

LEGALLY ABUSED

PART 4 of 6

"JUSTICE ON HOLD"

Screenplay

by

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SPEC SCRIPT
Final Draft

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LEGALLY ABUSED

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 4 of 6 - "JUSTICE ON HOLD"

SYNOPSIS - Part 4

Once again, Garth Eaton explains the deal offered by a government officer which is deceptively presented to prevent the Europark companies and their franchisees from ever trading again; another attempt to Obstruct Justice.

Franchisees then turn their attention to Eaton's parallel project, Vaportec, and also address the intervention of a government officer in his successful efforts to bring that project to a close; again Obstructing Justice but this time resulting in the suicide of a highly decorated Australian.

And while their upset over the loss of that franchisee is still palpable they begin questioning more of the bile in Spender's Judgment... more of the fifteen fabricated statements designed to stop Eaton in his tracks and destroy the hopes and future prosperity of fifty-two Europark franchisees.

They continue to express upset over Eaton being the ACCC's target and why they had to be the collateral damage.

Franchisees then agonise over how an original complaint involving infringement of invalid patents could suddenly extend to other spurious claims when the ACCC realised that the complaint was a fraud. Yet, if infringement was no longer on the table then why did Justice Spender's Reasons for Judgment dwell on misappropriation.

And at this same February 1997 meeting of franchisees, they begin discussing technology development and the number of bankruptcies that occur; a concept unknown to those government officers and the Judge who had just violated every right they had. But a concept that was now confronting them as an impending reality for some.

To ease the tension, Eaton begins recounting his amusing attempt to serve writs on the directors of Vihorlat, their manufacturers. It had become necessary to recover the prototype and relocate it to Austria. That was the plan.

With "JUSTICE ON HOLD", franchisees await news that police have charged the ACCC's complainant; their only hope.

LEGALLY ABUSED

- PART FOUR - "JUSTICE ON HOLD"

FADE IN:

INT. MAURER STREET HOME OFFICE. EARLY EVENING.

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

FIRST FRANCHISEE
(interjecting abruptly)
... I still want to know why we are
paying a price for what seems to be a
grievance against you, Garth?

INT. OFFICE OF PRESENTER. BOARDROOM.

The Presenter is walking to the end of the Boardroom table where Dr Ingrid Svenson is already seated. As he walks he speaks.

PRESENTER
That was a franchisee of the Europark
mechanical carparking system. He's
upset because a federal court Judge has
just slammed that project and prevented
any of them from ever again re-entering
the mechanical carparking arena. And
he's blaming the outcome of that trial
on the fact that the head of the
project, Garth Eaton, was the subject
of a witch hunt.
(pause to sit)
But before we continue let's take
another brief look at the prototype of
the Europark carparking system which
was constructed in the Slovak Republic
for Garth Eaton's Australian company.

FLASHBACK

EXT. PARKTEC PROTOTYPE. VIDEO CLIP. DAY.

Prototype of the mechanical carpark is seen for 7 seconds.

BACK TO PRESENTER

PRESENTER (CONT'D)

In the previous episodes we learned that Justice Spender of the Federal Court of Australia needed to protect government officers from criminal prosecution... Their Star Chamber, criminal conduct against Garth's group of franchisees had created incredible damage to their mechanical carparking project long before trial. Again, I have Dr Ingrid Svenson, a Criminologist and Clinical Psychologist with me.

(now turning to Ingrid)

Doctor... Your interpretation of events so far?

DR INGRID SVENSON

Thank you, Adrian. Good evening. Justice Spender became aware very early in the trial that officers from the Australian Competition and Consumer Commission, that is, the ACCC and the Australian Government Solicitor, AGS, had acted against Garth Eaton's companies and franchisees based on a false complaint. And so, the Judge needed to protect them. But he couldn't do that without protecting their complainant, Bill Van Der Horst, the fraudulent inventor whose false complaint triggered the entire trial.

(pause)

And to ensure the protection of those government offices he had to inject himself into the trial. At times he became Counsel for the ACCC, bullying and intimidating Garth and his witnesses.

(turning to Adrian)

And I'm sure that we all recall that deplorable killer blow episode that shocked the entire court. He displayed all the signs of a tyrant Judge.

FLASHBACK

INT. COURT 2. FEDERAL COURT. DAY.

The text, "COURT 2 - FEDERAL COURT, April 1996" appears and fades. MR PHIL HACK, Counsel for the ACCC is cross-examining Garth. Spender is looking pensive.

PHIL HACK

Well, when you bought a motor car, did you buy just the engine, or all the bits that go with it?

GARTH EATON

(facetiously)

All the bits that go with it.

Spender now rocks forward hunching over one elbow as he looks straight at Phil Hack and viciously BELLOWS the following words, STARTLING everyone in court.

JUSTICE SPENDER

(bellowing)

That's gotta be the killer blow!

BACK TO DR INGRID SVENSON

DR INGRID SVENSON

That killer blow episode was not just factually incorrect but inexcuseable.

(pause)

And you'll remember the extremes that Garth went to when enforcing his contractual rights with his Slovakian manufacturers. And that was after calling a media conference in Prague.

FLASHBACK

EXT. VIHORLAT. FACTORY CARPARK. MORNING.

The text, "VIHORLAT SNINA CARPARK, 10AM 23 April 1993" appears and fades. Boris' Audi pulls into the carpark. Everyone begins to alight. Garth turns to Suzanna.

GARTH EATON

How are you feeling, Suzanna?

SUZANNA STUBNIAKOVA

Very nervous, Mr Eaton.

DISSOLVE TO:

EXT. VIHORLAT ADMIN BUILDING. MORNING.

Garth has just walked back from the dismantled prototype and is standing at the entrance to the Vihorlat admin building. He is highly agitated. He's being interviewed by a reporter from Slovak television. This excerpt of the **actual video footage lasts for 20 seconds.**

BACK TO DR INGRID SVENSON

DR INGRID SVENSON (CONT'D)

Slovak Television made Garth's aggressive approach a news item that night. Thankfully, Garth's bodyguard was able to get it all on video showing the prototype fully operational. But that would be the only win. From there, the ACCC's onslaught would tag him unjustly as an armed thug.

(pause)

And just before trial, after a litany of legally abusive conduct they put a proposition to Garth that was not just abusive... it was a clear cut case of the ACCC obstructing justice.

(pause)

And here's a recap of that appalling criminal proposition. The ACCC was still known as the Trade Practices Commission, TPC, at this stage.

FLASHBACK

EXT. COURT 2. FEDERAL COURT.

The text, "OUTSIDE COURT 2, FEDERAL COURT, 13 October 1995" appears and fades. STEPHEN RIDGEWAY is sitting with Garth.

STEPHEN RIDGEWAY

The TPC is prepared to cease any further action against you on the proviso that the injunction against you remains in force until you take Van Der Horst into court and have his two patents revoked.

GARTH EATON

Mr Ridgeway, why is it that we should have the responsibility and cost of taking Van Der Horst into a federal or supreme court to have his invalid patents revoked? Isn't it up to the Trade Practices Commission to ensure that no one in this nation is allowed to wander the streets scamming all and sundry by holding out that invalid patents actually have value?

STEPHEN RIDGEWAY

Well... that's the Commission's position. I'm just advising you of their offer.

GARTH EATON

(becoming annoyed)

So, now that the TPC and AGS have seen our technology you're backing out and leaving the heavy lifting to us... Very smart. And surely you, Alan Ducret and his sidekick, Terry Guthrie, the Assistant Commissioner of the TPC, understand that the cost of revocation of both Van Der Horst patents could amount to tens of thousands. And even then, there is no guarantee that all of the twenty-one claims within his two patents could be knocked out in total. Any court will give the patentee the latitude needed to amend the claims by narrowing the scope of such claims. We could walk out of court with Van Der Horst having only one slim claim standing in each patent. And although those remaining two claims would be valueless, he still holds two patents,

(MORE)

GARTH EATON (CONT'D)
and we're still injuncted... frozen
from trading forever.

BACK TO DR INGRID SVENSON

DR INGRID SVENSON
It is obvious that ACCC officers and
the Judge are above the law. They live
in a realm all of their own. And the
reason?.. They are the law. And it
wasn't just about the Commission and
officers within the Australian
Government Solicitor being untouchable
and immune to criminal prosecution.
Garth's franchisees had been subjected
to extreme violation by officers within
the Australian Securities Commission
two years before the TPC's attack. And
on that subject, let's get back to that
meeting of investors and franchisees in
Garth's home.

INT. MAURER STREET HOME OFFICE. LATE EVENING.

The text, "GARTH EATON'S HOME OFFICE, February 1997",
appears and fades. Everyone is standing with finger food
and beverages in their hands and chatting in small groups.
Garth begins to speak.

