

10th December 2015.

Memo to the people of Victoria.

Utter Corruption in The Supreme Court of Victoria, Court of Appeal and Victoria Generally

Part 1.

In this two part document I demonstrate and expose corruption more serious and more flagrant and more incredible than has been exposed and/or demonstrated by any inquiry or Royal Commission in the history of Australia.

With great particularity, I demonstrate several intertwined streams of criminality, corruption, concealment and denial over a period of 36 years.

To varying degrees that conduct involves, Magistrates Courts, the Supreme Court of Victoria, the Court of Appeal, Macedon Ranges Shire Council and Coliban Water and involves Westpac Bank and ANZ Bank in their own right and by their subsidiaries and predecessors. It particularly involves the serial extreme and criminally corrupt conduct of Major General Justice Greg Garde and his co-conspirators in the period 1988 to 2008.

Particulars; Part 1 - Fraudulently fabricated Orders and fraudulently fabricated sealed Authenticated Order documents of Justice Robert Osborn and the Supreme Court of Victoria.

In a western democracy, supposedly governed by rule of law, nothing is more important and inviolable than orders of the Court and nothing has more authority than a document, sealed by the Court and attesting to the authenticity of such orders.

On 11th April 2007, the Supreme Court of Victoria fraudulently fabricated and uttered falsified orders and sealed Authenticated Order documents which were contrived to conceal the criminal conduct of Justice Robert Osborn.

As detailed below, **on 29th November 2006** Justice Robert Osborn of the Supreme Court of Victoria published Reasons for Judgement which were fraudulently fabricated and contrived by him to conceal and deny the corrupt conduct of the then barrister Major General Greg Garde QC and the by then Justice John Middleton and others.

Apart from ordering adjournment until 7th December 2006 **Osborn made no orders at all on 29th November 2006.**

On 7th December 2006, after hearing submissions as to orders and as to costs, Justice Robert Osborn made orders commensurate with his fraudulently fabricated and contrived Reasons and ordered that my appeal dismissed.

On the last possible day from 7th December allowed under the Court rules, on 21st December 2006 I filed Notice of Appeal and appealed to the Victorian Court of Appeal against the orders of Justice Robert Osborn.

My Notice of Appeal expressly alleged and particularised that Osborn's Reasons were in the face of the facts and the law known to him and known to Garde and Garde's co-conspirators and that with the connivance of Garde and his co-conspirators Osborn had made his orders of **7th December 2006** commensurate with his Reasons which were in the face of the facts and the law and contrived to deny and conceal the conduct of Garde and Middleton.

On or about 11th April 2007, for the purpose of concealing his own criminal conduct, Justice Robert Osborn conspired with at least Garde's instructing solicitor, Steven Mark Edward, to fraudulently fabricate a series of fabricated orders and sealed Authenticated Order documents of the Supreme Court of Victoria and to then utter those fraudulently fabricated orders and sealed Authenticated Order documents in the Court of Appeal.

Those fraudulently fabricated Authenticated Order documents, sealed by the Supreme Court of Victoria, **fraudulently represented** that Osborn's orders dismissing my appeal were made **on 29th November 2006.**

That fraudulent representation was for the purpose of perverting the course of justice by making it appear that my appeal had been filed out of time and was invalid and thereby conceal Osborn's criminal conduct.

The document reproduced below, sealed by the Supreme Court, is a fraudulent fabrication. It fraudulently represents and fraudulently authenticates, that Order 1 on that document was made on 29th November 2006.

IN THE SUPREME COURT OF VICTORIA AT MELBOURNE
COMMON LAW DIVISION

No. 6321 of 2005

BETWEEN:

GLENN ALEXANDER THOMPSON and
CHERYL MAREE THOMPSON

Plaintiffs

- and -

MACEDON RANGES SHIRE COUNCIL and
THE COLIBAN REGION WATER AUTHORITY

Defendants

GENERAL FORM OF ORDER

JUDGE:	The Honourable Justice Osborn
DATE GIVEN:	<u>29 November 2006</u>
ORIGINATING PROCESS:	Writ
HOW OBTAINED:	On return of the order of the Honourable Justice Osborn made on 1 November 2006
ATTENDANCE:	Mr Isakow, Solicitor, appearing as a friend of the Court for the Plaintiffs. Mr G. Ahern of Counsel for the Firstnamed Defendant. Mr G. Garde one of Her Majesty's Counsel for the Secondnamed Defendant.
OTHER MATTERS:	This matter coming on to be heard before the Court on 31 October 2006 and 1 November 2006 and the Court having, on 1 November 2006 directed that this matter should stand for judgment and this matter standing for judgment this day accordingly.

THE COURT ORDERS THAT:

1. The appeal should be dismissed and there be judgment for the Defendants.
2. The further hearing of this matter with respect to costs is adjourned to 7 December 2006 at 9.30 am.

DATE AUTHENTICATED: 11 April 2007

KP: 11.04.07
7281, 11462, 230



In accord with that heinous conspiracy to pervert the course of justice, in full knowledge that that order and document had been fraudulently fabricated, Garde's instructing solicitor, Steven Mark Edward, then fraudulently

and corruptly represented to me and to the Court of Appeal that it was true and correct document and that the orders set out in that document had been made on 29th November 2006 and my Appeal therefore had been filed out of time and was invalid.

That sequence of events, involving fabricated orders, is extreme criminal fraud and corrupt conduct of and in the Supreme Court of Victoria and is the most heinous fraud and conspiracy to pervert the course of justice imaginable in a democracy and in all probability is the most serious ever perpetrated in any western democracy.

Full detail of the fraudulently fabricated orders and sealed Authenticated documents including how I exposed the fact and that the Court then fraudulently fabricated further Authenticated Order documents to purportedly "fix" the first is available on my website [Http://courtsontrial.com](http://courtsontrial.com) and particularly available in the video entitled "Justice Robert Osborn - Fraudulently Fabricated Orders and Authenticated Orders."

Justice Robert Osborn fabricated those orders and documents to prevent the details of his flagrant criminality, detailed below, being aired in open court and to avoid the improbable possibility of those details coming before an honest and courageous Court of Appeal Judge with sufficient integrity to stand against corruption in the court..

This additional and extreme criminality of Osborn was subsequently demonstrated to be superfluous.

Court of Appeal Justices Buchanan, Redlich, Neave, Mandie and Beach each sought to deceive the people of Victoria and conceal Osborn's overt criminality. They each fraudulently represented that there was no evidence as to my allegations as to Osborn's fabricated and contrived Reasons and no evidence of the fabricated Orders and Authenticated Order documents and no evidence of the abundant and unequivocal fraud which I set out below. .

Their representations were manifestly false and were known to be false at the time that they were made.

Each of the Victorian Court of Appeal judges, Justices, Buchanan, Redlich, Neave, Mandie and Beach are also corrupt and flagrant bald faced liars who sought to conceal flagrant and overt and serial criminal conduct of and in the Court from the people of Victoria.

The overt and criminally corrupt conduct of Osborn and of the five Court of Appeal judges, designed and intended to conceal the criminal conduct of Judges and barristers, extends to and includes the corrupt conduct of three consecutive Attorneys General and of dishonest, minion officers, of the Court and Department of Justice.

Particulars; Part 2 - Corrupt conduct of Supreme Court Judges in conspiracy with the Court Security officer, Gary Ryan, and the corrupt conduct of three consecutive Attorneys General and their compliant and dishonest minions of the Department of Justice.

(Full detail, including supporting documents, of the conduct of the Judges and Ryan and the Attorneys General is available on my website <http://courtsontrial.com>)

By email dated 10th January 2014 several judges of the Supreme Court of Victoria, conspired with one another and with the Court security office, Mr. Gary Ryan, to use the authority of their respective official positions to criminally and maliciously intimidate the webhost of my website and have him remove my website from the web.

In the face of the facts and the clear Federal law and in knowledge that I had editorial control of my website that email falsely and maliciously implied that my webhost could be liable to contempt of court charges if he did not comply. (section 91 -BROADCASTING SERVICES ACT 1992 - SCHEDULE 5 limits the liability of internet content hosts.(webhosts))

When that malicious intimidation by the Supreme Court judges in conspiracy with the minion security officer did not work. the then Attorney General, Mr. Robert Clark, conspired with the Assistant Government Solicitor, Mr. Stephen Lee, and by letter dated 1st July 2014 they wrote to my webhost and fraudulently represented that there was a legal proceeding on foot between the Attorney General and myself and then under the bold heading "Contempt of Court" they expressly represented that the material on my website constitutes contempt of court and then under the bold heading "Liability of Internet Platform Providers" Clark and Lee maliciously and in the face of the facts and the explicit Federal law fraudulently represented that my webhost was responsible at law for the material on my website and that he had a duty at law to remove that "offending material".

By those fraudulently false representations Clark and Lee sought to maliciously intimidate my webhost by maliciously and fraudulently making him fearful of having contempt of court charges brought against him.

After my webhost was intimidated as intended by that conduct I wrote to Clark and Lee by letter dated 14th July 2014 and pointed out the self evident fact, known to them, that I had editorial control of my website and I invited Clark and Lee to set out with particularity anything on my website which was not factually correct and I undertook to remove anything which was in factual error and I undertook to remove any imputation not reasonably based on fact.

Clark and Lee did not reply to my letter. Instead, with extreme malice and extreme corrupt use and abuse of their offices, Clark again conspired with the Assistant Government Solicitor, Mr. Stephen Lee, and by letter dated 9th September 2014 they wrote to the lessor of my webhost's hardware and in identical terms as they had sought to deceive and intimidate my webhost they sought to deceive and intimidate my webhost's hardware lessor.

Clark and Lee did successfully, maliciously and corruptly, intimidate that hardware lessor and as maliciously intended by them they placed the entire business of my webhost and the welfare of his young family at risk.

I then moved my website to an American webhost.

At the time of making those malicious and fraudulent misrepresentations the judges and the Court security officer and Clark and Lee were well aware that my webhost and lessor were not liable at law at all and they were absolutely aware that I was the person with editorial control of my website and that they had not communicated with me at all.

They were each absolutely aware that their representations to my webhost and his lessor were false, fraudulent and maliciously contrived to criminally intimidate my webhost and his lessor and thereby corruptly conceal corrupt conduct of the Supreme Court and Court of Appeal Judges and corrupt barristers and solicitors from the people of Victoria. Clark and Lee failed and refused to particularise the supposedly "offending material".

Since then the new Victorian Attorney General, Martin Pakula, conspired with the minion Deputy Secretary, Civil Justice, of the Department of Justice, Mr. Donald Speagle, to have him deceitfully deny the evidence of my various allegations and thereby continue to conceal the fact of the overt and criminal conduct of and in the courts from the people of Victoria.

The conduct of those judges in conspiracy with Ryan and the conduct of the Attorney General Clark in conspiracy with the Government Solicitor Stephen Lee, in seeking to maliciously and deceitfully intimidate my webhost and his hardware lessor is criminally indistinguishable from the conduct of scar-faced standover thugs threatening a shopkeeper with an iron bar or a gun while demanding that he pay them protection money.

My website was not offline for even 1 second. The conduct of the Judges, and the Court security officer and of Clark and Lee merely exposed them as being malicious and criminally corrupt and intent on concealment.

A little initial perspective; corrupt courts, overt crimes against the people, the state and democracy itself.

Each of the foregoing instances of corrupt and criminal conduct by Osborn and the Court of Appeal Judges and the Attorneys General was intended to deceive the people of Victoria and conceal and deny instances of extreme systemic and endemic corrupt conduct in the Supreme Court of Victoria and the justice system of Victoria.

I will discuss that founding corrupt conduct shortly, but first a few comments on the foregoing.

The foregoing constitutes several, stand alone. instances of overt and extreme corrupt and criminal conduct.

The outstanding feature of each of the foregoing acts is the flagrant nature of each instance and that each instance could only have been contemplated by the various perpetrators in full knowledge and absolute faith that their peers and superiors and the system generally and the imitation so called anti-corruption commissioner, Stephen O'Bryan QC, would protect them and would deceive the people of Victoria for that purpose.

- The fact of the fraudulently fabricated orders and sealed Authenticated Order documents are beyond dispute.
 - The ineluctable fact is that no relevant order at all was made on 29th November 2006 and the fabricated order set out in the fabricated Authenticated Order document reproduced above is an overt contrived fabrication, the words "*The appeal should be dismissed*" are a verbatim truncation of the last line of paragraph 184 of Osborn's Reasons for Judgment and the

component of the supposed order "should be dismissed" simply cannot be mistaken for or construed as constituting an Order or any part of a legitimate Order. That fabricated order was criminally contrived by the Court and Osborn to impress laypersons and deceive the people of Victoria. Osborn knew well his corrupt peers and the corruption commissioner would protect him.

- In their written Reasons for Judgment Justices Neave and Mandie & Justices Redlich and Beach asserted that there was no evidence of my allegations as to corrupt conduct, my allegations included allegations as to the fabricated orders. On the palpable fact of the fabricated orders alone Justices Neave, Mandie, Redlich and Beach are manifest flagrant liars who published written Reasons for Judgment intended to deny and conceal at least prima facie evidence of criminal conduct and deceive the people of Victoria.
- The conduct of the Court Security Officer in conspiracy with unnamed Judges of the Supreme Court/Court of Appeal is flagrantly corrupt and is an abuse of power and position and was intended to unlawfully and maliciously intimidate my webhost and thereby illegally censor the web and conceal material from the people of Victoria and the world. That Judges of the Supreme Court/Court of Appeal would conspire with the underling minion Court security officer, is itself an absolute and damning spectacle.
- The conduct of past Attorney General, Robert Clark, in conspiracy with the assistant Government Solicitor, Stephen Lee, is also flagrantly criminally corrupt. They conspired to maliciously intimidate my webhost and his hardware lessor and they did so by overtly misrepresenting fact and law and in full knowledge that I was the person with editorial control of my website and despite my written invitation to this day they had not contacted me at all. They conspired to maliciously intimidate my webhost and his lessor and thereby deceitfully, maliciously and unlawfully censor the web and thereby conceal the criminal conduct of Osborn, Neave, Mandie, Redlich, Beach and others from the people of Victoria.

The further outstanding feature of each of the foregoing corrupt and criminal acts is that each was done from a position of power and authority and in the apparent belief that individuals such as myself could not and would not stand against and speak out against the awesome might and power of the court and the justice system.

The foregoing alone is unequivocal evidence of top down utter corruption in the sham justice system of Victoria.

The criminal conduct which the Judges and Attorneys General seek to conceal from the people of Victoria.

On 29th November 2006 Justice Robert Osborn criminally and maliciously published Reasons for Judgment which were very carefully contrived by him to conceal and deny that Major General Greg Garde QC was a serial fraudster and that Garde had conspired with Jim Delany SC and others to bring scam and sham court proceedings and to also conceal that, while a mere barrister, the by then Justice John Middleton of the Federal Court had, for fraudulent mercenary purpose, brought a scam and sham defence to Garde and Delany's scam proceeding.

Scam and sham proceedings.

A scam and sham proceeding is a proceeding where, for the purpose of obtaining complicit court ordered moolah, barristers and solicitors conspire with one another to bring fabricated proceedings which have no basis in fact or law and no chance of success in an honest and competent court and ought not be brought to court at all.

As demonstrated below;

- Some instances of such scam and sham proceedings are a malicious fraud against the ill advised and trusting client of corrupt barristers and solicitors.
- Some instances of such scam and sham proceedings are brought maliciously and for the purpose of fraud while acting for corrupt clients.
- When necessary to deny and conceal corrupt conduct of and in the court and justice system some instances of sham proceedings are brought and run with the knowledge and connivance of the court.

For the purpose of denying and concealing Garde, Delany and Middleton's corrupt conduct Osborn necessarily contrived his reasons to also deny and conceal the extreme corrupt conduct of Garde and Delany's clients, Coliban Water and Macedon Ranges Shire Council. Osborn's reasons were particularly contrived to deny and conceal those aspects of the flagrant fraud of the Council and Water Authority which were accurately described in the Victorian Parliament by Mr. Max McDonald MLA and which Garde was sham party to. (fully described below.)

The significant implications of these flagrant scam and sham proceedings;

Scam and sham proceedings are fearlessly brought not knowing or caring which judge or magistrate may be allocated to hear the proceeding and not knowing or caring which barristers and solicitors may be retained to oppose the scam and sham proceeding.

- In other words flagrant scam and sham proceedings are brought by corrupt barristers and solicitors in surety that no matter which judge or Magistrate may hear the scam case and no matter which barrister and solicitors may be retained to oppose them the courts and their peers and the Attorneys General will say and do nothing to expose them and when necessary will positively and corruptly protect them.

Scam and sham proceedings are positively engendered by the culture of the Courts and Justice system which is generally indistinguishable from the culture of the hierarchy of the various churches and schools who sat by silently and sought to conceal, deny and ignore paedophilia and no different from the banks who sat by silently and sought to conceal that their financial advisers were rorting clients to maximise commissions, etc, etc, etc.

Such scam and sham proceedings are fearlessly brought in surety of the now repeatedly demonstrated fact that the Courts and their peers and consecutive Attorneys General will pervert the course of justice and act corruptly to the extent necessary to deny and conceal corruption of and in the court and justice system.

Statistically Significant occurrences of scam and sham proceedings.

As demonstrated below, In the period 1979 to the present day, by its predecessor and in its own right and flowing from corrupt conspiracies with the property developer, Kenneth Raymond Buchanan and the solicitors Palmer Stevens & Rennick, Macedon Ranges Shire Council has been engaged in numerous serial instances of overt criminally corrupt conduct. Coliban Water was similarly engaged in the period, at least, 1979 until about 1990.

In the period 1987 to 2010 there has been thirteen court cases flowing from that corrupt conduct.

Incredibly, as demonstrated below, each and every one of those court proceedings was characterised by overt and flagrant scam and sham originating process or scam and sham defence.

Two of those proceedings were in Magistrates Courts, one in the County Court, one in the old Victorian Administrative Appeals Tribunal and the remainder in the Victorian Supreme Court and Court of Appeal.

100% scam and sham rate and occurring in each court level and with various barristers and solicitors over an extended period of time is statistically significant and indicative of culturally embedded systemic corruption.

More incredibly, as demonstrated below, two of those proceedings were characterised by scam and sham originating -process and scam and sham defence to those scam proceedings. Therefore it can be reasonably said that in the thirteen court proceedings discussed in this document the scam and sham rate exceeds 100%.

Overt and flagrant nature of scam and sham proceedings and absolutely corrupt courts.

Three of the scam and sham and fraudulent court proceedings, including the first in 1987 and most recent in 2010, were outstanding and particularly overt, graphic and easy to understand because they relate to malicious claims by the Council and its unimaginably corrupt lawyers in respect of nonexistent properties. i.e. the very foundation of the malicious claims by the Council and its corrupt barristers simply and palpably did not exist at all.

I will now briefly describe the first two of those overt scam proceedings and fully describe a third.

As detailed further below, Justice Robert Osborn specifically contrived his reasons to also conceal and deny the conduct of the first two of these scam proceedings. I more fully detail those two proceedings further below when describing Osborn's conduct.

1. The overt sham and scam and fraudulent 1987 Magistrates Court proceeding.

In 1987 for the purpose of malicious fraud the Council sued me in the Magistrates Court at Bendigo.

That false and malicious claim was founded on the flagrantly false and fraudulent representation, by the Council and its barrister, that in 1982 I was the owner of the property being the land described in Certificate of Title Volume 9363 Folio 447.

