

Your references: 52476 and 52477

Monday, 7th 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: Replicated Court stamp

I recently brought to your attention what I believed to be the misleading of the Court by a person or persons unknown having copied a Court stamp from one document to another.

For clarity, I once again provide to you and **attach** the front page of the statement of Terence Goldberg of 9th October 2015, which was filed in Waverley Local Court on the same day, as the Court stamp attests.

I once again provide to you and **attach** the front page of an additional statement as made by Terence Goldberg, also dated 9th October 2015. As previously made known to you, the Court informs me that this document was **not** filed, however, such document carries a stamp from the Court.

On inspection, and as you can see, such Court stamp appears to be identical in all respects to that on Mr Goldberg's original statement, including the placement of such stamp as well its angle, which correlates exactly.

I once again provide to you an enlarged version of the abovementioned stamps. Again, it would appear that Court stamp on Terence Goldberg's additional statements to the Court is a copy of the stamp on Terence Goldberg's original document.

On Thursday, 3rd August 2017, I received a letter from your office dated 1st August 2017 advising that a complaint had been opened in relation to the above, and stated:

"I have referred your matters to one of my staff for assessment. They will contact you as soon as they have examined your matters. However, they may need to contact the lawyers first so it could be some time before you hear from them."

I am led to believe that Samantha Gulliver, Senior Legal Officer at the Office of the Legal Services Commissioner, was the author of the letter I received on 3rd August 2017.

The following day, on Friday, 4th August 2017, I received another letter from your office, this time signed by you and also dated 1st August 2017, stating that my complaints regarding the above had been summarily dismissed, and which therefore thwarted the investigation as instigated by Samantha Gulliver of your office from taking place.

The contents of these two letters, as posted from your office on 2nd August 2017 and 3rd August 2017, yet both dated 1st August 2017, are obviously conflicting and draw questions as to the happenings within the OLSC.

In your letter which I received on 4th August 2017, you state:

"Having considered your latest correspondence and the material previously supplied, I have decided to close both complaints as misconceived. This is because I consider your concerns stem from a misunderstanding."

You go on to say in your letter received by me on 4th August 2017, that:

"There is no evidence, other than the weak circumstantial evidence that the stamps on each Statement were similar, to support your allegation that the Court stamp was forged and placed on the additional Statement after the event. The more likely explanation is that the additional Statement was filed on the same date as the initial Statement, but that the Exhibit was not filed."

Your statement is inconsistent with that of the Court. The Court informed me on 14th October 2015 that one document only had been filed and that an exhibit had not been filed due to the large size of such exhibit. The second bundle that my solicitor collected from the offices of O'Brien Hudson Lawyers on 20th October 2015, which included the additional statement of Terence Goldberg, carrying the said Court stamp, consisted only of 109 sheets of paper and was not large.

As you can see, and despite your claim, there is no misunderstanding.

It is a simple matter to check with Waverley Local Court as the Court records would, and could, confirm how many documents were in fact filed on 9th October 2015. It appears that neither you, nor your office, have approached the Court to seek confirmation of the filing of such document(s).

In your letter which I received on 4th August 2017, you make a number of statements that are difficult to understand.

If, as you claim, the additional statement was filed on the same date as Terence Goldberg's original statement, then the Court would have provided me with a copy of such additional statement. It did not.

As stated above, and at the risk of repeating myself, the Court informed me that one document only had been filed.

You infer in your letter received by me on 4th August 2017 that the matter of a copied Court stamp is not a conduct matter and should have been raised before her Honour on 26th February 2016. I must disagree with that sentiment. If the said stamp has been copied, this very obviously falls within the remit of your office to deal with, and is very much a conduct issue.

Regarding the above paragraph, the sentence I specifically refer to in your letter I received on 4th August 2017, reads:

"Mr Beazley did not raise any concerns about filing with the Court on 26 February 2016, when that would have been the appropriate time to do so."

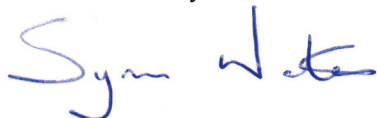
A pattern appears to emerge. Despite evidence of the Court having been misled on a number of occasions (which you have in fact admitted to), you summarily dismiss complaints made to your office without carrying out any form of investigation, nor even seeking any form of comment from the solicitor or solicitors concerned. This is extraordinarily concerning.

Given your seeming determination to subvert the proper workings of your office which also undermines the authority of the Honourable Court, a copy of this correspondence and its attachments shall be provided to the Honourable Magistrate Milledge and also to the Independent Commission Against Corruption.

I shall also provide a copy of both of the letters dated 1st August 2017 to the Independent Commission Against Corruption for its consideration.

It must be noted that despite the letters from your office both being dated 1st August 2017, the letter I received on 3rd August 2017 was posted on 2nd August 2017 and the letter I received on 4th August 2017 was posted on 3rd August 2017. I **attach** a scanned copy of the envelopes in which such letters were received.

Yours faithfully



Symn Waters