

LEGALLY ABUSED

PART 5 of 6

"THE WHEEL TURNS"

Screenplay

by

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SPEC SCRIPT
Final Draft

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MINISERIES SYNOPSIS

A True Crime, six-part Television Miniseries dedicated to exposing allegations of crippling 'Star Chamber' activity firmly entrenched within the Australian Competition and Consumer Commission (ACCC) and too often practised within the Australian Judiciary.

Millions of dollars invested... World Bank funding... A violent inventor... Corrupt government officers... Justice brutally denied in a Kangaroo court... And if that wasn't enough, the worst was yet to come. So far Australia's most notorious federal court Judge had only issued the **death warrant**. He had yet to give the **order to kill**.

This is a compelling true crime story of identity falsification, criminal conspiracies, unlawful intervention, fabricated evidence... all of it underpinning judicial corruption, suicides and murder.

The story begins in a courtroom in February 1997. Garth Eaton walks from that courtroom clutching a document which is about to destroy the lives of 52 families. **But why?**

Eaton certainly recalls crossing swords with a Lawyer in the February of 1973. He was 26. His highly entrepreneurial nature had caused offence to many. As a result, his life would be damaged by an unknown event.

And when he finally became aware of what he had been facing, his hopes of getting answers from high-ranking government officers in the late 1980s were lost when the Judge in a district criminal court threw his matter out and dismissed the jury.

From that moment on, the legal abusiveness against him intensified. He immediately became sport for government agencies. And their 'Star Chamber' tactics over many years would prove lethal.

But it took the vendetta of a judicially corrupt Judge of the Federal Court of Australia to finally bring him down. Eventually, six lives are lost to illness, suicides and murder. And again, **why?**

LEGALLY ABUSED

- PART 5 of 6 - "THE WHEEL TURNS"

SYNOPSIS - Part 5

The crimes being committed against Garth Eaton and his Europark franchisees are mounting as the ACCC abuses the full weight of its authority to destroy them.

Eaton has taken the brunt of their Legal Abuse and is showing signs of reacting to trauma as he addresses franchisees. Lapsing into flashbacks of the Judge barking at him and his witnesses, and vivid memories of the brutal verbal treatment of certain ACCC and AGS officers is not helping him as he occasionally loses concentration.

Yet he is more than capable of discussing the reasons why the Judge has not delivered a plausible Judgment based on fact and law, instead, delivering a scathing personal attack on himself.

As the meeting closes they have all but lost hope and suicidal thoughts begin to dominate the lives of some.

The weeks pass, and in an instant, their mood changes when they learn that the record of interview conducted by police, and the earlier execution of search warrants, had given police cause to charge the ACCC's complainant.

Finally, this man who had defrauded them by secretly copying an expired US patent was facing jail and the prospect of overturning Spender's Judgment became reality.

But what was the intervention of the Director of Public Prosecutions all about? And what would become the fate of the Europark franchisees? And will the ACCC's complainant, the fraudster who had created such damage, escape without harm?

After all, he had claimed that Garth was franchising the technology in his two patents without disclosing that both patents were invalid and more importantly, had much earlier become the property of Ernst & Young, the liquidators of Parktec.

LEGALLY ABUSED

- PART FIVE - "THE WHEEL TURNS"

FADE IN:

EXT. BRISBANE FEDERAL COURT BUILDING. MORNING.

Establishing Shot.

PRESENTER V.O.

In the previous episodes...

INT. COURT 2. FEDERAL COURT. MORNING.

At the foot of the screen the text, "JUSTICE JEFFREY SPENDER, 26 February 1997", appears then fades.

JUSTICE SPENDER

.. I would also add that I am preventing the Respondents from ever developing, manufacturing or marketing any mechanical carparking system similar to the Europark system. Thank you.

TERRY RICE is speaking to GARTH EATON at the Bar Table. He is indicating a passage in the court Judgment.

TERRY RICE

Garth, the ACCC hasn't just won, Justice Spender has literally flogged you. Here ... read this, and that's not all.

INT. OFFICE OF PRESENTER. BOARDROOM.

The Presenter stands at the head of the Boardroom table.

PRESENTER

It is little wonder that Australian Technology is so often forced offshore. By the time our bureaucracy and one
(MORE)

PRESENTER (CONT'D)

notorious federal court Judge had finished with Garth and his franchisees, even the small amount of technology they had been able to salvage was ripe for the plucking, and to be further enhanced by any number of international developers.

(pause)

Who would have thought that so much criminal activity could be deployed to destroy the Europark mechanical carparking project.

FLASHBACK

EXT. PARKTEC PROTOTYPE. VIDEO CLIP. DAY.

The prototype of a mechanical carpark is seen in operation.
Duration - 7 seconds.

END FLASHBACK

INT. MAURER STREET HOME OFFICE. NIGHT.

The text, "FRANCHISEES' MEETING. GARTH EATON'S HOME OFFICE, February 1997" appears and fades.

SIXTH FANCHISEE

So, here we are, buried under an avalanche... a mountain of legal abusiveness because of the attacks on you, Garth... And even when the Trade Practices Commission knew about Van Der Horst's false complaint against us they still didn't stop. I know we've said it many times before, but there's been a witch hunt against you from the moment these projects began. I'm actually feeling ill.

SECOND FRANCHISEE

You're not the only one, Monty... And we can all understand why Roy took his own life. We can only pray that none of us do the same.

GARTH EATON

Don't even joke about it, Ian.

SECOND FRANCHISEE

I wasn't joking, Garth... I wasn't joking. But enough of that.

(pause)

What effort was made to convince the ACCC to back off.

GARTH EATON

Every effort was made. In fact, some of you signed a petition which was sent to Alan Ducret, the Regional Director, pleading with him to do something about Van Der Horst and Peter Smith... to at least stop them from being anti-competitive... stop them from raising public moneys based on invalid patents which they didn't even own. But he had his teeth in, and wasn't about to let go. And I personally believed that what influenced Ducret's attitude towards myself was that he began working for the forerunner of the ACCC, the Trade Practices Commission, TPC, when he was first out of university and when the TPC was only a fortnight old. One of his first tasks was to pop out and pick up four devices that purportedly gave fuel savings of forty percent. The name of the company was Vapornordic.

SIXTH FRANCHISEE

Was that the same concept as Vaportec?

GARTH EATON

I can only assume that it was similar. But I had never heard of it before. Vapornordic goes back to 1974. My point being that Ducret would have known about our Vaportec project which would have gotten up his nose. Having determined that the Vapornordic product was incapable of producing fuel savings of forty percent he would have leapt on us like a seagull on a sick prawn.

SIXTH FRANCHISEE

Were we holding out that Vaportec could give forty percent savings?

GARTH EATON

Absolutely not... Just the association would have gotten Ducret offside. We held out nothing, even though it was conceded by Dr Milkins... Professor Greenfield and Roy, the head of our Vaportec project, that the maximum achievable was around thirty three percent. Furthermore we didn't have a device to sell. We were still in the early stages of R&D.

SIXTH FRANCHISEE

So, you reckon he had a negative fixation regarding our project because of Vapornordic?

GARTH EATON

I believe so.

FIFTH FRANCHISEE

Would he have known about the fundamentals of lean burn or complete combustion technology? Would he have known about the burning properties of hydrocarbon compounds? I'll bet he didn't.

GARTH EATON

And you'd be right, Phyllis. These people are trained to destroy. It's in their psyche. They are not trained to build, so why would they want an understanding of lean burn technology... any technology for that matter.

INT. OFFICE OF PRESENTER. BOARDROOM.

The Presenter and Dr Ingrid Svenson are seated at the head of the Boardroom table.

PRESENTER

"These people are trained to destroy."
And we saw in the last episode the sociopathic tendencies of Jamie Orchard, the Lawyer within the Australian Securities Commission, who was directly responsible for the manslaughter of Roy, the head of Garth's Vaportec project. We witnessed the criminal tactics that took all hope from this eminent Australian. And as far as the Europark mechanical carparking project is concerned... so far we have witnessed nothing but violation of that project from day one. So, let's not think that Orchard is the only bureaucrat capable of destroying Australian technology. Let's take a few moments to recap on the criminal obstacles that officers within the Australian Competition and Consumer Commission, the ACCC, have put in Garth's way, beginning with our fraudulent inventor, Bill Van Der Horst. Again, here he is with a threat that he carried out.

FLASHBACK

INT. CBD OFFICES OF PARKTEC. DAY.

Van Der Horst is addressing Parktec's engineering staff.

VAN DER HORST

(loudly)

I want everyone to listen to me... I have told you before and I say it again... I live to break Eaton and Parktec!

