Case Summary
In the past bankers liked to present themselves as respectable businessmen. This case shows that there is an underbelly in banking that much more resembles an organised crime operation.

Any citizen who manages to work hard and excel will find that their savings and assets will be an attractive target for criminals without the ability or intellect to legitimately earn such such fruits with their own labour.

Westpac did the wrong thing by the Hayes family ..... and the bank leadership knows it. Time for remediation.

Story Details**Story Of:** Thomas (Patrick) Hayes
Bank Involved: Westpac
Bank Malpractice Type: Corruption
Unconscionable Conduct

Video - Extend Banking Royal Commission:

Thomas Patrick Hayes - Victim of Westpac

Video of Thomas Patrick Hayes - Victim of Westpac

Overview Of Bank Victim's Case

Bank Story Overview:

Why no mention of this at the Royal Commission?

Thomas Patrick Hayes (TH) - Westpac

Thomas' lawyer said it best -

I am writing to report, what ought properly be considered to be an offence committed under section 316 of the Crimes Act 1900.

The matter relates to the conduct of the WBC senior executives, its Chairman and CEO and their failure to report a very serious multimillion dollar finance fraud committed against the WBC on the 13 November 2006 and arguably perpetrated in Sydney.

The crime surrounds a $6.8 million advance by WBC to a twice convicted criminal. The advance was a finance and property fraud and the monies were provided based on a sophisticated property scam which is dealt with in the attachments and news articles.

The loan was advanced by WBC to a registered corporation, Knight Property Investments Pty Ltd, which company had as its sole director, Mario Michael Girardo (Girardo).

At the time the advance was made Girardo had been convicted of fraud in Qld on 14 December 2001 and was disqualified from managing a corporation. This was likely an offence under the Corporations Act section 206A. He was subsequently jailed for 4 ½ years extortion and other serious crimes in 2011 in the Southport Magistrates Court.

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The loan had the effect of financing Girardo and thereby allowed him to proceed with further property frauds. Ultimately, he went on to defraud my clients in two property transactions. These frauds had a severe financial impact on them and their families and left them destitute.

Transcript - Video Q&A Interview

Leon Ashby (LA) Asks...:

Interview with Leon Ashby (LA) 12th February 2019 - The Bank Royal Commission Omissions, recorded at Parliament House, Canberra ACT Australia.

Thomas Patrick Hayes - Property developer and Investor

LA: Why were you seeking a development loan from Westpac?
TH: I needed a joint venture partner to help me purchase 14 hectares of commercial land

LH: What happened then?
TH: A public company became my partner after receiving an approval from Westpac for $10,500,000

LA: So what went wrong?
TH: A couple of Westpac business banking executives who had been in an illicit working relationship with a violent Melbourne criminal intervened

LA: How did that happen?
TH: The criminal had squandered $1,800,000 from a 6.8 million fraud the three had milked Westpac of 80 days earlier, now when the interest and principal payment was due the Westpac crooks would have been discovered by their bosses when the facility collapsed

LA: So how did the Westpac crooks cover up the deficiency?
TH: The dodgy Westpac officers were Phil Downes and Sean Dallimore. They summoned business crooks Girardo and Muscolino and rogue NAB banker Tim Dooney to Westpac's offices on 7th February to hatch a clever swindle to asset strip my company.

LA: How do you know this?
TH: Muscolino later confessed the events that occurred that day to me

LA: So this is evidence the banks can use technical excuses to act criminally?
TH: Yes - Dallimore and Downes then instructed NAB`s Dooney, plus Girardo and Muscolino to approach myself.

LA: So did you meet those three?
TH: Yes - Dooney introduced MG and SM as private wealth clients of his from NAB and confirmed that Westpac's finance committee were going to rescind the public company's finance approval that afternoon and also Westpac wanted to do business with me as they really liked the project. Dooney informed me that Westpac's Downes and Dallimore (whom I had not even met) would approve the loan to me only if I took the $100 million private wealth clients Girardo and Muscolino as my partners

LA: Was this the true picture?
TH: No. Downes and Dallimore were organising an elaborate scam to protect Girardo and Muscolino's loan that was due to default on 14th February

LA: Did you later discover Muscolino had became bankrupt 11 days earlier?
TH: Yes.

LA: Was Girardo was also technically bankrupt?
TH: Yes - He had zero cash and small assets and large liabilities

LA: Had Girardo and Muscolino been bribing Dooney and Dallimore for more than 4 years when you had that meeting?
TH: Yes

LA: Were Dallimore and Dooney forced to resign from the NAB for unethical practices with Girardo?
TH: Yes in 2006 and 2012

LA: Had Dallimore and Dooney opened bank accounts in false names for Girardo for money laundering purposes with the NAB?
TH: Yes, and also at Westpac

LA: What did NAB do when they discovered the false bank accounts?
TH: They ordered both to resign but also gave them glowing references which enabled Dallimore to join up with Westpac immediately and continue his crime spree of robbing employers

LA: Did Westpac demand that you accept their private wealth client as your joint venture partner?
TH: Yes.