At the time of bringing and making the claim the Council and its barrister, Mr. B. Phillips, were well aware;

- That that property ceased to exist in November 1980 when the Registrar of Titles approved plans of subdivision which subdivided that farming property and which plans had been sealed by the Council in May 1980. Upon the Registrar approving those plans in 1980 the parent farming property being the land described in CT 9363/447 ceased to exist and 18 discrete new residential properties were created.
- That the Council Minutes of May 1980 and numerous other Council records in evidence before the Court recorded the fact known to the Council and its barrister that Kenneth Raymond Buchanan was the final owner of that property and Buchanan was the person who, but for the overt fraud of the Council, would have been the person liable to pay the fraudulent claim against me.
- That I and others had merely purchased some of the new residential allotments from Buchanan in 1980

In simple terms, in 1987, the Council and its barrister fraudulently represented that in 1982 I was the owner of a property which they knew well had ceased to exist in November 1980.

My ineluctable defence included that I was not and never was the owner of that farming property and that I and others had merely purchased new residential allotments from the subdivider, Buchanan, in 1980.

In my defence I summonsed two of the other owners of new residential allotments who had also purchased from Buchanan in 1980 and who owned them in 1982. They gave commensurate evidence.

In full knowledge of all of the foregoing and with the other owners of new allotments standing before him the overtly corrupt or grossly incompetent Magistrate, Mr. Connelly SM, purported to find that I had purchased that nonexistent farming property in 1980 and sold it in 1983 and I was the owner in 1982. He then ordered that I pay the outstanding road making costs of the subdivision of that cancelled and nonexistent farming property.

The overtly corrupt or inconceivably incompetent Magistrate did not and could not hold a reasoned judicial belief or any belief at all as to his purported finding.

This was a classic and overt scam and sham proceeding maliciously brought by the barrister in criminal conspiracy with his corrupt client and it can only be that the barrister acted in that proceeding for the purpose of scamming and extorting complicit court ordered moolah.

Manifestly the barrister acted with a sure sense of immunity and impunity and that no-one would do anything.

Notably, despite my loud protest, my barrister, Mr. Barry Fox, refused to make adverse comment.

Notably, as discussed below, Justice Robert Osborn fraudulently fabricated his Reasons to also specifically conceal and deny the flagrant fraudulent conduct of that 1987 proceeding.

2. the sham and scam defence to my 1988 Supreme Court Appeal.

I appealed the orders of the 1987 Magistrate in the Supreme Court. (Case Number OR 235/87)

My principle grounds for appeal were that the Magistrate was in error in finding that in 1982 I was "the owner" of the farming property described in Certificate of Title 9363/447.

The Supreme Court Judge, Justice Kaye upheld my appeal and benignly and blandly said that there was no evidence before the Magistrate that I was the owner.

The facts known to Justice Kay were far stronger than as blandly said by him. Justice Kay knew well that the abundant and unequivocal evidence known to the Council and to the Council's barrister and to the Magistrate was that I was not, never had been, and could not possibly be or construed to be the owner of what in 1982 was a cancelled and nonexistent farming property and where the 1980 Council records in evidence before the magistrate and Justice Kaye specifically named Kenneth Raymond Buchanan and described him as "the owner" immediately prior to cancellation of that property.

Justice Kaye knew well, or was wilfully blind to the palpable fact that the Council and its barrister had corruptly brought an extreme overt scam and sham proceeding and he **knew well, or was wilfully blind to the fact that the Magistrate did not and could not hold a reasoned judicial belief or any belief at all as to his purported findings.**

Predictably, Justice Kaye remained silent and the Council and Barrister and Magistrate were free to offend again.

By running a defence to my appeal the barristers and solicitors again ran a scam and sham proceeding where they scammed yet more court ordered moolah from their client.

Notably, as discussed below, Justice Robert Osborn fraudulently fabricated his Reasons to also conceal and deny the conduct of that appeal proceeding.

3. The extreme scam and sham, malicious and fraudulent 2009/2010 Magistrates Court proceeding.

In 1980 I purchased from Buchanan a block of land which I was led to believe had been subdivided into six industrial allotments and that the Registrar of Titles was processing the subdivision.

As I now know I paid nine times the value of the un-subdivided block.

Unbeknown to me, as detailed below, the Council had conspired with Buchanan to corruptly process unlawful plans of subdivision for those allotments. The plans were contrived to enable Buchanan to avoid the consumer protection provisions and effect of section 9 of the then Victorian Sale of Land Act. (I define the PROVISIONS and EFFECT of section 9 further below)

The Council was absolutely aware that it had sealed the plans with an endorsement which prohibited the Registrar from approving the plans. The Council was therefore aware that so long as that endorsement remained in place the Registrar could not approve the plans and the allotments did not and could not exist as properties capable of being owned, occupied, purchased, sold or rated. The Council never did withdraw that endorsement.

Those six proposed but non-existent industrial properties were Lot 1 on Plan of subdivision 135199, Lot 2 on Plan of subdivision 135200 and Lots 3 to 6 on Plan of Subdivision 135201

In full knowledge of the foregoing, in the period 1980 to 1991, the Council fraudulently purported to levy rates on those six non-existent properties and served me with rate notices and required me to pay those purported rates.

The rating of those non-existent properties confirmed Buchanan's fraudulent misrepresentations and further led me to believe that they existed.

In about 1983 I learned that the plans were contrived to avoid the consumer protection legislation and in about 1985 I learned that the six allotments did not exist. I refused to pay rates from about 1983

In 1987 and 1991 the Council issued summonses and sought to sue me for those fraudulent rates and on both occasions the Council refused to comply with court procedure including Court orders that it comply and make available the Council's documents and on both occasions the Council withdrew and paid my solicitor's costs.

In 1991, immediately after withdrawing and paying my costs for the second time the Council implemented an extremely corrupt scheme designed and intended to eventually and fraudulently claim those fraudulent rates.

The Council created a new rate record for the entirely discrete, separate and far lesser valued but existent parent property and the Council then transferred the purported arrears of rates purportedly levied on the higher valued non-existent properties to that new rate record and fraudulently recorded and represented those transferred arrears as being arrears of rates levied on the parent property since 1983.

For the purpose of providing verisimilitude to the excessive amount of that fraudulent transfer the Council;

- fraudulently transferred the aggregated and higher rating valuation of the six non-existent allotments to the new rate record for the in fact far lesser valued but existent parent property;
- fraudulently represented that fraudulently transferred and excessive valuation as being a valuation properly made on the parent property;
- fraudulently recorded the valuation date as 31/12/89 which was years prior to the very existence of the new rate record and identical to the valuation date of the six non-existent properties.

Then in the period 1991 to about 2000 the Council fraudulently rated that parent property at the fraudulently transferred and vastly inflated valuation.

Then in about 2000 the Council cut the rating value by about half and then in 2003 the Council again purported to re-value and cut the rating value to less than the aggregated 1984 valuation of the six non-existent properties.

The Council and its responsible officers were well aware that no other property in Macedon Ranges and probably all of Australia experienced such fluctuation of value and extreme devaluation.

In the meantime the Council again issued a summons seeking to claim those fraudulently levied and transferred rates and seeking to claim the further rates fraudulently levied at the fraudulently transferred inflated valuation however that claim remained on hold during the currency of the Supreme Court and Court of Appeal proceedings referred to at the top of this document. The claim for those purported rates then came on in 2009 and 2010 in the Magistrates Court at Broadmeadows.

My defence to the claim was essentially as I have said above and particularly that the plans for the six purportedly rated properties had never been approved and therefore the parcels of land being the allotments purportedly rated in the period 1983 to 1991 did not exist as properties capable of being owned, occupied, purchased, sold or rated.

For the purpose of perverting the course of justice and implementing the 1991 scheme and making the flagrantly fraudulent claim the Council CEO, Mr. Peter Johnson, committed perjury by fraudulently and corruptly representing that at all times since 1983 the Council had rated the parent property.

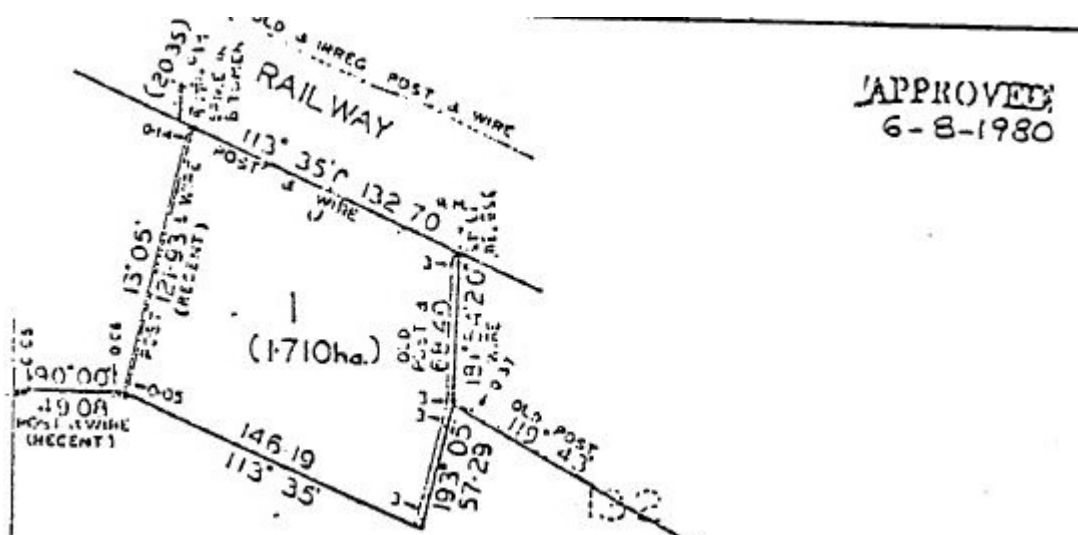
- In his signed certificate dated 3rd November 2009, purportedly made under the Local Government Act and which certificate a Court must take notice of, Peter Johnson fraudulently represented that the rates levied in the period 1983 to 2009 were rates *"for the property situated at Lot 1 on Plan of subdivision 134684 being Certificate of Title Volume 9408 Folio 064"*

Attached to Johnson's certificate and exhibited by him were Rate Notices and the Council Rate Book. Those records were in irreconcilable conflict with Johnson's representation in that those documents faithfully, accurately and unequivocally set out the lot numbers and plan numbers of the non-existent properties as being the properties purportedly rated in the period 1983 to 1991.

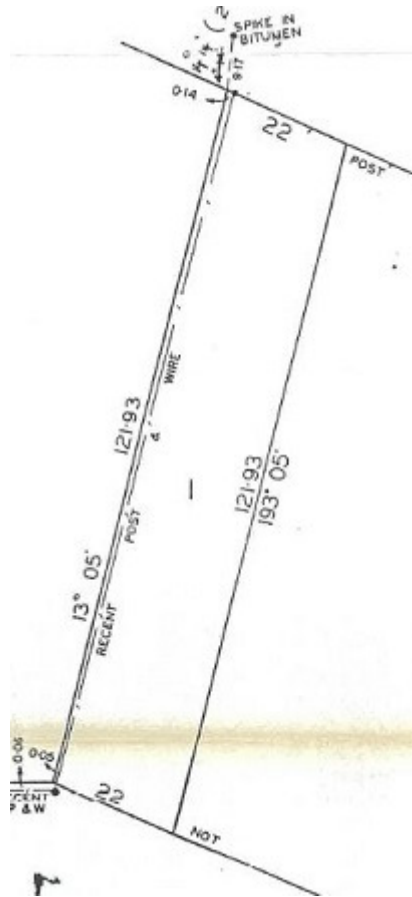
In the Rate Notices and Council Rate Book exhibited by Johnson the Lot numbers and Plan numbers of the non-existent properties, purportedly rated, properties were recorded under the heading "description"

In order to fraudulently reconcile this irreconcilable conflict Peter Johnson's certificate further and preposterously and fraudulently said that the parent property was previously described as the Lot and Plan numbers of the nonexistent properties. His certificate fraudulently said the parent property was *"previously described as Lot 1 LP 135199, Lot 2 LP 135200, Lots 3-6 LP 135201 Parish of Lauriston."*

At the time of making that fraudulent representation Johnson was absolutely aware that the "description" of the parent property was set out in Lot 1 of Lodged Plan 134684 and that the "description" of that lot was a five sided polygon with a first side of 132.7 metres in length and oriented at 113 degrees 35 minutes from North and the remaining four sides as marked on that lot on that plan filed with the Registrar of Titles.



Johnson was further absolutely aware that the "description" of the proposed but non-existent lot 1 of LP 135199 was a parallelogram with a first side of 121.93 metres and oriented at 13 degrees 5 minutes from north and a second side of 22 metres and opposite sides of similar lengths and reciprocal orientation.



Johnson was also well aware that the dimensions and orientations being the exclusive "description" of the other five nonexistent properties were set out on/in their respective and mutually exclusive plans and lots.

Johnson was therefore well and truly and absolutely aware that the unique polygon property being the parent property never had been and could not be described according to the unique and exclusive "description" of any one or more of or combination of the unique, exclusive and disparate descriptions of the non-existent properties.

Johnson was further absolutely aware that the parent property did not exist prior to the date of approval stamped on its plan, namely 6-8-1980 and he was absolutely aware that the plans of the non-existent properties had never been approved and the proposed properties, purportedly rated, therefore never did exist.

As detailed below, when he made his certificate Johnson was well aware and intended that his fraudulent representation depended upon a nonsensical, bastardised and perverted use and meaning of the word "Description" and its adjective, "described".

Johnson's flagrant, in-your-face, blatant fraudulent representation that the parent property was previously "described" according to the lot and plan numbers of the non-existent properties was made pursuant to a criminal conspiracy between himself and the barrister, Richard A. Harris and the solicitor, Ms Katherine Styles of Maddocks and which conspiracy included the nonsensical bastardising and perverting the use and meaning of the word "description". (Maddocks, habitually spawn fraudster solicitors.)

That criminal conspiracy was to pervert the course of justice by;

- Fraudulently denying that the absolutely unique and exclusive "description" of a property is the dimensions set out on the lot and plan lodged with the Registrar of Titles.
- Fraudulently denying and concealing that properties are created and cease to exist with the flick of the wrist of the Registrar of Titles as he approves plans and concurrently cancels parent properties.
- Bastardising and perverting the meaning and use of the words "Description" and "Described".

- Fraudulently using their nonsensical bastardised sense of "description" and representing that Lot numbers and plan numbers per se, of themselves, are the "description" in the identical and preposterous sense that "Charlie's paddock" may be said to be a "description" for a vague area of land or "Betty's car" may be said to be a "description" for a nondescript car which may well not be an automobile.
- Fraudulently representing that Councils rate bare virgin nondescript land without regard to the plans and dimensional descriptions filed with and approved by the Registrar of Titles.
- Fraudulently representing that on their perversion and bastardisation of "description" the lot numbers and plan numbers were a naming convention for that bare virgin nondescript land and that no matters how it's "described" / named the bare virgin land remains the same bare virgin nondescript land.

This criminal conspiracy defies all logic and common sense and confounds the mind but can be appreciated, but not understood, from the conduct of the proceeding.

During the Course of the hearing and after Johnson, Harris and Styles had made their fraudulent misrepresentations in accord with the conspiracy. (the following quotes are from the court recording.)

- The Magistrate, Mr. Bernard Fitzgerald, read from my written defence where I said;
 - *"the Council did not and could not validly rate those allotments set out on the contrived plans and which land never existed as allotments on plans capable of being approved by the Registrar of Titles."*
- In response to that part of my defence, relying on the misrepresentations of the Council, Magistrate Fitzgerald preposterously said;
 - *"It seems to me that whether or not the plans were contrived or not and whether or not the plans were capable of being approved by the Registrar of Titles and whether or not they were approved by the Registrar of Titles **it cannot alter the question as to whether or not the land existed.**"*
- By that moronically inane and preposterous comment:
 - the Magistrate was manifestly not referring to the notional pieces or parcels of land which are "described" and defined in plans of subdivision and which are created and cease to exist with the flick of the wrist of the Register of Titles.
 - The Magistrate could only be referring to the bare, virgin, immutable, nondescript land which the mega marsupials once trod
 - The Magistrate absolutely precluded the notion of the existence of the parent property/land which itself did not exist until 6-8-1980 when the Registrar approved the plan which "describes" it and which would not exist if the Registrar had not approved plan number 134684.
 - The Magistrate did not say, and on his utterance could not say, which particular nondescript land he was referring to.
- Then, in respect of his nondescript land the Magistrate also preposterously and mindlessly said:
 - *"Surely ... it seems to me that the council is entitled to rate the land irrespective of how its described"*
 - *It can be described as lot 1 on plan of subdivision XYZ*
 - *It could be described as volume this volume that*
 - *it could be described as (indiscernible)*
 - *it could be described as (indiscernible)*
 - *I can't see that the description alters anything"*

- Then Magistrate Fitzgerald unequivocally employed and demonstrated the bastardised use and meaning of "description" when he preposterously said to me:
 - *"There are all sorts of means to describe land, I can say you are standing in your half of the room and I'm standing in my half"*
 - *"As I said this morning you can call it Charlie's back paddock, you can call it anything, it's still the same land."*
- After that inane comment the Magistrate turned to the corrupt barrister and conspirator, Richard A. Harris, and the following exchange between the Magistrate and Harris took place.
 - *"Mr. Harris, you would agree I dare say with what, umm, I was putting to Mr. Thompson in respect to the description."* (Magistrate)
 - *"I would and I "* (Harris)
 - *"It could be described as, you could call it Charlie's paddock if you wanted and it wouldn't make any difference."* (Magistrate)
 - *"You could"* (Harris)

By those comments, deceitfully reinforced by Harris and exactly as fraudulently intended by the Council, Magistrate Fitzgerald demonstrated that without regard to fact and law, he corruptly parroted or uncaringly accepted the preposterous and inane and flagrantly fraudulent representations of Johnson and Harris that Lot numbers and plan numbers per se are merely an interchangeable naming or identifying designator for immutable, bare, virgin, nondescript land and which supposed "description(s)" do not provide a dimensional or location description or any description at all for any obscure, nondescript, area or parcel or piece of land at all.

Is it possible that a Magistrate could be so moronic and illiterate as to believe the garbage parroted by him?

Under the flagrantly fraudulently contrived scheme devised and implemented by Johnson, Harris and Styles and mindlessly or criminally parroted by the Magistrate nothing provides the dimensions, orientation or location or any "description" for any land at all let alone the piece or portion or particular area of land purportedly rated

Their fraudulent scheme absolutely depended upon denying that the mutually exclusive and unique dimensions set out in the various lots and plans in fact provided the unique and absolutely exclusive "description" of every existent rateable property/notional piece or parcel of land.

It appeared to me that as fraudulently intended by the Council the Magistrate held, or corruptly purported to hold, the preposterously mindless notion that rateable properties were areas of physical land visibly bounded and defined by fences and those physically observable areas could be referred to by any naming designator, including "Charlies Paddock" and/or random lot numbers and which naming designators he and Johnson and Harris preposterously and inanely referred to as being a/the "descriptions".

There was an endless stream of similarly moronically inane comments and assertions from the Magistrate where he mindlessly accepted and inanely parroted the fraudulent representations of the Council, Johnson, Harris and Styles but it is superfluous to transcribe more.