BACK TO PRESENTER

PRESENTER

And he eventually did exactly that. He fraudulently gained the support of very
(MORE)

PRESENTER (CONT'D)
willing high-ranking government
officers. Here's Lesley Ziukelis who
later became Lesley Ravell, a lawyer
from the AGS. You'll remember this.

FLASHBACK

INT. MAURER STREET HOME OFFICE. DAY.

Garth is on the phone to LESLEY ZIUKELIS. He is upset.

GARTH EATON
(pleading)
.. Lesley Ziukelis, if you would just
listen...

LESLEY ZIUKELIS V.O.
(interrupting, yelling)
This matter isn't going to go away, Mr
Eaton!.. Do you hear me!

Garth flinches as he pulls the receiver away from his ear.

BACK TO PRESENTER

PRESENTER
Apparently, that was said with all the
venom of a cobra. They enjoy their
craft... trained to destroy. And
here's the master, the tyrant Judge.

FLASHBACK

INT. COURT 2. FEDERAL COURT. APRIL 1996. DAY.

The Judge is addressing Phil Hack from the Bench. He is
hunching forward as he makes sustained eye contact.

JUSTICE SPENDER
(barking)
That's gotta be the killer blow!

PETER TOY is sitting at the Bar Table. He immediately
looks up at Phil Hack standing beside him. Toy is smirking

as his shoulders move up and down in sync with subtle bouncing on his swivel chair. Like a Court Jester, he is enjoying each intimidatory remark BARKED by the Judge.

NEXT:

INT. COURT 2. FEDERAL COURT. DAY. APRIL 1996.

The Judge is reacting to a statement of fact made by Trevor Dredge. He is leaning to his right and slightly raised off his chair.

JUSTICE SPENDER

(barking)

But surely that can't be right, can it!

Peter Toy is sitting at the Bar Table. Again, he looks up at Phil Hack standing beside him. And once again, he is smirking as his shoulders move up and down in sync with subtle bouncing on his chair. Like a Court Jester, he is enjoying each intimidatory remark BARKED by the Judge.

BACK TO PRESENTER

PRESENTER

It's incredible to think that in such recent times ordinary Australian citizens could be subjected to such Star Chamber conduct delivered by a federal court Judge. In fact, if his intimidatory conduct had not been witnessed by Europark franchisees... and that was far from all of it... one would have difficulty believing that such middle-ages conduct could still exist. And this is what Peter Toy had to say about orchestrating Spender as the trial Judge, among other stunts.

FLASHBACK

INT. ASCOT TAXI. DAY.

The text, "PETER TOY - AUSTRALIAN GOVERNMENT SOLICITOR" appears and fades. Peter Toy and a FEMALE AGS OFFICER are sitting in the back of an Ascot Taxi driven by a Europark

franchisee. Toy is closing the back door and turns to the young officer.

PETER TOY
(laughing)
.. and that's how we stitched up
Europark.

BACK TO PRESENTER

PRESENTER
Being pleased about using Australia's
most notorious federal court Judge and
employing deceit to wipe out Garth and
his franchisees is bad enough... but
the driver of that taxi was a Europark
franchisee for the US state of Texas
who had just lost 200 thousand dollars
thanks to Toy and his criminal cohorts.

FLASHBACK

EXT. COURT 2. FEDERAL COURT. DAY.

TERENCE GUTHRIE is speaking to Bill Van Der Horst. He is excited and shows signs of being alcohol affected. As he refers to Garth his fists punch the air simultaneously to chest height. He repeats the gesture as he slurs his words.

TERENCE GUTHRIE
Got him, Mr Van Dr Horst!.. Got him!

On the second air-punch he almost loses balance.

BACK TO HOME OFFICE

SECOND FRANCHISEE
Alright...I think we've said enough
about the destruction of Vaportec and
now Europark. I'd like to discuss
matters that can help advance our
situation and possibly overcome
Spender's judgment. And that can best
(MORE)

SECOND FRANCHISEE (CONT'D)
be done by taking a hard look at each
of his false statements.

GARTH EATON
I agree, but please remember that none
of us are prepared to waste money on an
appeal. Even if we successfully
challenge all of his fifteen scurrilous
statements that doesn't mean that we're
off a hook. Imagine trying to convince
a full Bench... that is, three federal
court Judges... Spender's friends...
that Spender's statements are highly
dishonest. They will close ranks
immediately... certainly given the
gravity of his erring. No, our first
priority is to get Van Der Horst
criminally charged... and then,
hopefully have the judgment overturned.

SECOND FRANCHISEE
I think the word, 'erring' is far too
generous... but nonetheless, I'd like
to address some of the fifteen false
statements that you referred to
earlier. The first is, and I quote,
"The claim that of the \$145,000
franchise fee, \$125,000 would be for
'tax deductible expenses' is untrue".
Basically, he's calling you a conman.

GARTH EATON
Certainly is. And, of course, he's
referring to our full page
advertisement in the *Weekend Australian*
on the seventh and eighth of May 1994
when we were advertising for
franchisees. I can assure everyone
that I covered that matter thoroughly
in court.

FLASHBACK

INT. COURT 2. FEDERAL COURT. DAY.

Garth is in the witness box discussing tax deductibility.

GARTH EATON

--- I am discussing at the present moment the tax deductibility of the \$125,000 that is part of the \$145,000 paid by a franchisee.

JUSTICE SPENDER

But they are for management fees, aren't they?

GARTH EATON

For prepayment of management fees, yes.

JUSTICE SPENDER

Yes; if a person wanted to do it himself he would not employ a manager?

GARTH EATON

How do you mean, your Honour?

JUSTICE SPENDER

Well, your advertisement says that an investor who prefers not to operate the franchise will be able to select a manager?

GARTH EATON

Yes, yes. That manager will still confer with the franchisor with regard to the development of the business plan.

JUSTICE SPENDER

Yes; but in the absence of employing a manager...?

GARTH EATON

Yes.

JUSTICE SPENDER

--- one does not have any possibility of tax deductibility?

GARTH EATON

No, that's not correct, your Honour.

JUSTICE SPENDER

Why is that?

GARTH EATON

Whether the franchisee operates the business himself or he operates it through a manager – through the appointment of a manager – the franchisee may just simply be an investor who appoints a manager – but, in either case, the pre-payment of a management fee is to the franchisor because the franchisor is the one preparing the business plans and advising – advising the manager of the franchise or advising the franchisee himself. So, in both cases, the tax deductibility exists for the owner of the franchise.

JUSTICE SPENDER

All right. And that is the basis on which you made that statement.

GARTH EATON

Yes.

JUSTICE SPENDER

Yes, so that if a person pays \$145,000 to you, you say you represent that \$125,000 of that, independently of whether they employ a manager or not, is tax deductible?

GARTH EATON

That's correct, your Honour.

BACK TO HOME OFFICE

Investors and franchisees are listening intently.

GARTH EATON

And if anyone is interested you can contact the Australian Taxation Office and ask about 'deductions for prepaid expenses'... you will then find that our prepaid management fees which are prepaid expenses can be written off over a number of years.

(MORE)

GARTH EATON (CONT'D)

In fact, during the course of summing up, this is what I also had to say:

FLASHBACK

INT. COURT 2. FEDERAL COURT. DAY.

Garth is addressing the Judge. Others are seated.

GARTH EATON

"--- the second area is tax deductibility. And I believe that what I did under examination was very similar to what myself and staff did and would do when presenting the franchise agreements to a prospective franchisee. And that is to draw the franchisee's attention to that relevant clause 3.2 within the Europark franchise agreements, master franchise agreements, which states that 'The \$125,000 referred to is a management fee'. Then to move on, and draw to the attention of the prospective franchisee the manner in which income is generated by the franchisee within the territory involved. And in continuance of that, of course, to make it quite plain that the \$125,000 would remain on the books of the franchisee and be slowly applied against profits produced as time passes."

BACK TO HOME OFFICE

SIXTH FRANCHISEE

You couldn't have spelled it out any plainer than that.

GARTH EATON

That's what I thought. But in truth, it would have been more productive if I had sat outside the court having coffee and whistling *Dixie*. Spender simply

(MORE)

GARTH EATON (CONT'D)

wasn't interested. Facts were only going to impede his mission.

SIXTH FRANCHISEE

Garth, I really need to take a break from this and get home... where life isn't being violated. Other than for the existence of this damning judgment. But before retreating, there are just two quick matters

(now turning to Ian)

if that's OK with you, Ian?

SECOND FRANCHISEE

Fine, Monty... My list of the remaining fourteen false statements can wait.

