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<http://austlawpublish.com> 254 Hawken Drive, St Lucia, Qld. 4067. Skype: russellmathews

Editor-in-Chief: **Russell G H Mathews BCom BSc LLB BA**

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*Peter Costello, Allstralia's best Treasurer ever - managed the commodity boom into unprecedented prosperity. It didn't just happen.*  
HAIGPHOTO

## Allstralia & **Costello** **SABOTAGED** by **ATO**

*By Alex Gordon LLB*

**The Treasurer Peter Costello, and the Howard Government are being clandestinely sabotaged by the labor elements in the Australian Tax Office [ATO]. These labor apologists are middle and senior bureaucrats of the Australian Taxation Office [ATO]. The rorting of the revenue relates to widespread tax evasion through the vehicle of Self-Managed**

**Superannuation Funds [SMSF], using the illegal practice of MONEY LAUNDERING and unauthorised investments for those SMSF. This would amount to billions of dollars annually.**

With this money staying in the economy instead of being tax revenue, it has the benefit/effect of increasing the money supply. However, if it was paid as tax, then the government would be able to place that amount of money back into the economy to give the economy the equivalent money supply. That would make the government appear more generous, WHICH IT WOULD AND COULD BE. This evasion of tax makes the Federal government appear less generous.

These ATO labor parasites are rorting tax revenue by permitting particular groups of lawyers who advise Self Managed Superannuation Funds [SMSF] to arrange for those SMSF to invest super funds in all manner of unauthorised investments. The “trustees” of these SMSFunds are the lawyers' clients who pay inordinately huge tax deductible “tax/accounting” fees to these lawyers who “save” these “trustees'/taxpayers, much greater sums so robbing the Nation's revenue. This can be done by moving assets around such that an inflated exempt capital gain on an exempt investment, for example, the taxpayer's home, is made when it is “purchased” by the SMSF. It is later sold at a loss [in a genuine sale, so it had to be sold at a loss, or to an associate of the taxpayer, say his wife, for the use of the taxpayer, at below value, so she has a stored up capital gain for any future sale] and also reducing the minimal tax that the SMSF would otherwise have to pay.

The MONEY LAUNDERING aspect arises when some of the undisclosed revenue is paid as fees to the lawyers, and some is paid as purported “rent” or “return” from third parties for the “use” of these imaginary assets of these SMSF.

The Australian Tax Office [ATO] is assisting fraudsters to use superannuation to evade federal Australian taxation. This is via Self Managed Superannuation Funds [SMSF].

We have advised the ATO of a particular case. The SMSF is called the Howard Street Pharmacy Superannuation Fund [HSPSF]. It was based upon the now extinct Howard Street Pharmacy [HSF] in Nambour, Queensland, and the Trustees are the pharmacist who previously owned and operated the HSF, one Hugh McVean [Hugh Douglas McVean] and his wife, Coral McVean [Coral Louise McVean]. As we expected, the ATO just let it, the HSPSF, continue to evade tax. It has been now doing this for 14 years, that we know of definitely. This is a quagmire of tax evasion, and of crime that is separate to the tax related matters.

In summary, this case we referred to the ATO is more than mere Tax evasion. It is at this point the discussion turns to some legal concepts. One is of Fiduciary Duty [FD], and conflicts of FDs. Accordingly, we explain the concept of FD and related matters later in this journal.

The case we referred to the ATO, involved clear conflicts of Fiduciary Duty [FD] and Fiduciary Duty, by the trustees of the SMSF, multiple breaches of both of those FDs plus criminal fraud of a disabled beneficiary of a FD arising from his disability as well as from the formation of a trust for a property beneficially owned by him, which is his home, and which the trustee/fiduciary, Hugh McVean [Hugh], put into the SMSF in an attempt to steal it from the disabled beneficiary. A firm of solicitors has been involved for the whole the time that the SMSF has been in existence. We shall not name them as we believe, since enough people realize the law, legal profession and judiciary are corrupt, such naming would be only promotion and advertising for them. That firm has engaged in repeated breaches of Professional Standards, being multiple Conflicts of Duty [FD] and Duty [FD] for the

