

Correspondence between

Paul Alan Buckman

& all other parties

In respect of FRAUD engaged in by the National
Australia Bank against their customer.

Commencing on the 1st of January 2008

This document continues from that document titled *“Correspondence between the Various Parties and Paul Alan Buckman from May 1999 To December 2007”*. The closing of that document signifies the end of Buckman’s expectations of a reasonable and conciliatory resolution between Buckman and all other parties.

This document signifies a significant change in focus, expectation and tactics by Buckman. At the end of the day all criminal conduct committed by corporations must be investigated, prosecuted and receive an appropriate sentence. Those sentences must be significant such that they truly force those corporations to rethink their conduct and to behave ethically, equitably and within the law; particularly where those corporations have an ethical and legal “duty of care” to those transgressed against.

Contents

Paul Alan Buckman.....	5
November 2008 – “A case study of fraud committed by the NAB”	5
National Australia Bank.....	6
December 2008	6
The banks response to Buckman’s submissions	6
Victoria Police	7
June 2009	7
Release of FOI material	7
The report by Det. Act Sgt Sharp in response to Buckman letter of the 30 th Nov 2008, released under FOI	10
March 2009	18
FOI Request (Requested “Proof of ID” received)	18
Police response to Buckman’s letter of the 22 nd of February 2009	19
February 2009	20
FOI Covering letter from Buckman to the Victorian Chief Commissioner	20
Response to Buckman’s submission 30 th of November 2008	24
December 2008	25
Response to Buckman’s submission 30 th of November 2008	25
Australian Government – Attorney-General’s Department.....	26
April 2009	26
Response to Buckman’s submission 30 th of November 2008	26
Australian Securities & Investments Commission	27
January 2009	27
Australian Prudential Regulatory Authority	28
January 2009	28
Response to Buckman’s submission 30 th of November 2008	28

Australian Competition & Consumer Commission	29
February 2009	29
Response to Buckman’s submission 30 th of November 2008 – page 1 of 2	29
PILCH – Public Interest Law Clearing House	31
December 2008	31
Response to Buckman’s submission to Krasnostein on the 30 th of November 2008	31
Response to Buckman’s submission 30 th of November 2008	32

Paul Alan Buckman

November 2008 – “A case study of fraud committed by the NAB”

On the 30th of November 2008 Buckman lodged by mail the documents “Confrontation with officialdom Nov 2008” and “A case study of fraud committed by the NAB” to those persons listed below:

1. The Honourable Mr Kevin Rudd, Prime Minister of Australia, Parliament House, Canberra ACT 2600
No response received as at the 17th of May 2009
2. Ms Julia Gillard, Deputy Prime Minister, Parliament House, Canberra ACT 2600
Response received from Attorney-General
3. Mr Philip Laird, Australian Securities & Investments Commission, 120 Collins Street, Melbourne, Vic. 3000
4. Mr Tony D’Aloisio, Australian Securities & Investments Commission, 120 Collins Street, Melbourne, Vic. 3000
5. Mr Keith Chapman, Australian Prudential Regulatory Authority, GPO Box 9836, Sydney NSW 2001
6. Commissioner John Martin, Australian Competition & Consumer Commission, P.O. Box 1199, Dixon ACT, 2602
7. Ms Christine Nixon, Chief Commissioner of Police, Victoria Police Centre, 637 Flinders Street, Melbourne, VIC, 3005
FOI application sent after responses received
8. Mr Michael M^cKiterick, Victorian Bar Legal Assistance Scheme, P.O. Box 13121 Law Courts, Melbourne 8010
9. Mr David Milton Krasnostein, President Victorian Bar Council, P.O. Box 13121 Law Courts, Melbourne 8010
10. Mr John Stewart, Managing Thief, National Australia Bank, 120 Collins Street, Melbourne Vic. 3000
11. Mr Michael A Chaney, Chairman of the board of thieves, National Australia Bank, 120 Collins Street, Melbourne Vic. 3000
Mail packages sent to both Stewart & Chaney were returned unopened stamped “Return to sender” and dated the 17th of December 2008
12. Mr Gerard Callinan, ABC Radio, P.O. Box, Sale 3850
No response received as at the 17th of May 2009
13. Anne Lampe, Sydney Morning Herald, GPO Box 506, Sydney NSW 2001
No response received as at the 17th of May 2009
14. Catriona Lowe, The Consumers’ Federation of Australia, P.O. Box 5359, Melbourne, VIC. 3001

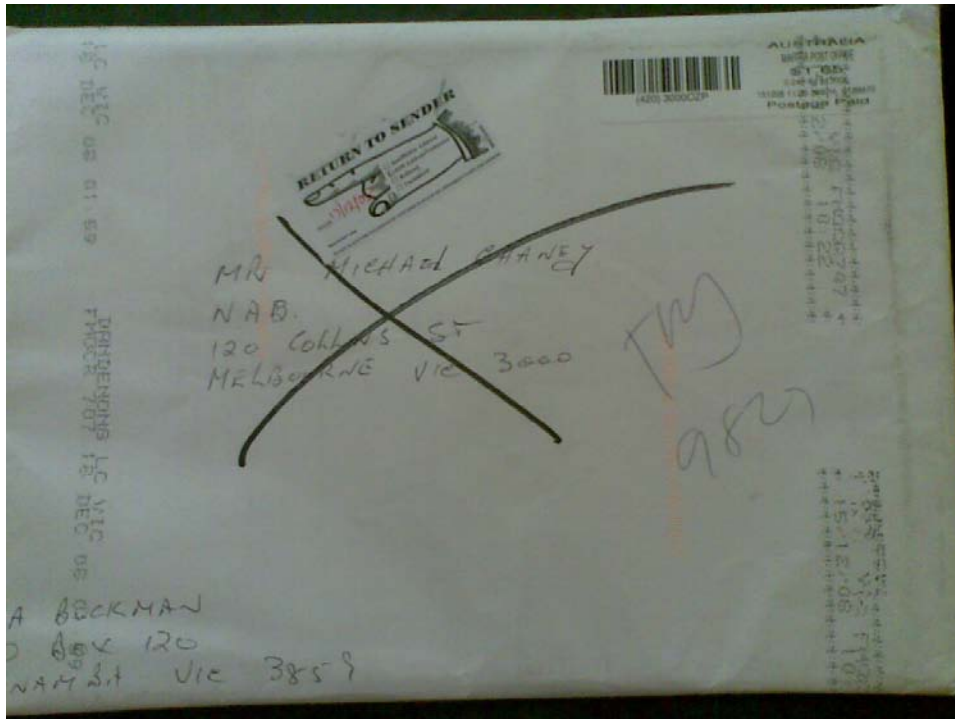
The responses from the above named persons are provided below.

