

The Sport of 'Legal Abuse'

Sub Title: **Doing a Mate a Favour**



Garth Eaton

This document is a snapshot of the life of Garth William Eaton. It explains why his identity was falsified 46 years ago; and how the passing of that baton by government officers throughout those years has wreaked incredible financial damage within his life and the lives of his investors and others.

And at no stage, regardless of an exemplary attempt by State Police in the late '90s, has the legal abuse subsided; and in no small part because of the criminal efforts of government officers within the ACCC, the AGS and Justice Spender (Retired).

Today, as Chairman of The Australian Justice Tribunal (a charity offering pro bono legal assistance to financially distressed Australians), Garth Eaton's fight to clear his name is still ongoing. But this fight, in no way impedes his efforts to deliver the natural justice that should be the right of all Australians.

Furthermore, it is hoped that by licensing his charity's intellectual property to Australian legal and accounting practices he will eventually be able to assist all of the 200,000 Australians annually who are in dire need of the pro bono legal assistance he once needed himself.

And now, a glimpse of his story:

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Early History

1. Garth Eaton was born 18 November 1946 to working class parents. His father was an aircraft fitter during WWII and a motor mechanic thereafter. He had four siblings.
2. Garth was educated at Salisbury State High School to the completion of Senior year (i.e. Year 12).
3. He married 9 July 1966 in Brisbane and immediately relocated to Mt Isa. He was 19.
4. Between July 1966 and November 1969 he worked for Mount Isa Mines having spent the last two and a half years as an underground miner.

Beginning a New Life

5. He returned to Brisbane and began working for a Stockbroker (Corrie & Co) during the Poseidon nickel boom; soon becoming the House Account Controller.
6. He attended the obligatory Securities Industry course through the Brisbane Stock Exchange.
7. It was during his time at Corrie & Co that he wrote and published a hand book, *Breaking into Broking*, to be used by share investors and speculators. It was also recommended by the Securities Institute of Australia as a first year text for students.

His Business Life Began

8. Returning to Mt Isa in July 1971 at the end of the nickel boom he established a successful share portfolio service. He was 24.
9. In late 1972 Garth also began developing an unlisted public investment company, *Combined Securities Limited*, which would become involved in the acquisition of high cash flow properties and businesses. His share portfolio service was immediately brought under this company's banner and offered as a free service to all shareholders.
10. In December 1972 he bought a 280SE Mercedes Benz and drove it off the showroom floor to Mt Isa. It was the most prestigious car in the city at this time. He had just turned 26.
11. By February 1973 he had become heavily involved in raising the seed capital required to float *Combined Securities Limited*. In part, he applied the concept of 'put options' to property in order to raise that money, even though put options were traditionally the domain of equities trading. This was challenged by one of his clients' solicitors, Vic Moffatt, who had informed the client that no such investment vehicle existed within property or otherwise.
12. Naturally, he could not leave it there. Vic had been a champion of miners' working conditions and compensation entitlements for many years and was well-respected. His influence was substantial and Garth urgently needed to bring him onside. He arranged a meeting in Vic's office to discuss matters rationally and diplomatically.