GARTH EATON
If I could just have your attention
once again. It's almost nine o'clock,
which means we've been going for around
three hours. But there are still some
matters I'd like to discuss if you have
the time?

FIFTH FRANCHISEE
Well... I'm staying to have a few more
scotches with Willy so I don't care how
long it takes. And I can take a late
start at school, anyway.

SECOND FRANCHISEE

I'm fine as well, Garth. And I'd like to know more, if for no other reason than to know what we're facing and what our prospects of success might be.

Others also agree to hearing more.

GARTH EATON

That's great... we'll do that.

SECOND FRANCHISEE

(interjecting)

Garth... so far, discussions have revolved around the Parktec or Europark mechanical carparking project. But Monty and I were originally Vaportec franchisees, which was a sad story on it's own. Are others aware of the fate of Vaportec?

GARTH EATON

(looking around)

Anyone else aware of the Vaportec project?

FOURTH FRANCHISEE

Only that the head of your research and development centre at Bundamba committed suicide.

There is an audible sigh of disbelief mixed with compassion.

FIFTH FRANCHISEE

What the hell happened there?

GARTH EATON

Parktec was originally a second string to our bow. I wanted a safety net for the Vaportec project which was high risk but potentially a multi-billion dollar business worldwide.

SECOND FRANCHISEE

(grinning)

Fabulous project. All we had to do was
(MORE)

SECOND FRANCHISEE (CONT'D)
beat Honda and its six hundred
engineers from getting to the
marketplace first.

FOURTH FRANCHISEE
But what was Vaportec... What were you
trying to achieve?

GARTH EATON
Lean burn, otherwise known as complete
combustion... I'll explain. Most of us
know that liquid petroleum doesn't
burn, only the vapour burns... Am I
right?

FOURTH FRANCHISEE
News to me.

Most shake their heads.

GARTH EATON
Well... accept that as fact. And I
have spent countless hours with
Professor Paul Greenfield, head of the
Chemical Engineering faculty,
University of Queensland, to understand
the burning properties of petroleum.
In fact, his faculty had its own
project underway which dealt with the
burning properties of high paraffin-
based fuels.

FOURTH FRANCHISEE
Was he the one who gave you the idea?

GARTH EATON
No... I met Professor Greenfield about
three months after the project had
commenced. Our inventor was Russell
Lutherborrow. And it was Russell who
had begun developing a fuel saving
device for petrol driven engines.

(pause)

The theory behind lean burn technology
is... and I'll keep it brief... that if
you can vapourise petroleum before it

(MORE)

GARTH EATON (CONT'D)

passes into the combustion chamber then
you will save fuel.

FOURTH FRANCHISEE

But how do you do that?

GARTH EATON

Before I started the project I spoke at
great length to Dr Milkins of Monash
University in Melbourne. He was a
devotee of lean burn or complete
combustion technology. He convinced me
of a few undeniable facts. One...
petroleum, gasoline... call it what you
like, is made up of approximately one
hundred and twenty hydrocarbon
fractions such as butane with a boiling
point at freezing, that is, zero
degrees celsius at atmospheric
pressure... then further up the scale
we have isobutane which boils, that is
vapourises, at eleven degrees
celsius... right up to the really heavy
hydrocarbon fraction, dodecane, with a
boiling point of just over two hundred
degrees celsius.

FOURTH FRANCHISEE

(humorously)

Are we all paying attention, class?

There is a chuckle. But some are keenly interested.

FIFTH FRANCHISEE

I'm with you, Garth. As you know, I
teach chemistry at Boys Grammar and
I'll be touching on some of this during
the year. So, I hope I'm not getting
ahead of you... but is the trick here
to boil off all the fractions at the
one time.

GARTH EATON

(smiling)

Will someone give that lady a gold
star. You've just nailed it, Phyllis.

(MORE)

GARTH EATON (CONT'D)

If you can successfully boil off, that is, vapourise all one hundred and twenty hydrocarbon fractions, sometimes referred to as compounds, at the one time and pass that vapour into the combustion chamber then you're on your way to saving fuel.

FOURTH FRANCHISEE

Just one quick question... Won't the liquid fuel boil off anyway once it goes into the combustion chamber?

GARTH EATON

Yes, Michael, but there is too much waste. It goes into the chamber from the carburettor or fuel injector in atomised form surrounded by some vapour because of the ambient temperature. All the very light fractions will automatically be vapourised, and it's that vapour that will ignite first. And immediately following that, the heat from that initial ignition will vapourise the other fractions in order of their boiling points.

FOURTH FRANCHISEE

(interjecting too quickly)
So where's the problem?

GARTH EATON

The problem is that by the time the piston is forced to the bottom of its cycle by that slow burn, only two thirds of the vapourised fractions have been needed to do all that heavy lifting... leaving one third of the vapour to be blown out the exhaust. And that's a big waste of chemical energy.

Phyllis is now raising her hand vigorously in the air emulating one of her students trying to catch the teacher's attention.

GARTH EATON

(facetiously)

Yes, young Phyllis?

FIFTH FRANCHISEE

I think I've got it.

(pause)

So, if you can vapourise all the fractions before they are passed into the combustion chamber then you will only need to vapourise two thirds of your fuel to get the same result.

GARTH EATON

And it's a second gold star to the lady from mensa. You've hit the nail on the head.

FOURTH FRANCHISEE

(questioning)

Slow burn, Garth?

GARTH EATON

Comparatively slow... I mean it all happens in far less than the blink of an eye. But the fractions do burn off in series according to boiling points.

FOURTH FRANCHISEE

Were you ever able to vapourise the fuel?

GARTH EATON

Yes... thanks to Roy. We were lucky enough to attract a Vaportec franchisee who had invested two hundred and fifty thousand dollars into the project, so he had a big vested interest in ensuring that the project succeeded. Roy had been made a Member of the Order of Australia for his services to education. In fact, it was Roy who had established Tafe Colleges in Queensland. And his knowledge of thermodynamics was second to none. We had the best.

FIFTH FRANCHISEE

I certainly knew of him. His services to education were well-known. But I didn't realise that he was working on one of your projects, Garth. Is he the one who committed suicide?

GARTH EATON

Regrettably, yes. But I'll explain more about that later. There's a man in this country by the name of Jamie Orchard who has a lot to answer to. Anyway, Roy conquered the vapourising of petroleum and a method of injecting it into the chamber, but the side affect was the intensity of the heat generated by burning pure vapour.

FIFTH FRANCHISEE

Let me guess... a high increase in carbon dioxide, an exhaust pollutant.

GARTH EATON

And again, correct... but not just uncontrollable volumes of carbon dioxide but dramatic increases in mono-nitrogen oxide known as Nox.

FOURTH FRANCHISEE

So, was that the stumbling block?

GARTH EATON

It was certainly our major focus... until Jamie Orchard of the Australian Securities Commission and his federal police sidekick, Lex McLay, made it impossible for us to raise money. And when that happened Roy's hopes of success were destroyed, in an instant.

(pause)

And, of course, his investment of a quarter of a million dollars.

FIFTH FRANCHISEE

Although, I don't think that the loss of his money would have been as devastating as the loss of his

(MORE)

FIFTH FRANCHISEE (CONT'D)
unblemished reputation. He would have seen himself as a failure even though it was through no fault of his own... Roy had never failed at anything.

GARTH EATON
I would definitely agree with that. He was a proud man, and rightly so. But what Orchard did with the help of Lex McLay was reprehensible... Their unlawful intervention can only be described as criminal in intent. And I will clarify that later. But believe me when I say that Orchard may as well have taken out a gun and shot him. It would have been far more merciful.

FOURTH FRANCHISEE
We can only pray that the criminal intervention that has occurred in this project won't be taking any of us.

FIFTH FRANCHISEE
And now that you've mentioned it, Michael, I need to let everyone know that Ken and Elizabeth aren't coping well at all. In fact, I spoke with Elizabeth yesterday and she was very concerned about Ken's state of mind.
(pause)
Like Roy, they have a quarter of a million dollars at risk in Europark.

GARTH EATON
Well, on that note I will be speaking with both of them at the second franchisees' meeting tomorrow night... But if anyone would like to phone Ken and Elizabeth to give them a few words of comfort, I would urge you to do so.

Everyone nods in recognition of the need to give hope.

SECOND FRANCHISEE
I'll make everyone a promise... that if Alan Ducret, the regional director
(MORE)

SECOND FRANCHISEE (CONT'D)
of the ACCC ends up with blood on his hands, like Orchard... I'll end up with blood on mine... His and Spender's. My wife isn't here tonight because she is still inconsolable after reading the judgment. And thanks for faxing that this afternoon, Garth. Helen was one of the franchisees who assisted Garth in structuring the Europark International Franchise system... and Spender called it a scam.
(pause)
Low life.