National Australia Bank

December 2008

The banks response to Buckman's submissions

Buckman's submission of the 30th of November 2009 was also sent to both the managing director & chairman of the National Australia Bank. The banks response to both mail packages is shown below.



Victoria Police

June 2009

Release of FOI material



VICTORIA POLICE

Our ref: 35405/09:KS

2 June 2009

Mr Paul Buckman
PO Box 120
Tinamba 3859

Dear Mr Buckman

FREEDOM OF INFORMATION REQUEST

I write in response to your letter received 27 February 2009 in which, under the provisions of the *Freedom of Information Act* 1982 ('the Act'), you have requested a copy of the report compiled by Detective Acting Sergeant Sharp in relation to your submission to the Chief Commissioner.

At the outset, I must apologise for the delay in responding to this request. This is due to the large number of FOI applications received by this office.

Result of Search

In response to your request I caused a search of Victoria Police records and as a result I have obtained 8 pages of material falling within the terms of your request. This material comprises:

- Report authored by Detective Senior Constable Sharp in relation to a Chief Commissioner's file

Assessment of Material

I have assessed this material in accordance with the provisions of the Act and have decided to release the 8 pages to you in part with certain information deleted.

In making these deletions I rely upon section 25(b) of the Act which allows for certain exempt material to be deleted from documents in order to make those documents available for release.

Accordingly I invoke section 30(1) and section 33(1) of the Act.

For further information please refer to www.foi.vic.gov.au or www.police.vic.gov.au

Legal Services
*Freedom of Information &
Privacy Division*

Victoria Police Centre
637 Flinders Street
Melbourne 3005
Victoria Australia

Office Hours: 8.30am – 4pm

Telephone [61 3] 9247 6801
Facsimile [61 3] 9247 5736

P.O. Box 415
Melbourne 3005
Victoria Australia
DX 210096

Recd. 6/6/2009
[Signature]

Internal working documents

The edited material relates to information intended for the deliberation of the Chief Commissioner's office. The deleted information contains opinion and recommendation in relation to alleged and unsubstantiated claims against a third party. I am of the opinion that the material falls within the scope of the 'internal working documents' exemption. This is information which in my view ought to be protected from disclosure pursuant to section 30(1)(a)&(b) of the Act.

Section 30(1)(a) & (b) of the Act provides for the exemption of documents which firstly, disclose matters in the nature of advice, opinion or recommendation prepared to assist in the deliberative processes involved in the functions of an agency and secondly, where such disclosure would be contrary to the public interest.

Members of police must be able to freely communicate their opinions and thought processes so as to ensure that complaints are thoroughly investigated and decisions made regarding the direction of the investigation are subject to proper and thorough deliberation.

Disclosure of the edited material is likely to, in my view; impede the ability of police to engage in robust and meaningful deliberation without concern that the communications may be disseminated to persons other than the intended recipient.

I am also of the view that it would be contrary to the public interest to release this information. The term "public interest" refers to the benefit of the community in general, not the benefit of any individual. So, for something to be contrary to the public interest to release, it must be harmful to the public interest. In this case, I am not satisfied that the circumstances in this instance mitigate in favour of disclosure.

On 2 May 2007 Senior Member DAVIS re MARKE v Victoria Police (General) [2007] VCAT 747 upheld that "...it is very important that members of the police force can perform their duties and express matters of opinion with frankness and candour, without concern that those opinions would become public". I have taken this decision into consideration when denying you access to the material which is the subject of your request.

It is in the public interest for the efficient and economic conduct of Victoria Police and the Chief Commissioner's Office, to be able to investigate complaints appropriately. I also note that as the applicant your interest in the matter is of a personal nature. It has been consistently held that the public interest override would not be excised where the applicant's interest was a matter of personal significance only, and did not benefit the community in general, or have wider societal significance. Per Sandra Davis, Member in Gunawan v Department of Education (1999) VCAT 665 (30 April 1999).

Section 33(1) and 33(9) Documents affecting personal privacy

Section 33 of the Act exempts from access documents which involve the unreasonable disclosure of the personal affairs of any persons. Specifically, section 33(1) and 33(9) of the Act states:

"(1) a document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of information relating to the personal affairs of any person (including a deceased person).

...

(9) ***information relating to the personal affairs of any person" includes information -***

(a) that identifies any person or discloses their address or location; or

(b) from which any person's identity, address or location can reasonably be determined."

The deleted information comprises the names and personal details of a number of third parties.

I consider that this information constitutes 'personal information' within the meaning of section 33(9) of the Act. I am satisfied that disclosure of the personal information would be unreasonable in the circumstances, pursuant to section 33(1) of the Act.

Processing Fees

In view of the delay in responding to your request I have decided to waive the processing fees and I enclose a copy of the documents.

Review Rights

In conclusion, I draw your attention to section 51(1) of the Act which states:

"Where a decision has been made, in relation to a request to an agency ... the applicant may, within 28 days ... after the day on which notice of the decision was given to the applicant in accordance with section 27, apply to the principal officer of the agency for a review of the decision."

Any request for a review should quote the file reference number located at the top left hand corner of page one of this letter and be addressed to the Chief Commissioner of Police, care of:

Mr Findlay McRae
Director Legal Services
Victoria Police Centre
PO Box 415
MELBOURNE VIC 3005

If you have any queries regarding my response, please contact this office on 9247 6801.

Yours sincerely


Don Downes
Inspector
Deputy Freedom of Information Officer

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VICTORIA POLICE

Bairnsdale C.I.U
Division
Region 5 (South East)
Region 5
45-47 Main Street
Bairnsdale 3875
Victoria, Australia
DX 214193
Telephone 51 502 668
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Email

18 January 2009

Inspector
East Gippsland P.S.A.

