

LEGALLY ABUSED

PART 6 of 6

"A DAY OF RECKONING"

Screenplay

by

MICHELLE HAVERSTON

SPEC SCRIPT
Final Draft

Email: CEO@PremierScreenplays.com

© Michelle Haverston 2020

Registered with the Australian Writers' Guild
No: 8546

Duration: 60 Minutes

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 6 of 6 -
"A DAY OF RECKONING"

SYNOPSIS - Part 6

Homicide police begin to circle members of the Europark Investors' Committee.

Garth is at the top of the suspects' list and is forced to endure an intense investigation into his whereabouts at the time of Van Der Horst's murder.

And at a meeting of Europark franchisees they all lament the legacy they will now carry with them for the rest of their lives.

TWENTY-ONE YEARS LATER:

The Presenter, Adrian Knowling, along with Dr Ingrid Svenson, Criminologist and Clinical Psychologist, Detective Inspector John Hanson, Mr Noel Athendon QC and five of the Europark franchisees (now twenty-one years older), are gathered around a Boardroom table as they discuss the 173 indictable offences committed to bring Eaton's Vaportec and Europark projects to an end.

And it was ninety-seven of these same criminal offences that protected, nurtured and prospered an already mentally ill man. Officers within the ACCC, AGS, ASIC and Justice Spender himself now had more blood on their hands.

More blood, because Garth and the Europark franchisees would never forget the years of legal abuse between 1992 and 1998 that caused the suicides of Roy, Ken and Helen; three suicides that shocked everyone.

In reality, they had been set upon by a pack of 'attack dogs' unleashed by the ACCC.

LEGALLY ABUSED

- PART SIX -

"A DAY OF RECKONING"

FADE IN:

INT. OFFICE OF PRESENTER. BOARDROOM.

The Presenter is standing behind his chair at the end of the Boardroom table.

PRESENTER

In the previous episodes we have witnessed some of the worst human conduct imaginable. And most of it, the conduct of government officers within the Australian Competition and Consumer Commission, that's the ACCC.

(pause)

But of course, we can't minimise the criminality of the Australian Government Solicitor, the AGS, or the deplorable criminal support of Australia's most notorious federal court Judge, Justice Jeffrey Spender.

(pause)

And the results of that corruption, at this stage, amount to three suicides; each of them franchisees within Garth Eaton's Vaportec and Europark projects. And now... the murder of Willem Van Der Horst; the man protected by those corrupt officers and that notorious federal court Judge... But what is the fate of the remaining franchisees at a time when they thought that life couldn't get worse?

INT. GARTH'S MAURER STREET HOME. MORNING.

The text, "GARTH'S MAURER STREET HOME. Saturday, 1 May 1999" appears and fades. Garth is having breakfast and hears repeated loud knocks at the front door. He answers.

GARTH EATON

(loudly)

One moment!

He walks towards the door and opens it.

GARTH EATON
How can I help?

FIRST OFFICER
Are you Garth Eaton?

GARTH EATON
That's correct.

FIRST OFFICER
(showing ID)
I'm Detective Sergeant Gavin Mustine
and this is Detective Constable John
Nickolton. We'd like to ask you some
questions regarding the murder of Bill
Van Der Horst, if that's alright?

GARTH EATON
Yes, of course, come in.

Garth steps back to allow the officers to enter. He then
turns towards his home office.

GARTH EATON (CONT'D)
It might be better if we talk in my
office, if you wouldn't mind following
me.

They walk quietly to Garth's office and stand at the
Boardroom table.

GARTH EATON (CONT'D)
(indicating the chairs)
Please, take a seat.

DET SGT MUSTINE
Not for us, thanks Mr Eaton. We only
had a few questions. We won't keep
you.

GARTH EATON
OK... fire away.

DET SGT MUSTINE
Mr Van Der Horst's son has advised us
(MORE)

DET SGT MUSTINE (CONT'D)
that there had been a bitter dispute
between his father and yourself.
Apparently, it was over ownership of
mechanical carparking technology?

A VIDEO of the Parktec prototype is shown for 7 seconds.

GARTH EATON
There was no dispute from my side, No.
It was Bill who waged a ten-year war on
myself and Europark franchisees. He
could never accept that the technology
which was developed by my staff became
the property of my company the moment
he began breaching our agreement... And
he was out looking for other investors
even when he was being paid by myself.

DET SGT MUSTINE
Sounds like a character.

GARTH EATON
That's one way of putting it.
(now touching his head)
He was a very unwell man.

DET SGT MUSTINE
I imagine he must have caused you a lot
of upset.

GARTH EATON
That's putting it mildly. He destroyed
millions of dollars and years of work.

DET SGT MUSTINE
How did your franchisees react to that?

GARTH EATON
The moment we realised that he had
defrauded us by copying an expired US
patent we immediately formed the
Europark Investors Committee. And one
of our franchisees, a Thorasic Surgeon,
Mr Graeme Langsford, chaired the
committee. It's primary aim was to
fund a police investigation into his
alleged fraudulent conduct.

DET CONST NICKOLTON
(interjecting)
And how did that go?

GARTH EATON
It was slow going, but we finally got him charged with false pretences; unfortunately not in time to stop an ACCC action against us which had been instigated by his false complaint.

Garth begins walking towards a filing cabinet to retrieve a file.

DET CONST NICKOLTON
Piece of work.

GARTH EATON
Yes. Here's a copy of the eight members on our committee with their names and addresses. As I said, charging him was slow going, but the most important thing to come out of the investigation and the search warrants, executed by the Acacia Ridge detectives, was the fact that we weren't the only victims. He had a string of investors who had been ripped off over many years. The man couldn't lie straight in bed.
(pause)
He even ripped off his own solicitor by holding out that two patents were his property, when they weren't. Also, both patents were invalid. But anyway.

DET SGT MUSTINE
Do you know the name of his solicitor.

GARTH EATON
Certainly do... Ronald Peter Sutton Smith, known as Peter Smith. He's a partner of Walker Smith and Breen, a firm of Brisbane solicitors.

DET SGT MUSTINE
Thanks for that... For the moment, that
(MORE)

DET SGT MUSTINE (CONT'D)
should be enough to keep us occupied.
Just wanted to touch base and let you
know that our investigation into this
murder is now underway. And you can
let your franchisees know that we will
be in touch shortly. I'm sure it will
prove to be nothing more than routine.

(pause)

In all probability you will be
contacted by other detectives to go
through the usual questions regarding
your whereabouts at the time of the
murder... things like that.
Anyway, nice to meet you.

They shake hands.

LATER:

Garth is on the phone to Terry Rice.

GARTH EATON
(into phone)
I understand, Terry, but with your
experience as a detective in the
Queensland CIB and your citations for
the investigation of two murders you
may be able to give us some pointers,
and an idea of what we're all in for.

TERRY RICE V.O.
OK then, I'll do my best. But I still
don't think any of them have anything
to worry about. And police will be
treading lightly, that's for sure.

GARTH EATON
(into phone)
That on its own will be welcome news
even without briefing them on other
matters. So, if I call the first
franchisees' meeting for Monday night
would you be able to attend?

TERRY RICE V.O.
That's fine. I'll make sure I'm early
(MORE)

TERRY RICE V.O. (CONT'D)
just in case there have been any
developments that need to be discussed
before the meeting.

GARTH EATON
(into phone)
Thanks Terry. Bye.
(hangs up)

INT. OFFICE OF PRESENTER. BOARDROOM.

The Presenter is pulling his chair back and beginning to sit. Dr Ingrid Svenson is already seated to his right.

PRESENTER
I have asked our Criminologist and
Clinical Psychologist, Dr Ingrid
Svenson, to join me at this stage
because of the ordeal that the already
damaged Europark franchisees are about
to be put through.
(turning to Ingrid)
Dr Svenson, your thoughts please.