LA: Did Westpac use many false and forged documents in their trial with you in 2014 including a statement that Girardo was a new customer since November 2006?
TH: Yes

LA: Was that true?
TH: No - Girardo had been a delinquent customer of Westpac Broadbeach since 2004

LA: Did you discover Dallimore and Dooney had organised for Girardo a fraud on Westpac in 2003 where he borrowed $1,200,000 on a property with a bogus valuation of $1,600,000 that Girardo had purchased for $900,000?
TH: Yes

LA: Who was the dodgy valuer?
TH: Landsburys - who The Pater Noster gang & Westpac used frequently since 2003

LA: What loss did Westpac suffer on this fraud?
TH: More than $5 million

LA: Did you find out Dallimore and Downes gave Girardo further Westpac advances without security to their mate?
TH: Yes

LA: Did Dallimore & Downes assist Girardo and Dooney to defraud a Melbourne based private financier by supplying false information on a Westpac letterhead that induced the second mortgagee to also advance a further $600,000 to Pater Noster to help them bribe the chief of Gold Coast Police?
TH: Yes

LA: How much in losses did Westpac suffer from the crime spree of Pater Noster gang?
TH: More than $18 million of shareholders funds/dividends. ATO $9 million

LA: When the biggest frauds were committed against Westpac, who was in charge of Westpac officers Dallimore & Downes?
TH: Alastair Welsh was then General Manager Business banking who was later removed from the business banking role and shunted side-wards to St George

LA: Where do we know Mr Welsh from?
TH: He was Westpac’s star witness who appeared before Commissioner Hayne

LA: Westpac had two star witnesses. The other was Michael Wright.

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TH: Yes - Mr Wright was also involved in my case

LA: Did Westpac make the decision to hide the Pater Noster crime spree from the authorities then make a criminal arrangement with the leader of the Pater Noster gang, Mario Girardo?
TH: Michael Wright oversaw the coverup and deception from the authorities - and the pursuit of myself in an endeavour to drown me and shut me up

LA: Who replaced Mr Wright when he was promoted?
TH: Phillip Downes

LA: How can that be - he was one of the Westpac staff who robbed the bank?
TH: That's correct. But he is also super clever and a survivor and knew where the bodies were buried.

LA: Was Dallimore designated the fall guy and was forced to resign from Westpac in may 2009 after Westpac bankrupted Girardo?
TH: Yes

LA: What was the deal that Westpac did with Girardo?
TH: Girardo informed me when he was in prison serving four and half years for kidnap and extortion of a former business partner that Westpac’s solicitors had cut a deal with him that I could never match. Provided he shut up and did not assist any inquiry, Westpac would arrange with Queensland and New South Wales Police that he be NOT CHARGED WITH ANY FRAUD offences against ANZ, NAB and Westpac banks

LA: So are the police in on all this as well?
TH: Yes

LA: Did Girardo have a history for bank fraud?
TH: Yes – he had already done 18 months jail for defrauding the CBA / Banned by ASIC from being a director or company manager until end 2006 / Convicted of defrauding ANZ in 2003

LA: Wait - How could the banks make loans to Girardo’s companies if he was banned as director?
TH: Easy - all you needed was dishonest bank employees hiding this information from their auditors and having a dodgy white shoe Gold Coast accountant who had key access to ASIC’s computer

LA: How many companies did Girardo and Muscolino form whilst he was banned by ASIC?
TH: More than five

LA: Weren’t Westpac aware that they had a violent criminal as a major client?
TH: Yes. I have in writing that Westpac maintained a file in Brisbane office named Girardo's criminal activities

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Other Notes & Commentry

Notes:

Westpac commits 300 criminal offences

Mr Hayes has now identified more than 300 criminal offences that have occurred over the last 15 years within the Westpac Banking Corporation. Amongst the alleged offenders are:

1 Westpac's Auditors PwC
2 The current Chairman of Directors, Mr Lindsay Maxted
3 The current CEO, Mr Brian Hartzer
4 The former CEO, Ms Gail Kelly
5 Westpac's witnesses before Kenneth Hayne's Banking Royal Commission, Alastair Welch and Michael Wright
6 Twenty four senior banking executives from Sydney and Brisbane head offices
7 Suburban Bank Managers
8 Gary Johnston - the Letter writer used by Maxted and Kelly

Attached are 4 pages of a 247 page report that was received by Mr Hartzer in November 2016.

On page A, You will note that a victim of the Pater Noster/Girardo gang has been writing to Westpac on a recurring basis since 2010. On multiple occasions, Westpac has been warned that they have been committing crimes under section 316 of the Crimes Act of NSW.

Ms Kelly was warned by Mr Lambert in 2011 through to 2014, of the frauds against the bank. Ms Kelly entrusted her key executive Mr Gary Johnston to respond to Lambert on her behalf. What Ms Kelly possibly did not realise was that Mr Johnston was part of the executive team along with Mr Wright that made a number of decisions in 2008 through to 2011.

These decisions included

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9 That Westpac would deny to all outsiders that the Girardo crimes occurred
10 That ASIC and APRA would not be notified in 2008 when the crimes were discovered
11 That the fraud report received in October 2008 would be destroyed/hidden
12 This fraud report details some of the crimes committed against Westpac by Girardo gang
13 Reference to this fraud report is in the email messages on page D of attachment
14 That criminal actions would be condoned in order to keep Girardo quiet in that agreement be made with Girardo and Muscolino that their crime spree would be forgiven if they kept quiet and did not co operate with authorities
15 That Qld and NSW Police would not be notified that the bank had been defrauded of more than $18 million
16 In order to keep senior Westpac employees of Brisbane and Sydney office from being implicated in the crimes, the NAB and ANZ were to be influenced to not also report the Girardo/Muscolino frauds to NSW or QLD Police
17 The executive office of Westpac would be party to the cover up. Note item 26 on page B

Because Westpac gave the Roger Rogerson green light to the Girardo gang, the gang has continued to flourish and has escalated their crimes where they continue to earn millions of dollars in standover and extortion acts



File Attachments:

Legal letter to Brian Hartzer (A and B)
Legal letter to Brian Hartzer (C and D)

Source URL (modified on 24 Mar 2019 - 10:07am):
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