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JUSTICE IS IN THE EYE OF THE BEHOLDER AND CLOUDED BY HIS/HER SIGHT DEFICIENCY

 *** MAY JUSTICE ALWAYS PREVAIL *** 			
<small>ABN 37144320620</small>			
From: Mr G. H. Schorel-Hlavka O.W.B. 107 Graham Road, Viewbank 3084 Victoria, Australia			
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THE MORALS OF A SOCIETY CAN BE MEASURED AS TO HOW IT LOOKS AFTER THE DISABLED			
Our website shows details as to how to order magnetic and other car door signs, to alert other motorists about the need to keep clear to enable the loading of a wheelchair bound person into the vehicle.			
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Financial System Inquiry

20-8-2014

fsi@fsi.gov.au

20140820-G. H. Schorel-Hlavka O.W.B. to Submissions to the Financial System Inquiry-SUPPLEMENT 7

NOT RESTRICTED FOR PUBLICATION

Submission Stability - Addressing too-big-to-fail

Sir,

With the issue of "Bail in"/"Bail out" for banks "Too big too fail" there should be a look at associated issues, such as that banks cause/inflict harm to its own financial standing by removing the usage of signatures and force the replacement of using pin numbers.

I have for this included a case (of myself) showing the deceptive conduct to use an **advertising agency** and/or a **private registered business** owned by one person as if this can dictate banks and other financial institutions how to conduct matters. It should be clear that banks by this makes themselves vulnerable and so also customers and the general public and should not be aided by this by the Federal government introducing (I view) unconstitutional legislation but should rather demand that banks are cleaning up their act to be and become more responsible and accountable for their conduct.

QUOTE 20-8-2014 correspondence to the Financial Ombudsman Service

WITHOUT PREJUDICE

Financial Ombudsman Service

20-8-2014

info@fos.org.au

Cc: Westpac C/o ramcintosh@westpac.com.au

Ref: 20140820-G. H. Schorel-Hlavka O.W.B. to Financial Ombudsman Service-Re signature card-etc COMPLAINT Case Number 369877 Supplement 02

Sir,

I have copies below a response I received from Westpac as to why it refuses to allow me to continue to use a signature.

As you are aware the federal Government has been pursuing that people of all ages when earning an income must prepare for when they retire. In fact since about 1946 it introduced a 7% levy tax for old age pensions. Decades later it introduced compulsory superannuation for both employees and employers. As such, it must be clear that governments of whatever political parties association were insisting that people of all ages prepare for the future of old age.

I am a senior citizen and while I am no longer required to contribute to some old age pension, as I passed the 65 year age, nevertheless I still have to be considering the rest of my life, including that many people in their old age are losing some of their faculties such as memory loss.

Only in recent weeks, as I recall it, in the 60 Minutes Television program showed how a woman in her senior years no longer can remember her pin number, and now is blocked out of accessing her monies held by the bank.

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For many years people when depositing cheques in a bank had to fill in deposits slips only then for the banks to slowly abolish them. However, one could attend to Westpac Rosanna branch still having to fill in the slips while the Westpac City branch already for a long time no longer used this. The slips therefore were for the convenience or inconvenience of the branch that insisted on those deposit slips and much to the inconvenience of customers.

With the signature requirements one has to ask what is the difference for a bank or other financial institution if I use a signature or a pin number? When I attend to a store and sign with a signature then at time in error the cashier puts the signature slip in the bag with the items purchased. The store still receives its monies as this is electronically completed. The signature therefore is for the benefit of the store and not of the bank. Also, the signature is that of the customer and not that of the bank. So, let say that I were to discover the signed slip in my shopping bag and were then to claim to the bank that I never purchased the items. The store may just then produce CCTV camera recording proving I actually was there doing the purchase, and so the signature itself is not necessarily required by the store to prove I was the person doing the purchasing. Also, if the bank charges me for something I am not agreeing with I incurred this purchase cost then I can request a signature slip to be produced, which the store could produce if it were not to have CCTV camera.