**purpose of assisting Fraud by Hugh McVean.**

**The SMSF is called the Howard Street Pharmacy Superannuation Fund [HSPSF]. It was based upon the now extinct Howard Street Pharmacy [HSF] in Nambour, Queensland, and the Trustees are the pharmacist who previously owned and operated the HSF, one Hugh McVean [Hugh Douglas McVean] and his wife, Coral McVean [Coral Louise McVean]. Another person innocently involved is named Haig, the younger disabled brother of Coral McVean. Hugh McVean has long taken advantage of his wife Coral. Coral is not the sharpest knife in the kitchen, but she has worked inordinately hard, with the encouragement of her parents, in particular her father, to achieve what she has. Hugh uses her difficulty to understand concepts or ideas, to abuse her trust.**

**Hugh McVean has for 40 years harboured a massive grudge against Haig, his wife's younger disabled brother. We shall explain below the detail of how the various FDs arose, however, we would point out that because of Haig's disability, the Tax Commissioner also owes Haig a FD. This is particularly important with respect to his home, the subject of part of the tax evasion by Hugh McVean [Hugh]. It would be shown as the ST Lucia real estate investment property of the HSPSF.**

**As this Tax fraud has continued for 14 years [at least] there should be substantial penalty tax and interest on penalty tax [which is itself called penalty tax] such that the total penalty tax can amount to 200% of the tax avoided. We expect this could exhaust the assets of the HSPSF trust [SMSF]. Haig's home, beneficially owned by him is nominally "owned" by the trust in that Hugh McVean has illegally included it as a beneficial asset of the SMSF called the HSPSF. As with any trust, the legal title is correctly with the trustee. Haig is not responsible for the title showing HSPSF as "owner". We mention this as we "represent" Haig and wish his**

**rights upheld. We would not wish to see the Tax Commissioner, in order to recover the assessed tax, attempt to liquidate Haig's home, which Haig beneficially owns.**

**This Journal is part of the Hugh McVean topic which we have and are covering in our journals: <http://AustLawPublish.com/20070618> [Australian Criminal Law Journal issue200706.hugh.mcvean.pdf](http://AustLawPublish.com/20070716openlettersissue200701.nambour.people.pdf), <http://AustLawPublish.com/20070716openlettersissue200701.nambour.people.pdf> , <http://AustLawPublish.com/20070716openlettersissue200701.coral.mcvean.pdf> , and <http://AustLawPublish.com/20070716dossierofjohn.mcvean.pdf> .**

**There are conflicting FDs surrounding the home of Haig. Hugh owed a FD to Haig, and Hugh owed a FD to HSPSF, [which the Tax Commissioner would wish to enforce, if possible]. There can be only one FD between the same trustee/fiduciary and beneficiary. It may arise in different ways and at different time and in multiple ways, and have different particular characteristics. A requirement of a FD is that the FD does not conflict with any other FD. As Hugh and Coral have breached their respective FD to both Haig and HSPSF, the HSPSF is no longer a qualifying superannuation fund. Hence extra tax and penalty tax should be assessed together with interest on the evaded tax and penalty tax.**

**Hugh and Coral have owed Haig a FD for nigh on 40 years. Hugh was "on the scene" and "dating" Coral [we will not at this time mention his bragging around Townsville prior to their marriage], since before the occasion on 25 November, 1967, when Haig had a severe head injury, which severely affected him as he also had undiagnosed Obstructive Sleep Apnoea [OSA] at the time, and being hospitalised for 14 day increased his weight by 13 kg which greatly exacerbated his OSA and "symptoms". With improper severe subsequent treatmentfor three years, due to a wrong diagnosis, and continued non-diagnosis of the OSA [until**

2003], Haig has been greatly disabled, and so due a FD from Hugh and Coral, continuing uninterrupted to this day. That FD pre-existed the FD Hugh and Coral assumed when they became trustees of the HSFSF. Of course, there was no problem initially. A person can owe multiple FDs but, the FDs must not “conflict”.

We know that Hugh is a lowlife grub. That said, we think there is a strong possibility that he did not realise he was being criminal, nor possibly even illegal, because he was acting on the advice of his solicitors, whom Hugh had used for all dealing. Regardless of the extent of his *mens rea* [guilty mind], Hugh could not have done to Haig as he has but for the actions of his, for the moment, un-named solicitors. Interviews with Hugh and Coral, can produce better information of Hugh's *mens rea*, or lack of *mens rea*. For instance, in January in 2005, when Haig mentioned to Hugh that Hugh owed Haig a Fiduciary Duty, Hugh was so unaware of the term, that he had to ask how to spell it so he could write it down to then ask his criminal solicitors.

