

John H. Kelmar

PO Box 489

Kalamunda, WA 6076

28 May 2013

Australian Competition and Consumer Commission
GPO Box 3648
Sydney
NSW 2001

I notice that earlier this month Westpac announced a record half-year profit of \$3,304,000,000, yet they have refused to pay the \$250,000 that they owe me on my superannuation life and disability policy, as a result of my disability (PTSD, stress, heart problems – 10 stents, varicose veins in my legs, short-term memory loss, etc) which has caused me to receive the Disability Support Pension from Centrelink as a person with a recognised medical disability and who is unable to indulge in any work activity for which I am qualified.

I have written to Westpac on 7 December 2012 (Brad Cooper – CEO, BT Financial Group) and to Gail Kelly on two occasions, only to be fobbed off to some dimwit who has refused to process my claim. In 2005 I wrote to the Westpac Superannuation office asking what were the Terms and Conditions on my Life and Disability policy. Their reply was that my Disability Insurance Benefit

“...WOULD BE PAID IF AND WHEN A CLAIM WAS PUT FORWARD”

There was no indication that there were any other terms and conditions, processes, procedures, time frames, changes in value or anything else in the Terms and Conditions of my policy.

When I took out the policy in 1995 Westpac did not provide me with any information about this policy, and have since agreed that they should have provided me with a Product Disclosure Statement, but that their staff had failed to do this, so I am left to rely on the information I was verbally given at the time and the reply to my request for the Terms and Conditions of my policy in 2005.

During the time I have been contributing to my Life and Disability insurance policy, Westpac have been increasing the amount that I should pay each year without increasing the benefit, and without providing me with a spreadsheet to indicate that this would happen. Now they say that they may pay me \$50,000 compared to the \$250,000 that was agreed at the time I took out the policy.

This is clearly a case of Fraud, Deceit, Misrepresentation, Bullying, Stealing, Abuse, and Harassment by Gail Kelly and her henchmen at Westpac to falsely increase the profits of the bank by taking

advantage of people with disabilities. Kelly has been touted as one of the best Managers in Australia, but she is in the same boat as Gillard, Skase, Bond, Connell, and the Catholic Church. She is happy to take the money to prop up her fraudulent Insurance schemes, but has no intention of meeting the commitments of these policies when a claim is made. She would be better off being deported to run the banking businesses in Greece, Spain, or Portugal, or maybe she has already been taking lessons from the CEO's of these banks when they last had a meeting. I wonder how many other Australians have been caught in this fraud?

I have frequently requested a face-to-face discussion with someone who is capable of making a decision on my claim, but this has always been refused. I assume that this is because they are all hiding in their Headquarters Bunker, just like Adolf Hitler.

I have also attempted to solicit Slater & Gordon and Maurice Blackburn, but all they wish to do is to investigate if I have Disability Insurance, and Both have refused to outline any details on the other issues that I need representation for, and refused to quote on costs and time frames. All they both want is an open contract to represent me without providing any details or costs. Maybe they work for or are connected with Westpac?

Perhaps Gail Kelly is deliberately delaying payment in the hope that I will die before she has to part with any money? Without the surgery (twice in 2010) I would have died then.

I hope that your organisation can assist me in some way, and that suitable public pressure can be gathered so that people like myself can obtain the financial benefits that we have been contributing to for many years. My ability to fight for myself has diminished greatly over the past three years and I find it virtually impossible to comprehend the mountain of information that is required to fight these corporate bullies which the Australian Government appears to encourage through accolades and awards in return for money and kickbacks so the politicians can mount their own campaign to join the circus.

Regards

John H. Kelmar

jkymar@iinet.net.au

Mr. Brad Cooper

CEO

BT Financial Group

GPO Box 3960

Sydney NSW 2001

Dear Brad,

In reference to your recent update on my superannuation whereby you indicated that I had a Disability Benefit of \$50,000.00 owing to me, I wish to claim this amount.

I am currently on a Disability Support Pension with Centrelink, and have been on this since August 2011. I did not realise that this payment was available to me until I saw an advertisement on TV indicating that many people had accessed their payment.

BACKGROUND

It has taken me a great deal of time to be able to write to you regarding this due to my disabilities which I suffer.

