

meaning of *the Insolvency Act 1986* (UK) codifying the operation of the Common Law globally.

At no time in either proceeding have you disputed the Facts sworn into evidence by me including, but not limited to, the materials referred to in the Joint Court Book settled 28<sup>th</sup> April 2024 that you did not prepare for court consideration. (“ANNEXURE 4”)

On the 8<sup>th</sup> of January 2016 I applied for a Banking License with APRA, I have not received an intelligible response to that application from you; it can be interpreted from your conduct at all stages prior to the commencement of NSD-741-2023 that you have refused that application; NSD-741-2023 commenced on the drafting of the application and supporting documents on the 13<sup>th</sup> July 2023 being the day I was discharged from Hospital following surgery and continued until the 5<sup>th</sup> May 2024 upon service of a Notice of Enforcement by me (“ANNEXURE 5”).

You have not applied to set aside The Statutory Letter of Demand dated 17<sup>th</sup> August 2023 served upon you be me in my capacity as Trustee of Dynamic Capital Bank (“ANNEXURE 6”).being an act of insolvency, as you know it is ny finding of a Fact that Dynamic Capital Bank is a Licensed Investment and Trading Bank that does not take deposits from any other person and works exclusively with its own equity and that of 435 related entities registered with the Crown.

The Bank License Number is searchable as a Financial Services License with ASIC and is the subject of Annexure 3.



**ASIC**

Australian Securities & Investments Commission

**Australian Financial Services Licensee**

**THE TRUSTEE FOR DYNAMIC CAPITAL BANK**  
AFS Licence Number 543501

Extracted from ASIC's database at AEST 00:50:37 on 12/12/2022

Current Details	
Name:	THE TRUSTEE FOR DYNAMIC CAPITAL BANK
Licence Number:	543501
Status:	Rejected
ABN:	97 236 690 409
Commenced:	28/10/2022
Ceased:	28/10/2022

Addresses	
Principal Business Address:	THE ANDREW GARRETT FAMILY IRREVOCABLE LIVING TRUST, 'Reserve Bank Building' Level 6, 111 Macquarie Street HOBART TAS 7000

Further information relating to this Licensee may be purchased from ASIC.

The alleged rejection without published reason has been set aside as unreasonable and invalid/unlawful exercise of discretionary Public Powers conferred under enactments.

Since the 4<sup>th</sup> of September 2025 the Brand Dynamic Capital Bank has been licensed to GSP Banco in Brasil and remains the intellectual property (since 5<sup>th</sup> January 2016) of the Andrew Garrett Family Irrevocable Living Trust trading as OenoViva Capital Resources, Brazil Registration CPF: 12192308124, Australia Registration: 42 388 204 496 Hong Kong Registration: TFM 81788.

After 6 years of economic activity statements and income tax returns lodged by me as Trustee of Dynamic Capital Bank you were estopped and had waived your rights to bring NSD-741-2023, which was at all relevant times, an abuse of process for an improper, unlawful and invalid collateral

purpose having already waived Legal Privilege<sup>1</sup> and requiring these further enforceable orders for penetration of Legal Privilege.<sup>2</sup>

FURTHER ORDER TO BANK LICENSE

Please accept this communique as yet another order for issuing a Banking License and access to Payment Systems pursuant to my email to you dated 28<sup>th</sup> November 2025 and the email chain ending 9<sup>th</sup> December 2025 (“ANNEXURE 7”). Pursuant to a General Retainer Agreement dated 21<sup>st</sup> November 2025 I will take your correspondence into consideration in obtaining advice from that firm and will revert to you shortly with my views on whether I should pause in dealing with value lawfully vested in me as Trustee it is my preliminary view that your request is inconsistent with International Treaty Laws; Australia remains liable for all “Assets” issues as “Funds” by me.

I refer to my Notice of Fraudulent Trading issued to OFAC. (“ANNEXURE 8”).

ALL RIGHTS RESERVED

In Witness Whereof, This Present Proof of Funds to Serve and Assert by Right, Signed with Full Bank Responsibility By

Bank Officer: Andrew Morton Garrett  
Telephone: +61-450-831-708  
Email: [andrew.garrett@dynamic-capital-bank.com](mailto:andrew.garrett@dynamic-capital-bank.com)  
Pin #: Au; 0061.01  
Title: Global: Chairman  
Authorized Signature



.....(signature)  
Andrew Morton Garrett  
Title: Global: Chairman



**Andrew Garrett**  
Global Chairman  
PIN # AU-0061.01

D: +61-450-831-708 E: [andrew.garrett@dynamic-capital-bank.com](mailto:andrew.garrett@dynamic-capital-bank.com)  
F: +61-2-9167-7145 P: +1-833-322-2650 Ext. 1  
W: [dynamiccapitalbank.capital](http://dynamiccapitalbank.capital)



<sup>1</sup> **AMG 385**; ATO FOI RELEASE; Debt paper file documents part 1 Andrew Garrett Redacted 7 July re 4-year rule; **AMG 386**; ATO FOI RELEASE; Debt paper file documents part 2 Andrew Garrett\_Part1 vr (for release)  
<sup>2</sup> **AMG 1077**; Interim Judgment of Kourakis CJ in Viscariello v Macks SCSA 165 of 2006 16th August 2012; **AMG 1078**; Viscariello v Macks [2014] SASC 189 delivered 9th December 2014 re Minter Ellison and Mark Livesey



9 December 2025

Mr Andrew Morton Garrett  
128 Prospect Road  
Prospect SA 5082

By email: [andrew.garrett@dynamic-capital-bank.com](mailto:andrew.garrett@dynamic-capital-bank.com)

Sydney

1 Martin Place (Level 12), NSW 2000  
GPO Box 9836, Sydney NSW 2001  
Australian Prudential Regulation Authority  
02 9210 3000 | [apra.gov.au](http://apra.gov.au)

Dear Mr Garrett

## Dynamic Capital Bank cheque using restricted words under the *Banking Act 1959* (Cth)

You would be aware that Australian Prudential Regulation Authority (**APRA**) is the prudential regulator of the financial services industry and is responsible for administering the *Banking Act 1959* (Cth) (**Banking Act**).

On 14 August 2023, in *Australian Prudential Regulation Authority v Garrett* [2023] FCA 956, Justice Lee of the Federal Court of Australia made orders that you be:

*... permanently restrained under s 65A of the Banking Act, whether by [yourself], [your] servants or agents or otherwise, from orally or in any written or electronic form:*

- (a) carrying on any banking business in Australia in contravention of s 7 of the Banking Act;*
- (b) assuming or using the words "bank", "banker", "banking", "banca", "banque" or any words or phrases of like import (whether or not in English) in relation to any purported bank, business or purported business in contravention of s 66 of the Banking Act; and*
- (c) advertising, representing or stating that any purported bank, business or purported business will carry on banking business.*

Information has been brought to our attention that you may be contravening the orders of Justice Lee.

### **International Certified Depository Transfer Cash Bank Cheque**

We attach to this letter a copy of a document dated 7 August 2025 and titled 'International Certified Depository Transfer Cash Bank Cheque' with the Serial Number '61.00415/25' (**Bank Cheque**), which appears to be issued on behalf of Dynamic Capital Bank (**DCB**) and signed by you.

The Bank Cheque includes, amongst others, the following statements:

- "Original private bank note: Guaranteed legal tender obligation of the corporate Commonwealth of Australia";
- "Drawer: Dynamic Capital Bank™, License No 000543501, Reserve Bank of Australia Account Number 676854575, Austrac Account Number 100813420";
- "Credit unconditionally to the order of the drawer: AUD\$460,000.00."

– “Andrew Morton Garrett, Global Chairman”.

We understand this cheque was intended to pay a judgment debt in Western Australia.

If you issued this document, it appears to be a breach of the orders of Justice Lee.

**Other references to Dynamic Capital Bank and Private Gold Reserve Bank**

We note the email correspondence sent from [andrew.garrett@dynamic-capital-bank.com](mailto:andrew.garrett@dynamic-capital-bank.com) to various parties, including APRA, on 18 and 22 September 2025, 13 and 27 October 2025, and 28 November 2025. This correspondence contains references to Dynamic Capital Bank and Private Gold Reserve Bank.

If you were responsible for sending this correspondence, it appears to be in breach of the orders made by Justice Lee.

We also note your email of 28 November 2025 refers to an earlier email from you dated 27 September 2024 and a licence application. We do not have a record of these documents. Regardless of the content of those documents, you must heed the following warning.

**Cease and desist**

You must immediately cease and desist from using the words 'bank', 'banker' and 'banking' in your correspondence in relation to Dynamic Capital Bank, Private Gold Reserve Bank or any other purported bank or business.

APRA reserves all its legal rights, including rights to take further action in relation to this matter in the Federal Court should APRA determine to do so, and without further notice.

Please note that should you choose to respond to this letter, any response may be used to evidence that you are contravening the orders of Justice Lee.

**Contravening the orders made by Justice Lee may result in imprisonment, sequestration of property or other punishment.**

Yours sincerely



Christopher Sheehan  
Manager, Enforcement  
Legal  
Policy and Advice Division

Form 10  
Rules 5.02; 11.07

**Notice of address for service**

No. NSD 741 of 2023

Federal Court of Australia  
District Registry: NSW  
Division: CORPORATIONS

IN THE MATTER OF THE CROWN (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED), ABN 50 785 365 455 ("THE CROWN")

**AUSTRALIAN PRUDENTIAL REGULATORY AUTHORITY  
ABN 79 635 582 658 (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED)  
ABN 33 446 145 662**

The Plaintiff, Defendant by Counterclaim  
&

**ANDREW MORTON GARRETT,**

- **CROWN ATTORNEY GENERAL ABN 25 582 859 403,**
- **TRUSTEE OF THE OFFICE OF THE CROWN ATTORNEY GENERAL TRUST ABN 33 785 287 219**
- **LIQUIDATOR, AND MANAGING CONTROLLER, BENEFICIARY OF PRIVATE AND PUBLIC TRUSTS, PRIOR TRUSTEE SECURED BY LIEN ABN 70 432 067 434**
- **TRUSTEE OF A LETTER TO MY SONS TRUST ABN 90 243 103 687**
- **SECURED PARTY CREDITOR, REGISTRATION NUMBER 40591602**

The Defendant/Respondent, Plaintiff by Counter Claim and Plaintiff by Cross Claim  
&

