

### Story Overview

A fraudulent bank account of \$2,500 from 2004 has cost me my home and at least \$150,000 'fees'. Westpac proved to be evasive, uncooperative and down right deceitful with their unconscionable conduct, lack of customer assistance and due care. *"I am sure this will eventually be heard on the news the day I am killed defending my home."*

Story Details **Story Of:** DavidB

**Bank Involved:** Westpac

**Bank Malpractice Type:** Corruption

Unconscionable Conduct

Other Bad Banking Behaviour

**Year Trouble Began:** 2002

**Government Involvement:** FOS (Financial Ombudsman Service)

Police

Court Case

Other Government Agencies

**Did You Receive Effective Help?:** No



### Bad Banking Experience - Full Story:

1. A fraudulent account was opened with Westpac in 2002 using my name.
2. This account was sold to Credit Corp by Westpac with a debt of \$3,654.17 on 16 Feb 2006 after not being used since 2004.
3. A default judgement was made to Credit Corp in the amount of \$6,197.13 at NSW Small Claims Sydney on 17 July 2009.
4. Andrew Shaw, Legal Services Officer, acting for Credit Corp in 2009 in his affidavit claimed that a "statement of claim was accepted personally by the defendant on 17th June 2009". This is false. I did not live at the address stated.
5. I first heard about this issue on 27 July 2015 when James Phillip Moore, Licensed Process Server acting for Credit Corp, appeared at my door. He did not say who he was or what he was doing. Mr Moore said he 'had this for me' and threw some papers on the ground at the front of my

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door step and left. I then collected the papers and saw it was a notice to bankrupt

6. I then contacted Credit Corp to find out what this was about and also informed them that I have never had an account with Westpac. I asked for information on the fraudulent account but they said I had to speak with Westpac about seeking any details.

7. I contacted Westpac via telephone and at their Lakehaven Branch trying to seek information but they had no knowledge of the account and after several failed attempts and Westpac apparently 'losing forms' they eventually found the details.

8. Westpac Customer Service Relations stated they no longer had any forms, signatures, ID etc with this account to send to me. They said it is always removed after 7 years. The only information they had were 'digital remarks' they had put in their system. Many of these details, including address, telephone number and employer were all false. I informed Westpac of this.

9. Credit Corp then filed a petition to bankrupt me on 19 November 2015, some 6 years and 4 months after the default judgement.

10. During this time period I had also made a report to Toukley police on 4 February 2016 regarding this fraudulent account. Westpac had refused to provide any details on the account when I made the report to police. Police also said they would most likely not investigate it as the amount was too small to use resources on.

11. The bankruptcy hearing took place at the Federal Court Circuit, Sydney on 18 January 2016 at which time I asked to be heard via telephone with registrar Segal. This request was made before the hearing date and was accepted. However, I received no call from the court and as such had no idea as to the happenings of this hearing. I was informed that the court had 'issues' with their phones and as such they were unable to call.

12. Piper Alderman Solicitors, acting for Credit Corp, had asked for the hearing to be adjourned so they could consider 'further matters'.

13. The bankruptcy notice hearing was re-listed for 8 February 2016 and I had once again asked to be heard via phone. Yet again, the court did not call me as requested. This time an email from Stuart Young, Legal case manager, was sent to me AFTER the hearing stating the number I had provided them was disconnected. This again was utterly false. The same number the court was provided with has been active for several years and still is to this very day.

14. Once again, I was not provided with any chance to speak at the hearing. Once again the matter to be adjourned for their own purpose.

15. The bankruptcy notice hearing was again re-listed with the court registry the hearing was listed for 16 February 2016 and as such I made arrangements to go on that day.

16. On the afternoon/evening of 15th February 2016 when I returned home from work I found that I had received an email from Mr Young (Federal court ) at 9.39am the hearing was in 80 minutes time.