**Subject: BUCKMAN, Paul. File No.056696/08. 5BLC0801708. Response To Alleged
Fraud Committed On Him By National Australia Bank.**

1. In preparing this response I have read the letter supplied by Paul BUCKMAN at Pages 1- 2 of this file and the 34 page attachment contained in this file.

**Summary regarding the Reported Fraud by Paul BUCKMAN and
Directors of BassTech Pty Ltd on the 24th of May, 1999.**

33(1)

2. BassTech Pty Ltd commenced in 1982. In 1993 Paul BUCKMAN joined BassTech Pty Ltd. At this stage the business was owned wholly by 33(1) Paul BUCKMAN entered into a joint venture with BassTech which was later formalised into BassTech Computer Services. During subsequent years BassTech and BassTech Computer Services collaborated on various projects and in June 1997 BassTech Computer Service was merged to BassTech Pty Ltd. At this time Paul BUCKMAN joined 33(1) as a Director and shareholder in the company.
3. The business operated from Payne Street, Bairnsdale and consisted of a calibration laboratory to calibrate and test measurement equipment, IT Division which assembled and repaired computers, consulted in network administration, software product range and sold instruments in both national and international markets.
4. Brendan HARTY was previously employed at Bairnsdale accounting firm Phillipson and Fletcher and oversaw the BassTech account in his capacity as accountant. By late 1997 BassTech was going through a stage of rapid expansion and it was determined that a Financial Controller would bring financial expertise and protection to the business as well as distributing the workload on each director to a manageable level. In October 1997 HARTY indicated he was tired of public practice and intended to return to Melbourne to work in the private sector. Paul BUCKMAN and 33(1) saw this as an opportunity not to miss and appointed HARTY as Financial Controller of the business on the 9th of December, 1997.

Page 1 of 8

Recd. 6 June 2009
RS

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5. Having had the previous professional dealings with him as the business accountant they saw him as a competent accountant, honest and with insight into the company. Paul BUCKMAN had been dealing with Phillipson and Fletcher for twenty years and believed if there was anything untoward about HARTY's character they would have been ethically bound to inform them.
6. He was later informed by a Senior partner with Phillipson and Fletcher that they had made a conscious decision not to inform them of HARTY's gambling problems.
7. HARTY's priorities were to perform the function of company accountant and financial controller, monitor financial activity of each business unit by monitoring and controlling both expenditure and setting budgets, migrate company accounts from MYOB to Sybiz, (Sybiz was a more sophisticated accounting system) complete company documentation for changes to shareholdings and directorships and perform functions as company secretary maintaining and ensuring company compliance with ASIC (Australian Investment and Securities Commission) and Taxation Regulations.
8. In May/June 1998 it was determined the business needed to open a Melbourne Office to support the sales effort and act as a distribution point for the import/export and sales divisions of the company. HARTY at this point expressed a desire to move to Melbourne.
9. In July/August 1998 HARTY moved to Melbourne which meant the accounting functions moved with him. HARTY was also appointed as a Director of Finance and received a \$12,000.00 per annum salary increase. HARTY however failed to lodge the appropriate documentation in relation to his appointment as company director.
10. In December, 1998 and January 1999 there was some concern regarding the lack of progress by HARTY in finalising the migration of the accounting system.
³³⁽¹⁾ and BUCKMAN accepted explanations of technical problems that they knew did exist but these explanations were wearing thin by this time.
11. At this point it was accepted that the company's financial conditions were tough and HARTY's reports and statements of position were accepted.
12. In March, 1999 an employee of BassTech informed BUCKMAN that he had been told HARTY had misappropriated money whilst working at accountants Eager and Partners.
³³⁽¹⁾ That whilst employed at Phillipson and Fletcher a client claimed to be charged \$10,000.00 for services and no invoice could be located. This matter was resolved internally.
13. Discreet inquiries were made by ³³⁽¹⁾ and BUCKMAN regarding these allegations but nothing could be substantiated. It was decided that the accounts should be examined. ³³⁽¹⁾ did this and found the accounting system in poor condition but did not find anything irregular or suspicious.
14. HARTY was spoken to regarding the allegations and responded with a plausible explanation consistent with comments he had previously made regarding other incidents around the same time.
15. HARTY was indignant that these allegations had been made against him and threatened legal action. The allegations were later found to be correct.
16. During the second week of May, 1999, HARTY's behaviour had become erratic and he went on sick leave on the 14th of May, 1999. Also on this date a cheque was deposited into the BassTech National Australia Bank account for \$10,350.00.

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17. On the 18th of May, 1999, it was advised the cheque for \$10,350.00 had been dishonoured. It was discovered on the 19th of May, 1999 that the dishonoured cheque was from the personal account of HARTY.
18. On the 20th of May, 1999, HARTY arrived at work where he admitted he had been dishonest with ³³⁽¹⁾ and that he was sorry. HARTY went on further to admit the following:
 - (i) He had a gambling addiction both TAB and Casino.
 - (ii) He had begun stealing from the company around July, 1998.
 - (iii) When ³³⁽¹⁾ went overseas in February, 1999, the crime increased in frequency and size.
 - (iv) He had forged both Paul BUCKMAN's and ³³⁽¹⁾ signature on cheques.
 - (v) He duplicated cheques.
 - (vi) He showed payments to creditors but cashed cheques for himself.
 - (vii) He detailed he had left the company with hidden debts.
 - (viii) He thought he had stolen funds amounting to about \$60,000.00.
19. HARTY's employment with BassTech was terminated on the 20th of May, 1999.
20. On the 24th of May, 1999, a fraud was reported to Bairnsdale C.I.U. by the Directors of BassTech Pty Ltd. The reporting persons were Paul BUCKMAN and ³³⁽¹⁾
21. The matter was assessed by me and it was determined that the Crimes Act offences of Theft, Make False Documents and Use False Documents had been committed involving at that point an unquantified amount of money. The suspect was identified as Brendan James HARTY who had been appointed as the company Financial Controller. The investigation period was determined to be between March 1998 and May 1999.
22. On the 1st of June, 1999, I conducted a tape recorded interview with HARTY where he outlined how he had committed the thefts from BassTech Pty Ltd. The methods of theft are as follows:
 - (i) HARTY would write the cheque butt to a creditor name and an amount similar to that for a creditor. He would then write a BassTech company cheque to cash and then cash it at a bank. This was predominantly done at the National Australia Bank, South Melbourne. He chose this location because the staff were familiar with him and didn't question the transaction.
 - (ii) HARTY would write the cheque butt to a creditor name and an amount similar to that for a creditor. He would then write the BassTech company cheque to pay "Brendan HARTY". HARTY had a Bank of Melbourne and Bendigo Bank account which he would then deposit these funds. This was done through various branches.
23. On the 10th of June, 1999, Section 465 Crimes Act warrants were executed on the National Australia Bank and other banks.
24. A total of 1038 cheques were located and were handed to BUCKMAN and ³³⁽¹⁾ by late August 1999. BUCKMAN then compared each of these cheques to their corresponding cheque butts and statement of account. BUCKMAN then scanned the cheque face and back, the corresponding cheque butt and the Bank Statements and other relevant documents to assist as presentation for evidence. Of these cheques 184 cheques were identified as fraudulent.

