

THE FOLLOWING IS AN EXTRACTS FROM A SIXTEEN PAGE LETTER SENT TO MR JAMES B. THOMAS—A RETIRED SUPREME COURT JUSTICE ON THE 24 FEBRUARY 2012 by John Salmon re: Troiani and Chief Justice de Jersey

Mr James B Thomas
2 Stratford Street
MOGGILL
Q'LAND 4070
24 February 2012

Dear Mr Thomas

As soon as I became aware (per courtesy 'Earsay' column in the Courier Mail on 17 October 2011) that you had authored a book titled, 'An Almost Forgotten World, Jim Thomas's Memoirs', I automatically felt compelled to address you on certain judicial administration matters (after I had read your book). That need has been fulfilled, especially so since Des Houghton's Courier Mail Insight article of 24 December 2011.

Mr Thomas, as a strong supporter of the judiciary who has become very much disillusioned by events of recent years, I am heartened by the tone and content of your book.

Your view that justice should prevail for all people contrasts markedly with the conduct of our Courts in many proceedings that I have attended and observed, reviewed or been a party to, over the past 20+ years. I see, in your book a gleam of light at the end of the tunnel, insofar as the concept of real "justice for all" is concerned.

Your role as presiding judge in a particular Queensland Court of Appeal hearing (recital below) has been brought to the fore by the publication of your book I am also aware that you have published three editions of "Judicial Ethics in Australia" and I have read the second edition of that tome.

Since my retirement have advised numerous small business clients – usually victims of bank "sting" operations involved in bank litigation against their lenders. During this past 23 year period, I have gained knowledge in judicial administration where a bank is a litigant. I thus have some knowledge of some of the legal members whose names you mention in your recently published book.

This communication would not have been raised if you had not presided over Supreme Court Appeal hearing No 3447 of 2001 held on 22 November 2011 where the NAB was the Respondent (Plaintiff) and Sante and Rita Troiani were the Appellants (Defendants). (Your fellow justices were Chesterman and Atkinson.)

By 1993, WBB (Wide Bay Brickworks) was the second largest private brick manufacturer in Australia. WBB commanded a staff complement of 135, achieved a net profit after tax of almost \$1 million, derived from sales exceeding 14 million dollars; a very notable achievement in anyone's language. WBB was also exporting products to many Pacific Rim countries while ST had registered patents of more than 40 clay brick products.

The foregoing commentary is a brief illustration of how **the NAB goes about their "dirty work"**. However, that "dirty work" has to be consummated, and that can only be done,

not only with legal profession manipulation, but also the final act of judicial decision handed down in favor of the bank, in this case the NAB.

In the case history before us, that was very capably taken care of by the **Chief Justice of the Supreme Court of Queensland, Paul de Jersey, who issued judgment in favor of his personal bankers, the NAB.**

Mr Thomas, at this point, I would like to ask you the following questions:

(i) Were you aware that the **Chief Justice habitually presides over litigation involving his personal bankers, the NAB? (The NAB always wins, be it directly or indirectly.)**

(ii) Were you aware that **Chief Justice de Jersey has a fettered relationship with Barrister-at-Law, Anthony JH Morris QC?** (Please refer to the CJ's letter to Morris dated 14 December 1998 – copy exhibited herewith and marked. For your information, a copy of this letter was **tabled in Hansard on 30 March 2006.**

(iii) In Summary Judgment hearings presided over by the Chief Justice de Jersey where his personal bankers (the NAB) are a party to the proceedings, **he does not disclose his banking relationship?**

(iv) In the NAB's Summary Judgment Application where Sante & Rita Troiani were the Defendants, recited as No 7759 2000 (when the hearing took place on 19 March 2001), were you aware that **de Jersey issued instructions to State Reporting Bureau employees that a transcript of proceedings NOT be recorded?** (Refer de Jersey's letter addressed to Attorney-General Linda Lavarch MP dated 23 March 2006 and tabled by the Minister on 30 March 2006.)

Statutory Declarations in my possession say that at some stage the transcript of proceedings was available, and that **de Jersey subsequently issued instructions to the effect that the transcript was NOT TO BE RELEASED. A plethora of such evidence in my possession indicates that de Jersey cannot be believed in these matters.**

(v) Confirmatory **searches of the Supreme Court file No 7759 of 2000 reveal that the "Outline of Submissions" prepared by the Troianis' counsel, Anthony JH Morris QC, was not to be found.** (Confirmed by Morris that this is what happened.)