**OTHERS NAMED IN THE SCHEDULE**

**ANDRE MORTON GARRETT**

Andrew Morton Garrett of Unit 3/ 11 Harvey Street, Nailsworth, SA 5083 the Defendant/Respondent, Plaintiff by Counter Claim and Plaintiff by Cross Claim gives notice that the Defendant/Respondent, Plaintiff by Counter Claim and Plaintiff by Cross Claim's address for service is:  
Place: Unit 3/ 11 Harvey Street, Nailsworth, SA 5083

Email: [amg@betterworldfuturefund.org](mailto:amg@betterworldfuturefund.org)

Filed on behalf of (name & role of party)	The Respondent		
Prepared by (name of person/lawyer)	Andrew Garrett		
Law firm (if applicable)			
Tel	0450 831 708	Fax	02 9617 7125
Email	<a href="mailto:amg@betterworldfuturefund.org">amg@betterworldfuturefund.org</a>		
<b>Address for service</b> (include state and postcode)	Unit 3/ 11 Harvey Street, Nailsworth, South Australia, 5083		

Date: Tuesday, 3 October 2023



Signed by Andrew Morton Garrett  
the Defendant/Respondent, Plaintiff by  
Counter Claim and Plaintiff by Cross Claim's

**Schedule**

Federal Court of Australia

No. NSD 741 of 2023

District Registry: NSW

Division: Corporations

IN THE MATTER OF THE CROWN (LIQUIDATOR AND MANAGING CONTROLLER APPOINTED), ABN 50 785 365 455 ("THE CROWN")

**Defendants by Counterclaim**

- Second Defendant by Counterclaim: AUSTRALIAN SECURITIES AND INVESTMENTS COMMISSION ABN 86 768 265 615 (Liquidator and Managing Controller Appointed) ABN 14 930 849 717
- Third Defendant by Counterclaim: OFFICE OF DIRECTOR PUBLIC PROSECUTIONS ABN 41 036 606 436 (Liquidator and Managing Controller Appointed) ABN 81 695 234 966
- Fourth Defendant by Counterclaim: RESERVE BANK OF AUSTRALIA; RBA; ABN 50 008 559 486 (Liquidator and Managing Controller Appointed) ABN 78 837 313 084
- Fifth Defendant by Counterclaim: AUSTRALIAN FINANCIAL SECURITY AUTHORITY ABN 63 384 330 717 (Liquidator and Managing Controller Appointed) ABN 69 330 112 201
- Sixth Defendant by Counterclaim: AUSTRALIAN TAX OFFICE ABN 51 824 753 556 (Liquidator and Managing Controller Appointed) ABN 80 507 314 616
- Seventh Defendant by Counterclaim: ASX LIMITED TRADING AS AUSTRALIAN SECURITIES EXCHANGE ABN 98 008 624 691 (Liquidator and Managing Controller Appointed) ABN 13 838 529 239
- Eighth Defendant by Counterclaim: AUSTRALIAN COMPETITION CONSUMER COMMISSION ABN 94 410 483 623 (Liquidator and Managing Controller Appointed) ABN 63 7272 327 253
- Ninth Defendant by Counterclaim: AUSTRALIAN TRANSACTION REPORTS & ANALYSIS CENTRE (AUSTRAC) ABN 32 770 513 371 (Liquidator and Managing Controller Appointed) ABN 21 606 854 402
- AND THE OTHERS WHO ARE PUBLIC OFFICIALS/ OFFICERS OF THE CROWN NAMED IN THE SCHEDULE OF THE EXHIBITS PRODUCED AND MARKED AS:
  - **AMG 6867** FFR; AMG; CAG; DCCRM-0073-2019 CORRIGENDUM TO AMG 6776
  - **AMG 6793**; CAG; DCCRM-0073-2019 CORRIGENDUM NOTICE TO ADMIT FACTS; 6769 03.07.2023.
  - **AMG 7015** FFR; AMG; CAG; DCCRM-0073-2019 CORRIGENDUM TO AMG 6776 AND AMG 6867 TREASON; - Portuguese (Brasil) published 28.08.2023.

**Defendants by Cross Claim**

- First Defendant by Cross Claim: GRAHAM M KELLY, GRANT MITCHELL, JEREMY V REES and 8 OTHERS ABN 43 972 467 798 trading as Phillips Fox (Liquidator and Managing Controller Appointed) ABN 42 309 160 899
- Second Defendant by Cross Claim: PRICE WATERHOUSE COOPERS PARTNERSHIP ABN 26 563 812 149 (Liquidator and Managing Controller Appointed) ABN 33 576 208 539
- Third Defendant by Cross Claim: DENTONS AUSTRALIA LIMITED ABN 69 100 963 308; ABN 69 100 963 308 (Liquidator and Managing Controller Appointed) ABN 18 566 556 334
- Fourth Defendant by Cross Claim: FINLAYSONS LAWYERS ABN 92 386 254 392 (Liquidator and Managing Controller Appointed) ABN 11 282 732 966
- Fifth Defendant by Cross Claim: The Office of the Legal Practitioners Conduct Commissioner of South Australia (Liquidator and Managing Controller Appointed) as The Trustee for the Bankrupt Estate of Greg Mornington May (prior Alleged Legal Practitioners Conduct Commissioner) ABN 92 525 987 567
- Sixth Defendant by Cross Claim: The Bankrupt Estate of Mark Dreyfus, the Acting Attorney General of Australia and the Department of the Attorney General (Liquidator and Managing Controller Appointed)



9 December 2025

Mr Andrew Morton Garrett  
128 Prospect Road  
Prospect SA 5082

By email: [andrew.garrett@dynamic-capital-bank.com](mailto:andrew.garrett@dynamic-capital-bank.com)

Sydney

1 Martin Place (Level 12), NSW 2000  
GPO Box 9836, Sydney NSW 2001  
Australian Prudential Regulation Authority  
02 9210 3000 | [apra.gov.au](http://apra.gov.au)

Dear Mr Garrett

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**Contravening the orders made by Justice Lee may result in imprisonment, sequestration of property or other punishment.**

Yours sincerely



Christopher Sheehan  
Manager, Enforcement  
Legal  
Policy and Advice Division

## Attachments

Tab	Attachment	Date
1	International Certified Depository Transfer Cash Bank Cheque	7 August 2025
2	Email titled "AMG 9074d; HCMP-1855-2022 ("THE MAIN PROCEEDINGS"); S ECI 2025 02829; CIV 1453 of 2023; NSD-885-2025; NATIONAL AUSTRALIA BANK; DENTONS GLOBAL MONEY LAUNDERING AND TERRORISM FINANCING FIRM PART 4"	18 September 2025
3	Email titled "AMG 9081 TFM81788 Case CS0251821 opened re HCMP-1855-2022 (THE MAIN PROCEEDING) S ECI 2025 02829; CIV 1453 of 2023; NSD-885-2025; IN THE MATTER OF THE GLOBAL INTERNATIONAL CROWN UNITARY EXECUTIVE"	22 September 2025
4	Email titled "AMG 9126b TFM81788 HCMP-1855-2022 ASIC CHERRY PICKING AS TREASON (TERRORIST ACTS); INTERNATIONAL CROWN REDRESS FUND v AUSTRALIAN COMMISSIONER OF TAXATION , ASIC and APRA; PART 2"	13 October 2025
5	Email titled "AMG 9156 HCMP-1855-2022; TFM 81788 NOTICE OF OCCUPATION OF OFFICE AS CHAIRMAN OF THE AUSTRALIAN SECURITIES EXCHANGE COMMISSION 27.10.2025"	27 October 2025
6	Email titled "AMG 9238 HCMP-1855-2022; GLOMAG-2024-1236930-1; GLOMAG-2024-12372-1; Purported restricted words under the Banking Act (not enforceable domestic law)"	28 November 2025



The Australian People Future Fund

Friday, July 12, 2019

Her Royal Highness Queen Elizabeth II  
(Managing Controller Appointed) &  
The Right Honorable Geoffrey Cox  
Attorney General of the United Kingdom  
5-8 The Sanctuary  
London, SW1P 3JS  
United Kingdom  
Email; [correspondence@attorneygeneral.gov.uk](mailto:correspondence@attorneygeneral.gov.uk) ; [crown.solicitor@justice.tas.gov.au](mailto:crown.solicitor@justice.tas.gov.au)

FILED  
UNITED STATES DISTRICT COURT  
DENVER, COLORADO  
9:00 am, Feb 18, 2022  
JEFFREY P. COLWELL, CLERK

cc; The Attorney General of the Commonwealth of Australia (Managing Controller Appointed)  
Email; [attorney@agd.gov.au](mailto:attorney@agd.gov.au) ; [adelaide@cdpp.gov.au](mailto:adelaide@cdpp.gov.au)

Dear Attorney General,

On the 3<sup>rd</sup> June 2019 a Notice of Seizure of Collateral/Crystallization of Charges/Deed of Appointment of Managing Controller dated 1<sup>st</sup> June 2019 ("**the Notice**") was served on the Crown Solicitor for the State of Tasmania and the Attorney General of the Commonwealth of Australia (Managing Controller Appointed) as the first officer of law in the jurisdiction for **Her Royal Highness Queen Elizabeth II (Managing Controller Appointed)**.

Receipt of Service has been acknowledged for Regina (Managing Controller Appointed) by the Commonwealth Director of Public Prosecutions (Managing Controller Appointed) who is prosecuting two Criminal Proceedings brought in the name of Regina (Managing Controller Appointed) pursuant to s61 of *the Commonwealth of Australia Constitution Act 1900* (Uk) which proceedings are relevantly referred to on the face of my letter dated 16<sup>th</sup> June 2019 addressed to the Reserve Bank of Australia (Managing Controller Appointed) (**Annexure 1**)

Please accept the service of Annexure 1 upon You as service of the Notice (without annexures); a full copy of the Notice with annexures will be attached to following emails forwarding service on the Crown Solicitor of Tasmania on the 3<sup>rd</sup> June 2019 being service of the whole of the Notice.

Please also note **Annexure 2** as an index to that letter.

