

# ORIGINATING MOTION

**SUPREME COURT OF SOUTH AUSTRALIA – IN EQUITY**  
**SPECIAL MATTER – PROCEEDING IN ORIGINAL EQUITABLE JURISDICTION**  
**(IN PERSONAM)**

Proceeding entirely in equity under the plenary conscience jurisdiction of this Honourable Court, without joinder to any public, statutory, or commercial forum.

No appearance is made under the *Bankruptcy Act 1966 (Cth)*. Any reference to bankruptcy is to a purported bankruptcy only.

**BETWEEN:**

**Grant-David: Johns.**

Of the House of Johns, a living private man

Grantor, Principal, and Beneficial Owner of the Estate Trust

**Applicant – appearing in personam, nunc pro tunc ab initio**

— AND —

**The Registrar of Births, Deaths and Marriages – South Australia (BDMSA)**

(Original Trustee – Attorney-General's Department SA, charged with primary fiduciary duty over the trust res)

ABN: 15 088 976 178

**First Respondent – bound in equity and in personam**

— AND —

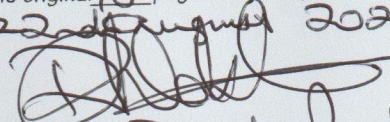
**All subordinate trustees, functionaries, and office-holders bound in equity under, through, or in association with the Original Trustee in relation to the trust res, including but not limited to:**

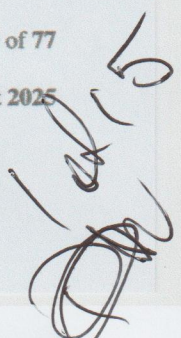
This is to certify that this 15 page document (each of which I have numbered and signed/initialled) is a true and complete copy of the original 15 page document, which I have sighted.

Date: 22 August 2025

Signed:

Name:

  
Derek Roakey  
WAKEHIN  
72785 (QLD)  
JP (Qual)





1. **Commonwealth of Australia – Department of the Treasury**  
(Securities Intermediary) – ABN: 92 802 414 793 – *Second Respondent* – bound in equity and in personam
2. **Australian Taxation Office**  
(Subordinate Trustee – Revenue) – ABN: 51 824 753 556 – *Third Respondent* – bound in equity and in personam
3. **Services Australia**  
(Subordinate Trustee – Social Security & Medicare) – ABN: 90 794 605 008 – *Fourth Respondent* – bound in equity and in personam
4. **Department of Foreign Affairs and Trade**  
(Subordinate Trustee – Passports & Consular Affairs) – ABN: 47 065 634 525 – *Fifth Respondent* – bound in equity and in personam
5. **Queensland Building and Construction Commission**  
(Subordinate Trustee – Licensing & Regulation) – ABN: 88 568 500 260 – *Sixth Respondent* – bound in equity and in personam
6. **Department of Transport and Main Roads Queensland**  
(Subordinate Trustee – Roads & Maritime) – ABN: 39 407 690 291 – *Seventh Respondent* – bound in equity and in personam
7. **Australian Financial Security Authority**  
(Subordinate Trustee – Bankruptcy Administration) – ABN: 63 384 330 717 – *Eighth Respondent* – bound in equity and in personam

...together with any **private man or woman** presently occupying an office, position, or function within the above agencies, **who by act or omission has become bound in equity to the fiduciary duties herein described — and only to the extent of their actions in relation to the trust res and the matters before this Court in personam, and without recognition of any purported public or statutory capacity.**

**TO: THE SUPREME COURT OF SOUTH AUSTRALIA – EQUITY  
DIVISION**

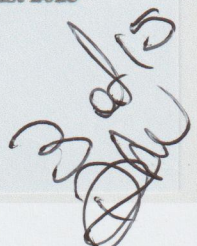




**The Applicant applies in personam, nunc pro tunc ab initio**, for enforcement of trust obligations and judicial correction of fiduciary default. This **Special Matter** proceeds **in equity only**. The Applicant **does not** seek statutory relief, appeal, or administrative review.