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25. Analysis showed that of the 184 identified fraudulent cheques 152 contained forged signatures and were cleared by the National Australia Bank. Of the 152 cheques containing forged signatures 71 of these were sighted and cleared by the National Australia Bank and converted to cash.
26. Paul BUCKMAN spent many hours auditing the company records and assisting me with the preparation and presentation of exhibits so this reasonably complex fraud could be presented in a clear and concise way and the charges could be proved beyond reasonable doubt.
27. After the audit was completed the following methods of theft were disclosed:
 - (i) Using pre-signed cheques for conversion to "cash" for amounts ranging from \$200.00 to nearly \$10,000.00.
 - (ii) Using pre-signed cheques for unauthorised and illegitimate purposes in that he completed the "Cheque Butt Payee" details in the name of a legitimate creditor and made the "Cheque Payee" either himself or cash. On the "cash" cheques he forged the cheque opening signatures.
 - (iii) Making cheque amounts to be "like" amounts that would reasonably be accepted as a legitimate creditor amount.
 - (iv) Reserving a number of cheque books for his personal use. The signatures on these cheques were generally forged.
 - (v) Having misappropriated a number of pre-signed cheques, HARTY found it necessary to forge signatures on cheques for legitimate creditor payments to cover his fraudulent activities from both BUCKMAN and ³³⁽¹⁾
28. After the audit it was found HARTY as the "Director of Finance" failed to perform his duties and responsibilities as a company director in that:
 - (i) He hid legitimate creditor account statements and outstanding balances from all other directors to hide his activities.
 - (ii) Presented financial statements to directors knowing that they were false and misleading.
 - (iii) Entered into binding agreements with other creditor parties for the payment of outstanding account balances without express knowledge or consent. One of these arrangements was with the Australian Taxation Office.
 - (iv) Had knowledge of court proceedings relating to non-payment of creditor accounts that he specifically withheld from all other directors. ³³⁽¹⁾ found a "summons to appear" in HARTY's desk following his dismissal. That court hearing had been held within the previous few days in Sydney.
 - (v) He failed to lodge ASIC documents relating to company returns for the financial year of 1997/1998.
 - (vi) He failed to lodge ASIC documents relating to the changes in both shareholding and directorship in BassTech.
 - (vii) He failed to lodge Australian Taxation documents relating to estimation, lodgement and payment of sales tax, company tax and other statutory documentation.
29. HARTY was charged with the offences of Theft, Make a False Document and Use a False Document. In total he received 412 charges and the thefts amounted to a total value of \$231,464.53.
30. On the 9th of October, 2001, HARTY was convicted of multiple counts of theft and obtain a financial advantage by deception at the Melbourne County Court. He was sentenced to a total of 2 years and nine months imprisonment with a minimum of 20 months.

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31. Restitution was sought and granted at the County Court but HARTY had no assets and was in debt so no restitution has been paid to the victims in this matter.

Receiver & Manager Appointed to BassTech

32. After the dismissal of HARTY the BassTech accounts were reconstructed from the start of the financial year 1998/1999. Significant hidden debt to the company was found and it was decided by 33(1) and BUCKMAN that professional help was needed.
33. In early June 1999 33(1) of Scott Partners Accountants was approached and retained by BassTech. 33(1) had expertise in company administration and insolvency. He determined BassTech was insolvent and assisted 33(1) and BUCKMAN to commence negotiations with National Australia Bank.
34. A meeting was held between 33(1) (Scott Partners), 33(1) (BassTech) and 33(1) (National Australia Bank). As a result of this meeting 33(1) and BUCKMAN were advised to apply for voluntary receivership. This was done based on this advice.
35. The National Australia Bank appointed 33(1) as receiver manager on the 20th of August, 1999. 33(1) took control of the company affairs. BassTech was sold by the 30th of September, 1999, unencumbered for a sale price in the mid tens of thousands of dollars.
36. Both 33(1) and BUCKMAN were declared bankrupt and personally lost their company 33(1).
37. This situation effectively left 33(1) and BUCKMAN no recourse against the National Australia Bank if it could be determined in the civil jurisdiction that the bank were negligent.
38. The civil matters I have a limited knowledge of but in the past victims of fraud by employees or others have pursued their banks in similar circumstances and have successfully had the bank held liable for the loss of all or some of the stolen monies due to there failure to exercise their obligation of due diligence.
39. This could have applied in this situation but when 33(1) and BUCKMAN ceased to be Directors of the company due to receivership and bankruptcy they could not pursue the National Australia Bank regarding their alleged negligence in this case.

Analysis of allegation that the National Australia Bank committed a Fraud in the circumstances outlined in this report.

40. In the preparation of the criminal brief compiled regarding the offender Brendan HARTY I worked closely with Paul BUCKMAN. He assisted with the preparation and presentation of the evidence identified as being relevant to prove the charges beyond reasonable doubt. Paul BUCKMAN had intimate knowledge of the business as a director and has a background in computer programming among his many other skills.
41. Since the conviction of HARTY he has kept in contact with me and he has spoke of his belief that the National Australia Bank are guilty of committing fraud against BassTech. He has in the past sent me other documents outlining his pursuit of justice. I have informed him in the past that I disagree with this proposition for the reasons I will outline in the following paragraphs.