INT. OFFICE OF PRESENTER. BOARDROOM.

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

PRESENTER
One suicide because of the unlawful intervention of a government officer, Jamie Orchard, from the Australian Securities Commission. But then, of course, he did have the criminal assistance of a federal police officer, Lex McLay. But why did that intervention cause Roy to suicide? And please understand that no surnames of franchisees will be disclosed in this series.
(pause)
I have Dr Ingrid Svenson with me, so that question can best be answered by her.
(now turning to Ingrid)
Your thoughts please, doctor.

DR INGRID SVENSON
What caused the suicide?... Hi. Once again, the answer is Legal Abuse. And in the last episode I referred to the extensive work done by Dr Karen Huffer and her term, 'legal abuse syndrome'. You may recall that she describes it as
(MORE)

DR INGRID SVENSON (CONT'D)

a sub category of post traumatic stress disorder. People who are subjected to the constant legal violation of their rights will end up suffering badly from legal abuse. The Europark investors and franchisees are a prime example of that. For most of us, that's too much to sustain.

(pause)

And in the instance of Roy he could no longer accept the Star Chamber conduct that was systematically destroying his chances of succeeding. He had been stripped of all hope.

(becoming emotional)

The helplessness he felt would have been crippling.

PRESENTER

(stepping in)

Thank you, Dr Svenson.

BACK TO HOME OFFICE

Franchisees and investors are having refreshments and asking questions before going back into the office area to reconvene the meeting.

GARTH EATON

And Ian, I can imagine how upset Helen would be. By Spender calling our franchising program a scam it not only reflected badly on herself and others who contributed to the development of the franchising program... but his comments crapped all over Andrew Greenwood, our solicitor who drafted the original agreements which breathed life into the Europark project from day one. Andrew is considered to be Australia's foremost exponent of patenting and intellectual property.

(pause)

And he knew what management franchises were all about... Spender didn't have a bloody clue.

A Vaportec investor who has remained silent now interrupts.

SIXTH FRANCHISEE

(interrupting)

Garth... As Ian mentioned, I'm not a Europark franchisee but I am an original Vaportec franchisee, who was hoping to get his 185 thousand dollars back when the Europark project became a viable reality. But I've been sitting here listening to the attacks that have been made on Vaportec and Europark and can't help wondering... Are we Robinson Crusoe? Or are there other companies who have been damaged by the ACCC?

GARTH EATON

Good to hear from you Monty. No... we're certainly not the only ones.

(now turning to Terry)

But I recently asked Terry to research any complaints that state and federal police have received from upset company directors... Terry?

TERRY RICE

Thanks Garth... I could find nothing filed with the Queensland CIB, but I did call a mate of mine in federal police... and what he had to say surprised me. They are continually receiving complaints about the gung-ho tactics of the ACCC and the Australian Securities Commission.

GARTH EATON

(interrupting)

And it all starts at the top... Terry, time's short but possibly you could share that complaint against Professor Alan Fels and his staff?

TERRY RICE

Yes... Well. It's common knowledge that Fels is a self-confessed media tart... he likes theatrics. On one particular occasion he organised the

(MORE)

TERRY RICE (CONT'D)

media to take footage of his officers leaving the premises of a well-known Australian company. They were each carrying an archive box leading viewers to think that they had either seized some sort of contraband material or damning documents which would prove that the company's trading practices were illegal. In truth, they were empty boxes. Some had ACCC stationery in them but there was nothing in them to do with the investigation.

SIXTH FRANCHISEE

Bloody hell! And did the investigation go anywhere?

TERRY RICE

No... and Fels knew that it would go nowhere... he was just taking a shot for publicity purposes. But worse still, you could see the name of the company in the background.

SIXTH FRANCHISEE

Dear sweet Jesus. Those stunts can break a company. Did they ever receive an apology?

TERRY RICE

No... and you're right, it took around two years to recover their reputation and lost trade.

SIXTH FRANCHISEE

They're bloody cowboys alright. I thought they were there to prevent anti-competitive conduct and boycotting... Mind you, those criminal stunts are far worse.

GARTH EATON

Sure are. And on the subject of anti-competitive and boycotting conduct... that's exactly what Bill Van Der Horst and his crooked solicitor mate did to

(MORE)

GARTH EATON (CONT'D)
us thanks to the support of the ACCC...
They bring us to an abrupt halt while
their complainant is allowed to
continue touting invalid patents.

Garth is showing signs of upset and pauses to reflect.

TRAUMA FLASHBACK

EXT. COURT 2. FEDERAL COURT. DAY.

The text, "OUTSIDE COURT 2. FEDERAL COURT, 13 October 1995" appears and fades. Terence Guthrie is speaking to Bill Van Der Horst. He is excited and shows signs of intoxication. As he refers to Garth his fists punch the air simultaneously twice to chest height.

TERENCE GUTHRIE
(quietly slurring)
Got him, Mr Van Der Horst!.. Got him!

On the second air-punch he almost loses balance. Garth FLINCHES with each punch.

END TRAUMA FLASHBACK

INT. OFFICE OF PRESENTER. BOARDROOM.

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

PRESENTER
That was Terence Guthrie, Assistant Regional Director of the ACCC. He believed that Garth would accept that criminally appalling deal to be put to him by Stephen Ridgeway; a deal that would injunct Garth and his franchisees forever. Little did he know that Garth was only minutes away from knocking the deal back.
(turning to Ingrid)
I think I'll let Dr Svenson say a few words about the ramifications of the ACCC's cowboy conduct. Doctor?

DR INGRID SVENSON

Thank you, Adrian. Firstly, I need to say that Garth is displaying all the signs of being traumatised by the incessant legal abuse of government officers. And it's the same style of legal abuse which caused the suicide of Vaportec's research and development manager. And if you can imagine Professor Fels conduct on steroids and being repeated vigorously over a sustained, unrelenting period of time then you can understand the extent of the damage to a person's psyche. There is simply a limit to the abuse that each of us can absorb. And Alan Ducret, the Regional Director of the ACCC was undoubtedly Fels' protégé... He and his cowboy Asssistant, Guthrie, are ruthless people who are criminally intentioned.

BACK TO HOME OFFICE

Europark franchisees and investors are still enjoying refreshments.

SIXTH FRANCHISEE

OK... so, we're not alone when it comes to being violated by the ACCC. That gives me some comfort, but regardless, the attack on us was predominantly based on a witch hunt against yourself, Garth.

(now looking around
the room)

Would everyone agree?

SECOND FRANCHISEE

Now that I've heard more of your history, Garth... I'd agree with Monty, one hundred percent.

Others murmur and nod their heads in agreement.

SIXTH FRANCHISEE

Anyway, there's nothing that can be done about it now, but I do have another question.

(pause)

I understand that the Slovaks were playing rough games...

GARTH EATON

(quickly interjecting)

And what I haven't explained yet was their systematic theft of our technology. Each enhancement they made to the prototype was being locked up in provisional patents in the name of Vihorlat and not ourselves. And under our manufacturing licence, all enhancements were the property of Parktec. Simply put, they were systematically stealing our technology.

SIXTH FRANCHISEE

Alright... I accept that their games were rougher than we thought, and that you were given no alternative but to use force. I'm not challenging any of that... but I would dearly like to know if you did all that could be done before taking such extreme measures.

GARTH EATON

At the outset, we did everything we could to bring Vihorlat directors onside. I even engaged a professional to translate our faxes into Slovakian. I wasn't taking any chances that our English would be misinterpreted and vice versa. But still no success.

(pause)

I then sent Mark Heinrich, Frank Norton and Ron De Greef, our cameraman over to Slovakia to primarily conduct a PR exercise and then to take video footage. But they were repeatedly disallowed access to the prototype so I asked them to return home. All they got was an excellent luncheon and all

(MORE)

GARTH EATON (CONT'D)

the Borovička they could drink. It was an expensive exercise. And Vihorlat directors simply wouldn't budge until they were able to renegotiate our original agreements... on their terms. So, that was my cue.

SIXTH FRANCHISEE

So, what then.

GARTH EATON

I immediately booked air fares to Prague for Raymond Ward, my wife and myself. I then asked our cameraman, Ron De Greef, to fly from the Slovak Republic to Prague and wait for us.

SIXTH FRANCHISEE

(interjecting)

Why Prague? Why not go straight into the Slovak Republic? That's where your manufacturers were.

GARTH EATON

At that stage I was still hoping that a diplomatic approach would work. So, I had made arrangements to meet up with the Australian Trade Commissioner in Prague, Mr Emile Vosichy. That was on Monday, 29 March 1993.