In his oral Reasons for Decision the Magistrate, Mr. Bernard Fitzgerald, said;

- *"The descriptions in the plaintiffs rates documents of the rated land change at different points for some years however the plaintiffs referred to the land in its records by reference to its description under the proposed plans hence for the rating year 1983/84 until the rating year 1990/1991 the land was described in its rating documents not as Lot 1 on lodged plan 134684 but as Lot 1 on Lodged Plan 135199, Lot 2 on Lodged Plan 135200 and Lots 3 to 6 on Lodged Plan 135201 in this regard I refer to the distinct restatement of these matters at the foot of both paragraph 1 and paragraph 2 of the Certificate of Mr. Johnson"* **(Here the Magistrate specifically referred to Johnson's fraudulent misrepresentation.)**

By these purported and beyond inane and nonsensical Reasons the Magistrate specifically relied upon the overtly preposterous and flagrantly fraudulent certificate of Johnson.

The Magistrate then said;

- *"..... Next from 1991/92 onwards the land was described by its original description Lot 1 on Lodged Plan 134684."*
- *"Importantly Miss Kennedy maintained that in all relevant years and notwithstanding the change or changes in description in the plaintiff's documents the actual land that was rated was the same throughout."*
 - (Ms Kennedy was the Council's rates officer who gave sworn oral evidence, in my view she did not understand her preposterous and seriously conflicting and self contradicting utterances and it appears to me that she was coached by Harris and/or Johnson to put the core points of the conspiracy. She certainly did not understand. I have chosen not to criminally impute her.)

By the foregoing utterly inane purported Reasons the Magistrate mindlessly or purposefully corruptly used the preposterous bastardised sense of "description" and he used the lot and plan numbers as interchangeable names for a vague nondescript area of immutable, bare, virgin nondescript *"actual land"* which may well be located in Timbuktu or beyond the Black Stump and could be a sheep station or a single front house block.

The Magistrate then read further from my written defence and said;

- *"Next is the Defendant's argument regarding the non-existence of the rated land"*
 - *the land purportedly rated in the period 1983 to 1991 never existed except as allotments on unlawful plans of subdivision which were contrived by the developer and unlawfully sealed by the Council for the purpose of avoiding section 9 of the Sale of Land Act 1962,*
 - *the lodged plans 135199, 135200 and 135201 were never approved by the Registrar of Titles and the land being the allotments set out on them never existed lawfully or at all,*
 - *the Defendants say and allege the Council could not validly rate the allotments which were set out in the contrived plans and which never existed as allotments on plans capable of being approved by the Registrar of Titles."*
- *"In my view merely to attempt to restate this argument is to reveal that it is misconceived."*
- *"The fact that the land was for some of the relevant years described by the Plaintiff in its rates documents as being part of one or other subdivisions is to my mind not to the point, the rated land remained the same actual land throughout."*

The Magistrate did not say and could not say what particular nondescript land *"remained the same actual land throughout"*. He said it could be called "Charlie's paddock" and it wouldn't make any difference.

By his comments during the hearing and by his oral Reasons for Decision the Magistrate demonstrated, or feigned, a beyond moronic and inane understanding and which understanding was in exact accord with, and a mindless or deliberate parroting of, the purposeful and flagrantly preposterous and fraudulent conspiracy and representations of the Council and its officers and its lawyers and which representations were designed and intended to maliciously pervert the course of Justice and conceal the conduct of the Council and defraud me.

My key and central written argument, expressly read by the Magistrate in his oral reasons was;

- the lodged plans 135199, 135200 and 135201 were never approved by the Registrar of Titles and the land being the allotments set out on them never existed lawfully or at all,

During the course of the hearing the Magistrate responded to that argument by saying;

- *"They must have existed Mr. Thompson, the land existed throughout, it may have been described in different ways but the land clearly existed."*

In his oral Reasons the Magistrate described my argument as misconceived and additionally said;

- *"the rated land remained the same actual land throughout"*

By those utterances the Magistrate represented my argument to be an allegation by me that the bare, virgin immutable nondescript land did not exist whereas on a simple reading my express and precise argument, read by the Magistrate, was that the piece or portion of land being the (notional piece or parcel) allotment set out and described in the plans never existed and that fact was manifestly and palpably true and it was not reasonably possible to construe my argument as represented by the Magistrate as he mindlessly or corruptly parroted Johnson and Harris and Styles' overtly fraudulent misrepresentations..

It is blindingly obvious that one cannot physically chop and cleave the earth into blocks or pieces and it is therefore blindingly obvious that pieces or parcels or portions of land which form the foundation of our socio economic system cannot and do not physically exist and that they can only exist as notional pieces or parcels set out as allotments and precisely described by exclusive dimensions and location set out on allotments on mutually exclusive and unique plans of subdivision which are filed with and jealously protected by the Registrar of Titles.

The business model of Councils is entirely founded on the rating of notional pieces or parcels or portions of land without regard to fencing and it is blindingly obvious that such pieces or parcels of land cannot and do not physically exist as visible pieces and parcels and the Council must and does look to the descriptions being the dimensions and locations set out in plans of subdivision to rate each and every notional parcel of land which it does rate in the name of the person recorded as being the owner of that notional piece, parcel or portion.

It can only be that the misrepresentations of the Council and its officers and lawyers were deliberate and careful fraudulent misrepresentations contrived by them in the face of logic and reason and in conspiracy with one another and in the face of the facts known to them and contrived for the specific purpose of addressing the fraudulent rating and fraudulent transfer of purported rates and bringing a false and sham and scam proceeding and perverting the Course of Justice and defrauding me for the umpteenth time.

Because the Magistrate's expressed notion was that the physical nondescript land always existed the Magistrate rationalised the excessive valuation and wildly fluctuating valuation and the fact that the Council had rated the non-existent allotments at far higher value than the value of the parent property and then rated the parent property at the fraudulently transferred inflated value. He said;

- *"Isn't the answer Mr. Thompson that it was rated according to its value as six blocks and then it reverted to its value according to 1 lot."*

The Magistrate made that preposterous and reason confounding assertion in knowledge that the plans for the six lots had never been approved and that none of the six lots ever existed as rateable properties or at all.

That assertion was in the face of the fundamental fraudulent assertion of Johnson and Harris and in the face of the other utterances of the Magistrate himself, that the council had at all times rated the single property being the parent property. Plainly the nondescript land referred to by him cannot concurrently be both a single property and six blocks. This is mind numbing confected nonsense which the Magistrate did not and could not believe as he uttered it.

The representations of the Council, Johnson, Harris, Styles and the Magistrate defy reason, fact and law and confound the mind. It is impossible to logically rationalise their utterances.

That rate claim was the result of a continuous 27 year flagrant fraud by the Council where because the purported rates were outstanding for 27 years the particular rate records were under the eye of the Council and consecutive council officers and they were aware of the plethora of irregularities which could only arise corruptly and fraudulently and they were party to that corruption and fraud and manipulated and misrepresented council rate records for the entire 27 year period.

I specifically alleged that Johnson's evidence was false. The Magistrate protected that fraudster and ordered that I pay in excess of \$70,000 in rates and legal fees.

The fees paid to Harris and Styles were proceeds of criminally complicit court ordered criminal extortion flowing from a classic scam and sham proceeding brought by a criminally corrupt client with the criminally corrupt and malicious connivance of Harris and Styles who acted for the purpose of maliciously extorting complicit court ordered moolah.

Johnson, Harris and Styles are flagrant criminals who conspired with one another and the Council to pervert the course of justice and bring scam and sham proceedings.

The Magistrate, Mr. Bernard Fitzgerald, was aware of all of the facts set out above and it is inconceivable that the Magistrate held a considered belief or any belief at all as to any aspect of the garbage put to him and mindlessly or purposefully and corruptly parroted by him.

No literate person at all could or would hold a belief that "Lot yyy of Plan xxx" or that "Charlie's paddock" is or can be construed to be a "description" of anything. They manifestly describe nothing.

The Magistrate, Mr. Bernard Fitzgerald, did not conclude his utterances and reasons from any matter, fact, thing or law and did not conclude them from judicial reasoning and musings.

The Magistrate, Mr. Bernard Fitzgerald, is utterly corrupt if for no other reason than at best he made his judgment in blind and uncaring acceptance of the flagrantly preposterous nonsense put to him and without regard to fact or law or logic or reason at all.

The Magistrate was not mistaken. One cannot reasonably but mistakenly conclude the garbage uttered by him. At best he was mindlessly uncaring and is not a fit and proper person to be a Magistrate.

The overt and flagrant criminal scheme and conspiracy of Johnson, Harris and Styles was manifestly brought by them without knowing or caring which Magistrate might hear the scam case and in the now repeatedly demonstrated surety that the Court would do nothing.

I put to the Magistrate that Johnson's certificate was false and I provided ineluctable reasons. It may well be that the Magistrate purposefully fabricated his reasons for the exact same as reason as Osborn and the five Court of Appeal Judges, and the consecutive Attorneys General. To conceal and deny overt corruption of and in the courts and shoot the messenger who was bold enough to point out the overt corruption in and of the courts.

Johnson, Harris and Styles did not and could not individually or collectively conclude their scam case from any matter fact or thing known to them. Their scam case was maliciously invented and contrived by one or more of them and communicated one to the other and agreed to in criminal conspiracy to pervert the course of justice.

Conveyancing and property law is taught on day one of lawyer school. The Magistrate was a lawyer before he was an imposter Magistrate. One must conclude that he is a bald faced absolutely criminally corrupt fraudster.

Magistrate Bernard Fitzgerald did not and could not hold a reasoned judicial belief as to his reasons.

I intend to see each of the Magistrate and Johnson, Harris and Styles incarcerated.

Exceedingly significantly. Each present Councillor has been provided with sufficient detail of the foregoing and predictably they do nothing. Each councillor and particularly Councillor John Letchford is either wilfully blind to or silently and complicitly aware of the fact of the perjury and false claim and that council corruptly extorted money which it knew it was not entitled to. I merely note that corruption and paedophilia thrives on complicit silence and inaction.

Extremely significantly.

By letter dated 12th June 2013, shortly after the Victorian imitation of a so called anti corruption commission became active, I specifically referred the material now detailed in this document to the anti corruption commissioner, **Mr. Stephen O'Bryan QC**, who is himself a barrister and officer of the Supreme Court.

That letter specifically referred to and provided reference to the particulars of the fraudulent rate claim described above and alleged conspiracy to pervert the course of justice. O'Bryan's empowering legislation specifically defines conspiracy to pervert the course of justice as corrupt conduct

O'Bryan personally refused to investigate and gave flagrantly spurious reason for that refusal.

I say that there exists reasonable grounds for a belief that commissioner O'Bryan himself is corrupt and party to the systemic corrupt culture of protection. Full details are on my website <http://courtsontrial.com>

I now move on to the high level extreme, malicious and utter fraud and corruption of and by the Supreme Court of Victoria and the Victorian Court of Appeal and consecutive Attorneys General.

In essence, as discussed above, the Court fabricated orders and three consecutive Attorneys General sought to deceive the people of Victoria and deny and conceal that;

- Justices, Buchanan, Redlich, Neave, Mandie and beach fabricated Reasons contrived to deceive the people of Victoria and deny and conceal the criminal conduct of Justice Robert Osborn and others.
- Justice Robert Osborn fraudulently fabricated Reasons for Judgment contrived to deceive the people of Victoria and deny and conceal;
 - the serial criminal conduct of now Major General Justice Greg Garde and his from time to time co-conspirators
 - the criminal conduct of now Justice John Middleton of the Federal Court of Australia.
 - The incredible neglect and/or complicity of Master Efthim, now Associate Justice Efthim, of the Supreme Court.

This incredible situation arose in the following manner;

- In 2005 I issued Supreme Court proceedings against Macedon Ranges Shire Council and Coliban Water. That proceeding was in fact two concurrent proceedings, one in respect of a subdivision known as Tylden Rd, the other in respect of a cluster subdivision known as Woodleigh Heights.
- My claims related to matters which occurred in the period 1979 to 1990.
- While a mere barrister, the now Major General Justice Greg Garde was retained by Coliban Water and the barrister Jim Delany SC was retained by the Council to defend them against my claim.
- On purported behalf of their respective Clients Garde and Delany brought applications for summary dismissal of my proceeding on grounds which included that my claims had been openly disclosed by the Council and Water Authority and were known to me too long ago and were therefore barred by the colloquially known Statute of Limitations. (Summary dismissal is dismissal without trial.)
- My defence to those applications was that my claims had been concealed by the fraud and perjury of the Council and Water Authority.
- At that time my usual barrister, Lex Lasry QC, now Justice Lasry, was engaged defending an Australian on death row in Singapore so with little time to spare the then barrister, John Middleton QC, was engaged to represent me and defend me against the applications of Garde and Delany.
- The hearing came on before Master Efthim who is now Associate Justice Efthim.
- After the hearing and before Judgment was handed down I read the transcripts and learned that Middleton had entirely misunderstood my claim and that he mounted what I now recognise to be an overt scam and sham defence and he did not and could not hold a belief that the arguments put by him were true and he did not and could not hold a belief that the defence put by him would or could succeed in an honest and competent court.
 - Five months before Judgment was handed down I wrote to Middleton and demanded refund of his \$86,000 fee and I said that on his submissions the Master must find against me. I also required Middleton to appear at the inevitable appeal and explain his neglect.
 - Middleton replied in writing and denied his conduct, refused to refund his scammed moolah and refused to appear at appeal.
- I then recognised that Garde and Delany and their respective junior barristers and instructing solicitors had brought extreme and flagrant scam and sham summary dismissal applications.

- The incredible situation therefore was that Middleton had brought a scam and sham defence to Garde and Delany's scam and sham proceeding. A classic scam on scam proceeding.
- As detailed below, With incredible, beyond imagination neglect or with complicit silence Master Efthim accepted the flagrant scam garbage put to him and made Reasons for Judgment which were an absolute nonsense and he purported to find against me.
- I sacked my lawyers and personally filed Notice of Appeal against the Judgment of a Master and against the Orders of a Master. I then represented myself at the appeal.
- Justice Robert Osborn heard that appeal and fraudulently fabricated his reasons to conceal and deny the conduct of Garde, Delany and Co and of Middleton before the Master and to conceal earlier 1988 corrupt conduct of Garde where he was party to the fraud of the Council and Water Authority.

Summary of the scam on scam case before Master Efthim and in respect of the Tylden Rd aspect.

- Garde and Delany's scam case in respect of the Tylden Rd subdivision was a complete and utter scam case which was in fact no-case at all.
- As demonstrated further below, by exceedingly clever, deceitful and fraudulent use of euphemisms the summary dismissal applications brought by Garde, Delany and Co gave the appearance of a case but in fact, made no case at all.
 - Garde and Delany spent a day and half before the Master making submissions about nothing at all while the Master sat and nodded knowingly about absolutely nothing.
- Then, in defence of nothing at all, Middleton put the scam and sham, impossible at law, defence invented by him.
- Then in purported reply to Middleton, because they brought no case at all, Garde and Delany were able to and did replace their non-case euphemisms with Middleton's, impossible at law and reason, scam inventions and fabrications and then Garde and Delany purported to demonstrate that the Council and Water Authority had openly disclosed those (impossible) things (invented by Middleton) and I knew about those (impossible) things too long ago.
- With incredible, beyond imagination neglect, or silent complicity, after two days of hearing and six months of considering flagrantly false and flagrantly impossible at law nonsense, the Master then purported to find what were in fact the scam and sham, **impossible at law and reason**, inventions and fabrications of Middleton and purloined by Garde, Delany and Co had been openly disclosed by the Council and Water Authority and my proceeding was therefore barred by the Limitation of Actions Act.
- In essence;
 - the scam and sham defence fabricated by Middleton was that my claim was that the Council had enabled Buchanan to avoid the law by processing a series of illegal two lot plans of subdivision instead of a single plan showing all 18 lots of the subdivision. Middleton then represented that I was too stupid to know that each of those two lot plans constituted a separate subdivision.
 - In purported reply to Middleton, Garde, Delany and Co then purloined Middleton's inventions and fabrications and represented those inventions as being my claim and then said that the Council had openly disclosed that it had enabled Buchanan to avoid the law with those two lot plan and I knew about those illegal two lot plans and avoidance of the law too long ago.
- The fact however, as I will shortly demonstrate, is that the exceedingly simple and well drafted law, was not and could not be avoided at all and was not avoided by means of those two lot plan.
- Middleton's invented and fabricated defence was palpably false and not possible at law or reason.
- It follows that Garde and Delany's purloined scam and sham case was palpably false and not possible at law or reason.

- Then, incredibly, the Master purported to find, Garde, Delany and Co's (impossible at law) purloined case proven and that those things had been openly disclosed by the Council and had not been concealed from me
- The Master was at best culpably negligent. Manifestly one cannot either disclose or conceal that which is not possible and cannot and does not exist.

The incredible fact is that the initial euphemism based scam of Garde, Delany and Co was exposed by the fact that they adopted the scam of Middleton and the fact that Middleton brought a scam defence was exposed by the fact that Garde, Delany and Co purloined and adopted Middleton's flagrant scam and represented it as their own.

The incredible neglect of the Master is well and truly exposed by the fact that he upheld and did not expose the flagrant scams. The master made his reasons without regard to fact or law or reason at all.

If it were not so serious these things would form the plot of a black comedy movie where scammers are scammed by scammers in full view of a culpably negligent or complicit judge who then declares a bystander guilty of an impossible thing.

On 31st October 2006 my appeal came on for hearing before Justice Robert Osborn;

- Because my was an appeal from the orders of a Master the hearing was by way of so called "Re-Hearing De Novo" which essentially means that the hearing is not the hearing of grounds of appeal but is instead a re-run or rehearing of the hearing appealed from.
- Being a re-hearing de novo Garde, Delany and Co went first and purported to make their initial case.
- Garde and Delany did not put their initial euphemism based non case but instead , in their written submission before Osborn, they replaced their euphemisms with the purloined, **impossible at law and reason**, inventions and fabrications of Middleton and they emphasised those inventions and fabrications in bold underlined characters and represented that those purloined fabrications and inventions had been openly disclosed by the Council and Water Authority and were known to me too long ago.
- I sat quietly while Garde, Delany and Co unequivocally and abundantly exposed themselves as flagrant fraudsters.
- While still holding a naive belief in the ultimate integrity of the Courts I had prepared a very substantial written submission which;
 - Detailed my true claims and that they had been fraudulently concealed, including by perjury in the 1987 Magistrates Court proceeding discussed above.
 - detailed the scams and shams of Garde, Delany and Co and of Middleton.
 - Alleged that it was impossible to determine what the Master adjudicated on.
- My written submission also detailed the palpable fact that Garde was a serial fraudster who had deceived the Victorian Administrative Appeals Tribunal in 1988 in respect of related matters. (detailed below.)
- My pre-prepared written submission made the exceedingly serious allegation that each of Garde and Delany and their respective junior barristers and instructing solicitors and Middleton did not and could not hold a belief as to their submissions before the Master and noted that Garde, Delany and Co were locked into repeating their misrepresentations at the appeal before Osborn.
- Due to the extreme seriousness of my allegations and that by the time of the hearing Middleton had been appointed a Judge of the Federal Court I knew that it would take great courage and integrity for the Judge, in this case Osborn, to uphold my appeal and, at least by implication, find my allegations against Garde, Delany and Co and against Middleton proven.
- Despite the gravity of the matters I fully expected the Judge, in this case Osborn, to be horrified at the conduct of Garde, Delany and Co and of Middleton.

- I was seriously mistaken.
 - Osborn went visibly pink in the face and conducted himself with palpable vitriol, malice and rage in his heart and he acted as substitute corrupt advocate for the Council and Water Authority and he personally interrogated me and tried to trip me up.
 - Osborn's demeanour was so palpably the product of vitriolic rage that it prompted an observer in the Court to whisper to me, "You're done for".
- I knew I was done for, Osborn vomited his words at me.