These disabilities are physical and mental, with the mental being initiated when I was employed at Curtin University between 1985 and 1995. I was forced to resign my Tenured Lecturer position whilst I was undergoing psychiatric treatment for stress as a result of bullying, abuse, harassment, and physical threats of violence against my person, as well as threats to my wife and children. This abuse and bullying was a conspiracy by senior staff in the School of Management, the Deputy Vice Chancellor, and the Vice Chancellor to "get rid of me through any means possible" because I spoke out about the cheating my students (mostly from overseas where the money was) and the bribes being accepted by the aforementioned persons to ensure that underperforming students were passed so that graduation figures would "look good" to potential students in Australia and overseas, as well as the Australian and Western Australian Government. Whilst undergoing psychiatric treatment, the University staff and their lawyers bombarded me with letters demanding that I respond to their many points within seven days or else my pay would be stopped, and this they eventually did. They forced me to resign so that I would have enough money to provide food for my family, which I believe is an illegal act on their part and not only is unconscionable, but should also be subject to criminal charges against all those involved.

In 2002, or thereabouts, I was diagnosed with Post Traumatic Stress Disorder by Dr. Daniel Morkel of West Perth, and he prescribed Stilnox and one other dangerous drug, both of which have serious side effects which I was not made aware of at any time by Daniel Morkel or others in the Medical profession.

In September 2010 I noticed that my chest pains were becoming more severe so I made an appointment to see Dr. Tosh at Mead Medical Group in Kalamunda (20 September 2010). He immediately made an appointment for me to have further tests at the Perth Cardiovascular Institute in Bentley (24 September 2010) where they found that my blood pressure was about 210/175, and as a result of these tests I was immediately referred to Dr. Davis at Hollywood Hospital (28 September 2010). Dr. Davis immediately scheduled me for surgery on 30 September to have 6 stents inserted in my arteries, as they had become blocked. Dr. Davis had found 10 blockages, but due to the time involved in the procedure, felt that he should only do the 6 most urgent ones at that time, and scheduled another operation for the 23rd November 2010.

RECENT ISSUE

I was employed as a permanent full-time Business Trainer by the Perth Education Group Pty Ltd t/a Technical College of Western Australia, at 113 Wharf St, Cannington, commencing on 13 October 2010.

On Wednesday 20 July 2011, as a result of mental abuse by my supervisor (Rohini Modgill), I suffered severe chest pains. Rohini suggested that she would arrange for me to attend at the Bentley Hospital, but this hospital does not have facilities for emergency treatment, which Rohini should have known as it is three streets from the workplace. When we arrived at Bentley Hospital, Rohini took me to the wrong entrance, and I was forced to walk 200 metres to the proper entrance, which was very difficult due to my chest pain and shortness of breath. The hospital staff stated that they did not have emergency facilities, but were able to attend to me because the seriousness of my condition, and immediately put me in a wheelchair to take me to a bed. A Doctor quickly inserted a needle so that a drip could be attached, and gave me appropriate medication and took an ECG. An ambulance was organised and I was then transferred to Hollywood Hospital, having conferred with my cardiologist (Dr. Michael Davis) that this was the place that I should have been sent in the first place. Due to Rohini's inability to assess my situation in a proper manner and the lack of an OHS person in the workplace, her actions could have easily resulted in my early demise.

TCWA, and more specifically Rohini, knew of my current medical condition as I was admitted to Hollywood Hospital on 23 November 2010 to have a further four stents inserted, on top of the six that were done on 30 September 2010. I suffer from an ectopic heart condition and any undue stress could result in a heart attack.

Rohini's actions were to accuse me of abusing the students and discrimination against them, without her undertaking any investigation into their claims. I totally refute each and every claim made by Rohini, as these students failed to attend class and failed to submit any assignment work, so conspired with others to make false and defamatory allegations so that they would be given a pass just before their student visa expired, as a number of other students had also pursued this path.

This college is owned by people from India, and caters to students from a specific region of India, to allow them to come to Australia on a student visa to earn an Australian qualification whilst also allowing them to work for up to 20 hours a week, with the view to gaining permanent residency. However, none of the students attend class for the required 20 hours a week, with the best only attending for 30% of this time. They also breach their visa by working 50-60 hours a week, some in three different jobs. Hence they are not participating in the classroom activities, resulting in them not attaining the required education to satisfactorily complete their assignments. The students have conspired to overcome this by making complaints to the Indian owners, and then are automatically given a pass without handing in any work.

None of their complaints are true, or can be supported by evidence. I always have treated all students without discrimination or bias, and in my 13 years of teaching (Curtin University and 5 different RTOs in Perth), I have never been taken to task over my treatment of students.