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42. Paul BUCKMAN has articulated in his 34 page attachment his pursuit to hold the National Australia Bank to account which has involved approaches to other statutory bodies and legal advice of a civil nature. He has approached the Australian Prudential Regulatory Authority, Australian Competition and Consumer Commission, Australian Securities and Investments Commission, The Banking Ombudsman, Legal Firms (No Win No Fee), State Fair Trading Commissions, The Public Interest Law Clearing House and Legal Aid.
43. It would seem from the replies he has received that the situation presented in this circumstance is not covered by a statutory or civil process.
- 44.
45. 30(1)
- 46.
- 47.
- 48.
49. In order to prove that a person is guilty of a criminal offence it is necessary to establish that the person voluntarily committed the physical element of the offence (actus reus) and also had the requisite mental element (mens rea), if any, in respect of the offence.
50. A person who commits the actus reus of an offence must do so consciously and voluntarily.
51. Mens Rea is the mental or state of mind required to be proved in respect of the offence charged. The states of mind which are capable of amounting to mens rea are intention, recklessness, negligence, knowledge and belief. The term intention means that an accused acted with the aim or purpose of committing the prescribed conduct. Recklessness requires foresight by the accused that the commission of the prescribed conduct will be a probable consequence of the accused's actions. The test of recklessness is wholly subjective. Conversely, negligence as a mental state requires no foresight or advertence by an accused of the prescribed conduct of the

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offence charged. Where a person voluntarily commits an offence of negligence and that person's conduct is objectively assessed, satisfies the test of negligence. The concepts of knowledge and belief require an awareness of the prescribed facts which show the guilty nature of the accused's conduct.

52.

53.

54.

30(1)

55.

56.

57.

58.

Conclusion

59. It was clear during my investigation that HARTY acted alone and that the National Australia Bank or any of its employees did not have any knowledge of HARTY's thefts or false signatures.

60.

30(1)

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61.

30(1)

62. There is no criminal offence committed by the National Australia Bank and/or its employees against Paul BUCKMAN or BassTech Pty Ltd as the required elements of a criminal offence being proof of a guilty act (actus reus) and guilty mind (mens rea) do not apply in this circumstance for the reasons outlined in this report.

63.

30(1)

64. Forwarded for attention.

B.D. SHARP

Detective Acting Sergeant 23667

March 2009

FOI Request (Requested "Proof of ID" received)



VICTORIA POLICE

Our ref: 35405/09:th

12 March 2009

Mr Paul Buckman
PO Box 120
Tinamba 3859

Dear Mr Buckman

FREEDOM OF INFORMATION REQUEST

I acknowledge receipt of your documentary proof of identity received at this office on 12 March 2009, provided in relation to your request initially received on 27 February 2009.

I advise your request is currently being considered in accordance with the provisions of the *Freedom of Information Act 1982*.

At the completion of enquiries, I will forward a written response to your request advising of all documents located and those to be released upon receipt of the applicable processing fee. That fee is based on a search fee of \$20.00 and 20 cents per page for black and white photocopying.

Please note: due to the bushfire disaster, Victoria Police is concentrating its resources on the immediate crisis. This will therefore impact on our ability to process your request, which will exceed the 45 day legislative timeframe. This office is anticipating that delays in finalising requests will occur as Police members are deployed to bushfire affected areas across the state. The FOI Office has also been requested to provide assistance to "Taskforce Phoenix".

You will be contacted in due course on the progress of your request.

The anticipated delay is regrettable but unavoidable.

If you need to contact this office please email your enquiry to foi@police.vic.gov.au

Yours sincerely


John Hendrickson
Superintendent
Freedom of Information Officer



Legal Services
*Freedom of Information &
Privacy Division*

Victoria Police Centre
637 Flinders Street
Melbourne 3005
Victoria Australia

Office Hours: 8.30am – 4pm

Telephone [61 3] 9247 6801
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P.O. Box 415
Melbourne 3005
Victoria Australia
DX 210096

For further information please refer to www.foi.vic.gov.au or www.police.vic.gov.au

Police response to Buckman's letter of the 22nd of February 2009



VICTORIA POLICE

Chief Commissioner's Office

Victoria Police Centre
637 Flinders Street
Melbourne 3005
Victoria Australia
Telephone [61 3] 9247 6890
Facsimile [61 3] 9247 6869

P.O. Box 415
Melbourne 3005
Victoria Australia

Our Ref.: 09/001222

Mr Paul Buckman
PO Box 120
TINAMBA Vic 3859

Dear Mr Buckman,

I write on behalf of the Chief Commissioner to acknowledge your correspondence dated 22 February, 2009 requesting Victoria Police to investigate your allegations of fraud levelled against the National Australia Bank.

As you are aware, your allegations were assessed by Detective Acting Sergeant Sharp of the Bairnsdale CIU and his findings were reviewed by the Assistant Commissioner, Region 5 (South East). That review found no evidence of fraud on behalf of the National Australia Bank. In order to prove a person is guilty of a criminal offence, it must be established that the offence has been committed both consciously and voluntarily. While I have great sympathy for your circumstances, those elements are not present in this case and Victoria Police is unable to assist you in its resolution.

I am satisfied that your grievances have received appropriate and thorough consideration. You are therefore advised that this office will not initiate any further investigation into this matter.

Please note that your FOI application has been forwarded to the FOI Unit for assessment. You will receive further advice from that office in due course.

Yours sincerely,

R. Wilson

Rod Wilson
Superintendent
Chief of Staff to the
CHIEF COMMISSIONER

/ /2009

*Recd.
5 MAR 2009*

February 2009

FOI Covering letter from Buckman to the Victorian Chief Commissioner

Paul Buckman
P.O. Box 120
Tinamba Vic. 3859

Mobile: 0417 451 406
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Email: paul.buckman@bigpond.com

22nd of February 2009.