SIXTH FRANCHISEE

Well, my two matters also involve those false statements... or blatant lies... whichever way you want to look at it. It's just that I wanted some fast answers before I go. So, the first matter is, and I'll read it straight from Spender's judgment, "Both patents recorded in the name of Willem Van Der Horst as owner, being Australian Patent numbers 606728 and 639347 are both in force and can be renewed until the third of August 2008 and the twenty-first of May 2011 respectively." What's that all about?

GARTH EATON

Firstly, Spender knew that those patents were invalid. Dr de Jonge and Trevor Dredge made it clear that those patents were invalid. That is, all of the key relevant claims within those patents had been knocked out by the existence of that expired US, South Carolina patent which Van Der Horst copied. Even Pizzey had to struggle to breathe life into some of those claims... and he was well-paid to do so.

SIXTH FRANCHISEE

Sorry to hurry you, Garth, but are they both in force as Spender says?

GARTH EATON

Absolute nonsense! And I've just received a fax from Mr Greg Turner from Spruson & Ferguson, patent attorneys confirming that both patents were expired... 606728 had expired on the seventh of March 1996, eight days before the date of Pizzey's report, and that was six weeks before trial. And 639347 had lapsed three weeks after trial in May 1996 and finally expired on the ninth of January 1997, almost two months before Spender's judgment. And if you have a moment later I'll show you how Spender's words have been taken verbatim from the lies in Pizzey's report. Again, Spender was on his mission to discredit and destroy.

SIXTH FRANCHISEE

Yes... discredit and destroy us just to protect ACCC and AGS officers. Alright then, my final query is another one of his lies, I trust, and I'll read: "I am satisfied that the prototype which was constructed by Vihorlat in Snina used the technology developed by Mr Van Der Horst." How could Spender have known that?

GARTH EATON

He couldn't... And I doubt that he's psychic. He just plucked it out of the air. All Vihorlat had were the design drawings developed by Parktec staff in the absence of Van Der Horst's presence... which were unwittingly, enhancements of the fraudulent drawings in his patents. But the actual two thousand working drawings needed to construct the prototype were produced by Vihorlat's engineering staff... nothing to do with us... nothing to do

(MORE)

GARTH EATON (CONT'D)

with Van Der Horst... However, it was our engineer, Graham Wood, who commissioned the prototype. And furthermore, the computer control program and hardware needed to operate the system was developed by Stuart Crisp, Parktec's computer whiz. Again, nothing to do with Spender's decent and honest witness.

SIXTH FRANCHISEE

Garth, on that note I must go. There's only so much violation I can take in one sitting.

As Monty begins to move through the franchisees to leave, others also express their own saturation and inability to absorb more.

SECOND FRANCHISEE

I might get home as well, Garth. Christ knows what I'm going to tell Helen.

FIFTH FRANCHISEE

Me too, Garth. But I am intrigued by two statements which Monty and Ian might like to get answers to before we call it a night.

GARTH EATON

(calling)

Monty... Phyllis has two quick questions if you and Ian would like to stay for just a moment?

SIXTH FRANCHISEE

(upset)

OK... but please make it quick.

Phyllis nods.

FIFTH FRANCHISEE

In Spender's judgment he is referring to the export market development grant of 250 thousand dollars awarded to

(MORE)

FIFTH FRANCHISEE (CONT'D)

Parktec by Austrade. He says, "The total 'eligible expenditure' claimed by Parktec in that application was \$803,883." He then goes on to say, "It seems curious to me that of that sum, \$510,000 was included in the category 'Free Samples'. The amount paid was the maximum that could be paid under the act." What's your answer to that, Garth?

GARTH EATON

Firstly, everything was curious to Spender. I don't think he could have understood technology development even if he had wanted to... which he didn't. But the term, 'Free Samples' is a term... a category defined and used by Austrade, a division of the Australian Trade Commission. That was their category for some of our expenses incurred in getting the prototype constructed. And that prototype was our primary sales aid. We certainly didn't come up with the term Free Samples as he's implying. And furthermore, we engaged a top EMDG consultant, Harry Wilson, to supervise the preparation of our application for that grant. Again, Spender is playing to those, like himself, who have absolutely no idea of how Austrade requires you to prepare an application... Pure maliciousness.

SECOND FRANCHISEE

(upset)

And your final question, Phyllis? Because I'm thinking of getting home quickly to adjust the scope on my two seventy.

THIRD FRANCHISEE

Don't forget, Ian, I'd still like to squeeze off just one thirty-eight round first.

FIFTH FRANCHISEE

(chuckling)

Alright boys... I'm almost there.

THIRD FRANCHISEE

(interjecting)

Ian... I believe Phyllis thinks we're fuckin' joking.

FIFTH FRANCHISEE

And enough of that... Spender also said, "It is incredible that technology which is a secret can at the same time be the subject of international acclaim." Your answer?

GARTH EATON

He had no understanding of patenting at all... But even so... he refused to acknowledge our use of confidentiality agreements sometimes called 'secrecy agreements' before releasing details of our patentable subject matter. Dr de Jonge and Trevor Dredge had been very clear about this in their written and oral testimonies. So had I. And it had also been made very clear that all developers of technology adopted the same practice... Colonel Sanders would turn in his grave if he read that statement. His secret herbs and spices are also internationally acclaimed and well protected each time a new franchise comes onto the market.

FIFTH FRANCHISEE

That's more than good enough for me, Garth. He set out to destroy us and he has.

GARTH EATON

But please don't lose sight of the fact that we are very close to charging Van Der Horst. And I'll keep you well-informed.

The group is quiet as they turn towards the door. Some are visibly upset.

INT. MAURER STREET HOME OFFICE. MORNING.

The text, "SIX WEEKS LATER, April 1997" appears and fades. Garth is speaking with an emotional Elizabeth.

GARTH EATON

Elizabeth... it's only been six weeks since Spender's vicious attack, and Terry and I have been getting closer by the day to having Van Der Horst charged. You must tell Ken to hold it together... we will get out of this mess... We're giving it one hundred and ten percent.

ELIZABETH (FRANCHISEE)

I'm trying to be strong for him... but I'm worried he's going to do something stupid. It would break our family...

At that moment Terry slides the office glass door open. He is elated.

TERRY RICE

(loudly)

Garth... sorry Elizabeth, but I've got some excellent news. I've just heard from Detective Sergeant McIlwain... he's received a copy of the BHP report, and it damns Van Der Horst. But not just that... the liquidators of Parktec have delivered Parktec's files to the Oxley police station and he needs you and me to go down without delay and go through those company files. We need to find anything that may have been filed in relation to Van Der Horst.

GARTH EATON

(turning to Elizabeth)

Finally, Elizabeth... Finally. We're getting closer. Please pass this news on to Ken. Now... I need to get on my bike and head for the Oxley police station. And let Ken know that I will phone him personally regarding that BHP Engineering report. I'll give you both a call tonight.

As Garth begins to stand Elizabeth is looking exited.

INT. OXLEY POLICE STATION. MID-MORNING.

The text, "OXLEY POLICE STATION, April 1997", appears and fades. Garth and Terry are sitting with DETECTIVE SERGEANT McILWAIN and DETECTIVE SENIOR CONSTABLE SEARY. Terry is scanning the BHP report.

TERRY RICE

BHP's senior engineer has done a fantastic job of fingerprinting. He's made it very clear that the drawings in patent 639347 are far too similar to the Walker E. Rowe US South Carolina patent to be considered exclusively as Van Der Horst's work. It's obvious that he's been heavily influenced by that expired US patent.

(now turning to Garth)

And that's the patent that your staff developed under his guidance. The one where the conveyor configuration splits in the middle. The same conveyor design as the prototype.

GARTH EATON

Yes, that's the split serpentine action that saved Van Der Horst's bacon. That was his eureka moment just before I had planned to can the project. In fact, 'eureka' was the word he used when he gathered us all together in my office to give us the news of his breakthrough design.

PETER McILWAIN

And what about the other Van Der Horst patent?

TERRY RICE

There are some similarities but not sufficient to state that it had been influenced by the expired US patent.

GARTH EATON

(interjecting)

But anyway, that's his long serpentine action. Van Der Horst had attempted to file a provisional patent over that action well before we met him. But the patents office had rejected it and asked him to resubmit it in an amended form. So, I paid Trevor Dredge, our patent attorney, to rewrite it and refile it just as a favour. However, it was never used by us and has no bearing on this investigation.

TERRY RICE

That's true.