17. I also had an email from Piper Alderman (Credit Corp solicitors) at 10am on the same day stating the court had apparently 'mistakenly' listed the matter for the 16th February 2016.

18. Not only was I provided with no chance to speak at the previous two hearings due to supposed 'issues' with the court phone system but I was provided with the incorrect date for the third by the court.

19. Just six days after this judgement was made I received a notice to vacate my property (dated 22 February 2016) from Andrew Scott of PPB Advisory telling me that I had 21 days to leave. There was no request to pay any sum of money or discuss options. It is very clear that the only interest they had was in seizing my home. My bank account was stopped and I was forced to get food from

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my neighbours for a month before they were finally re-instated.

20. Upon hearing that I was made bankrupt by registrar Segal without so much as a chance to present my case I immediately started trying to contact legal agencies such as Legal aid, law access, Justice Connect and the Financial Ombudsman to see what I could do.

21. I arranged to meet with Legal Aid however it was several weeks before they could provide me with any appointment. I met with a solicitor at the Gosford office. He was presented with all the documents I had and he informed me that he would continue to make enquiries with Credit Corp/Westpac and investigate what he could.

22. This went on for several months with no apparent progress. I again contacted legal aid during July at which time they stated that Legal Aid was unable to take the case and I would have to represent myself in this matter. No reason was given.

23. Legal aid had wasted several months and done nothing. It then took them several more weeks to return all the legal documents which I had provided them with. They were finally returned to me after several requests on 18 August 2016.

24. Whilst waiting for the return of these documents I had contacted Justice Connect to speak with another lawyer to try and find out what legal grounds I could take by myself as I cannot afford a lawyer and had no idea how the legal steps work.

25. During all these months I made NUMEROUS calls, visits and emails to Westpac trying to have something done. In the end they simply refused to speak with me about it and have since written a letter stating I am not allowed to contact any branch etc of Westpac in regards to this matter.

26. Eventually, Adam Wilson, who is the NSW manager contacted me assuring me that he would help resolve the matter by speaking with Credit Corp, the creditors for Westpac. As usual, it was all talk and they refused to do a thing. However, during one phone conversation with Mr Wilson he let slip that there were numerous accounts in my name. This was the first I had heard of this and when I asked for details to be forwarded to me, Westpac refused.

Only after I informed them that I intended to subpoena Mr Wilson to the Federal Court if the information was not forth coming did I finally receive the details.

There had been at least 6 accounts opened in my name with differing details at different branches during the same time period. Rather suspicious to say the least so it was no wonder Westpac tried to withhold these.

27. The Federal Court eventually (after 3 attempts) accepted my paperwork to try and have the bankruptcy heard again in August 2016. They, naturally, refused to allow any further hearing despite the fact that they provided a false hearing date and NUMEROUS other issues with this whole matter. The judge actually had the nerve to blame ME for it all. I lost it at that point. It was clear they did not wish Westpac, Credit Corp or PPB Advisory to lose their now substantial 'fees' (ie. everything I own). Especially when they turned up to court with 8 (yes **EIGHT**) solicitors to protect their 'fees'.

28. I have spoken with our local federal MP Emma McBride who said she would look into it all and try and help but, of course, did absolutely nothing and never even bothered to respond to my calls/emails. I have contacted A Current Affair, One Nation, 2GB etc with not a single response.

29. Under NO circumstances will I allow my home to be stolen like this. I will use all force to anyone who breaks into my home. I am now living in a prison with windows, doors boarded up, alarms, cameras and cupboards pushed against any entry points. This is a living hell which has all been created by Westpac. I am sure this will eventually be heard on the news the day I am killed defending my home



## **How My Life Has Been Affected:**

I am now a prisoner in my home. Unable to leave. All entry points boarded up and blocked with cupboards etc. Chains and locks. Cameras and alarms.

Have gone into deep depression having to use anti-depressives and alcohol to calm nerves.

**Source URL (modified on 24 Nov 2016 - 8:49pm):**

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