If however the store seeks to claim more than what was purchased by say claiming to charges then where a CCTV camera (if they have one) cannot show 2 separate purchases then the signature or the lack thereof will make a difference. It is not like that stores are putting into a box all the signature slips they received and then sent it on to Westpac to record. Therefore, it is in disputes that the issue of signature slips and CCTV camera's become relevant. Therefore, being it Visa, Mastercard, or whatever, they too have little or no concern about signature slips unless there is a dispute. Removing the signature slips from the scene means less evidence for a customer to prove he/she didn't purchase the items charged for. As such it is in aid of fraudulent charges that the need for signatures is to be abandoned.

When people are getting older they do not realise the generally slowly (degeneration) loss of memory, etc, and so can be more likely the victim of fraudulent conduct by banks and other financial institutions. As such the issue of removing signature requirements is more to prevent the elderly their security. It is not like that the financial institutions will say: "**We will remove signature requirements and if you dispute a charge then we will have the onus of proving you made the particular related purchase.**". It is no more but a system to dupe the elderly more and more.

If one check stores then many have where one must key in a pin number where the unit used for it is fitted onto the cash register and ass such a person in a wheelchair cannot access this but needs to give another person the pin number (being it the cashier or other person nearby) and this in itself violates the security as one is not permitted to give once pin number to anyone. Whereas with a signature, the slip can be placed on the wheelchair and the person can add his/her kind of signature.

QUOTE 15-8-2014 email

We understand that you have been using the Handycard with PIN to transact on your account and therefore should be able to use a PIN on your credit card.

END QUOTE 15-8-2014 email

As I am heading to being 70 I have my concerns as to if later in life I could have the mental competence to remember all kinds of passwords/pin numbers required for a range of issues.

The mere fact that I use a pin number (albeit very limited) to one card for Westpac is because it is the only card I use with a pin number and so no confusion can occur. However, if I were forced to use a pin number for each and every card then obviously I will be unable to remember them all. Writing them down is no option because that would be in violation of the conditions of

each relevant card. As such, I would have to use either one pin number for all cards, which itself is also not appropriate or forget using any pin numbers at all. Moreover, the bank advises one has to change a pin number regularly, in particular also if someone try to use an incorrect pin number to access once account via the internet. Well, if one has to change a pin number for one

5 account and were to use the same pin number for other accounts then one would have to change all of them every time one needs to change it for one of the cards.

I recall some years ago when I was starting with passwords to use a certain system that would make sure I never used the same password for different things but never would forget any password. Well, soon after this I had to apply for resetting my passwords because I forgot the

10 system I had created. I had used an incorrect identity for the particular website or used an incorrect email address for a certain website, etc. So, forget about whatever password as I simply cannot bother to remember any as I just get to reset the password and that is much quicker.

And knowing the password/identity/email address problems the years I have no intention to be stranded at a cash register being unable to remember the pin number and then left standing there.

15 I do not expect Westpac after hour's service to accompany whenever I have to use my card to assist me if I do not remember which pin number is for which card and so I see no justification to abort a signature.

As I exposed (in my previous 5-8-2014 correspondence) the nonsense that this is mandate (as claimed by the bank) where this actually is of a private person having set up some company and an advertising company in itself underlines the gross deception the banks are engaged in.

20

It must be clear that the banks are willing to continue signature cards IF IT APPROVES THIS for certain customers. To me this is discriminatory against the aged! Again, many customers wouldn't have a clue that they have a mental regression. It is part of a life cycle.

25 Ultimately banks (other than State banks) and other financial institutions are regulated by Commonwealth law, not by some privately owned advertising company!

Commonwealth policy is that one must consider once aging and provide for appropriate age care. I view this demands that banks (other than State banks) and other financial institutions must ensure their policies are not disadvantage the elderly, the infirm and the disabled.

30 I am not aware of any application by Westpac as to being allowed to discriminate towards the elderly, etc, and as such I view its conduct to demand I use a pin number is a breach of law.