DR INGRID SVENSON
Hello again. Only the most resilient
in life could possibly withstand such
an abusive and relentless onslaught by
government officers and a federal court
Judge. But we now understand that the
abuse isn't over, not by a long shot.
Garth and franchisees will need to
brace themselves for the unwelcome
police invasiveness that is about to
turn their lives upside down once
again.
(pause)
I am deeply concerned that there may be
a repeat of the suicides that have
already occurred. It's only been a few
months since the last funeral, and many
of the franchisees are still suffering
from years of sustained bashings. Can
they go another round? Particularly
the very elderly. I have grave
concerns.

PRESENTER

(turning to Ingrid)

Well... that's not sounding good, Doctor. But what about Garth? He's been in the front line taking heavy artillery for twenty-six years, since 1973... and this particular round for the better part of a decade. He's the one the ACCC, AGS and ASIC have had their guns trained on. And Spender is the new boy on the block brought in to finish him off. What's your prediction for his state of mind? And will there be a straw that breaks his back?

DR INGRID SVENSON

Adrian... Garth is a totally different kettle of fish. He was born to create, and take on all comers. He's tough enough to roll with the punches and to get up and keep fighting. But having said that, he still has his moments of doubt as every entrepreneur has. He still has brief moments of depression where he closes out the trauma affecting his life. And yes, according to my discussions with him; he will often reach for a bottle of scotch as he sits in solitude well into the late hours of the night contemplating his next protective move.

PRESENTER

Would you say, calculating, patient?

DR INGRID SVENSON

Definitely. Don't get mad, get even. It might take years... and long after the bell has rung... long after the main event. Unlawfully destroying Garth and the people he respects and loves is not a wise move. He will always be there waiting for the right moment... and justifiably so.

PRESENTER

Alright, well let's see how everything unfolds.

INT. MAURER STREET HOME OFFICE. LATE AFTERNOON.

Garth and Terry sit facing each other at the Boardroom table.

GARTH EATON

Anyway, I just want you to be prepared. Three of the franchisees on the Europark Investors Committee will be here in an hour with others. And they are still feeling upset over police calling in to interview them during the weekend and also today. It's not everyday that decent people are subjected to a murder investigation.

TERRY RICE

Yes... They've been left a shocking legacy. It's got to get better. I'll do my best to encourage them.

LATER:

Garth's office is once again packed with anxious Europark franchisees. The mood is tense. Some are agitated.

TERRY RICE

.. and I hope that helps. Remember, police are not out to give you a hard time. None of you are hard core suspects or even persons of interest in Van Der Horst's murder. All they're doing is eliminating you as quickly as they can. It's just procedure.

SECOND FRANCHISEE

And Garth, have you been contacted by police? I'm sure they'd have their sights on you.

GARTH EATON

(easing tensions)

Yes, Ian. I was having my cornflakes on Saturday morning when two of them arrived wanting some information. But in truth, they just wanted to meet me. Not that police have finished with me,
(MORE)

GARTH EATON (CONT'D)

they haven't. Another team picked me up early this afternoon and took me to the Mount Ommaney Police station. They wanted my finger prints and palm prints. And because neighbours had seen a suspicious man outside Van Der Horst's home they needed a still photo of myself and also one on video capturing me moving my head in different directions. A bit like a quasi line-up without having to be physically present. And I can now expect another team to interview me shortly.

SEVENTH FRANCHISEE

(agitated)

I'm sure your innocent of murder, Garth, but you sure as hell aren't innocent of deceiving us, you bastard. None of us knew anything about your business history or your bankruptcies!

Everyone is shocked by the abuse, and turn to Kevin. He moves forward into Garth's space and pushes him in the shoulder knocking him back.

SEVENTH FRANCHISEE (CONT'D)

(more agitated)

And I will never forgive you for that. Caroline and I were looking forward to our retirement years. But what the fuck have we got to look forward to now. You've taken everything from us, and it's not just the quarter of a million dollars...

(pushing again)

you've literally taken our remaining years of peace and trashed them... you bastard. You're the one who caused the ACCC to unleash its attack dogs on us. And now they've torn the throats out of three of us... forget about their arsehole complainant, Van Der Horst.

As Kevin pushes Garth's shoulder again, Ian and Monty move closer with Kevin's wife. Caroline takes her husband's arm.

CAROLINE

Darling, please don't do this. It's not just Garth's fault. All of us have been subjected to circumstances that not even Garth could have seen.

SEVENTH FRANCHISEE

(yelling)

But he was the fuckin' target from day one. And none of us had a fuckin' clue. Who would have invested in Europark if we had known his history? ... And now, we've got police all over us, for Christ's sake.

Caroline moves between Kevin and Garth facing Kevin.

CAROLINE

Kevin... Please.

SEVENTH FRANCHISEE

In my opinion, Garth, you should never be let off a hook.

CAROLINE

(turning with Kevin)

Come on, time to go. You can apologise to Garth another time.

SEVENTH FRANCHISEE

(turning back)

Never!

Franchisees are disturbed by Kevin's outburst as Caroline escorts Kevin from the office. Phyllis speaks.

FIFTH FRANCHISEE

Where did that come from?

SECOND FRANCHISEE

Phyllis... that's been a long time coming. I've had a number of calls from Kevin and none of them have been very forgiving. He just stands quietly during our meetings saying absolutely nothing. But inside he's seething. And I guess many of us can see where

(MORE)

SECOND FRANCHISEE (CONT'D)
he's coming from. All we can do is stay together and give each other support. And just on that subject, if anyone would like to speak with Frank and Dorothy I know they would appreciate it immensely. As you know they invested in Europark for their grandchildren... But now?.. And they're old, frail and very confused by everything that's happened.

SIXTH FRANCHISEE
(interjecting)
I'll ask Jan to give Dorothy a call. They get along well.

SECOND FRANCHISEE
Thanks, Monty.

SIXTH FRANCHISEE
But Garth, be assured that you have my full support. Particularly now that Van Der Horst has been murdered.

SECOND FRANCHISEE
Same for me, Garth.

Others in the room agree in unison.

INT. OFFICE OF PRESENTER. BOARDROOM.

The text, "MANY YEARS LATER" appears and fades. The Presenter is standing. Seated are Dr Ingrid Svenson, Ian (Franchisee), Michael (Franchisee), Phyllis (Franchisee), Monty (Franchisee), Elizabeth (Franchisee), Detective Inspector JOHN HANSON, MR NOEL ATHENDON QC, and Garth.

PRESENTER
Good evening. Firstly, I have to my right our Criminologist and Clinical Psychologist, Dr Ingrid Svenson, whom you already know.

DR INGRID SVENSON
Good evening.

PRESENTER

And together, we felt it would be appropriate to invite Garth Eaton himself into our sixth and final episode of Legally Abused.
(now indicating Garth)

GARTH EATON

Good evening.

The Presenter begins indicating each person at the table as he mentions their names.

PRESENTER

And along with Garth... we have seated to the right of Dr Svenson,
(pause)
and again I won't be using Europark franchisees' surnames... Phyllis, Elizabeth, Ian, Michael and Monty.
(each nod in turn)
Now... as I understand it, the five of you are representative of the fifty-two families who were involved in the Vaportec and Europark projects.

IAN (FRANCHISEE)

That's correct.

The other four franchisees smile and nod.

PRESENTER

And on the other side of the table, to Garth's left we have retired Detective Inspector John Hanson, who headed the Homicide investigation into Bill Van Der Horst's murder... and finally, Mr Noel Athendon QC, retired barrister-at-law and Queen's Counsel who has, over a long period, thoroughly analysed Justice Spender's Reasons for Judgment and the transcript of trial.

The Presenter now takes his chair at the head of the table.

