

**Garth William Eaton**

5 Munday Court  
Mount Louisa Qld 4814

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The Honourable Jeffrey Spender  
41 Grey Road  
HILL END QLD 4101

CONFIDENTIAL

Dear Justice Spender,

***“Legally Abused” – A television miniseries in the public interest.***

*Legally Abused* is a 'True Crime', six-part television miniseries dedicated to exposing allegations of 'Star Chamber' activity firmly entrenched within the Australian Competition and Consumer Commission (ACCC) and too often practised within the Australian Judiciary.

And to emphasise the often superficially legal, but criminally abusive antics of a number of government officers within the ACCC, Australian Government Solicitor (AGS), and the Australian Securities Commission (ASC) as it was prior to July 1998, the story analyses the reasons for the suicides of three of my companies' Vaportec and Europark franchisees and the murder of Willem (Bill) Van Der Horst.

And the analysis of those four deaths concentrates mainly on the alleged 173 indictable offences committed in part by **yourself** and the following persons between May 1990 and December 1998:

- 1 Bill Van Der Horst (murdered) – then a fraudulent inventor and complainant to the TPC
- 2 Ronald Peter Sutton Smith (deceased) – then a Solicitor and co-complainant to the TPC
- 3 Alan Raymond Ducret (retired) – then Regional Director, TPC/ACCC
- 4 Terence James Guthrie – then Assistant Regional Director, TPC/ACCC
- 5 Stephen Ridgeway – then Senior Solicitor, AGS, now Commissioner, ACCC
- 6 Lesley Anne Ziukelis – then Solicitor, AGS, now Senior Lawyer, AGS
- 7 Peter John Toy – then Solicitor, AGS, now Deputy General Counsel, ACCC
- 8 Jamie Orchard – then Enforcer, ASC, now General Counsel, AHPRA
- 9 John Kingston Pizzey (deceased) – Patent Attorney

### **Your suspect history**

Naturally, it has also been necessary to highlight the alleged fraudulent conduct of yourself during the 316 sitting days in 1982/83 when acting as Crown Prosecutor in the Russell Island Land Fraud trial. This television miniseries alleges that you fraudulently gained a considerable financial advantage for yourself and eight Defence Counsel during this longest running criminal trial in Australian legal history, at the time.

A mock trial charging yourself with 316 charges of Fraud and one charge of Obstructing Justice will keep viewers intrigued. And to add to the intrigue we learn of your being accused of 'misappropriation of public moneys' only to survive that investigation and escape being criminally

charged for a second time in your career. Houdini was an amateur.

The miniseries, *Legally Abused*, further alleges that because of your dishonesty you became the 'go to' Judge for agencies such as the ACCC when needing to canvas Judgments favourable to themselves; if for no other reason than to get them off a hook; “to put it in the vernacular”.

Hence, it is fitting that the Europark mechanical carparking matter (QG 74 of 1994) be used as testimony to your dishonesty and preparedness to act in a judicially corrupt manner; as has been made patently clear throughout each of the six episodes in this television miniseries.

### **Sale of scripts**

*Legally Abused* is categorised as a Docudrama and is **initially** for non-commercial television, meaning that each of the six episodes will be for a full, uninterrupted 60 minutes. Preliminary negotiations with television producers and agents in Australia and the United Kingdom will commence shortly; and if required, New Zealand, Hong Kong, the United States and Canada.

However, as a courtesy to yourself, I will not release the six scripts to producers nor publish them in any manner (including internet) until I have resolved any editing suggestions that you and others may have. And to this end, in part, I have enclosed an unbound script for Part 1–“*A Tyrant Judge*” to indicate the direction in which this miniseries is heading.

### **Podcast**

An audio Podcast of the miniseries is also planned for production. The Podcasting producer will concentrate on producing an eight-part Podcast as a highly effective promotional tool in the lead up to the first release (i.e. non-commercial) of the television miniseries.

### **Timing of release**

I have waited patiently for 24 years to expose the alleged criminal offences committed by yourself and the persons earlier listed. And during these years I have had the transcript of trial and the testimonies (written and oral) of all witnesses professionally scrutinised.

I have also waited to ensure that if any further abuse on your part or the part of others should ensue, it will be less likely to create the helplessness and inconsolable upset that was suffered by decent people (many still my friends) in those early years.

But regardless of any further abuse, throughout those 24 years I have never come to terms with the understanding that each of the 52 families involved in the Vaportec and Europark projects had been badly damaged by the TPC/ACCC, AGS and ASC solely because I was the target. They had committed no offence other than to be associated with me. The ACCC's, AGS's, ASC's and your apparent sociopathic attitude of not being able to make omelettes without cracking eggs is the thread that links all six episodes.

