

Your reference: 52273

Wednesday, 2nd August 2017

Mr John McKenzie
Legal Services Commissioner
Office of the Legal Services Commissioner
Level 9, 75 Castlereagh Street
Sydney NSW 2000

Dear Mr McKenzie

Re: False statements made to the Court

1. I refer to your letter of 25th July 2017 regarding the summary dismissal of complaints made to your office on 30th May 2017, and your subsequent refusal to carry out an internal review relating to the summary dismissal of those complaints.
2. The complaints made to your office were in relation to false and misleading statements made to the Court by Terence Goldberg of Turner Freeman Lawyers and Mr Goldberg's attendance at a purported meeting of creditors on 29th May 2014, when in fact Turner Freeman Lawyers was not a creditor at that time due to Turner Freeman having been paid in full (of the debt claimed) on 20th December 2012.
3. Your decision to dismiss my complaints of 30th May 2017 was made despite Terence Goldberg not being requested to supply his reasons for making false statements to the Court and not being requested to explain his reasons for claiming to be a creditor of an incorporated association when he had in fact been paid in full some 17 months previously.
4. In fact, it would actually appear that my complaints were dismissed without Mr Goldberg even being made aware that a complaint had been made about his conduct.
5. In your letter, you state: *"However, I echo the sentiments expressed by Magistrate Milledge in the apprehended personal violence order proceedings, that there comes a time when the Umpire's decision has got to be accepted."*
6. Ordinarily, I would totally agree with the sentiments echoed by the Honourable Magistrate Milledge relating to the dismissal of complaints to your office as made on 18th April 2011 (see paragraphs 9 and 10 of this letter), however, her Honour would have been completely unaware that your office **never once** sought from Terence Goldberg his reasons for making

false statements in an Application for Assessment of Solicitor/Client Costs, as filed with the Supreme Court of NSW on 23rd June 2010.

7. I refer to your correspondence to me of 2nd June 2015, wherein you admit the statements made by Terence Goldberg in the said Application were false, untrue and baseless, and in such you state:

"The Commissioner was not, and I am not, satisfied there is sufficient evidence to persuade the Tribunal that Mr Goldberg acted other than on instructions in making the statements, or that he knew such statements were false, untrue or baseless at the time he made them."

8. You are aware, of course, that Terence Goldberg repeated some of the false claims made in the abovementioned Application for Assessment of Solicitor/Client Costs, while on oath, in the Local Court, Sydney, before Magistrate Milledge, on 26th February 2016. The transcript of those proceedings was provided to you.
9. Her Honour was also unaware of the several misleading statements as made by Terence Goldberg to the Law Society of NSW in relation to complaints made to the OLSC on 18th April 2011.
10. Coincidentally, all complaints made about Mr Goldberg to your office in April 2011 were also summarily dismissed, and despite many requests, no proper explanation has been offered nor provided by any party as to the dismissal of those complaints.
11. I return to the subject of Terence Goldberg attending a meeting of creditors on 29th May 2014 (which, as it turns out, such meeting being unlawful due to a breach of sections 5.6.16(2)(b) and 5.6.16(3) of the *Corporations Regulations 2001*). Mr Goldberg, in that meeting discussed the creation of a new entity, with the surplus monies from the incorporated association involved later making their way to the designated address of that new entity, with that address being the given home address of an acquaintance of Mr Goldberg.
12. Your office has previously stated that Terence Goldberg acted for such incorporated association in Supreme Court proceedings 2009/00291458-001. This is despite the fact that the incorporated association involved was the sixth Defendant in those Supreme Court proceedings and Terence Goldberg in fact acted for the four Plaintiffs. All Court documentation has been provided to your office on several occasions demonstrating such.
13. To provide a context to the above, please find **enclosed** a copy of my letter to you of 27th October 2016, wherein I specifically request of you the basis of your claim that Terence Goldberg acted for the sixth Defendant as well as the four Plaintiffs in Supreme Court proceedings 2009/00291458-001. You did not provide any response to that letter.
14. To provide a further context to the above, and which formed part of my complaint to your office on 30th May 2017, find **enclosed** copy of a letter of 10th March 2017 to Herbert Smith Freehills, which details an apparent pathway of the improper obtainment of funds. You are aware that this letter of 10th March 2017 has formed the basis of a complaint to the NSW

Police and such remains the subject of consideration by the NSW Police, as are the false statements as made to the Court by Terence Goldberg on 26th February 2016.

15. A copy of my letter to Herbert Smith Freehills of 10th March 2017 has been provided to Turner Freeman Lawyers. No comment or indeed any acknowledgement has been received from Turner Freeman Lawyers in relation to this letter.
16. Also find **enclosed** copy of correspondence to Terence Goldberg of 15th November 2016 relating to his attendance at the aforementioned unlawful meeting of creditors on 29th May 2014, which also formed part of my complaint to your office. Terence Goldberg has not provided any response to this letter.
17. Given that you have taken the time to echo the sentiments of the Honourable Magistrate Milledge, and also due to the contentious statements as made before her Honour by Terence Goldberg on 26th February 2016, a copy of this letter and its attachments shall be provided to her Honour.
18. As has become customary, I do not expect to receive a response from you.

Yours faithfully



Symn Waters