PRESENTER (CONT'D)

Garth... Just before we talk about
(MORE)

PRESENTER (CONT'D)

those three tragic suicides I have a few quick questions, if that's OK?

GARTH EATON

Fine, shoot.

PRESENTER

How long has it been since Bill Van Der Horst was murdered?

GARTH EATON

Mmmm... April 1999. So that's twenty-two years.

(now smiling)

Dear Lord, I'm now seventy-four.

PRESENTER

And I have to ask. Did you kill him?

GARTH EATON

No... but that was the first question asked by homicide detectives... and countless others. But I think

(indicating Inspector Hanson)

it would be more appropriate for Detective Inspector Hanson to answer any questions in relation to that murder.

PRESENTER

Alright then.

(nodding at Hanson)

MARTEN DOL, Van Der Horst's KILLER is now discussed.

DET INSP HANSON

Thank you, Adrian... It certainly wasn't Garth. Bill was murdered by Marten Dol, one of his investors who had invested in his patents. And as part of the deal, Bill had given him a fifty percent equitable interest in his home and invited him to live there rent-free. Then it became apparent that the patents were worthless and not even his. So, naturally, Marten

(MORE)

DET INSP HANSON (CONT'D)
demanded his money back. But
unfortunately, there was no money.
(pause)
Neighbours told us that the arguments
between Marten and Bill could be heard
up and down the street for many months.

PRESENTER
And how was he murdered?

DET INSP HANSON
Marten calculatingly drugged Bill's
coffee. And when he lay face down on
the couch to sleep, Marten drove a
knife into his back... wrapped the body
up in a checked tablecloth and put it
in the laundry. Two days later he
reported that he had been away from the
house for a couple of days and had come
home to find Bill dead. So, he
immediately phoned police.

PRESENTER
How quickly was the killer caught?

DET INSP HANSON
Sadly, it took around eleven months to
get a confession out of Marten. In the
meantime, we had to thoroughly
investigate Garth and some of his
franchisees, as you could imagine;
particularly members of the Europark
Investors Committee.

IAN (FRANCHISEE)
(raising hand)
I was one.

PHYLLIS (FRANCHISEE)
I was another member.

MICHAEL (FRANCHISEE)
Count me in.

DET INSP HANSON
Yes. But only Garth and Marten were
prime suspects.

GARTH EATON
(interjecting)
Tell me about it.

DET INSP HANSON
Sorry Garth, but we were trying to catch a killer. And if anyone had good reason to kill Van Der Horst it was you.

GARTH EATON
It's as if his legacy is neverending.

PRESENTER
(cutting in)
And Marten was undoubtedly jailed?

DET INSP HANSON
A second trial finally jailed him for only nine years. He pleaded diminished responsibility. Regrettably, within twelve months of being released in 2009 he fell down a flight of stairs and killed himself. That's the official story, anyway.

PRESENTER
An incredible outcome... an incredible story.

FORGIVENESS because of Van Der Horst's mental illness is now discussed.

GARTH EATON
(interjecting)
Yes, and we had incredible compassion for Marten... All of us, investors and franchisees, understood only too well what Marten would have been through at the hands of a mentally ill, compulsive liar. At the time of Bill Van Der Horst's murder we had suffered around ten years of his stalking, threats and fraudulent conduct. But having said that, not one of us didn't have some sympathy for his obvious mental illness... no matter how destructive that had proved to be within our lives.

PRESENTER

I would have thought that few could forgive him given the damage he created with the support of the ASC, ACCC, AGS and Justice Spender?

PHYLLIS (FRANCHISEE)

(raising hand slightly)

Garth, if I could take that question, please. A number of us got together in my home... like a reunion, I guess... about three years after Ken and Helen had taken their own lives... and for some, the forgiveness had been immediate... for some, it was going to take a while longer... and for others, it was obvious that it would take years, if at all.

(pause)

I know that I, personally, still have difficulty with forgiveness.

(turning to Ian)

Ian, how do you feel after such a long time?

IAN (FRANCHISEE)

My anger over Helen's suicide was always directed at Alan Ducret and Justice Spender. Ducret was responsible for allowing matters to get out of hand when he had all the evidence he needed to put an end to the whole ridiculous matter. And Spender?

(pause)

He finished us off. So, like yourself, I still have difficulty with forgiveness.

ELIZABETH (FRANCHISEE)

And I feel the same as Ian and Phyllis.

PRESENTER

(to Garth)

And were there more suicides?

TWO FURTHER DEATHS are discussed.

GARTH EATON

We're unsure. However, there were two suspicious deaths much later in 2000; a very elderly married couple, Frank and Dorothy. They died within weeks of each other. According to one reliable family member, Dorothy believed that Frank had wilfully over-medicated. And for her that was it. She just gave in. They were very attached and their plan to give their grandchildren financial security had been ruined by the ACCC and Spender. Illness had set in very early in the piece as with many of us.

MONTY (FRANCHISEE)

That's for sure. I know with my own wife, Jan, it took years of counselling before she died and she was still nowhere close to her old self. It was heartbreaking to watch.

PRESENTER

And what about yourself, Michael?

MICHAEL (FRANCHISEE)

I guess my wife and I had adopted a more philosophical approach to our loss than many others... and I was still young enough to get stuck back into my work and systematically recover. And so, what I'm saying is that, although it hit us heavily in the beginning, it didn't impact us as badly as the more senior franchisees.

PRESENTER

Now, Michael, we know that you're a former lawyer so did your understanding of the legal aspects of the trial help you to come to terms with the outcome.

MICHAEL (FRANCHISEE)

Not at all. If anything, it made me even more incensed that facts and law
(MORE)

MICHAEL (CONT'D)

could be so badly perverted. But Mr Athendon is better equipped to discuss that.

REASONS FOR JUDGMENT and the absence of applying law are discussed.

PRESENTER

Thank you, Michael. And you're right.

I think it would be appropriate

(turning to camera)

if we asked Mr Noel Athendon about his assessment of Justice Spender's Reasons for Judgment.

(turning to Noel)

Mr Athendon?

MR ATHENDON QC

Thank you, Adrian.

(now turning to camera)

Good evening. I have carefully studied the transcript of trial which gives a clear understanding of the oral testimonies of all the witnesses. And I have read their written testimonies in affidavit form as well. And of course, an equally thorough reading of the Reasons for Judgment delivered by Justice Spender of the Federal Court of Australia, now retired, and the Orders he made three months later on the fourteenth of May 1997. All in all, it has been a lengthy and disappointing process. Particularly disappointing not only for the manner in which law has not been applied by the Judge, but not practised by legal officers within the Australian Government Solicitor.

The CASE being WON by the RESPONDENTS is now discussed by Mr Athendon QC.

PRESENTER

I don't want to cut you short, Mr Athendon, but did the Respondents win any points?

MR ATHENDON QC

If an unbiased Judge had been presiding... that is, one who was not out to protect government officers from the ramifications of their own abuses,

(pause)

Garth... his investors, franchisees, staff, agents and whosoever, would never have been prevented from engaging in the developing of mechanical carparking similar to the one they had already developed. And that effectively meant being restricted from entering the mechanical carparking arena in perpetuity. And so, to answer your question... Garth would have won every major point if the Judge had accepted the written and oral testimonies of Dr Ian de Jonge and Trevor Dredge... both eminent patent attorneys who knocked the ACCC's scurrilous claims out of the ballpark.

(pause)

Regrettably, their names and their testimonies were not even mentioned in the judgment.

PERSONAL ATTACKS along with an absence of law and facts in the Reasons for Judgment are now discussed by Mr Athendon QC.

PRESENTER

Then what were the major flaws in that judgment?