13. But Garth was about to get his first taste of '**intellectual dishonesty**' as Moffatt pulled a large law book off the shelf and flicked through the pages while mumbling incoherently to himself. He then slammed the book shut and placed it back on the shelf, still convinced that put options did not exist.
14. Garth made another attempt to diplomatically convince him by placing a copy of his own book, *Breaking into Broking*, on his desk and turning to a chapter dedicated to put and call options. But Moffatt became noticeably upset.
15. He closed any further discussion by standing and opening his office door. There was nothing Garth could say to convince him of the legitimacy of applying the mechanics of a put option to properties instead of equities. In fact, put options in his mind did not exist irrespective of which investment arena. He concluded with the words, "That's my position on the subject". Moffatt then walked Garth to the ground floor and kept his glaring eyes on him as he got into his Mercedes.
16. In spite of being diplomatic and courteous Garth had just made a powerful enemy of a man who had dishonestly tried to tell him that a put option did not exist, let alone acknowledge its legitimate application to property.
17. He would lose many clients that year and face extreme difficulty in attracting others in the years ahead. The majority of Garth's clients needed to seek legal advice and Moffatt & Associates were the prime 'go to' Law Firm. A concerted defamation campaign against Garth Eaton had just begun. And it would intensify as his business profile grew.
18. In October 1974 (still 27) he successfully negotiated the property marketing rights to the highly prestigious Kooralbyn Valley Resort and began the marketing of it in North Queensland. It was owned by Sir Peter Abels and Sir Arthur George. Once again, Garth was lifting his profile to an even more unacceptable level in the eyes of a small close-knit business community.
19. To add to the growing animosity he was unwittingly creating, Garth began producing and personally presenting a series of half-hour television programs on ITQ 8. They were titled, *Making Money*, and would air each week in prime time.
20. These television programs were followed up each week with a half-hour program on Radio 4LM also titled, *Making Money*.
21. The primary purpose of both productions was to:
 - a) generate clients for his company's share portfolio service;
 - b) attract investors to the share offer being made by *Combined Securities Limited*;
 - c) attract property buyers to the Kooralbyn Valley Resort development; and
 - d) substantially increase the profile of *Combined Securities Limited* as it targeted high cash flow Caravan Parks for acquisition.

His Greatest Offence

22. Vic Moffatt's biggest client was a Real Estate Agent who was also marketing a highly prestigious resort development to Mt Isa clients. Moffatt & Associates were recommended as solicitors for these buyers and also acted as solicitors for the Agent's buyers of local residential properties and south-east Queensland vacant land. This Agent provided a substantial income stream for Moffatt.
23. It was bad enough that Garth was already taking a heavy slice of available investors for his public company and share portfolio service but the Kooralbyn project was now taking property buyers away from Moffatt's major client.
24. And just to exacerbate the problem of dwindling revenue for Moffatt, Garth's television and radio programs were indirectly enticing viewers to invest in his projects.
25. By early 1975 Moffatt's defamatory onslaught against Garth Eaton had been compounded by many of his business clients who had taken exception to Garth's presence in their cloistered business community. In their minds, this former underground miner turned Author, entrepreneur, television and radio presenter, and property marketing guru had to go. There were only a finite number of dollars to go around in this small community and Garth was taking far more than his share; so they thought.

Falsification of Garth's Identity (early 1973)

26. It would be 1987 before Garth was told that he "had come on file with Corporate Affairs" – now Australian Securities & Investments Commission (ASIC) – in the early 1970s with a false date of birth and New Zealand as his false country of birth.
27. There were also defamatory comments being made in association with his name that would deter any prospective investor. For example:
 - a) Fraud convictions in New Zealand;
 - b) Under Interpol surveillance;
 - c) Money salted away in jewellery and property overseas; and
 - d) Board of directors like the league of nations

Removing a Competitor

28. Following intensive research Garth was able to reasonably conclude that Moffatt had seconded a compliant government officer (Ian Robert Frew – Corporate Affairs investigator) to "specialise in Garth Eaton". And in the wild and woolly days of the 70s that was not uncommon.
29. **According to Queensland's Special Branch (a division of the Police Force) there were any number of government officers only too willing to ingratiate themselves with high profile lawyers who needed a favour done for their clients.** And Special Branch had good reason to know; they were experts in "doing a mate a favour".

30. It had become part of a Queensland business culture which began at the top. Their own Premier, Joh Bjelke-Peterson had become notorious during his 20-year reign at the top for destroying competitors (business and political) to the point of hunting them out of the State. In fact, it was his own Special Branch who did the Premier's bidding. It was known as “**emptying out**”; that is, leave your competitor or adversary with nothing but the option to close down and move out.
31. And at a far lower level, this tactic was also skilfully used to remove Garth Eaton; a business competitor who had inadvertently offended Moffatt and who was also severely affecting his major revenue stream.
32. At an interview with Ian Frew on 26 November 1987 Garth asked Frew if he had given him that false identity. He evaded a direct answer by simply saying, “It's been common knowledge for years”.