SIXTH FRANCHISEE

Why not the Trade Commissioner in the Slovak Republic?

GARTH EATON

At that early stage of the split into the two republics, apparently Australia had not yet appointed a Trade Commissioner to the Slovak Republic.

(pause)

Anyway, we met with Emile...

FLASHBACK

INT. OFFICE OF TRADE COMMISSIONER. MORNING.

The text, "OFFICE OF AUSTRALIAN TRADE COMMISSIONER, PRAGUE, 29 March 1993" appears and fades. Garth, Raymond and Willy are standing. The RECEPTIONIST is putting down the phone.

RECEPTIONIST
(looking up)
Mr Vosichy will see you now.

At that moment, EMILE VOSICHY opens the door to his office.

RECEPTIONIST
Oh... Mr Vosichy is here now.

As Garth, Raymond and Willy turn towards him, he speaks.

EMILE VOSICHY
Good morning, please come through.

The scene reopens in Emile's office. He finishes shaking Willy's hand and indicates three chairs at his desk. As everyone begins to sit he speaks.

EMILE VOSICHY
Now... as I understand it, Mr Eaton, you're experiencing a problem with your Slovakian manufacturers. They are in breach of your marketing and manufacturing agreements.

GARTH EATON
That's right, Mr Vosichy, I have made many attempts to get them to remedy their breaches but apparently they want a larger slice of the pie. They simply want to renegotiate our agreements from the ground up. But I feel it would be advantageous if a representative from your office could join us during those negotiations, if not yourself, personally.

EMILE VOSICHY
Unfortunately, I'm right in the middle of closing a deal involving several thousand Australian sheep, so I can't
(MORE)

EMILE VOSICHY (CONT'D)

be of any help to you. I am also worried about the sensitivity of Prague becoming involved in Slovakian business. It wouldn't do our diplomatic relations any good at all.

GARTH EATON

Any solutions, Mr Vosichy?

EMILE VOSICHY

For the sake of not creating tensions, you may have to handle this matter yourself. But let me think...

Emile then reaches for his right hand desk draw and opens it. He takes out a diary and flicks through, then pauses.

EMILE VOSICHY (CONT'D)

What I can do, is give you the name of an experienced interpreter. Her name is Suzanna Stubniakova. She interprets for ministers of the Slovak Republic during negotiations. You'll find her to be of great assistance. I'll give you her number in Bratislava.

Emile begins to write the number down.

END FLASHBACK

INT. OFFICE OF PRESENTER. BOARDROOM.

The Presenter is seated at the head of the Boardroom table.

PRESENTER

And we all know what happened from there. A breakdown in negotiations with Vihorlat... media conference in Prague... Bodyguards... Slovak Television's coverage of the events of that day, and Garth finally being able to get video footage of the prototype in action. But it wasn't over.

BACK TO HOME OFFICE

The group is still in the dining area.

SIXTH FRANCHISEE

Well, I guess you did all you could do before pulling the pin on the grenade.

FIFTH FRANCHISEE

And Garth, in fairness, I tend to think that you did more on the diplomatic front than most would have. They simply exhausted you, part of which involved threats. It's good tactics... good warfare on their part.

Others nod quietly.

SIXTH FRANCHISEE

Did you ever try to take possession of your prototype?

GARTH EATON

Yes, we did. And I'll explain that now. But please remind me to explain the criminal antics of Jamie Orchid and Lex McLay in destroying the Vaportec project and Roy with it.

SECOND FRANCHISEE

Yes... we seem to have gotten ourselves off that track. As a former Vaportec franchisee I would certainly like everyone to know what they did.

GARTH EATON

So, several months before we entered into a deal whereby Vihorlat would let us use the prototype for sales purposes we did try to gain possession of our prototype and ship it to an industrial property in Austria. That attempt was made in November 1993. But once again, our tactics failed. The directors, now defendants, didn't recognise the validity of an Australian Supreme Court writ even though Bowdens, our

(MORE)

GARTH EATON (CONT'D)

solicitors at the time, had covered every base. And we went to extreme lengths to serve that writ on Marinic, Gerboc, Strachay, Kacer and the President of their parent company, VSZ Kosice, Zoltan Berghauer.

SIXTH FRANCHISEE

(chuckling)

It's a wonder they let you back into the country just six months after making headlines earlier in the year?

Others smile and shake their HEADS almost unnoticeably.

GARTH EATON

Yes, and because of the possibility of being recognised, I had once again engaged Boris and Sasha to assist me in serving those writs. And of course, I had already been given good cause to engage bodyguards earlier. But now that I was going in again... this time to serve writs, I wasn't taking any chances. Naturally, we gave them no warning. It was a lightening strike.

SIXTH FRANCHISEE

Any hitches?

GARTH EATON

We served the writ on each of the Vihorlat directors and their company secretary, Paul Kacer. Although, come to think of it by the time the writ had been served on the others, Kacer had been pre-warned and decided to hide. Thankfully, Boris was resourceful and we found him... much to his surprise when I walked up to his desk and placed the writ in his hands.

(pause)

But Berghauer was another story. We firstly had to get through the security boom gate at the entrance to the VSZ Kosice factory.

FLASHBACK

INT. BORIS' AUDI. EARLY AFTERNOON.

Boris Mlsna's Audi is about to enter onto the property of VSZ KOSICE. He pulls over about 150 metres short of the entrance boomgate to buy flowers. Sasha is in the front passenger seat and Garth is in the back. Boris is speaking to the roadside florist. Her flowers are displayed in a series of buckets. Boris points out a bunch. The florist picks them up and wraps cellophane around the stems. Money is exchanged and Boris returns to the car. He hands the flowers to Sasha. Boris turns back to Garth and says.

BORIS MLSNA

Pan Eaton. Down on floor.

Garth lies on the car floor face down awaiting further instructions. Boris drives forward 150 metres and stops.

DISSOLVE TO:

Boris is now handing the flowers to the Gatekeeper. She quickly checks his and Sasha's ID without conducting the usual inspection of the car. She is beaming. He then stoops to kiss her politely on the right cheek. As he turns to walk five metres back to the car the boomgate raises. Boris drives through.

BACK TO HOME OFFICE

SIXTH FRANCHISEE

Seriously? She fell for that... a bunch of flowers? You've got to be desperate.

GARTH EATON

(smiling)

You haven't met Boris. Suzanna told me he had the gift of the gab. And added to that were his height, his exceptional good looks and an athletic physique. He was the real deal.

FIFTH FRANCHISEE

(humorously)

Don't suppose you've got his phone number?

GARTH EATON

(laughing)

I do, Phyllis, but for your husband's sake you're not getting it. So there.

SIXTH FRANCHISEE

(impatiently)

Alright... but what happened then?

GARTH EATON

The writ was served on Berghauer and I returned to Australia in the hope of getting a response from our Slovak defendants, which never came. But I had a more important battle on my hands at the time. Our company, Parktec International Pty Ltd had been under pressure from the liquidators of Fentex Developments Pty Ltd. Fentex had been thrust into liquidation because of a tax debt of some eighty thousand dollars.

SIXTH FRANCHISEE

This is like an endless nightmare. So, Fentex owes eighty thousand dollars to the tax department but what did Parktec owe?

GARTH EATON

It owed nothing in tax, but it had a book debt of 205 thousand dollars to Fentex. So, the liquidators, Ernst & Young, went for Parktec to recover those monies for their own purse.

SIXTH FRANCHISEE

Were you able to prove that Parktec was solvent.

GARTH EATON

Yes and no. Yes, because our
(MORE)

GARTH EATON (CONT'D)

financials proved beyond argument that Parktec was solvent... and no, because our solicitors, Peter Channell & Associates, along with our barrister, Mr Frank Redmond, thought they might milk our desperate position and engage in a cost-building exercise.

SIXTH FRANCHISEE

Cost-building? How do you mean?

GARTH EATON

Instead of submitting our current financials to the Supreme Court, only the previous year's financials were submitted.

FLASHBACK

INT. SUPREME COURT. BRISBANE. MORNING.

The text, "BRISBANE SUPREME COURT, 17 December 1993" appears and fades. Garth and his wife, Willy, are sitting in court. FRANK REDMOND, barrister representing Parktec, is standing at the Bar Table. JUSTICE KEVIN RYAN is presiding.

JUSTICE KEVIN RYAN

In the matter of Parktec International Pty Ltd I order that this company be wound up...

Garth jumps to his feet and moves forward to address Redmond. He inadvertently catches the attention of the Judge before the Judge can finish speaking.

GARTH EATON

(urgent whisper)

Frank!

Garth then takes three more large paces to join Redmond at the Bar Table. The Judge has paused and is looking up.