The doctor at Bentley Hospital took my blood pressure (175/105), inserted a catheter into my hand, and dosed me with Glyceryl Trinitrate. Since November 2010, I had been able to manage my blood pressure to keep it around 120/65, by taking the six tablets prescribed by my cardiologist and adjusting my lifestyle so that I did not over exert myself, or undertake any activities which would cause stress. Unfortunately, Rohini disregarded my condition and deliberately put me in a situation in the workplace which could have proved fatal for me if I was not hospitalised quickly. It appears that the TCWA workplace is toxic and unhealthy, and breaches many aspects of the OHS Act, Regulations, and General Duty of Care.

As a result of my hospital visit I underwent another Coronary Angiography and Cardiac Catheterisation, and did not returned to work due to ongoing pain in the chest. Whilst my blood pressure can be maintained below 140/80 at home, when I visited my local GP (26 July 2011) to check on my condition he recorded a blood pressure of 158/95. I also feel very light-headed whenever I stand, have severe shortness of breath, and my short-term memory leaves a lot to be desired.

On 24 July 2011, I completed a Worker's Compensation claim form and posted this to Ranjit Singh, one of the owners of Technical College of Western Australia. On 29 July I received an email from Rohini with my pay slip attached, but this showed that I had been short-paid for the previous fortnight. Instead of a base salary of \$2,100, I was only given \$630. I queried this with Rohini, and she replied that the college had not received my Workers Compensation Claim Form. I emailed Ranjit Singh on 29 July 2011 asking that he look into this matter and reply to me by the end of the day, but he has refused to do anything. Rohini's reply also indicates that she is covering her inability to handle the OHS situation in a proper and ethical manner, and it appears that she is continually abusing me by telling me that I have to sort out all the issues of Sick Forms etc. Surely it is the employer's responsibility to assist their staff, especially when as a direct result of their actions, that

staff member had to be transported to hospital in an ambulance and underwent a surgical procedure. It appears that TCWA had decided not to pay me at all for any time that I am off on sick leave, despite having a number of days sick leave owing, and despite me having submitted a Workers Compensation Claim.

I have been diagnosed with an Ectopic Heart Beat, have 10 stents inserted into my arteries to reduce the possibility of a heart attack, and find that I have continual chest pains, continual shortness of breath, constant light headedness, and at times extremely high blood pressure. My father died of an aortic aneurysm at 62, his brother died at 59, and my grandfather died from heart problems at 60. I am now 63. Whilst my blood pressure is generally lower than what it was before (around 155/95) it has recently reached 210/170 when I was trying to solve problems that the Tax Office and Centerlink have caused by hitting me with a punitive tax bill because I forgot to put a figure in the right square (I have great difficulty filling out forms, especially where there are no written instructions on each point), and Centerlink have reduced my pension because they have invented a figure for my assets and income despite the fact that I had sent them a letter correcting their figures.

Putting this letter together has taken me over a year in total in finding the material and trying to make sense of my situation, and is causing continual chest pain and stress pain up my neck and into my head. I do not have the energy to continually fight the bloody-mindedness of employers who abuse the system for their own self benefit.

I finally obtained a First Medical Certificate from Bentley Hospital and sent this to Technical College of Western Australia. Even doing this proved very difficult as the medical staff seemed ignorant of what was required on these certificates by failing to fill out the form correctly, and taking three or four attempts to get it right. I had to contact Kim Hames, Minister for Health, to have this incompetence addressed.

Instead of TCWA setting up a process to rehabilitate me whilst on Workers Compensation, and design a plan for me to return to work, they terminated my employment on the 9th August 2011, and initially refused to pay me salary or Workers Compensation. I have since received a piddling Workers Compensation of \$15,769 which is supposed to provide for me for the rest of my life.

This matter is causing me undue stress, and I now constantly suffer from chest pains, light headedness, and pains up my neck and into my head. I am unable to undertake any significant physical activity due to the pain, and have an increased tendency to forget things. I am sick and tired of being racially abused, harassed, and bullied when all I have ever tried to do was to teach people how to run a successful business.

I no longer enjoy driving, and am not happy in crowded places. I have tried to find work, but am unable to hold down a job for longer than 10 months, and am not capable of running a Small Business or being involved in Teaching (I forget what I am talking about and lose track of the discussion). I am physically and mentally exhausted and find it impossible to learn anything new. My mental capacity is around 30% of what it used to be, and a simple task now takes me 3 to 4 times as long to do as I am unable to concentrate for long periods. Even writing this I have to stop every five minutes or so to relax as just trying to put the words down causes headaches and neck pain. I know that my heart rate also increases as I monitor that at home.

