

Dr Robert John Cooke Vs Commonwealth Bank of Australia

I wish to summarise the events that led to my financial, economic, professional, family and social destruction by the Commonwealth Bank, by the hands of Ross Griffiths who at the time, was the Chief Receiver of the Commonwealth Bank.

Prior to 1996, I had enjoyed a good relationship with the Queensland Branch of the Commonwealth Bank in Brisbane at a time when my private orthopaedic practice was very successful and my development of private emergency centres in Brisbane, Sydney and Cairns was proceeding at a satisfactory rate with the encouragement of Mr Donald Nissen, the then State Manager of the Queensland Branch of the Commonwealth Bank.

All of my professional and business affairs involving the Commonwealth Bank were in order and certainly not in arrears.

At the end of 1994, Donald Nissen and his associate Paul Wright, went on holidays and a locum manager, Mr Cook, arrived from Sydney. He advised me that Donald Nissen had acted illegally and without the authority of Head Office in Sydney in providing me with funds which had been made available to me over the preceding several years. Mr Cook said that Donald Nissen had no authority to loan more than \$3 million to any customer without prior approval from Sydney.

In 1995, my relationship with the Commonwealth Bank's Brisbane office was most satisfactory, and the manager of the Queensland Branch, Donald Nissen had arranged appropriate funding for the emergency centres as they developed over the years, and at that point in time, my banking affairs were in order, and no accounts were in default. I was informed at this time that there was significant political squabbling and inhouse bullying between the Commonwealth Bank's Sydney and Brisbane offices involving privatisation matters of the bank.

As a consequence, Mr Cook told me that he was withdrawing my banking facilities and shutting down my operations. I immediately contacted Head Office in Sydney and the Australian Manager at the time, who had attended the opening of the Masonic Hospital emergency centre in Sydney in the company of the then Governor of New South Wales, reversed Mr Cook's actions.

Later in that year (?July), I was advised that a senior bank officer from Sydney would be visiting me to give me "some helpful advice." Mr Ross Griffiths, Chief Receiver of the Commonwealth Bank arrived in Brisbane and summoned me to the Queensland head office where he subjected me to the most offensive and aggressive behaviour from a man whom I had never met or had any knowledge of. In particular, he advised me that "assholes like me" should not exist and he was going to "crush me into the dirt to the point that I would never rise again."

Thereafter, Ross Griffiths visited my various emergency centres, without my knowledge, and advised the CEOs of the hospitals where these centres were established that he would be closing these centres down, but would give the hospitals the opportunity of buying the centres for sums of around \$238,000 at a time when the centres were not for sale and he did not have legal authority to act in this manner. Nevertheless, he proceeded.

Around this time, a meeting was arranged between Ross Griffiths, the Trustees of the Masonic Hospital in Sydney and myself at the Commonwealth Bank's Head Office in Sydney. Ross Griffiths kept us waiting for several hours and stated (not apologised) that he had been held up by "fucking" Paul Keating (the Prime Minister of Australia). He denigrated Mr Keating, in most unseemingly and foul language about his "fucking pig farms". The Worshipful Grand Master commented that he had no reason to have any knowledge of the Commonwealth Bank's dealings with the Prime Minister, to which Ross Griffiths responded with expletives, indicating that he didn't care what we thought.

Subsequent to that meeting, Ross Griffiths visited the Worshipful Grand Master and advised him that if he did not accept a sum of money (of around \$240,000) for my investment in all of the equipment in the Masonic's new emergency department, that he would close down their emergency centre at Masonic Hospital forthwith by withdrawing my funding.

Thereafter, he visited the CEOs of St Andrews Hospital, Brisbane and Calvary Hospital, Cairns with similar bullying tactics, at a time when he had no legal right to go behind my back, a customer of the Commonwealth Bank, to make such threats, which resulted in the hospitals acquiescing as he destroyed my reputation with all of these institutions.

At the time that he visited the CEOs of the hospitals in which the emergency departments were established, I had 25-year contracts to conduct the emergency centres based on my professional reputation and my reputation with the various hospitals where the centres were located.

In addition, I had 25-year contracts with 24 Japanese insurance companies to provide medical services to visiting Japanese tourists who were insured for cashless treatment medicine in Australia – treatment provided by my companies to get them rehabilitated and repatriated back to Japan.