GARTH EATON (CONT'D)

Frank... in God's name we need to stay
(MORE)

GARTH EATON (CONT'D)

this action. Can you get us back into court this afternoon. It'll give us time to see what went wrong.

MR FRANK REDMOND

You're honour, I would...

INT. SUPREME COURT WITNESS ROOM. MORNING.

The text, "SUPREME COURT WITNESS ROOM, 17 December 1993" appears and fades. Redmond, Garth and Willy are seated around a table.

MR FRANK REDMOND

Justice Ryan will hear our argument to stay his order to liquidate Parktec, which means that we'll be back in court at two o'clock this afternoon. So whatever you need to discuss, Garth, now's the time.

GARTH EATON

Frank, you were given the up to date financials by Wilfred de Greef and Mark Heinrich. You and your instructing solicitor, Mark Winn, even stayed in Winn's office until ten pm one evening waiting for them to be completed. What the hell has happened?

MR FRANK REDMOND

I just wasn't happy with those financials. I felt that the R&D figures were a bit spotty, so I decided not to hand up the current financials and only provide the previous year's.

GARTH EATON

(annoyed)

What do you mean by spotty?

MR FRANK REDMOND

The research and development figures hadn't been settled by the Tax office?

GARTH EATON

But they don't have to be, Frank! And even if they had been as much as ten percent out, it would have made no difference to the solvency of the company, whatsoever!

MR FRANK REDMOND

Well, I would have preferred to have put up totally accurate figures, which is what I did.

GARTH EATON

But you must have known that Justice Ryan would have been flying blind.

Redmond looks at Garth and turns the palms of his hands upwards indicating that that's the way it is.

GARTH EATON

(resigned)

It appears that I have some work to do between now and two o'clock.

(pause)

Investors and franchisees aren't going to be happy. But, I'll give our solicitor, Mark Winn, a call well before we enter court.

INT. BRISBANE CBD OFFICES OF PARKTEC. LATE MORNING.

The text, "PARKTEC MECHANICAL CARPARKING OFFICES, 17 December 1993" appears and fades. Garth is speaking to Winn.

GARTH EATON

(into phone)

Please repeat that, Mark... How much will it cost us to get us back into court this afternoon?

MARK WINN V.O.

Ten thousand dollars...

GARTH EATON

(into phone interjecting loudly)

Ten thousand dollars?..

(pause)

I don't have ten thousand cents at the moment... Our last thirty thousand dollars has just gone to the liquidators as of nine thirty this morning.

MARK WINN V.O.

But I spoke with our senior partner, Peter Channell, and he said we would represent you if you or one of your franchisees could give a personal guarantee to pay that sum by next Tuesday.

GARTH EATON

(into phone)

Mark... why should any of us be paying you one additional cent, when it was your law firm and your barrister, Frank Redmond, who got us into this mess?

MARK WINN V.O.

Well, Frank made that judgment call and we backed his decision.

GARTH EATON

(into phone)

Forget about judgment calls... Frank isn't a director or officeholder of Parktec. And I gave you instructions which you have flagrantly disregarded.

(pausing to gain composure)

No, Mark, you won't be extorting anything out of my franchisees. Not while I'm alive.

MARK WINN V.O.

But think about all the years...

GARTH EATON

(into phone, cutting in)

I am... And I won't be missing a beat. I'll transfer our franchisees to a

(MORE)

GARTH EATON (CONT'D)

(into phone)

newly formed company and immediately begin developing enhancements to the Parktec technology. And no one can lawfully stop us. In fact, no one can stop anyone from doing that. And if the liquidators, Ernst & Young, think they're going to get their hands on the Parktec prototype... best of British. I'll enjoy watching Ross Duus stand toe to toe with Slovak mafia.

(pause)

And if they think that Parktec's two patents in the name of Van Der Horst have a saleable value... forget it. We had moved a long way past those patents by July '91. Good bye, Mark.

(hangs up)

BACK TO HOME OFFICE

The group is ambling towards Garth's office.

SECOND FRANCHISEE

Cost-building, Garth... pure and simple.

GARTH EATON

It sure was, Ian. They purposely withheld our current financials knowing that the Judge would have no option but to wind up Parktec. And they also knew that Parktec had been awarded the highest possible export market development grant... had won World bank funding for our Slovak manufacturers... and believed that no franchisee or investor would ever let the company go into liquidation. It's history was gold plated.

(pause)

No, they thought they had us in a corner and could suck us dry. But I wasn't about to let any of you be forced into that trap.

SECOND FRANCHISEE

And that's when Europark International Pty Ltd was born?

GARTH EATON

Certainly was.

SIXTH FRANCHISEE

Garth... have you ever considered that you have been cursed.

GARTH EATON

Not really... It's just the nature of some people who hold authority. And once you become a target they don't let go. It's game on. And they'll use whatever criminal stunts they can to achieve their destructive ends.

SIXTH FRANCHISEE

But at the base of all the intervention you could be forgiven for believing that someone has cursed your life.

GARTH EATON

I have trouble with that... It's simple enough without delving into the occult.
(pause)

You inadvertently get a lawyer offside when you're young and highly entrepreneurial... he seconds government officers to falsify your identity... and as the years pass, they pass the baton... creating fresh damage along the way. You simply become sport... a target. And for more than six years now, men like Orchard, McLay and Ducret have had the support of
(pausing to think)
what did the Slovaks call Van Der Horst?... Ah, yes. They've had the support of a "madman".

SIXTH FRANCHISEE

Yes, yes... I can understand the abusiveness that goes with power, but I still have a problem with people like
(MORE)

SIXTH FRANCHISEE (CONT'D)

yourself, Garth, who have been bankrupt and who insist on going back into business. And I've got friends who wouldn't even associate with bankrupts... discharged or otherwise. The school of thought is that bankrupts are crooks... without wishing to point a finger, Garth.

GARTH EATON

No offence taken, Monty. But you will find that there is a far higher percentage of crooks in the ranks of non-bankrupted businesspeople than bankrupts. People like myself put everything they own on the line. We don't adopt smart legal strategies to protect ourselves when our investors, franchisees and creditors are losing everything. We stand shoulder to shoulder with them. And yet, it's human nature to respect a person who lives in a prestigious home and drives a Mercedes, even when we know that they have protected themselves at the cost of countless others. Or more accurately, defrauded others.

FIFTH FRANCHISEE

I'd agree with that, Garth. We have a friend who has wound up at least five major companies, and just keeps sailing along living the life of Riley as if nothing has happened. But somehow, we still have high respect for him. I mean, what is it?

GARTH EATON

(smiling)

Yes... and if you met Justice Spender at a function, there would be every possibility that you would go out of your way to befriend him.

(pause)

Even knowing his corrupt reputation.

FIFTH FRANCHISEE

I guess so.

GARTH EATON

And on the subject of not wanting to associate with bankrupts, Monty... How will you be getting home tonight?

SIXTH FRANCHISEE

I'll play... By car.

GARTH EATON

Then before you get into it, say a silent thank you to the tens upon tens of thousands of bankrupts over the past two hundred years who have given everything... sometimes obsessively... to develop what you can enjoy today. And if you don't know their names, then start with the tyres and say thank you to Charles Goodyear. Now there's a man who suffered privations beyond belief... debtors prison... multiple bankruptcies... he endured it all in his quest to invent vulcanised rubber.

SIXTH FRANCHISEE

But it was in the crudest form... basic elastic... weather protection... nothing to do with tyres.

GARTH EATON

True... it took others who came after him to enhance his work and build a thousand other applications for rubber. But without him, we would not have rubber tyres. Again, that's technology development.

SECOND FRANCHISEE

Yes... I remember reading the words of Henry Ford, whose first company went bankrupt. He paid tribute to all those men and women across the globe on whose shoulders he stood. He admitted he was not the inventor of the automobile and that without the extensive development

(MORE)

SECOND FRANCHISEE (CONT'D)
history built by those people who had
come before him, his Model 'T' Ford
would not have been possible.

GARTH EATON
Very true, and that was 1905. Can you
imagine the research and development
that has gone on since then. This is
what Spender couldn't get his mind
around.

SIXTH FRANCHISEE
Or wouldn't...

GARTH EATON
I'd fully agree with that, Monty. But
I'd still like to hear him describe the
development phases of a carton of milk.
I'm sure he'd think that milk comes
from cartons and not cows. He'd
probably go into cardiac arrest if he
knew the number of bankruptcies
involved in the development of the
milking machine... or the machinery
required to produce the cartons and
then fill them with milk. Poor
diddums.

SIXTH FRANCHISEE
Alright, I'll concede defeat. But...