(pause)

Now, the next matter is these Parktec files, Garth. Peter's execution of a search warrant on Ernst & Young, the liquidators of Parktec, certainly did the trick. But it will take hours to go through them so I'd suggest we start by searching the archive boxes that can be identified as coming from the engineering division of Parktec. And if we don't find anything of interest we can settle back for the long haul.

PETER McILWAIN

(now rising)

OK, if you'd like to follow me... I've got the archive boxes in another office. Naturally, I can't leave you alone with those boxes even though I trust you, so Andy will supervise your searches.

TERRY RICE

That's fine, Peter... understandable.

INT. OXLEY POLICE STATION. STORAGE ROOM. LATE MORNING.

Garth, Terry and Andy are seated around a low set table on which are two archive boxes, one unopened. A stack of searched boxes are to the right of the screen. Terry is taking the top off the unopened box.

TERRY RICE

Box nine... and counting.

(long pause)

Now this could be interesting.

(pause)

It contains correspondence from Peter Maxwell & Associates. They were the patent attorneys that Trevor Dredge worked for, weren't they?

GARTH EATON

Sure were. Look for any correspondence from January 1990 to June 1990.

TERRY RICE

Will do.

(long pause)

Now... what have we here.

(pause)

Three letters from Maxwell's dated eighth, eleventh and eighteenth of May 1990.

GARTH EATON

Could I have a look, Terry?

TERRY RICE

(handing to Garth)

All yours.

GARTH EATON

Thanks.

As Terry continues to go through the files Garth is reading intently.

TERRY RICE

Here's more earlier on. They're to do with the rewriting of his provisional patent.

GARTH EATON

OK, mate... but I'm more concerned with the results of patent searches done by Trevor. And two of these three letters are all about those searches. But if you have any more relating to patent

(MORE)

GARTH EATON (CONT'D)

searches let me know. Trevor was searching online to see if Van Der Horst's original work had novelty.

TERRY RICE

And did it?

GARTH EATON

So he said.

(pause)

But then everything has novelty to a patent attorney. They can convince you that a three-legged chair has novelty by using some of the most convoluted logic I've ever heard. You don't leave a patent attorney's office without having written out a cheque to cover the writing of a provisional... that's for sure.

TERRY RICE

Anyway, there doesn't seem to be any more correspondence from Maxwell's.

GARTH EATON

I note that in the letter of the eighteenth of May, Trevor has cited an American... US patent classification number which could be of interest.

TERRY RICE

You hadn't seen that before?

GARTH EATON

Never... In those early days before we entered into our Service Agreement and our Vehicle Parking Technology Agreement we trusted Van Der Horst. I had given Trevor... Maxwell's... the right to deal with the inventor, exclusively. All mail from Trevor which was hand delivered... and it always was... was hand delivered to Van Der Horst even though it was addressed to Fentex Pty Ltd, the forerunner of Parktec.

TERRY RICE

Will we continue, or do you want to follow up on that US classification number first?

GARTH EATON

Yeah... I wouldn't mind getting that classification number searched as soon as possible. It's just that that letter of the eighteenth from Trevor is only three days before the twenty-first of May 1990 when Van Der Horst declared his epiphany, his eureka moment. And I remember that date because he had slipped into the Brisbane patents office and filed a provisional to protect his breakthrough design without telling us what he was doing.

(pause)

And he certainly wasn't authorised to do that.

TERRY RICE

But why specifically the twenty-first.

GARTH EATON

When he told us that he had filed a provisional to protect his rights... insulting little shit... he had established a priority date. Which means that we had twelve months to complete specifications or lose that priority date. And Van Der Horst was paranoid about anyone else getting in first so we had to close out on the twenty-first of May 1991, twelve months later... which we did. So, the date became significant in my mind.

TERRY RICE

Alright... Well, we might as well leave these boxes where they are for the moment. Andy, would you mind if we take photocopies of these three letters?

ANDY SEARY

That's fine... I'll lock up now, and we
can head for the photocopier.

INT. MAURER STREET HOME OFFICE. AFTERNOON.

Garth and Terry are sitting in Garth's office. Garth has
ended a phone call and hangs up. He turns to Terry

GARTH EATON

Let's hope that Greg Turner's search on
that US patent classification number...

Garth now reaches for his 1990 DIARY buried beneath a stack
of other years.

GARTH EATON (CONT'D)

will come up with something worthwhile.

(pause)

There's no better practice than keeping
old diaries... Let's see what we've got
in my 1990 diary.

(now flicking pages)

I should have a note of the provisional
that Van Der Horst filed behind our
backs. Twenty-first of May 1990...
here we are. *"Provisional patent
PK0247 filed in the name of Willem Van
Der Horst on the twenty-first of May
1990... split action."*

(pause)

There is only one honest man and that's
our Bill. The rest of us are crooks.

TERRY RICE

(smiling)

As a former copper, I've heard it a
thousand times. And as you probably
know, jails are full of innocent men.

MOMENTS LATER:

The phone rings and Garth answers.

GARTH EATON

(into phone)

Garth Eaton speaking.

GREG TURNER V.O.

Yeah, Garth. It's Greg... Spruson & Ferguson... I've just done that online search and have found sixty-nine US patents under that classification number. Now, I have gone through them at lightening speed so I haven't done a thorough job at this stage simply because I believe that one of them is what you're looking for. It's the expired Walker E. Rowe 1957 US South Carolina patent.

GARTH EATON

(into phone)

Excellent, Greg. So, it would have been feasible for our inventor to have done the same searches through any patent attorney... or to have spent a couple of hours himself that afternoon searching that same US classification up at the Brisbane patents office?

GREG TURNER V.O.

Definitely feasible. I'll send that patent through to you by fax. I still have that number. Bye.

GARTH EATON

(into phone)

Thanks, Greg. Bye.
(hangs up)

GARTH EATON

(now turning to Terry)

Got him! Greg has cited the expired South Carolina patent within that US classification number. So, Van Der Horst has taken the hand delivered letter of the eighteenth of May from Trevor and then secretly done a search with another patent attorney or searched it himself.

(pause)

He's then spent Friday afternoon... and I've checked the dates and days... examining the sixty-nine US patents in

(MORE)

GARTH EATON (CONT'D)

that classification and bingo...
there's the expired US Walker E. Rowe
patent.

(pause)

And then spent the weekend writing up
his own hand-written provisional in
readiness to file it on Monday morning,
the twenty-first. Cunning bastard.

TERRY RICE

But he must have known that he couldn't
get it through the Australian patents
office. They would have uncovered that
expired patent which would have
crippled any chance of patenting his
eureka breakthrough design... the split
action?

GARTH EATON

What did Detective Sergeant Peter
McIlwain say about Van Der Horst after
he had spoken with Lynda from the
Brisbane patents office?

(pause)

For fourteen years she had witnessed
Bill searching patents sometimes for
days on end. But there were very few
weeks that he was not in their offices.
What I'm saying is that Van Der Horst
new the system. He would have known
that in those days around twenty-five
percent of patents granted in Australia
were invalid solely because of the poor
searching techniques adopted by patent
examiners.

(pause)

He knew he had a reasonable chance of
not being detected. And if nothing
else he had given himself twelve months
of sucking money out of us before any
patent examination would take place.

TERRY RICE

Cunning and smart. Anyway, I think
it's vital that we send Peter McIlwain
a copy of Greg's searches...
particularly the offending patent.

GARTH EATON

Good as done. Greg's faxing me that patent now. And I need to phone franchisees by this evening at the latest to give them the news... They need something to hang onto. Ian's wife, Helen, and Elizabeth and Ken are suffering badly. This should give them a lift.

LATER:

Terry is finishing his call to Peter McIlwain. Garth is handing him a fax.

TERRY RICE

(into phone)

OK, Peter. It's just come through, so I'll shoot you a copy as soon as I've had a read. I may want to add Garth's comments. OK, Bye.

(hangs up)

Terry now turns to Garth.

TERRY RICE (CONT'D)

That was McIlwain. He's over the moon. He's had two wins today. The BHP report and the search results on this US classification number. It's show time. He wants me to draft the search warrants on the Canberra patents office and Peter Maxwell & Associates' Sydney office. And as soon as they've been executed he'll be executing a search warrant on Van Der Horst's home.

GARTH EATON

(smiling)

I'd love to be there when they confront him with warrant in hand.

TERRY RICE

It's police business, Garth. I don't think you'll be getting an invitation. But you'll certainly get a report on the results.

GARTH EATON

That's good enough for me. After almost six and a half years of incessant violation at his hands it will be a refreshing change to see him on his back foot.

LATER. EVENING:

Garth is talking to Elizabeth on the phone.