Your early payment of my Disability Benefit will reduce my stress and enable me to live a slightly better life than I am currently living.

Yours Sincerely

John H. Kelmar

7 December 2012

Mrs Gail Kelly

Managing Director

Westpac Bank

C/- Group Secretariat, Level 20, 275 Kent Street,

SYDNEY, NSW, 2000

Please find enclosed a letter I had to again send to Brad Cooper regarding my superannuation after he failed to do anything following my letter of 7 December.

I am starting to believe that your organisation does not care about its customers and that you are more interested in your own salary package than in good business practice and ensuring that people with disabilities are not discriminated against.

I want my concerns resolved without the usual delays and legal mumbojumbo that your organisation is so keen to deliver to anyone who dares to complain.

I expect a reply within seven days.

John H. Kelmar

28 December 2012

Samantha Tuineau

Senior Claims Administrator

Life Insurance Claims

GPO Box 524

Sydney NSW 2001

Further to your letter of 3 April 2013 I am enclosing all the details I have regarding my Workers Compensation Claim.

I fail to see why you are requesting this when your own policy clearly states that my claim “would be paid if and when a claim was put forward” (Letter of 9 March 2005 – Miki Kilibarda). There is no mention of any further information being provided. I put forward a claim on 7 December 2012, and your organisation has ignored your own policy and refused to speak with me in person or to act on my claim in an ethical and legal manner.

I am sick and tired of the abuse, harassment, discrimination and bullying I have received from Westpac over this matter and insist that you pay me the \$250,000 owing on my policy without any further delay. If this is not done within 7 days I will refer my concerns on the insolvency of Westpac to Parliament, the Press, the Ombudsman, the Police, and the Courts.

Stop your discrimination, abuse, bullying, and incompetence and pay what is owing as per your policy. You have been happy to take my money, but fail to pay when the policy states that it should be paid – this is stealing and fraud.

Furthermore why do you people refuse to speak with me in person? I assume that whilst you are happy to cheat me you are not willing to face me.

John H. Kelmar

14 April 2013

Gail Kelly
Managing Director
Westpac Bank
C/- Group Secretariat
Level 20, 275 Kent St
SYDNEY NSW 2000

Further to my letter to Brad Cooper on 7 December 2012 and a further copy to yourself on 28 December 2012, I find that you and your henchmen have ignored my application for a payout of my Disability Insurance as nothing has been forthcoming and your staff are sending me requests for more information four months after my initial request, which should have been requested in December last year if it was necessary, but as it wasn't requested then it was not necessary, and now you are just deliberately abusing, harassing, bullying, and discriminating against me because I have a disability, and that your organisation is more than happy to take my contributions, but are taking the profits for yourself instead of paying out on the insurance. This contravenes the Trade Practices Act of Australia (Competition and Consumer Act) indicating that your policies are fraudulent by accepting premiums and refusing to pay out when requested.

Your organisation replied to my query of the Terms and Conditions of my policies in March 2005, where it was clearly stated that my claim would "be paid if and when a claim was put forward". This I did on 7 December 2012, but you have refused to pay me the \$250,000 on the policy that your staff indicated that I should take out.

It appears that you and your staff are liars and fraudsters and are happy to take my money for an insurance policy that you have no intention to make any payments on. You are typical of bankers throughout the world who concoct stories to seduce customers to pay you money for the promise of a future benefit, but then steal the money for yourself and refuse to make payments when the event triggers the time for payment.

In late 1995 I transferred my Superannuation balance from the University system to the Westpac Lifetime Superannuation Service, as advised by the staff at the Kalamunda branch of the Westpac bank. I was promised that they would look after my investment and that I was told to choose the Balanced Growth Fund as the best option. At no time since then has any person at Westpac bothered to contact me to review my investment, nor it appears has any staff member made any effort to ensure that my investment was performing at its optimal capacity.

I have not been trained in Superannuation Investments or in dealing with the nuances of the Australian Investment Market (Shares, Managed Funds, Cash Deposits, etc), and have even less of an idea about International Investments. As such I was relying on the promises made

by Westpac Bank that the expertise of their staff, and the information that they could access, would ensure that my investment would obtain the maximum gains possible.

In an article from News Corp last year, the following was stated:

The \$10,000 invested in default funds a decade ago is worth only \$16,000 on average today.