SECOND FRANCHISEE
(cutting in)
Monty, if I may. I just want to add
one thing. I have also read and agree
that society prospers on the backs of
those who are prepared to sacrifice.
And in fact, many who have sacrificed
everything, often go to their graves
paupers. But paupers who have
contributed to some of the world's
greatest technological advances.

GARTH EATON
Nothing could be truer than that, Ian.
(MORE)

GARTH EATON (CONT'D)

It's only unfortunate that they were not there at the finish line having been exhausted financially many years before. But without their contributions that finish line may never have been reached by others. And life is cruel. Only the winners are recognised.

SIXTH FRANCHISEE

Well... It appears that the myth concerning all bankrupts has been well and truly dismissed. But there must be some developments that haven't incurred bankruptcies, surely?

GARTH EATON

Definitely. The R&D divisions of many major companies have the funds to achieve great advances... Nonetheless, just about everything we touch in the home has its origins in bankruptcies and sacrifices that have been made by the likes of us. From turning on the light... using the refrigerator... the stove... airconditioning... you name it... all littered with bankruptcies.

SECOND FRANCHISEE

Garth... I did let Helen know that I would be home before midnight...

GARTH EATON

(quickly interjecting)

That's fine, it's only nine thirty.

SECOND FRANCHISEE

Great... because being a former Vaportec franchisee I wouldn't mind hearing your take on Orchard's intervention in the Vaportec project.

GARTH EATON

Alright, here it is... Again, the basis of the problem began with Van Der Horst... "I live to break Eaton and

(MORE)

GARTH EATON (CONT'D)

Parktec". And by that he meant breaking Vaportec, first. He had complained to Jamie Orchard, who at that stage was a young Enforcer with the Australian Securities Commission, ASC. He had informed Orchard that Vaportec was a fraudulent project... so our bright-eyed and bushy-tailed Enforcer wrote to our Vaportec company stating that we were breaching the prescribed interest provisions of the Corporations Law and that we were to cease trading immediately.

SIXTH FRANCHISEE

So, this was the first attack on your projects.

GARTH EATON

That's correct... it was January 1992. We had only just terminated our agreements with Van Der Horst in the previous December because of his refusal to remedy his thirty-four breaches of our Vehicle Parking Technology Agreement. Mind you, as I mentioned earlier, part of those breaches was the fact that he had entered into other agreements with investors while still under contract to Parktec, and still being paid by Parktec.

SIXTH FRANCHISEE

And if you hadn't ceased trading as Orchard was demanding?

GARTH EATON

He had threatened to criminally prosecute my wife and myself. We were facing five years jail or a twenty thousand dollar fine or both. So, I called a meeting with him and brought Andrew Greenwood's associate with me.

FLASHBACK

INT. OFFICES OF ASC. MORNING.

The text, "OFFICES OF AUSTRALIAN SECURITIES COMMISSION, February 1992" appears and fades. ORCHARD and three other officers are seated with Garth and PAUL WEIGHTMAN.

PAUL WEIGHTMAN

I believe that Mr Eaton has something to say.

GARTH EATON

Thank you, Mr Weightman. Now before we start discussing the substance of the ASC's threats against our companies. I need to know where our Lawyers, Morris Fletcher & Cross have been remiss in the drafting of our franchise agreements. Because it's your belief, Mr Orchard, that my wife and myself are breaching the prescribed interest provisions of the Corporations Law. So, again where have our Lawyers gone wrong?

JAMIE ORCHARD

We simply believe that the franchise fees being paid by your franchisees should not be used as operational capital or for research and development purposes.

GARTH EATON

Then how do you think they should be applied.

JAMIE ORCHARD

Your utilisation of franchise fees should only occur when your products have reached full commercialisation.

(pause)

We will be requiring you to place all fees into a trust account until that happens.

GARTH EATON

Where then, would the money come from
to complete the research and
development?

Orchard sits for a moment with his hands on the table, and
then turns the thumbs of both hands upwards to indicate
that that was my problem, not his.

GARTH EATON (CONT'D)

Would we be allowed to borrow against
trust funds?

JAMIE ORCHARD

(shaking his head)

No!

Garth begins to stand gathering up his note paper at the
same time. And as he places the note paper into his brief
case he addresses everyone.

GARTH EATON

Thank you for your time, I'm sure Mr
Weightman will advise me of the
specifics of your requirements.

Garth then turns and begins to walk out.

INT. BRISBANE CBD OFFICES OF PARKTEC AND VAPORTEC.

The text, "BRISBANE CBD OFFICES OF PARKTEC AND VAPORTEC
February 1992" appears and fades. Garth is sitting at his
Boardroom table. The phone rings.

GARTH EATON

(into phone)

Good evening. Garth Eaton speaking.

PAUL WEIGHTMAN V.O.

Good evening, Mr Eaton, it's Paul
Weightman here... I believe we've got
some good news.

GARTH EATON

(into phone)

Oh, yes?

INT. WEIGHTMAN'S OFFICE. EVENING.

Weightman is leaning back on his swivel chair and facing away from his desk.

PAUL WEIGHTMAN

(into phone)

All we need to do is prepare a trust deed in accordance with ASC instructions.

INTERCUT:

GARTH EATON

(into phone)

And will we be able to use the funds raised under a trust deed to continue developing our products?

PAUL WEIGHTMAN

(into phone)

Well, no. But you could always borrow those development moneys.

GARTH EATON

(into phone)

Against what?

PAUL WEIGHTMAN

(into phone)

Well, I'm sure there'd be a way.

GARTH EATON

(into phone)

Are we able to borrow against trust moneys?

PAUL WEIGHTMAN

(into phone)

That won't be possible... No.

GARTH EATON

(into phone)

Can you tell me the section under the Corporations Law that requires us to go through this nonsense?

PAUL WEIGHTMAN

(into phone)

Well, these are suggestions being made by the ASC. They didn't specify actual legislation. They simply want you to proceed in this way.

GARTH EATON

(into phone)

Do they?! So where to from here, Paul?

PAUL WEIGHTMAN

(into phone)

I think that compliance, for the moment, should be your major focus. And in that regard I have assessed that our cost of sanitising the existing franchise agreements and preparing the trust deed would be under seventy thousand dollars.

Garth takes the receiver away from his head and stares at it in disbelief as he slowly shakes his head. He then replaces the receiver quietly without saying a word.

INT. OFFICES OF MORRIS FLETCHER & CROSS. MORNING.

The text, "OFFICES OF MORRIS FLETCHER & CROSS, February 1992" appears and fades. Garth and John Farnan are sitting at ANDREW GREENWOOD'S desk.

GARTH EATON

.. And Andrew, there's no way that we can borrow development moneys from conventional sources. The risks are too high even if we were able to put up the security.

ANDREW GREENWOOD

There's always venture capital?

GARTH EATON

There goes ownership of the project... and the rights that franchisees have already paid for. No... not feasible. And even if it was, I'd have an

(MORE)

GARTH EATON (CONT'D)

uprising on my hands. Some of our franchisees have as much as a quarter of a million in franchise fees tied up in the Vaportec and Parktec projects.

ANDREW GREENWOOD

On reflection, Garth... we may have been better off staying with your working option agreements where the consideration is used for R&D and then applied against the exercise price of the option when development is at full commercialisation.

GARTH EATON

So you feel the option agreements would have safeguarded us against any breaches of prescribed interest?

ANDREW GREENWOOD

Yes, could have.

There is a long pause as Andrew stares out the window of his 21st Floor office and as Garth continues to glare at him.

GARTH EATON

Anyway, Andrew, there's no way that we can accommodate the unfounded demands of the ASC, so there'll be no need for a trust deed or modifications to the franchise agreements.

Garth begins to stand. John and Andrew also stand.

BACK TO HOME OFFICE

Europark investors and franchisees are listening intently.

FOURTH FRANCHISEE

(humorously)

When I phoned that law partner earlier to get further information on Spender's questionable conduct he jokingly referred to you as the hundred

(MORE)

FOURTH FRANCHISEE (CONT'D)
thousand-dollar-man. Has that got
something to do with this.

GARTH EATON
It does. I not only refused to pay
seventy thousand dollars to sanitise
the franchise agreements but I also
refused to pay an existing account of
ninety-four thousand dollars. Andrew
had already acknowledged that the
original agreements... that is, the
option agreements which I drafted were
probably the agreements we should have
remained with.

(pause)
I could see no point in paying an
account for unnecessary work done.

FOURTH FRANCHISEE
What did he say about that?

GARTH EATON
Absolutely nothing. And he never made
one attempt to demand payment of those
funds. I began dealing with another
firm. And that was it.

SIXTH FRANCHISEE
And did this Orchard character
prosecute you for breaching prescribed
interest?