Australian Wine Supply Limited; Hong Kong Company Registry Number 1657912;  
as Trustee for **OenoViva Capital Resources**,/ **the Australian People Future Fund**  
Office; Level 19, Two International Finance Centre, 8 Finance Centre, Central, Hong Kong;  
Email address [REDACTED]



Significant issues related to breaches of treaties by the Commonwealth of Australia, and unfortunately by Her Majesty pursuant to s61 and the principles of civil and criminal vicarious liability, including, Australian Treaty Series No 5, 23 & 39, the Charter of the Commonwealth of Nations as revised on the 11<sup>th</sup> March 2013 and the Charter of the United Nations in recent Royal Commissions and other investigations into;

1. The Stolen Generation
2. Institutional Responses into complaints of Child Sex Abuse
3. The Financial System
4. Franchising
5. Aged Care
6. Victoria Police

Relevantly the various Royal Commissioners did not complete their roles under the Letters Patent to make findings in respect to collapse of Rule of Law, Good Governance, Freedom of Expression, Separation of Powers, the Right to a Fair Hearing, the Right to Remedy, Reputation, Right Privacy, Dealing with one's own wealth, Protection of Property, and Intellectual Property amongst other things.

The Notice sets out a number of issues a principle issue being the abdication of the Role of Champion of the Public Interest by Her Majesty's Attorney Generals.

I have previously offered to settle this 25 year dispute on more than one occasion which fell on deaf ears of Regina's agents, employees, servants, officers, contractors, delegates, contractors, licensees and otherwise (hereinafter "**Regina (Managing Controller Appointed)**") consequently there have been a number of matters arising that I have sought to ventilate through filing and serving of Notices of Constitutional Matters in a number of proceedings as summarized in my Notice of Constitutional Matters dated 21<sup>st</sup> October 2018 and otherwise referred to in the Notice, however Regina (Managing Controller Appointed) is protected by a corrupt judiciary through breaches of Separation of Powers and application of the Bethcar Strategy.

I am certain that none of this detail comes as any surprise to Her Majesty or you however, it appears that the efforts of the Commonwealth Secretariat in 2013, subsequently and prior have failed to resolve these serious issues. The Public Interest Disclosure Act 2013 (Cth) and the Public Governance Performance and Accountability Act 2013 (Cth) were enacted and received Royal assent following the 2013 CHOGM however those enactments have not been applied by lawfully to my Public Interest Disclosure Briefing Note dated 3<sup>rd</sup> September 2018 and 8 Annexures with 37 addendums and annexure by the relevant regulators being the



Commonwealth Attorney General (Managing Controller Appointed), The Department of Finance (Managing Controller Appointed) and the Commonwealth Ombudsman (Managing Controller Appointed). A copy of the Briefing Note with 8 annexures is annexed to the Notice without the subsequent 37 Addendums and Annexures.

These matters will be raised by me in DCCRM-19-73; *Regina v Garrett* & HMC-19-90956; *Regina v Garrett*; the use of Criminal proceedings by Regina (Managing Controller Appointed), Bankruptcy, Corporations Law, Vexatious Litigant Orders, Criminal Defamation is offensive to the Public Trust and the Doctrine of the Public Trust.

Thus far the various Legal Services Commissioners and the Attorney Generals have failed to provide proper funding to counsel to ensure ventilation of all of the matters arising in a proceeding to ensure complete justice is done in accordance with the findings of the High Court of Australia in *Re Wakim; Ex parte McNally* [1999] HCA 27 17 June 1999.

I also advise that I have lodged and served Form 504 Notices of Appointment of Managing Controller to the following entities as was annexed to my letter to the Reserve Bank of Australia dated 28<sup>th</sup> June 2019 for legal effect on the 23<sup>rd</sup> June 2019 (**Annexure 3**)

Over an extended period of time Regina (Managing Controller Appointed) has made numerous admissions of Facts, Liabilities and Indebtedness which value continues to escalate at the rates set out in Annexures 4 & 5 one of which debt has been paid to me, instead further actions are commenced with the sole and improper purpose of Harassment and Defamation.

The Commonwealth of Australia (Managing Controller Appointed) currently enjoys very favorable credit ratings (**Annexure 6**) which arise from the mismanagement of Human Rights and Rule of Law by avoiding deferring and frustrating payments of Compensation to victims deserving of Compensation causing those victims to then become victims of corrupt conduct of Regina (Managing Controller Appointed).

On the 30<sup>th</sup> April 2017 I settled the Australian People Future Fund and donated to that Fund 33% of the balance sheet value of OenoViva Capital Resources and associated rights so that fund could be applied to funding compensation in respect to Human Rights in a thought process to reduce the burden on Her Majesty's purse and avoid the application of the Bethcar Strategy by Regina (Managing Controller Appointed)

I look for to receiving your confirmation of receipt of service response to the service of the Notice and working through a fair and equitable solution.



Kind Regards

ALL RIGHTS RESERVED

**FOR AND ON BEHALF OF OVCR:**

The Trustees of the Andrew Garrett Family Trust No 4, Trading as **OenoViva Capital Resources:**

Name: Mr. Andrew Morton Garrett  
(Chairman/ Managing Trustee)

Australian Passport # [REDACTED] and United Kingdom Passport # [REDACTED]  
Signed on this Friday, July 12, 2019

**FOR AND ON BEHALF OF THE APFF:**

**The Trustee of the Australian People Future Fund**

Name: Mr. Andrew Morton Garrett  
(Chairman/ Managing Trustee)

Australian Passport # [REDACTED] and United Kingdom Passport # [REDACTED]  
Signed on this Friday, July 12, 2019

**FOR AND ON BEHALF OF REGINA (MANAGING CONTROLLER APPOINTED)**

Name: Mr. Andrew Morton Garrett  
Managing Controller

Signed on this Friday, July 12, 2019



EXHIBIT NO	EXHIBIT DESCRIPTION	PAGES
	<p><b><i>Notice of Imputed Concerns/ Request to Monetise SKR served on Reserve Bank of Australia dated 16<sup>th</sup> June 2019</i></b></p>	<p>Pages 1 - 6</p>
<p><b>Annexure 1;</b></p>	<p><b><u>PART 1 – Pages 1 -443</u></b></p> <p>Notice of Seizure of Collateral//Crystallisation of Charges dated 1<sup>st</sup> June 2019; <b>Pages 1 - 19</b></p> <p>1. <b>Schedule of Assets Seized</b> <b>Pages 20</b></p> <p>2. <b>Annexure 1; Overview of Ministerial Responsibilities of the Crown and role of the Commonwealth Attorney General, Cabinet Paper obtained through FOI</b> <b>Page 21-44</b></p> <p>3. <b>Role of Office of Legal Services Co-ordination</b> <b>Page 45</b></p> <p>4. <b>Annexure 2; ALRC Report 129 December 2015 “Traditional Rights and Freedoms- Encroachment by Commonwealth Laws</b> <b>Pages 46 – 443</b></p> <p><b><u>PART 2 – Pages 444 – 887</u></b></p> <p><b>Annexure 2 cont’; ALRC Report 129 December 2015 “Traditional Rights and Freedoms- Encroachment by Commonwealth Laws</b> <b>Pages 444 – 642</b></p> <p>5. <b>Annexure 3; Indictments filed and served against Regina &amp; Others in NSD 1848 of 2018; Rubis &amp; Ors v Garrett &amp; Ors v Regina &amp; Ors</b> <b>Pages 643 – 827</b></p> <p><b>Fraud on the Court by the Court; Reasons of Pagone J given in VID 600 of 2014; Andrew Garrett v Commissioner of Taxation &amp; Ors// Garrett v Commissioner of Taxation (2015) FCA 117</b> <b>Pages 828 – 874</b></p> <p><b>Judicial Review; A Common Law Principle</b> <b>Pages 875 – 878</b></p> <p><b>Tasmania Registry; E-Lodgement rejection of filings of Indictments</b> <b>Pages 879 – 882</b></p> <p><b>Copy of Orders of Pagone dated 15<sup>th</sup> February 2015 under s37AO</b> <b>Pages 883 – 885</b></p> <p><b>Copy of Correspondence from Acting District Registrar Timothy Luxton refusing to respond</b> <b>Pages 886 – 887</b></p> <p><b><u>PART 3 – Pages 888 – 1,233</u></b></p> <p>6. <b>Annexure 4;</b>  <b>Public Interest Disclosure Briefing Note re application under s70 of the Public Interest Disclosure Act 2013 (Cth) dated 3<sup>rd</sup> September 2018</b> <b>Pages 888 – 920</b></p>	