SUPER savers could have doubled their money if they had switched to the best performing investments each year of the past decade.

Savers who switched their super into cash during the global financial crisis, then spent a year in property and then moved in to fixed interest investments last year, would have seen their \$10,000 investment nearly quadruple to \$37,000 today, figures show.

Instead, the \$10,000 invested in default funds a decade ago is worth only \$16,000 on average today.

"Because our super funds weren't able to get each year's asset allocation right, we are 50 per cent worse off from where we could have been," said Alex Dunnin, the head of research at SelectingSuper, which made the analysis.

"It illustrates what could have been and why picking investment strategy is so important."

This clearly shows that the staff at Westpac Lifetime Superannuation Service have failed to manage my investment as promised, in fact they have shown that they were incompetent and fraudulent in their activities, and even failed to put in place "Stop Losses" to ensure that my Capital did not decrease during any downturn, which they would have received full information on if they had bothered to properly investigate each and every share they purchased before the money changed hands. The poor performance was explained by Caroline Tapper of BT Financial Group in her letter dated 17 January 2013 as being due to investments being made in the USA in the sub-prime mortgage market. If these investments were so risky, why did Westpac Lifetime Superannuation Service bother to invest in them in the first place? Surely this is tantamount to criminal activity by Westpac Lifetime Superannuation Service and their staff and charges should be laid and all assets belonging to the staff and organisation should be sold to cover the losses. Investing in these products were never discussed with me by staff at Westpac, so no authorisation was given by me to invest my money in these products.

On 9 March 2005, I wrote to Westpac Lifetime Superannuation Service querying the terms and conditions of my insurance policies which Westpac Lifetime Superannuation Service suggested that I take out, as I was not supplied with any documentation on these policies. The reply I received from Miki Kilibarda of Westpac Financial Services (see attached) clearly show that the Disability Benefit Payout would be generated the instance that a "claim was put forward". This I did on 7 December 2012 to Mr Brad Cooper, CEO of BT Financial Group – his name appears on the documents asking for greater sums to be paid for my insurance each year. Now 104 days have passed and no money has been forthcoming, despite all the documentation and medical certificates being presented – more deceit and lies.

Furthermore, in examining the documentation I suddenly noticed that my Disability Benefit had been decreased from \$250,000 when it was first taken out, to a miserly \$50,000 now without any notification or indication that this would happen, whilst at the same time I have been slugged higher fees for diminished benefits. There was no indication, when I agreed to this policy, that this would happen, and I was supposed to have received a Product Disclosure Statement when I took out the policy, but this was not forthcoming. Caroline Tapper stated in a phone discussion that she was referring to the 1998 PDS when discussing terms and conditions, but this document is three years after I took out the policy – the only copy of such a document I have is dated 2004, so the information is not relevant to the date that I entered into any agreement with Westpac.

I was never told, nor did I receive any spreadsheets, outlining the increase in fees and decrease in benefits for this policy. My experience with Life Insurance policies indicated that at the time of taking them out, the yearly fee was a fixed value, and that the benefit was locked in for the life of the policy – no increase or decrease was permitted. Also, if a policy holder required to exit the policy before it expired, then they would be paid their fees plus interest upon exiting.

Brad Cooper has totally ignored my claim for the Disability Benefit as agreed to in the policy, as he has failed to reply to my letter of 7 December 2012, and also failed to reply to my letter of 28 December 2012, which I also sent a copy to Gail Kelly, the Managing Director of Westpac. Gail Kelly generated a response through one of her staff, but still she failed to ensure that I would be paid.

I am seeking the \$250,000 Disability Benefit that was agreed to in the initial discussion with Westpac staff, plus interest based on the fact that I have made a claim on 7 December 2012, and based on the letter I received from Miki Kilibara in reply to my letter of 9 March 2005, this should have been paid immediately to the sum of \$250,000.

I am also seeking compensation for Westpac allowing my investment to decline when it did, as there was no authority for them to invest in sub-prime mortgage loans in the USA, which would amount to a further \$50,000.

Also I would agree to compensation for Westpac's failure to manage my investment in the manner they described when I put my money with them, as they had acted in a fraudulent manner by failing to take advantage of the proper investment opportunities as outlined in the aforementioned News Corp article of 2012, and that they have charged me a high management fee whereas in reality they have mismanaged my investment, thus breaching the Trade Practices Act (Competition and Consumer Act).

Regards

John H. Kelmar

14 April 2013