

Extracts from Transcript of June 24, 2013 concerning Variation to Freeze Orders
covering the assets Agape Ministries International and others.

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IN THE DISTRICT COURT 6
CIVIL JURISDICTION 7
ADELAIDE 8
ARGUMENT 9
BEFORE HIS HONOUR JUDGE LOVELL 10
NOS.869/2010 & 2407/2010 11
SILVANA MELCHIORRE BY HER LITIGATION GUARDIAN TERESA 12
FIMIANI - PLAINTIFF 13
V 14
ROCCO LEO, JOSEPH VENEZIANO AND MARI-ANTOINETTE VENEZIANO - 15
DEFENDANTS 16
AND 17
DEPUTY COMMISSIONER OF TAXATION - PLAINTIFF 18
V 19
ROCCO LEO, JOSEPH VENEZIANO, AGAPE MINISTRIES INTERNATIONAL, 20
E-GENERATION PTY LTD, UNIVERSAL HOLDINGS AUSTRALIA, 21
MARI-ANTOINETTE VENEZIANO, ASSUNTA LEO, GIOVANNINA ROSCIO 22
AND CAPTIAL DIRECT AUSTRALIA PTY LTD - DEFENDANTS 23
TRANSCRIPT OF PROCEEDINGS 24
MONDAY, 24 JUNE 2013 AT 10.11 A.M. 25
MR D. BULLOCH FOR PLAINTIFF IN ACTION 869/2010 26
MR B. WILLIAMS FOR DEPUTY COMMISSIONER OF TAXATION 27
MR S. DOYLE SC, FOR 1ST-7TH AND 9TH DEFENDANTS 28

MR DOYLE: I think there are three matters today. 1
 One is to hopefully have some orders made by consent in 2
 relation to the freezing orders in both matters. 3
 The second is I am instructed to provide your Honour 4
 with a bundle of correspondence which is by way of the 5
 court having some record of my client's formal position 6
 in relation to the status of the ATO. It's not a matter 7
 I intend to put submissions on or say there are any 8
 consequences that flow, but my client does want its 9
 position noted in that respect. 10
 The third is the issue of costs. I think Mr Bulloch 11
 might make an application for costs and I intend to 12
 oppose that and submit that there should be no order as 13
 to costs on the various freezing order applications. 14
 Does your Honour have a copy of the minutes of 15
 order? 16
 HIS HONOUR: Yes. 17
 MR DOYLE: I don't think your Honour has had a 18
 chance to read them? 19
 HIS HONOUR: I haven't. 20
 MR DOYLE: Essentially each party gets largely what 21

Refers to the letter sent by AMI to the ATO. This letter was supported by enclosed documents attesting to grave doubts about the ATO's legitimacy. The letter asks the ATO a simple question. No direct answer was received.

in relation to interest and the like, and my client has 25
 the variations to pay its legal fees and living 26
 expenses, and the properties which it's nominated are to 27
 be sold in the process as set out. Unless there is 28
 anything your Honour wants to hear me in relation to I 29
 ask those orders be made. 30
 HIS HONOUR: My only query really was, when properties 31
 are sold where's the money to be - 32
 MR DOYLE: To be held? 33
 HIS HONOUR: Yes. 34
 MR DOYLE: That's a good question your Honour. 35
 Sometimes the most obvious things aren't expressly 36
 provided for. I'll just check my instructions on that. 37
 I think the assumption is that may come into court, 38

attendances, but overall standing back no order as to 1
costs is the appropriate order. 2

Refers to the letter sent by AMI to the ATO. The letter asks the ATO a simple question. All so-called response did not answer it. No straight answer was received to a clear-cut question. If there's *nothing to hide*, why not reply?

orders and I'll make the same order on behalf of the 6
Deputy Commissioner of Taxation. 7

Anything else before I - 8

MR DOYLE: I have a bundle of correspondence. 9

HIS HONOUR: I'm not quite sure why I'm receiving that 10

Mr Doyle, is there any objection? 11

MR BULLOCH: By consent. 12

MR WILLIAMS: Our client doesn't oppose it being 13
accepted as a submission, but it does oppose it being 14
entered into evidence in any way. 15

HIS HONOUR: You just want it on the court file? 16

MR DOYLE: Yes, I do. It's because of the 17

fundamental nature of the matters that it raises. This 18
is the correspondence that has to some extent held up 19
the settlement dealings, you will see from the index 20
that my client has written to the ATO and to Hunt & Hunt 21
on a few occasions and received a response. 22

Essentially, it is making a fairly fundamental challenge 23
to the very existence of the ATO and its power to 24
proceed the way it does, and whilst my client accepts 25
that it's not the proper forum to ventilate that issue, 26
it does want its position formally noted, if and when it 27
is able to ventilate these issues it can't be said in 28
any way it didn't take those points or took a contrary 29
position in these proceedings. I just ask that it be 30
placed on the court record for that purpose. 31

HIS HONOUR: All right, I'll accept it on that basis, 32
without the contents necessarily being accepted by 33
either Ms Melchiorre or the Deputy Commissioner of 34
Taxation. 35

In terms of the draft minutes of order do I need to 36
amend para.3 it says 'costs in the cause'? 37

MR BULLOCH: Indeed, yes. 38