MR ATHENDON QC

The first glaring flaw was the Judge's repeated refusal to accept any of the overwhelming evidence that the Van Der Horst patents were owned by the liquidators of Parktec. If he had accepted that undeniable fact at the outset he would have put an end to the trial... Instead, he accepted the fraudulent Pizzey patent report and commenced a series of personal attacks on Garth... personal attacks that he

(MORE)

MR ATHENDON QC (CONT'D)

failed to substantiate in fact or in law. It was as if he was writing his judgment purely to defame Garth in the eyes of the Australian public.

(pause)

In truth, the judgment was nothing more than a hatchet job.

PRESENTER

So, he was just having a spit.

MR ATHENDON QC

(smiling)

I guess that's another way of putting it. For instance, he refers to the manner in which Garth reacts to his critics, and goes on to cite a passage from a letter Garth had written to Van Der Horst's solicitor, Peter Smith. But the reader does not know the circumstances as to why the letter was written. All he's doing is casting a large shadow over Garth's character. Now, the truth is that Garth had written that terse letter to Peter Smith because he was the principal financier of Van Der Horst's company, and as such, a quasi joint complainant to the Trade Practices Commission as it then was. Garth was justifiably upset over their false complaint... He was certainly not writing to a critic.

MICHAEL (FRANCHISEE)

(interjecting)

In fact, I had helped Garth draft that letter shortly after their false complaint had been made. It needed to be as legalistic as possible. After all, it was akin to a letter of demand. Garth wanted them to cease their abuse.

MR ATHENDON QC

And there you have it.

(pause)

In fact, the judgment was so personal

(MORE)

MR ATHENDON QC (CONT'D)

that the Judge resorted to name-calling which I have never witnessed in any of the hundreds of judgments I have read throughout my years at the Bar. But smart man... Justice Spender knew that if he, as a federal court Judge, called Garth Eaton a 'glib grandiloquent rogue'... that, on its own, would be enough to put Garth out of business for the rest of his life.

(pause)

Following that statement in his judgment, he didn't need to apply law. He had already accomplished his mission. It was game, set and match. And Garth lost.

MONTY (FRANCHISEE)

(interjecting)

Correction, Mr Athendon. We all lost.

(pause)

A total of three suicides, two suspected suicides, overnight illnesses, a total of five and a half million dollars, and years of work.

There is considerable silence before the Presenter continues.

PRESENTER

Were there any other glaring personal attacks on Garth?

MR ATHENDON QC

There were several. But I think the second most damaging was Justice Spender's accusation that Garth had held out in a newspaper advertisement a false tax deduction for the management expenses incurred by franchisees. From memory... and correct me if I'm wrong, Garth... of the franchise fee of 145 thousand dollars there was 125 thousand that was tax deductible. Again, the Judge had completely disregarded the facts and made a statement which he

(MORE)

MR ATHENDON QC (CONT'D)

knew to be a lie. So, if anyone was in doubt about Garth being a rogue, here we have a federal court Judge telling the Australian public that Garth was little more than a conman.

(pause)

Hardly the sort of judicial conduct that makes one proud to represent the law... very disappointing.

PRESENTER

Yes, being a glib grandiloquent rogue who is trying to con prospective franchisees into believing that most of their franchise fees is tax deductible;

(pause)

how do you survive that?

GARTH EATON

The short answer is, you don't, Adrian.

PHYLLIS (FRANCHISEE)

(cutting in)

Mr Athendon, how many times did the Judge get it wrong?.. or should I say, lie.

MR ATHENDON QC

There were fifteen statements made where one could comfortably say that the Judge had erred in fact and in law. And a further seven statements that could fit that category. Or put another way, there was not one of those twenty-two statements made that could be convincingly substantiated in fact or in law.

(pause)

It really was an appalling attack on Garth which unfortunately affected your lives badly.

The FUTILITY of an APPEAL and CRIMINAL PROSECUTION is discussed.

IAN (FRANCHISEE)

In hindsight, should we have appealed?

MR ATHENDON QC

I don't think your chances of an appeal being upheld would have been good. The personal attacks would most likely have remained in force. As you know, Judges are protected by Absolute Privilege. They can defame you however they wish with impunity. And of course, the Appellate Judges would not have had the advantage of being in court to witness Garth's demeanour. They had no option but to rely on Justice Spender's character assessment. Furthermore, if only one of the claims made by the ACCC with regard to misleading and deceptive conduct had remained in force then you would still have been guilty of the same offence under section 52 of the Trade Practices Act.

MICHAEL (FRANCHISEE)

(resigned)

To put it in Peter Toy's words. "And that's how we stitched up Europark." The right Judge.

MR ATHENDON QC

Afraid so. And I understand that an attempt was made to criminally prosecute Justice Spender and others. Again, a fruitless exercise. Federal court Judges are protected by Federal Police and magistrates. It's just one of those unwritten practices.

MICHAEL (FRANCHISEE)

And yet all of them repeatedly committed crimes. And just on that subject, how many crimes were committed against us?

CRIMES COMMITTED are now discussed as Noel begins to list potential charges against VAN DER HORST, SPENDER, DUCRET, GUTHRIE, RIDGEWAY, TOY, RAVELL, PIZZEY and ORCHARD.

MR ATHENDON QC

Alright, let's begin with the man who constantly threatened to "... break Eaton and Parktec", one Willem Van Der Horst... now deceased, murdered. He had convincingly defrauded Garth and his senior staff and then went on to lodge a false complaint against Garth and his companies with what was then the Trade Practices Commission... which three years later became known as the ACCC.

(pause)

And of course, he was directly responsible for destroying both the Vaportec and Parktec/Europark projects and the suicides of three franchisees.

BLACK SCREEN. WHITE TEXT.

A THUD is heard like a muted beat of a DRUM. The text, "WILLEM VAN DER HORST - 49 CHARGES - FALSE PRETENCES - QUEENSLAND CRIMINAL CODE" appears and holds.

THEN:

A second THUD is heard. The text, "WILLEM VAN DER HORST - TWO CHARGES - FRAUD - CRIMES ACT 1914" appears and holds.

THEN:

A third THUD is heard. The text, "WILLEM VAN DER HORST - ONE CHARGE - ATTEMPT TO OBSTRUCT JUSTICE - CRIMES ACT 1914" appears and holds.

THEN:

A fourth THUD is heard. The text, "WILLEM VAN DER HORST - ONE CHARGE - CONSPIRACY TO DEFEAT JUSTICE - CRIMES ACT 1914" appears and holds.

THEN:

A fifth THUD is heard. The text, "WILLEM VAN DER HORST - 20 CHARGES - GIVING FALSE TESTIMONY - CRIMES ACT 1914" appears and holds.

THEN:

A sixth THUD is heard. The text, "WILLEM VAN DER HORST - THREE CHARGES - UNLAWFUL HOMICIDE - QUEENSLAND CRIMINAL CODE" appears for five (5) seconds.

BACK TO MR ATHENDON QC

MR ATHENDON QC (CONT.)

So much for Justice Spender's "... decent and honest witness". But now to Van Der Horst's first pawn in his game of destruction, Jamie Orchard. He was an Enforcer with what was then known as the Australian Securities Commission, and a very willing pawn. It was Orchard who began acting corruptly against the Vaportec project. This man was directly responsible for obstructing justice when he couldn't get his way by lawful means. And so, he seconded Lex McLay to phone twenty-two Vaportec franchisees falsely claiming that there was the possibility of federal police bringing criminal action against Garth.

(pause)

Orchard also practised disseminating false information by providing it to Van Der Horst, who in turn passed it on to current and prospective Vaportec and Parktec/Europark franchisees. Little wonder that Roy, Vaportec's R&D manager felt helpless and took his own life.

(pause)

Furthermore, his conduct underpinned the reasons for the suicides of two Europark franchisees; and it was this same abusiveness that caused the murder of Willem Van Der Horst. He has the blood of four on his hands.

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 and holds.