Ms Christine Nixon
Chief Commissioner Victoria Police
Victoria Police Centre
637 Flinders Street
Melbourne Vic 3000

Re: My recent submission titled "A case study of fraud committed by the National Australia Bank against their customer" dated the 25th of October 2008; and sent with a covering letter dated the 30th of November 2008. Your file number 056696/08.

Dear Ms Nixon,

Whilst I am exceptionally grateful once again to Det Act Sergeant Sharp for his diligence, professionalism & his time on the 6th of Feb last; the resulting letter from Asst Commissioner Emmett Dunne leads me to ask if there is anyone in "officialdom" that has any sense or comprehension of the degree of betrayal that a person in a position such as mine has in the Regulatory & Law enforcement bureaucracies of this state; can anyone remotely explain the universal stampede by "officialdom" to extricate themselves from having to do anything meaningful against an exceptionally wealthy, powerful & influential "person" within the community? Det Sharp has to date been the only person with an official status that has been moved to document the failure of "officialdom" to protect the ordinary citizen from the excesses & patent greed of this bank. Is there anyone within the command structure of regulatory & law enforcement agencies that have any appreciation of justice in terms of the victim.

The official premise seems to be that the "guilty act & the guilty mind" cannot be associated with a corporation; only people can perform guilty acts or have guilty minds. The officers & directors of that corporation are therefore immune from investigation because they have not personally benefited from the transactions and are duty bound in law to act in the best interests of the corporation. If one dissects a transaction to a small enough part then each part if looked at separately will be indistinguishable as legal or illegal when analysing any part of a particular transaction; one particular officer then cannot then be held accountable because they have not participated in the entire transaction & have not personally benefited. This in effect safeguards the employees of the bank against criminal investigation. The transaction in total though is another matter; that transaction though can only be viewed in terms of the beneficial person; that is the National Australia Bank, the corporation ie the person in the eyes of the law.

If this bank's conduct is legal then consider this. The NAB are involved in many market sectors, from wealth creation & development eg MLC to retail & wholesale banking, insurance, venture financing etc etc. Let's change a few things though, lets say they become involved in "the pharmaceutical industry, their managing director is not John Stewart - successors or predecessors, but Tony Mokbel with Mario Condello as his Chairman of the board. The other elements of their respective enterprises are absorbed into the operations of the nab. How would your officers effect the elimination of that scale of criminal activity, would it be ignored for the same reasons that the nab's current conduct is or, would there be a selective application of the law applied here for politically sensitive reasons. If the one is legal, then so is the other for the same reasons; can anybody see a problem here?

I related my extreme frustration with the attitudes of the past ten years to Det Sharp at our last meeting, I informed him that I have had enough & that "officialdom" will this calendar year address these issues regardless of the cost & repercussions upon myself. Please do not construe these words as a threat violent or otherwise, they are however a promise, if untoward action is perpetrated it will be upon me not by me. My conduct & form of words shall be very pointed, considered & aggressive social disobedience, if some view that as contempt of their respective jurisdictions' then so be it, those ramifications will ensue.

Please find attached an FOI application for the provision of that recent report written by Det Sharp, together with a cheque for the appropriate fee. I do however seek to have all fees & charges waived for the following reasons:

1. I am 59 years of age having commenced full time work at age 16. Everything that I had worked for those intervening years is gone, not through my own fault or misdeeds by the misdeeds of others.
2. I once had a well run business & a good well paying job, today I work as a casual employee paid for the hours that I work, no public holidays, no annual leave, no sick leave; Since Christmas I have effectively lost three weeks work due to public holidays & work availability. I am paid as no more that a labourer; as a consequence I struggle daily to put food on the table. But at least I have 40 hrs work a week generally & that's better than the dole.
3. My wife has an STD (sexually transmitted debt) – mine & my guilt. She is in her 70' with a mortgage that has a further 26 years to run. That means that I as the sole bread winner must have gainful full time employment until I reach 85 years of age. Then & only then can we contemplate what we will do once I retire, she will be approaching 99 at that stage.
4. One thing we learn at a very early age is that if you cannot pay for it, you cannot have it. My wife is ill but does not mention it, doesn't complain. I have a head full of cracked & broken teeth & sometimes they hurt; but one learns to live with life's little pleasures.

These are but some of the ramifications that one lives with on a daily basis. Just because the case was successfully prosecuted by you in October 2001 doesn't mean that the victim returns to normal, at the close of the trial the position of my partners & I changed not one iota. We are just forgotten & please don't underestimate the depth of the trauma. If we needed anything including counselling then it was at our diagnosis and expense.

I do feel somewhat guilty for burdening your officers with this given the events since the 6th Feb but we matter too; & we have been patiently waiting ten years!!!!

I look forward to your consideration.

Respectfully yours

A handwritten signature in black ink, appearing to read 'Paul Buckman', with a stylized flourish at the end.

Paul Buckman

Attachments:

The response from Act Asst commissioner Emmett Dunne of the 4th of Feb 2009
FOI Application

Cc:

Act Asst Commissioner Emmett Dunne, 50 Langhorne St, Dandenong Vic 3175
Det Act Sgt Bruce Sharp, Bairnsdale CIU, Main St, Bairnsdale Vic. 3875



VICTORIA POLICE

Assistant Commissioner's Office
Region 5 (South East)
80 Langhorne Street
Dandenong 3175
Victoria Australia
Phone (03) 9767 7612
Facsimile (03) 9767 7612

4 February 2009

Mr. P. A. Buckman,
P.O. Box 120
Tinamba, 3859.

Dear Mr. Buckman,

Your letter addressed to the Chief Commissioner of Police dated 30th November, 2008 in regard to alleged fraud committed on you by the National Australia Bank has been referred to me as Acting Assistant Commissioner, Region 5 (South East). Baimsdale and surrounding areas come within my jurisdiction.

I have caused the matter to be revisited by Detective Acting Sergeant Bruce Sharp of the Baimsdale Crime investigation Unit and I have this day reviewed the outcome of his findings.

In essence, the findings reveal that no criminal activity has been committed by the National Australia Bank upon you and therefore no further action can be taken by Victoria Police.

I believe that you have been in contact with Detective Acting Sergeant Sharp and that a meeting has been arranged for you to meet in the very near future to discuss the issue.

I trust the above information has clarified the position of Victoria Police in this matter.