Garde, Delany & Co's purloined, fraudulent and malicious scam and sham substitute case.

Their purloined scam and sham substitute case was encapsulated in paragraph 82 and 85 of Delany's written submission before Osborn.

They had previously put this exact purloined scam and sham case at page 88 of the transcript of the second day before Master Efthim and in purported reply to Middleton's scam and sham defence.

Garde, Delany and Co's paragraph 82 said four things; (a copy of their paragraph 82 is below.)

- That there was no concealment. The things were set out in a so called "book of pleadings"
- That my key contentions were; (that my claim was.)
 - That the initial sealing of the plans of subdivision was unlawful or illegal
 - The plans were sealed in such a way as to avoid the operation of section 9 of the Sale of Land Act.

No concealment of the cause of action: book of pleadings

82. The plaintiffs key contention in the current proceeding (which is said to underpin the misfeasance in public office allegations) is that the initial sealing of the plans of subdivision was unlawful or illegal and that the plans were sealed in such a way so as to avoid the operation of section 9 of the Sale of Land Act 1962 (Vic).

The so called "book of pleadings" referred to by Garde, Delany and Co was a substantial document containing material prepared by me in about 1991 during the course of an earlier County Court proceeding.

For the purpose of providing verisimilitude to their paragraph 82 Garde and demonstrating that avoidance of section 9 had not been concealed from me and was known to me too long ago, Delany and Co accurately transcribed my handwriting from page 5 of the 1991 so called "book of pleadings"

That transcript and Garde, Delany and Co's superficially damning comment was at paragraph 85(a) of Garde, Delany & Co's written submissions. (copy below)

(a) this is the critical "new" fact that the Plaintiffs contend that they were unaware of until August 2000;

"Notwithstanding that it was illegal Buchanan had sold at least two of the allotments (notices of disposition opposite). In order to avoid the provisions of section 9 of the Sale of Land Act which at that time prevented the sale of allotments on subdivisions of more than two allotments (etc) Buchanan then lodged seven separate plans which were contrived to create several subdivisions of two lots each"¹⁰⁴

The very accurate transcript by Garde, Delany and Co unequivocally demonstrated that in 1991 I was absolutely aware that Buchanan had made illegal sales and;

"..... **IN ORDER TO AVOID** the provisions of section 9 Buchanan then lodged seven separate plans which were contrived to create several subdivisions of two lots each."

On a proper reading my handwriting, transcribed by Garde, Delany & Co, simply and accurately set out that Buchanan had an intention to avoid the law and **IN ORDER TO AVOID** the law he lodged two lot plans.

That extract, simply does not say or imply that Buchanan did or did not avoid section 9 with his silly little two lot plans. That extract merely and accurately says that Buchanan intended to avoid the law with his stupid plans.

In the context very purposefully presented by Garde, Delany and Co they fraudulently represented that that extract demonstrates that I knew that section 9 had been avoided by Buchanan with his series of two lot plans;

- At their paragraph 82 Garde, Delany and Co unequivocally assert that the plans were sealed in such a manner as to avoid the law.
- In the context of their paragraph 82 the transcript at their paragraph 85(a) conveys that I knew that the law was avoided by means of those two lot plans.

At the time of writing their paragraphs 82 and 85(a) Garde and Delany were well aware that their representations were fraudulently false and for the purpose of their fraudulent misrepresentations, as detailed below, they overtly fraudulently juxtaposed and misrepresented content and context of further extracts from the so called "book of pleadings"

At the time of formulating and writing their paragraphs 82 and 85 the facts known to Garde, Delany and Co were;

- Pages 1 to 3 of the so called "book of pleadings" contained;
 - A copy of s.569(1) of the Local Government Act which required a developer to give notice of his **intention** to subdivide land into two or more parts.
 - An express statement by me that Buchanan's **intention** was an 18 lot subdivision.
 - A copy of section 9 of the Sale of Land which prohibited sale of allotments where the developer had given notice or was required to give notice of **intention** to subdivide into three or more allotments . (the critical words were underlined by me in the so called book of pleadings.)(copy of section 9 from the "book of pleadings" is further below.)
 - An express statement by me that the allotments could not be sold.
- Page 4 contained copies of Council documents detailing that Buchanan had made illegal sales before the plans had even been filed with the Council
- Page 5 contained my handwritten note that Buchanan had made illegal sales and that **IN ORDER TO AVOID** the provisions of Section 9 Buchanan lodged seven separate plans six of which were contrived two lot plans. (this was the note transcribed by Garde, Delany and Co.)
- Pages 6 and 7 contained presently irrelevant copies of documents fabricated by the Council
- The top of page 8 contained my handwritten note where I said;

"Although Buchanan thought he had exploited a loophole in the law he had in fact broken the law because as it was his **intention** to subdivide the land into 18 allotments he was bound to give one Notice of Intention and one plan showing all allotments.

In simple terms the very simple law and the so called "book of pleadings" unequivocally set out;

- that section 9 of the Sale of Land Act applied where the developer was **REQUIRED** to give notice of **Intention** to subdivide land into three or more allotments and in this instance Buchanan's clear **intention** was an 18 lot subdivision.

- In other words section 9 applied where the mere **intention** of the developer was a subdivision of three or more allotments and section 9 could not be avoided at all and most certainly could not be avoided by pretending an **intention** of a series of stupid little two lot plans of subdivision.
- that Buchanan sought to avoid a mistaken view of the law with his silly little two lot plans.
- an express statement at its page 8 that because Buchanan's **intention** was an eighteen lot subdivision Buchanan had NOT avoided the law and he had instead broken the law and his sales remained illegal.

For the purpose of their fraud Garde, Delany and Co expressly and fraudulently juxtaposed and contextually misrepresented content of page 8 and my handwritten statement at page 8 of the so called book of pleadings.

- My statement that Buchanan thought he had exploited a loophole in the law but had in fact broken the law began at first line at the top of page 8.
- The loophole which Buchanan thought he had exploited was to avoid section 9 with his silly little two lot plans and thereby legitimise his unlawful sales.
- In proper context my assertion that Buchanan had broken the law was an assertion that he had not avoided section 9 but had instead broken section 9 with his illegal sales.
- Following that statement by me I had a further copy of section 569(1) of the Local Government Act.
- Below that I had a copy of s.569A(1) of Local Government Act and which section required plans of subdivision to show all allotments and all roads intended to be set out.
- Below that, on the last line of page 8, I had a handwritten note that none of the plans complied with section 569A(1) and I had an arrow pointing to that section.

In context my statement at the top of page 8 was fatal to the fraudulent misrepresentations of Garde, Delany and Co that I knew that the plans were sealed in such a manner as to avoid the operation of section 9.

For the purpose of fraudulent misrepresentation, at their paragraph 85(d) Garde, Delany and Co misrepresented the context and in their written submission they transposed the positions of the things on page 8 of the so called "book of pleadings".

They placed my handwritten last line of page 8 at the top of their paragraph 85(a). They then placed the first line and following lines of page 8 below what was in fact the bottom line of the page.

(d) further, "Not one of the plans submitted comply"¹⁰⁸ - that is with section

569A of the Local Government Act:

"Although Buchanan thought he had exploited a loophole in the law he had in fact broken the law because as it was his clear intention to subdivide the land into 18 allotments he was bound to give one 30th schedule Notice and one plan showing all allotments".

By that purposefully and overtly fraudulent juxtaposition Garde, Delany and Co fraudulent changed the context so that my in context fatal assertion that Buchanan had broken section 9 of the Sale of Land Act was fraudulently represented to be an assertion by me that Buchanan had broken s.569A(1) of the Local Government Act.

Garde, Delany and Co's purloined assertion that the initial sealing of the plans was unlawful was founded on the fact that the plans were in breach of s.569A(1) and did not show all allotments and roads intended to be set out.

The law alone was a complete defence to the fraudulent fabrications of Garde, Delany and Co.

For completeness I now provide the copies of section 569(1) of the Local Government Act and s.9 of Sale of Land Act which are contained in the so called "book of pleadings" and a copy of s.569B(10) of the Local Government Act.

Section 569B(10) operated to preclude any allegation of unlawful plans or unlawful or illegal sealing of plans of subdivision.

Ss. (10) inserted
by No. 8531 s. 2
(1) (j).

(10) The sealing of a plan of subdivision shall be conclusive evidence for all purposes that there has been compliance with this Act with respect to such sealing and that all preliminary steps and proceedings required to be taken in connexion therewith have been duly and properly taken.

Garde and Delany's assertion at their paragraph 82 that the plans had been unlawfully or illegally sealed is absolutely precluded by law and is therefore absolutely false.

Their assertion that illegal or unlawful sealing was known to me and not concealed is also palpably false. One cannot either know or disclose or conceal that which is not.

Section 569(1) of the then Local Government Act.

569. (1) Where in the case of any land to which this subdivision applies any person intends—

- (a) to make or lay out on such land any new street road lane or passage whether the same respectively is to be dedicated to the public as a highway or not; or
- (b) to subdivide such land into two or more parts otherwise than by the sale transfer or conveyance of one or more parts of the land to the Crown or to any person on behalf of the Crown or to any public statutory body constituted under any law of the State or the Commonwealth—

such person shall—

- (c) give notice of his intention to the council in writing in the form of the Thirtieth Schedule; and
- (d) submit to the council a plan and a copy thereof which copy

This section mandates that where a person INTENDS to subdivide land into two or more parts he shall give notice of his INTENTION.

In this instance Buchanan's manifest INTENTION was a subdivision of 18 allotments.

Section 9 of the Sale of Land Act. (this copy with underlined words is from the so called book of pleadings)

9. (1) Where a notice of intention to subdivide land into allotments in the form of the Thirtieth Schedule to the *Local Government Act* 1958 has been given (whether before or after the commencement of this Act) or where in respect of any land such a notice is required to be given no person shall sell any such allotment unless the land is under the operation of the *Transfer of Land Act* 1958 and the allotment is an allotment on a plan of subdivision approved by the Registrar pursuant to section ninety-seven of that Act.

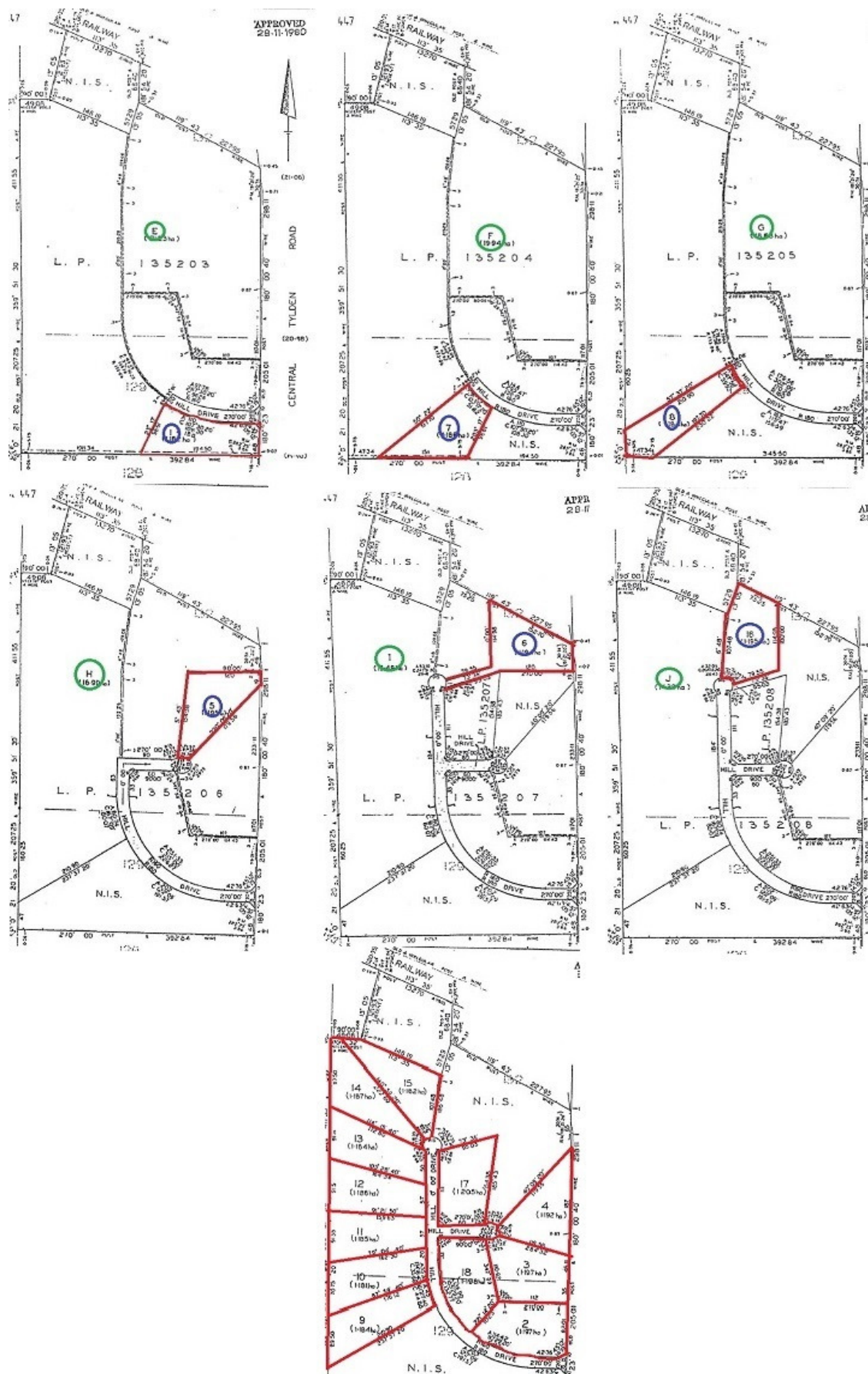
(2) Any agreement for sale entered into in contravention of the last preceding sub-section shall be absolutely void and of no effect and any person who has paid any money under such agreement shall be entitled to recover the same.

→ THREE OR MORE
Sale of subdivided land to be prohibited before plan approved by Registrar.

1963 BY 7052
INSERTED

Section 9 of the Sale of Land Act prohibited sale of allotments where the developer had given notice **or was required to give notice of INTENTION** to subdivide land into three or more parts.

Below is a copy of the seven contrived plans . The genuine allotments are outlined in red. The second allotment on the first six plans is a scam allotments being the balance of the land not being an allotments on a prior plan in the series. Those scam allotments were never intended for sale and were immediately consumed by subsequent genuine allotments. The scam allotments bear an alpha allocator which I have circled in green.



Major General Greg Garde QC, Jim Delany SC and their respective junior barristers, Sharon Burchell and Greg Ahern and their respective instructing solicitors, Michelle Elizabeth Dixon and Steven Mark Edward did not and could not individually or collectively conclude their representations from the law and/or the facts known to them or from any process of reasoning at all. In this instance Buchanan was required to give Notice of Intention to subdivide into 18 allotments.

The two lot plans and fraudulent Notices of Intention filed by Buchanan and processed by the Council were entirely and absolutely irrelevant.

Section 9 applied to a developers actual INTENTION, not the plans and Notices actually filed and processed.

Garde, Delany & Co's assertion that plans had been sealed in such a manner as to avoid the operation of section 9 was false and not possible at law. Their assertion that such sealing was not concealed is preposterously false.

It can only be that they criminally conspired with one another and they collectively agreed to pervert the course of justice and line their pockets with court ordered moolah by bringing a scam and sham proceeding to get their faces in court for a few days and thereby defraud whoever the incompetent and/or dishonest court made orders against.

Exceedingly Significant. - Court of Appeal Justices Redlich and Beach deceive the people of Victoria.

In the Victorian Court of Appeal, amongst other things I alleged the ineluctable fact that Garde, Delany and Co had put the forgoing scam and sham case.

In the Court of Appeal I made that allegation, before each of Justices Buchanan & Redlich, Neave & Mandie, Redlich & Beach and then Master Lansdowne who is now Associate Justice Lansdowne. Each of those judges then made Reasons and orders in favour of Garde, Delany and Co and denied my allegations.

Neave & Mandie's and Redlich and Beach's denials were particularly graphic and palpably fabricated for the purpose of deceiving the people of Victoria. (they knew they were not deceiving me.)

For present example, In my written submission to Redlich and Beach I expressly and accurately set out the foregoing scam case of Garde, Delany and Co and the palpable fact that their sham case was impossible at law.

In that written submission I referred to Garde, Delany and Co as "Dixon et al". My paragraphs 3, 4 and 5 said;

- 3) **In relation to Tylden Rd**, at paragraphs 82 to 85 of their Outline of Submissions dated 30th October 2006¹ Dixon et al represented that 2-lot plans of subdivision facilitate avoidance of section 9 of the Sale of Land Act 1962 ("s.9") and that a document, compiled by me and entitled "Book of Pleadings", contained evidence that at the time of compiling that document I was aware that s.9 had been avoided by means of these 2-lot plans of subdivision. (at para T7 the Amended SOC carefully alleged avoidance of the **EFFECT** of s.9, not avoidance of s.9).
- 4) At paragraphs 74 to 80 of that Outline Dixon et al represented that I had concluded these things from a "complete plan" of subdivision provided by the Council and that the Council had therefore openly disclosed that s.9 had been avoided by means of these 2-lot plans and thereby openly disclosed the cause of action.
- 5) **These representations were false. (a)** 2-lot plans did not and could not facilitate avoidance of s.9 or its **EFFECT**. **(b)** The "book of pleadings" expressly said that s.9 had not been avoided, it had been broken². **(c)** It was not possible to avoid s.9 at all. **(d)** No document in existence or capable of existing, much less the "complete plans", can disclose that 2-lot plans facilitated avoidance of s.9. **(e)** Unlawful plans per se did not and could not comprise any part of the cause of action. **(f)** they relied upon ignore of the words "effect of" at para T7 of the Amended SOC. As outlined below Dixon et al fabricated their complete case and concealed it to the last minute.

Those paragraphs specifically detail the scam and sham case of Garde, Delany and Co and they identify the court documents and paragraphs where Garde, Delany and Co made their misrepresentations.

In their published Reasons for Judgment Justices Redlich and Beach said;

- That I make serious allegations about Justice Robert Osborn and Garde, Delany and Co and while it appears that I held a genuine belief as to my allegations they involve a serious misunderstanding of the evidence and its legal implications.
- No material has been advanced by written or oral submissions which might on any view support my allegations.

Those assertions by Justices Redlich and Beach were palpably false. Immediately below is a copy of paragraph 10 of their published written Reasons for Judgment where they say those things. (my emphasis).

10 Glenn Thompson, the first listed appellant, once again appears in person on behalf of the appellants. Mr Thompson submits that an award for indemnity costs would be inappropriate. He makes a number of serious allegations concerning the trial judge and the legal representatives involved in the proceeding which need not be repeated given the conclusion we have reached. It is sufficient to observe that while it appears that Mr Thompson genuinely holds to these beliefs, they involve a serious misunderstanding of the evidence and its legal implications. No material has been advanced by written or oral submissions which might on any view support these allegations. The remainder of the submissions constituted an attempt to re-litigate the matters decided by the trial judge instead of focussing upon why an order for indemnity costs was not warranted. The appeal having been discontinued by the appellants, it is inappropriate that the costs hearing provide the forum for the appellants to agitate their complaints about the trial.

Justices Redlich and Beach of the Victorian Court of Appeal knew well that their Reasons were palpably false at the time that they formulated, wrote and published them.