At the time of this dispute, a business associate of mine and initial investor in the Brisbane emergency centres, Mr Dirk Karreman, made an appointment with Ross Griffiths in his Sydney Office for the purpose of paying out my loan of \$3M to settle on my behalf with the Commonwealth Bank. Ross Griffiths kept Dirk Karreman waiting outside his office for several hours and on meeting Dirk Karreman he refused to accept his offer saying, *"fucking medical practitioners who think they are businessmen have to be stopped and I intend to make an example of Cooke"*. This visit was diarised by Mr Karreman and he has also provided a statement to this effect.

In May 1996, Ross Griffiths employed a receiver, Ian Hall, who attempted to take possession of my family home in Beatrice Terrace, Ascot, which was owned by the Family Trust. Ian Hall had no legal right to do so, as the family home was the property of the Family Trust, and as such, was unavailable for any purposes, such as providing security for other investments.

Unbeknownst to me, by a sleight-of-hand manoeuvre, the Commonwealth Bank, through Ross Griffiths, obtained a change in the mortgage arrangements for my home which enabled them to gain access to this property by a complex series of complex falsified documents of which I then had no knowledge.

Under my instructions, my lawyers, Feez Ruthning, then James Conomos and instructing Senior Counsel, Shane Doyle SC, challenged the Commonwealth Bank's actions through a series of court actions that continued successfully until 2005 when I ran out of funds and was forced to withdraw my action against the Commonwealth Bank because of my impecunious position caused by the bank continuing their aggressive attack, without let up, against me for ten long years. Each time I was successful against the bank, they appealed and, as a result, there were successive court actions resulting from the appeal process of the bank which exhausted my financial capacity to continue challenging them.

In around May 2005, at the beginning of another major court action against the bank, I was forced to withdraw only because of lack of funding, and the judge immediately gave judgement against me to the bank, I was reprimanded by the court for "wasting these honourable men's time" (bank officials and their lawyers) and I was literally thrown out of my home and premises within two hours and declared bankrupt, leaving me destitute.

It should be noted that Ross Griffiths, at the time of his first visit to Brisbane, had my banking records in Brisbane transferred to Sydney and I was unable to obtain any bank statements to manage my financial affairs and check my bank position thereafter. Numerous requests were made by my lawyers to obtain my bank records, but these were never produced.

At one such meeting in April 1996 with senior bank officers regarding my bank records and statements, it was stated by a senior official (Mr Paul Evendon) “that this matter could take a day and the bank did not have time to undertake the reconciliation of my accounts”.

During this ten-year period, Ross Griffiths and his cronies (Paul Evendon and Peter Treseder), managed my banking affairs by means of a double ledger system so that at the end of the ten-year period, my initial loan expanded from approximately \$3M to over \$9M – the sum that the Commonwealth Bank had gained judgement for on the day I was bankrupted.

I have calculated that my losses as a consequence of the evil intent of Ross Griffiths, Paul Evendon, Peter Treseder of the Commonwealth Bank, and a second receiver appointed by Ross Griffiths on behalf of the Commonwealth Bank, Ian Hall, include:

Assets

- \$3 M for loss of my family home;
- \$5 M for each of the three emergency centres (total \$15 M);
- \$1.5 M for my practice premises and instruments.

Assets total = \$19.5 M.

Loss of Income

- Before bankruptcy, I was earning approximately \$2 M for my private orthopaedic surgical practice derived from four private hospitals and my city practice (each year) before bankruptcy. Hence, from the day of judgement in 2005, I lost this earning capacity and consider that my subsequent losses to be \$ 2 M per year from 2005 to 2018 (\$26 M). It must be remembered that the income from my private practice was utilised in the development and management of the emergency centres, complimented from income received from the emergency centres.
- Loss of income from these centres, which were successful at the time of my bankruptcy. I estimate my gross losses from the efficient running of the centres, to be \$730 M as a result of the Commonwealth Bank illegally seizing and selling these centres.

Total loss of income = \$756 M.

TOTAL = \$775.5 M.

One cannot calculate the value of loss of family, friends and colleagues in this debacle. I lost my first wife, my 4 children and now my 12 grandchildren, and I struggle each day of my life to come to terms with these losses.

The emotional damage to my wife and family resulting from the interrogation and foul accusations against me is so deeply engrained in their minds that they have had nothing to do with me since the day of judgement.

My losses in regard to my family is incalculable, while the emotional trauma that I have suffered is indescribable.

Finally, I continue to be punished by this evil banking system for having the courage to establish and develop emergency centres in four major hospitals in Australia for the benefit of Australian citizens at a time when emergency medicine was virtually non-existent and grossly inefficient.