THEN:

A second THUD is heard. The text, "JAMIE ORCHARD - FOUR CHARGES - UNLAWFUL HOMICIDE - QUEENSLAND CRIMINAL CODE" appears for five (5) seconds.

BACK TO MR ATHENDON QC

MR ATHENDON QC (CONT'D)

Next we have Alan Raymond Ducret, former Regional Director of the TPC/ACCC. He was directly responsible for aiding and abetting Bill Van Der Horst and Peter Smith's false complaint to the TPC. He then attempted to obstruct justice by putting an intentionally false deal to Garth whereby Garth and yourselves would be responsible for having the Van Der Horst patents revoked at your cost. And when that scam failed he became complicit in defeating justice by sanctioning the use of a defamatory newspaper article to adversely affect the outcome of the impending trial. As a result of his conduct he was complicit in causing the manslaughter of Bill Van Der Horst and also complicit in causing the suicides of two Europark franchisees. Without Alan Raymond Ducret, no crimes could have been committed by ACCC and AGS officers. And certainly no crimes could have been committed by Justice Spender.

BLACK SCREEN. WHITE TEXT.

A THUD is heard like a muted beat of a DRUM. The text, "ALAN RAYMOND DUCRET - ONE CHARGE - ACCESSORY AFTER THE FACT - CRIMES ACT 1914" appears and holds.

THEN:

A second THUD is heard. The text, "ALAN RAYMOND DUCRET - ONE CHARGE - AIDING AND ABETTING - CRIMES ACT 1914" appears and holds.

THEN:

A third THUD is heard. The text, "ALAN RAYMOND DUCRET - FOUR CHARGES - ATTEMPT TO OBSTRUCT JUSTICE - CRIMES ACT 1914" appears and holds.

THEN:

A fourth THUD is heard. The text, "ALAN RAYMOND DUCRET - ONE CHARGE - CONSPIRACY TO DEFEAT JUSTICE - CRIMES ACT 1914" appears and holds.

THEN:

A fifth THUD is heard. The text, "ALAN RAYMOND DUCRET - THREE CHARGES - UNLAWFUL HOMICIDE - QUEENSLAND CRIMINAL CODE" appears for five (5) seconds.

BACK TO MR ATHENDON QC

MR ATHENDON QC (CONT'D)

Now that I've dealt with the crimes perpetrated against Vaportec and Europark franchisees by the three primary offenders, Van Der Horst, Orchard and Ducret, I will now deal with Terence Guthrie, former Assistant Director of the TPC/ACCC, Stephen Ridgeway, former Senior solicitor with the Australian Government Solicitor, AGS, and now... wait for it, a Commissioner with the ACCC. Also there's Peter Toy, former solicitor with the AGS and Lesley Ravell, formerly Ziukelis, also AGS.

(pause)

And none of them have a Nuremberg Defence. Each of them acted with excessive relish in the destruction of Europark as they moved to protect their

(MORE)

MR ATHENDON QC (CONT'D)
complainant, Bill Van Der Horst, and
their agencies.

(pause)

These are the thirty-six criminal acts
committed by the four of them.

BLACK SCREEN. WHITE TEXT.

A THUD is heard like a muted beat of a DRUM. The text,
"TERENCE GUTHRIE - STEPHEN RIDGEWAY - PETER TOY - LESLEY
RAVELL " appears and holds. Beneath these names there is a
muted THUD as each charge is listed down the screen.

"AIDING AND ABETTING - FOUR CHARGES - CRIMES ACT 1914"
appears and holds.

"ATTEMPT TO OBSTRUCT JUSTICE - SIXTEEN CHARGES - CRIMES ACT
1914" appears and holds.

"CONSPIRACY TO DEFEAT JUSTICE - FOUR CHARGES - CRIMES ACT
1914" appears and holds.

"UNLAWFUL HOMICIDE - TWELVE CHARGES - QUEENSLAND CRIMINAL
CODE" appears for five (5) seconds.

BACK TO MR ATHENDON QC

Mr Athendon QC reaches for more notes.

MR ATHENDON QC (CONT'D)
And of course, a key player in giving
Justice Spender what he wanted was John
Kingston Pizzey; the patent attorney
whose testimonies were bought and paid
for by the ACCC. He committed seven
criminal acts. He was an unwitting but
well-used pawn in the ACCC's and AGS's
criminal games.

BLACK SCREEN. WHITE TEXT.

A THUD is heard like a muted beat of a DRUM. The text,
"JOHN KINGSTON PIZZEY - SIX CHARGES - GIVING FALSE
TESTIMONY - CRIMES ACT 1914" appears and holds.

THEN:

A second THUD is heard. The text, "JOHN KINGSTON PIZZEY - ONE CHARGE - ATTEMPT TO OBSTRUCT JUSTICE - CRIMES ACT 1914" appears and holds for five (5) seconds.

BACK TO MR ATHENDON QC

MR ATHENDON QC (CONT'D)

And now, Justice Jeffrey Spender. We'll stay with fifteen charges of Judicial Corruption under section 32 of the Crimes Act 1914 as it applied in 1997. However, he was also complicit in causing the suicides of two Europark franchisees... plus being complicit in causing the manslaughter of Bill Van Der Horst. All three crimes fit squarely within section 300 of the Queensland criminal code... Unlawful Homicide.

BLACK SCREEN. WHITE TEXT.

A THUD is heard like a muted beat of a DRUM. The text, "JUSTICE JEFFREY SPENDER - 15 CHARGES - JUDICIAL CORRUPTION - CRIMES ACT 1914" appears and holds.

THEN:

A second THUD is heard. The text, "JUSTICE JEFFREY SPENDER - THREE CHARGES - UNLAWFUL HOMICIDE - QUEENSLAND CRIMINAL CODE" appears for five (5) seconds.

BACK TO PRESENTER

PRESENTER

(turning to Ingrid)

And just on that note, this might be Dr Svenson's cue.

DR INGRID SVENSON

Thank you, Adrian... This would have to be one of the most severe cases of
(MORE)

DR INGRID SVENSON (CONT'D)

legal abuse I've ever encountered. So, the intensity of psychological stress over such a sustained period of years would definitely have eroded the physical health of even the toughest of you. And over-medicating is a common cause of suicide or what initially appears to be an unexplained death.

(pause)

And your entire group would have been suffering daily throughout those years. Bitterness kills... There is no psychiatric argument against that. Bitterness and helplessness eat at your psyche. And tell me, Garth. Do you still get upsetting flashbacks?

GARTH EATON

Nothing like they once were. But on rare occasions I still hear the Judge barking at us, or seeing Peter Toy smirking as he bounces up and down on his swivel chair, or him getting into the back of a franchisee's taxi and talking about how the ACCC "...stitched up Europark", or a half-intoxicated Guthrie punching both fists to chest height as he was telling the ACCC's complainant, "Got him, Mr Van Der Horst, Got him!"; and not forgetting Lesley Ravell's ability to inflict pain, "This matter isn't going to go away..." I still hear the delight in her voice.

DR INGRID SVENSON

And what is it about Ravell's comment that is so memorable.

GARTH EATON

As we've witnessed during this series, her full statement was, "This matter isn't going to go away, Mr Eaton!.. Do you hear me!". It was yelled at me at a time when investors and franchisees were doing it the toughest they had

(MORE)

GARTH EATON (CONT'D)

ever done anything in their lives.

(pause)

No one was listening... They had commenced a federal court action against us based on the testimony of a complainant who didn't even own the patents he said we were infringing. The liquidators of Parktec, Ernst & Young, owned them.

(pause)

Everything we had, and all our hopes were now in the hands of unthinking children, with authority and power, who had no understanding of technology development. Ravell's statement simply destroyed every hope I had of emerging with everyone still intact. And that was my full responsibility.

DR INGRID SVENSON

Of course... and how have you coped over the years? And have you been able to exact anything good from such adversity?