Fitzgerald (Justice Tony Fitzgerald QC) Inquiry into government corruption (1987-1989)

33. As a result of an inquiry into corruption within political, police and public service conduct, by mid-1989 the Premier, the Police Commissioner, and a line-up of high profile politicians and others now faced criminal prosecution. Special Branch was also dismantled and its bag of dirty tricks exposed.
34. Garth's eBook autobiography, *Beneath the Bench*, has far more to say on the subject of wiping him out but suffice it to say that Moffatt's statement to Garth's solicitor, Laurie Evans, in 1975 said it all. “It's not you I want, Laurie, it's the man behind you.”

1976 – The Damage Was Done

35. The unwarranted damage done to Garth's reputation had caused enormous problems. Investors withdrew and even property investors shied away. Private lenders ceased to roll over their loans and insisted on recalling their capital. Finance for the acquisition of the first of eight Caravan Parks was also withdrawn.
36. It had taken little more than three years to bring Garth down. But then, the environment was small enough for a false spark to turn into a destructive fire almost overnight. He was declared bankrupt on 15 June 1976 and returned to Brisbane; but not before Moffatt tried to drive in the final nail by insisting that his Trustee in bankruptcy conduct a full investigation into whether or not he was withholding funds from creditors. Moffatt even brought in Police to give Garth another shake-up.
37. To Moffatt's upset he soon learned from the Trustee and Police that Garth had put everything into his businesses including his home. Furthermore, **he had protected Shareholders of Combined Securities Limited and it's projects** by borrowing seed capital in his own name.

Becoming Sport

38. Unfortunately, the severity of the damage done to Garth's reputation was now compounded by bankruptcy. It was now far easier to defame him. He would remain a target (i.e. **sport**) each time he developed a new business. And that destructive intervention would cause him to

develop many businesses as the years passed; each displaying the same innovative and entrepreneurial skills he had used from the beginning of his business life.

39. Garth did very little that was conventional; always expanding on aspects of business practices that would help to achieve the final result. But never anything that was unlawful, even though he was challenged many times by hip-shooting government officers intent on creating further damage. And damage they did.

Chain of Takeaways

40. By late 1985 Garth had sold off a chain of nine takeaways which he had developed under extremely difficult private funding circumstances. Even the appointment of managers was made difficult because of the defamatory onslaught against him. It would be another two years before he was made aware of his falsified identity. And just a hint of intervention by government officers in your business activities is enough to deter anyone from participating. The proceeds from the sale of these takeaways was meagre.

Australian Estates Pty Ltd

41. After five years of mindlessly making hamburgers and steak sandwiches around the clock, along with developing management systems and training managers and staff of his takeaways, Garth took the little money he had and put his resources into developing a real estate franchise Australia-wide. Once again, he came under attack and was eventually slammed by Justice Pincus of the Federal Court. Of the four claims made against his company, *Australian Estates Pty Ltd*, by Elders IXL (John Elliot) he had won three, but the fourth prevented him from developing a franchising system under the name, "Australian Estates".
42. And yet, from the outset he had every legal right to use that name without fear of being challenged. But having been prevented from trading for two years at enormous cost, loans that were needed to fund the project were recalled and Garth was declared bankrupt for a second time on 20 November 1987.
43. In that same month of 1987 he would learn from Ian Frew that Justice Pincus "had possibly been influenced" by the dissemination of his falsified criminal history. Government officers had kicked another significant goal. **His business life had long-since become sport.**

Wilfully Provoking His Arrest

44. In April 1988 Garth and his wife were staying in serviced apartments at Spring Hill in Brisbane as an interim stopover on their way to Canberra. It was Garth's intention to establish headquarters for The Federal Party of Australia. He was Federal President.
45. He challenged the manager of these apartments when he learned that access to their room had been granted to Ian Frew (Corporate Affairs) without their authority.
46. This was the last straw. Garth decided to withhold payment for their accommodation (after having already paid several thousand dollars thanks to a financial backer). He was then threatened with Police action.