	<p><i>Annexure 1 to PID Note; Balance Sheet &amp; Profit and Loss to 31<sup>st</sup> March 2004 prepared by Accountant</i> <b>Pages 921 – 924</b></p> <p><i>Annexure 2 to PID Note; Copy of Court Record SASC-172-2004 Evidencing undertakings as to Damages</i> <b>Pages 925 – 991</b></p> <p><i>Annexure 3 to PID Note; Summary of NAB Fraud and breaches of contract</i> <b>Pages 992 – 1,001</b></p> <p><i>Annexure 4 to PID Note; Summary of Adverse Judgments against Peter Ivan Macks prior to delivery of Viscariello v Macks (2014) SASC 189</i> <b>Pages 1,002 – 1,007</b></p> <p><i>Annexure 5 to PID Note; Notice of Constitutional Matters dated 15<sup>th</sup> December 2015 filed and served in VID 129 of 2015; Garrett v Commissioner of Taxation &amp; Ors</i> <b>Pages 1,008 – 1,025</b></p> <p><b>7. Annexure 5;</b> <i>Notice of Admissions of Facts and Demands for Payment of Debts dated 29<sup>th</sup> May 2019</i> <b>Pages 1,026 – 1,029</b></p> <p><i>Annexure 1; Graphical Representation of Debt and Escalation re OVCR</i> <b>Page 1,030</b></p> <p><i>Annexure 2; Graphical Representation of Debt and Escalation re APFF</i> <b>Page 1,031</b></p> <p><i>Annexure 3; Letter dated 11<sup>th</sup> February 2019 to Deputy Registrar Peter Edwards regarding Corrupt Criminal Conduct</i> <b>Pages 1,032 – 1,039</b></p> <p><i>Letter Robert Nowak to ASIC dated 20<sup>th</sup> May 2018 re appointment of Managing Controller to Marine Leasing Pty Ltd and Steel-Con Holdings Pty Ltd</i> <b>Page 1,040 – 1,173</b></p> <p><i>Annexure 4; Transcripts of Royal Commission into complaints of Child Sex Abuse while in Institutional Care on 14<sup>th</sup> October 2014 admission of Bethcar Strategy of NSW Department of Family and Community</i> <b>Pages 1,174 – 1,233</b></p> <p><b><u>PART 4 – Pages 1,244 – 1,580</u></b></p> <p><i>Annexure 4 cont’ ; Transcripts of Royal Commission into complaints of Child Sex Abuse while in Institutional Care on 14<sup>th</sup> October 2014 admission of Bethcar Strategy of NSW Department of Family and Community</i> <b>Pages 1,234 – 1,283</b></p> <p><i>Annexure 5; Transcripts of Senate Inquiry into Taxation Disputes &amp; Corporate Tax Avoidance 21<sup>st</sup> April 2016; Admission by the Commissioner of Taxation of breaches of Separation of Powers and Rule of Law</i> <b>Pages 1,284 – 1,289</b></p> <p><i>Annexure 6; Transcripts of Senate Inquiry into Comcare; Further</i></p>	
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	<p>evidence of Bethcar Strategy; breaches of Separation of Powers and Rule of Law <b>Pages 1,290 – 1,397</b></p> <p>Transcripts of VID 949 of 2015; Treasury Wine Estates Vintners Limited v Andrew Morton Garrett 5<sup>th</sup> February 2016 <b>Pages 1,398 – 1,417</b></p> <p><b>Transcripts of VID 949 of 2015; Treasury Wine Estates Vintners Limited v Andrew Morton Garrett 11<sup>th</sup> March 2016 re Perjury</b> <b>Pages 1,418 – 1,488</b></p> <p>Notice of Admissions of Facts and Demands for Payment of Debts as at the 30<sup>th</sup> April 2019; dated 3rd May 2019 <b>Pages 1,489 – 1,490</b></p> <p>Notice of Admissions of Facts and Demands for Payment of Debts as at the 31<sup>st</sup> March 2019; dated 9<sup>th</sup> April 2019 <b>Pages 1,491 – 1,492</b></p> <p>Notice of Admissions of Facts and Demands for Payment of Debts as at the 28<sup>th</sup> February 2019; dated 21st February 2019 <b>Pages 1,493 – 1,495</b></p> <p>Notice of Admissions of Facts and Demands for Payment of Debts dated 9<sup>th</sup> January 2019 <b>Pages 1,496 – 1,499</b></p> <p>Notice of Admissions of Facts and Demands for Payment of Debts dated 9<sup>th</sup> January 2019 <b>Pages 1,496 – 1,499</b></p> <p>Notice of Admissions of Facts and Demands for Payment of Debts dated 30<sup>th</sup> September 2019 <b>Pages 1,500 – 1,505</b></p> <p>Annexure 1 Act of Grace Application dated 7<sup>th</sup> September 2018 <b>Pages 1,506 – 1,509</b></p> <p>Annexure 2 Graphical Representation of Minimum Liability and Escalation admitted to be owed by Regina to the Trustees of the Andrew Garrett Family Trust No 4 trading as OenoViva Capital Resources <b>Pages 1,510</b></p> <p>Annexure 2 Graphical Representation of Minimum Liability and Escalation admitted to be owed by Regina to the Trustees of the Australian People Future Fund <b>Pages 1,511</b></p> <p>Notice of Admissions of Facts and Demands for Payment of Debts dated 17<sup>th</sup> December 2018 <b>Pages 1,512 – 1,516</b></p> <p>Annexure 1; Resolution of APFF &amp; OVCR dated 30<sup>th</sup> April 2017 <b>Pages 1,517 – 1,522</b></p> <p>Copy of Notarised Deed of Settlement of APFF <b>Pages 1,523 – 1,536</b></p>	
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*Copy of UNCITRAL International Bill of Exchange SN 61.00074/17*  
**Pages 1,537 – 1,544**

**Sealed Notice of Constitutional Matters dated 21<sup>st</sup> October 2018 filed and served in NSD 1848 of 2018; Rubis & Ors v Garrett & Ors v Regina & Ors and** **Pages 1,545 – 1,559**

**Annexure Interlocutory Application dated 21<sup>st</sup> October 2018 in NSD 1848 of 2018; Rubis & Ors v Garrett & Ors v Regina & Ors Application for Writ of Quo Warranto/ Ouster Office**  
**Pages 1,560 – 1,580**

**PART 5 – Pages 1,581 – 1,580**

8. **Annexure 6; Commonwealth Attorney General Web pages related to International Covenant of Civil and Political Rights**  
**Pages 1,581 – 1,585**

*Legal Practice Briefing No 29 European Developments*  
**Pages 1,586 – 1,596**

*Privacy & Reputation* **Pages 1,597 – 1,602**

*Property Rights; Protection from Encroachment*  
**Pages 1,603 – 1,610**

**PART 6 – Pages 1,611 – 1,788**

*Tax Payers Charter* **Pages 1,611 – 1,622**

*Right to an Effective Remedy* **Pages 1,623 – 1,625**

9. **Annexure 7; Letter to Deputy Registrar Peter Edwards dated 11<sup>th</sup> February 2019 regarding Indictable Offences**  
**Pages 1,626 – 1,633**

*Annexure 1; Letter Robert Nowak to ASIC dated 20<sup>th</sup> May 2018*  
**Pages 1,634 – 1,635**

*Marine Leasing Security Agreement* **Pages 1,634 – 1,685**

*Deed of Appointment of Managing Controller* **Pages 1,686 – 1,687**

*Notice of Crystallisation of Charge* **Pages 1,688 – 1,690**

*Steel-Con Holdings Security Agreement* **Pages 1,691 – 1,740**

*Deed of Appointment of Managing Controller* **Pages 1,741 – 1,742**

*Notice of Crystallisation of Charge* **Pages 1,743 – 1,746**

*Dynamic; Steel-Con Holdings Labour Hire* **Pages 1,747 – 1,760**

*Dynamic; Steel-Con Holdings Business License*  
**Pages 1,761 – 1,765**

*Declaration of Trust 31/01/2017* **Pages 1,766 – 1,767**

10. **Annexure 8;** VID 600 of 2014; Amended Statement of Claim dated 26<sup>th</sup> January 2015  
**Pages 1,768 – 1,788**

**PART 7 – Pages 1,789 – 1,969**

*Annexure 8 cont.; VID 600 of 2014; Amended Statement of Claim dated 26<sup>th</sup> January 2015*  
**Pages 1,789 – 1,843**

*VID 600 of 2014; Outline of Submissions for Hearing 18<sup>th</sup> February 2015 dated 15<sup>th</sup> February 2015*  
**Pages 1,844 – 1,863**

*Annexure 1; Outline of Submissions; Email 22<sup>nd</sup> January 2015 regarding settlement of dispute*  
**Pages 1,864 – 1,865**

*Annexure 2; Outline of Submissions; Email 28<sup>th</sup> January 2015 refusal to make an offer to settle dispute **Chain of Emails** Email 20<sup>th</sup> January 2015 refusal to make an offer to settle*  
**Pages 1,866 – 1,870**

*Annexure 3; Outline of Submissions; Email 28<sup>th</sup> January 2015 refusal to make Authority to strike out proceedings*  
**Pages 1,871 – 1,877**

*Annexure 4; Fee waiver application and Health Care Card*  
**Pages 1,878 – 1,879**

*VID 600 of 2014; Outline of Submissions for Hearing 4<sup>th</sup> February 2015 prepared 5<sup>th</sup> November 2014 also filed in VICSC-2014-03380; Garrett v Deputy Commissioner of Taxation on appeal from Muktar.....Transcripts of VICSC proceedings will reveal a reference to Protect the Revenue.....avoidance of the FOI details*

**Pages 1,880 – 1,941**

*Annexure 1; NAB Default Summary Issues*  
**Pages 1,942 – 1,951**

*Annexure 2; Letter to Peter Macks & Simon Miller dated 30<sup>th</sup> December 2008 regarding admissions of debt for Litigation*  
**Pages 1,952 – 1,954**

*Annexure 3; Notice of Objection dated 20<sup>th</sup> October 2012 to Brett Swanston of the ATO*

	<p style="text-align: right;"><b>Pages 1,955 – 1,959</b></p> <p style="text-align: center;"><i>VID 600 of 2014; Outline of Submissions for Hearing 4<sup>th</sup> February 2015 PART 2 prepared 3<sup>rd</sup> February 2015 a</i></p> <p style="text-align: right;"><b>Pages 1,960 – 1,969</b></p>	
<b>Annexure 2;</b>	Graphical Representation of Minimum Liability and Escalation admitted to be owed by Regina to the Trustees of the Andrew Garrett Family Trust No 4 trading as OenoViva Capital Resources	Page 7
<b>Annexure 3;</b>	Graphical Representation of Minimum Liability and Escalation admitted to be owed by Regina to the Trustees of the Australian People Future Fund	Page 8
<b>Annexure 4;</b>	<p>Letter to ANZ Bank explaining interference of the ATO and seeking Monetisation of Financial Asset and explanation of failure to monetise financial asset in 2016 <b>Pages 1 -5</b></p> <ol style="list-style-type: none"> <li>1. <b>Annexure 1;</b> Graphical Representation of Minimum Liability and Escalation admitted to be owed by Regina to the Trustees of the Andrew Garrett Family Trust No 4 trading as OenoViva Capital Resources <b>Page 6</b></li> <li>2. <b>Annexure 2;</b> Graphical Representation of Minimum Liability and Escalation admitted to be owed by Regina to the Trustees of the Australian People Future Fund <b>Page 7</b></li> <li>3. <b>Annexure 3;</b> Email Exchange 26<sup>th</sup> – 27<sup>th</sup> April 2018 between Relator and Solicitor for Vendors named in Contract for Sale and Purchase dated 21<sup>st</sup> April 2018 <b>Pages 8 - 11</b></li> <li>4. <b>Annexure 4;</b> FOI Request response &amp; advice of Notice of Imputed Concerns email chain 27<sup>th</sup> April – 3<sup>rd</sup> May 2018 <b>Pages 12 - 15</b></li> <li>5. <b>Annexure 5;</b> Notice of Imputed Concerns dated 6<sup>th</sup> May 2016 re Gunn’s Group &amp; Garage Wines <b>Pages 16 - 19</b></li> <li>6. <b>Annexure 6;</b> Email Chain regarding Island Bio Energy with Trevor Coulter dated 4<sup>th</sup> 0 10<sup>th</sup> May 2018 <b>Pages 20 - 26</b></li> <li>7. <b>Annexure 7;</b> FOI Releases from ATO Debt Paper File 1 &amp; 2 June 2014 evidencing waiver of Legal Privilege <b>Pages 27 – 66</b></li> <li>8. <b>Annexure 8;</b> Email Chain regarding Island Bio Energy with Trevor Coulter dated 4<sup>th</sup> - 10<sup>th</sup> May 2018 <b>Pages 20 - 26</b></li> <li>9. <b>Annexure 9;</b> FOI Releases from ATO Debt Paper File 1 &amp; 2 June 2014 evidencing waiver of Legal Privilege <b>Pages 27 - 66</b></li> <li>10. <b>Annexure 10;</b> Colour Scan Bill of Exchange 61.00036/16 Face Value AUD\$10,000,000.00 deposited with ANZ <b>Pages 67</b></li> <li>11. <b>Annexure 11;</b> Power of Attorney Mr Ali Lababidi <b>Pages 68 - 73</b></li> </ol>	