GARTH EATON

I coped by throwing myself back into another start up business venture with the corporate support of a number of franchisees. But I now had the greatest obstacle of all to overcome. Google came into being in 1998 and one quick Google of the name, Garth Eaton, and up would come, at the top, "ACCC stops suspect franchising scheme".

DR INGRID SVENSON

(surprised)

God! That must have been heartbreaking after so many years of hard work.

GARTH EATON

(smiling)

Yes... that article, which is still there to this day, contained the endorsement of Professor Allan Fels who

(MORE)

GARTH EATON (CONT'D)

was complimenting his ACCC staff for their exemplary work in protecting small businesses from people like myself who had been running a scam and who had held out to the Australian public a tax deduction that was untrue. In short, he was mindlessly mimicking Spender. But it made me out to be a conman.

DR INGRID SVENSON

How did you survive that?

GARTH EATON

I blew around one million dollars trying to overcome that defamation. A million dollars of investors' funds... But I was repeating my business history and I had to come to terms with the fact that too many more would be hurt while that defamation was against me. And I really had tried every possible way to overcome it. Not everyone is prepared to use their own judgment and invest, which means that the risk of not being able to raise all the funds needed to succeed, is far too high. And so, I decided that I had a moral responsibility to leave the business arena.

(pause)

Let's face it, I had failed to overcome the defamation that had plagued my life since early 1973. And yet, years later I thought I could overcome the vile defamation of a federal court Judge? I must have had rocks in my head.

DR INGRID SVENSON

(interjecting)

Given your innate entrepreneurial nature that must have hurt.

GARTH EATON

Yes, but what hurt most was the fact that the ACCC and AGS had won... And so

(MORE)

GARTH EATON (CONT'D)

had Vic Moffatt going back decades.
And it was my stubbornness not to let
them win that had caused so much
hardship. I had to come to terms with
not being able to take on the corrupt
might of government agencies and their
'go to' Judges.

DR INGRID SVENSON

So where to from there?

GARTH EATON

I decided to dedicate my life to
assisting others who had also been or
were being legally abused. I set up a
charity, The Australian Justice
Tribunal. We not only introduced pro
bono legal representation to our
financially distressed clients, but by
default we found ourselves dedicating
some of our time to reviewing grievous
matters between government agencies and
Australian businesses.

DR INGRID SVENSON

And there could be nothing more
therapeutic... more healing, than that.
Unfortunately, very few people have the
skill set required to found a charity,
so in that sense you are lucky.

GARTH EATON

(smiling)

Thank you. I guess, every cloud has a
silver lining and I enjoyed my work
before my retirement at seventy-three.
Mind you, being paid would have been
great but by no means important. We
had no funding as you can imagine.
Everyone was a volunteer including our
retired lawyers.

PRESENTER

Garth... I need the answers to three
final questions and then we can wrap up
the series. And the first is...

(MORE)

At that moment, Phyllis passes a handwritten note to the Presenter. He pauses to read it.

PRESENTER (CONT'D)

Correction... I have just two questions from Phyllis before I ask my final three... Garth, Phyllis would like me to raise the question of why did you re-launch The Federal Party of Australia at the same time you commenced the development of the Vaportec and Parktec/Europark projects?

GARTH EATON

In fact, you touched on the reason why in episode three of this series. And that was the unincorporated nature of The FPA. Also, It's federal constitution was drafted to let the Electorate know that its primary objective was to develop Australian technology for an export market... which had always been my own personal business objective.

PRESENTER

But how was a political party going to be of benefit if you were already achieving that end through your Vaportec and Parktec companies?

GARTH EATON

The explanation lies in the word, unincorporated. This means that the ASC would have no jurisdiction over the business activities of The FPA which in turn would mean that people like Orchard could not theoretically interfere. Naturally each franchisee would continue to operate their franchises through their own corporations, but the incessant attacks on myself as Federal President of that unincorporated association would technically have to cease.

(pause)

It was a desperate effort to save the

(MORE)

GARTH EATON (CONT'D)
projects and their franchisees.

(pause)

If you like, Parktec was the first safety net for the high-risk Vaportec project and The FPA was going to be the safety net for both projects.

PRESENTER
Sounds good.

(looking down at note)

Now, I see that Phyllis might be too embarrassed to also ask how much you spent on The FPA. But let's get it out... How much was it?

GARTH EATON
Just over 300 thousand dollars. All up, about five point five percent of the total capital costs of both projects. But unfortunately, Orchard and then the ACCC crippled me financially and put an abrupt end to that safety net. The rest is history.

Phyllis, Elizabeth, Ian, Michael and Monty are nodding their heads and looking satisfied with the answer.

PRESENTER
I think we're all satisfied with that, Garth. Now back to the first of my three final questions.

(pause)

How many crimes in total were committed by government officers within the Australian Securities and Investments Commission, as it is now... the Australian Competition and Consumer Commission... and the Australian Government Solicitor, to finally bring down Vaportec and Europark.

GARTH EATON
OK, but I need to add Bill Van Der Horst to that list along with John Kingston Pizzey and Justice Spender. In fact, I'll pass that question onto
(MORE)

GARTH EATON (CONT'D)

Mr Athendon in a moment. He has already given us the individual charges.

(pause)

But there's one quick matter I would like to mention and it concerns a statement of Mr Athendon's a few minutes ago when highlighting the criminal charges against John Pizzey.

(turning to Noel)

You referred to Pizzey's seven criminal acts and said that "He was an unwitting pawn in the ACCC's and AGS's criminal games". Well... I would challenge the word, "unwitting", because he was fully aware that the Vehicle Parking Technology Agreement, the VPTA, between Bill Van Der Horst and Parktec had been terminated after Van Der Horst had breached that agreement thirty-four times. And that notice of termination was prepared and served in December 1991 by Andrew Greenwood, now Justice Andrew Greenwood of the Federal Court of Australia; one of our nation's greatest authorities on intellectual property. Furthermore, he had read that VPTA and must have known, according to his report, that on the liquidation of Parktec, patents 606728 and 639347 still in Van Der Horst's name, immediately became the property of Ernst & Young, the liquidators.

PRESENTER

But what's the point you're making?

GARTH EATON

The point I'm making is simply this. On the understanding that Van Der Horst's technology was in the hands of the liquidators, Pizzey had no right to prepare a report falsely claiming that we were infringing Van Der Horst's patents. Those patents belonged to Ernst & Young two years after the

(MORE)

GARTH EATON (CONT'D)

termination of the VPTA when Parktec went into liquidation. But regardless of that, the results of his examination of those patents were fabricated anyway.

MR ATHENDON QC

Yes, I see. You're saying that the entire premise of his report was false, and he knew it. So, his actions were hardly unwitting. Very good.

(pause)

Now... I'll be able to give you the total number of crimes committed to bring down the Vaportec and Europark projects if you'll just bear with me.

Mr Athendon QC reaches for his notes and begins reading.

MR ATHENDON QC (CONT'D)

Here we are... The total number of alleged criminal acts perpetrated against those projects is 173.

The disbelief expressed by all at the table is audible.

MR ATHENDON QC (CONT'D)

But I need to explain that if charges had been brought against Alan Ducret for instance, the Commonwealth DPP may have stayed with Attempt to Obstruct Justice and not added Accessory After the Fact... one less charge against him. But here's the breakdown of the charges. I'll read them aloud.

(pause)

Van Der Horst committed a total of seventy-six (76) criminal acts. That's fifty-two (52) under the Queensland Criminal Code of which three (3) were Unlawful Homicide, and twenty-four (24) criminal acts under the Crimes Act 1914... Jamie Orchard committed a total of twenty-six (26) criminal acts... That's four (4) acts of Unlawful Homicide under the Queensland Criminal

(MORE)

MR ATHENDON QC (CONT'D)

Code and twenty-two (22) criminal acts of Attempt to Obstruct Justice under the Crimes Act 1914. Alan Ducret committed a total of ten (10) criminal acts... three (3) Unlawful Homicide acts under the Queensland Criminal Code and seven (7) criminal acts under the Crimes Act 1914.

