

Hon. Scott Morrison MP
Prime Minister
Parliament House
CANBERRA ACT 2600

11 November 2019

OPEN LETTER

Dear Prime Minister,

Re: Retrospective redress scheme of last resort for victims of white-collar crime

I received a reply, written on your behalf, from the Hon. Ben Morton MP, Assistant Minister to the Prime Minister and Cabinet, dated 1 October 2019 to my letter to you of 26 August 2019. There was no response to specific concerns or my request to meet with you regarding redress.

We understand a different mechanism for Legacy Complaints through AFCA will occur. We remain unclear as to whether a *retrospective* compensation scheme of last resort will occur or its related parameters. The wait has been 11 years.

We must not be sacrificed on the altar of chequebook democracy, corporate greed and vested interests.

For decades, until recent times, there has been an entrenched pattern of silencing, ignoring, denying and blaming victims of abuse of power such as in sexual abuse, family violence and black deaths in custody. However, this dynamic persists with victims of the finance industry. It is enabled by the regulatory system and overseen by successive governments and prime ministers.

Unlike royal commissions into family violence and institutional responses to child sexual abuse, and indeed, compared to the current scrutiny of aged care, very few victims of the banks and finance sector were invited to appear as witnesses. It covered a narrow section of concerns and omitted complex misconduct.

Victims most affected by financial 'misconduct' across many aspects, or every dimension, of their lives as a consequence, remain without financial redress. Urgent restitution for losses and proper compensation for severe impacts is due and fair.

There is a direct parallel between responses of successive governments with that of institutional responses to sexual abuse including churches and leaders at the highest levels.

Despite reports to parliamentarians and some 30 inquiries preceding the Hayne Royal Commission, the outcome is the same. Culprits have gotten off scot-free. Few even get a slap on the wrist. They are merely moved around to another role in the same organization or a new job and/or are even promoted. Programs portrayed as assistance for victims are PR exercises. Redress is non-existent or tokenism – the

design thwarts or stops pursuit. Leaders feign remorse and commitment to change while enabling 'misconduct' (i.e. abuse) to occur, or continue at their own hands.

Today, ABC News exposed AMP as continuing with business as usual: the ink barely dry on assurances given at the Hayne Commission. We have other examples, including ANZ's CEO, Shayne Elliott, which occurred as the Commission wrapped up.

Victims are left in greater adversity and despair by the failure of fair response of systems and authorities. Those of us without a whistle-blower (and typically adequate, or any, media coverage in complex white-collar crime) are easily relegated to the sidelines. Persistent, protracted and considerable effort has been made with next to no response. In the face of monolithic institutions, few victims take up the charge. Against all odds, and despite consequences, some victims will always *'have a go'* but do not always get a go regarding fair and appropriate financial redress.

Your predecessor, Malcolm Turnbull, predicted a report from a royal commission into the banks and finance sector would just sit on a shelf and gather dust. We call on your leadership to ensure these, and related, findings are used to enhance our community and to ensure taxpayers' money is not wasted having funded scrutiny.

A parliamentary committee of inquiry is required to examine the shelving of reports from inquiries and royal commissions. This must include failure to implement agreed upon recommendations at all or in a timely manner or in an ineffective manner. It must address the matter of fair and appropriate financial redress and the design of parameters and conditions that disadvantages those most affected.

Corruption at the hands of white-collar executives – i.e. criminals in suits associating with leaders and powerbrokers - should not be accepted any more than from street thugs. They are financial arsonists. No insurance policy exists to protect victims like us. Inadequate consumer protections failed us in the regulatory and legal systems.

Again, I seek to meet with you to discuss matters and measures to fairly respond to victims who are immeasurably impacted by the finance sector's abuse of power.

Bad things happen to good people - and persist - because good people standby or walk past. I have faith in good people. I ask you to allow me to assist you.

Yours faithfully,

Susan Henry
Chair, HNAB-AG

HNAB-AG is an action group run voluntarily, for and by, victims of multi-lender/product white-collar crime. Industry collaborated with, and enabled, third party "independent" accountant / advisor Peter Raymond Holt and his office in Melbourne. Most members discovered the "misconduct" as a result of the GFC. Earlier victims went to lawyers and ASIC and were failed by the system. This also placed subsequent victims at risk.