GARTH EATON

(into phone)

No, Elizabeth, Detective Sergeant Leo Ockhuysen was anti Garth Eaton and franchisees. He was pro Van Der Horst, his countryman. We had no chance of getting him to move the investigation forward. No... it was former Detective Inspectors Jim Hughes and John Graham who originally moved the investigation along. You may recall that that was in 1995... I had placed all relevant information supporting our complaint against Van Der Horst with Ockhuysen twelve months earlier.

INT. HOME OF ELIZABETH AND KEN. EVENING.

Elizabeth is standing in the kitchen with phone in hand.

ELIZABETH (FRANCHISEE)

(into phone)

Oh, now I remember the names. And what happened?

INTERCUT:

GARTH EATON

(into phone)

They got the run around from Ockhuysen. He had sent the evidence to the Fraud Squad for whatever reason... and they just sat on it. Problem was, that Jim Hughes and John Graham were retired and had no authority to get the material

(MORE)

GARTH EATON (CONT'D)

out of the Fraud Squad. But they did get stuck into the defining of charges which has given Terry a head start. And even though Terry himself is retired, he is much younger, more aggressive and well-known to detectives at the Acacia Ridge, Goodna and Oxley stations. They certainly respect him. And he's well-known to Peter McIlwain and Andy Seary. So, things are looking good.

ELIZABETH (FRANCHISEE)

(into phone)

I've got Ken listening, Garth, so I'll ask the important question. When do you think Van Der Horst will be charged?

GARTH EATON

(into phone)

Now that we have that fantastic BHP report and evidence that Van Der Horst could have copied that expired US patent, police will be able to execute search warrants... and from there, I'd say a month or so before they conduct a Record of Interview. And if that goes reasonably well... charges will immediately follow.

ELIZABETH (FRANCHISEE)

(into phone)

Garth, Ken wants to have a word.

KEN (FRANCHISEE)

(into phone)

How are you, mate?

GARTH EATON

(into phone)

Getting there, mate. One step at a time. How are you?

KEN (FRANCHISEE)

(into phone)

I'll be much better when that mongrel is charged. I find it incredible that he has been able to get the support he's been given. Is there anyone he hasn't conned?

GARTH EATON

(into phone)

I doubt it, Ken. But water always finds its own level. Our day will come, and today's breakthroughs have been very encouraging. And Elizabeth and yourself will be the first to be told of Van Der Horst's arrest. Just hang in there. It's all happening.

KEN (FRANCHISEE)

(into phone)

Will do, mate. Keep us posted. Bye now.

ELIZABETH (FRANCHISEE)

(into phone)

Bye, Garth.

GARTH EATON

(into phone)

Bye.

(hangs up)

EXT. VAN DER HORST'S HOME. EARLY MORNING.

The text, "SEVEN WEEKS LATER, 26 May 1997 - 7:10AM" appears and fades. Peter McIlwain and Andy Seary are at a front door. Peter KNOCKS. There is a brief pause. The door opens and Van Der Horst appears behind the fly screen.

VAN DER HORST

It's only ten past seven. What are you blokes doing here.

PETER MCILWAIN

(showing ID)

Mr Van Der Horst, I'm Detective
(MORE)

PETER McILWAIN (CONT'D)

Sergeant Peter McIlwain and this is Detective Senior Constable Andy Seary. We're here to execute a search warrant on your premises. May we come in?

VAN DER HORST

(screaming)

Whaaaat!

PETER McILWAIN

Mr Van Der Horst, we need to access your filing cabinets for any engineering drawings and correspondence relating to mechanical carparking.

VAN DER HORST

(shouting)

Do you know who you're speaking to... I have the support of the federal government. Ask Jamie Orchard of the Australian Securities Commission and Terry Guthrie of the ACCC? They'll tell you. And I also have the support of the federal court.

PETER McILWAIN

That's fine, but by law we can enter your home to search and seize information relating to mechanical carparking. Now... Mr Van Der Horst, we must come in.

VAN DER HORST

(still shouting)

Oh no you don't. You fuckin' police are all the same... you're all fuckin' corrupt! Now fuck off!

Van Der Horst then SLAMS the door. Peter turns to Andy.

PETER McILWAIN

Andy, phone the station and get them to send us three uniform constables immediately. If that clown wants to play it hard, we'll give him hard.

EXT. VAN DER HORST'S HOME. EARLY MORNING.

Peter and Andy have been joined by three uniform constables. He is addressing them.

PETER MCILWAIN

Go right through the house...
cupboards, filing cabinets, everywhere.
We're looking for any material that
even resembles being associated with
mechanical carparking. If you're
unsure, just check with me. OK...
let's go.

Peter KNOCKS on the door. It's immediately opened by Van Der Horst who remains behind the fly screen.

VAN DER HORST

(yelling)

What now!

Peter moves forward to quickly open the fly screen door.

PETER MCILWAIN

Mr Van Der Horst, this is your copy of
the search warrant.

He then holds the fly screen door open to allow officers to gain entry. Van Der Horst is furious.

VAN DER HORST

(yelling)

You people haven't heard the last of
this... you'll see!

INT. OXLEY POLICE STATION. NIGHT.

The text, "POLICE RECORD OF INTERVIEW, 27 May 1997" appears and fades. Van Der Horst and his solicitor, PETER SMITH are present with Peter and Andy. The video recorder is on.

PETER SMITH

Careful, Bill... this is a police
record of interview. As your
solicitor, I urge you to be guarded in
what you say.

VAN DER HORST

I have nothing to hide, Peter.

PETER McILWAIN

Then would you answer the question.
I'll repeat it. "Did you become aware
of the expired Walker E. Rowe South
Carolina patent before you signed the
Vehicle Parking Technology Agreement on
the fifteenth of June 1990.

PETER SMITH

Now, Bill... you don't have to answer
that question, "yes" or "no". If you
can't remember, just say, "I can't
remember"

VAN DER HORST

But I can remember... Yes, I read that
expired patent before signing the VPTA,
which we called that agreement.

PETER McILWAIN

And can you remember in what month you
read it?

PETER SMITH

Bill, just say, "I don't remember".

VAN DER HORST

I'm not afraid. If I remember, I'll
say I remember. Yes, it was May 1990.

PETER SMITH

Detective Sergeant McIlwain... We've
been going for over two hours now. Is
there much more? My client has been
more than compliant.

PETER McILWAIN

Not much longer, Mr Smith.

INT. MAURER STREET HOME OFFICE. MORNING.

Garth and Terry are in the office. Terry is putting the
receiver down.

TERRY RICE

As you heard... McIlwain had a field day with Van Der Horst last night. He spilled his guts. Even his own solicitor couldn't shut him up. He tumbled in time and time again... Even admitted he was in possession of the Walker E. Rowe patent in May 1990.

GARTH EATON

Did he admit he copied it?

TERRY RICE

Almost, but not quite... His solicitor became very forceful at one stage and literally stopped Van Der Horst from answering that specific question. But without that intervention, McIlwain reckons he would have admitted it.

GARTH EATON

Peter Smith has a financial interest in Van Der Horst's company, Quicker Parking & Storage Systems... There's no way that he wants his golden goose being jailed. There's no financial mileage in that.

(pause)

So, does he think he's got enough to charge him with?

TERRY RICE

Yeah... more than enough. An outright admission would have been the icing on the cake, but police can certainly go to trial on what they have. McIlwain also believes that Van Der Horst will crack if he gets into a witness box. And he'll definitely demand that he has his day in court. He just can't help himself.

GARTH EATON

Then, where to from here?

TERRY RICE

The summons is being formally typed up
(MORE)

TERRY RICE (CONT'D)
right now... all forty-nine charges of
false pretences under section 427 of
the Code.

GARTH EATON
And when do you think they will be
laid.

TERRY RICE
Oh... couple of days... no more. But
hold off telling everyone until it's
happened.

GARTH EATON
Will do.

EXT. VAN DER HORST'S HOME. EARLY MORNING.

Peter and Andy are at the door. Peter KNOCKS. He has a
copy of the Criminal Summons. The text, "29 MAY 1997
11:28AM" appears and fades. Van Der Horst answers.

VAN DER HORST
(loudly)
Now what do you fellas want?

PETER McILWAIN
Mr Van Der Horst...

Now opening the screen door and stepping forward.

PETER McILWAIN (CONT'D)
Detective Sergeant McIlwain... we've
met before, and this is Detective
Senior Constable Andy Seary. You're
being charged with forty-nine charges
of false pretences under section 427 of
the Queensland Criminal Code, in
relation to your dealings with Garth
Eaton, Fentex Pty Ltd and Parktec
International Pty Ltd between January
1990 and December 1991. This is your
copy. The charges are individually
listed and described. Note that you
are commanded to appear in the
(MORE)

PETER McILWAIN (CONT'D)
Magistrates' Court on the return date
of Monday, the twenty-third of June
1997... Good day.