Were you aware that the **Chief Justice destroys this vital documentation so that it is not available in an appeal situation if it was to eventuate?**

(In my discussions with former Supreme Court of Queensland. judge, Angelo Vasta QC, he assured me that it was standard practice for judges to place "Outline of Submissions" with court records so that the document would need to be reviewed if an appeal was to take place.)

(vi) Chief Justice Paul de Jersey has admitted that he is the head of the judicial system in Queensland (de Jersey's Swearing-in Ceremony speech on 17 February 1998 so refers.) The Chief Justice has the ultimate authority of deciding which judge presides over chambers hearings, applications and Trial hearings etc.

There is no doubt in my mind that de Jersey made sure that he presided over the NAB's Summary Judgment Application v the Troianis.

Do you accept that de Jersey has regularly rostered himself to hear Applications by his personal bankers (the NAB) **to ensure that his judgments in favor of the NAB would never be reversed by his other judges, on appeal?**

(iv) Bearing in mind the question I have directed to you in (vi) above, are you aware whether **the Chief Justice had a hand in selecting the Appeal panel over which you presided on 22 November 2001?**

(I will illustrate to you below that I believe that Chief Justice de Jersey is a willing participant in “judge shopping” litigation.)

THE COURT OF APPEAL HEARING ON 22 NOVEMBER 2001 OVER WHICH YOU PRESIDED:

When Sante Troiani handed me his copy of the transcript of proceedings for this hearing, staring in my face was the handwritten comments of one of his specialist advisors: **“This hearing was an absolute disgrace. Troiani ‘snowed’ by legal jargon & manipulation of legal processes – by judges as well as the bank, a disgrace.”**

While, at the end of the day, you and your fellow justices gave The Troianis what they wanted – an adjournment – the fact is that you and your fellow judges should have been able to discern from the evidence before you, allied with the address of Sante Troiani, **that there were triable issues to be debated as all Australian citizens are entitled to their day in court.**

You can see from what I have written above that **Sante Troiani’s remarks to you on that occasion were quite prophetic. He said, in seeking further discovery and a trial, both of which were refused him, “If I don’t, your Honour, you may as well kill me now, because I’m dead.”** (You will have construed that ST is talking about discovery here.) **Sante Troiani is dead; he died almost four years ago without obtaining the justice he sought and deserved, as all bank litigants do. Both he and his wife lost their beloved brickworks not only to bank treachery, but also a “bent” judicial administration in the Supreme Court of Queensland.**

Mr Thomas, you say to the Appellants, “It’s too late, as I see it, for a Court of Appeal to be asked ...” (re discovery). The 29 page transcript illustrates the permeated statement, “You’re on a fishing expedition”. Nothing could be further from the truth.

Haven’t you heard of the word ‘discretion’, or is it a situation where the **Chief Justice, Paul de Jersey has got his subordinates in the judiciary “screwed”?** It certainly appears that way.

Let me take you forward a few months, Mr Thomas, to September 2001. Chief Justice de Jersey travelled to Cairns on circuit and, lo and behold, he presided over more litigation involving his personal bankers, the NAB, where the predicament of the victim (Anita Bernstrom) is due to a “STING” operation by the bank.

I will not go into the detail of how the Chief Justice made sure that his personal bankers won the day, but I would like to inform you of this fact. NAB discovery did not take place. However the NAB sought fit to exhibit an internal bank document, a printed stationery item titled, “Listed File Action Plan Completion dated 16/II/2000”.

This document refers to events which took place two weeks earlier, yet Chief Justice de Jersey describes it in his judgment handed down in favour of his personal bankers as a “DIARY NOTE”. THIS IS CLEARLY DECEPTION AT ITS HIGHEST LEVEL. It is my view that Chief Justice de Jersey could go down as the most corrupt Chief Justice in Australia’s history.

The NAB discovers and applies their own internal WBB file documents to suit their own cause. Whether the contents of that document represented a truthful record of events is not known. My experience is that certain statements contained in this document are untrue. That is the typical NAB process.

