

CHAPTER VII
A DAWNING ON NEW SUMMITS
1976–1987

- Technology 273
- Fast-food 276
- Time to Climb Again – *Australian Estates* 306
- Zenith of All Summits – *IIL* 314
- *Your Best Shot* 324
- The Hand-over 327
- One Final Nail – *A False Identity* 346
- Summarising the Climbs 350

By the time the plane had touched down at the Brisbane airport my direction had already taken its first steps. A business associate, Tim Spratt, had taken over as chairman of CSL and Bill Benham had offered his support. Tim was a highly experienced businessman who successfully operated Keperra Quarries and we got along famously. Bill was a chartered accountant and his offer of a free office and corporate secretarial services was nothing less than a boon ...

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

[For many years the Corporate Affair Commission (CAC) in Queensland acted within the jurisdiction of the National Companies and Securities Commission (NCSC) until the formation of the Australian Securities Commission (ASC) in January 1991. This name was changed to the Australian Securities and Investments Commission (ASIC) in July 1998. But what remained constant was the bullying, roughshod tactics of many of its old-guard staff who were ready and very willing to ingratiate themselves with those well beyond their own station.]

I had left certain files in the Rocklea offices and decided to pick them up at around 8:20PM on Wednesday, 25 November 1987. Well, that was the hour I walked through the front doors. The lights were on. I immediately noticed Don and Errol. Don was sitting in my chair with his feet up on my desk. Errol was at the photocopier. I challenged them. It was obvious that Don was sifting through my personal files and Errol was photocopying whatever was handed to him.

“What’s going on here?”

Errol answered:

“We’ve been told by a corporate affairs investigator that you’re a crook, and he’s asked us to provide him with as much information on your business dealings as we can get.”

I couldn’t believe what I was hearing.

“And who’s the investigator?”

“Ian Frew. He told us that corporate affairs was about to close the net around you.”

I’m still in disbelief.

“I think I should hear what this Ian Frew has to say. Do you have his after hours number?”

Errol took out Frew’s business card and began to hand it to me. I raised my hand to stop him.

“No, Errol, I think it would be better if you phoned him and I listened on the extension phone.”

As Errol moved to a phone Don had his say.

“He told us you have a criminal history in New Zealand.”

“Don, I was born in Australia. I’ve never been to New Zealand.”

Don shrugged, indicating that all he was doing was conveying what he’d been told. Errol’s call was answered. I picked up an extension phone and listened.

“Mr Frew, it’s Errol. Sorry to call so late but I was wondering if you’d be good enough to repeat what you told Don and I this morning. I just want to make my own notes concerning your investigation.”

“That’s fine Errol. As I said, Eaton was born in New Zealand. You can tell that by the way he speaks...”

And so the litany began. I listened in amazement to a total of five statements:

- I was born in New Zealand.
- I had fraud convictions in that country.
- I had had a board of directors like the league of nations.
- I had salted money away in jewellery overseas.
- I was under Interpol surveillance.

The call ended and I retrieved the keys to the office. We left. They were both immaculately presented young men whose families were highly respected and influential. I was at a loss to know why they had complied so willingly with Frew’s wishes.

Willy and I returned home still stunned by what we had witnessed. I was certainly ready

to take on this corporate affairs investigator with all guns firing, but it was too late in the evening to do anything; too late to do anything but search for my birth certificate. I couldn't remember when I had last seen it, so I resolved to give Mum a call in the morning, which I did, very early.

I explained the accusation that I had been born in New Zealand. Her reply was very much to the point.

“Well, all I can say is that it must have been a very difficult labour. As you know, your twin brother was born in the Royal Brisbane Women's Hospital at five to eight at night, and you appeared fifty-five minutes later. So I don't know how it could have been possible.”

Mum had begun to chuckle at the notion. However, she mentioned that the last time she had seen my birth certificate was the day I married Willy. She had given it to me to take to Mt Isa the following day. I would organise to get myself a replacement copy.

My next call was to the general manager of the stockbroking firm who had previously employed Don and Errol. My original discussion with him had been very matter of fact. He had done nothing more than confirm their employment, but no further comment was made. On this phone call, I prefaced my questioning with the previous evenings event. He began to relax and open up.

“It certainly doesn't surprise me. I caught the pair of them getting up to tricks with client accounts. Basically they were booking transactions to themselves at the expense of clients. I fired them on the spot.”

“So, it wasn't the stock market crash that caused you to put them off?”

“No, although they may have gone in due course anyway; but no, the crash wasn't the reason.”

“Would corporate affairs know about their unlawful trading practices?”

“That's a possibility. One of the offended clients was threatening to do all sorts of things so I needed to protect the firm by stating their names and confirming that both men had been dismissed.”

I was about to thank him for this information when he spoke first.

“Oh... and apparently they were last seen by another staff member going down in the lift boasting that they had just printed out our entire client list containing all their current share positions.”

I thanked Ian and left it there.

My next call was to Frew. I made a time to meet him late in the morning. I had no idea who was behind the complaint against me, but it was now obvious that Don and Errol's conduct had placed Frew in a position where he could hold that conduct over them. He

had them dancing to his tune and they would continue to dance for as long as he needed them. And possibly indemnity had been granted in return for their dance.

Frew ushered me into an interview room. He then set up a small tape recorder and opened the interview by stating his and my name, and the time and date. It was Thursday, 26 November 1987. There was just the two of us.

Without so much as a hint of hesitancy in his voice he admitted that I had “come on file in the early seventies” and then went on with his five point litany of totally false statements. I then asked:

“Are you the one who gave me this false history?”

He sidestepped a direct answer by saying:

“It’s been common knowledge for years.”

“And has this information been disseminated by the CAC since the early nineteen seventies?”

He answered guardedly:

“If someone wants to know about you then why wouldn’t they be given the information we have on file?”

I recalled my discussion with Frew the first time we met just over a week earlier. I had discussed my involvement with Elders IXL Limited and the federal court matter.

“Would Justice Pincus have known of this history?”

“Could have.”

Even though I made every effort to prove that I was an Australian and that a simple check with the Registry of Births, Deaths and Marriages would confirm my place of birth, he really wasn’t interested.

“I trust you will see to it that only accurate information is provided in future.”

He shrugged with indifference.

“You’d better find yourself a good lawyer.”

“Now what are you saying?”

“We have the right to prosecute you.”

“For what!?”

“We’ll be in touch, Mr Eaton.”

With that, he stood and walked to the door. I had no option but to leave as my mind raced to come to terms with whatever I had done to warrant prosecution. Who was behind this harassment and why? ...

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

If I had known about the falsification of my identity in those early years of my business life I would have immediately confronted Vic Moffatt. If any man had a reason to orchestrate my demise within commerce, it was him. One phone call to a corporate affairs cowboy like Frew and a falsified history for Garth Eaton would have been as good as done. Just try exposing the average legal practitioner as an incompetent and see how you get on, let alone exposing a legal icon like Vic Moffatt – albeit unintentionally.

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