Peter turns to walk away with Andy. They are followed by Van Der Horst who is reading the charges intently. As they reach their car Van Der Horst YELLS out.

VAN DER HORST
This is criminal... you're charging the
wrong man. Eaton is the conman, not
me. I have always obeyed the law. Ask
Jamie Orchard... Ask Justice Spender,
he's a federal court judge. He called
me a decent and honest witness.

Peter and Andy say nothing as they get into their car. Van Der Horst continues reading in a highly agitated state. The police car begins to draw away as Van Der Horst looks up.

VAN DER HORST (CONT'D)
(screaming)
Wait! Wait! I can prove that I'm
honest. I didn't do these things.

Van Der Horst begins chasing the car waving the summons in the air.

VAN DER HORST (CONT'D)
(still screaming)
Stop! Stop you fuckin' bastards...
fuckin' stop!

He runs for about 50 metres before giving up. McIlwain is looking in his REAR VISION mirror. We see his POV as the car draws further and further away.

INT. MAURER STREET HOME OFFICE. EVENING.

Franchisees and investors are once again gathered in Garth Eaton's home office.

GARTH EATON
Thanks for sharing that, Michael... we
(MORE)

GARTH EATON (CONT'D)

might just expand on that subject a little later.

(pause)

For the moment, I'd like to welcome Eilizabeth's husband, Ken, and Ian's wife, Helen. They were unable to attend our first meeting in February.

(now looking at them)

But you're here now, and thank you for coming. So... who wants only good news.

SECOND FRANCHISEE

File it on, Garth. It's been a long time coming.

Others nod and murmur agreement.

GARTH EATON

BHP Engineering report... It's worked better than we could have hoped.

(pause)

And the hand delivered letter from Maxwell's which was written by our patent attorney, Trevor Dredge, has proved to be solid gold. It put our pseudo inventor on his back foot and gave him no option but to admit that he had that expired US patent just days before he presented us with that new split design. In other words, he only pulled up short of admitting that he had copied it.

SIXTH FRANCHISEE

Garth, I realise that you're milking the moment, but you did tell us this, by phone, some days ago.

FIFTH FRANCHISEE

Well, I for one, Monty, don't mind hearing it again. It's the first positive news we've had in years.

Others agree.

GARTH EATON

And now that we're all together I will
formally give you the best news of all.

(emotional pause)

Excuse me...

(voice quavering)

at 11:28 yesterday morning, Bill Van
Der Horst was criminally charged under
section 427 of the Queensland Criminal
Code... forty-nine charges of False
Pretences.

The room erupts with elation. Fists are punched into the
air and some WHISTLE as they also SHOUT their excitement.

SIXTH FRANCHISEE

And how did he take it?

GARTH EATON

(still emotional)

Last seen waving his summons in the air
and chasing a police car up the road.

The group chuckle, but a number, including Helen, Phyllis
and Ken are struggling to maintain their emotions. Like
Garth, the relief is overwhelming.

INT. OFFICE OF PRESENTER. BOARDROOM.

The Presenter and Dr Ingrid Svenson are seated at the end
of the Boardroom table.

PRESENTER

We can only try to imagine the relief
that the entire group must be feeling
after being subjected to fraud and
abuse for six and a half years... and
that was just Van Der Horst. During
that time they were also subjected to
multiple legal abuses by ACCC and AGS
officers for three of those years. And
that's putting aside the Jamie Orchard
episode which put an end to their
Vaportec project and claimed Roy's life
four years earlier. And then there's
the horrific conduct of Australia's

(MORE)

PRESENTER (CONT'D)

most notorious federal court Judge, Jeffrey Spender. But I'm sure Dr Ingrid Svenson has more to say on this subject.

(turning to Ingrid)
Dr Svenson.

DR INGRID SVENSON

Thank you, Adrian.

(now turning to camera)

And hi again. It's become obvious that some within the group are only just coping with the onslaught of repeated legal abuses. Some have been under fire from destructive bureaucrats without letting up since the February of 1992. At this stage that's just over five long years. The human psyche can only take so much.

(pause)

Even Garth is showing lapses of concentration and flinching. A sure sign of reacting to trauma. I'm surprised that he is still keeping it together. He has the extra burden of being responsible for his investors and franchisees added to which is the fact that he has been, and still is the target. That would carry its own burden of guilt. And we must also recognise that the loss of his company, Parktec International Pty Ltd, would have caused him to grieve in a similar manner to losing a child.

(pause)

And that's a little-known fact about entrepreneurs. Their creations are their children. They become emotionally attached.

(pause)

Parktec had won World Bank funding for it's European manufacturers and was awarded the highest possible export market development grant in Australia. And just five months after the loss of Parktec the ACCC began its violation of

(MORE)

DR INGRID SVENSON (CONT'D)
the Europark companies. If this isn't
traumatic?... Well the fact is, that it
is.

(pause)

For the moment, however, Garth and his
franchisees have been given a reprieve.
Hope of a better future is causing
everyone euphoria. And although that
may appear to be a good state of
mind... it can be a psychologically
devastating height to fall from.

PRESENTER

Yes, we can only wait and see.

BACK TO HOME OFFICE

Investors and franchisees are enjoying the good news. But
Phyllis is still questioning Spender's vile comments.

FIFTH FRANCHISEE

Garth, there was one other question I
have regarding those vile statements
made by Spender which I didn't get time
to ask at our last meeting, and it's
this. I quote, "Notwithstanding
Mr Eaton's repeated reference to
'patentable subject matter which
comprises the Europark technology',
there is in reality nothing of value
that Europark has to offer as
consideration for the franchise
payment."

GARTH EATON

Nothing we did or had would have been
of value in Spender's eyes. But the
contents of provisional patent PM8186
and our other patentable subject matter
which had been identified by Justice
Drummond as 'privileged' was certainly
enough to start again. Remember, Van
Der Horst, Spender's "decent and honest
witness", had left our technology badly
damaged... in fact, decimated, thanks
to that expired US patent he copied.

FIFTH FRANCHISEE

But I would have thought that there was more to the value of a franchise than just the technology. The reason why I bought a United States franchise was because of the know-how and expertise I could rely on from the franchisor... yourselves. For example, general engineering advice to my clients; the commissioning of the working model to be constructed in my territory; clients' immediate access to the prototype in Slovakia, and that's still on; and then there's advertising and promotional assistance...

SECOND FRANCHISEE

(expanding)

... a comprehensive training program provided by the franchisor, substantial royalties on the sale of all Europark componentry used within the franchisee's exclusive territory...

FIFTH FRANCHISEE

... and then there's a very healthy slice of the Manufacturing Licence fee paid by manufacturers... Also, our cut of the International Licence fees when we appoint engineering and architectural firms.

GARTH EATON

Yes, it couldn't get any better. And we must always remember that the little technology we had, because of the expired US patent Van Der Horst had criminally plagiarised, was still more than he and his solicitor had in their two invalid patents. And moreover, Spender never once in his Judgment referred to those 'bad' patents as being the property of Ernst & Young or the fact that Bill was illegally raising public moneys against them.

SIXTH FRANCHISEE

Seriously, Garth... Spender's a menace.

GARTH EATON

Certainly is, Monty... certainly is.
And not just him. Ducret, Guthrie,
Toy, Ziukelis, Ridgeway and Orchard.
They have a price to pay. And at some
stage they will pay it.

(pause)

Now, just briefly, It's been confirmed
by our advising barrister that
Spender's defamatory remarks against us
are protected by Absolute Privilege.
So there's nothing we can do about it
but suck it up. And a court of appeal
can do nothing either. Particularly,
his remarks concerning myself. As we
know, they weren't in court during
trial, so they can't form an opinion.

SECOND FRANCHISEE

Does that mean that you're stuck with
'glib grandiloquent rogue'.

GARTH EATON

It does.

INT. OFFICES OF DPP. MID-MORNING. 1997.

The text, "FOUR MONTHS LATER. OFFICE OF DIRECTOR OF PUBLIC
PROSECUTIONS, 10 October 1997" appears and fades. Garth is
seated in a small interview room with two DPP OFFICERS.

FIRST DPP OFFICER

Mr Eaton, I've asked you to come in and
see us because I have a sensitive
matter to advise you of. The Director
of Public Prosecutions has decided that
proceeding with the charges against
Willem Van Der Horst will not be in the
public interest. So, we will be
dropping the charges against him this
Monday, the thirteenth of October.