**The Applicant further seeks declarations that:**

- A **valid, perfected, and enforceable private express trust** exists over the estate bearing the **registered name in all stylised forms**, together with all **property, securities, and identifiers** arising therefrom;
- The Applicant is the **Beneficiary, Principal, and Grantor** of the estate trust, and appears in **original equitable jurisdiction, in personam, and nunc pro tunc ab initio**;
- The **Notice of Equitable Directive (17 June 2025)**, **Affidavit of Standing (18 July 2025)**, and **Private Bond for Set-Off (8 April 2025)** were lawfully served and remain **unrebutted**;
- The Respondents, having failed to respond, rebut, or perform fiduciary duty, are in **constructive estoppel** and cannot now claim **jurisdiction over the estate**;
- The Applicant holds **valid and perfected security interests** over the trust res, as registered under the **Private Security Agreement (2 April 2025)** and corresponding **PPSR filings** referenced herein;
- That the following purported legal and administrative proceedings were conducted **without equitable authority**, and are therefore **void ab initio**:
  - **Federal Court Bankruptcy Matter SYG1515/2022**
  - **District Court Appeal D10/23**
  - **Magistrates Court Order 0050032/22**
- That all resulting **conversions of trust property**, enforcements, or presumed liabilities arising from these proceedings were **unlawful**, and must now be **reversed under equitable remittance**;





- That all instruments, securities, debts, enforcement orders, or statutory declarations presumed against the estate must be deemed **discharged, extinguished, or corrected under the Court's jurisdiction in personam.**

## 1. Jurisdictional Foundation – South Australia

### 1.1. Clarification of Name and Estate Designations

For the avoidance of doubt, the living man appearing is **Grant-David: Johns**, of the House of Johns — **Beneficiary, Principal, and Grantor** of the estate trust — **not** any legal fiction or commercial entity.

All stylised names and variations, **including but not limited to GRANT DAVID JOHNS; JOHNS, GRANT D; GRANT D. JOHNS; Grant JOHNS**, are acknowledged **solely** as constructive estate designations created by public registries or commercial systems. They **do not** constitute the Applicant's true name or **private living status in equity**, but refer to the **trust estate now perfected in equity**.

### 1.2. Satisfaction of the Three Certainties

The **Three Certainties** required for a private express trust are satisfied:

1. **Certainty of Intention** – Irrevocable intention declared in the **Notice of Equitable Directive (17 June 2025)** [Exhibit A(ii)].
2. **Certainty of Subject Matter** – The **trust res** comprises legal and equitable title, PPSR-registered liens, securities, and instruments linked to **Registration No. 10254044**.
3. **Certainty of Objects** – The **Beneficiary, Principal, and Grantor** is the living man **Grant-David: Johns**, identified with specificity.

As the trust **originated in South Australia** upon registration of live birth, **BDMSA is the Original Trustee**. This Honourable Court, sitting in equity, is therefore the **proper and competent forum** to:

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- **Acknowledge** the perfected trust;
- **Recognise** the Applicant's standing **in personam**;
- **Enforce** the unrebutted fiduciary record now before it.

### **1.3. International Instruments & Maxims (Invoked without joinder)**

**Non-joinder shield:** The Applicant appears solely in his **private equitable capacity** and does not submit to the persona of a “**person**” within any statute or civil code. All references to international instruments below are made **without joinder** to any commercial, corporate, statutory, or public-law identity. These references are relied upon solely to **bind the conscience of this Honourable Court**, and to **hold**

**Respondents to their own binding obligations in equity and public trust**, without **consenting to public-law status, civil persona, or statutory jurisdiction**

**Instruments relied upon** (interpretive and conscience guidance in equity):

- **International Covenant on Civil and Political Rights (ICCPR)** – Art. 2, 14, 17, 26.
- **Universal Declaration of Human Rights (UDHR)** – Art. 8, 10, 12, 17.
- **Vienna Convention on the Law of Treaties (VCLT)** – pacta sunt servanda; estoppel.
- **Maxims of Equity**, including:
  - Equity looks to intent, not form;
  - Equity will not suffer a wrong without a remedy
  - He who seeks equity must do equity
  - Equity acts in personam

## **2. Declarations and Findings**

- 2.1. That a valid, perfected, and enforceable private express trust** exists over the estate bearing the **registered name in all stylised forms**, together with all **property, securities, and identifiers** arising therefrom.



