



2nd August 2012

Attn: Ms Gail Kelly
Managing Director & Chief Executive Officer:
275 Kent Street
Sydney, NSW 2000
Cc: Mr Lindsay Maxsted – Chairman Westpac
CC: Mr Phillip Coffey – Chief Financial Officer

Dear Ms Kelly,

On Matters Related To Unauthorized Withdrawal Of Credits From My Accounts:

I wrote to you on 11th July related to some banking serious banking matters. So far you have failed to respond or take remedial action. To recap:

On 12th March 2012, Westpac withdrew credits from my account [REDACTED] of \$23.54, causing my account to be overdrawn. The next day Westpac charged me an overdrawn fee of \$9.00.

On 14th March 2012, Westpac withdrew credits from my account [REDACTED] of \$6.50 and \$22.00, causing my account to be overdrawn. The next day Westpac charged me an overdrawn fee of \$9.00.

On 2nd April 2012, Westpac withdrew credits from my account [REDACTED] of \$256.23, causing my account to be overdrawn. The next day Westpac charged me an overdrawn fee of \$9.00.

In all three cases additional 'credits' have continued to be withdrawn from these accounts by your company, without my permission. Even though these accounts are not credit cards, lines of credit or overdraft facilities, it would seem that you have treated them as such.

As you, as Westpac's agent, consented to allow these withdrawals to go through (even though there were insufficient credits available in the accounts), it would seem that Westpac either created those credits out of thin air or used their own funds for those withdrawals.

The total overdraw amounts you have created is approx. \$613.00 as at today's date.

Ms Kelly, Westpac's annual report, released in Nov 2011, shows **you were paid \$3,100,000 in cash** for the year to September 30, 2011, and I read that you have just bought yourself a new home for \$9,000,000.

As an employee of Westpac, and ultimately of myself as one of the people who pays your wages, via bank fees and charges etc, I am very disappointed that yourself as the CEO and Westpac as an organisation, has sunk to such low operational and moral standards.

When you consider that documents like the Banking Code, GAAP practices and the principles of Truth in Lending, et al are supposed to be a guiding light for your organization, it may make it

more and more difficult for the Australian public, YOUR CUSTOMERS, to trust and admire people such as yourself, as business leaders or individuals of integrity, in light of these transgressions. Perhaps something to ponder as you relax tonight in your new home.

On Matters Related To Westpac's Debt Collection Practices:

WESTPAC - FACTUAL ALLEGATIONS:

1. Westpac, nor any of its agents, has ever been given any express permission to call my mobile phone.
2. Between the 19th June 2012 and 10th July 2012, Westpac and/or agents for Westpac called my mobile phone no less than 64 times in 20 days, averaging 20 calls per week and more than three (3) calls per day.
3. On 19th June 2012 at 9.42am, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
4. On 19th June 2012 at 1.25pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
5. On 19th June 2012 at 4.24pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
6. On 19th June 2012 at 6.30pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
7. On 20th June 2012 at 9.16am, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
8. On 20th June 2012 at 1.07pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
9. On 20th June 2012 at 3.32pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
10. On 20th June 2012 at 6.16pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
11. On 21st June 2012 at 11.15am, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
12. On 21st June 2012 at 1.21pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
13. On 21st June 2012 at 4.51pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
14. On 21st June 2012 at 6.38pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message

15. On 22nd June 2012 at 11.44am, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
16. On 22nd June 2012 at 1.35pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
17. On 22nd June 2012 at 5.35pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
18. On 25th June 2012 at 8.57am, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
19. On 25th June 2012 at 12.02pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
20. On 25th June 2012 at 3.50pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
21. On 26th June 2012 at 10.53am, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
22. On 26th June 2012 at 2.20pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
23. On 26th June 2012 at 3.06pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
24. On 26th June 2012 at 7.00pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
25. On 27th June 2012 at 10.15am, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
26. On 27th June 2012 at 11.44am, Westpac's agent 'Safeer' called my mobile phone with no prior permission given by me
27. On 27th June 2012 at 12.21pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
28. On 27th June 2012 at 1.35pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
29. On 27th June 2012 at 3.54pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
30. On 27th June 2012 at 4.52pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
31. On 28th June 2012 at 11.43am, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message

32. On 28th June 2012 at 4.36pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
33. On 28th June 2012 at 7.08pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
34. On 29th June 2012 at 11.11am, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
35. On 29th June 2012 at 2.16pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
36. On 29th June 2012 at 3.06pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
37. On 29th June 2012 at 6.54pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
38. On 30th June 2012 at 12.09pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
39. On 30th June 2012 at 2.18pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
40. On 2nd July 2012 at 12.01pm, Westpac's agent 'Safeer' called my mobile phone with no prior permission given by me
41. On 2nd July 2012 at 12.12pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
42. On 2nd July 2012 at 3.52pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message
43. On 2nd July 2012 at 5.16pm, Westpac's agent 'Safeer' called my mobile phone with no prior permission given by me
44. On 3rd July 2012 at 12.45pm, Westpac's agent 'Jeetg' called my mobile phone with no prior permission given by me
45. On 3rd July 2012 at 1.02pm, Westpac's agent called my mobile phone with no prior permission given by me
46. On 3rd July 2012 at 7.33pm, Westpac's agent called my mobile phone with no prior permission given by me
47. On 4th July 2012 at 10.55am, Westpac's agent 'Naveen' called my mobile phone with no prior permission given by me
48. On 4th July 2012 at 10.55am, Westpac's agent 'Naveen' was told that "All communication is to be in writing and I do not give you permission to contact me by phone". Westpac's agent 'Naveen', acknowledged that they recorded this in the notes.
49. On 4th July 2012 at 11.00am, Westpac's agent 'Savita' called my mobile phone with no prior permission given by me
50. On 4th July 2012 at 11.00am, Westpac's agent 'Savita' was asked if it was recorded in the notes that "All communication is to be in writing and I do not give you permission to