47. Knowing that the provoking of his arrest would give him a platform to air the conduct of the manager and more importantly, the platform he needed to expose the falsification of his identity, he stood his ground and forced his arrest.
48. At trial, the judge instantly recognised what he was up to and dismissed the jury. But Garth had made his point and discredited the Commissioner for Corporate Affairs, at the same time making it publicly known that his Office had been responsible for the falsification of Garth's identity and business history.
49. However, even though he had made his point he had also whacked a hornets' nest. The intensity of the disruption to his business life was about to increase.

Vaportec and Parktec Projects

50. In late 1989 Garth began developing a unique fuel delivery system for petrol driven engines through his company, Vaportec International Pty Ltd. And in concert with this project he had taken on another inventor with a unique concept (so his patent attorneys thought) for a mechanical carparking system and formed a separate company, Parktec International Pty Ltd. The method of financing these projects relied on attracting management franchisees. This was a well-established form of franchising in the United States but very new to Australia.
51. Garth brought in the largest firm of solicitors in Queensland to draft the franchise agreements, in particular, Andrew Greenwood, a senior partner of what soon became Minter Ellison. But from day one he had become a target, once again, for investigators within Queensland's Corporate Affairs which fell under the jurisdiction of the National Companies & Securities Commission (NCSC).
52. In January 1991 the NCSC became the Australian Securities Commission (ASC) and it was the ASC's newly appointed Investigator and Enforcer, one Jamie Orchard, who was given the task of bringing Garth Eaton down (as he would later learn).
53. By the end of 1991 Garth's company had successfully appointed **Vihorlat Snina** (a Czechoslovakian engineering company) to develop the Parktec mechanical carparking prototype. His company had also instigated World Bank funding to assist in the costs of developing that prototype within the terms of their International Manufacturing Licence and International Franchise Agreements which his company, Parktec, had granted on 22 July 1991.
54. Thus far he had only experienced minor interference on the part of Jamie Orchard (ASC).
55. In tandem with these projects Garth had been advised by the Australian Electoral Commission that his political party, The Federal Party of Australia, had just been registered (4 November 1991).
56. But his luck could not possibly hold out. By early 1992, Orchard had contrived a challenge to the legality of the franchise agreements by claiming that his companies were breaching the Prescribed Interest provisions of the Corporations Law. He threatened criminal prosecution of Garth's wife and himself as directors if they did not cease their franchising activities.

57. Naturally, Garth asked a representative of Minter Ellison (Law Firm) to accompany him at a meeting he had set up in the ASC's offices. He wanted to put an end to the threats.
58. At that meeting Orchard's response to many of Garth's questions were met with his simply raising his thumbs upwards in a gesture that clearly meant, "So what". He had an agenda and nothing that Garth or his solicitor, Paul Weightman, said in defence of the franchise agreements was going to be considered. He walked out of the meeting and left it to his solicitor.
59. Later that day Garth received a call from his solicitor telling him that he had reached common ground with the ASC and as a result it would only cost Garth's companies \$70,000 to "sanitise the franchise agreements". Garth was not only insistent that he would not be paying that \$70,000 but that the existing current debt of \$94,000 for preparing the offending agreements would not be paid.
60. Andrew Greenwood (now Justice Greenwood of the Federal Court of Australia) had prepared those agreements flawlessly, but even so, a 27-year-old ASC enforcer was going to wield his authority no matter what. However, the cost of altering the agreements to comply with the destructive whims of the ASC should not have been Garth's.
61. The ASC's threat of criminal prosecution had only been a bluff; just an excuse to bounce Garth around once again. He continued to attract franchisees without any hint of being prosecuted. But that was not acceptable to Orchard. He would try another angle knowing that he had no grounds on which to prosecute.
62. The next step was to send Enzo Bondio (ASC Investigator/Enforcer) and Mike Platzer (AFP) into Garth's office to coerce him into bending to Orchard's original demands. He did not comply.
63. Some years later Garth met with Mike Platzer at a social function. And when he raised the subject of that interview with Enzo Bondio present, Mike said, "Frankly Garth, half way through that interview I had begun to wonder why I was there". But they both knew the purpose and the subject was dropped.
64. When that didn't work Orchard then brought in Lex McLeay, another Federal Police officer, to commence a smear campaign, and he did a powerful job. Investors and franchisees were systematically contacted and caused incredible upset. This campaign then extended to prospective franchisees. The word, "scurrilous" does not cover it. (Garth will personally explain this campaign if asked.)
65. And as part of that ongoing smear campaign it was also Orchard who disseminated the fact that one of Garth's directors (his wife) had criminal convictions for Stealing and False Pretences; convictions that these days would not have been recorded. At 18 (as a model) she had shoplifted a number of garments and exchanged certain other garments for the correct size and colour and sometimes received a refund without proof of purchase. Security measures are now too stringent to allow that to occur, but this was February 1966 and many models were involved.
66. But then, Garth would also learn that Ian Frew and cohorts had disseminated that same information beginning 19 years earlier in 1973. And at no stage did any of them say that his