- 2.2. That the Applicant is the **Beneficiary, Principal, and Grantor** of the estate trust, and appears in **original equitable jurisdiction, in personam and nunc pro tunc ab initio**.
- 2.3. That the **Notice of Equitable Directive (17 June 2025), Affidavit of Standing (18 July 2025), and Private Bond for Set-Off (8 April 2025)** were lawfully served and remain **unrebutted**.
- 2.4. That the Respondents, having failed to respond, rebut, or perform fiduciary duty, are in **constructive estoppel** and cannot now claim **jurisdiction over the estate**.
- 2.5. That the Beneficiary holds **valid and perfected security interests** over the trust res, as registered under the **Private Security Agreement (2 April 2025)** and corresponding **PPSR filings** referenced herein.

### 3. Orders Sought

#### 3.1. Fiduciary Accounting

An order that the **Department of the Treasury, the Original Trustee (BDMSA), and all subordinate trustees** provide **full fiduciary accounting** of all securities, accounts, trust property, and estate transactions administered since the estate's inception.

#### 3.2. Remittance of Estate Property

That all estate property, beneficial interests, securities, and instruments be remitted to the **Beneficiary** or the **Phoenix Securities Trust** as secured party, under private equitable administration.

#### 3.3. Cancellation of Enforcement and Bankruptcy Record

That all actions arising from **SYG1515/2022, D10/23, and Magistrates Court order 0050032/22** — including the purported bankruptcy conversion, commercial debt enforcement, **SPER** proceedings, and court orders — be declared **void ab initio** and **struck from the record**.



**3.4. Declaration of Title Separation and Usufruct Rights**

That the Beneficiary's equitable interest and **lawful usufruct** over all estate property and instruments be affirmed as **separate and superior** to any presumption of legal title held by the **Crown**, the **Original Trustee**, or any subordinate trustees.

**3.5. Medical Autonomy – Standing in Health Jurisdiction**

That the **Affidavit of Medical Standing (Exhibit S)** be sealed and recognised as **lawful instruction**; that the Applicant be removed from **Medicare and Biosecurity registers**; and that **his right to obtain and maintain private medical assurance — including a private policy with emergency benefits —** be recognised as the **operative cover in equity**

**3.6. Estate Security and Defensive Tools**

That the **Affidavit of Estate Security (Exhibit T(i) and Exhibit T(ii))** be sealed and recognised, and that the Applicant retain **his full lawful entitlement to acquire, store, transport, maintain, and use lawful estate protection tools and firearms**, subject only to **fiduciary oversight**, and **without joinder to any public regulation**.

**3.7. Acknowledgement of Parallel Trust Alignment and Beneficiary Remedy**

That the Court acknowledge the existing **structural relationship** between **Mataya Securities Trust** and **Phoenix Securities Trust**, as documented in **Exhibit Z – Parallel Equity Enforcement – Structure of Trust Proceedings**, for the limited purposes of:

- **Non-party beneficiary protections,**
- **Collateral lien interdependence, and**
- **Remedy entitlement where shared property, fiduciary loss, or reputational harm arises.**

**3.8. Anti-Splitting and Chambers Management (Special Matter Protocol)**

That this proceeding be **managed and determined as a single Special Matter in chambers**, consolidating all Respondents as **trustees under or through the Original Trustee**, with **no requirement for separate applications or duplicative filings per respondent**; and that the Court **refuse any attempt to split causes, delay remedy, or**

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re-route this matter into public or administrative process, as such attempts would be inefficient, prejudicial, and contrary to equity.

