

SUBMISSION TO THE SENATE INQUIRY
ON
FOREIGN BRIBERY IN AUSTRALIA
BY
A PUBLIC ACCOUNTANT

-----Original Message-----
From: ombudvic@ombudsman.vic.gov.au
Sent: Monday, August 17, 2015 12:14 PM
To: ' 'com
Subject: Your complaint to the Victorian Ombudsman

17 August 2015 | File No: [REDACTED]

*Regarding issues referred to the US Securities & Exchange Commission's
Protected Disclosures Office concerning an alleged Gag Agreement presented
by Bank Lawyers for Americans to not involve the FBI*

Via email:com

*"the Ombudsman ...is not able to consider complaints that
appear to involve corrupt conduct":*

Investigation Officer, Victorian Ombudsman

Your complaint to the Victorian Ombudsman

Thank you for your online complaint received by this office on 1 August
2015 about the Victorian Legal Services Commissioner, and the Legal Services Board.

While the Ombudsman can consider complaints about most Victorian government agencies and local councils, under section 15(1) of the Ombudsman Act 1973, she is not able to consider complaints that appear to involve corrupt conduct.

The Independent Broad-based Anti-corruption Commission (IBAC) is the body that is responsible for investigating complaints about alleged corruption and I understand that on 29 July 2015 you raised your allegations with IBAC.

Should you wish to discuss your complaint further, you can contact IBAC at:

Independent Broad-based Anti-corruption Commission
GPO Box 24234
Melbourne VIC 3000
Telephone: 1300 735 135
Email: info@ibac.vic.gov.au

I trust this information is of assistance. If you have any queries, please contact me on [REDACTED] quoting reference number [REDACTED]

Yours sincerely

(Embedded image moved to file: pic02995.jpg) [REDACTED]

PRIVILEGED AND CONFIDENTIAL

17/August/2015

SENATOR SAM DASTYARI
Senate Inquiry into Foreign Bribery
Parliament House, Canberra, 2000

By email to senate.eco@aph.gov.au

Copy to: [REDACTED]

[REDACTED]

Dear Senate Inquiry into foreign bribery reform

TOR: Suppression Orders:

I believe there is another type of suppression namely the manipulation of legislation to shut possible scandals into dark corners. The Victorian Ombudsman's investigations officer has just advised that, as it appears the Victorian Law Society's staff and Boards on Mining Giants & APRA and Oil Companies, is named in reports at the FBI, the Ombudsman can't report to the Victorian people if the guardians of legal ethics themselves are ethical. I feel that most of the voting public would like your laws to shine a very very bright light on the Administration of Justice. What say you?

Victorian Ombudsman's Advice

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(Embedded image moved to file: pic02995.jpg) [REDACTED]

The Complaint to the Ombudsman:

**What are you
complaining
about?**

Which agency are you Legal Services Commission and Board (LSCB)

complaining about?

Details of
your
complaint

The international anti corruption division of the FBI is talking to witnesses in a case where an Australian bank and its Australian lawyers offered a hush-up deed worth about \$1m to stop a retired American fraud detective buying a house in Melbourne. **The bank didn't want him seeing the FBI. The Americans refused the deed and gave it to the FBI under whistleblower laws that conceal identities of whistleblowers.** Since then the LSCB staff lent on other lawyers to divulge information that is supposed to be secret. The LSCB staff are liable if they give information out which started audits into companies on the New York Stock Exchange which indicates to me that the LSCB are covering something up.

Have you complained to the agency? Yes

When was your last contact with the agency? 12/11/2014 12:00:00 AM

Why wasn't your complaint resolved?

I think their board members are directors of companies that are under investigation for foreign bribery. I think they are nervous about the Submissions to Parliamentary Inquiries by Senators Dastyari and Fawcett into Foreign Bribery and into Bank-engineered tactics to default borrowers. They might be using their legal powers to find out what witnesses are telling the Senators and the FBI.

Copy of agency's [dvs ibac.JPG](#)

response

What outcome are you seeking?

Ask them to compensate for their improper disclosures to third parties.

File Upload (File 1)

[senate bribery](#)

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[fawcett sen](#)

File Upload (File 3)

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File Upload (File 4)

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South China Morning Post 南華早報
ECONOMY
WED Apr 8, 2015 Updated: 2:34pm

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Asia dominates US probes into transnational corporate corruption

Toh Han Shih
hanshih.toh@scmp.com

PUBLISHED : Wednesday, 08 April, 2015, 6:00am
UPDATED : Wednesday, 08 April, 2015, 6:00am

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BHP Billiton still facing Federal Police investigation over corruption allegations

Updated 21 May 2015, 16:45 AEST
By finance reporter Simon Frazer

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The Australian Federal Police confirms it is still investigating BHP Billiton, as more details emerge of the hospitality that triggered a \$30 million fine by US authorities.