contact me by phone". Westpac's agent 'Savita', acknowledged that this instruction was NOT recorded this in the notes.

51. On 4th July 2012 at 11.00am, Westpac's agent 'Savita' was told that "All communication is to be in writing and I do not give you permission to contact me by phone". Westpac's agent 'Savita' acknowledged that they recorded this in the notes.

52. On 4th July 2012 at 2.21pm, Westpac called my mobile phone with no prior permission given by me, but left no message

53. On 4th July 2012 at 2.32pm, Westpac called my mobile phone with no prior permission given by me, and hung up

54. On 4th July 2012 at 4.34pm, Westpac called my mobile phone with no prior permission given by me, and hung up

55. On 5th July 2012 at 11.06am, Westpac called my mobile phone with no prior permission given by me, but left no message

56. On 5th July 2012 at 4.08pm, Westpac called my mobile phone with no prior permission given by me, but left no message

57. On 5th July 2012 at 6.39pm, Westpac's agent 'Kavita' called my mobile phone with no prior permission given by me

58. On 5th July 2012 at 6.39pm, Westpac's agent 'Kavita' was asked to confirm if the notes read, "All communication is to be in writing and I do not give you permission to contact me by phone". Westpac's agent acknowledged that this was recorded in the notes. Westpac's agent 'Kavita', was asked if they understood what this meant, and Westpac's agent replied, that they understood.

59. On 6th July 2012 at 11.50am, Westpac called my mobile phone with no prior permission given by me, but left no message

60. On 6th July 2012 at 1.01pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message

61. On 6th July 2012 at 4.28pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message

62. On 6th July 2012 at 6.11pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message

63. On 7th July 2012 at 10.46am, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message

64. On 7th July 2012 at 2.00pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message

65. On 9th July 2012 at 8.38am, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message

66. On 9th July 2012 at 1.50pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message

67. On 9th July 2012 at 3.28pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message

68. On 9th July 2012 at 6.39pm, Westpac called my mobile phone with no prior permission given by me, but left no message

69. On 10th July 2012 at 8.36am, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message

70. On 10th July 2012 at 12.21pm, Westpac called my mobile phone with no prior permission given by me, with a recorded message using an automated telephone dialing system or artificial or prerecorded message

71. On 10th July 2012 at 12.34pm, Westpac called my mobile phone with no prior permission given by me, and hung up

Ms Kelly, I contend that you, your company and your agents have contravened numerous laws that protect Australian consumers from unconscionable behaviour, like repeated, continuous harassment, for an alleged debt that was brought about by your own questionable business and accounting practices.

As a start, please refer to the ASIC and ACCC 'National Debt Collection Guideline For Collectors And Creditors'.

Part 2 Section 1 [c]

Part 2 Section 4 [a],[b],[c],[d],[e]&[i]

Part 2 Section 7 [f]

Part 2 Section 9 [e]

Part 2 Section 12 [a]&[c]

Part 3 Outlines the provisions in the ASIC Act Section 12DA(1), Trades Practices Act Section 60 and Fair Trading Act Sections 21(2)(h) & 26(2)(i), related to 'undue harassment' and 'unconscionable conduct' by a corporation and their agents.

The following actions are required for this matter to be resolved:

- 1) You create a computer correction of sufficient 'credits' to show nil balances on all three accounts
- 2) You repeal and remove any negatives comments you or your agents may have made to any Credit Reporting Agency, in accordance with The Privacy Act 1988
- 3) You compensate me for the harassment and unconscionable conduct you and your agents' actions have undertaken in a systematic assault on me
- 4) Appropriate compensation of \$1000 for each phone breach (64 in total), and \$2000 for each failure to comply with my repeated request for all communication to be in writing only (3 in total), is to be made to me within twenty one (21) days,
- 5) I hereby put you on notice that I reserve the right to, and may take this matter further in the form of an official complaint to ASIC, ACCC and FOS.
- 6) I hereby put you on notice that I reserve the right to, and may take further action for other damages and injunctive relief related to this matter.

All cheques to be made payable to [REDACTED] C/- of the address above.

NOTICE TO THE PRINCIPLE IS NOTICE TO THE AGENT
AND NOTICE TO THE AGENT IS NOTICE TO THE PRINCIPLE

In good faith and without prejudice,

[REDACTED]