<p><b>Annexure 5;</b></p>	<p>5 X Submissions to the Royal Commission into the Financial Sector;</p> <ol style="list-style-type: none"> <li>1. <i>PWF.0001.0001.3571 Re NAB</i></li> <li>2. <i>PWF.0001.0001.3627 Re CBA re superannuation theft</i></li> <li>3. <i>PWF.0001.0001.8373 Re CBA re failure to monetise</i></li> <li>4. <i>PWF.0001.0001.8388 Re RBA failure to open account for APFF</i></li> <li>5. <i>PWF.0001.0001.9501 Re National Commercial Funding regarding Fraud overcharging</i></li> </ol>	<p>Pages 9 – 12                  Pages 13 – 16                  Pages 17 – 20                  Pages 21 – 24                  Pages 25 – 27</p>
<p><b>Annexure 6;</b></p>	<p>Letter of Information dated 10<sup>th</sup> March 2019 regarding Reserve Bank of Australia;</p> <ol style="list-style-type: none"> <li>1. <b>Annexure 1;</b> Email from Ian Chua setting out RBA responses other than FOI details;                         <ol style="list-style-type: none"> <li>a. Alleged explanation of Reserve Bank Role dated 12<sup>th</sup> January 2017 also regarding Committed Liquidity Facility</li> <li>b. Email Relator to RBA 20<sup>th</sup> November 2016 seeking Internal Review</li> <li>c. Email Ian Chua RBA to Relator 9<sup>th</sup> November 2016 re Banking services only to Government</li> <li>d. Email Relator to RBA 31<sup>st</sup> October 2016 re Purchased Payment Facility</li> <li>e. Email Ian Chua to Relator 25<sup>th</sup> October 2016 regarding Purchased Payment Facility</li> <li>f. Email Relator to Ian Chua 17<sup>th</sup> October 2016 re Notices to Admit Facts including that dated 10<sup>th</sup> October 2016</li> <li>g. Notice to Admit Facts 10<sup>th</sup> October 2016 served upon Regina and offer to Settle \$3,797,876,855,806</li> <li>h. Email dated 5<sup>th</sup> October 2016 re Notice of Objection/ Application for Internal Review/ Application for Extension of Time served on ATO setting out indebtedness</li> <li>i. Email Trevor Coulter to Relator re Notice of Objection/ Application for Internal Review/ Application for Extension of Time dated 20<sup>th</sup> September 2016</li> <li>j. Relator to Trevor Coulter Notice of Objection/ Application for Internal Review/ Application for Extension of Time dated 20<sup>th</sup> October 2016</li> <li>k. Email Relator to RBA dated 6<sup>th</sup> September 2016 regarding failure of ATO to make Tax Ruling on admissions of Fact</li> </ol> </li> <li>2. <b>Annexure 2;</b> <ol style="list-style-type: none"> <li>a. RBA to Relator dated 19<sup>th</sup> May 2017 RE: Freedom of Information Request &amp; Notices To Admit Facts &amp; This Notice of Actual and Apprehended Bias and PPSR ENQ-829463-P1B8N4</li> <li>b. Email Relator to RBA dated 30<sup>th</sup> April 2017 following resolution to create the Australian People Future Fund</li> </ol> </li> </ol>	<p>Pages 28 – 31                  Pages 32 – 33                  Pages 34 – 36                  Pages 36 – 37                  Pages 37 – 38                  Page 39                  Page 40                  Pages 41 – 42                  Pages 42 – 45                  Pages 45 – 46                  Pages 46 – 49                  Pages 49 – 51                  Pages 52 – 53                  Pages 53 – 58</p>

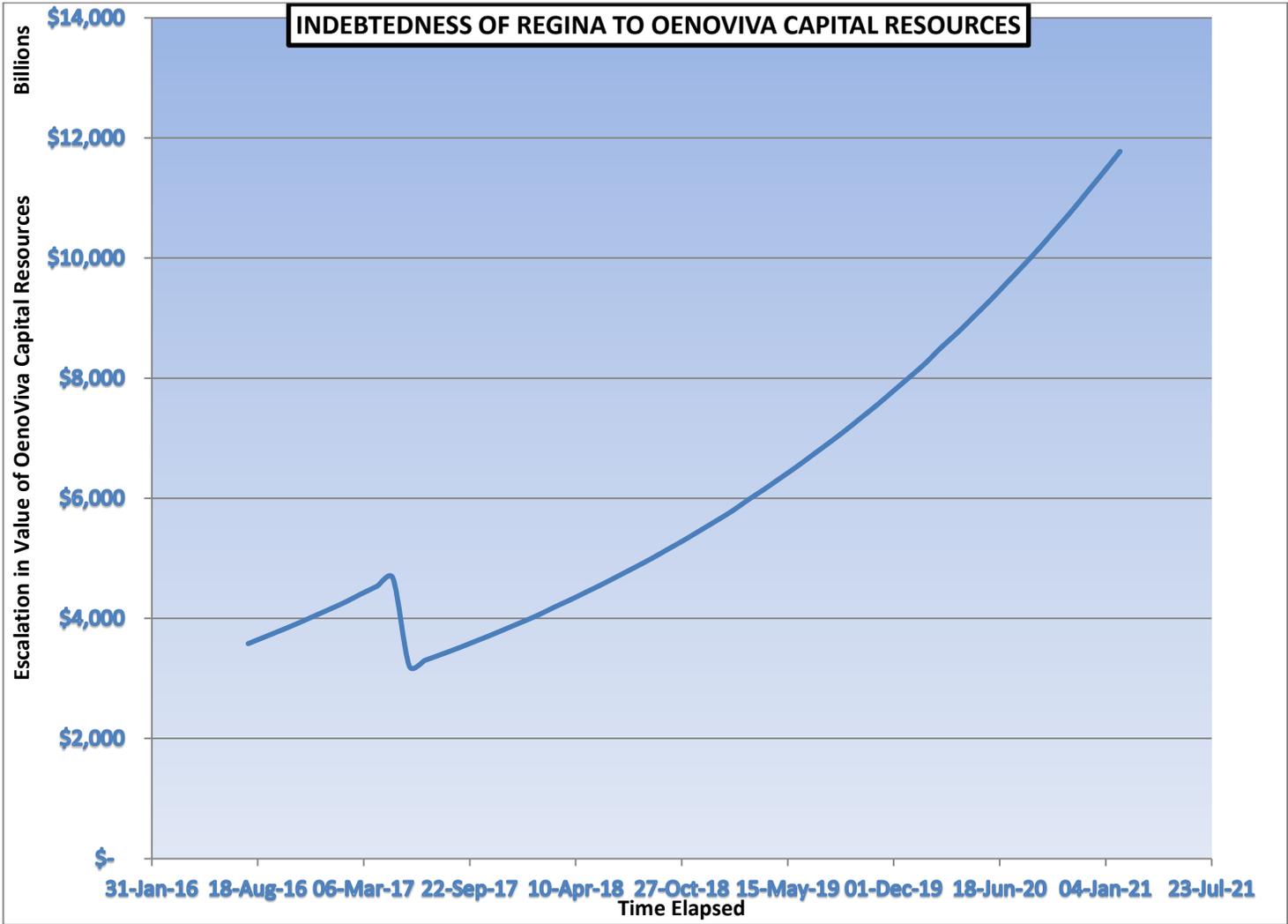
	<p>c. Email Relator to Regina Notice to Admit Facts 11<sup>th</sup> April 2017</p> <p>d. Email Relator to Senator Brandis 2<sup>nd</sup> April 2017 re Notice to Agent is Notice to Principal pursuit of Judgment Debt</p> <p>e. Email from Senator Brandis assistant confirming service of Notices to Admit Facts</p> <p>f. List of Notices to Admit Facts served on Senator Brandis</p> <p>g. Notice to Admit Facts dated 1<sup>st</sup> July 2016</p> <p>h. Relator Email Re s78B sent to SA AG 1<sup>st</sup> July 2016</p> <p>i. Email Relator to SA AG dated 1<sup>st</sup> July 2016 re Compensation Applications dated 26<sup>th</sup> June 2016</p> <p>j. Relator Email dated 30<sup>th</sup> June 2016 to Beach J, NAB and TWEV VID 404 of 2016 and VID 423 of 2016/ HCA A30 and HCA A31 of 2016/ AGFT 4 Audit and Admission of Liability and Consent to Register \$3, 475,595,327,841.50</p> <p>k. Resolutions of APPF and OVCR dated 30<sup>th</sup> April 2016</p> <p>l. <b>Annexure 1 to Resolutions;</b> Copy of Notarised Deed of Settlement of APFF dated 30<sup>th</sup> April 2017</p> <p>m. <b>Annexure 2 to Resolutions;</b> COPY OF NOTARISED INTERNATIONAL BILL OF EXCHANGE SN 61.00064/17 IN FAVOUR OF AUSTRALIAN PEOPLE FUTURE FUND</p> <p>n. <b>Annexure 3 to Resolutions;</b> Copy of Details from Secret Thatcher Files article</p>	<p>Pages 58 – 60</p> <p>Pages 60 – 61</p> <p>Pages 62</p> <p>Pages 62 – 63</p> <p>Pages 63 – 65</p> <p>Pages 65 – 66</p> <p>Pages 67 – 74</p> <p>Pages 74 – 76</p> <p>Pages 77 – 82</p> <p>Pages 83 – 96</p> <p>Pages 97 – 104</p> <p>Pages 105 – 117</p>
<p><b>Annexure 7;</b></p>	<p>Notice of Imputed Concerns to Adelaide Advertiser dated 14<sup>th</sup> June 2019 and links to DCCRM-19-73; Regina v Garrett &amp; HMC-19-90956; Regina v Garrett; <b>Pages 1 – 4</b></p> <p>1. <b>Annexure 1;</b> Graphical Representation of Debt and Escalation re OVCR <b>Page 5</b></p> <p>2. <b>Annexure 2;</b> Graphical Representation of Debt and Escalation re APFF <b>Page 6</b></p> <p>3. <b>Annexure 3;</b> NSD 1848 of 2018; Rubis &amp; Ors v Garrett &amp; Ors v Regina &amp; Ors Letter to the Federal Court of Australia dated 19<sup>th</sup> October 2018 regarding Adelaide Advertiser <b>Pages 7 - 10</b>  <i>Annexure 1;</i>  <i>Summons AMC-18-1585; Regina v Garrett dated 21<sup>st</sup> May 2018</i>  <b>Page 11</b>  <i>Summons AMC-18-1585; Regina v Garrett dated 26<sup>th</sup> March 2018</i>  <b>Page 12</b>  <i>Notice to Defendants re NON consent to Summary Judgment</i>  <b>Page 13</b></p> <p><i>Annexure 2;</i>  <i>Email Chain following Instructing Hayes Legal to accept service dated 21<sup>st</sup> May 2018</i>  <b>Page 14</b></p>	