**3.9. Trigger Enforcement Notice:**

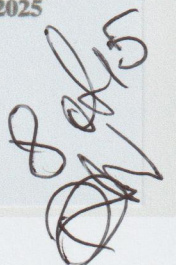
That this Honourable Court take judicial notice that the **unrebutted record** served upon the **Respondents** and preserved in the private equity record constitutes **conclusive evidence of fiduciary breach and dishonour**. Should equitable enforcement be **denied, deferred, or evaded**, the Beneficiary reserves full right to initiate **international enforcement proceedings under binding treaty obligations** without further notice, including but not limited to direct petitions under:

- the **International Covenant on Civil and Political Rights (ICCPR)**,
- the **Universal Declaration of Human Rights (UDHR)**,
- the **Convention on the Rights of Persons with Disabilities (CRPD)**, and
- the **Vienna Convention on the Law of Treaties (VCLT)**.

Such action shall be directed to the **Human Rights Committee**, the **UN Treaty Section**, and the **Committee on the Rights of Persons with Disabilities**, with naming of all relevant Respondents and officers in breach, in accordance with established international procedure.

**3.10. Treaty-Integrity Direction (Without Joinder)**

That the Court **formally take notice** that the Respondents are bound by their own **ratified treaty obligations**, including but not limited to the **International Covenant on Civil and Political Rights (ICCPR)**, the **Universal Declaration of Human Rights (UDHR)**, the **Vienna Convention on the Law of Treaties (VCLT)**, and the **Convention on the Rights of Persons with Disabilities (CRPD)**; and that all equitable orders herein are issued without consent to any public-law status, statutory jurisdiction, or commercial persona, and shall not be construed as submission to the status of a “person” under any statute or civil code.





**3.11. Costs and Further Relief**

That any further **orders or directions required for complete remedy, fiduciary correction, or public record restoration** be granted under the Court's **plenary conscience jurisdiction**; and that **all filing, service, and administrative costs** be recognised as discharged by the tender of Exhibit N – Private Bond for Set-Off (RN 419 594 663 AU).

**4. Treaty Invocation Annex**

**Filed in support of the Originating Motion and Affidavit of Fact — for judicial notice and preservation in the private equity record.**

The Applicant now gives **formal notice** that the following **binding international treaties and conventions, and instruments** are hereby **invoked, preserved, and ready for immediate application** in the event that **equitable jurisdiction is denied, delayed, or otherwise evaded** by any Respondent or officer named in this matter.

The Applicant is **domiciled in equity and in fact**, as the **living man**, with the trust res originating upon the **registration of live birth recorded in the geographic land area commonly referred to as South Australia**. This domicile is held in **private right** and shall not be construed as submission to any **statutory jurisdiction** or **corporate State entity** operating under the name **“State of South Australia.”**

The Applicant invokes and preserves rights under the following **binding international instruments**, all of which are **ratified and domestically enforceable** in the **Commonwealth of Australia and its States**, and which bind the **Respondents and all acting officers in personam** in relation to this matter.

These instruments form part of the **Supreme Law of the Commonwealth** by virtue of **section 51(xxix)** of the Constitution, and operate under the maxim:

**“Equity looks on that as done which ought to be done”** — such that any rights, protections, or procedural guarantees therein are deemed to have been performed and upheld **unless lawfully rebutted**.