wife's convictions were minor youthful misdemeanours. She could have been guilty of grand larceny for all anyone knew. Regrettably, his wife was a director of his companies.

67. Yet, regardless of having to spend most of his time placating investors and franchisees Garth had a core group of strong supporters (including staff) who ensured that Orchard and McLeay were not going to succeed. But in time they would prove too overpowering. "There are some big guns trained on you, Garth" were the words of a Brisbane Barrister, Mr Raymond Ward, in mid-1993 when referring to the intent of Orchard and the ASC. And yet, no offence had been committed.
68. By mid-1992 Garth had closed down the Vaportec project after having spent several million dollars and still not being able to resolve the main obstacles. And nor had Honda with their 600+ engineers worldwide who had been instructed to focus on those same obstacles.
69. Parktec's Czechoslovakian manufacturers had also been poisoned by Orchard's and McLeay's defamation campaign and had decided to run independent of Garth's company (Parktec) in spite of breaching the manufacturing licence and franchise agreements.
70. Also, the purported inventor of the mechanical carparking system, one Willem Van Der Horst, had been primed well by Orchard in his own campaign of defamation and destruction, and had begun to deal directly with Parktec's manufacturers.

Criminal Search

71. In early 1993 the defamatory onslaught against Garth had intensified to a point where staff had also been contaminated, believing that he had criminal convictions. As a result, a delegation of three approached Garth to ask if they could conduct a national criminal search on him. He agreed and gave them the authority to receive the results.
72. Some weeks later the results were in. Staff were pleased that Garth had no criminal convictions whatsoever (only DUI). But the search curiously disclosed the identity of another Garth William Eaton born 18 November 1947 (Garth's is 1946) who was described as bald and 170cm tall (not him). Yet such detail never normally appears on a police search. They never did get to the bottom of this mystery but put it down to government officers giving themselves an out (mistaken identity) if ever required.
73. By 1994 Van Der Horst had been sufficiently emboldened by Orchard to convince his solicitor to make a complaint to the Trade Practices Commission (TPC) on the grounds that Garth's companies were infringing his patents. But he had failed to tell his solicitor and the TPC that his patents were invalid.

Enforcers United

74. The TPC's enforcer, Terence Guthrie, was quick to seize on this false complaint after reading not just the complaint itself but the accompanying defamatory material against Garth. As Van Der Horst often said, "I live to break Eaton and Parktec".
75. Garth was never given the opportunity to personally respond to the complainant's claims. But instead, he was subjected to a highly defamatory newspaper article which claimed that he was

franchising Van Der Horst's patents. This upsetting, false article had been orchestrated by Guthrie in readiness for an upcoming federal court Application to be served on Garth, his wife and his companies as Respondents; an Application claiming infringement.