### **Purpose of miniseries**

At 73, my sole aim is to ensure that I leave an **honest** legacy to those who have created so much harm to so many in such a malicious manner.

And I leave this legacy because each of us, particularly myself, was originally forced to endure the legacy of a “madman” (said by Jozef Marinic, Vihorlat Snina, of Bill Van Der Horst) who repeatedly said: “I live to break Eaton and Parktec”; something he could never have achieved without your support... without your legal abusiveness and that of others with the authority and power necessary to achieve his ends.

Instead of being able to rely on the TPC/ACCC, AGS and yourself to bring this man and his financier, Peter Smith (lawyer), to account for their fraudulent touting of 'invalid' patents you allowed them to continue defrauding the Australian public, at the same time refusing to give us, or anyone, the protection we/they vitally needed. And in our specific case, it was the protection we needed in order to fully recover from the damage he had done to our Europark mechanical carparking project and its technology.

And to add to our nightmare, they did not own the invalid patents 606728 and 639347 which we were supposed to be infringing. These patents were the property of Ernst & Young and had been so since the liquidation of Parktec International Pty Ltd on 16 December 1993; five months prior to their false complaint to the TPC – just to add to their fraud. Yet, in light of that fact, and far more, you wilfully failed to guard us from their boycotting and anti-competitive conduct by choosing instead to aid and abet them.

But I won't stop there. The principal complainant, Bill Van Der Horst, was referred to as a “decent and honest witness” by yourself following that man's 31 lies which included 20 counts of Giving False Testimony from a witness box in your court.

However, this is less than a glimpse of the 173 criminal acts that endure throughout six hours of television viewing; criminal acts that were needed to, once again, chalk up a 'win' for the ACCC.

Regrettably, and of great significance, by aiding and abetting Van Der Horst you unwittingly encouraged him to believe that he was untouchable. He would yell, “I have the backing of the Australian government and a federal court Judge”. As a result, his former arrogance and violence became unfettered and eventually unacceptable to the defrauded investor who murdered him.

### **Special damages**

If you would like to read (again) Professor Fels mindless theatrics based on your handiwork then Google, Garth Eaton. As a result of the article, “ACCC stops suspect franchising scheme”, I have found it impossible to secure employment over the past 23 years. Would you employ such a character?

Furthermore, by unlawfully backing Van Der Horst, a “mentally ill fraudster”, you caused the Europark companies to initially sustain 'economic losses' (special damages) estimated at \$56million. (i.e. Master Franchise fees, International Licence fees and International Manufacturing Licence fees.) And that's putting aside the projected annual gross earnings of \$170million.

### **Potential defamation**

At all times bear in mind that *Legally Abused* is a dramatisation of True Crime, and although excerpts of the transcript of trial (QG 74 of 1994) are verbatim, most of the dialogue is either based on diary notes, discussions with former franchisees, discussions with former staff, discussions with

Defence Counsel in the Russell Island Land Fraud trial, my memory of events, or has been logically created to reflect the lead up to real events and outcomes. In essence, the material relied on has been in the public domain for decades. All I have done is to highlight it.

Naturally, there are hard-hitting allegations made concerning the alleged criminal conduct of yourself and others; but allegations which are 'grounded in truth' and constitute 'fair comment' given that the topic of unlawful practices within Australian government agencies and the Judiciary is very much 'in the public interest'.

However, putting aside the public interest, if you still claim that certain statements or accusations are defamatory then please let me know so that such matters can be resolved between us. And in fairness to UK (or other) television producers it would be important that they be given the right to consider any unresolved claims. In this way, their legal representatives would have the opportunity to suggest an alternative direction (if necessary) before commencing the production of such sensitive work.

### **Suggested editing**

Again, as a courtesy, I would be pleased to email you the entire miniseries. You can request these six scripts by emailing me at the above address within 21 days from the date of this letter.

And having received the six scripts by email, I am prepared to grant you a further 30 days to make editing suggestions and to engage in any discussions you may wish to have with myself. Naturally, any final editing will be at my sole discretion.

It is my full intention to be fair to all parties concerned, but I am anxious to get the production of *Legally Abused* underway, so time is of the essence.

**In closing**, I need to advise that in anticipation of any further threats against, violation of, or compromising of my life, or the lives of others associated with me, I have taken the precautionary measure of securing the scripts by entrusting them, in strict confidence, to the safekeeping of six former staff and franchisees. We believe that these scripts should be recommended by Law Schools as mandatory reading for all Law students within English-speaking countries.

The time will come when each student will reach an ethical crossroads either in the practising of Law or the applying of it. And so, we trust that an understanding of the ramifications of legal abuse will help them to make the right decisions and avoid the discrediting of their profession.

I will await your response within the timeframe offered.

Yours faithfully,

**Garth Eaton**

Encl: Script for Part 1 – “A Tyrant Judge”