Haig also tells us of the “water ski” incident in about 1970, occurring when Haig was extremely disabled, a veritable zombie, with the undiagnosed Obstructive Sleep Apnoea [OSA], the ongoing consequences of the head injury and psychotic drugs. That situation of Haig clearly meant that Haig was disabled and Coral and Hugh well knew it. That meant that Hugh owed Haig a Fiduciary Duty {FD}, then and all the while Haig has been disabled, as he still is. In early 2005, let alone not knowing the nature of a FD, Hugh could not even SPELL it. Owing a FD, is a matter of Common Law [CL].

Because all Haig's history was known to Hugh, he owed Haig a fiduciary duty, which basically means, to look out for Haig and look after Haig as though Haig was Hugh's own self. To emphasize FD, we have assembled some detailed definitions, [we could write a book on FD, and still leave much unsaid].

*Black's Law Dictionary describes a fiduciary relationship as "one founded on trust or confidence reposed by one person in the integrity and fidelity of another." **A fiduciary has a duty to act primarily for the client's benefit in matters connected with the undertaking and not for the fiduciary's own personal interest. Scrupulous good faith and candor are always required. Fiduciaries must always act in complete fairness and may not ever exert any influence or pressure, take selfish advantage, or deal with the client in such a way that it benefits themselves or prejudices the client. Business shrewdness, hard bargaining, and taking advantage of the forgetfulness or negligence of the client are totally prohibited by a fiduciary.***

A fiduciary Duty is far more onerous for the Fiduciary [the one having the Fiduciary Duty], than is the Duty of Care, which can itself be quite onerous.

Wikipedia, the FREE encyclopedia defines [and we approve of this definition] fiduciary thus:

*A fiduciary duty is the highest standard of care imposed at either equity or law. A fiduciary is expected to be extremely loyal to the person to whom they owe the duty (the "principal"): they must not put their personal interests before the duty, and must not profit from their position as a fiduciary, unless the principal consents. The fiduciary relationship is highlighted by good faith, loyalty and trust, and the word itself originally comes from the Latin fides, meaning faith, and fiducia.*

*When a fiduciary duty is imposed, equity requires a stricter standard of behaviour than the comparable tortious duty of care at common law. It is said the fiduciary has a duty not to be in a situation where personal interests and fiduciary duty conflict, a duty not to be in a situation where their fiduciary duty conflicts with another fiduciary duty, and a duty not to profit from their fiduciary position without express knowledge and consent. A fiduciary cannot have a conflict of interest. It has been said that fiduciaries must conduct themselves "at a level*

*higher than that trodden by the crowd."*<sup>[1]</sup>

That water-skiing "episode" was on the strand in Townsville, one Sunday morning we believe. Hugh had bought a water ski-boat, and invited his boozier mates and their wives/partners together with Coral and Haig, to water-ski. Haig was unaware of so much, including the reason that all the females, before they had a ski, would pull on a particular pair of board pants. [He later learned that they were a tight weave material to prevent enemas and the like.] When it came Haig's turn to water ski, he prepared in the water as instructed by Hugh and that was to sit in the water with the tip of the skis just out of the water and with his knees under his chin. Rather than drive the boat as required to enable Haig to ski, Hugh merely idled the boat so that Haig was dragged through the water in that position at sufficient speed to give him massive enemas but too slowly to enable him to rise out of the water. Hughie was showing off his great talent at being able to control the speed of the boat, so as to give Haig those enemas. Haig tried to stand but the skis just sank into the water and he fell sideways. This happened repeatedly and on about about the sixth occasion, Hugh drove the boat correctly and it sprang into motions and Haig was quickly out of the water and skiing. That did not happen with anyone