Justices Redlich and Beach knew well that I would not be impressed by their Reasons. The only possible purpose of those fabricated Reasons was to deceive the people of Victoria and conceal and deny the criminally corrupt conduct, known to them, of Osborn and Garde, Delany and Co.

The hearing before Redlich and Beach was an application that I pay punishing indemnity fees to Jim Delany SC, Greg Ahern and Michelle Elizabeth Dixon of Maddocks.

The Judges and the lawyers were all well aware that those Reasons for Judgment by Redlich and Beach were false and fraudulent.

Redlich and Beach ordered further tens of thousands of dollars be paid to the corrupt lawyers for a cumulative total of about \$1,000,000 all of which I paid in cash.

The Judges and lawyers were all well aware that the orders sought and made were in fact further complicit court ordered malicious extortion which rewarded the flagrant scam and sham of Garde, Delany and Co.

Osborn's fraudulently fabricated Reasons.

I fully discuss Osborn's overtly fraudulent Reasons further below. As demonstrated below, for the purpose of concealing Garde, Delany and Co's sham and scam case and for the purpose of concealing my true cause of action Osborn employed and repeated the perjury of the Council in the 1987 Magistrates Court proceeding.

In the 1987 Magistrates Court proceeding part discussed above, for the purpose of concealing its true conduct the Council employed further and extensive perjury and falsified documents.

By concealing its true conduct the Council concealed my potential claim against it.

So for understanding of Osborn's Reasons I first describe my claim and then the perjury of the Council which concealed my claim.

My true claim, my true cause of action, my gravamen.

My true claim was that; in breach of the law which required the Council to refuse to seal the plans, the Council sealed the plans in full knowledge that the services were not present and that there was no lawful means of compelling anyone to construct those services. (It was this fact which the Council exploited when it fraudulently represented that I was liable to pay for the construction of the road works.)

At paragraph 45(b)(ii) of my affidavit before Master Efthim and before Osborn I said;

- The Council unlawfully sealed the plans in full knowledge that;
 - No services were present (.i.e. roads were not present)
 - There was no lawful means of ensuring provision of those services.
 - The allotments created were therefore unusable and there was no lawful means of compelling construction of the services necessary to make them usable.

Because the allotments were unusable section 569B(7) of the then Local Government Act compelled the Council to refuse to seal the plans. Section 569B(7) was akin to a restraining order.

The unlawful act of the Council was the act of sealing the plans in breach of section 569B(7). Due to the operation of section 569B(10) the sealing per se of the plans per se was not unlawful.

The fact therefore, expressly set out by me and the law was that the Council unlawfully sealed the lawfully sealed plans.

- For understanding of that apparent oxymoron, a reasonable analogy is;
 - Assume that there is a restraining order preventing a person from crossing a road. If that person then goes to a controlled pedestrian crossing, presses the button and then crosses the road with the green walk light then that person has lawfully crossed the road but did so in breach of the restraining order. He therefore unlawfully crossed the road in lawful manner. In the present case, the plans were lawfully sealed but were sealed in breach of the restraining legislation. i.e. the sealing per se was lawful but the act of sealing was unlawful.

That state of affairs would have remained true if the Council had sealed the legitimate 18 lot plan in identical circumstances, i.e. without services and without means of lawfully compelling provision of those services.

My claim, cause of action, gravamen had zero, zip, zilch to do with plans of subdivisions or two lot subdivisions.

The fact was that;

- section 9 of the Sale of Land Act was well drafted legislation which prevented sale of allotments on subdivisions of three or more allotments until such time as the Registrar of Titles had approved the plans; and;
- section 569E(3)(e) of the Local Government Act prohibited the Registrar of Titles from approving plans until such time as services required by the Council to make the lots usable had been completed.

- The consumer protection **EFFECT** therefore of section 9 was to prohibit sale of allotments until the required services had been completed.
- By sealing the plans without services and without requirement that Buchanan provide them the Council enabled the developer, Buchanan, to avoid the consumer protection **EFFECT** of section 9 of the Sale of Land Act but Buchanan did not and could not avoid the literal provisions of section 9 and did not and could not legitimise his unlawful sales with his stupid little two lot plans.

Paragraph T7 of my Statement of Claim before the Master and before Osborn specifically alleged that Council had sealed the plans for an ulterior purpose, namely to avoid the **EFFECT** of s 9 of the Sale of Land Act.

That allegation manifestly was not and could not be construed to be a nonsense and impossible at law allegation that the plans were illegal and illegally sealed and could not be construed to be an impossible at law allegation that the plans were sealed in such a manner as to avoid the operation of s.9 with silly little two lot plans and thereby legitimise Buchanan's illegal sales.

In other words, having proper regard to the law it was not possible to construe the claim expressly alleged in my Statement of Claim to be as fraudulently represented by Garde, Delany and Co.

My true claim arose as a direct result of me discovering and standing against the extreme corrupt conduct of Buchanan and Palmer Stevens and Rennick and corrupt officers of a major finance company.

As discussed below, in 1982 I discovered that Buchanan and Palmer Stevens & Rennick and an employee of the finance company General Credits Limited were engaged in the fraudulent and criminal double dealing in land.

At that time I was unaware that the criminal tentacles of Buchanan and Palmer Stevens & Rennick were long and many and included conspiracies with the Council and Water Authority.

The Council and Water Authority, or at least their executive, were involved in serial instances of providing planning advantage, and therefore financial advantage, to Buchanan and vicariously to Buchanan's solicitors, Palmer Stevens & Rennick who were also solicitors to the Council and Water Authority.

All of the material in this document has its ultimate root in the those criminal conspiracies followed by an endless chain of corrupt little people of the ilk of the shire Councillors, Garde and Delany and Osborn and the Court of Appeal Judges and the Attorneys General who maliciously shoot the messengers and try to conceal the dirt in their putrid little nests.

The following is part of the root corrupt conduct which by step by step denials and concealment grew to include and involve the Judges of the Supreme Court and Court of Appeal and the Attorneys General.

The essential facts and circumstances were;

- On 7th February 1980 Buchanan illegally sold two allotments in breach of section 9 of the Sale of Land Act. Palmer Stevens & Rennick acted for vendor and purchaser in those sales.
 - At the time of those sales the plans of subdivision were not yet filed with the Council let alone approved by the Registrar of Titles.
- Five days after those illegal sales, on 12th February 1980 Buchanan filed the legitimate 18 lot plan of subdivision and legitimate Notice of Intention with the Council.
- On 20th February 1980 the Council considered that legitimate 18 lot plan and resolved to serve Buchanan with a Notice of Requirement that he construct the roads shown on that plan and provide the waterworks to that 18 lot subdivision.
- Then in knowledge that Buchanan intended to lodge the contrived plans;
 - The Council, or at least the Council executive, destroyed the legitimate 18 Lot plan and the legitimate Notice of Intention and the Council file related to that plan.

- The Council executive did **NOT** serve Buchanan with the Notice of Requirement which the Council had resolved to serve in respect of that legitimate 18 lot plan and proposed 18 lot subdivision.
- On 4th March 1980 Buchanan filed and the Council accepted the seven contrived plans together with seven separate discrete Notices of Intention all dated 4th March 1980.
- The Council executive did not refer those plans to the Council and the Council did not consider any one of those contrived plans and did not resolve to impose a requirement that Buchanan construct the works related to any one of those discrete plans and subdivisions.
- The Council, or at least the executive, fabricated a Notice of Requirement dated 20th February 1980 in respect of each contrived plan and purported to serve them on Buchanan by mail dated 6th March 1980.
 - Those fabricated Notices were fraudulently dated 20th February 1980 and fraudulently represented that those contrived plans were filed on 12th February 1980 and fraudulently represented that the Council had made resolution in respect of those contrived plans.
- Then exactly as intended by Buchanan the Council then processed and sealed each of those contrived plans as discrete and disparate plans and subdivisions. Discrete from one another and discrete from the 18 lot plan which had been destroyed.
- Palmer Stevens & Rennick then filed those contrived plans with the Registrar of Titles on 21st August 1980.
- By separate letters dated 24th November 1980, signed by the Shire Secretary, Stan Porter, the Council fraudulently advised the Registrar of Titles that the requirement that Buchanan construct the roads related to each of those contrived plans had been complied with.
 - At the time of writing those letters Porter and the Council knew well;
 - That it never did impose a requirement in respect of any one of those plans.
 - That the roads and waterworks had not been completed at all.

- Relying on the fraudulent representations of the Council the Registrar of Titles then approved the plans.
- From that time there was not even the semblance of a requirement that Buchanan construct the roads.

That chain of events resulted in a completed subdivision where Buchanan could lawfully sell unusable allotments without roads and water supply and where there was no lawful means of compelling Buchanan or anyone to provide the roads and water necessary to make the allotments usable.

Such corrupt schemes were a bargain between thieves so to speak.

- The purpose of these schemes was to enable the developer to sell land before he was lawfully entitled to so that he could raise the money to carry out the necessary road works etc. The benefit to the Council was that such schemes facilitated development that might otherwise not occur. It may well be that the executive and/or some Councillors were on Buchanan's payroll but I have no evidence of that.
- The bargain included that even though there was no compulsion that he do so the developer, in this case Buchanan, would carry out the necessary works after selling a few allotments.

In December 1980, In ignorance of the foregoing and relying on the representation of Buchanan and the Council that there was a lawfully enforceable obligation that Buchanan construct the necessary works I purchased some of the new allotments.

- I understand that the other purchasers of new allotments had similar understanding.

In April 1982 I discovered that Buchanan and his solicitors, Palmer Stevens & Rennick and the Manager of the Reservoir branch of General Credits Limited were engaged in criminal double dealing in land and when I told them I would report their conduct to the Police they threatened me and my family with violence and bankruptcy. (full detail of that double dealing is set out in the second part of this document.)

Within days of that threat armed men began appearing at my home at night and would knock on my doors and point rifles at my children through my back windows and then run off.

I refused to be intimidated and I did report their conduct to the Police.

Also within days of that threat to bankrupt me, without resolution of Council and of his own volition, Stan Porter, the then joint Shire and Water Authority Secretary maliciously wrote to me and fraudulently represented that I was responsible to construct the roads and water works and if I failed to do so the Council and Water Authority would do the works at my cost.

- Notably Porter was a close friend of Graeme Bolton of Palmer Stevens & Rennick. They regularly lunched together at the Kyneton Bowling Club.
- Very significantly, it was Bolton who signed the letters dated 24th November 1980 which fraudulently represented to the Registrar of Titles that Buchanan had complied with the Council's requirement with respect to construction of roads.
- In other words, in November 1980, in full knowledge that roads had not been constructed, the Shire Secretary, Stan Porter fraudulently told the Registrar of Titles that the roads were complete and seventeen months later he fraudulently represented that I was liable to construct the self same roads.

At that time I was a service station proprietor and had no knowledge at all of the law, I had grown up in rural area surrounded by men who were **Men** and whose word was there bond, I proudly saluted the flag at school and I was afflicted with a lifelong absolute faith and pride in Australian government and rule of law and the mere notion that a Council could be corrupt was a repugnant anathema to my naive faith and did not occur to me.

I concluded that I had been duped by Buchanan who by that time was a demonstrated crook and fraudster and because I had no knowledge of road or waterworks construction I paid up on the Council and Water Authority demands in the present day equivalent of about \$400,000

A few months later, in conspiracy with Palmer Stevens & Rennick and a Buchanan company, the Council and Water Authority initiated further serious, malicious and flagrant fraud against my family and me. I fully detail this further fraud in the second part of this document but for the moment I provide a brief introduction.

- In November 1985, in the Victorian Parliament, Max McDonald MLA very accurately described the then known part of that further serious corrupt and fraudulent conduct of the Council and Water Authority.
- The Minister for Local Government and the Minister for Water Resources initiated inquiry.
- The solicitor for the Water Authority, Ian Lonie, then conspired with the Water Authority and purposefully and successfully and overtly misrepresented the facts and deceived the Ministers.
- In 1988, the then barrister, Lieutenant Colonel Greg Garde conspired with the Council and Water Authority's solicitor, Ian Lonie and a Buchanan company to commit perjury and maliciously conceal and perpetuate the fraud described by Max McDonald.
 - Garde was thereby malicious party to that fraud. At that time Lonie and Garde conspired to deceive the then Administrative Appeals Tribunal in identical manner as the Ministers had been deceived. (I fully demonstrate these things in the second part hereof)
- Osborn particularly fabricated his Reasons to deny and conceal that 1988 overt and malicious criminal conduct of Garde and for that purpose Osborn necessarily contrived his reasons to conceal and deny the further fraud described by Max McDonald.
- That overt and extreme criminal fraud of Osborn and Garde and the Council and Water Authority in respect of that further fraud is dealt with in the second part of this document.
- Notwithstanding the extreme serious nature of the present part of the discussion in this document, this first part is a comparatively minor sideshow when compared to this further fraud.

In 1986, the Council demanded that I pay further road making costs over and above what I paid in 1982.

- By that time I knew that the Council and Water Authority were corrupt and I had read the relevant legislation and learned that the Council had corruptly made the initial 1982 demand and that I never was liable to construct the roads or pay the cost of the road works at all. I refused to pay the further demand.
- The law was very clear and simple. The person liable to pay the costs of the services was "the owner" of the property which had been subdivided and that liability only existed if "the owner" had been served with a lawful Notice of Requirement and manifestly I was not and could not be construed to be "the owner" of the property which ceased to exist in 1980 and I had never been served with a Notice of Requirement.
- Buchanan had not been served with lawful Notices of Requirement and additionally all semblance of liability of Buchanan was absolutely extinguished when the Council deceived the Registrar of Titles and relying on that deception the Registrar of Titles approved the plans.

I refused to pay that further demand.

The Shire Engineer, Graeme Wilson and the Joint Council and Water Authority Secretary, Stan Porter, had collective many decades of experience in these things and administering Local Government Law. There was no grounds at all for a belief that I was liable and It is not credible that they held a belief that I was liable at law or at all in respect of either their original 1982 demand on me or the 1986 demand.

The fact is the Council and Water Authority, or at least their executive, were engaged in a continuous course of corrupt conduct in conspiracy with Buchanan and Palmer Stevens & Rennick and they simply resorted to additional malicious fraud to have me pay the road costs and in all probability the initial 1982 demand on me was intended to give effect to the contemporary threat of Buchanan and Palmer Stevens and Rennick to bankrupt me.

In 1987 the Council sued me for the additional road making cost in the Magistrates Court at Bendigo.

To prosecute that case, which was a further extreme malicious fraud against me, the Council maliciously employed overt perjury and flagrant falsification of documents.

I have already discussed part of the perjury at the top of this document. The part of the perjury already discussed was the flagrantly false representation that in 1982 I was "the owner" of a property which ceased to exist in 1980.

The overt perjury and falsification of documents to make malicious claim against me in the Magistrates Court and to conceal my cause of action.

The hearing was the 1987 Magistrates Court proceeding which I have part discussed towards the top of this documents.

In that hearing the Council fraudulently represented;

- That Buchanan lodged the 18 lot plan **and the seven plans** on 12th February 1980.
- That the Council considered the 18 lot plan in 20th February 1980 and resolved to impose a requirement on Buchanan. (this representations was true.)
- That on 20th February the Council served a Notice of Requirement in respect of the 18 lot plan on Buchanan requiring him to construct the roads shown on the 18 lot plan.
- **That the Council had then processed that 18 lot plan in seven parts or stages.**
- That pursuant to s569E of the Local Government Act "the owner" was liable for costs of construction.
- That I was "the owner" of the land in 1982 when then Council required me to construction the roads and when the Council first demanded that I pay the costs.

With the exception of the second representation, each of those representations, by the Council and its barrister, was an overtly fraudulent misrepresentation intended to pervert the course of justice and defraud me and conceal what became my claim, my cause of action in the proceeding before Osborn.

For the purpose of perjury and perverting the course of justice and concealing my claim, in support of its perjury, the Council falsified documents.

- Because the Council had destroyed the legitimate 18 lot plan and the Council file related to that plan the Council fabricated a plan which was in fact a council locality plan and then fraudulently represented;
 - That that plan was the legitimate 18 lot plan considered by the Council on 20th February
 - That that plan and subdivision had then been processed in several parts or stages.
- Because the Council did NOT serve a Notice of Requirement in Respect of the legitimate but destroyed 18 lot plan.
 - The Council clipped the bottom portion of each of the exhibited seven contrived plans in such a manner as to omit the plan reference numbers.
 - The Council exhibited one of the fabricated Notices of Requirement which had been fabricated in respect of the contrived plans and which bore the reference number of one of the contrived plans.
 - The Council fraudulently represented that that Notice of Requirement had been served on 20th February 1980 in respect of the contrived locality plan exhibited by the Council and which plan the Council represented as being the legitimate 18 lot plan considered by the Council on 20th February 1980.

For the purpose of its perjury and perverting the Course of Justice the Council concealed and did not exhibit any one of the seven Notices of Intention dated 4th March 1980 and which notices would have given the absolute lie to the perjury of the Council.

By that perjury and falsification of documents and concealment of documents the Council criminally concealed its true conduct and perverted the course of justice and concealed my true claim.

- Those fabricated documents and the omission of documents supported the Council's perjury that it had imposed a requirement on Buchanan in respect of the 18 lot plan and then processed the seven plans as parts or stages of the 18 lot plan and subdivision.

The Council and its barrister then represented that the requirement which it had imposed on Buchanan flowed to me as "the owner" of the land when it called on me to construct the roads in 1982.

The claim of the Council was false, fraudulent and malicious in every imaginable respect.

The entire claim against me was completely founded in criminal fraud and perjury.

The Council manifestly brought that claim maliciously and fraudulently and intending to pervert the course of justice.

It is not credible that the barrister Mr. B Phillips held a belief as to any part of his submissions.

Significantly.

- As discussed towards the top of this document, the 1987 Magistrate found that in 1982 I was "the owner" of a property which ceased to exist in 1980.
- The Magistrate's purported finding was in the face of every Council document in evidence and which documents specifically named Buchanan as "the owner".
 - Immediately below is the top portion of the fabricated Notice of Requirement which was exhibited.
- That Notice of Requirement is addressed to Buchanan and it specifically says; "whereas you are the owner....."

NOTICE OF REQUIREMENT UNDER SECTION 569E(1) & (1A) OF THE LOCAL GOVERNMENT ACT 1958.

TO: K. R. Buchanan,
1 Yew Road.,
HUNTEVALE. 3757.

Whereas you are the owner of all that piece of land being Crown Portion 122 and Part Crown Portion 132, Parish of Lauriston of which a notice in or to the effect of the thirtieth Schedule to the Local Government Act 1958, together with plan of subdivision Reference No. 79305/G referred to therein was lodged with the Council of the Shire of Kyneton on the 12th February, 1980.

Now therefore take note:-

- (1) That the said Council pursuant to Section 569E(1) of the said Act requires you to construct to the stage specified below (viz. Part Construction) the whole of all new drains, channels, streets, roads, lanes and passages shown on the said plan of subdivision which after the sealing of the said plan the

The Council repeated that perjury and the falsified documents and the concealment of documents in my Supreme Court appeal against the orders of the Magistrate and then repeated it in the County Court discussed below.

As discussed below for his malicious purpose Justice Robert Osborn fraudulently misrepresented my claim in a 1988 County Court proceeding where I sued the Council and Water Authority, It is therefore relevant that I briefly describe that 1988 proceeding.

My 1988 County Court proceeding.