	<p><i>Email to Brooke Sette dated 18<sup>th</sup> May 2018</i> <b>Page 15</b></p> <p><i>Annexure 3;</i>  <i>Adelaide Advertiser Articles regarding Disgraced Former Winemaker accused of \$6 Million Fraud</i> <b>Pages 16 – 18</b></p> <p><i>Annexure 4;</i>  <i>Office of Legal Services Co-ordination Correspondence</i> <b>Page 19 – 22</b></p> <p><i>Annexure 5;</i>  <i>Adelaide Advertiser Article</i> <b>Page 23</b></p> <p><b>Annexure 6; Collection of ATO Articles not covered in Advertiser</b></p> <p><i>Mongrel Pack of Bastards never published in the Advertiser</i> <b>Page 24 – 36</b></p> <p><i>Article Robert Gottlebeisen ATO Must be Brought to Account</i> <b>Page 37</b></p> <p><i>ATO Tax on Natural Justice</i> <b>Page 38 – 42</b></p> <p><i>Lawyers Call for Judicial Watchdog</i> <b>Pages 43</b></p> <p><i>Tax Office Crisis Looming</i> <b>Page 44</b></p> <p><i>ATO Has too much Power; Inspector General of Taxation</i> <b>Page 45</b></p> <p><i>Tax Inspector Ali Naroozi Bows Out</i> <b>Page 46</b></p> <p><i>Back Flip on Banking Royal Commission</i> <b>Page 47</b></p> <p><i>My Life’s Work was stolen by a Banker</i> <b>Page 48</b></p> <p><b>Annexure 7; ATO Transcripts of Interview Prior to obtaining FOI releases in 2014</b> <b>Page 49 – 67</b></p> <p><i>Annexure 8;</i>  <i>Holy Grail Blue ASIC Search 19 October 2018</i> <b>Pages 68 – 71</b></p> <p><i>Annexure 4;</i>  <i>Resolution of APFF and OVCR, Deed of Settlement and IBOE</i> <b>Page 72 – 99</b></p>	
<p><b>Annexure 8;</b></p>	<ol style="list-style-type: none"> <li>1. Email Relator to Regina dated 24<sup>th</sup> May 2017</li> <li>2. Email Relator to Peoples Republic of China dated</li> <li>3. Email Realtor to RBA dated 23<sup>rd</sup> May 2017</li> <li>4. Email Realtor to RBA dated 21<sup>st</sup> May 2017</li> <li>5. Application for Internal Review of FOI Decision Relator to RBA dated 21<sup>st</sup> May 2017</li> <li>6. RBA FOI response to Relator dated 19<sup>th</sup> May 2017 setting out reference to emails subject of Legal Professional Privilege</li> <li>7. Email Relator to RBA dated 30th April 2017 following resolution to create the Australian People Future Fund</li> <li>8. Email Relator to Regina Notice to Admit Facts 11th April 2017</li> <li>9. Email Relator to Senator Brandis 2nd April 2017 re Notice to</li> </ol>	<p>Pages 118 – 120</p> <p>Pages 120 – 122</p> <p>Pages 122 – 123</p> <p>Pages 122 – 123</p> <p>Pages 124 – 128</p> <p>Pages 129</p> <p>Pages 129 – 133</p> <p>Pages 134 – 136</p> <p>Page 136 – 137</p>

	<p>Agent is Notice to Principal pursuit of Judgment Debt</p> <p>10. Email dated 30<sup>th</sup> March 2017 from Senator Brandis assistant confirming service of Notices to Admit Facts</p> <p>11. List of Notices to Admit Facts served on Senator Brandis</p> <p>12. Notice to Admit Facts dated 1st July 2016</p> <p>13. Relator Email Re s78B sent to SA AG 1st July 2016</p> <p>14. Email Relator to SA AG dated 1st July 2016 re Compensation Applications dated 26th June 2016</p> <p>15. Relator Email dated 30th June 2016 to Beach J, NAB and TWEV VID 404 of 2016 and VID 423 of 2016/ HCA A30 and HCA A31 of 2016/ AGFT 4 Audit and Admission of Liability and Consent to Register \$3, 475,595,327,841.50</p>	<p>Page 137</p> <p>Page 138</p> <p>Pages 136 – 137</p> <p>Pages 137 – 141</p> <p>Pages 141 – 150</p> <p>Pages 150 - 152</p>
<b>Annexure 9;</b>	Copy of Power of Attorney to Ali Lababidi dated 2 <sup>nd</sup> May 2018	Page 153 - 158
<b>Annexure 10;</b>	Letter Relator to Power of Attorney dated 6 <sup>th</sup> May 2019 extending Maturity Dates and advising of ISIN Applicable	

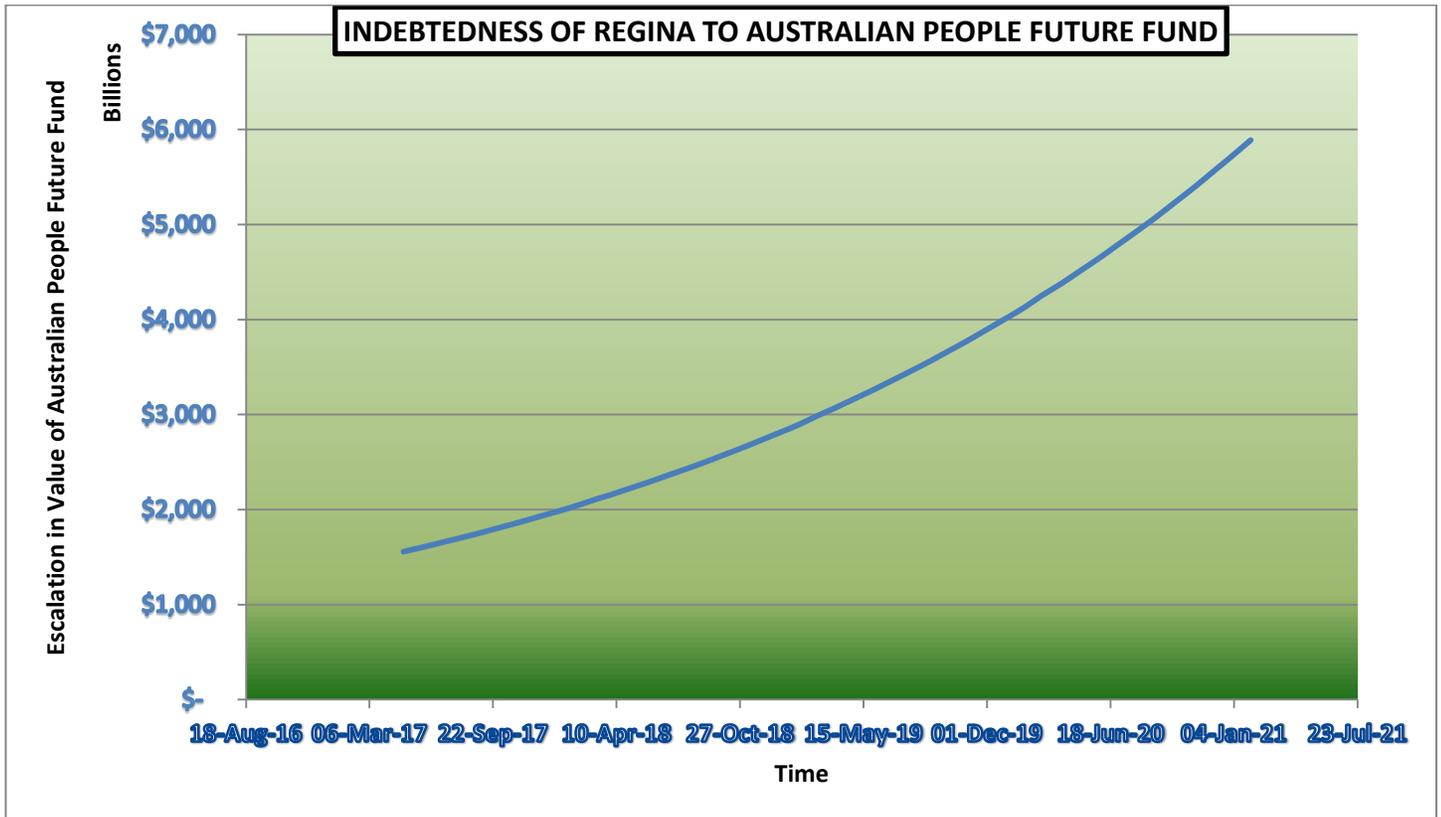


**ANNEXURE 4: MINIMUM ESCALATION OF INDEBTEDNESS OF REGINA TO THE TRUSTEES OF THE OENOVIVA CAPITAL RESOURCES // Not inclusive of calculations for loss of profits that could otherwise have been obtained from Private Placement Program Trading opportunities forgone at the rate of 25% per week compounding in which regard ALL RIGHTS RESERVED.**





**ANNEXURE 5: MINIMUM ESCALATION OF INDEBTEDNESS OF REGINA TO THE TRUSTEES OF THE AUSTRALIAN PEOPLE FUTURE FUND // Not inclusive of calculations for loss of profits that could otherwise have been obtained from Private Placement Program Trading opportunities forgone at the rate of 25% per week compounding in which regard ALL RIGHTS RESERVED.**



## ANNEXURE 6

### Australia - Credit Rating

Standard & Poor's credit rating for Australia stands at AAA with stable outlook. Moody's credit rating for Australia was last set at Aaa with stable outlook. Fitch's credit rating for Australia was last reported at AAA with stable outlook. DBRS's credit rating for Australia is AAA with stable outlook. In general, a credit rating is used by sovereign wealth funds, pension funds and other investors to gauge the credit worthiness of Australia thus having a big impact on the country's borrowing costs. This page includes the government debt credit rating for Australia as reported by major credit rating agencies.

