

There is one central question that should have been at the very core of the Royal Commission's 'Inquiry'.

How should the relationship and commercial dynamics between a bank and its customer operate, and manifest itself... Constructively or destructively for the customer?

The main pointer to the correct answer to this central question lies in Sec 912A (1) (a) of The Corporations Act 2001 which says:

The bank must act "Efficiently, Honestly and Fairly" at all times in its dealings with its customers.

Even absent the clear requirements of Sec 912A (1) (a), the logical answer to the question should be blatantly obvious anyway. The bank must act 'constructively' and in the customer's best interest.

In my case when CBA took over Bankwest and my project in December 2008 it was confronted with this very question and a stark and obvious choice to act constructively or destructively.

In December 2008 at CBA takeover the status of my project was as follows:

- Loan still on foot and not in default with project delivered on time and budget;
- Project newly completed, certificate issued, builder paid out and handover complete;
- Bank valuation of \$255m against bank debt of \$175m with \$80m profit;
- \$100m plus in sales ready to settle and reduce debt;
- Resort Management Agreement in place to produce \$10m pa income and growing;
- Investment Fund ready to invest in remaining stock and clear all residual debt;
- Project rated in World's Top 10 Luxury Waterfront Resorts.

CBA's choice at the time was simple and clear:

- a) Continue to support the project and customer with residual debt (much reduced) rollover, launch resort cash flow (\$10m pa) and Investment Fund initiative to purchase any remaining stock which according to both KPMG and Ernst & Young, would see "All funds returned to the bank and profit to the customer", or
- b) Call in the loan and put this brand new project into receivership and totally destroy all the hard earned inherent value, stability and income and the customer's imbedded profits with the bank to lose tens of millions in the process.

What does your intellect, instinct, commercial logic, basic decency, and fairness and indeed the clear requirements of Sec 912A (1) (a) of the Corporations Act tell you to do? Is it a) or b)?

Inexplicably CBA chose the latter. This begs the burning question: Why?

The answer to this most central question is as surprising as it is corrupt with the vein of this corruption running to the very highest levels of the CBA and the Government.

The true answer can only be exposed by a close review of the hard evidence provided and detailed cross examination of me, the customer. At the Royal Commission, again inexplicably, this did not happen. Why?