It is not relevant if Westpac may argue it only demands me to have one more pin number, because if every financial institution does the same argument then I could end up with numerous pin numbers in totality. I do not accept that I should have to prove to any bank/financial institution my mental capacity at whatever time to be permitted to use a signature card. My right to access my own monies, being it using Mastercard or otherwise should never be challenged by the bank or other financial institution.

35

QUOTE 15-8-2014 email

40 "The Industry Security Initiative, a collective of Australia's major financial institutions and card schemes, confirms that PIN has become the main form of card payment authorisation in Australia starting from 1 August 2014."

END QUOTE 15-8-2014 email

45 Again this Industry Security Initiative" is a deceptive reference as to my research it is nothing more but an advertising agency, as outlined in previous correspondence!

One must be an utter fool to accept that an advertising agency instead of the Commonwealth of Australia can dictate how banks (other than State banks) and other financial institutions can conduct their business. **The mere fact that Westpac continues to dictate these issues despite my previous set out about this advertisement agency may underline how it as I view it is swindling its customers to cave in to their unethical and unlawful demands.**

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QUOTE 15-8-2014 email

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“The Industry Security Initiative, a collective of Australia’s major financial institutions and card schemes, confirms that PIN has become the main form of card payment authorisation in Australia starting from 1 August 2014.”

END QUOTE 15-8-2014 email

5

Again, here Westpac has purported that the “Industry Security Initiative, a collective of Australia’s major financial institutions and card schemes” where in fact my research indicates it is nothing more but an advertising company. As such, to me this is a gigantic conspiracy by those involved as to seek to undermine customers rights being by disability or age pension relevant legislative provisions, as referred to in previous correspondence.

10

QUOTE *Sorell v Smith* (1925) Lord Dunedin in the House of Lords

In an action against a set person in combination, a conspiracy to injure, followed by actual injury, will give good cause for action, and motive or instant where the act itself is not illegal is of the essence of the conspiracy.

15

END QUOTE

Obviously by now a lot of people have been deceived to now use a pin n umber and I view this cannot and must not be tolerated.

20

I view, I should be entitled to compensation if only for the sheer deceptive conduct by Westpac upon me perpetrated to try to force me to submit to their what I consider unlawful demands despite having been provided by me considerable writings setting out my opposition of using a pin number for my Mastercard. Despite that over the years I have pursued to act in a secure manner Westpac seeks to undermine this by forcing me to use a pin number and I view violates my rights in various ways by this.

25

QUOTE 15-8-2014 email

PIN usage has been proven to decrease fraud due to lost or stolen cards when introduced overseas, and the combination of a chip enabled card and a PIN is considered the highest security standard globally for transactions where the card is presented at the point of sale.

30

END QUOTE 15-8-2014 email

Very often I come across this mind of nonsense what may or may not be used overseas. The fact we are residing in the Commonwealth of Australia is because of its unique set of laws. Is Westpac going to promote so called honour killings because it is practice overseas in various countries? Come on it is not relevant what overseas may or may not claim to be applicable as they do not have the constitutional structure that is unique in the Commonwealth of Australia. The statement shows no relevant/reliable date and is merely a nonsense statement to seek to justify as I view it violation of Australia legal provisions to undermine the rights of the aged, infirm and the disabled. Obviously it is open to Westpac bank, if it disliked Australian legal provisions to close its Australian b ranches and move to the countries where it can practice its desired conduct, if it considers that those “overseas” countries where such practices is permitted are better for it. However, where it is operating within the framework of laws within the provisions of the *Commonwealth of Australia Constitution Act 1900* (UK) then I view it must conduct matters within those legal provisions. The Framers of the Constitution specifically provided for the commonwealth of Australia legislative powers to deal with banks (other than State banks) and other financial institutions and this because of the dismal and corruptive and irresponsible conduct then already existing where gross mismanagement caused many to end up in a poor house.