Agency	Rating	Outlook	Date	Feedback
S&P	AAA	stable	Sep 21 2018	
S&P	AAA	negative	Jul 06 2016	
DBRS	AAA	stable	Jul 31 2014	
Fitch	AAA	stable	Nov 28 2011	
S&P	AAA	stable	Feb 16 2003	
Fitch	AA+	stable	Feb 03 2003	
Moody's	Aaa	stable	Oct 20 2002	
Fitch	AA	stable	Sep 21 2000	
S&P	AA+	stable	May 17 1999	
Fitch	AA	n/a	Nov 19 1998	
Fitch	AA	negative watch	Jun 18 1998	
S&P	AA	positive	Aug 21 1996	
Fitch	AA	n/a	Jan 25 1996	
S&P	AA	stable	Sep 03 1993	
S&P	AA	negative	Oct 24 1989	
Moody's	Aa2	stable	Sep 10 1989	
S&P	AA+	negative	Jun 26 1989	

<b>S&amp;P</b>	<b>AA+</b>	n/a	Dec 02 1986
<b>Moody's Australia - Credit Rating</b>	<b>Aa1</b>	stable	Sep 10 1986
<b>S&amp;P</b>	<b>AAA</b>	n/a	Jun 06 1975
<b>Moody's</b>	<b>Aaa</b>	stable	Oct 15 1974
<b>Moody's</b>	<b>A</b>	stable	Jan 15 1962
<b>S&amp;P</b>	<b>BBB</b>	n/a	Feb 27 1957

	<b>S&amp;P</b>	<b>Moody's</b>	<b>Fitch</b>	<b>DBRS</b>	<b>TE</b>	<b>Feedback</b>
<b>Albania</b> (/albania/rating)	<b>B+</b>	<b>B1</b>			<span style="border: 1px solid black; padding: 2px;">35</span>	
<b>Andorra</b> (/andorra/rating)	<b>BBB</b>		<b>BBB+</b>		<span style="border: 1px solid black; padding: 2px;">60</span>	
<b>Angola</b> (/angola/rating)	<b>B- ↓</b>	<b>B3</b>	<b>B</b>		<span style="border: 1px solid black; padding: 2px;">26</span>	
<b>Argentina</b> (/argentina/rating)	<b>B</b>	<b>B2</b>	<b>B ↓</b>	<b>B</b>	<span style="border: 1px solid black; padding: 2px;">31</span>	
<b>Armenia</b> (/armenia/rating)		<b>B1 ↑</b>	<b>B+ ↑</b>		<span style="border: 1px solid black; padding: 2px;">35</span>	
<b>Aruba</b> (/aruba/rating)	<b>BBB+ ↓</b>		<b>BBB- ↓</b>		<span style="border: 1px solid black; padding: 2px;">60</span>	
<b>Australia</b> (/australia/rating)	<b>AAA</b>	<b>Aaa</b>	<b>AAA</b>	<b>AAA</b>	<span style="border: 1px solid black; padding: 2px;">100</span>	
<b>Austria</b> (/austria/rating)	<b>AA+</b>	<b>Aa1</b>	<b>AA+ ↑</b>	<b>AAA</b>	<span style="border: 1px solid black; padding: 2px;">96</span>	
<b>Azerbaijan</b> (/azerbaijan/rating)	<b>BB+</b>	<b>Ba2</b>	<b>BB+</b>		<span style="border: 1px solid black; padding: 2px;">50</span>	
<b>Bahamas</b> (/bahamas/rating)	<b>BB+</b>	<b>Baa3</b>			<span style="border: 1px solid black; padding: 2px;">52</span>	
<b>Bahrain</b> (/bahrain/rating)	<b>B+</b>	<b>B2</b>	<b>BB-</b>		<span style="border: 1px solid black; padding: 2px;">35</span>	

Bangladesh (/bangladesh/rating)	BB-	Ba3	BB-		40
<b>Australia - Credit Rating</b> Barbados (/barbados/rating)	BB	Caa3			15
Belarus (/belarus/rating)	B	B3	B		26
Belgium (/belgium/rating)	AA	Aa3	AA-	AA (high)	88
Belize (/belize/rating)	B-	B3			20
Benin (/benin/rating)	B+		B ↑		32
Bermuda (/bermuda/rating)	A+ ↑	A2	N/A		78
Bolivia (/bolivia/rating)	BB-	Ba3	BB-		41
Bosnia and Herzegovina (/bosnia-and-herzegovina/rating)	B ↑	B3			27
Botswana (/botswana/rating)	A-	A2			72
Brazil (/brazil/rating)	BB-	Ba2	BB-	BB (low)	42
Bulgaria (/bulgaria/rating)	BBB- ↑	Baa2	BBB ↑		58
Burkina Faso (/burkina-faso/rating)	B				25
Cambodia (/cambodia/rating)	N/A	B2			30
Cameroon (/cameroon/rating)	B ↓	B2 ↓	B		30
Canada (/canada/rating)	AAA	Aaa	AAA	AAA	99

Feedback

<b>Cape Verde</b> (/cape-verde/rating)	<b>B</b>		<b>B</b>		<b>30</b>
<b>Australia - Credit Rating</b>					
<b>Cayman Islands</b> (/cayman-islands/rating)		<b>Aa3</b>			<b>85</b>
<b>Chile</b> (/chile/rating)	<b>A+</b>	<b>A1</b>	<b>A</b>	<b>N/A</b>	<b>80</b>
<b>China</b> (/china/rating)	<b>A+</b>	<b>A1</b>	<b>A+</b>	<b>A (high) ↓</b>	<b>80</b>
<b>Colombia</b> (/colombia/rating)	<b>BBB-</b>	<b>Baa2</b>	<b>BBB ↓</b>	<b>BBB</b>	<b>58</b>
<b>Congo</b> (/congo/rating)	<b>CCC+</b>	<b>B3 ↓</b>			<b>22</b>
<b>Costa Rica</b> (/costa-rica/rating)	<b>B+ ↓</b>	<b>B1 ↓</b>	<b>B+ ↓</b>		<b>38</b>
<b>Croatia</b> (/croatia/rating)	<b>BBB-</b>	<b>Ba2 ↑</b>	<b>BB+ ↑</b>		<b>50</b>
<b>Cuba</b> (/cuba/rating)		<b>Caa2</b>			<b>15</b>
<b>Cyprus</b> (/cyprus/rating)	<b>BBB-</b>	<b>Ba2</b>	<b>BBB-</b>	<b>BBB (low)</b>	<b>50</b>
<b>Czech Republic</b> (/czech-republic/rating)	<b>AA-</b>	<b>A1 ↑</b>	<b>AA-</b>		<b>81</b>
<b>Denmark</b> (/denmark/rating)	<b>AAA</b>	<b>Aaa</b>	<b>AAA</b>	<b>AAA</b>	<b>100</b>
<b>Dominican Republic</b> (/dominican-republic/rating)	<b>BB-</b>	<b>Ba3</b>	<b>BB-</b>		<b>38</b>
<b>Ecuador</b> (/ecuador/rating)	<b>B-</b>	<b>B3 ↓</b>	<b>B- ↓</b>		<b>25</b>
<b>Egypt</b> (/egypt/rating)	<b>B</b>	<b>B2</b>	<b>B+</b>		<b>30</b>

**Feedback**

El Salvador (/el-salvador/rating)	B-	B3	B-		23
<b>Australia - Credit Rating</b>					
Estonia (/estonia/rating)	AA	A1	AA-	AA (low)	81
Ethiopia (/ethiopia/rating)	B	B1	B		31
European Union (/european-union/rating)	AA	Aaa	AAA	AAA	98
Fiji (/fiji/rating)	B+	Ba3			35
Finland (/finland/rating)	AA+	Aa1	AA+ ↑	AA (high)	96
France (/france/rating)	AA	Aa2 ↑	AA	AAA	92
Gabon (/gabon/rating)	N/A	Caa1	B		26
Georgia (/georgia/rating)	BB- ↑	Ba2	BB		43
Germany (/germany/rating)	AAA	Aaa	AAA	AAA	100
Ghana (/ghana/rating)	B	B3	B		26
Greece (/greece/rating)	B+ ↑	B1	BB-	BB (low)	35
Grenada (/grenada/rating)	SD ↓				
Guatemala (/guatemala/rating)	BB-	Ba1	BB ↓		45
Honduras (/honduras/rating)	BB-	B1			35
Hong Kong (/hong-kong/rating)	AA+	Aa2	AA+		95

Feedback

Hungary (/hungary/rating)	BBB	Baa3	BBB		56
<b>Australia - Credit Rating</b> Iceland (/iceland/rating)	A	A3 ↑	A		73
India (/india/rating)	BBB-	Baa2	BBB-	BBB	56
Indonesia (/indonesia/rating)	BBB-	Baa2	BBB		56
Iraq (/iraq/rating)	B-	Caa1	B-		25
Ireland (/ireland/rating)	A+	A2	A+	A (high)	76
Isle of Man (/isle-of-man/rating)	N/A	Aa2			92
Israel (/israel/rating)	AA-	A1 ↑	A+		80
Italy (/italy/rating)	BBB ↓	Baa3	BBB ↓	BBB (high)	62
Ivory Coast (/ivory-coast/rating)		Ba3	B+		38
Jamaica (/jamaica/rating)	B ↑	B3 ↑	B+		28
Japan (/japan/rating)	A+ ↑	A1	A	A (high)	77
Jordan (/jordan/rating)	B+	B1			37
Kazakhstan (/kazakhstan/rating)	BBB-	Baa3	BBB		56
Kenya (/kenya/rating)	B+	B2	B+		35
Kuwait (/kuwait/rating)	AA	Aa2	AA		90
Kyrgyzstan (/kyrgyzstan/rating)	NR	B2			30