GARTH EATON
He didn't, because he had no grounds on
which to do so, as we found out much
later. But even so, I respect the fact
that Andrew Greenwood was genuinely
trying to protect us.

SIXTH FRANCHISEE
So Orchard just backed off?

GARTH EATON
A public servant backing off? Never!
And as we know, there's no backing down
when the mongrels get it obviously
(MORE)

GARTH EATON (CONT'D)

wrong.

(pause)

They will win by fair means or foul...
no matter what criminal acts need to be
employed. And the following will give
you a clear understanding of why Roy
gave up all hope.

FLASHBACK

INT. OFFICES OF ASC. DAY.

The text, "JAMIE ORCHARD'S ASC OFFICE, February 1992"
appears and fades. Orchard and LEX McLAY are sitting at
Orchard's desk.

JAMIE ORCHARD

He's certainly a worry... He subpoenaed
Alan Green, who was the Commissioner
for Corporate Affairs at the time. He
needed him to give evidence and also
bring material from his office which
could prove that Eaton had come on file
in the early seventies with a false
identity. A bit of high drama... and
he's been bankrupt twice.

LEX McLAY

Sounds like a real character. But was
Eaton in a district court when he
issued the subpoena?

JAMIE ORCHARD

Yes... he had forced his arrest solely
for the purpose of forcing the
Commissioner and one of his
investigators, Ian Frew, into a court
to explain why his identity had been
falsified. But Judge Kimmins realised
what he was up to and threw the matter
out. Whether his identity had been
falsified or not, I wouldn't know and
don't particularly care.

LEX McLAY

So, what did you want from me, Jamie?

JAMIE ORCHARD

I've been given a list of Eaton's Vaportec franchisees by a Bill Van Der Horst who's the inventor of a mechanical carparking system. He had an agreement with Eaton who has now terminated it, leaving Bill without being paid his half a million dollars. Eaton claims that Bill breached the agreement... but knowing Eaton... and again, he's been bankrupt twice... I'd say he's cheated Bill out of what's rightfully his. Anyway, there's nothing we have to legitimately stop Eaton in his tracks so this is where you come in.

LEX McLAY

(chuckling)

I think I'm going to have to use another name.

JAMIE ORCHARD

Got it in one. And under no circumstances can you use my name.

(now smiling)

I don't exist. Now this is what I need you to do...

INT. OFFICES OF AFP. MORNING.

The text, "LEX McLAY'S FEDERAL POLICE OFFICE, February 1992" appears and fades. McLay is on the phone.

LEX McLAY

(into phone)

So, do you want me to start phoning these Vaportec franchisees in alphabetical order or in order of when they paid their franchise fees?

JAMIE ORCHARD V.O.

No, alphabetical order will be fine?

LEX McLAY
(into phone)
OK, I'll let you know how I go. Bye.
(hangs up)

McLay then dials another number. NEIL answers.

NEIL V.O.
Neil speaking.

LEX McLAY
(into phone)
Hello Neil, this is Lex McLay from
Australian Federal Police... how are
you?

NEIL V.O.
Good thanks, how can I help?

LEX McLAY
(into phone)
The reason for phoning is that I'm
conducting an investigation into
allegations of possible criminal
conduct on the part of Garth Eaton and
I'd like to call out to see you?

NEIL V.O.
Yes, of course.

LEX McLAY
(into phone)
It may be necessary to take a statement
from you if that's OK?

NEIL V.O.
Yes, of course. What's he done.

LEX McLAY
(into phone)
Well, it's better that I discuss that
with you when we get together. I'm
going to be busy over the next week, so
I'll give you a call when I'm free and
we can make a suitable time then.

NEIL V.O.
That's fine. I'll wait for your call.

LEX McLAY
OK, Neil. Bye.
(hangs up)

McLay is now laughing loudly as he says the following.

LEX McLAY (CONT'D)
(to himself)
That should fix you, Eaton.

END FLASHBACK

INT. OFFICE OF PRESENTER. BOARDROOM.

The Presenter is joined by Dr Ingrid Svenson and SUPERINTENDENT ALISTAIR McBAIN around the head of the Boardroom table.

PRESENTER
A call that would never come. Lex
McLay had no intention of getting back
to anyone. The whole purpose of that
criminal exercise was to create doubt,
be disruptive, and to eventually
destroy all hope. In short, put an end
to the Vaportec project.
(pause)
And unthinkingly, put an end to the
life of one of our nation's finest and
most decorated men.

INT. BLACK SCREEN. WHITE TEXT.

A THUD is heard like a muted beat of a DRUM. The text,
"JAMIE ORCHARD - 22 CHARGES - ATTEMPT TO OBSTRUCT JUSTICE -
CRIMES ACT 1914" appears for ten (10) seconds as the
Presenter is heard saying:

PRESENTER V.O.
Jamie Orchard had committed twenty-two
criminal acts of Attempt to Obstruct
Justice under the Commonwealth Crimes
Act 1914. One criminal act for each
franchisee falsely contacted by Lex
McLay.

THEN:

A second THUD is heard. The text, "JAMIE ORCHARD - ONE CHARGE - UNLAWFUL HOMICIDE - QUEENSLAND CRIMINAL CODE" appears for ten (10) seconds as the Presenter says:

PRESENTER V.O.

Orchard had also committed one criminal act of Unlawful Homicide under the Queensland Criminal Code. This occurred when he had caused the suicide of Roy, the Manager of the Vaportec test centre.

BACK TO PRESENTER

PRESENTER

So, Roy's death is being described as a homicide? I have invited Superintendent Alistair McBain from the Queensland Police Service to join us.

(turning to Alistair)

Superintendent, thank you for being here. Would you like to explain how homicide charges could justifiably be brought against Jamie Orchard and Lex McLay?

SUP'T MCBAIN

Thank you for inviting me, Adrian.

(turning to camera)

Good evening... I will leave it to Dr Svenson to discuss the ramifications of repeated legal abusiveness. However, in Roy's case it was the creating of that hopelessness that undeniably caused him to take his life. And so, Section 300 of the Queensland Criminal Code specifically deals with deaths that fall into the category of Unlawful Homicide...

PRESENTER

(interrupting)

So, just to confirm, Roy's death is being treated as a homicide?

SUP'T McBAIN

Only as an unlawful homicide. That is, an unlawful killing which is defined as causing the death of another, directly or indirectly, by any means whatsoever. But in this case there is no intent to cause a death, so manslaughter would be a more appropriate charge under section 303 of the Code. It would be far too difficult to prove that Jamie Orchard knowingly set out to cause Roy's death. And personally, I don't believe he would have even entertained the idea. But his overzealousness in trying to bring the Vaportec project to an end... his use of unlawful tactics... that's what caused Roy's death. But I must emphasise... a death that was caused unintentionally.

(pause)

A little like overtaking a car on the crest of a hill without realising that there is an oncoming vehicle. The result is an accident that causes a fatality. Now, you knew that what you were doing was unlawful but your intent was not to kill.

PRESENTER

And what about Orchard's accomplice, Lex Mclay?

SUP'T McBAIN

As you're implying, Lex McLay is certainly complicit in the manslaughter of Roy but at the same time he was not the primary driver. I would need to look at that one closer. It may be a case of aiding and abetting which would still carry a severe custodial sentence anyway.

(pause)

And the sentence for manslaughter can be as high as life imprisonment. So, Lex wouldn't get off lightly.

PRESENTER

(turning to Alistair)

Thank you very much for that,
Superintendent.

(turning to Ingrid)

Doctor, would you like to give us a
summary of the cause of Roy's suicide.

DR INGRID SVENSON

Thank you, Adrian. Again, the
circumstances are directly linked to
the excesses of abuse which are
perpetrated under the shield of law.
No one expects people with legal
authority to step outside the law. And
Roy would have been none the wiser. As
far as he was concerned Garth was
rightfully being pursued by the
Australian Securities Commission and
Federal Police. He would have gone to
his grave believing that Garth was
justifiably under attack. The closure
of the Vaportec project would have been
all Garth's fault.

(pause)

But as Charles de Montesquieu said in
the eighteenth century, "There is no
crueller tyranny than that which is
perpetrated under the shield of law and
in the name of justice".

(pause)

And it must be said that it has been
that tyrannous conduct that has plagued
Garth's projects throughout his life.

PRESENTER

Thank you, Doctor. The big question
is... For how much longer can Garth,
his investors and franchisees continue
accepting the incredible abuse they're
being given. Is there going to be an
end to it?

INT. MAURER STREET HOME OFFICE. NIGHT.

Investors and franchisees have questions.

SIXTH FRANCHISEE

And so, McLay or whatever his real name was, never got back to anyone?