76. Even in light of the TPC's appointed patent attorney, Dr Ian de Jonge, stating categorically that no infringement had taken place they still proceeded against the Respondents by contriving a combination of claims which were invalid and not linked to the original claim. They had to amend their original claim to justify having proceeded too early and erroneously.
77. Public servants cannot be seen to make mistakes and when they do, every effort is made to hide the mistakes beneath an avalanche of fabricated material. In short, just proceed to bury the mistakes and the respondents with it.
78. And to assist in burying that mistake ensure that you have the right judge. In Garth's case the Australian Government Solicitor (AGS) had been skilful enough to get their matter before one of Australia's most notorious judges, one Justice Jeffrey Ernest John Spender of the Federal Court of Australia (later explained).
79. Garth and his companies now had Alan Ducret (Regional Director, ACCC), Guthrie (ACCC), Peter Toy (AGS), Lesley Ziukelis (AGS) and the most corrupt of them all, Justice Spender, linking arms in a concerted effort to destroy years of work. And yet they had been advised of the complainant's (Van Der Horst's) fraudulent conduct and the fact that he was currently the subject of a police investigation.

Facing Blatant Criminal Conduct

80. What followed prior to, during, and subsequent to trial can only be described as criminal conduct on the part of the ACCC, the AGS and the Bench. This will be discussed more fully if required. But here is the essence of that conduct:
 - a) A successful attempt had been made by ACCC officers to 'defeat' justice by publishing a newspaper article which personally defamed Garth prior to instituting legal proceedings against him.
 - b) ACCC and AGS officers used an unauthorised highly paid patent attorney to furnish a compliant patent report in contravention of earlier, jointly agreed examining procedures.
 - c) These officers removed a directions hearing on the final sitting day of 1994 without notice to the Respondents in order to stall the hearing date of the Respondents' Notice of Motion.
 - d) The fact that the complainant's solicitor, who had lodged the complaint with the ACCC, was a shareholder in the complainant's company (and stood to gain financially), was dismissed with a flick of the judge's hand.
 - e) At the beginning of trial Spender J refused to hear any evidence concerning the impending fraud charges about to be laid by Queensland Police against Van Der Horst, the ACCC's complainant. And yet, the material provided clearly set out the facts concerning Van Der Horst's plagiarising of a US patent which he had held out to Garth and his staff as being his own work. Even the Australian Patents Office had failed to cite this patent when granting

him two patents; the same invalid patents he claimed Garth and his companies were infringing (further explanation can be provided).

- f) Even though Garth had been given leave by Drummond J to represent himself, his wife and their companies, Justice Spender showed his annoyance at Garth's self representation throughout the trial.
- g) The Solicitor (Peter Toy of the AGS) and Counsel (Phil Hack) for the ACCC surreptitiously handed up that defamatory newspaper article to the judge during trial in the hope of successfully colouring Justice Spender's attitude towards Garth and the other Respondents. It worked! And they successfully defeated justice.
- h) Numerous attempts were made by the judge to intimidate the Respondent's patent attorney when argument was proffered in their support.
- i) Spender J made a startling attempt to intimidate the Respondents from the Bench by bellowing, "**That's gotta be the killer blow**", when in truth he had no understanding of the subject matter.
- j) Counsel for the ACCC took advantage of a legally untrained, self-represented Respondent (Garth) by coercing the release of privileged material to the judge.
- k) The judge was not shy in making adverse and defamatory comments against Garth during trial.
- l) The judge seized on every opportunity during trial to declare that the Respondent's technology would be deemed published (because of its exposure in court) and thereby rendered invalid. He even showed offence when told otherwise by expert witnesses.

