trust ("**OV(Vic)**") and holds the Right of Subrogation to the Lien of the current Trustee of OV(Vic) as controller of property of the Receivership Estate of HFWC and/or in the alternative, holds the lien as property in the absence of appointment of a New Trustee of OV(Vic).
- 1.26.11. THE SPARE ROOM-SOUTH WHARF PTY LTD ("**Spare Room**"), (IN Liquidation)(Controller Appointed)
- 1.26.12. HOLY GRAIL HOSPITALITY (ST KILDA) PTY LTD ("**HGH (St K)**"), ACN; 154 116 113 (In Liquidation) (Controller Appointed)
- 1.26.13. BLUE DIAMOND (QUEENSLAND) PTY LTD ("**Blue Diamond**"), ACN; 087 749 960 (In Liquidation) (Controller Appointed) in its capacity as Prior Trustee of the Fairweather Trust ("**Fairweather**") and holds the Right of Subrogation to the Lien of the current Trustee of Fairweather as controller of property of the Receivership Estate of Blue Diamond and/or in the alternative, holds the lien as property in the absence of appointment of a New Trustee of either Trust.
- 1.26.14. OENOVIVA (AFRICA) PTY. LTD., ACN; 156 594 311 (Controller Appointed)
- 1.26.15. OENOVIVA (ARGENTINA) PTY. LTD., ACN; 156 587 414 (Controller Appointed)
- 1.26.16. OENOVIVA (AUSTRIA) PTY. LTD., ACN; 156 588 322 (Controller Appointed)
- 1.26.17. OENOVIVA (BELARUS) PTY. LTD., ACN; 156 593 869 (Controller Appointed)
- 1.26.18. OENOVIVA (BELGIUM) PTY. LTD., ACN; 156 592 862 (Controller Appointed)
- 1.26.19. OENOVIVA (BRAZIL) PTY. LTD., ACN; 156 589 043 (Controller Appointed)

- 1.26.20. OENOVIVA (CAMBODIA/LAOS) PTY. LTD., ACN; 156 594 179 (Controller Appointed)
- 1.26.21. OENOVIVA (CARIBBEAN) PTY. LTD., ACN; 156 593 001 (Controller Appointed)
- 1.26.22. OENOVIVA (CENTRAL EUROPE) PTY. LTD., ACN; 156 594 197 (Controller Appointed)
- 1.26.23. OENOVIVA (CHILE) PTY. LTD., ACN; 156 589 089 (Controller Appointed)
- 1.26.24. OENOVIVA (CHINA) PTY. LTD., ACN; 156 599 094 (Controller Appointed)
- 1.26.25. OENOVIVA (FRANCE) PTY. LTD., ACN; 156 592 273 (Controller Appointed)
- 1.26.26. OENOVIVA (GEORGIA) PTY. LTD., ACN; 156 586 364 (Controller Appointed)
- 1.26.27. OENOVIVA (GERMANY) PTY. LTD., ACN; 156 592 237 (Controller Appointed)
- 1.26.28. OENOVIVA (GREECE) PTY. LTD., ACN; 156 593 949 (Controller Appointed)
- 1.26.29. OENOVIVA (HONG KONG) PTY. LTD., ACN; 156 589 436 (Controller Appointed)
- 1.26.30. OENOVIVA (HUNGARY) PTY. LTD., ACN; 156 597 312 (Controller Appointed)
- 1.26.31. OENOVIVA (INDIA) PTY. LTD., ACN; 156 589 445 (Controller Appointed)
- 1.26.32. OENOVIVA (INDONESIA) PTY LTD., ACN; 156 593 529 (Controller Appointed)
- 1.26.33. OENOVIVA (ISRAEL) PTY. LTD., ACN; 156 585 876 (Controller Appointed)
- 1.26.34. OENOVIVA (ITALY) PTY. LTD., ACN; 156 592 675 (Controller Appointed)
- 1.26.35. OENOVIVA (JAPAN) PTY. LTD., ACN; 156 593 967 (Controller Appointed)
- 1.26.36. OENOVIVA (KOREA) PTY. LTD., ACN; 156 593 323 (Controller Appointed)
- 1.26.37. OENOVIVA (MALAYSIA/SINGAPORE) PTY. LTD., ACN; 156 593 556 (Controller Appointed)
- 1.26.38. OENOVIVA (NETHERLANDS) PTY. LTD., ACN; 156 593 467 (Controller Appointed)
- 1.26.39. OENOVIVA (NORTH AMERICA) PTY. LTD., ACN; 156 586 766 (Controller Appointed)