else. It happened well into the skiing when Hugh would be unable to say that he was just a “novice” at driving a water ski boat. [We know Hugh is on record as trying to excuse his poor conduct whenever he has been caught out, as being that of a “novice”.] At the time, Haig did not realise what was happening. Hugh clearly knew that so kept doing it. Hence, Hugh was able to repeat the exercise numerous times. Haig still did not realise what had happened although he was extremely sick, and he evacuated into the sea water. He went up to the toilet in the bowling club on the Strand, and tried to evacuate further but was unable to although he had severe cramps. He realised what had happened to make him ill, only after Hugh's friend Barry Stanton, the then engineer in the Townsville City Council, came up beside Haig when Haig was sitting down after his ski, and let out a raucous shout/laugh of “enema, enema” when apparently another skier in another group of people water ski-ing in the area, came off his skis. Barry Stanton thought enemas from water ski-ing extremely funny. No doubt, Hugh will be able to blame Barry Stanton for encouraging him to give Haig the repeated enemas. Gutless cowards always likes to blame someone else. Hugh could even try to blame Haig for the enemas as Haig continued to line up for them. Now, that was

assault by Hugh on Haig, and since Hugh owed Haig a fiduciary duty, the assault becomes Aggravated Assault. Of course, we all realise that is criminal. Haig has realised that that was done deliberately only after he discovered that Hugh forged a purported Tenancy agreement, with him in 1994.

Hugh has really messed his wife's and her family's lives around in a massive way.

We know that Hugh has treated his wife abysmally. Haig has told us how, before they were married, when marriage was first mentioned, Hugh asked Coral and Haig's parents, how much “dowry” they would pay him to marry their daughter. That is a massive insult to Coral and her family, to suggest that he would have to be paid to marry Coral, despite his pretending it was a “joke”, ha ha. He persisted with that “joke” ad nauseum and in front of his boozie mates, [whom we will discuss later]. We know Coral was smitten with him for his resemblance, in her eyes, to Paul Newman and, at age 20, as she was then, her great crush on Paul Newman. We realise that to her he was like her very own Paul Newman.

We know he had so ruined his name and reputation in Townsville, with his bragging about having sex with Coral before they were married, and with his dowry “joke” in public and

his aggravated assault of Haig with the “water ski enemas”, [his boozier mates ensured that was widely broadcast in Townsville as they too thought it was so funny that he would do that to a disabled person], that he could not find reasonable work as a pharmacist and so he and Coral had to buy a pharmacy sufficiently far from Townsville so as not to be affected by his “indiscretions” [speech and actions] in Townsville. Coral and Haig's parents had to help financially for the sake of their only daughter. Hugh had no money as he spends all his income on booze. That forced Coral to have to sell her beautiful home in Townsville, and move away from her family and friends, because of the actions of her husband which actions were in fact criminal being in one case, aggravated assault.

Haig has also discovered the nefarious secret dealing Hugh has undertaken in consort with other criminals in the Brisbane City Council, with the purpose of harming Haig further by their breaking into his yard and home and stealing much of his property, over a continuous three day period, but in keeping with Hugh's sleazy character, Hugh tried to do it without it being known by Haig, what Hugh had been doing.

Hugh owed their superannuation fund a fiduciary duty, as too Hugh

[and Coral] owed a FD to Haig as well. Those FDs are in conflict. It is illegal to have a conflict of FDs, because it is logically impossible to do so, so therefore the fiduciary has to be breaching at least one, but in fact is breaching both. This is obvious when one understands the nature of a FD. So, it is not a matter of picking which of the two parties have been wronged. Both have been violated. One wonders what the ATO will think of a breach of the FD owed by the trustee of a Superannuation Fund.

In fact Hugh and Coral owed to Haig a FD arising from two sources. One is because Haig is disabled, and the second is as Trustee of his home.

Haig had wanted to buy the home himself, but to facilitate that, Haig asked Coral if she would secure it for him while he organised the finance. Haig says he did this as Coral had offered on behalf of Hugh and herself, if they could do anything to help the situation in which Haig found himself, they were happy to help. When Coral made that offer Haig was in the front passenger seat of his parents car and Coral's and his mother was driving and their father was in the back seat of the parents' car. Haig says that Coral was looking at their mother when she made the offer, so he did not know if they would secure the home for him while he organised finance. Haig tells us further that

Coral referred Haig to Hugh, when he asked, saying that Hugh handled all things like that. It is clear that at that time, Hugh decided that he would pretend that he was agreeable to that trust, [apparently, without his realising the equitable considerations raised, and that a real trust was formed], and that once he had his name on the title, he thought he could ignore the trust so formed, as the agreement with Haig was only verbal. We know that Hugh confides in his dodgy solicitors, believing all that transpires between them is always secret. That is not always so and we will detail that later.