Reasons for Judgment

- m) In the judge's Reasons for Judgment he referred to Van Der Horst as "a decent and honest witness". In truth, this ACCC complainant had lied 31 times under cross examination; 20 of which constituted Giving False Testimony (i.e. Perjury) under s.35 of the Commonwealth Crimes Act 1914 (as amended).
- n) The judge followed up this complimentary remark by saying, "On the other hand, I found Mr Eaton to be a glib grandiloquent rogue".
- o) Van Der Horst's own patent attorney, Dr Ian de Jonge, who had been originally commissioned by the ACCC to prepare a report testified honestly and inadvertently in favour of the Respondents. **Yet, his testimony was never referred to in the judgment.**
- p) Garth's own patent attorney, Mr Trevor Dredge, corroborated the testimony of Dr Ian de Jonge and expanded even further. **Again, his testimony was never referred to in the judgment.**
- q) When Dr Ian de Jonge had produced an honest report which failed to give the ACCC what they wanted prior to trial they then brought in a second patent attorney, Mr John Pizzey, and

paid him well to produce the report they needed. Unsurprisingly, it was the Pizzey report that the judge relied on to justify his judgment; albeit exceptionally weak justification given that Pizzey was struggling to put substance into Van Der Horst's invalid patents.

- r) The judge accused Garth of holding out a false tax deduction to the Australian public. He made him out to be little more than a conman. And yet, that same "prepaid expenses" tax deduction was not only valid then, but valid now.
- s) In fact and in law, Spender J wilfully erred (to the Respondents' extreme disadvantage) no less than 22 times in his Reasons for Judgment in order to protect government officers who Garth had reported in a complaint to Federal Police six months before the trial. And the judge was well aware of that complaint before trial. Garth's autobiography, *Beneath The Bench*, highlights 15 of the 22 false statements made by the judge.
- t) In summary, the reasons Spender J gave for his judgment simply amounted to a litany of vile fabricated statements including his remark that the Respondents (i.e. Garth, his wife, their companies, their franchisees, investors, staff and agents) had been perpetrating a franchising scam. He did not understand the nature of management franchises and nor was he interested. And nor did he care about the reputation of Andrew Greenwood (now Justice Greenwood) the original author of those agreements.

Justice Spender's Tactic

- 81. It became clear to everyone that Justice Spender had taken extreme advantage of Respondents who were unrepresented. He knew that he could slam the Respondents from one end of the country to the other without fear that his judgment would be challenged, simply because he knew that they could not afford the cost of mounting an appeal.

Russell Island Conspiracy Case

- 82. But the irony of Justice Spender's insulting and defamatory remarks was that he had – in his earlier years – defrauded Queensland's public purse as prosecutor during the 316 sitting days of the Russell Island Conspiracy Case. He had rocked the legal profession by suddenly declaring "nolle prosequi". According to one of the defence counsel all he had to do was alter the charges to eight individual false pretences charges (not conspiracy) and the eight trials would have been over in three months. But not Jeff Spender; he milked it for all he could at the cost of the State. The Respondents knew who the 'rogue' was. And it was none of them.

Appeal

- 83. After three years of not being able to move forward; and now facing an impenetrable barrier, investors, franchisees and Garth could see no reason to spend money on an appeal as Justice Spender knew. But even so, it would have been folly to expect that three Federal Court Judges would overturn the judgment of a senior Federal Court Judge. And the Respondents were financially exhausted anyway.

Outcome for Investors and Franchisees

- 84. Four and a half years (Dec 1989 to May 1994) of research and development at a cost of five

and a half million dollars (\$5,500,000) including the granting of the highest possible export market development grant (EMDG – \$250,000) plus winning World Bank funding (US\$1,000,000) for their then Czechoslovakian manufacturers to cover the cost of the prototyping and marketing of their mechanical carparking system in Europe, was now lost.

85. Once again Australian bureaucracy had mindlessly forced Australian technology offshore and sent Garth bankrupt for a third time (7 May 1998). He was incapable of paying the ACCC's costs of the Federal Court action they had taken against the Respondents; and was advised that Spender J relished sending him bankrupt.

Suicide and Illness

86. One of Garth's investors committed suicide and three became incurably ill and died within three years; such are the affects of helplessness.