- 1.26.40. OENOVIVA (PAKISTAN) PTY. LTD., ACN; 156 590 117 (Controller Appointed)
- 1.26.41. OENOVIVA (POLAND) PTY. LTD., ACN; 156 593 618 (Controller Appointed)
- 1.26.42. OENOVIVA (PORTUGAL) PTY. LTD., ACN; 156 592 497 (Controller Appointed)
- 1.26.43. OENOVIVA (RUSSIA) PTY. LTD., ACN; 156 593 592 (Controller Appointed)
- 1.26.44. OENOVIVA (SOUTH AFRICA) PTY. LTD., ACN; 156 591 981 (Controller Appointed)
- 1.26.45. OENOVIVA (SOUTH PACIFIC/POLONESIA) PTY. LTD., ACN; 156 599 129 (Controller Appointed)
- 1.26.46. OENOVIVA (SPAIN) PTY. LTD, ACN; 156 587 754 (Controller Appointed)
- 1.26.47. OENOVIVA (SRI LANKA) PTY. LTD., ACN; 156 589 758 (Controller Appointed)
- 1.26.48. OENOVIVA (SWEDEN) PTY. LTD., ACN; 156 594 008 (Controller Appointed)
- 1.26.49. OENOVIVA (SWITZERLAND) PTY. LTD., ACN; 156 592 871 (Controller Appointed)
- 1.26.50. OENOVIVA (THAILAND) PTY. LTD., ACN; 156 594 106 (Controller Appointed)
- 1.26.51. OENOVIVA (TURKEY) PTY. LTD., ACN; 156 588 699 (Controller Appointed)
- 1.26.52. OENOVIVA (UK & IRELAND) PTY. LTD., ACN; 156 587 183 (Controller Appointed)
- 1.26.53. OENOVIVA (UKRAINE) PTY. LTD., ACN; 156 593 789 (Controller Appointed)
- 1.26.54. OENOVIVA (VIETNAM) PTY. LTD., ACN; 156 586 775 (Controller Appointed)
- 1.26.55. OENOVIVA (AUSTRALIA & NEW ZEALAND) PTY LTD ACN; 155 464 225
- 1.27. Is a Primary and/or General Beneficiary of the AGFT, GFT, AGSF, AGFT 2, AGFT 3, AGFT 4, (“**The Discretionary Trusts**”) and
- 1.28. The sole Unit Holder of SPUT, OVANZ, OVPET, OVPET 2 & HGPT 4 (“**the Unit Trusts**”), and
- 1.29. Is a person ,in all of his aforementioned capacities, whose rights are affected at Common Law by the decisions and conduct of the Fourth Accused which decisions and conduct

have caused the Prosecutor in all of his aforementioned capacities Loss and Damage,  
and

- 1.30. Is a person ,in all of his aforementioned capacities, aggrieved and/or affected by the decisions and conduct of the Fourth Accused which decisions and conduct have caused the Prosecutor in all of his aforementioned capacities Loss and Damage, within the meaning of *the Administrative Decisions Judicial Review Act 1977 (Cth)* (“**the ADJR**”), and
- 1.31. Is a person, in all of his aforementioned capacities who make seek review of the decisions of the Fourth Accused *pursuant to the provisions of Part IVC of the Taxation Administration Act 1953 (Cth)* (“**Part IVC**”);which decisions have caused the Prosecutor in all of his aforementioned capacities Loss and Damage,
- 1.32. Is a person, in all of his aforementioned capacities who make seek review of the decisions and conduct of the Fourth Accused *pursuant to the provisions of section 75(v) of the Constitution 1901 (Cth)* (“**the Constitution**”);which decisions and conduct have caused the Prosecutor in all of his aforementioned capacities Loss and Damage,
- 1.33. Is a person, in all of his aforementioned capacities who make seek review of the decisions and conduct of the Fourth Accused pursuant to the provisions of section 39B of *the Judiciary Act 1903 (Cth)* (“**the Judiciary Act**”); which decisions and conduct have caused the Prosecutor in all of his aforementioned capacities Loss and Damage,
- 1.34. Is Entitled to be treated by the Fourth Accused in accordance with the principles of;
  - 1.34.1. Code of Conduct set out at section 13 of *the Public Service Act 1999 (Cth)* (“**the PSA**”), and
  - 1.34.2. The Australian Public Services (“**APS**”) Values set out at section 10 of the PSA, and
  - 1.34.3. the Code of Conduct issued by the Fourth Accused pursuant to the provisions of the PSA and the TAA, being “**the Tax Payer’s Charter**”.
- 1.35. As a Taxpayer is a consumer of services provided by the Fourth Accused within the meaning of the Australian Competition and Consumer Act 2010 (Cth) (“**the ACAC Act**”) and Schedule 2 of the ACAC Act, Australian Consumer Law at s18, s20, s21, s29, s34 and s37.