GARTH EATON

No, and he never left a number. He could have been anyone within the ASC playing the role.

SIXTH FRANCHISEE

So, it was just for the purpose of shaking everyone around... divide and conquer; which means, destroy!

GARTH EATON

Very effectively. It had become obvious to franchisees that Vaportec was going to go nowhere for as long as the Orchard and McLay intervention was as strong as it was. So everyone convinced me, for their sakes, to sell the project off. Two of our more high powered franchisees had convinced them that they could find a buyer.

SIXTH FRANCHISEE

And did they?

GARTH EATON

No... I had been given no option but to let the Vaportec project die.

SECOND FRANCHISEE

Garth, that's pretty much the version of events as I understand them. As you know, I was one of the franchisees contacted... But there was one other point that came out when Jamie Orchard was briefing Lex McLay, and that was the half million dollars that Van Der Horst said he was owed. What was that?

GARTH EATON

He was owed nothing. You can't wilfully breach an agreement thirty-four times and expect us to pay you half a million dollars... There were

(MORE)

GARTH EATON (CONT'D)

lies and incompetence that had already cost us over three quarters of a million dollars... All part of his threat to break the Parktec project and fly solo at our cost... Also, he was out finding other investors while still under contract and being paid by us... Then there was the expired 1956 Charleston, West Virginia patent in the name of Forest Edward Baker which he had plagiarised. We found that one tucked away in his files. No, if it hadn't been for Andrew Greenwood's protectiveness in the Vehicle Parking Technology Agreement, Van Der Horst would have walked away with his half a million dollars and laughed all the way to the bank. As it was he was able to capitalise on all the work we had done long after Andrew had terminated that agreement.

SECOND FRANCHISEE

I thought it was that expired South Carolina patent that he had copied?

GARTH EATON

As well... But we didn't find out about the expired South Carolina patent in the name of Walker E Rowe until 1994. So, we were doubly pleased with Andrew's decision for having placed Van Der Horst on notice to remedy his breaches of the VPTA, and then failing his willingness to remedy, terminate the agreement... full stop.

(pause)

Imagine having paid that clown five hundred thousand dollars for violating and disrupting us daily for two mind-bending years and then also finding out that he had stolen the work within a second expired US patent?

SIXTH FRANCHISEE

(laughing)

The word, 'goose', comes to mind.

SECOND FRANCHISEE

(interjecting)

Yes, but 'pigeon' might be more apt.

FIFTH FRANCHISEE

Let's get straight to the point Garth.
You would have been the greatest
'sucker' on Earth.

TERRY RICE

(interjecting)

And he certainly had Orchard primed
from day one. Garth, tell everyone
about that dinner function.

GARTH EATON

Oh yes, Henrik Steenberg... He was at a
prestigious dinner function one evening
when he happened to be speaking with
Orchard. Naturally, Henrik had no idea
of Orchard's history with the Vaportec
project, he had only just been
appointed as a Parktec franchise
manager, but anyway, this is what
happened.

FLASHBACK

INT. ASC DINNER FUNCTION. NIGHT.

The text, "ASC DINNER FUNCTION 1993" appears and fades.
Guests are standing in groups enjoying their wine. HENRIK
STEENBERG is standing with Orchard.

JAMIE ORCHARD

Yes, I'm reasonably familiar with the
Parktec project. Can I ask what your
association is?

HENRIK STEENBERG

Just interested at this stage. And
what's your opinion of its chances of
success?

JAMIE ORCHARD

For as long as Eaton heads it... we'll
make sure it goes nowhere.

END FLASHBACK

INT. OFFICE OF PRESENTER. BOARDROOM.

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

PRESENTER

"We'll make sure it goes nowhere".
There couldn't be a more brazen
admission than that. Orchard is
admitting his dislike for Garth and
also admitting his mission to destroy
anything to do with him. There is no
consideration or compassion for the
many franchisees involved in the
Parktec project. But then of course,
we saw how he was able to destroy
Vaportec franchisees so why should
anyone expect better.

Dr Ingrid Svenson immediately extends her left hand and
touches Adrian on his right forearm to get his attention.
He turns to her as she interjects.

DR INGRID SVENSON

Adrian, I believe we can now see a side
to Orchard's character that clearly
indicates intent.

(pause)

Not necessarily intent to cause
physical harm but certainly intent to
destroy without being capable of
remorse. And this is a definite
sociopathic trait. Now add to that his
superficial charm and pathological
lying. And we saw how he was able to
manipulate Lex McLay and get him to lie
to franchisees for the purpose of
creating havoc. The expression, "you
can't make omelettes without cracking
eggs" typifies the conduct of some of

(MORE)

DR INGRID SVENSON (CONT'D)

the world's most notorious sociopaths... And Orchard would certainly have had a grandiose view of himself. No, Garth's franchisees had no chance. They were simply eggs to be justifiably cracked in order to bring Garth's projects to their knees.

INT. MAURER STREET HOME OFFICE. NIGHT.

Europark franchisees and investors are keen to react.

FIFTH FRANCHISEE

I think that was well put by the Doctor... sociopaths. It makes you wonder how they would react if the boot was on the other foot?

(pause)

If years of their savings were at risk... if their lives had been brutalised?

GARTH EATON

Phyllis... they would squeal like stuck pigs. But that's if they were capable of building. As it is, that's not in their DNA. They're destroyers who plot and plan from the darkest recesses of life imaginable... and justify their destructive actions in the most convoluted and intellectually dishonest ways possible.

TERRY RICE

(cutting in)

Sorry to keep prompting you, Garth, but just on that subject, share that discussion you had with one of the ACCC officers.

GARTH EATON

Oh, Terry Guthrie... yes. After Spender had delivered his judgment, Guthrie was justifying to me why the federal court action against us had not

(MORE)

GARTH EATON (CONT'D)

been withdrawn when it became obvious that infringement of the Van Der Horst patents was no longer a claim. And that of course was the basis of Van Der Horst's false complaint. Guthrie argued that the matter had gone well beyond infringement and into areas such as worldwide rights and that was why we had been pursued.

FIFTH FRANCHISEE

(interjecting)

But I thought we won the worldwide rights argument and the world bank matter?

GARTH EATON

We did, but Spender dismissed those arguments in his judgment. Anyway, I immediately challenged Guthrie by saying, "If infringement wasn't an issue then why did the judge slam us for misappropriating Van Der Horst's patents?" And I went on to quote from the judgment, 'Mr Van Der Horst impressed me as a decent and honest witness who genuinely felt deeply wronged by the misappropriation of his intellectual property'... etcetera. "So, now we've gone further than infringement and into full on misappropriation for God's sake".

(pause)

And just to put the icing on the cake I said, "Again, if infringement wasn't an issue then why did you get Stephen Ridgeway to put a deal to us whereby if we were prepared to get Van Der Horst's invalid patents revoked in a court, at our cost, you would allow us to continue trading?.. And by the way, what about worldwide rights and the rest of your claims? They must have been bogus claims, and you knew it.

(pause)

Oh, hang on... those matters were of no

(MORE)

GARTH EATON (CONT'D)

interest to you, were they? You knew the impossibility of getting those patents fully revoked. You knew we would end up being enjoined from trading in perpetuity, if we accepted your deal. So who cares about your other spurious claims!"

SIXTH FRANCHISEE

They're cunning, underhanded bastards aren't they?

FIFTH FRANCHISEE

At this stage, that's a foregone conclusion, Monty.

(turning to Garth)

But how did Guthrie defend himself?

GARTH EATON

You know, Phyllis, I was so tired of their bullshit that I didn't even concentrate on his argument. I remember it was like going ten rounds with a revolving door.

INT. OFFICE OF PRESENTER. BOARDROOM.

The Presenter is alone at the end of the Boardroom table.

PRESENTER

(cutting in)

And I think that just about wraps it up. "Ten rounds with a revolving door" sums up the frustration felt when standing toe to toe with an intellectually dishonest bureaucrat. I don't think anyone could have expressed it better.

(pause)

We can only pray that no more human loss is inflicted while Justice is on hold. But is that just hope? And will Van Der Horst ever be criminally charged? Will Spender's judgment be overturned? Will Garth and his

(MORE)

PRESENTER (CONT'D)

franchisees get back to a normal life
and not one of constant violation?
There are more shocking surprises in
our next episode. So, see you then.

EXT. HOME OF VAN DER HORST. MORNING. MAY 1997.

As the credits begin to roll we see a STOCKY SHORT MAN
with a shock of WAVY greying hair being served papers by
two plain clothes police officers. They return to their
car as the aging man reads and then turns to chase the
officers as they drive off. The driver is looking in the
REAR VISION mirror. We see his POV as the car draws
further and further away.

FADE OUT.

THE END