(pause)

Terence Guthrie, Stephen Ridgeway, Peter Toy and Lesley Ravell, formerly Lesley Ziukelis, committed a combined thirty-six (36) criminal acts... twelve (12) of those were Unlawful Homicide, three each, under the Queensland Criminal Code and twenty-four (24) criminal acts, six each, under the Crimes Act 1914.

(pause)

And finally, Justice Spender committed eighteen (18) criminal acts... three (3) Unlawful Homicide under the Queensland Criminal Code and fifteen (15) criminal acts of Judicial Corruption under the Crimes Act 1914 making that a grand total of 173 criminal acts.

MONTY (FRANCHISEE)

OK, then...

(looking at notes)

if we take Van Der Horst's seventy-six (76) criminal acts from 173, it means that the ASC, ACCC, AGS, Pizzey and Spender had been either directly responsible for, or complicit in committing a total of ninety-seven (97) criminal acts against us... Dear Jesus!

PRESENTER

Tragic! And my second question is what happened to the Europark mechanical carparking project?

MONTY (FRANCHISEE)

(interrupting)

Before we go there, Adrian, if I may?

PRESENTER

Yes, Monty. You've got the floor.

MONTY (FRANCHISEE)

This is a question for Mr Athendon. I'm just wondering why John McCarthy, the journalist who wrote that offending newspaper article against Garth, hasn't been mentioned as being part of the charge of Conspiracy to Defeat Justice?

MR ATHENDON QC

On Garth's instructions I have not included McCarthy, regardless of the damage he created, solely because he was an unwitting innocent in the ACCC's drive to damage Garth and bring Europark down. Garth believes he would have been badly briefed and would have had no idea of what the ACCC was up to.

MONTY (FRANCHISEE)

That's fair.

Others at the table nod and smile in agreement.

MR ATHENDON QC

I might also add that Garth didn't want me to include Peter Smith, Van Der Horst's solicitor and financier, on the grounds that he was not only defrauded financially by Van Der Horst but lied to regarding the ownership and status of the two invalid patents. He genuinely believed that the complaint he drafted to the TPC was bona fide. He had been duped on two counts.

GARTH EATON

Thanks, Mr Athendon...Now, as to the question of what happened to the Europark project I could best explain by showing you a video of my bodyguard, Boris Mlsna, parking his car in the prototype. This was November 1993 when we served writs on the directors of Vihorlat. Boris told a friend of his
(MORE)

GARTH EATON (CONT'D)

who worked for Vihorlat that he had a client from Austria who needed a report on that particular carparking system. The word, Australia, would have rung alarm bells. And for good measure, I decided to hide behind heavily tinted car windows about 100 metres away.

EXT. PARKTEC PROTOTYPE. VIDEO CLIP. DAY.

As Garth begins to narrate, a 45-second Video of the prototype is seen in operation. Boris is parking his car.

GARTH EATON V.O.

Vihorlat continued to develop our technology under the name, Vapark. But they were eventually taken over by a Dutch company and the carparking system was developed further through to full commercialisation. From there, a German company took over and made its own enhancements... a concept that eluded Spender, the ACCC's and the AGS's oafs. So, our model 'T' Ford as you see it here, is hardly recognisable all these years later.

The video clip now ends and Garth appears.

GARTH EATON

But it is providing employment for tens of thousands of men and women worldwide. Sadly, none of those men and women are Australians.

Garth's eyes begin to well up as he reflects.

PRESENTER

And how versatile was it?

GARTH EATON

Extremely versatile. It could be built above ground as a stand-alone carpark... naturally, with attractive cladding to hide the internal

(MORE)

GARTH EATON (CONT'D)
machinations. Or below ground under
buildings .. over railway lines. As I
said, extremely versatile.

PRESENTER
And my final question is... do you have
any regrets?

GARTH EATON
I certainly do, Adrian. I regret that
after Orchard had destroyed the
Vaportec project, only a few of the
Vaportec franchisees took advantage of
our safety net which was the
Parktec/Europark project. I had
offered them a substantial shareholding
in that carparking project and I had
also promised them a Parktec franchise
each at no further cost.

PRESENTER
(interjecting)
That's an extremely fair offer, so why
didn't they take it up.

GARTH EATON
In their eyes I was the root cause of
the problem. I was the reason for the
attacks on Vaportec. They believed
that nothing I could do from that point
on could possibly succeed while Orchard
and McLay were out to destroy me.

MONTY (FRANCHISEE)
(interrupting)
And in a very real sense, Garth, they
were right. Look at the results. The
attacks on you even intensified.
Officers in the ACCC and AGS took
Orchard's and Van Der Horst's baton and
ran hard with it.

GARTH EATON
I have no argument with that, Monty,
but I still believe that if we had
stayed united and not allowed Orchard
(MORE)

GARTH EATON (CONT'D)

to divide and conquer we would have stood a fighting chance.

IAN (FRANCHISEE)

Maybe, maybe not. I remember the pressure on Vaportec franchisees being intense. Not everyone can stand against the veiled threats of government officers. If they could damage Garth Eaton then they could do it to us? And that was very much on our minds at the time. But Helen and I took heart from the strength of Garth's landlord, John Loxton. When he received an upsetting call from McLay he as good as told him to piss off. But if I had to take a position, as I once did, I'd still opt for unity. "Together we stand... divided we fall."

GARTH EATON

Thank you, Ian, and I can see Phyllis and Michael nodding as well. But we'll never really know for sure. What I do know for sure is that many franchisees have still not forgiven me and I doubt that they ever will... regrettably... And I will always remember how Kevin reacted, blaming me for the ASC and ACCC unleashing their attack dogs and tearing the throats out of three of us.

MONTY (FRANCHISEE)

(interjecting)

Yes, he was definitely going to take a swing at you. And there was six foot five of him. Thank God Caroline was there to quieten him down because I don't think any of us could have dragged him off you.

IAN (FRANCHISEE)

(chuckling)

You're right there, Monty.

The room stills while Garth regains his composure. Dr Svenson then touches Adrian's right forearm.

DR INGRID SVENSON

Adrian, I realise that you have asked your final question but from a psychologist's point of view I still need answers to a couple of quick matters. I'll start with one that I discussed with Garth at the end of the first episode, and that is why you were so obsessed with paying your creditors during and after your bankruptcies?

GARTH EATON

My creditors were victims of the onslaught against me from the early seventies so I felt obliged to compensate as many of them as I could. And quite often that compensation was not just in the form of monetary gifts. On many occasions I would contract a former creditor under excessively favourable terms to do work for me. And for others I would offer them an interest, at no cost, in a replacement project. That happened many times.

DR INGRID SVENSON

That would have made you feel better but what about your creditors? Were they appreciative?

GARTH EATON

Some, definitely, but many still saw me as the man who upset their lives in the first place, so there wasn't a lot of gratitude, if any.

(pause)

And when a cheque bounces for wages or for goods because the bank has withdrawn your overdraft without notice, many people get hurt and it can take forever to make good those cheques. So, you remain a villain even as the debt is being paid... and after.

DR INGRID SVENSON

And did that happen often over the years?

GARTH EATON

God, yes. Imagine the upset of a bank manager who has just been spoken to by a government officer who's put a mouthful of defamatory information in his ear. I've sat in front of a number of managers who were visibly shaken when I challenged them over the reason for cancelling company and personal overdrafts. Or when a personal loan or an outstanding mortgage is repaid, without my authority, from my current business account.

DR INGRID SVENSON

But that sounds unlawful to me.