Yours sincerely,


Emmett Dunne
Acting Assistant Commissioner

Recd. 17th February 2009


Response to Buckman's submission 30th of November 2008



VICTORIA POLICE

Assistant Commissioner's Office
Region 5 (South East)
50 Langhorne Street
Dandenong 3175
Victoria Australia
Phone (03) 9767 7622
Facsimile (03) 9767 7632

4 February 2009

Mr. P. A. Buckman,
P.O. Box 120
Tinamba. 3859.

Dear Mr. Buckman,

Your letter addressed to the Chief Commissioner of Police dated 30th November, 2008 in regard to alleged fraud committed on you by the National Australia Bank has been referred to me as Acting Assistant Commissioner, Region 5 (South East). Bairnsdale and surrounding areas come within my jurisdiction.

I have caused the matter to be revisited by Detective Acting Sergeant Bruce Sharp of the Bairnsdale Crime investigation Unit and I have this day reviewed the outcome of his findings.

In essence, the findings reveal that no criminal activity has been committed by the National Australia Bank upon you and therefore no further action can be taken by Victoria Police.

I believe that you have been in contact with Detective Acting Sergeant Sharp and that a meeting has been arranged for you to meet in the very near future to discuss the issue.

I trust the above information has clarified the position of Victoria Police in this matter.

Yours sincerely,

Emmett Dunne
Acting Assistant Commissioner

Recd. 17th February 2009
BB

December 2008

Response to Buckman's submission 30th of November 2008



VICTORIA POLICE

Chief Commissioner's Office

Victoria Police Centre
637 Flinders Street
Melbourne 3005
Victoria Australia
Telephone [61 3] 9247 6890
Facsimile [61 3] 9247 6869

P.O. Box 415
Melbourne 3005
Victoria Australia

Our Ref.: 08/007812

Mr Paul Buckman
PO Box 120
TINAMBA Vic 3859

Dear Mr Buckman,

I write on behalf of the Chief Commissioner to acknowledge receipt of your correspondence concerning an alleged fraud committed on you by the National Australia Bank.

The material you have provided will be assessed to determine whether the involvement of Victoria Police is appropriate. You will receive further advice in due course.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "D. Nicholls".

D. Nicholls
OFFICE OF THE CHIEF COMMISSIONER

16 / 12 / 2008

Australian Government – Attorney-General's Department

April 2009

Response to Buckman's submission 30th of November 2008



Australian Government
Attorney-General's Department

Criminal Justice Division

09/5610, MC09/4314

21 April 2009

Mr Paul Buckman
PO Box 120
TINAMBA VIC 3859

Dear Mr Buckman

I refer to your letter of 30 November 2008 to the Deputy Prime Minister, the Hon Julia Gillard MP, detailing allegations of fraud by the National Australia Bank. The Minister for Home Affairs, the Hon Bob Debus MP, has portfolio responsibility for federal criminal justice matters, and has asked me to respond on his behalf. I apologise for the delay in responding to you.

Under Australia's federal system of government, criminal law making and enforcement is primarily a matter for the States and Territories. The Commonwealth is limited to dealing with criminal matters that fall within its federal jurisdiction, and within the scope of Commonwealth powers. I believe your allegations of fraud by the National Australia Bank can be dealt with more appropriately at a State level.

I understand that you have already contacted ASIC, APRA and the ACCC to investigate your matter. If you have not already done so, you may wish to convey your complaint to the Financial Ombudsman Service (FOS) in Victoria. The FOS independently and impartially assists in resolving disputes between consumers, including some small businesses, and participating financial service providers. The contact details for the FOS are as follows:

Financial Ombudsman Service Limited
GPO Box 3
MELBOURNE VIC 3001
Telephone: 1300 78 08 08
Website: < http://www.fos.org.au/centric/home_page.jsp>

I hope that this information assists you.

Yours sincerely

Sarah Chidgey
Assistant Secretary
Criminal Law Branch

Recd 28 April 2009

Australian Securities & Investments Commission

January 2009

Response to Buckman's submission 30th of November 2008



Our Reference: CCU-08\0541



ASIC

Australian Securities & Investments Commission

23 January 2009

Level 24, 120 Collins Street
Melbourne VIC 3000
GPO Box 9827 Melbourne VIC 3001

Telephone: (03) 9280 3200
Facsimile: (03) 9280 3444

Mr Paul Buckman
PO Box 120
TINAMBA VIC 3859

Dear Mr Buckman

I refer to your document dated 30 November 2008 addressed to Mr Tony D'Aloisio, Chairman of the Australian Securities and Investments Commission (ASIC), concerning the National Australia Bank. I confirm that you sent a similar document to Mr Philip Laird of our office.

ASIC notes that it has responded to you in relation to these same matters on numerous previous occasions. Your current documentation does not alter ASIC's previous decision not to take further action in relation to your concerns.

I confirm our advice to you in our letter dated 24 October 2007 that future correspondence from you raising only the same matters may not be subject to reply.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kathrine Morgan-Wicks'.

Kathrine Morgan-Wicks
Senior Executive
Real Economy

Recd. 28 Jan 2009

Australian Prudential Regulatory Authority

January 2009

Response to Buckman's submission 30th of November 2008

Australian Prudential Regulation Authority

400 George Street (Level 26) T 02 9210 3000
Sydney NSW 2000 F 02 9210 3411
GPO Box 9836 W www.apra.gov.au
Sydney NSW 2001



APRA

Ref No. 08/17042; 07/10703

19 January 2009

Mr Paul Buckman
PO Box 120
TINAMBA VIC 3859

Dear Mr Buckman

Complaint regarding National Australia Bank

I refer to your letter dated 30 November 2008 to Mr Chapman which he has referred to me for response regarding your complaint against the National Australia Bank (NAB) in relation to the fraudulent cashing of cheques.

As you may be aware, the role of the Australian Prudential Regulation Authority (APRA) is to regulate authorised deposit-taking institutions such as banks, credit unions and building societies and insurance companies, some superannuation funds, and friendly societies in order to promote the prudent management of financial institutions.

I note that you have previously contacted APRA regarding this matter. Your initial correspondence was received by APRA on 29 October 2007. On 16 November 2007 APRA responded explaining that this matter did not raise any prudential issues and as such APRA was not in a position to provide you with further assistance.