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Hansard 21-1-1898 Constitution Convention Debates

QUOTE Mr. HOWE:

They show that the thrift practised by the people of Australia is unparalleled in the history of the world. But there is another side to this question, and a very gloomy and sorrowful side indeed. **There are records of bankruptcy, of reckless, and in some instances corrupt, management, when the hard earnings of the people and the savings of a lifetime have been swept away-have melted away like snow before the**

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noonday sun. Through this reckless and corrupt management men who thought they had provided for their old and declining age found themselves stranded on the cheerless shores of charity, and many of them have had to accept even amongst ourselves the pauper's lot. The pauper's lot in Australia or in any other country is to the deserving poor one of the saddest and darkest blots on our civilization.

5 END QUOTE

With “**Bail out**” or “**Bail in**” the banks seeks to throw off their responsibilities for corporate responsible management and seeks to undermine the customers/public rights to accountability. The signature card issue is no more but a device to limit the rights of customers and aiding the banks and other financial institutions to undermine the rights of customers and the public in general. Whereas Westpac requires using pin numbers increases security reality is in my view it undermines security, where used for ordinary purchases

15 When I walk about I do not fear anyone scanning (using some device) my card because they cannot scan my signature. However, without my signature being needed they can scan my card while I walk ab out and do not need a signature. Overhead cameras have often proven to be used in stores to monitor the pin number used by a customer and the cashier using an unauthorised scanner then can add further charges long after a customer has left. It is known to happen in restaurants, hence I for one do ordinary never use my handycard for purchases. My records of my
20 Handycard proves this. And yes I keep those records! As such by limiting the usage of the Handycard to selective ATM machines I am able to immediately identify any unauthorised usage. Hence, I use the Mastercard in general and as I recall only twice in the last decade had to pay interest as ordinary I use the Mastercard to avoid any interest charges. As such, I view I use my Mastercard in a responsible manner and do not accept that I can be forced to use the
25 Mastercard in a manner which undermines my security as well as my legal rights.

Regardless if I were to use a signature or pin number at any particular store it makes really not one of iota differenced to the bank in that the electronic transaction is not more or less for the bank or the financial institution. It is however that using a pin number undermines the security of the customer and stores and would in effect enable banks themselves to add unlawfully
30 additional charges, often referred to as “bank error” where then the customer has the onus of disproving the “bank error”.

I recall in the 1970’s when my then wife came to my work explaining she had deposited \$84.00 (Westpac bank Coburg) but had not received a bank slip. I asked her to go back to the bank. She did in the afternoon and was given a slip that she had deposited \$48.00. I waited till the monthly
35 bank statement came in and then became aware that it showed a deposit of \$48u.00. I subsequently took time of work and with my wife attended to the Branch manager. He called in the teller who insister my wife had only deposited \$48.00 and the Bank manager then produced the ledger showing a \$48.00 entry. The bank manager making clear that my wife may have used the monies for something else and try to blame the teller for being dishonest. I made clear I
40 believed my wife telling the truth. We left without resolve. Some months later I happen to come across the \$48 slip again and I recalled that the slip the bank manager had shown had a full (bank) stamp on it whereas my wife had one with half a stamp and was of a different size of deposit slip. Also the \$48 entry had been the last en try of the day by the teller whereas my wife had deposited the monies in the morning. So with my wife I went back and confronted the
45 Westpac bank manager about it. He retrieved the ledger and indeed the \$48.00 dollars was the last entry of the day instead of entry in the morning. The Teller subsequently admitted having misappropriated the difference of monies. Was it not for my wife having gone back in the afternoon for the slip the lot would have gone missing. And one may ask how often the same was done to other customers? The Westpac ban k manager did apologize and remarked that I never
50 waived as to my trust in my wife. But, in the process had had twice lost time of work and this was not compensated. What it however does prove to me is that bank staff can and do misappropriate monies and I for one do not want to have such kind of “banking error”

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reoccurring. With banks setting up a policy where customers remain responsible to disprove misuse of monies but undermine their ability to do so by removing the signature requirement it in fact in my view is aiding and abetting in criminal conduct against its customers.

