

# Beneath The Bench

A true story, written to inspire every man and woman who strives to achieve against the overwhelming odds of financial ruin, social prejudices and a nation's Star Chamber – at times, 'death squad' – subculture.

This is the autobiography of one man's lifelong fight to overcome and to seize back his financial independence, and more importantly, his dignity.

## Garth Eaton

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## DEDICATED

**To** the innocent who have been emotionally and intellectually violated either directly or indirectly by the abusiveness that often lies within a nation's justice system;

**To** the journey of struggle and defeat which now dominates the lives of many who are aspiring to achieve;

**To** all those – irrespective of age – who are about to take that first step;

**To** all the men and women who know their journey is incomplete;

**To** the knowledge that society prospers on the backs of those few who are prepared to sacrifice;

**To** Courage; and

**To** Overcoming.

And this is my personal guarantee:

If you have but a hint of mettle in your character, you will emerge from any ordeal – no matter how shaken – with a strength and resolve far greater than before. Remember this: there is no greater fear than the fear of the intensity of unknown pain. Having crossed that threshold and moved through it you will now approach your goals with more fearlessness, more dedication, and more wisdom than ever before. **Success must then be yours.**

## A SECOND DEDICATION

**To** every student of law across the globe who would wish to remain true to the fundamental principles of honesty within client dealings, integrity within court proceedings, the unchallengeable application of law, the delivery of justice and the eventual offering of natural justice for all;

**To** all those who have remained true to the principles of honesty and integrity within the enforcement, practice and application of law;

**To** all those honest souls who take the reading of this book as admonishment of themselves and the professions they represent; and

**To** all those who will continue to be demanding of our forgiveness.

## ACKNOWLEDGEMENTS

Acknowledging those who have influenced your life must surely cause most autobiographers to agonise over who will be mentioned, and in turn, who will receive the greatest credit.

The fact is that this autobiographer has no such dilemma. My life is divided into four distinct categories of influence, and within each it would be difficult to thank one person more than the other. My thanks are shared equally.

### Category One

All these, in alphabetical order, have inspired the writing of this book. Their names are real and their titles and places of employment date back to the period of my involvement with them.

- ADAMS, Barry – Regional Director, Australian Securities Commission (ASC)
- BAIN, Alistair – Detective Sergeant, Australian Federal Police (AFP)
- BONDIO, Enzo – Investigator, Corporate Affairs Commission (CAC) – (became ASC)
- CHANNELL, Peter – Lawyer, Peter Channell & Associates (Lawyers)
- DUCRET, Alan Raymond – Regional Director, Australian Competition and Consumer Commission (ACCC) – (formerly TPC)
- DURACK, David Neale – Regional Director, Australian Government Solicitor (AGS)
- DUUS, Ross Andrew – Partner, Ernst & Young (Insolvency Division),
- FELS, Allan – Chairman, Australian Competition and Consumer Commission (ACCC)
- FREW, Ian Robert – Investigator, Corporate Affairs Commission (CAC)
- GRIBBIN, Basil John – Stipendiary Magistrate, Brisbane Magistrates Court
- GUTHRIE, Terence James – Assistant Director, Australian Competition and Consumer Commission (ACCC) – (formerly TPC)
- HACK, Philip Edward – Barrister-at-Law
- MILLER, Royce Noel – Director of Public Prosecutions (DPP), Queensland
- McCARTHY, John Stephen – Journalist, *The Courier-Mail* newspaper, Queensland, Australia
- McLAY, Lex – Police Officer, Australian Federal Police (AFP)
- MOFFATT, Victor (Vic) Raymond – Lawyer, VR Moffatt & Associates (Lawyers)
- OCKHUYSEN, Leo – Detective Senior Sergeant, CIB, Queensland Police Service
- ORCHARD, Jamie – Lawyer, Enforcement, Australian Securities Commission (ASC)

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RIDGEWAY, Stephen John – Principal Solicitor, Australian Government Solicitor (AGS)  
SMITH, Ronald Peter Sutton – Lawyer, Senior Partner of Walker Smith & Breen  
(Lawyers)  
SPENDER, Jeffrey Ernest John – Judge of the Federal Court of Australia  
STILGOE, Peta Gwen – Lawyer, Gilshennan & Luton (Lawyers)  
TOY, Peter John – Lawyer, Australian Government Solicitor (AGS)  
VAN DER HORST, Willem – Marine Engineer and Professional Inventor  
WINN, Mark – Lawyer, Peter Channell & Associates (Lawyers)  
ZERVAS, Theodore Emmanouel – Lawyer, Russell Kennedy (Lawyers), then  
Stonnington & Zervas (Lawyers)  
ZIUKEKELIS, Lesley Anne – Lawyer, Australian Government Solicitor (AGS)

**Category Two \***

Those who have stood with me – corporately – throughout my commercial career in times of prosperity and hardship. Many, I consider friends. Those who don't fit this profile simply drifted from personal contact as they moved on with their lives. I wish each of them enormous prosperity.

**Category Three \***

These are a select few who have collectively lost millions of dollars, yet who stand with me to this day either as friends, business associates or both.

**Category Four**

My children, Antony, Katherine and Nelson, who at times became the sole reason for my being.

\* In certain instances I have used false names even though the person is or was very real. Some would not wish to be identified because of the confidential nature of their circumstances, and some for their own personal security.

----- [Excerpt] -----

## INTRODUCTION

“Whatever you can do or dream you can, begin it.  
Boldness has genius, power and magic in it. Begin it now.”

And so what if these words hadn't flowed from the pen of Johann von Goethe during an enlightened moment – of which he had many – at some time between 1749 and 1832. The true and undisputed identity of the author will not change the ‘natural laws’ which are entrenched so profoundly within the statement itself. I will expand later, but for now I wish to home in on the word, “begin”.

The most commonly understood definition of an entrepreneur would be a person who starts a commercial enterprise involving financial risk. The enterprise itself may involve the development and marketing of cutting edge technology or it may simply be the starting up of a business within a known and well-established industry. The key word is “start” as divorced from “buying into”. Yet even those who buy into a business may become cautiously entrepreneurial in time as they see opportunities afloat on uncharted waters. However, unlike born entrepreneurs who may soar to enormous heights, these people will have exercised extreme caution by greatly minimising their risks at the outset leaving little to chance, yet guaranteeing their achievements even if on a more limited scale.

Naturally, achievement is not just the domain of a commercial risk-taker – entrepreneurial or otherwise - but someone who strives through great effort, skill and courage to accomplish all that such a person sets out to do; be it success in the field of science, technology development, or in a more personal goal-setting arena. And whether you're an entrepreneur with the traits of an achiever or an achiever without the entrepreneurial traits, making the decision to begin must surely be the key to achievement.

From here, life will shower us with its highs – often extreme – but will also set its traps and deliver its disappointments to test the strengths of all. And throughout my story I will be drawing heavily on your discernment in understanding how the paths of those who ‘begin’ can be buffeted, at times brutally, even though their hearts are true.

Now *I'll* begin.

Of ordinary birth and reasonable intellect, my only gift (or disadvantage) .....

----- [Excerpt] -----