The matters you outlined in your letter dated 30 November 2008 do not raise any new issues regarding your complaint. Therefore APRA is unable to provide you with further assistance.

Please be aware there may be other avenues of redress that you may be able to pursue, including legal action. These however, are matters for your consideration.

I regret that I cannot be of assistance to you in relation to this matter.

Yours sincerely

Thea Rosenbaum
Secretary

Tel: 02 9210 3000
Fax: 02 9210 3411

Recd 31 JAN 2009

Australian Competition & Consumer Commission

February 2009

Response to Buckman's submission 30th of November 2008 – page 1 of 2



Australian
Competition &
Consumer
Commission

GPO Box 520
Melbourne Vic 3001

Level 35, The Tower
360 Elizabeth Street
Melbourne Vic 3000

tel: (03) 9290 1800
fax: (03) 9663 3699

www.accc.gov.au

Our Ref: M2009/54

18 February 2009

Mr Paul Buckman
PO Box 120
TINAMBA VIC 3859

Dear Mr Buckman

I refer to your letter to Commissioner John Martin dated 30 November 2008 which has been referred to me for response.



For the reasons detailed in my letter of 12 October 2007 (copy enclosed for your convenience), I do not propose reviewing this matter any further nor do I propose engaging in any further correspondence.

Yours sincerely

Bob Weymouth
Regional Director – Victoria
Encl:

Recd 24 Feb 2009

D07/95477



**Australian
Competition &
Consumer
Commission**

Our Ref: M2007/41-4

12 October 2007

Mr Paul Buckman
PO Box 120
TINAMBA VIC 3859

GPO Box 520
Melbourne Vic 3001

Level 35, The Tower
360 Elizabeth Street
Melbourne Vic 3000

tel: (03) 9290 1800
fax: (03) 9663 3699

www.accc.gov.au

Dear Mr Buckman

I refer to your letters dated 4 October 2007 addressed to Commissioner John Martin and the Regional Director, Melbourne.

I note your reference to earlier correspondence with the Australian Competition and Consumer Commission (ACCC) in 2003 and 2005 and your correspondence with the Australian Securities and Investments Commission (ASIC) and the Australian Prudential Regulatory Authority (APRA). I also note your current letter has been sent to ASIC and APRA.


In your letter you again raise issues concerning the role of the National Australia Bank (NAB) and in a more general sense, you question the bank's fitness, competence and ethical capacity to be registered as a corporation and hold a banking licence.

As indicated in previous letters from the ACCC (to which you refer), the specific issues you raised in respect of the alleged conduct of the NAB were considered in terms of sections 51AC and 52 of the *Trade Practices Act 1974* (the Act). You were also advised in our letter dated 1 December 2005 that the ACCC has no authority to launch proceedings to recover damages for the conduct about which you complain, even if a contravention of the Act could be established. As noted, the law imposes time limitations on when actions may be taken under sections 52 and 51AC of the Act and your complaint relates to alleged conduct that occurred outside these limitations.

I stress the wider issues you have raised in respect of the NAB are not within the jurisdiction of the ACCC, and are properly considered by ASIC and APRA. You have already corresponded with these organisations and I am unable to comment in respect of any action they consider appropriate.

The ACCC has clearly explained its position to you in writing and verbally on at least three occasions. Under the circumstances, I do not intend corresponding further on this matter.

Yours sincerely



Bob Weymouth
Regional Director - Victoria

Recd 24 Feb 2009
Page #2

PILCH – Public Interest Law Clearing House

December 2008

Response to Buckman's submission to Krasnostein on the 30th of November 2008



THE
VICTORIAN
BAR

22 December 2008

Ref: BAR/07/430

Paul Buckman
PO Box 120
TINAMBA VIC 3859

Dear Paul

Enquiry to the Victorian Bar Council

We have had forwarded to us a letter to David Milton Krasnostein in his capacity as President of the Victorian Bar Council.

We advise that Mr Krasnostein is not President of the Victorian Bar Council. Until recently Mr Krasnostein was President of the Public Interest Law Clearing House, but has resigned from this position. We also advise that Mr Krasnostein has resigned from his position as General Counsel to the National Australia Bank.

Please find enclosed your letter dated 30 November 2008 to Mr Krasnostein and the document "A case study of Fraud Committed by The National Australia Bank Against their customer".

Yours sincerely


Michael McKiterick
Solicitor, Victorian Bar Legal Assistance Scheme

Encls. A case study of Fraud Committed by The National Australia Bank Against their customer

The Victorian Bar Legal Assistance Scheme
PO Box 16013
Melbourne VIC 8007
DX 128 Melbourne
Telephone: (03) 8636 4419 Facsimile: (03) 8636 4455
Email vbilas@pilch.org.au

Response to Buckman's submission 30th of November 2008



THE
VICTORIAN
BAR

19 December 2008

Ref: BAR/07/430

Paul Buckman
PO Box 120
TINAMBA VIC 3859

Dear Paul

Enquiry to the Victorian Bar Legal Assistance Scheme

We refer to your letter to the Victorian Bar Legal Assistance Scheme (VBLAS) dated 30 November 2008.

We considered your matter and provided an advice to you on a *pro bono* basis in February 2008. This advice was obtained through the Victorian Bar Legal Assistance Scheme, which the Bar's *pro bono* assistance Scheme. Whilst this Scheme is administered by the Public Interest Law Clearing House, it is governed by the Victorian Bar's Legal Assistance Committee.

Counsel advised that your claim is impeded by its age and that any action against the National Australia Bank vested in your liquidator. As a result we are unable to consider your most recent request for assistance.

Please find enclosed the document "A case study of Fraud Committed by The National Australia Bank Against their customer". We wish you all the best for the future.

Yours sincerely


Michael McKitterick
Solicitor, Victorian Bar Legal Assistance Scheme

Encls. A case study of Fraud Committed by The National Australia Bank Against their customer

The Victorian Bar Legal Assistance Scheme
PO Box 16013
Melbourne VIC 3007
DX 128 Melbourne
Telephone: (03) 8636 4419 Facsimile: (03) 8636 4455
Email vblas@pilch.org.au