It is clear that Hugh set out to injure Haig when he forged that purported tenancy agreement. Forgery is a criminal act. Hugh has made his wife Coral a party to that forgery as her signature appears on it as well as Hugh's. Hugh and his solicitor put their super-fund of which Coral is one trustee, as a part legal owner with himself in Haig's home which, because of prior Fiduciary Duty owed to Coral's brother Haig, has caused an illegal situation of "Conflict of Duties". The ATO should strike down all the preferential treatment of their super fund, such that with increased tax rates and penalty tax over **FOURTEEN YEARS, [AND WITH PENALTY INTEREST ON THE INCREASED TAX AND PENALTY TAX,** the super-fund is

likely to be wiped out completely. The ATO should pay particular attention to Coral and Hugh's solicitors, **AND ALL THEIR OTHER CLIENTS.** That will be of interest to the other people of Nambour who read this journal and who may be their clients also or have lost to their corruption.

It is reprehensible that Hugh has made Coral and Haig's mother a party to that forgery too. Hugh has increased the level of criminal conduct by Coral by having her sign an application to a Court in Queensland attaching that forged purported contract/tenancy agreement. Courts take such criminal conduct whereby one or more persons attempt to mislead the court with forged documents, as matters of serious contempt of the legal process. Apart from being criminal, that is also contempt of court.

Hugh is clearly psychopathic by his thinking it was funny to use his water ski boat to injure another person with his "water ski enemas". His repeated criminal acts, [just the ones of which we are aware] mean Hugh is also a pathological criminal. We think that in the 30 odd years that Coral and Hugh have been in Nambour, it is unlikely that Hugh has not committed other criminal acts, including other tax evasion, most probably with the help of his dodgy solicitors. Having the

**dodgey solicitors assisting may mean that the other people have been silenced. It is for that reason that we have published an [Open Letter to: to the People of Nambour](#). We will not be surprised to discover numerous additional criminal and quasi criminal acts by Hugh.**

**The ATO must realise that Hugh is a gutless coward: the way he bullies at the end of a water-ski tow rope, and by secretly encouraging the Brisbane City Council to commit criminal acts, for his benefit, bragging about having sex with Coral before they were married behind her back, and conspiring in what he thought was secret with his solicitors. Haig tells us, Hugh ensured he lined up those dodgey solicitors as his first move once they both moved to Nambour. We would not be surprised to find that he and the dodgey criminal solicitors, had ensured that his wife, Haig's sister, is in a financial straight jacket.**

**We consider now other matters of evidence to the ATO. Haig's home would most probably be shown as an asset of HSF. When Haig was about to move in, Haig did not expect to have to wait long to finance the property. Telecom [now Telstra] had promised to pay Haig an amount of over \$17,000 in recognition of a Telecom fault to his prior business. Being bad payers, Telstra were already past the reasonable time for the payment. It was actually paid a few months later. Telecom had agreed to it in December, 1993. Haig moved in on 26 February, 1994.**

**[We now have proof that Telecom/Telstra acted criminally, but cannot yet publish due to subjudice matters.] Haig says he did not expect to Cost Coral and Hugh money and was prepared to pay for their help. Haig agreed to pay "Market price" when he exercised his "option to buy" as it was expressed. [Haig tells us that he did not expect the time taken for him to organise the finance to be long, so the price would not be much different so would have to fund their "transaction costs" and the "repair costs" for some extensions that Haig wanted to make it viable as a "share house" for uni students together with himself. He agreed to make a weekly payment in the nature of "rent", of \$210 per week until he purchased it. Hugh McVean ensured that Haig could not complete. Hugh later tried to increase the "rent", but Haig refused on the basis of their agreement that he would pay \$210 pw until purchase.**

**We Suspect that Hugh and his dodgey solicitors have been artificially increasing the "return" from the "St Lucia Investment Property" in HSPSF, to conceal that it is not an authorised investment, and to launder illicit funds. After Haig realised that Hugh had forged the "tenancy agreement" and had acted scurrilously by encouraging the Brisbane City Council to invade his home and steal his property to give Hugh a "report" he could take to the courts to have Haig evicted, Haig ceased paying "rent". Haig has made no payment for over the past two years now. As the investment was never an authorised investment, and showing a return for two years of nil [in fact a loss] would highlight this, it is suspected that Hughie and his dodgey solicitors have been dishonestly representing that rent is being paid. The ATO can readily verify this.**

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