GARTH EATON

Definitely is, but I only ever won my argument on one occasion when I threatened a manager of the NAB bank with criminal action if he didn't reinstate a second mortgage over my home. He had been panicked into transferring funds from my business account to satisfy that mortgage in full. He had been told that I was on the brink of being criminally charged by police... absolute nonsense. But he had already created incredible damage by returning cheques. That sort of intervention went on and on over the years. As I earlier said in this series, I had become sport.

(pause)

And by association even my wife's overdraft facilities would be cut, often causing extreme embarrassment and temporary hardship for both ourselves and the suppliers of goods and services. I often needed to rely on her for financial support.

DR INGRID SVENSON

Did you ever change banks?

GARTH EATON

There wouldn't have been a sizeable bank in Australia that I didn't try. But it was always just a question of time before the poison was purposely spread and the upset created all over again.

(pause)

The defamatory damage originally caused by that Mt Isa lawyer had never gone away. It would only be built on as the baton was passed, over the years.

DR INGRID SVENSON

Having already witnessed the number of criminal acts perpetrated against your businesses, I certainly do believe you.

(pause)

But how, over so many years, have you been able to suppress your natural entrepreneurial urge to create.

GARTH EATON

In a very real sense my work within my charity had sated a lot of those urges. Although, it has been difficult not deriving income.

PRESENTER

(interjecting)

Just on that point, Garth, why weren't you being paid?

GARTH EATON

Who's going to donate money to a charity headed by a glib grandiloquent rogue? And particularly one that has tried to defraud the Australian public by holding out a false tax deduction within franchise fees? I was branded a conman... all online. Even recruiting Case Assessors and other voluntary staff was made incredibly difficult.

PRESENTER

I see what you mean, the Judge set out to damage you and he did a good job... an excellent job.

GARTH EATON

Definitely, but it's far worse than that. I couldn't even find normal employment for the same reason. And I knew that if I went back into business the malicious attacks would start all over again. All they had to do was point to my business failures and any sound-minded investor or prospective franchisee would run a mile. And that's without Spender's destructive comments. And remember, I had already been the subject of defamation for twenty-one years prior to the ACCC's crippling intervention.

(pause)

And no government officer within the ASIC or ACCC or AGS is going to exercise the decency to say, "Oh, and by the way, we created that damage, not Eaton. I just thought it would be fair to mention that". No... it would have been morally wrong to have continued on that path knowing the financial damage that would be caused.

PRESENTER

Then how have you survived?

GARTH EATON

In the years following Spender's Judgment I was fortunate enough to receive some funding, in reality, handouts from a few of our franchisees, and of course fresh investors as I attempted to re-establish myself in new businesses.

(pause)

That, along with centrelink payments kept me going. In fact, I recently assessed that because of the abusive intervention in my Vaportec and Europark projects I had been forced to receive centrelink assistance off and on for around fifteen years up until I reached retirement age.

PRESENTER

That's appalling. It's upsetting enough that your projects had been abusively destroyed, but to be demeaned for years by being forced to accept handouts... that's totally unacceptable, Garth. I can only apologise to you and your franchisees for living in a society that is capable of legally abusing anyone without remorse. But at least countless others who have been legally abused were assisted by your charity.

DR INGRID SVENSON

I'd also like to apologise too.

Garth and the five franchisees nod in acceptance.

GARTH EATON

Thank you, all.

PRESENTER

And thank you for sharing your journey with us. And thank you for exposing such a damaging undercurrent of criminal activity within not just the ACCC and other agencies but the Australian judiciary. It's also been a great pleasure speaking with yourselves, Phyllis, Elizabeth, Ian, Michael, Monty.

The five franchisees nod in recognition and smile. And at that moment Mr Noel Athendon QC raises his right hand to catch the Presenter's attention.

MR ATHENDON QC

Adrian, I feel that I can't justifiably leave matters there without expanding on what Garth had to say before about Pizzey. He was not only fully aware of those patents being the property of Ernst & Young, the liquidators of Parktec, but even if we assume that Van Der Horst owned them, he was nonetheless still aware of three

(MORE)

MR ATHENDON QC (CONT'D)

further critical matters. One... As a patent attorney, he was very familiar with the definition of the term, infringement. And I'll refer to the material that was contained in Garth's Affidavit dated the fourth of April, 1996 in which Garth had clearly stated for the Judge that infringement of the two Van Der Horst patents could only have taken place if the Europark companies had been franchising the Van Der Horst patents exclusively and only in the countries protected by those patents.

(pause)

Two... Pizzey knew that Australian patent 606728 had not only expired but was not patented in any other country, and the second patent being Australian patent 639347 only had corresponding applications filed in Czechoslovakia, Portugal and Spain.

(pause)

Now, this is really a rhetorical question, Garth, but for everyone's sake, in July 1994, just prior to being served with federal court applications, had you ever franchised or offered for sale in Australia, Czechoslovakia, Portugal or Spain any technology taken from the two invalid Van Der Horst patents?

GARTH EATON

Not at all... and furthermore, in that same Affidavit of the fourth of April I had made it absolutely clear that outside those four countries Van Der Horst could not stop anyone from attempting to franchise his invalid patents worldwide. And he certainly had no legal right whatsoever, to stop us from franchising our own technology in any country of our choice. He needed corrupt ACCC and AGS officers and a notorious Judge to help him stop us and eventually destroy us.

MR ATHENDON QC

It sounds like a slam dunk to me... a clear cut case of your rights being brutally violated.

GARTH EATON

Yes... No one was listening. No one wanted to listen or understand.

MR ATHENDON QC

And to add to this criminal farce, Justice Spender, like ACCC and AGS officers, was very aware of the truth but was determined to conduct a trial just to protect those government officers from civil and criminal prosecution. And he achieved this end, in no small part, by focusing not just on infringement but the entire misappropriation of Van Der Horst's intellectual property by Garth's companies. As he said, "Mr Van Der Horst impressed me as a decent and honest witness who genuinely felt deeply wronged by the misappropriation of his intellectual property by companies of which Mr Eaton was the guiding spirit."

PRESENTER

And with lies and abusiveness like that, given that Van Der Horst had no patents or intellectual property whatsoever, Spender destroyed the lives and the financial security of fifty-two innocent Australian franchisees... in fact, fifty-two Australian families, and became complicit in causing the suicides of two Europark franchisees and the murder of the man he protected.

(pause)

Alright... in closing, I'll now say a big thank you to Dr Ingrid Svenson, Superintendent John Hanson, and Mr Noel Athendon QC.

They each nod and smile in turn. The Presenter stands and turns to Garth who has also begun standing.

PRESENTER (CONT'D)

Now Garth, I believe there is something we all need to do, so I'm going to let you wrap up the series.

GARTH EATON

Thank you, Adrian. It won't take long. I have cars waiting for us. Unfortunately, Roy's wife, Hazel, has already passed but I'm sure she is with us in spirit.

As Garth begins to walk from the Boardroom table others stand and follow.

EXT. CEMETERY. LATE AFTERNOON.

The group of ten (three with walking aids) are gathered around a gravesite. From Garth's POV the surname on the headstone is blocked by Ian as he stands close to his wife's grave. The first names are "Helen Joanne" and below her name is "1937 -1998".

Elizabeth, now in her mid-eighties, is standing close to Ian with her left hand on his right shoulder. He is sobbing quietly as others bow their heads.

Michael, now sixty-eight and the youngest franchisee, leaves and walks to the back of the headstone to photograph the group from the front. Ian has tears flowing as he remembers his wife, Helen, on their wedding day.

And Elizabeth's tears flow for her loss of Ken as she remembers the morning he gave Garth encouragement on the phone, "Someone should give that bastard a shake". All these years later the suicides of their partners are still cutting deep.

The camera withdraws capturing the scene of an emotionally-charged graveside vigil.

FADE OUT

THE END