I am shocked to learn that a law society full of Board Directors & International Auditors have staff who don't know or don't care that they might be covering up huge bribes.

In a nutshell, the American daughter of retired US intelligence and major crime police was buying a house as she was engaged to an Australian, but the seller's bank-mortgagee and their lawyers kept adding extra fees - of between \$15,000 to \$30,000 - at the last minute onto an agreed fixed full and final payout figure. The Americans had already paid half the purchase price already and the bank's lawyers always used a legal reason to wriggle free from the agreed payout figure ... but if the extra legal fees were paid, they'd hand over the title. The bank lawyers seemed Untouchable with people in ASIC on secondment and in the FOS and everywhere. The lawyers weren't worried by the legal services commission, FOS, Court cases, Judges, tv reporters or even the Victoria Police. The bank lawyers denied in Court that they were handed the agreed payout cheque even though two Supreme Court Judges said they believed a witness who swore that the cheque was handed over to them in the court hallway. They were Untouchable.

The bank won again and again and again, all over the land up to the High Court on the issue whether a technicality allowed them to foreclose.

But suddenly last year people at the law society knew all about funny business inside the society. I have received tip off from people who rang from the law society itself! Possibly they retrenched people or too many thought they wouldn't take the rap.

We were told to go to the FBI, the SEC Office of the Whistleblower, and to go to the tiny insignificant VCAT Tribunal, which we did. What could a tiny small claims tribunal do that the big courts couldn't, we thought??? The VCAT "judge" asked us what he thought he could do because the County, Supreme, Appeals Court and High Court of the Nation decided everything in favour of the big banks.

Surreally "everything" came to, just as was foretold!!!!

A HUSH UP DEED worth about \$1,000,000 was on the table - provided the Americans didn't go to American law enforcement!

It was because they were scared of something. I think they were terrified. I think they ran to the Law Society to save them from investigations.

Auditors and the FBI wanted to talk.

We were dumbfounded.

Here was a Australian bank with lawyers in every nook and cranny beating a homeseller in courts all over the place.., and then this \$1,000,000 hush up deed turns up.

The deed also seems to say, as was foretold, that the bank lawyers would use shareholder money rather than their own cash! (Why should shareholders carry the can for the actions of the bank and its lawyers?)

The deed also demanded that the Americans be hushed up in the same deed, not in a separate deed that wouldn't cost the bank a cent. Why would a bank insist that the American home buyers be exposed to repay the \$1,000,000 hush money if they went to the FBI when the Americans were quite willing to walk away for free and lose their \$185,000 part payment on the house?

Was the \$1,000,000 Hush Deed just because we registered with the US Office of the Whistleblower?

Letters asked the Bank Lawyers if your Senators would think the hush deed was legal and ethical under American anti-racketeering laws.

Letters asked the lawyers if the FBI would think the hush deed with Americans was legal and ethical.

Letters said you senators disliked hush deeds)

The law society went into overdrive.

The Bank Lawyers demanded that the Americans sign it or they'd sue the American daughter because she held onto a signed Withdrawal of her Caveat as the buyer of the house. The Court removed the buyers' caveat as easily as was foretold by these clairvoyant cloak and dagger people. (Why would a bank offer \$1,000,000 for a withdrawal of a caveat that evaporated so quickly at one quick court hearing? It looks suspicious to me). The Legal services commission cleared the banks' lawyers of any wrongdoing (even though two judges basically said the banks lawyers misled other judges). Everything that was foretold came true! Their people, hiding behind admin@lsbc.vic.gov.au, emailed my son to say not to bother them again! So why would Untouchable bank people be offering \$1,000,000 for no reason?

The retired American police family and my son refused to be party to this hush deed even though the bank, bank lawyers and legal ethics regulator seemed to say it was perfectly legit and ethical.

Then the FBI came out from the bushes somewhere and they wanted documents!

The Law Society wanted copies of our SEC Information Sheets called TCRs!

Newspapers said the FBI arrested people in a joint task force for foreign bribery!

The newspapers say the scandal reaches the top levels of a big Australian bank.

The reporters on the phone are big name reporters!

We heard that the legal services commission might owe us 1,000,000 for talking about our case out of school because “Part 7” of their Act says their investigators are liable for breaking secrecy. Is that why they exonerated the banks’ lawyers?, ie to save their own hides?