As discussed above, I appealed the 1987 Magistrates findings in the Supreme Court and Justice Kaye found the manifestly obvious fact that I never was the owner of the property which was cancelled in 1980.

In the 1987 Magistrates Court proceeding and in the appeal before Justice Kaye the Council the Council gave sworn evidence that on 20th February 1980 the Council served Buchanan with the Notice of Requirement which I have part copied above.

In his Reasons Justice Kaye relied on that sworn evidence of the Council and on the copy Notice of Requirement in evidence and Justice Kaye's reasons say that Buchanan lodged all the plans in 12th February and the Council served that Notice on 20th February 1980.

At that time I fully believed the Council's sworn evidence that it had legitimately served that Notice of Requirement on that date and had served it in respect of the legitimate 18 lot plan.

Shortly after Justice Kaye handed down his judgment and relying on his judgment I issued County Court proceedings to recover the monies which I had paid to the Council plus damages.

My claim was that I was not a person who the council was entitled to claim road making costs from.

Relying on the evidence of the Council in the 1987 Magistrates Court and in the Supreme Court and the Reasons of Justice Kaye;

- Paragraph 4 of my statement of claim alleged that the legitimate 18 lot plan was filed with the Council on 12th February 1980
- paragraph 7 of my statement of claim alleged that on 20th February 1980 the Council had served the Notice of Requirement on Buchanan.

In their various defences and amended defences The Council and Water Authority admitted to my paragraph 7 on eight separate occasions.

Half a day into the hearing the Council and Water Authority offered settlement. The settlement offered was essentially return of the monies which I had paid to the Council and Water Authority. It did not include any damages component.

During the course of that proceeding I compiled the document referred to above as the so called "book of pleadings" for the purpose of briefing my then barrister

As demonstrated above the so called book of pleadings expressly set out that the provisions of section 9 could not be avoided by means of the stupid two lot plans. I also knew of the operation of s.569B(10). I therefore did not and could not and did not allege unlawful plans or unlawful sealing per se, of the plans or avoidance of section 9.

At that time, in my heart I knew the Council was corrupt but I could not demonstrate fraud or corruption of the Council and my allegations in that proceeding were that the Council had acted in mistake of law.

My advice from my barrister was that Courts are loathe to award damages where money was given and received in mistake of law, my advice therefore was that I should accept the settlement offered because if I refused and then failed in the damages component of my claim I would be liable for all costs from the time that the settlement was offered.

Terms of settlement were therefore drawn up and signed. Those terms released the Council and Water Authority from further claim in respect of the subject matter of that proceeding.

At the time of the Magistrates Court proceeding and the Supreme Court Appeal and at the time of making each of their eight admissions and at the time of settling that 1988 County Court proceeding the Council and Water Authority were each well aware that that the Notice of Requirement was a fabricated documents and that the Council did not serve a Notice of Requirement on Buchanan in respect of the legitimate 18 lot plan.

The settlement in that 1988 County Court proceeding was obtained by the Council and Water Authority in the circumstances of the continuing fraud and perjury of the Council.

Discovering my claim.

At all times since 1987 I believed but could not demonstrate that the Council had in fact processed the series of plans exactly as intended by Buchanan, namely that for the purpose of avoiding Buchanan's monkey brained view of section 9, the Council had processed each plan as a separate and discrete plan and subdivision.

At that time although I absolutely believed that Buchanan and the Council had conspired with one another to enable Buchanan to avoid the provisions of section 9 the fact was that the provisions of section 9 could not be avoided at all so it was preposterous and pointless to allege such a conspiracy and in any event the stupid plans did not and could not cause loss and damage. The allotments created by the two lot plans were identical in all respects to the allotments which would have been created by the legitimate 18 lot plan.

Because section 9 could not be avoided there was nothing to contradict or challenge the assertion of the Council that it had processed the 18 lot plan in seven parts or stages and that the resolution and requirement made in respect to the 18 lot plan flowed to and affected each of the seven plans being purported stages.

The fact that the Council had abandoned and destroyed the 18 lot plan and that no requirement had been imposed in respect of any one of the seven plans was well and truly concealed in the inaccessible files of the Council and concealed by the perjury of the Council and the falsified documents.

In 2000 the Council issued a summons claiming the fraudulent rates described above.

For the purpose of defending that malicious and fraudulent claim I reviewed the very substantial material I had accumulated in the 20 years of the fraud till that time. At that time I discovered that the series of plans exhibited by the Council in each of the three Court proceedings had been copied in such a manner as to omit the bottom portion containing the plan reference numbers.

That discovery led me to review further material and by substantial deductive reasoning and the fact of the fabricated locality plan I then became able to demonstrate that the Council had in fact abandoned and destroyed the 18 lot plan and had in fact processed each of the seven contrived plans exactly as intended by Buchan, namely for the purpose of facilitating avoidance of his mistaken view of section 9 the Council purposefully processed each

of the seven plans as discrete plans and subdivisions and without resolving to impose a requirement on Buchanan in respect of any one of those plans.

That discovery formed the basis of my new claim, my new cause of action.

My claim did not arise from what I believed had occurred. My claim arose from what I could demonstrate that the Council had done and knew that it had done.

My claim arose solely from the fact that the Council destroyed the legitimate 18 lot plan and the Council file related to that plan and then accepted the seven separate, discrete and disparate Notices of Intention and plans and then processed those plans exactly as intended by Buchanan, as seven separate, discrete and disparate plans and subdivisions and without imposing a requirement that Buchanan construct the necessary infrastructure.

If the Council had not destroyed that legitimate 18 lot plan and kept it on foot the allegation that the Council had processed the seven plans as discrete from that 18 lot plan could not be made.

Justice Robert Osborn's flagrant, malicious and criminal fraud.

Osborn was faced with the ineluctable truth of my allegations as to the scam and sham proceedings brought by Middleton and by Garde and Delany and their co-conspirators and that they did not and could not hold a belief as to their impossible at law representations.

Osborn was also faced with the damning truth and fact that Master Efthim had made judgment against me based on the above demonstrated absolutely impossible at law, garbage.

Osborn was also faced with the simple fact that if Master Efthim had bothered to read the most simple law and/or think at all he would have known that Middleton and Garde, Delany and Co were scammers. It may be that he did know.

Osborn could not find against me;

- **The grounds of the application by Garde, Delany and Co were impossible at law sham and scam grounds**
- In my written defence before Osborn, I set out that section 9 could not be avoided by means of contrived plans and I set out that s.569B(10) absolutely precluded so called illegal sealing and illegal plans and I alleged;
 - **That Garde, Delany and Co did not and could not hold a belief as to their submissions.**
 - **The Middleton had brought a scam and sham defence to the Applications of Garde, Delany and Co and Middleton did not and could not hold a belief as to his submissions.**

Osborn's fraudulent fabrications and malicious scheme to conceal the criminal conduct of Garde, Delany and Co and of Middleton.

Manifestly Osborn could not find Garde, Delany and Co's, impossible at law, scam case proven against me and he did not.

In the privacy of his cave Osborn devised a fraudulent scheme to purport to find against me.

That scheme is expressly set out at paragraphs 87 and 89 of his purposefully fabricated Reasons.

At his paragraph 87, with malicious purpose, Osborn expressly said;

- that I appeared personally before him because Middleton had not correctly articulated my CLAIM before the Master.
- Accordingly I invited him to adopt a different framework of analysis that that decided upon by the Master.

A copy of Osborn's preposterous and overtly fraudulent and contrived paragraph 87 is immediately below.

87 In the present case, the firstnamed plaintiff appeared on the appeal in person. He put the appeal on the express basis that the claim was not correctly articulated by senior and junior counsel who appeared for the plaintiffs before the Master. Accordingly, I am invited by the plaintiffs to adopt a different framework of analysis than that considered and decided upon by the Master.

Then, at his paragraph 89 Osborn said;

".. ... I have sought to deal with the matter on the basis now put to me by the firstnamed plaintiff. This basis was elaborated in very detailed submissions I propose to deal with the matter on the basis of the case so elaborated is the case to be considered rather than that previously argued by legal representatives which the plaintiffs now disavow.. "

Those two paragraphs, purposefully and maliciously fabricated by Osborn are flagrant palpable nonsense and lawyer doubletalk designed and intended to provide superficial verisimilitude to his planned fraudulently fabricated reasons which I describe below.

The fact known to Osborn was that the proceeding before him was a re-hearing de novo of my defence to the summary dismissal applications of Garde, Delany and Co which was heard by the Master.

Osborn had no choice other than to hear and adjudicate on the matter of my defence to the above-described, impossible at law, grounds of the summary dismissal applications brought by Garde, Delany and Co.

I could not, would not and did not, invite Osborn to adopt a different frameworks of analysis other than my defence to the scam and sham cases brought by Garde, Delany and Co. Such a notion is beyond preposterous and is a flagrantly purposeful fraudulent and procedurally impossible misrepresentation by Osborn.

Osborn could not choose to adopt a different framework of analysis than my defence to the impossible at law purloined case put to and considered by the Master and then repeated by Garde, Delany and Co before him.

Osborn's nonsense assertion that he sought to deal with the matter on the basis now put by me was plain preposterous palpable nonsense intended to mask and provide verisimilitude to his true intentions of bald-faced overt fraud of the most serious type imaginable in a so called democracy.

The facts known to Osborn were and are;

- On purported behalf of their respective clients, Garde, Delany and Co brought summary dismissal applications against my claim, my cause of action, my gravamen.
- Essential to such an application is that the lawyers for the applicants, in this case Garde, Delany and Co, were required to identify with precision and particularity the things constituting my claim, cause of action, gravamen.
- They were then required to say with precision and particularity exactly why the matters and things constituting my claim offended the court rules, case law, or the Statute of Limitations and ought be struck out.
- As demonstrated above, Garde, Delany and Co did not allude to let alone identify my true claim.
- Garde, Delany and Co put their purloined scam and sham case to Osborn and fraudulently represented my claim to be the impossible at law garbage set out above.
- As demonstrated above the law alone was sufficient and absolute defence to the scam and sham, impossible at law, purported grounds of the application of Garde, Delany and Co.

Osborn had no choice other than to dismiss the applications of Garde, Delany and Co and order that Garde, Delany and Co personally pay my costs of defending their impossible at law, scam and sham proceedings.

Osborn's true and criminal intention was to deal with the matter on the basis invented by him in the privacy of his cave rather than the sham and scam, impossible at law, grounds of the application of Garde, Delany and Co as put to the Master and repeated before him.

In other words, Osborn's intention was to fraudulently contrive and fabricate his Reasons in such a manner as to;

- conceal the palpable fact that Garde, Delany and Co had brought scam and sham proceedings before the Master and before him and that Middleton had brought a scam and sham defence before the Master.
- Give the appearance that grounds for striking out my claim, invented by him in the privacy of his cave, were legitimate grounds brought by Garde, Delany and Co.
- Shoot the messenger of corrupt conduct of and in the Court.

Osborn's paragraph 87 and 89 were intended to deceive the people of Victoria.

The simple fact is that any half baked and mediocre lawyer would instantly recognise the things in Osborn's paragraphs 87 and 89 as procedurally impossible and intended to provide verisimilitude to his palpably fraudulent reasons.

The Court of Appeal Judges were well aware of Osborn's flagrant fraud which I will now demonstrate.

Osborn's overtly fraudulently fabricated purported Reasons.

In accord with the intent set out in his paragraphs 87 and 89 and in the complete absence of submissions Osborn went on and sat in his cave and personally fraudulently fabricated his different framework of analysis and his Reasons/Fabrications to his own liking and purpose. (Osborn acted as corrupt surrogate advocate for the Council and Water Authority and as Judge of his submissions to himself.)

- Osborn did not mention or allude to the flagrant scam and sham, impossible at law, case brought by Garde, Delany and Co.
- At his paragraphs 5 and 6 Osborn essentially verbatim repeated the perjury of the Council in the 1987 Magistrates Court proceeding and the falsified documents in the 1988 county court proceeding.
 - At his paragraph 5 Osborn said that the seven plans were in effect stages of the previously proposed 18 lot plan/subdivision.
 - At his paragraph 6 Osborn said that the Council endorsed such plans as subject to the requirements originally imposed by the Council with respect to the global plans of subdivision.

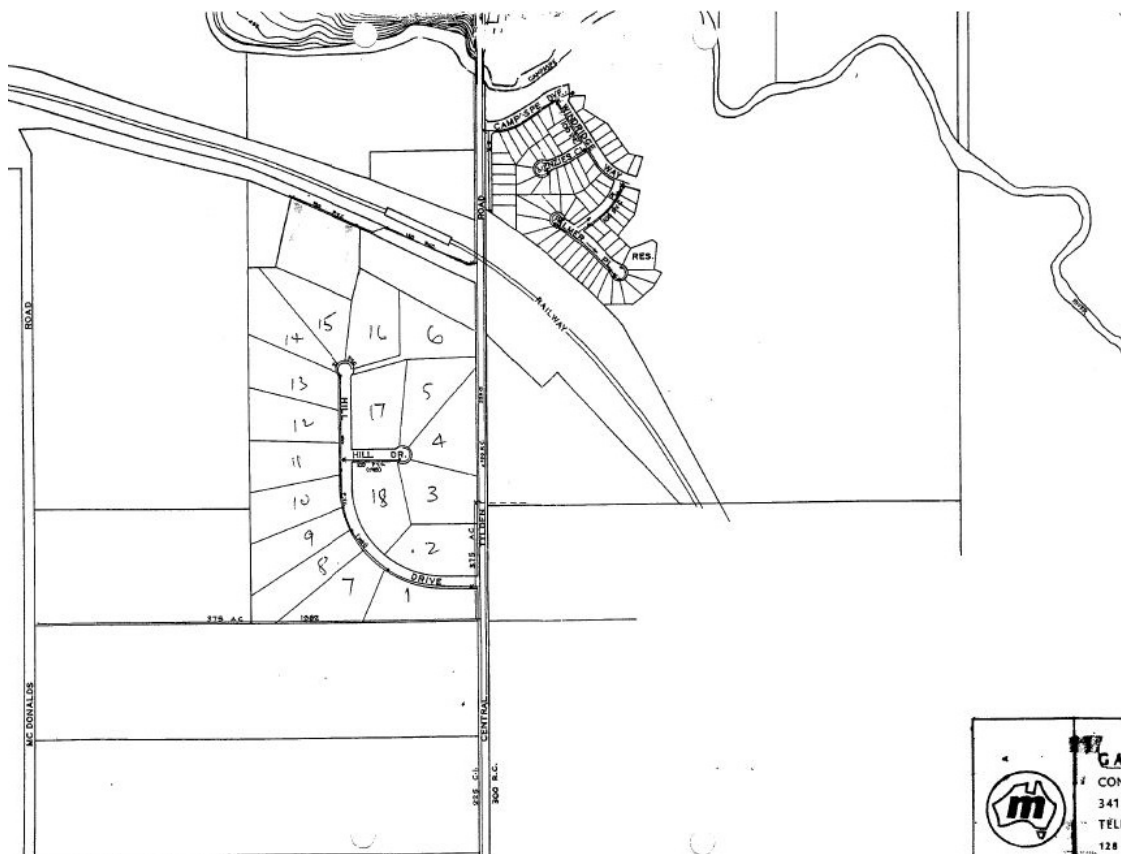
Osborn's reference to "global plans" is a reference to the legitimate 18 lot plan which was not in evidence before him because it had been destroyed by the Council.

Osborn's representations that the seven plans were stages of the 18 lot plan and subject to the requirement imposed with respect to the 18 lot plan is an essential verbatim repetition of the words and intended effect of the Council's perjury and falsification of documents in the three earlier proceedings in the 1987 Magistrates Court, the 1988 Supreme Court Appeal and the 1988 County Court proceeding.

At the time of formulating and writing those paragraph 5 and 6 Osborn was fully aware of the perjury and falsification of documents by the Council and he was aware that he was repeating the perjury of the Council.

Osborn was well aware that the locality plan which I exhibited before him and which was exhibited by the Council in each of the three previous proceedings was not and could not be construed to be a plan of subdivision at all.

A copy of that fabricated locality plan which was in evidence before Osborn is immediately below.



Osborn was well aware that the Notice of Requirement which I exhibited before him and which was exhibited by the Council in each of the three previous proceedings was a fraudulent fabrication.

- I have reproduced the top portion of that Notice a few pages above; that Notice specifically represents that the plan to which it relates was filed with the Council on 12th February 1980.
- That plan, reference number 79305/G is in fact one of the two lot contrived series of plans which were in fact filed together with a discrete and disparate Notice of Intention on 4th March 1980.
- The fraudulent representation that the plan was filed on 12th February was to facilitate the fraudulent representations that the series of plans were stages of the (destroyed) 18 lot plan/subdivision and the further fraudulent representation, repeated by Osborn, that the Council's resolution of 20th February to impose a requirement applied to and affected the series of plans which were said by the Council and Osborn to be stages of the 18 lot plan.

Osborn was well aware that each of the seven plans in the series of plans exhibited before him and which the Council had exhibited in each of the three previous proceedings had been clipped in such a manner as to omit the plan reference numbers.

Osborn was well aware that the clipping of the plans in that manner was essential to the Council's manifest perjury that that fabricated Notice of Requirement had been served by the Council on 20th February 1980 and was served in respect of the 18 lot plan which was in fact a locality plan which did not have a reference number at all.

Osborn's fraudulently fabricated paragraphs 5 and 6 were intended to and do absolutely conceal and deny the fraud of the Council and the fraudulently fabricated scam and sham case brought by Garde, Delany and Co.

- The Council committed its perjury and falsification of documents to conceal the fact that it had in fact destroyed the legitimate 18 lot plan and had then processed each of the seven plans as discrete subdivisions intended to legitimise Buchanan's illegal sales by avoiding a moronically mistaken view of section 9 of the Sale of Land Act.
- Osborn's fraudulent fabrications had the identical effect and also absolutely concealed and denied and absolutely precluded the fraudulent scam and sham case put to him by Garde, Delany and Co and absolutely precluded Osborn's reasons from mentioning or referring to that scam and sham case.

Osborn's paragraphs 5 and 6 also absolutely deny that the 18 lot plan, referred to by Osborn as the "global plan" was abandoned and destroyed.

Osborn thereby absolutely denied and concealed the very foundation of my claim which was expressly set out before him.

The Council committed its perjury to conceal my claim, Osborn repeated that perjury for identical purpose.

The fact therefore is that, in exact accord with his purposefully contrived paragraphs 87 and 89 Osborn then sat in his cave and fabricated his paragraph 5 and 6 to conceal the conduct of the Council and also conceal the scam and sham purloined case of Garde, Delany and Co and also conceal my claim.

None of that Garbage was submitted to Osborn. He alone chose to repeat the Council's perjury.

Having fraudulently concealed, denied and precluded the impossible at law case brought by Garde, Delany and having fraudulently denied and concealed my true claim Osborn set about concocting purported reasons for finding against me.

A legitimate reason to summarily dismiss a claim is if the claim has been claimed in a previous proceeding or if the claim is so close to the subject matter of a previous proceeding that it should have been brought at the time of that earlier proceeding.

For the purpose of fraudulently dismissing my claim Osborn overtly fraudulently misrepresented the claim in the earlier 1988 County Court proceeding to be one and the same as in the proceeding before him and he then represented that the settlement of that earlier proceeding precluded my claim in the proceeding before him.

Osborn fabricated his reasons in the following manner;

Firstly;

- At his paragraphs 5 and 6 Osborn concealed the scam and sham case of Garde Delany and Co and concealed my true claim.