Feedback

Latvia (/latvia/rating)	A	A3	A-	A (low) ↑	71
Australia - Credit Rating Lebanon (/lebanon/rating)	B- ↓	Caa1	B- ↓		23
Lesotho (/lesotho/rating)			B+ ↓		35
Liechtenstein (/liechtenstein/rati	AAA				100
Lithuania (/lithuania/rating)	A	A3	A- ↑	A (low)	71
Luxembourg (/luxembourg/ratir	AAA	Aaa	AAA	AAA	100
Macau (/macau/rating)		Aa3	AA		85
Macedonia (/macedonia/rating)	BB-		BB ↑		42
Malaysia (/malaysia/rating)	A-	A3	A-		66
Maldives (/maldives/rating)		B2 ↓	B+		32
Malta (/malta/rating)	A- ↑	A3 ↑	A+	A (high)	73
Mauritius (/mauritius/rating)		Baa1			65
Mexico (/mexico/rating)	BBB+ ↓	A3	BBB+ ↓	BBB (high)	65
Moldova (/moldova/rating)		B3			25
Mongolia (/mongolia/rating)	B	B3	B		26
Montenegro (/montenegro/ratir	B+	B1 ↑			35
Montserrat ()	BBB-				55

Feedback

Morocco (/morocco/rating)	BBB- ↓	Ba1	BBB-		53
<b>Australia Credit Rating</b>					
Mozambique (/mozambique/rati	BB	Caa3	RD		12
Namibia (/namibia/rating)		Ba1 ↓	BB+ ↓		50
Netherlands (/netherlands/ratin	AAA	Aaa	AAA	AAA	100
New Zealand (/new-zealand/rating)	AA ↑	Aaa	AA		93
Nicaragua (/nicaragua/rating)	B- ↓	B2 ↓	B- ↓		26
Nigeria (/nigeria/rating)	B	B2	B+		31
Norway (/norway/rating)	AAA	Aaa	AAA	AAA	99
Oman (/oman/rating)	BB ↓	Ba1 ↓	BB+		48
Pakistan (/pakistan/rating)	B-	B3 ↓	B-		26
Panama (/panama/rating)	BBB+	Baa1	BBB		61
Papua New Guinea (/papua-new-guinea/rating)	B	B2			30
Paraguay (/paraguay/rating)	BB	Ba1	BB+		46
Peru (/peru/rating)	BBB+	A3	BBB+	N/A	65
Philippines (/philippines/ratin	BBB+	Baa2	BBB		60
Poland (/poland/rating)	A-	A2	A-	A	71

Feedback

Portugal (/portugal/rating)	BBB	Baa3	BBB ↑	BBB ↑	58
<b>Australia - Credit Rating</b>					0
Puerto Rico (/puerto-rico/rating)	B ↓				
Qatar (/qatar/rating)	AA-	Aa3	AA-		85
Republic of the Congo (/republic-of-the-congo/rating)	B-	Caa2	CCC		20
Romania (/romania/rating)	BBB-	Baa3	BBB-		55
Russia (/russia/rating)	BBB-	Baa3	BBB- ↑		53
Rwanda (/rwanda/rating)	B ↑	B2	B+		31
San Marino (/san-marino/rating)			BBB- ↓		55
Saudi Arabia (/saudi-arabia/rating)	A-	A1	A+		78
Senegal (/senegal/rating)	B+ ↑	Ba3			37
Serbia (/serbia/rating)	BB ↑	Ba3	BB		41
Seychelles (/seychelles/rating)			BB-		30
Singapore (/singapore/rating)	AAA	Aaa	AAA	AAA	98
Slovakia (/slovakia/rating)	A+	A2 ↑	A+	A (high)	78
Slovenia (/slovenia/rating)	A+ ↑	Baa1 ↑	A-	A	72

Feedback

Solomon Islands (/solomon-islands/rating)		B3			25
<b>Australia - Credit Rating</b>					
South Africa (/south-africa/rating)	BB	Baa3	BB+		50
South Korea (/south-korea/rating)	AA	Aa2	AA-		86
Spain (/spain/rating)	A- ↑	Baa1	A-	A	68
Sri Lanka (/sri-lanka/rating)	B	B2	B		31
St Vincent and the Grenadines (/st-vincent-and-the-grenadines/rating)		B3			25
Suriname (/suriname/rating)	B	B2	B-		28
Swaziland (/swaziland/rating)		B2 ↓			
Sweden (/sweden/rating)	AAA	Aaa	AAA	AAA	99
Switzerland (/switzerland/rating)	AAA	Aaa	AAA	AAA	100
Taiwan (/taiwan/rating)	AA-	Aa3	AA-		83
Tajikistan (/tajikistan/rating)	B-	B3 ↓			25
Tanzania (/tanzania/rating)		B1 ↓			
Thailand (/thailand/rating)	BBB+	Baa1	BBB+		63

Feedback

Trinidad and Tobago (/trinidad-and-tobago/rating) **BBB+ ↓** **Ba1** 57

Tunisia (/tunisia/rating) **N/A** **B2 ↓** **B+ ↓** 31

Turkey (/turkey/rating) **B+** **Ba3 ↓** **BB ↓** **BB (high) ↓** 43

Uganda (/uganda/rating) **B** **B2** **B+** 33

Ukraine (/ukraine/rating) **B-** **Caa1** **B-** 21

United Arab Emirates (/united-arab-emirates/rating) **AA** **Aa2** **AA** 90

United Kingdom (/united-kingdom/rating) **AA ↓** **Aa2** **AA ↓** **AAA** 92

United States (/united-states/rating) **AA+** **Aaa** **AAA** **AAA** 98

Uruguay (/uruguay/rating) **BBB** **Baa2** **BBB- ↓** **BBB (low)** 55

Uzbekistan (/uzbekistan/rating) **BB-** **B1** **BB-** 40

Venezuela (/venezuela/rating) **SD** **C** **RD** 12

Vietnam (/vietnam/rating) **BB** **Ba3** **BB ↑** 43

Zambia (/zambia/rating) **B- ↓** **Caa2 ↓** **B- ↓** 30

Feedback

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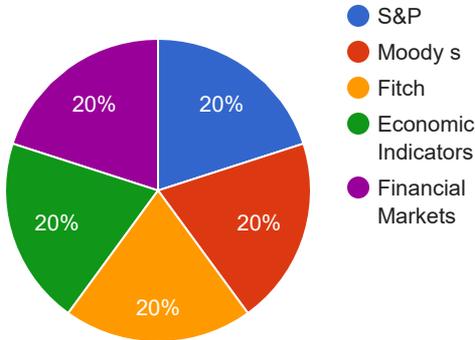
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**Ratings**

TE	S&P	Moody's	Fitch	DBRS	Description	Feedback
Australia	Credit	Rating				
100	AAA	Aaa	AAA	AAA	Prime	
95	AA+	Aa1	AA+	AA (high)	High grade	
90	AA	Aa2	AA	AA		
85	AA-	Aa3	AA-	AA (low)		
80	A+	A1	A+	A (high)	Upper medium grade	
75	A	A2	A	A		
70	A-	A3	A-	A (low)		
65	BBB+	Baa1	BBB+	BBB (high)	Lower medium grade	
60	BBB	Baa2	BBB	BBB		
55	BBB-	Baa3	BBB-	BBB (low)		
50	BB+	Ba1	BB+	BB (high)	Non-investment grade speculative	
45	BB	Ba2	BB	BB		
40	BB-	Ba3	BB-	BB (low)		
35	B+	B1	B+	B (high)	Highly speculative	
30	B	B2	B	B		
25	B-	B3	B-	B (low)		
20	CCC+	Caa1	CCC	CCC (high)	Substantial risks	
15	CCC	Caa2		CCC	Extremely speculative	
10	CCC-	Caa3		CCC (low)	In default with little prospect for recovery	
	CC	Ca		CC		
5	C	C		C		
0	D	/	DDD		In default	
		/	DD	D		
			D			

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**Australia - Credit Rating**

 (news)

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Week Ahead (/calendar?article=27910&g=top&importance=2&startdate=2019-05-24)  
Mexico Economy Shrinks 0.2% QoQ in Q1 (/mexico/gdp-growth)  
Mexico Trade Balance Swings to Surplus in April (/mexico/balance-of-trade)  
Mexico Annual GDP Growth Rate Revised Down to 1.2% (/mexico/gdp-growth-annual)  
Russia Jobless Rate Unchanged at 5-Month Low (/russia/unemployment-rate)  
US Durable Goods Orders Fall More than Expected (/united-states/durable-goods-orders)  
New Zealand Trade Surplus Widens in April (/new-zealand/balance-of-trade)  
Malaysia April Inflation Rate Below Estimates (/malaysia/inflation-cpi)  
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Feedback

# The Unfortunate Background to Derek Bromley's Criminal Appeal

Dr Bob Moles\*

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

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

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

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

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

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

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

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

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



## Moles

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

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

### A CHRONOLOGY OF MANOCK’S QUESTIONABLE CAREER

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

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

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

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

<sup>8</sup> Sangha and Moles, n 6, 273–276. See also B Martin, *Inquiry into the Conviction of David Harold Eastman for the Murder of Colin Stanley Winchester*, Report of the Board of Inquiry, 2 <[https://www.courts.act.gov.au/\\_data/assets/pdf\\_file/0010/977680/eastman\\_inquiry\\_-\\_board\\_of\\_inquiry\\_redacted\\_full\\_report\\_29\\_may\\_2014.pdf](https://www.courts.act.gov.au/_data/assets/pdf_file/0010/977680/eastman_inquiry_-_board_of_inquiry_redacted_full_report_29_may_2014.pdf)>.

<sup>9</sup> He was appointed “Senior Crown Prosecutor” in 1982.

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

<sup>11</sup> See Dr Byron Collins, ABC 4 Corners “*Expert Witness*” (22 October 2001) where he explains that histopathology is an essential part of any complete autopsy.

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

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

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

Counsel: And would you agree that estimates of time of death on the basis of stomach contents are very unreliable.

Dr Manock: I do agree with that.<sup>13</sup>

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

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

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

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

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

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

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

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

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

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

<sup>15</sup> D Rooke, *A Witness of Fact* (Scribe, 2022) Ch 5.

<sup>16</sup> R Moles, *Losing Their Grip: The Case of Henry Keogh* (Elvis Press, 2006) 192.

<sup>17</sup> *Perry v The Queen* (1982) 150 CLR 580, 600.

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## Moles

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

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

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

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

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

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

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<sup>18</sup> Robert Moles, *A State of Injustice* (Lothian Books, 2004) 102–108.

<sup>19</sup> Moles, n 18, 125–138.

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

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

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

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

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

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

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

<sup>21</sup> Sangha and Moles, n 6, 355–403.

<sup>22</sup> They were eventually published two days after Mr Keogh was convicted.

<sup>23</sup> Affidavit of Michael Sykes, n 20.

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