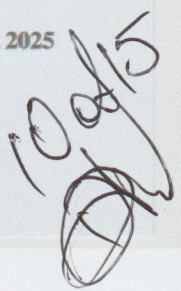
#### **4.1. International Covenant on Civil and Political Rights (ICCPR) — Articles 2, 14, 17, 26**

- **Application Form:** Human Rights Committee – Individual Communication Form (HRC/IC/1)
- **Filing Authority:** Office of the High Commissioner for Human Rights (OHCHR), Palais Wilson, Geneva, Switzerland
- **Procedure:**
  - Submit within 6 months of final domestic decision or ongoing refusal to act
  - Attach certified equity filings and evidentiary bundle
  - Addressed to: **Petitions and Inquiries Section, Human Rights Treaties Division**
- **Application to Present Matter:**
  - Failure to provide a fair, impartial, and competent tribunal in equity
  - Procedural suppression of remedy and evidence, including the constructive dishonour of lawful tenders
  - Systemic refusal to recognise standing in personam or perform fiduciary obligations

**Non-Joinder Safeguard:** Invocation of this instrument is made solely in equity and shall not be construed as consent to the status of a "person" under any statute.

#### **4.2. Vienna Convention on the Law of Treaties (VCLT) — Articles 26, 27, 31**

- **Application Form:** Formal Notification of State Non-Performance under Treaty Obligations
- **Filing Authority:** United Nations Treaty Section, Office of Legal Affairs, New York
- **Procedure:**
  - Lodge via diplomatic channel or accredited counsel

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- Submit record of un rebutted notice, constructive dishonour, and equity obstruction
- **Application to Present Matter:**
  - Breach of pacta sunt servanda
  - Justification of breach by reliance on domestic law (prohibited under Article 27)
  - Failure to perform fiduciary obligations in good faith

#### **4.3. Convention on the Rights of Persons with Disabilities (CRPD) — Articles 12, 13, 14, 19**

- **Application Form:** Individual Communication Form
- **Filing Authority:** CRPD Committee, OHCHR, Palais des Nations, Geneva
- **Procedure:**
  - Submit within 6 months of denial or if ongoing impairment of access to remedy exists
- **Application to Present Matter:**
  - Arbitrary denial of **equal recognition before the law**
  - Administrative and legal interference with **trust enforcement and private health autonomy**
  - Mischaracterisation of the Applicant's legal capacity or equity standing

#### **4.4. Universal Declaration of Human Rights (UDHR) — Articles 8, 10, 17**

- **Note:** While non-binding, UDHR rights are enforceable through the ICCPR mechanism
- **Application to Present Matter:**
  - Denial of effective remedy for acts violating fundamental rights
  - Failure to provide impartial hearing in equity

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- Deprivation of lawful property and trust res without process

#### **4.5. Optional Protocol to the ICCPR — Articles 1, 2, 5**

- **Application Form:** Same as ICCPR – HRC/IC/1
- **Filing Authority:** Human Rights Committee, OHCHR
- **Application to Present Matter:**
  - Inability to access domestic remedy despite equity filings
  - Prolonged delay, obstruction, or refusal by the registry, officers, or trustees
  - Violation of procedural and substantive rights under the ICCPR

#### **4.6. The Applicant relies upon these instruments as:**

- **Binding law** under the Commonwealth Constitution and ratified treaties;
- Instruments of **higher jurisdiction** than any conflicting statute or policy; and
- **Foundational authority** in support of equitable relief, where judicial officers or fiduciaries refuse or fail to act.

#### **4.7. Accordingly, any Respondent, officer, or agent who fails to perform the fiduciary duties and equitable obligations set forth herein shall be deemed to have:**

- **Waived all immunity claims**
- **Consented to treaty enforcement** before the relevant international body; and
- **Accepted that the Applicant may proceed without further notice.**

#### **4.8. Notice of Readiness**

All documentary, evidentiary, and procedural requirements for immediate filing with each **treaty administration named herein** have been satisfied. The Beneficiary is prepared to submit certified bundles to each relevant international body **on the tenth day following any denial, deferral, or evasion of equitable jurisdiction.**

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## 5. Domicile & Jurisdiction Clarification

The Applicant affirms and declares the following:

### 5.1. Domicile by Being Borne Upon the Land — South Australia (Equity Jurisdiction)

The Beneficiary's lawful **domicile in equity** is, and has always been, by being borne **upon the land** in the geographic land area commonly referred to as **South Australia**. For reference only, this corresponds to the jurisdiction styled the **State of South Australia** and its Supreme Court sitting in **original equitable jurisdiction**. This domicile is **permanent, immovable**, and shall not be **altered, converted, or substituted** without the Beneficiary's **express and voluntary consent in equity**.