Secondly;

- At his paragraph 56 Osborn transcribed paragraph 20 from my Statement of Claim in the previous 1988 County Court proceeding.
 - That paragraph 20 specifically alleged that each of the 7 plans was in breach of s.569A(1) of the Local Government Act in that none of those plans set out all of the allotments and all of the roads intended to be set out and required by s.569A(1) to be set out. That allegation by me was merely an allegation of male fides.
- Relying on that transcription at his paragraph 58 Osborn then preposterously and fraudulently said that the Statement of Claim in that earlier proceeding specifically alleged;
 - that the plans were not lawfully sealed; and;
 - that lawful notices of requirement were not served.

Thirdly;

- At his paragraph 60 Osborn said that my present allegation was that the Council did not serve proper requirements. (On Buchanan).
- Then at his paragraph 60 Osborn said that my present claim was a revival of the things, said by him, to have been alleged in the previous proceeding.

Fourthly;

- By those overtly fraudulent representations Osborn represented that my claim in the proceeding before him was one and the same as had been claimed in my earlier 1988 proceeding.
- After representing that the claims were one and the same, at his paragraph 101, Osborn said that the settlement and release in the earlier proceeding was also a release to my claim in the present proceeding.

Osborn's representations in respect of the earlier proceeding were flagrantly false and malicious fabrications by him.

- My earlier proceeding simply did not allege and could not be construed to allege unlawful sealing of the plans and which allegation was absolutely precluded by section 569B(10).
- Osborn appears to have provided verisimilitude to his fraudulent fabrication in the following manner;
 - Osborn transcribed my earlier allegation that the plans were in breach of the law which required them to show all allotments and all roads intended to be set out.
 - Osborn then preposterously extrapolated that part of my earlier allegation to be or include an allegation of unlawful sealing.
 - Osborn's apparent extrapolation was in the face of section 569B(10) which I have described above and which section absolutely precludes such extrapolation and allegation.
 - Osborn then further extrapolated his initial extrapolation to say that my earlier allegation was or included an allegation that the Notice of Requirement was not lawful.
 - As discussed below Osborn purloined those fraudulent misrepresentation from Middleton's scam and sham defence.
 - Alternatively, and more likely, Osborn's representation was a flat out, simple bald faced, lie which didn't even have absurd extrapolations as a basis.
- Osborn's representation that my earlier County Court proceeding alleged that lawful notices of requirement were not served is a bald faced flagrant lie. Immediately below is a copy of paragraph 7 of that earlier Statement of Claim.

7. On or about 20 February 1980 the firstnamed Defendant served the subdivider with a written notice of requirement pursuant to ss.569E(1) & 569E(1A) of the LGA ('the requirement') requiring him:
(a) to construct specified works, including roadworks, on the land; and

- That paragraph 7 of my earlier Statement of Claim manifestly and unequivocally alleges that a Notice of Requirement requiring construction of roads was served on Buchanan.
- There was nothing in the Statement of claim to modify the allegation set out in that paragraph 7.
- In that earlier proceeding, in their various defences and amended defences, the Council and Water Authority admitted to that paragraph 7 on eight separate occasions.
- The fact that my earlier proceeding alleged service of that Notice of Requirement and the fact that the Council and Water Authority admitted to that allegation on 8 separate occasions was set out at paragraphs 57 of my Affidavit before the Master and before Osborn and each of the Defences and

Amended Defences where the Council and Water Authority admitted to that allegation were in evidence before them.

- At paragraph 22(iv) of her Affidavit dated 23rd September 2005 and which affidavit was before the Master and before Osborn the solicitor for the Council, Ms Michelle Elizabeth Dixon, solicitor for the Council, swore that paragraph 7 of my earlier Statement of Claim alleged service of the Notice of Requirement requiring construction of the roads.
- Osborn's assertion that my previous proceeding alleged that lawful Notice of Requirement was not served was a flagrantly false fabrication and in the face of the abundant unequivocal evidence known to him.

Those representations by Osborn in respect of the previous proceeding were flagrantly false.

The facts known to Osborn was that the previous 1988 County Court proceeding was settled in circumstances where the Council had repeated the perjury and fraudulently fabricated documents which it had uttered in the Magistrates Court and subsequent Supreme Court appeal.

The settlement of the 1988 proceeding was obtained in the circumstances of the continuing fraud of the Council and where due to that continuing fraud I did not recover my losses caused by the fraud of the Council.

The specific fraud and perjury of the Council included that it had kept the legitimate 18 lot plan on foot and served that Notice of Requirement on 20th February 1980.

My paragraph 7 was founded on the belief that the representations of the Council in respect of the 18 lot plan and service of that Notice were true.

The eight separate admissions to my paragraph 7 were eight repetitions of the earlier perjury.

My claim in that 1988 proceeding was in fact founded on the perjury and falsification of documents by the Council in each of the three proceedings.

The further fact known to Osborn was that my claim as alleged in the previous 1988 County Court proceeding was in fact the absolute antithesis of the claim in the proceeding before him and due to the continuing fraud of the Council the settlement in that previous 1988 proceeding did not include a release to anything at all much less the claim of the proceeding before him.

The further fact known to Osborn was that for the purpose perverting the course of justice and concealing the criminal conduct of and in the court he personally repeated the perjury of the Council for the purpose of deceiving the people of Victoria.

Exceedingly Significant. - Further fraud of Court of Appeal Justices Redlich and Beach to deceive the people of Victoria and a further scam and sham proceeding by the lawyers for the Council, Jim Delany, Greg Ahern and Michelle Elizabeth Dixon.

For the reasons set out further below, in the course of my appeal to the Court of Appeal it became abundantly clear that the entire court was corrupt and pretence of justice took precedent over justice and the court would pervert the course of justice to the extent necessary to conceal corruption and thereby provide the pretence of justice. The denizens of the court impress the public and delude themselves, by genuflecting to one another while fraud and scam and sham proceedings are afoot.

By way of example, Garde, Burchell and Edward knew the address of my unencumbered 1.8 million dollar home and my unencumbered \$300,000 flat and knew where my unencumbered \$500,000 aeroplane was hangared and where my \$70,000 car was parked and they sent a sheriff to a vacant block of land and then swore to the court that they could not find any assets and that I had committed an act of bankruptcy. They probably sent a vision impaired sheriff on a dark night and with a candle to ensure he didn't even find a dropped spanner in the long grass.

They also stood there and bald faced represented that the Master and Osborn had found their case proven.

Garde is such an inveterate liar that he even deceived a law reform commission hearing. I will discuss that at the end of this document.

It is impossible to imagine more flagrant liars and scammers and the judges genuflect to them while they say these things.

The only real standard that the court has is the fancy genuflecting to impress the public.

Rather than have even more money awarded to the fraudsters I told the court that it was a kangaroo court and that I had reserved the domain name "courtsontrial.com" and would expose the corruption of the court. I then abandoned my appeal.

Under the Court rules, on abandoning my appeal I automatically became liable to pay the costs of Garde, Delany and Co incurred to the time of abandoning the appeal however it was open to the Court order that no costs be paid.

Not content with their scammed moolah to that time Delany, Ahern and Dixon applied to have the Court order that I pay them punishing indemnity costs for having brought a hopeless appeal.

In their written submission they particularly relied on that part of Osborn's fraudulently fabricated Reasons which purported to find that my claim was one and the same as had been claimed my earlier 1988 proceeding and Osborn's dependant assertion that the release signed in the 1988 proceeding was a release to my claim before him.

At the time of formulating, writing and uttering their submission Delany, Ahern and Dixon were well aware that the Osborn's purported reasons were a fraudulent fabrication contrived to conceal their criminal conduct and they were aware;

- As discussed above that Osborn's representations that the claim in the 1998 proceeding and in the proceeding before him were one and the same depended upon his fraudulent assertion that my 1988 proceeding specifically alleged that lawful notices of requirement were not served.
- That in addition to being flat out false that assertions by Osborn was in the face of the Affidavit of Michelle Elizabeth Dixon where at table item (ii) at page 6 of her affidavit of 23rd September 2005 she swore that paragraph 7 of the Amended Statement of Claim in that 1988 proceeding alleged that such notice was served. (a copy of that paragraph 7 is on a previous page hereof.)

In other words Delany, Ahern and Dixon were well aware that the aspect of Osborn's Reasons on which they were relying was in the face of the facts and also in the face of the affidavit of Michelle Elizabeth Dixon who herself was seeking to further profit from this further scam and sham application for indemnity costs. Dixon knew Osborn's fabrications were even in the face of her affidavit.

In addition Delany, Ahern and Dixon were all absolutely aware;

- Of the scam and sham case which they had put to the Master and to Osborn.
- That Osborn's Reasons did not and could not find their scam and sham case proven. They were well aware that Osborn's Reasons were fabricated without regard to the scam case put by them and were fabricated to conceal that scam case.

This further scam case for costs brought by Delany, Ahern and Dixon was fraud exponentially compounded by further fraud. Fraud built and founded on fraud upon fraud.

There is no limit to the flagrant audacity of these criminal scammers in a criminally complicit court.

Justice Redlich and Beach were well aware that Delany, Ahern and Dixon brought a scam and sham application for indemnity costs.

- As demonstrated above Redlich and Beach were aware of abundant evidence that Garde, Delany and Co had brought scam and sham proceedings before the Master and before Osborn and that Osborn had

fraudulently represented that the claim in the 1988 proceeding and in the proceeding were one and the same.

- At paragraph 14)a) of my written submission to Redlich and Beach;
 - I described Osborn's fabrications as to the claim of the 1988 proceeding and that in the face of Osborn's purported reasons paragraph 7 of that 1988 specifically alleged service of the Notice of Requirement.
 - I set out that in her affidavit of 23rd September Michelle Elizabeth Dixon's swore that paragraph 7 of the 1988 proceeding alleged service of that Notice of Requirement.

In full knowledge of abundant and overwhelming evidence that Delany Ahern and Dixon had brought scam proceeding and that Osborn had fraudulently fabricated his Reasons Redlich and Beach purported to specifically rely on Osborn's overtly fraudulent representation that the claim in the proceeding before him was the subject of releases in the 1988 proceeding and then Redlich and Beach purported to find that my appeal was hopeless.

Redlich and Beach averted their eyes to Osborn's fraud, In their Reasons Redlich and Beach said;

"The appeal having been discontinued by the appellants, it is inappropriate that the costs hearing provide the forum for the appellants to agitate their complaints about the trial."

At the time of making that assertion Redlich and Beach were well aware that my so called appeal was not an appeal in the ordinary sense. My so called appeal was in fact the bringing of allegations and evidence of extremely serious criminal corruption of and in the court to the Notice of the Court including to the notice of Redlich and Beach personally.

Redlich and Beach were well aware that I was not agitating complaints about the trial. I was in fact putting the facts of overt and flagrant criminal conduct before them and whether or not my appeal was abandoned they were bound to take notice of and act in respect of that abundantly and unequivocally evidenced criminal conduct of and in the court.

The conduct of Redlich and Beach is indistinguishable from the numerous Bishops, Priests, headmasters and others who averted their eyes to the paedophiles known to them.

A good analogy of the utterances and conduct of Redlich and Beach is;

A young boy is molested daily by the priests of his school and that fact is reported daily to Bishops Redlich and Beach who punish the boy for alleging such things.

The boy then resigns from that school and on the way out the door the priests rape him for a final time and in full view of Bishops Redlich and Beach and as the boy screams.

Bishops Redlich and Beach hand the priests more Vaseline and say that his screams are no concern of theirs because the boy is no longer a student of our school.

Redlich and Beach corruptly purported to be entitled to avert their eyes to the abundant unequivocal evidence of criminal conduct which was squarely before them and they handed Delany, Ahern and Dixon more Vaseline moolah as I walked out the door.

The utter scam and sham euphemism based originating proceeding of Major General Greg Garde QC, Jim Delany SC, Greg Ahern, Sharon Burchell, Michelle Elizabeth Dixon and Steven Mark Edward.

The originating 2005 summary dismissal applications which came before the Master were a complete and utter scam which had no chance at all in a kindergarten let alone in an honest and competent court.

Their utter scam and sham proceedings were designed and intended to defraud their respective clients and obtain complicit court ordered moolah from their clients.

The Nigerian scammers who cheat and scam vulnerable old ladies would be agog with awe and admiration.

In summary, the abovementioned fraudsters conspired with one another to bring their scam proceedings. Delany, Ahern and Dixon were seconded to do all the work and run the scam, Garde, Burchell and Edward simply provided a fraudulently fabricated document and then hung onto the coat tails of Delany and Co.

The fraudulently fabricated document provided by Garde and Co was the so called "book of pleadings" which I refer to above. I will describe that criminal fraud further below.

Garde and Co's supposed outline of submissions was an outstanding piece of flagrant yabber at &15, 000 a day or whatever Garde, Burchell and Edwards collective daily fees were.

In my written submissions to Osborn I accurately described Garde, Burchell and Edwards written outline of submissions. The following is a direct copy of part of my written submission to Osborn;

c) **From and including paragraph 1 of their written Outline of Submissions the submissions of The Second Defendant were simply false and misleading from top to bottom.**

- i) This document purports to be authored by and authorised by Major General Garde AM. RFD. QC, and Sharon Burchell.
- ii) Paragraph 1 states *"The Plaintiffs allege that they are owners of certain parcels of land " . Whereas:-*

 - (1) The entire reason for the present proceeding is that I do not own the land having lost it to the fraud of the Defendants. **Paragraph 1 is false**; and;
 - (2) It is self evident that the purported facts of paragraph 1 cannot co-exist with the purported facts of either paragraph 5 or paragraph 6 of that same submission.

- iii) Paragraph 3 states *"The Plaintiffs allege that there was a requirement imposed by the Shire of Kyneton under s569E(1) and (1A) ... " . Whereas:-*

 - (1) Paragraph T5 of the present Amended Statement of Claim clearly alleges that the s.569E Notice was never served. Therefore no such requirement was imposed. **Paragraph 3 is false**.

- iv) Paragraph 5 states *" Woodleigh Heights land, ... the land was sold by public auction by (AGC) on 17th November 1984." . Whereas:-*

 - (1) Paragraph W47 of the present Amended Statement of Claim clearly states that the proposed auction by AGC was cancelled and was cancelled because of the fraud of the Defendants. **Paragraph 5 is false**; and;
 - (2) It is self evident the purported facts of paragraph 5 cannot co-exist with the purported facts of paragraph 6 of that same submission.

- v) Paragraph 6 states *"... .. the Plaintiffs say the auction scheduled for ... 1985 was cancelled ... " and further states. " the Plaintiffs sold their land in 1989 " . Whereas:-*

 - (1) Paragraph W71 of the present Amended Statement of Claim clearly states that Esanda exercised their right of mortgagee sale. The reason for this was because that due to the fraud of the Defendants the Plaintiffs could not sell their land with its lawful entitlement to a water supply. **Paragraph 6 is false**; and;
 - (2) It is self evident that the purported facts of paragraph 6 cannot co-exist with either paragraphs, 1 or 5 of that same submission.

- vi) The document is a nonsense, it should be relegated to the rubbish bin and completely disregarded by the Court it then goes on to purport to present various legal arguments.
- vii) This document authored by and authorised by Major General Garde and Sharon Burchell and presented to the Court by Major General Garde, is simply self contradicting, false and misleading nonsense. It totally misrepresents my case by presenting a fabricated case of their own concoction.
- viii) Four of the first six paragraphs are simply false and cannot co-exist with the other paragraphs.

Garde's written submission was an absolute palpable scam and sham which was written without regard to the facts which were squarely before him and Burchell and Edward. As I said to Osborn; **"Four of the first six**

paragraphs are simply false and cannot co-exist with the other paragraphs." That submission was a sham and scam submission.

I have now faced off against Garde for a cumulative period of about 9 years in 6 separate proceedings including the various appeals. I have regularly noted that Garde is not the sharpest tool in the shed and which might at least in part explain why he regularly resorts to fraud to get his face in court but the above-described Outline of Submissions takes the cake and probably sets some sort of record for self contradicting shambolic nonsense.

Manifestly Garde, Burchell and Edward did not intend to rely on that false and self contradicting nonsense and garbage and they did not. They provided the fabricate document and then absolutely hung onto the coat tails of the scam and sham case actually put by Delany, Ahern and Dixon on behalf of all of the scammers.

Garde, Burchell and Edward previously put that self contradicting garbage document to the Master and then they amended the date and hit the reprint button and it became their written submissions before Osborn. They probably clocked up a further three days preparation fees and \$1.50 extortionate charges for each page printed.

Win or lose these people are assured of Court ordered moolah. All they need do is ensure that they get their face in court by fair means or foul and then yabber nonsense for a few days. If they were engineers half the bridges of the world would collapse and the court would order that they get paid for their shoddy work while the drivers of cars die in the river below.

By order of the High Court of Australia these fraudster barristers have so called advocates immunity, they have zero liability and zero responsibility. Little wonder the corrupt advocates run flagrant scams to line their pockets.

In a Victorian case this High Court ordered advocates immunity prevented a client from refusing to pay or minimising the fee of a demonstrated negligent lawyer.

That same negligent lawyer would happily get his face in court to sue for return of fees paid to an engineer whose bridge collapsed but he would not sue a brother lawyer whose negligence or scam made a legitimate claim collapse and left a family destitute and perhaps suicidal.

When the litigation is against them the lawyers say there must be an end to litigation. As against others they scam and sham for more and more never ending litigation.

Osborn wasn't horrified, he simply fabricated his own fraudulent garbage to conceal the fraudulent garbage.

Details of the utter scam and sham, euphemism based, originating process of Delany, Ahern and Dixon.

As alluded to above the scam and sham case initially put by Delany, Ahern and Dixon was a complete and utter non case which made clever use of euphemisms to provide the appearance of a case.

As also discussed above a summary dismissal application must identify and particularise the matters and things giving rise to the claim, cause of action, gravamen which the applicants seek to have summarily dismissed.

Garde, Delany and Co did not identify or particularise anything at all.

In their written outline of submissions and in their supporting affidavits, whenever it was necessary to refer to my claim they very cleverly and fraudulently used euphemisms.

Examples of those euphemisms along with the relevant paragraph numbers of their written submission dated 9th November 2005 and put to the Master are as follows;

- Paragraph 6(b) "fresh claims"
- paragraph 6(c) "*the plaintiffs claims*"
- paragraph 36 "*fresh allegations*"
- paragraph 43 "*the claims made by the plaintiffs*"
- paragraph 52 " ... *the cause of action*..."
- paragraph 54 " ... *the allegations in the omitted paragraphs* ... "
- paragraph 55 " ... *the events* ... "
- paragraph 66 "*the claims sought to be advanced*"

- paragraph 68 "*.. the claims he now seeks to advance ...* "
- paragraph 70 "*.... the matters pleaded in the omitted paragraphs* "

An example of context of their euphemisms is at their paragraph 6(b) and 6(c) where they said;

(b) to the extent any of the claims made are **fresh claims** or **claims not released** at settlement of the earlier proceedings **the claims** are so closely connected with **the subject matter** of those proceedings that they should have been raised in them.

(c) The plaintiffs claims are manifestly statute barred.

There are four euphemisms in their paragraph 6(b) alone.

Manifestly those euphemisms refer to and identify nothing at all. The example and representative paragraphs 6(b) and (c) say nothing at all.

Garde, Delany and Co made their oral submissions to the Master over an entire day and a half and in the whole time they used euphemisms and made no case at all.

Not once, did they say what matters, facts and things their euphemisms referred to.