Garth is stunned and upset. The two DPP officers begin to
stand.

GARTH EATON

You haven't heard the last of this.

FIRST DPP OFFICER

Yes we have, Mr Eaton.

Garth also stands.

GARTH EATON

Oh, no you haven't.

The DPP officers usher Garth to the door.

INT. MAURER STREET HOME OFFICE. AFTERNOON.

Garth and Terry are seated at their respective desks.

TERRY RICE

Garth, if the Director says it's not in the public interest then that's it. The prosecution won't go ahead. And that's all there is to it. No point in threatening what you'd like to do... he simply won't budge.

GARTH EATON

What the bloody hell am I going to tell everyone... they're already on the edge. I'm really worried what this news is going to do to them.

TERRY RICE

Just tell them the truth. Van Der Horst has been virtually jamming the DPP's fax machine every day. According to McIlwain they've been receiving an average of twenty faxes a day. You know how convincing he is. And frankly, they don't need the agro. At the end of the day, false pretences charges only just get onto their radar. He most probably would never have gone to jail... just community work, and a recorded conviction.

GARTH EATON

But at least it would be a conviction and that was all we needed to then make an appeal to the federal attorney-

(MORE)

GARTH EATON (CONT'D)
general. Damn it... I'll send the
Director a list of reasons why the
matter is of public interest.
Christ... he's still out there raising
money on two invalid patents which
aren't his, for God's sake.

LATER:

Garth is on the phone to Elizabeth.

GARTH EATON
(into phone)
I don't know what to say, Elizabeth.
They've dropped the charges against
him. But I haven't stopped yet. I'll
think of something.

ELIZABETH (FRANCHISEE) V.O.
(pleading in tears)
Please do, Garth. Ken's just about
over the edge, and I don't know if I'm
going to cope, either.

GARTH EATON
(into phone)
Please stay strong, Elizabeth. I need
some time to clear my head. I need to
find direction.

ELIZABETH (FRANCHISEE) V.O.
(still emotional)
Please hurry, Garth. Please hurry.
(hangs up)

LATER:

We see Garth's POV as he ticks off another franchisee from
his list. He then dials another number. It answers.

IAN (FRANCHISEE) V.O.
Ian here.

GARTH EATON
(into phone)
Ian, it's Garth. Now listen, mate,
(MORE)

GARTH EATON (CONT'D)

I've got some disappointing news to share. The criminal charges against Van Der Horst have just been dropped...

IAN (FRANCHISEE) V.O.

(loudly)

Ah... What!? What happened?

LATER:

Garth is finishing a phone call to another franchisee.

GARTH EATON

(into phone)

Monty, I really need you and Jan to stay strong. I'm asking this of everyone. If we don't stay together... they win. And I haven't finished with them yet... believe me.

MONTY (FRANCHISEE) V.O.

But it seems that nothing you do is ever going to work. I personally think that we're dead in the water, and always have been.

GARTH EATON

(into phone)

No, No, No... Monty. Never say die. Just give me a little time to get myself together. That's all I ask.

MONTY (FRANCHISEE) V.O.

Well, I guess there's nothing else we can do.

(hangs up)

INT. MAURER STREET HOME. BEDROOM. DAWN.

The text, "TWO WEEKS LATER" appears and fades. Garth wakes to a RINGING phone beside his bed. His wife is lying beside him. He sits up and answers.

GARTH EATON

(into phone)

Hello, Garth speaking.

INT. ELIZABETH'S HOME. KITCHEN. DAWN.

Elizabeth is standing in her kitchen. She is dressed in her night gown and slippers and wearing an apron. In front of her are a glass of water and ten tablets.

ELIZABETH (FRANCHISEE)
(into phone, highly emotional)
Garth, it's Elizabeth
(pausing for composure)
I need you to listen carefully
(voice choking)
I have ten tablets in front of me, and
a glass of water... Are you listening?

INTERCUT:

GARTH EATON
(into phone)
Yes, Elizabeth.

ELIZABETH (FRANCHISEE)
(into phone)
Can you give me one good reason why I
shouldn't take these tablets right now?

GARTH EATON
(into phone)
What if I call over to discuss exactly
where we're at.

ELIZABETH (FRANCHISEE)
(into phone)
No, no... I don't want Ken to know I've
phoned. It would only cause him more
upset, and frankly I don't think he
could take it.

GARTH EATON
(into phone)
Is there a possibility that you could
come to my office without alerting Ken
to your concerns?

ELIZABETH (FRANCHISEE)
(into phone)
No, Garth. I need answers. I'm at my
(MORE)

ELIZABETH (CONT'D)

wit's end. We have every last cent tied up in the Europark project.

(weeping)

Ken and I believed so strongly in you and the competence of your staff. We thought, what could possibly go wrong?

GARTH EATON

(into phone)

Alright then, I'll take you through the current plan. It's bold, but given the obvious criminal conduct of the Judge, it's a plan that is worth putting into action. But before I start, no one else knows, so if you and Ken wouldn't mind co-operating with me for a few days until I have received legal advice I would certainly appreciate it.

ELIZABETH (FRANCHISEE)

(into phone, still upset)

Yes, that's fine. We're prepared to do whatever is necessary to get out of this mess. So, what's the plan?

GARTH EATON

(into phone)

I'm in the process of taking advice on whether or not I should charge Justice Spender under the Crimes Act 1914.

ELIZABETH (FRANCHISEE)

(into phone)

You'll never get away with it, surely?

GARTH EATON

(into phone)

Well, we have enough evidence to build a substantial range of charges under two sections of that 1914 Act... Section 32, Judicial Corruption, possibly 12 charges at least, and one charge under section 43, Attempt to Pervert Justice... He removed a directions hearing from the list without notice to ourselves. I'll explain the ramifications later.

KEN has just woken up after a restless night and is walking from the bedroom. He is dressed in pyjamas and looking dishevelled.

KEN O.S.

Who are you speaking to, Liz?

ELIZABETH (FRANCHISEE)

(loudly)

It's Garth. What would you say to charging Spender under the Crimes Act?

As she speaks she quickly holds the receiver between her chin and shoulder at the same time brushing the tablets into her apron pocket and then wiping her eyes with the sleeve of her night gown. There is a pause as Ken joins Elizabeth at her side and then SPEAKS LOUDLY for Garth to hear.

KEN (FRANCHISEE)

(into phone)

Bloody good idea, Garth. Someone should give that bastard a shake.

GARTH EATON

(into phone)

Ken, tell Elizabeth that that's exactly what we're about to do.

ELIZABETH (FRANCHISEE)

(into phone)

Thanks, Garth. I heard that. I haven't seen Ken with a spring in his step for some time. OK, well we'd better let you go. You've got a lot to do, and good luck. Bye.

KEN (FRANCHISEE)

(into phone)

Go get 'im, mate... for all our sakes. Bye now.

GARTH EATON

(into phone)

Will do, Ken. Bye
(hangs up)

INT. BRISBANE MAGISTRATES' COURT. MORNING.

The text, "BRISBANE MAGISTRATES' COURT, 30 March 1998" appears and fades. Garth and a friend are at the Bar Table. To their left are Spender's INSTRUCTING SOLICITOR and BARRISTER. BASIL GRIBBIN SM is speaking.

BASIL GRIBBIN SM

I need to emphasise that you are restricted from ever again taking private criminal prosecution against Justice Spender.

GARTH EATON

In light of that decision, your Worship, I will now drop my charges against Terence James Guthrie, Peter John Toy, Willem Van Der Horst, Ronald Peter Sutton Smith, his solicitor, and John Stephen McCarthy.

INT. MAURER STREET HOME OFFICE. MIDDAY.

Garth is sitting in his office talking to Terry.

GARTH EATON

If we couldn't get Spender's charges to stick we had no hope with the others. In effect, the Magistrate forced me to drop the charges. And while I'm on the subject of dropping charges, who's our Queensland Director of Public Prosecutions?... the idiot who dropped the charges against Van Der Horst.

TERRY RICE

Royce Miller QC.

Garth jumps out of his chair.

GARTH EATON

(loudly)

Who!?!.. Terry!?

TERRY RICE

Royce Miller QC.

GARTH EATON

Terry! He was the Judge in the Russell Island Land Fraud trial, for God's sake.

(pause)

Are we ever going to take a trick? And Van Der Horst would have faxed him about the outcome of the ACCC trial... being called a decent and honest witness by Spender.

(pause)

As if Royce Miller is going to leave egg on Spender's face by criminally prosecuting the man he spoke so highly of... the man he protected.

TERRY RICE

You could be right. It certainly explains why Peter McIlwain came under such pressure from the Office of the DPP.