You also say on page 127, “The strong tradition of disassociation from business activity and the immediate disclosure by the judge to parties of any financial interest is in no doubt responsible for the fact that no problems of magnitude have been thrown up. A register would only need to be considered if judges started withholding their interests.” **The fact is that many judges do withhold such disclosure – and the Chief Justice is the primary example in this regard.**

The aspect of “**judge shopping**” is **decidedly pernicious, simply because of the incestuous nature of the legal profession.** You have indirectly inferred in your book that “judge shopping” could easily be instigated by a Chief Justice (by your writings, concerning Chief Justice Macrossan.) My contention is that **this is a long established – even endemic – practice.**

I am able to produce records which reveal that **Chief Justice Paul de Jersey has presided over Supreme Court of Queensland litigation hearings etc numbering eleven where de Jersey’s personal bankers, the NAB were officially cited as a party to those proceedings.**

Given the implications of my FOI Application, allied with the “eleven” statistic as mentioned in the previous paragraph, the extrapolation of import is illustrated when it is borne in mind that the Office of the Director of the Supreme and District Court Brisbane advised the writer on 18 December 2008 that, since Supreme Court of Queensland records were computerised since 1992, the National Australia Bank is recited in litigation matters some 1542 times.

To conclude with respect to the issue of “judge shopping”, the most infamous case involving Chief Justice de Jersey which can be found in my records is the Supreme Court of Queensland Appeal hearing which does not involve the Chief Justice’s personal bankers, the NAB.

The bank involved in this Supreme Court of Queensland Appeal was Westpac Banking Corporation, **the bank which paid Paul de Jersey a retainer prior to his elevation to the Supreme Court of Queensland bench in February 1985. (Reference: Queensland Hansard of 30 March 2006, re de Jersey’s letter of 23 March 2006 addressed to Minister for Justice and Attorney General, Linda Lavarch. In the tabled letter, de Jersey advises the Minister “from memory the fee was \$1,000.00. The fact is that former Supreme Court of Queensland judge, now a practicing barrister, Angelo Vasta QC, has told several people, including myself, that the fee was \$50,000.00.)**

John A. Salmon

EXTRACT - Sante and Rita Troiani - Queensland - National Australia Bank

Thu, 06/21/2007 - 22:52 — Arthur Cristian

Associate professor Evan Jones, an economist at Sydney University has documented many cases where the NAB stands accused in court and in parliament of acting ... unconscionably ... unethically ... and corruptly.

Professor Jones says getting justice against banks is almost impossible because the courts and judges seem to give them an easy run.

We have investigated three cases where the **NAB has sent former valued and independently wealthy customers to the wall, leaving them penniless and dependent on welfare...but still fighting for some justice.**

Their stories will shake your confidence in the fairness of our court system with extremely serious allegations about the bank's practices and conduct.

Sante Troiani wasn't even an NAB customer when he collected the bank's major ethnic business award in 1993 life couldn't have been any better then for the uneducated Italian immigrant made good his brick business was booming and he was worth one hundred million dollars. The award was the sweetener the bank needed to win him over and it worked.

The NAB gave him vast sums of credit but within six years the bank took him to the cleaners, convincing Queensland's Chief Justice Paul De Jersey that Mr. Troiani had defaulted on his loans and breached his terms, much hinging on bank evidence that wasn't challenged, according to Col Walker who's helping the Troianis.

'You have to ask yourself what the onus of proof means anymore,' says Walker.

The company, which had been valued at 80 million dollars, was soon sold off by receivers for less than four million dollars. Then they bankrupted Sante and his wife Rita.

Retired NAB manager turned investigator John Salmon says the Troiani case is the worst he has seen in 18 years of investigating banking malpractice. He believes the bank devised a sting operation to deliberately bring down Mr. Troiani's business, an assertion denied by the bank.

Salmon has put together an intriguing paper trail, which reveals Mr. Troiani's business was not insolvent and should never have been put into receivership. He has also uncovered evidence of a secret account-or shadow ledger kept by the bank where large sums of money were siphoned of and never accounted for.

Queensland MP Chris Foley has tabled hundreds of documents containing John Salmon's serious allegations of corrupt and deceitful conduct by the bank.