1.36. Is entitled to set off the Claims of the Fourth Accused against my equitable claims for loss and compensation payable by the Fourth Accused and my inalienable human rights.

## 2. The First Accused, Second Accused and Third Accused

2.1. Are employees of the Commissioner of Taxation and

2.1.1. are natural persons, and

2.1.2. are persons employed (“a PSA employee”) under the provisions of the PSA and the TAA

2.1.3. are capable of suing and being sued and prosecuted, and

2.1.4. Act on behalf of the Crown and are bound by the Crown’s obligations to act as model litigants, and

2.2. Are persons bound by the;

2.2.1. Code of Conduct set out at section 13 of the PSA, and

2.2.2. The APS Values set out at section 10 of the PSA, and

2.2.3. *The Tax Payers Charter*, and

2.2.4. The terms of *the ACAC Act*, *Australian Consumer Law* at s18, s20, s21, s29, s34 and s3, and

2.2.5. *The Common Law*

2.3. Are persons whose conduct and decisions are capable of being reviewed and prosecuted pursuant to

2.3.1. the provisions of sections 5, 6 & 7 of *the ADJR Act*, and

2.3.2. the provisions of *Part IVC of the TAA*, and

2.3.3. *the Common Law*, and

2.3.4. the provisions of section 39B of *the Judiciary Act*, and

2.3.5. the provisions of section 75 (v) of *the Constitution*, and

2.3.6. the provisions of *the Crimes Act 1914* (Cth) and *the Criminal Code Act 1995* (Cth)

### 3. The Fourth Respondent

3.1. Is the Commissioner of Taxation within the meaning of s4 of Part II of *the Taxation Administration Act 1953* (Cth). (**“The TAA”**)

3.1.1. Is appointed by the Governor of the Commonwealth of Australia under s4 of the TAA, and

3.1.2. the Statutory Agency Head of the Australian Taxation Office (**“ATO”**) as a Statutory Agency within the meaning of Part II of the TAA, the PSA and the *Public Governance, Performance and Accountability Act 2013* (Cth) (**“the PGPA”**) *The Public Governance, Performance and Accountability (Consequential and Transitional Provisions) Rule 2014* (**“the PGPA Rule”**) and *the Legal Services Directions 2005* (**“the Legal Services Directions”**) issued under s55ZF of *the Judiciary Act*, and

3.1.3. Is bound by the provisions of the *Financial Management and Accountability Act 1997* (**“the FMA Act”**) and the *Commonwealth Authorities and Companies Act 1997* (**“the CAC Act”**)

3.2. Is a person employed (**“a PSA employee”**) under the provisions of the PSA and s4A(2) of the TAA, and

3.3. Is responsible and has oversight of the administration of the provisions of;

3.3.1. the TAA, and

3.3.2. *the Income Tax Assessment Act 1953* (Cth) (**“the ITAA”**)

3.3.3. *the A New Tax System (Goods and Services Tax) Act 1999* (Cth) (**“the GST Act”**)

3.3.4. *the A New Tax System (Australian Business Number) Act 1999* (Cth) (**“the ABN Act”**) and

3.4. Is capable of suing and being sued and prosecuted, and

3.5. Acts on behalf of the Crown and is bound by the Crown’s obligations to act as a model litigant, and