With incredible neglect that Master sat for a day and half and nodded knowingly at nothing at all and with no idea at all of the matters and things which constitute my claim which they were purporting to object to.

In my written submission to Osborn I said that they may as well have discussed the price of fish and the Master may as well have found against me because I had eggs for breakfast.

Garde, Burchell and Edward hung onto the coat tails of that non-case.

A competent, honest and diligent court would have required Garde, Delany and Co to define the matters and things comprising my claim which they objected to. Master Efthim did not.

A competent, honest and diligent court would have thrown Garde, Delany and Co out in the first 10 minutes.

Middleton's scam and sham, fraudulent defence to the non-case of Garde, Delany & Co.

Justice John Middleton of the Federal Court of Australia is a criminal scammer who intended to and did defraud me.

In this case Garde, Delany and Co brought their euphemism based scam and sham summary dismissal application.

My substantive true defence to the applications of Garde, Delany and Co was that my claims had been concealed by the fraud of the Council and Water Authority.

For such defence to succeed the concealment must include or exhibit dishonesty and/or moral turpitude.

As demonstrated above the Council and Water Authority concealed my claim by perjury, falsification of documents and false admissions to paragraph 7 of my 1988 County Court proceeding.

Perjury and falsification of documents and false admissions are acts which include criminal dishonesty and extreme moral turpitude.

Brief outline of Middleton's fraud

As I will shortly demonstrate with astounding negligence or absolute lack of care Middleton absolutely misunderstood my claim and he personally invented an absolute scam and sham fraudulent and false defence.

- Middleton put his absolute misunderstanding as being my claim.
- Middleton could not show that his misrepresentation of my claim had been concealed at all.

- Middleton did not put that his representation of my claim had been concealed at all.
- At pages 44 and 45 of the transcript of the second day of hearing before Master Efthim Middleton represented me to be a drongo, a drip, slow of mind, a nincompoop, an imbecile who did not understand what was in front of my eyes.

Being too stupid to know what's in front of your eyes is not a function of or product of fraudulent concealment and is no defence at all.

The now Justice John Middleton, a judge of the Federal Court was absolutely aware that his purported defence was not a defence at all and could not succeed in a kindergarten let alone a half baked, totally incompetent and uncaring court, or criminally corrupt and complicit court as the case may be.

If Middleton held any belief at all that his representation of my claim was my understanding and claim then it can only be that Middleton is a fraudster who thought I was a drongo who had brought a baseless case and I was a soft target who deserved to be relieved of his anticipated \$86,000 fee.

Like Garde, Delany and Co, Middleton only wanted to get his face in court and yabber in surety that the complicit courts would order that he get paid his moolah for getting his face in court and learnedly yabbering and running a scam and sham case.

Particulars of Middleton's overt, malicious and criminal fraud to scam me of his fees.

At page 35 of the transcript of the second day Middleton preposterously said that Buchanan **had** avoided section 9 of the Sale of Land Act with the two lot plans.

Then at page 44 of the Transcript Middleton;

- referred the Master to a document where the Council represented to me and to the 1988 County Court that the 18 lot plan had been filed in several parts.
- Then he referred the Master to the series of plans and said;
 - *"we'll see what did happen, not to Mr Thompson's knowledge, however. It took a little while for this to sort of sink in."*
 - *" what happened was there was a series now of subdivisions"*

Then at page 45 of the transcript Middleton said;

- *"What Mr. Thompson thought we say perfectly legitimately he always thought that was the plans submitted in the sections, not separate subdivisions, He thought it's just all one five different sections when in fact when you look at what happened you have the whole new series of subdivisions."*

By those fabricated misrepresentations Middleton represented;

- that section 9 had been avoided by means of the two lot plans.
- that the two lot plans were in fact a series of subdivisions.
- That I relied on the representations of the Council and I thought there was one plan done in sections.
- That I was a nincompoop who was too stupid to know that the two lot plans were a series of subdivisions.
- That being so stupid it took me some time to realise that the two lot plans were a series of subdivisions.

The absolute damning case against Middleton.

In the premise that section 9 could be and was avoided by means of two lot plans of subdivision as asserted by Middleton, then it is manifest that the two lot plans and subdivisions would necessarily be and constitute a series of two lot disparate and discrete subdivision contrived to successfully avoid the prohibition of sales on subdivisions of three or more allotments.

On the assertions of Middleton there was no possible grounds for an allegation that the Council had concealed that the two lot plans and subdivisions were disparate and discrete from one another and from the legitimate 18 lot plan.

On the assertions of Middleton the representations of the Council that the 18 lot plan had been filed and processed in separate parts would be an obvious lie which could not hide or conceal the fact, asserted by Middleton, of the successful avoidance of section 9 by means of disparate two lot plans and subdivisions.

On the assertions of Middleton and in the premise that section 9 was avoided by means of those plans then only a nincompoop would be unaware that the seven plans and subdivisions were a series of discrete subdivisions.

Middleton specifically represented me to be such nincompoop.

At the time of representing me to be such nincompoop Middleton was aware;

- That his nincompoop argument was no defence at all.
- That I was not the nincompoop he represented me to be, Middleton was absolutely aware that in the face of his representations I fully believed that the plans represented a series of subdivision.
 - Middleton was aware that at page 5 of the so called "book of pleadings" my 1991 handwriting said;

" Buchanan then lodges seven separate plans which were contrived to create several subdivisions of two lots each"

- Middleton was also aware that the so-called "book of pleadings" was exhibited by Garde, Delany and Co and that they would be well aware that his representations were false.

Middleton was absolutely aware that his scam and sham defence could not succeed in any court at all.

Middleton had a duty to advise me that the defence, as formulated by him, could not succeed and that I ought not continue with the case and ought not incur either his fees or the fees of Garde, Delany and Co.

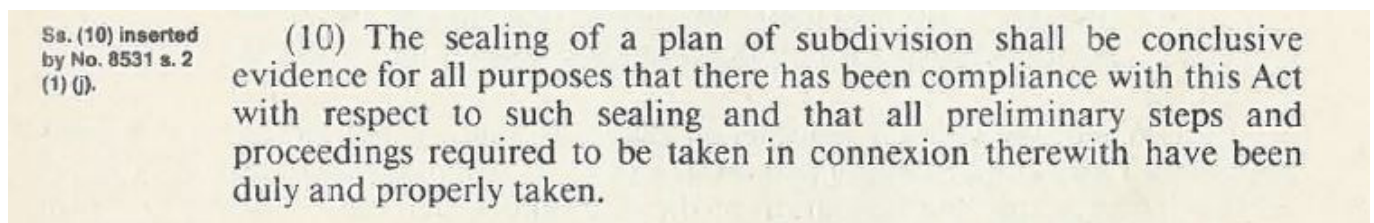
Middleton elected to defraud me of his fees and the fees of Garde, Delany and Co.

Further damning issues against Middleton.

The following incredible utterances of Middleton should be read while bearing the provisions of section 569B(10) in mind.

My readers will recollect that at law there is no such thing as unlawful plans or unlawful sealing of plans per se and no such things as unlawful subdivisions.

For the present purpose I repeat the copy of s.569B(10).



In addition by email of Friday 11th November 2005 I told Middleton; (The hearing began on the following Monday)

- that at the time of my writing the Book of Pleadings I knew that the plans were in breach of the law which required them to show all allotments.
- The plans and the sealing per se did not and could not cause loss and damage.
- Section 569B(10) validated the sealing.

In the face of the explicit unequivocal law and in the face of my email;

- Firstly; at page 37 of the transcript Middleton said that the present proceeding alleged that each of the seven plans were in breach of the law which required plans of subdivision to show all allotments and all roads intended to be set out.

Then in the face of the law and my email Middleton said;

- That that allegation had not been alleged in any previous proceeding.
- this is the first time that it's been alleged that the initial sealing of the plan of subdivision was unlawful or illegal.
- That the 1987 Magistrates Court proceeding, the appeal before Justice Kaye and the 1988 County Court proceeding all proceeding all proceeded on the basis that the subdivision was lawful.

Middleton then preposterously said;

- What we are doing is going back a step which was never thought of, never even contemplated that the subdivision itself would be unlawful.

Then at page 70 Middleton preposterously said;

- we say that the fact that we're relying upon, namely **the unlawful sealing** initially, **is a new fact which gives rise to its own cause of action.**

Then at page 71 Middleton said;

- We did not know that the subdivision was originally flawed and unlawful and we found that out in August 2000

Middleton made a number of other representations of identical meaning but it is superfluous to set them out here.

Those further fraudulent scam and sham misrepresentations by Middleton were manifestly false and manifestly in the face of s.569B(10) and which section I had specifically drawn to his attention in my email of 11th November 2005. In addition, even if unlawful, plans per se cannot cause loss and damage and cannot form any part of any conceivable claim. They merely demonstrate male fides.

The circumstances leading to my email were;

- During a pre-hearing conference which I attended on Thursday 10th November I was told to sit quietly while Middleton and his junior, Neil Adams, formulated tactics.
- While they formulated tactics they received an email or fax from Delany Garde and Co and which referred to the so called "book of pleadings"
- For reasons which I did not understand Middleton and Adams became agitated on reading the so called "book of pleadings"
- Despite being told to sit quietly I interrupted and explained that the "book of pleadings" helped us and that plans of subdivision per se, unlawfully sealed or not, could not cause loss and damage.
- On the way home the following day my then partner said; "those pompous bastards took no notice of you"
- She was a much better judge of character than me. I innately believe the best of everyone.
- Prompted by her judgment of character I sent the email of 11th November 2005.

Middleton was absolutely aware that the "book of pleadings" gave the absolute lie to his planned sham and scam representations.

I repeat what I said earlier as to Middleton's duty to advise me that on his planned personally invented representations I could not succeed and I should not incur his fees.

Middleton then absolutely and knowingly misrepresented me and my case as discussed above.

The final day of hearing before the Master was on 15th November 2005.

Middleton rendered his bill on the same day, 15th November 2005

Middleton was immediately paid the last portion of his \$86,000 preparation and appearance fee.

As discussed above, I subsequently read the transcript and I demanded refund. Middleton refused.

My readers can be assured that if Middleton didn't render his bill with such incredible haste and had I first read the transcript he would never have been paid. It may be that his haste was prompted by his conduct and his anticipation of the inevitable judgment.

Middleton's written submissions.

Middleton's written submissions contained the essential components of my true cause of action plus Middleton's inventions.

At his paragraph 3.1 Middleton said; (paraphrased)

- On 20 February 1980 the Council considered the legitimate 18 lot plan (essential component)
- The Council abandoned the legitimate 18 lot plan. (essential component)
- Subsequently Buchanan lodged a series of plan. (essential component)
- Those plans did not comply with the law requiring all allotments to be shown. (invented component)
- The Council was required to refuse to seal plan which did not comply with the law. (invented component)
- The plans when sealed by the Council gave rise to an illegal series of two lot subdivisions contrived to avoid section 9. (invented component)

As discussed above, my claim arose from the facts;

- that the Council abandoned the legitimate plan and the Council did not make a resolution to impose a requirement on Buchanan in respect of any of the contrived plans
- the council then sealed the series of plans in knowledge that the roads were not complete and there was not lawful requirement on Buchanan that he construct the roads.
- Those circumstances enabled Buchanan to avoid the EFFECT of section 9 and which EFFECT was to prevent sales until such time as the roads were complete.
- Avoidance of the EFFECT of section 9 had zero to do with the plans per se and the sealing of the legitimate 18 lot plan without the roads and without imposing a requirement would also facilitate avoidance of the EFFECT of section 9.

On re-reading Middleton's written submissions with the benefit of 20/20 hindsight it appears to me;

- that Middleton read my allegation that Buchanan had avoided the EFFECT of section 9 to be an allegation that Buchanan HAD avoided the provisions of section 9 with his stupid little two lot plans.
- That Middleton then fabricated an argument that sealing per se of the plans which did not comply with the law gave rise to a series of illegal subdivisions.
- That Middleton then fabricated an argument that the supposed illegal subdivisions constituted my claim.

Middleton then fabricated a defence founded on the impossible at law notion that Buchanan had avoided the provisions of section 9 with his silly little plans and on the impossible at law notion that the sealing per se was unlawful and on the impossible at law notion that such supposed unlawful sealing gave rise to illegal subdivisions.

I have tried a thousand times to rationalise Middleton's fabrications but I cannot. He is a flagrant scammer.

The simple fact is that Middleton's fabrications were concocted by him to provide a sham defence founded on his impossible at law understanding that section 9 could be and was avoided by means of the silly little two lot plans.

John Middleton did not and could not hold a belief as to the sham and scam defence fabricated and put by him.

Justice John Middleton of the Federal Court of Australia is a flat out cold blooded fraudster who maliciously scammed me before an unimaginably incompetent or criminally complicit court.

The scam on scam -- With criminal delight Garde, Delany and Co purloined Middleton's scam and sham defence and verbatim used it against me.

I have already discussed the detail of Garde, Delany and Co's purloined case above however an interesting and illustrative snippet is;

Garde, Delany and Co had brought the euphemism based scam case described above

If opposed by a competent and honest barrister It was impossible for them to succeed on those scam and sham euphemisms. Garde, Delany and Co fully expected to lose and scam money from their clients.

They then couldn't believe their luck. Middleton had put his flagrantly false arguments and his "nincompoop" defence each of which stood out like a sore thumb with flashing lights and sirens drawing attention to it.

In reply to Middleton, at page 88 of the transcript, Delany took the Master to page 5 of the "book of pleadings" and then he performed a piece of theatre which would have impressed Gilbert and Sullivan.

With great flourish and broad grin, interspersed with smug comment, Delany read from the "book of pleadings" and said; (Delany's comments first stage indent -- reading from "book of pleadings" further indented.)

If we then go to p.5 and you weren't taken to this handwritten note, this is very important,

"Notwithstanding it was illegal ... (reads) ... notice of disposition opposite".

One might say, why was it illegal, (gleeful and smug flourish)

"in order to avoid the provisions of s.9 of the Sale of Land Act".

Isn't that interesting, (self congratulating smirk and flourish)

"which at that time ... (reads) ... of more than two allotments".

Buchanan then lodged - what did he do? (theatrical flourish and grin)

He "lodged seven separate plans which were contrived",

written in the plaintiff's own hand. (the moolah is in the bag smirk)

"to create several subdivisions of two lots each."

This is the critical piece of information you're being told that this poor man didn't find out until 2000 and didn't realise that he had this great case. (pirouette and bow to his cheering co-conspirators)

Delany then took the Master through other pages of the "book of pleadings" and particularly to page 8.

At page 8 my 1991 handwriting in the so called "book of pleadings" specifically set out that the plans were in breach of the law which required them to show all allotments intended to be set out.

As discussed above, at pages 37, 70 and 71 of the Transcript Middleton represented;

- that that breach of that part of the law had never been alleged; and;
- it was never contemplated that the subdivision would be unlawful; and;
- that unlawful sealing gave rise to its own cause of action

Delany demonstrated, the fact known to Middleton, that I was well aware that Buchanan's intention was that each of the plans represented a separate subdivision.

The Master was seriously impressed with Delany's theatrical performance. The following exchange then took place between the Master and Delany.;

MASTER: He refers to it in his own writing.

MR DELANY: That's right.

The Master then carelessly found against me. Had the master bothered to read the exceedingly simple law and/or my affidavit and/or the so called "book of pleadings" and/or my Statement of Claim he would have known that the entire case of Garde, Delany and Co and of Middleton were scam and sham and impossible at law.

The Master should have thrown Garde, Delany and Co and Middleton out.

At the time of Middleton making his scam and sham submissions he was absolutely aware of the things in the so called "book of pleadings" and which impressed the Master when put by Delany.

Then at the hearing before Osborn, at their paragraphs 82 to 85 Garde, Delany and Co dropped their sham and scam euphemism based non-case and repeated the theatre which impressed the Master.

I have fully described Garde, Delany and Co's paragraphs 82 to 85 above.

Garde, Delany, Ahern, Burchell, Dixon, Edwards and Middleton are each corrupt fraudsters who bring scam and sham proceedings for the purpose of lining their pockets with complicitly corrupt court ordered moolah.

Absolute corrupt conduct of and in the Victorian Court of Appeal.

Osborn published his fraudulent reasons on 29th November 2006. I was unable to appear on that day so Osborn adjourned the hearing to 7th December 2006.

In the intervening period I had opportunity to recognise the flagrant falsities in those reasons but did not yet understand the scheme of Osborn's sophisticated fraud.

I prepared a substantial written set of allegations. That document was not a submission.

In that document, in court on 7th December 2006, in no uncertain manner, I essentially told Osborn, to his face, that he was a fraudster, at paragraph 2 I said;

"As a matter of demonstrable fact your substantive reasons for judgment are manifestly wrong and without any basis in fact or reason."

That paragraph and a number of other paragraphs of my submissions are allegations of fraud and corruption

Osborn then made orders striking out my appeal.

Then on the application of Garde, Delany and Co Osborn made orders that I pay punishing indemnity costs to the scammers.

In the circumstances known to all, the costs awarded against me were malicious court ordered criminal extortion.

I then appealed to the Victorian Court of Appeal.

My Notice of Appeal specifically alleged that Osborn's reasons were not in accord with the facts, the evidence or the law.

That allegations is tantamount to an allegation of fraud.

My Notice of Appeal specifically set out Osborn's misrepresentations in respect of the previous 1988 County Court proceeding and particularly that in the face of Osborn's representations were in the face of paragraph 7 of that previous proceeding.

Osborn's purported finding against me was founded on his fraudulent misrepresentation of the claim in the 1988 County Court proceeding.

Garde, Delany and Co stood in the Court of Appeal and with unimaginable contempt of Court and contempt of all notion of honestly and Justice they absolutely fraudulently represented that the Master and Osborn had found their case proven.

In other words they asserted that the Master and Osborn had found their impossible at law, purloined, scam and sham case, demonstrated above, proven.

So long as corrupt lawyers of the ilk of Garde, Delany and Co can stand in court and lie with impunity then the Victorian Courts are not places of justice or democracy.

Osborn knew well that I was aware of his flagrant fraud and that I could demonstrate his fraud and corruption.

Osborn was panicked and during the course of the Court of Appeal proceedings Osborn fraudulently fabricated the orders and authenticated order documents which I describe at the top of this document and which I more fully describe in the video entitled "Justice Robert Osborn - Fraudulently Fabricated Orders and Authenticated Orders." and which is available on my website <http://courtsontrial.com>

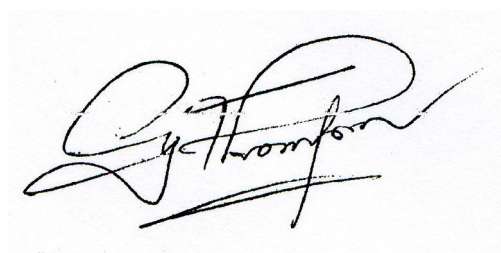
Each of Justices Buchanan, Redlich, Neave, Mandie and Beach and the then Master Lansdowne fabricated reasons and made orders against me while absolutely aware of compelling ineluctable evidence of my allegations and while well aware of the ineluctable fact of the fraudulently fabricated orders and authenticated order documents.

I have already described part of the flagrant misrepresentations of Justices Redlich and Beach.

I more fully describe the overt corrupt conduct of the Court of Appeal and of Justices Mandie and Neave toward the end of part two of this document.

=====

End of Part 1.

A handwritten signature in black ink, appearing to read 'Glenn Thompson', with a stylized, cursive script.

Glenn Thompson.