Fourth Home Lost

87. With each project that came under attack Garth had always adopted the policy of standing shoulder to shoulder with his investors and franchisees. This policy had cost him four homes and the loss of security for his family. But the damage would finally become intolerable for his wife. And yet, he found it impossible not to align myself with those who trusted him.

Outcome for ACCC and AGS

88. Officers within the TPC – which became the Australian Competition & Consumer Commission (ACCC) – and AGS knew that they had been reported to Federal Police well before trial because of their criminal conduct. And as earlier said, Spender J was also aware. They also knew that it had been their intention to sue the ACCC for damages. They had acted against them on the advice of a solicitor who was a shareholder in the complainant's company and who knew, seven months prior to trial, that Van Der Horst had copied an expired US patent which had rendered his own patents invalid.
89. Spender J had given them all a 'get out of jail free' card; all except Van Der Horst, the fraudulent complainant who was just three months from being criminally charged.
90. Judges are keen to protect the reputations of government agencies no matter who is hurt.
91. The ACCC's complainant who had also been protected by the AGS and who was known by the Respondents as a mentally ill, violent fraudster was finally criminally charged by Queensland Police in May 1997 just 14 days after Justice Spender made his orders which prevented any of the Respondents, franchisees, investors, agents or whosoever from engaging in any manufacturing or marketing of any mechanical carparking system similar to the one which they had already developed. Garth would welcome anyone, including the media to question the sanity of those orders and the extent of damage created both financially and emotionally.
92. The Respondents needed just one of the 49 False Pretences charges against Van Der Horst to convert to a conviction in the Brisbane District Criminal Court and they would have been able to approach the federal Attorney-General to overturn the judgment and orders against them.

But the charges were eventually dropped by the DPP in October 1997. The DPP was not about to discredit Spender J's "decent and honest witness" in spite of the excellent efforts of Queensland Police.

Complainant

93. In April 1999 Van Der Horst's violent and fraudulent nature finally caught up with him. He was murdered by his house mate. But before his killer was charged, seven of Garth's investors and franchisees along with himself would be investigated thoroughly as suspects. Naturally, Garth was a prime suspect and forced to endure an investigation by four teams of Detectives.

Googling "Garth Eaton"

94. And so, the real legacy of the collusion between Vic Moffatt (solicitor) and Ian Frew (Corporate Affairs) back in 1973 was the unimaginable, financially crippling defamation that would endure and snowball for 46 years (and still going); accelerated in latter years, by the internet.

95. From 14 May 1997 (date of Spender J's orders) the ACCC published an online article headed "**ACCC stops suspect franchising scheme**". And for any potential investor or staff member wishing to become involved in a Garth Eaton project that article would prove to be insurmountable. Professor Alan Fels, Chairman of the ACCC did his theatrical best to grandstand, never knowing of the appalling criminal stitch-up Garth's life had been subjected to.

96. And from the introduction of Google in 1998, for the first 15 years anyone wanting to Google "Garth Eaton" would find this offensive article at the top of page one. Then in 2013 it began slipping down the page but not far enough. The judge had set out to create as much damage as he could and he succeeded.

The original baton of falsified identity and defamation that had been run with in 1973 has been passed down through the years with each change of the baton to successive government officers causing greater and greater damage; all of it used against Garth to justify the ongoing destruction of each business he created.

Over the past 22 years he has tried to overcome the online defamation on numerous occasions but without success. So, rather than jeopardise the funds of future investors he decided to develop The Australian Justice Tribunal, a charity headed by himself which provides pro bono legal assistance to financially distressed Australians.

But thankfully, throughout his earlier life he had many successes of great financial benefit to others in both Australia and in Europe. In the words of Charles Goodyear (inventor of vulcanised rubber), "**Man has just cause for regret when he sows and no one reaps**". And Garth has no cause for regret.

<https://www.theajt.org.au>

And

<http://www.beneaththebench.com>

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http://www.beneaththebench.com/Justice_Jeffrey_Spender.html