GARTH EATON

You didn't mention that. What sort of pressure?

TERRY RICE

The DPP went cold on McIlwain's brief of evidence within about a month of Van Der Horst being charged. They basically wanted him to find a reason to withdraw. And in the end, he as good as threw the towel in.

GARTH EATON

It all makes sense now.

(pause)

Well, here we go again... I'll start phoning our guys with the bad news about Spender's criminal charges. God knows what this will do to some of them.

(pause)

God knows.

LATER:

INT. MAURER STREET HOME OFFICE. MORNING.

Terry is handing a letter to Garth who is seated.

TERRY RICE

I just got that out of the letter box.
Looks very official.

GARTH EATON

Thanks, Terry.

Garth begins to tear open the envelope and read the letter.
As he does he turns to Terry who is now seated.

GARTH EATON

I don't think I could take any more bad
news. It's been seven weeks since
Willy walked out. The nights are very
lonely.

(now reading the letter)

What have we got here?

(long pause)

Oh, for God's sake. The ACCC have sent
me a letter of demand for their legal
costs. One hundred and forty-eight
thousand dollars. Fat chance. Looks
like I'm about to go bankrupt for a
third time.

Garth SLAMS his hand on his desk.

GARTH EATON

(yelling)

Jesus, Terry. When is the nightmare
going to end. Bad enough that they've
destroyed us while they're protecting a
known fraudster, but to have the gall
to want to recover their costs of
destroying us, what's that? How much
salt can you rub into a wound. I've
never paid anyone to violate me.

EXT. CEMETRY. MIDDAY.

The text, "SEVEN MONTHS LATER" appears and fades. Ken's
gravesite is surrounded by his family and friends.
Elizabeth is spreading a handful of soil on the coffin.

She is inconsolable as she approaches Garth who has been standing well back. Garth is also emotional.

ELIZABETH (FRANCHISEE)

(still weeping)

Garth, thank you so much for coming.
Ken would definitely want you to know
that taking his own life has nothing to
do with you. He told me two days
before his death that he respected the
fight you put up... you had done all
that anyone could do. Some of his
words to me were

(now managing a smile),

"I hope that Garth can bring those
mongrels to account for the incredible
damage they have done to all of us.
They have certainly destroyed our
lives, Liz. But we must encourage him
to never give up."

Elizabeth then throws her arms around Garth's neck, and
together they unashamedly cry. Others turn.

INT. MAURER STREET HOME OFFICE. DAY.

The text, "SIX WEEKS LATER" appears and fades. Garth is in
his office facing Terry. He is opening a letter.

TERRY RICE

That's expensive looking stationery.
Who's it from.

Garth looks at the personalised letterhead.

GARTH EATON

Ian and Helen. Just a moment mate.
(now reading)
Oh Jesus, not again.

TERRY RICE

What's that?

GARTH EATON

Helen overdosed on prescription drugs
about three weeks ago. Ian says, and
(MORE)

GARTH EATON (CONT'D)

I'll read it to you, "When Helen passed my feelings were very mixed. I didn't know whether to thank you for all that you did to win the day, or to abuse you for being Jamie Orchard's and the ACCC's target, which you knew all about from very early in the Vaportec project. I guess I chose the latter out of grief. But I want you to know that this was never Helen's attitude. Her innate nature would not have allowed that. And having said that, I know that I let her down by not advising you of her death nor inviting you to her funeral."

Garth becomes noticeably upset and puts the letter down.

TERRY RICE

Let's hope that's the last of it.

GARTH EATON

(emotional)

The last of it, Terry? I doubt it. Monty's wife, Jan, is near hysterical... all the time. Even Phyllis is only just hanging in there. Frank and Dorothy are very elderly and failing noticeably... I don't know.

(pause)

They won't be happy until we're all dead.

TERRY RICE

How are Rob and Kathy going.

GARTH EATON

They seem to be holding up alright. I spoke with Rob and his dad, Peter, the other day. But you never know what lies below. We can only pray.

INT. EUROPARK FRANCHISEE'S HOME. LATE AFTERNOON.

The text, "APRIL 30 1999" appears and fades. ROB is sitting in his office alone. He is phoning Garth.

GARTH EATON V.O.
Garth Eaton speaking.

ROB (FRANCHISEE)
(into phone, excited)
Garth, It's Rob. I've just heard from Dad. He's been watching an early news report. Van Der Horst has been murdered.

GARTH EATON V.O.
Murdered!? How!?

ROB (FRANCHISEE)
(into phone)
That's all I can tell you. A full report will be on the news tonight.

INT. MAURER STREET HOME OFFICE. LATE AFTERNOON.

Garth begins to get up from his office chair.

GARTH EATON
(into phone)
I always knew he'd come to harm. You can't be a violent, mentally ill fraudster without paying a price. I just hope that whoever killed him was not one of us. I've already had my hands full talking two franchisees out of shooting Spender and Ducret.

INTERCUT:

ROB (FRANCHISEE)
(into phone)
Right, well all I know is that it wasn't this franchisee.

GARTH EATON
(into phone)
And I wouldn't believe for a moment that it would be you. If anything, he had become a Frankenstein's monster... I mean, the way he was protected by the ACCC and the AGS was nothing short of
(MORE)

GARTH EATON (CONT'D)

(into phone)

criminal. And then he had the full support of a federal court Judge. Christ... Bill was already an arrogant and violent man. Apparently, he used to yell, "I've got the backing of the Australian government and a federal court judge".

ROB (FRANCHISEE)

(into phone)

And that backing began in February 1992 when he seconded Jamie Orchard to destroy the Vaportec project. So, what's that...

GARTH EATON

(into phone, interjecting)

Just over seven agonisingly destructive years.

ROB (FRANCHISEE)

(into phone)

Well... let's hope he's now at peace.

GARTH EATON

(into phone)

There's one thing I can certainly guarantee... He's the lucky one. The way things look there'll be no peace for us for a while yet.

(pause)

You know, I still can't forget what Bert Vethman told me when he got back from overseas in late 1990. I had sent him to research how the city councils within Singapore, Tokyo and Los Angeles were solving their inner city parking problems. He also met with Airport Authority officials at the Schipol Airport where parking was a major concern. Anyway, he had taken some time out to call in to see Bill's sister in Amsterdam while he was still in the Netherlands. Her words to Bert were, "Is Bill still at war with the world?"

ROB (FRANCHISEE)

(into phone)

Sad, isn't it. But sadder still that so many lives have been ruined.

(pause)

And just remind me again, who was Bert Vethman?

GARTH EATON

(into phone)

He was the engineer I employed to advise me personally on all aspects of Bill's mechanical carparking concept. It was shortly after we had entered into our Vehicle Parking Technology Agreement that I became alarmed regarding many of the statements Bill was asserting. Not everything was adding up. But I wasn't an engineer, so, Bert's role was to report any anomalies to me. Some of the claims made by Bill were outrageous... his estimates of costs per cubicle... maximum speed of the conveyer without causing the cubicles to swing and collide... loading and retrieval times of vehicles... incorrect maintenance procedures... it just went on.

ROB (FRANCHISEE)

(into phone)

That would have ticked Bill off, having Bert looking over his shoulder.

GARTH EATON

(into phone)

It did, big time. But as it turned out we had been trapped into spending well over a million dollars not just rectifying his nonsense but being lead up dry gulleys as he kept one drawing at a time in front of our engineering draftsmen. And I'm talking about the drawings in the expired US Rowe patent which he had hidden from all of us. We were constantly engaging highly paid consulting engineers just to overcome his incompetence and outright lies.

ROB (FRANCHISEE)

(into phone, chuckling)

And that was the man who said, "I am a Dutchman... I am an honest man... My word is my bond... There will be no need for an agreement".

GARTH EATON

(into phone)

That's him. But there's a strong possibility that he believed it.

ROB (FRANCHISEE)

(into phone)

Yeah, anyway, I'm in a hurry, gotta go. Speak later my friend.

GARTH EATON

(into phone)

Bye, Rob.

(hangs up)

INT. OFFICE OF PRESENTER. BOARDROOM.

The Presenter walks towards his chair at the end of the Boardroom table. He doesn't sit but stands behind it.

PRESENTER

Is Bill still at war with the world?

(pause)

I am a Dutchman. I am an honest man. My word is my bond. There will be no need for an agreement.

(pause)

A Frankenstein's monster created by the ACCC... the AGS and Justice Spender. And now murdered? When are Garth and his franchisees going to be at peace? Because there'll be no prizes for guessing whose doors Homicide police will be knocking on.

FADE OUT:

THE END