Did the commission’s insiders and retrenched employees ruin a perfectly good payoff?? Was the legal services commission on the side of the bank and its lawyers, or were they on the side of the FBI in a sting on the bank?

Do the legal services commission owe the Americans a full refund of \$185,000 AND the \$1,000,000 for contravening a section that says they can be fined \$9000 for breaching secrecy?

Can bank shareholders sue the banks’ lawyers for breaking “privilege” so the whole sordid mess can be explored by real police in the USA?

Can the bank shareholders recover the damages caused because Senators made the bank CEO promise to lift these gag clauses?

Was it an FBI sting?

The strange part is this. The Bank and its big lawyers demanded that the American Buyers be dragged into the hush deed despite The Americans willingness to walk away from the \$185,000 they paid - and they’d simply withdraw a caveat for free.

Who pays \$1,000,000 when you can get the same deal for free?

But no, the bank had to go to Court again and again unless the Americans agreed to put a “financial noose” on their daughter to gag them from seeing the FBI.

The other strange thing is this. People called from the law society to give us tips. I think some people in the law society know these American anti-corruption laws apply to them, and I think the higher ups are setting the other ones up while the big fish try to find out what the FBI might know.

We know the FBI are seeing the former intelligence and major crime police, and we would like the legal services to confirm they breached Part 7 of their Act so they owe us the \$1,000,000 ‘pay off’ in cash from the bank lawyers not the bank shareholders! We invite the Senate enquiry to contact us for a full and complete explanation of all the events in this still continuing long running dispute. We think the Whistleblower reward program should investigate the bank as it is on the US Stock Exchange, and the American racketeering laws and foreign corruption laws should be adopted. We think witness services should be fully funded by the corporates and we believe the deep pocketed banks shouldn’t be on law society boards or be in ASIC, the Financial Ombudsman Services Ltd Arbitration Scheme or other places like that.

I appreciate your time.

Sincerely

Public Accountant

Victorians disliked the Queenslanders push for real ICACs

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Queensland corruption watchdog finally has its chair in Alan MacSporran

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THE RESERVE BANK CASE MUST BE INVESTIGATED.

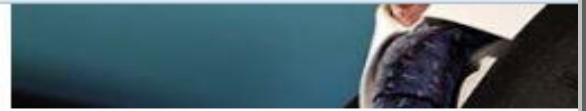
Mr Hood also revealed that Mr Thompson and other directors, including Mr Bethwaite and former RBA board member Dick Warburton, agreed to conceal from Nepali authorities the secret commissions that NPA had paid to an agent in Nepal.

"The inaction by ASIC has been astounding. The parent organisation [the Reserve Bank] and the boards of directors have all got their responsibilities. Clearly there has been failings ... and they should be investigated," said Mr Hood, who was the NPA's company secretary between 2004 and 2008.

Whistleblower James Shelton, who was a sales manager at Securrency in 2007 and 2008, said: "The board is responsible for corporate governance ... They [directors] would have known there were very large deals being done in very corrupt places."

Mr Hood has also attacked RBA governor Glenn Stevens for testifying before Parliament that the first the RBA knew of corruption allegations involving Securrency was when they were aired in the media in 2009.

Mr Hood said he had told the RBA in writing and in a verbal briefing in 2007 that Securrency and NPA were exposed to alleged corruption



Glenn Stevens: Brian Hood has publicly challenged the RBA governor's parliamentary testimony". Photo by Homer



“Asic has not interviewed a single witness”

How can international crime busters rely on ASIC?

ASIC has not interviewed a single witness or suspect after it decided in 2012 not to conduct a formal inquiry. ASIC made the decision after reviewing documents gathered during the AFP bribery probe, despite the fact that the AFP never investigated directors for alleged corporate offences.

In his first public interview, former NPA company secretary Brian Hood alleges that not only did some former directors allow risky business practices to occur, they also covered up suspected corruption.

One example cited by Mr Hood involved Mr Thompson in 2007 ordering NPA to wire \$400,000 in taxpayer funds to a Malaysian arms dealer who was helping the firm to win banknote contracts and who had already been paid more than \$2.5 million. The money was sent despite Mr Hood's pleas not to pay the dealer as he was suspected of being corrupt.

Mr Hood said he was "gobsmacked" by Mr Thompson's conduct because it clearly exposed the RBA firm to possible bribery. Even after the arms dealer was sacked, Mr Thompson and other directors approved



'Facilitator': Saddam's brother-in-law Arshad Yassin.
Photo: Supplied





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