### 5.2. Rejection of Presumed Domicile or Civil Registration

The Beneficiary does **not accept**, and has never consented to, any **Commonwealth-declared, statutory, or presumed domicile**. No presumption of **residency, civil registration, or incorporation** shall override or replace the Beneficiary's standing in **personam and in equity**.

### 5.3. Living Man Status – No Joinder to “Person”

The Beneficiary appears solely as a **living private man, Grant-David: Johns**, and not as any **“person”**, legal fiction, or artificial statutory entity. All stylised, capitalised, or administratively constructed name variations are acknowledged **only as constructive estate designations** linked to the **trust res**, and not as the Beneficiary's **lawful identity in equity**.

### 5.4. No Abandonment or Maritime Presumption

The Beneficiary has never been presumed **“lost at sea”**, nor subject to any **maritime, admiralty, or abandonment presumptions**. His continuous equity filings and unrebutted notices demonstrate **standing, presence, and lawful claim over the trust res**.

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### 5.5. Binding Effect

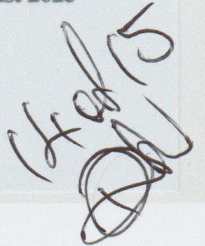
This declaration of **domicile and jurisdiction** is to be read in conjunction with the **Treaty Invocation Annex** and is preserved under the Court's **plenary jurisdiction in equity**. No court, officer, or tribunal may **alter, override, or repurpose this domicile** without first obtaining the Beneficiary's **informed consent in personam under seal**.

## 6. Supporting Materials

This motion is supported by the **Affidavit of Fact affirmed by the Beneficiary**, together with **Exhibits A–Z** as listed in **Appendix A**, including but not limited to:

- **Notice of Equitable Claim and Directive – 17 June 2025**
- **Certified Commercial Security Agreement – 2 April 2025**
- **PPSR Verification Statements – Registered Security Interests**
- **Equitable Title Certificate and Legal Title Certificate**
- **Affidavit of Standing and Equity Jurisdiction – 18 July 2025**
- **Affidavit of Constructive Dishonour and Administrative Estoppel – 1 August 2025**
- **Private Bond Tender – RN 419 594 663 AU – 8 April 2025**
- **Declaration of Acceptance for Value – RN 419 594 663 AU**
- **Affidavit of Medical Standing**
- **Affidavit of Estate Security and Rules of Engagement**
- **Affidavit of Estate Continuity and Succession Directive**
- **Private Fiduciary Instruction Sheet – Paymaster Directive Summary**
- **Federal, District, and Administrative Court Orders (SYG1515/2022, D10/23)**
- **Trustee Correspondence Archive and Service Log – 25 July 2025**
- **Parallel Equity Enforcement – Structure of Trust Proceedings (Exhibit Z)**

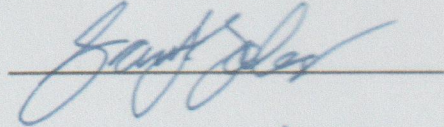
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Signed and Sealed in Equity

By Hand and Private Seal:



*All rights reserved under original jurisdiction  
in equity.*

Grant-David: Johns

Private man – Grantor, Principal, and Beneficial Owner

C/o: PO Box 12, Gympie QLD 4570

Date: 20 August 2025

Affirmed under private seal and equity jurisdiction

In personam – nunc pro tunc ab initio



*Filed under Private seal  
- Equity Jurisdiction Invoked -  
- In Personam -  
Chambers Only.*

*For judicial correction and  
fiduciary enforcement without  
joinder.*

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