5 **QUOTE 15-8-2014 email**

The signature enabled card is provided to customer under certain mitigating circumstances .In relation to your wife's inability to use the PIN, you can contact the nearest branch and they will assist her to complete a form to order a signature enabled card for her.

END QUOTE 15-8-2014 email

10 I see no justification form my wife having to apply for a signature card as she should be entitled to it in principle. By the bank placing this requirement it then would give it the position it can violate legal provisions if my wife were to apply and is denied the same because she would have implied recognised for the bank to determined conditions it may set for a signature card entitlement. The bank could hypothetically required 10 specialist to certify for a signature card,
15 well aware that it would ordinary be beyond a person's financial capacity to obtain 10 specialist as huge cost. It is not relevant if the bank requires 1, 10 of 50 specialist but rather that it set itself up to set conditions that could over time escalate to impractical conditions. Hence it must be stopped from onset.

QUOTE

Subject	Reference 09227778 FOS Case 369877
Sender	Verma, Anita 
Recipient	admin@inspector-rikati.com 
Copy	info@fos.org.au 
Date	Fri 11:24

20 Dear Mr Schorel-Hlavka,

We are writing in reference to your concern regarding the use of a PIN number for your credit card. We sincerely apologise for the inconvenience this matter caused you and I have personally looked into this for you.

25

Your Concerns

You have advised that you use a Handy card for cash withdrawals but do not want to use a PIN for the credit card.

You feel the bank is forcing you to use a PIN number for your credit card.

30

You inform us that your wife is unable to use a Pin due to medical condition and you have been asked to provide a medical certificate to the effect to get a signature enabled card for your wife.

You want the bank to provide you and your wife with a signature enabled card.

Our Explanation

35

As part of an industry wide initiative to make Australia's payment system safer, Visa, MasterCard, American Express are phasing out the use of signatures to authorise most chip enabled credit and debit card payments at EFTPOS terminals, and a PIN will become the main form of payment authorisation. "The Industry Security Initiative, a collective of Australia's major financial institutions and card schemes, confirms that PIN has become the main form of card payment authorisation in Australia starting from 1 August 2014."

40

PIN usage has been proven to decrease fraud due to lost or stolen cards when introduced overseas, and the combination of a chip enabled card and a PIN is considered the highest security standard globally for transactions where the card is presented at the point of sale.

The signature enabled card is provided to customer under certain mitigating circumstances .In relation to your wife's inability to use the PIN, you can contact the nearest branch and they will assist her to complete a form to order a signature enabled card for her.

5 We understand that you have been using the Handycard with PIN to transact on your account and therefore should be able to use a PIN on your credit card.

While we appreciate that you are dissatisfied with these changes, it is in accordance with the industry wide decision.

We respectfully decline your request to provide you with a signature enabled card.

What you can do next

10 I hope the above explanation clarifies your concern.

If you are not satisfied with this final response, you can contact the Financial Ombudsman Service on 1300 780 808, email info@fos.org.au or mail GPO Box 3, Melbourne VIC 3001. If you choose to pursue this option, you will need to do so within 2 years of this correspondence.

15 Yours sincerely,
 Anita Verma ,
 Customer Relations Manager,
 Customer Experience ,Australian Financial Services.
 PHONE :02 9374 7258 FAX: 1300 655 858
 20 GPO Box 5265 Sydney NSW 2001
anitaverma@westpac.com.au

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END QUOTE

30 For the above (and also considering my previous correspondences to both Westpac bank and Financial Ombudsman Services, I take the position that Westpac bank unlawfully and by using deceptive/misleading conduct is denying me to continue to use my signature card.

35 **This correspondence is not intended and neither must be perceived to contain legal advice nor to refer to all issues/details.**

MAY JUSTICE ALWAYS PREVAIL®

(Our name is our motto!)

40 Awaiting your response, **G. H. Schorel-Hlavka O. W. B.** (Friends call me **Gerrit**)

END QUOTE 20-8-2014 correspondence to the Financial Ombudsman Service

This correspondence is not intended and neither must be perceived to contain legal advice nor to refer to all issues/details.

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