

4 March 2015

12 Highland Way

Highton, 3216

Attn: Mr Chris Dawson APM

Chief Executive Officer

Australian Crime Commission

GPO Box 1936

Canberra City

ACT 2601

Dear Mr Dawson

RE: Operation Albert II

Australia's Worst White-Collar Crime

NAB Wealth Scandal

I have previously provided the *Australian Crime Commission* with two "*red flag*" documents:


- (i) A purported "*Resolution*" signed by John Dorman Elliott dated 20 December 1982;
a. ACC FOI Disclosure log ID: 15-01
- (ii) A purported "*Deed*" signed by Ken Jarrett dated 26 August 1986
a. ACC FOI Disclosure Log ID: 14-28

I have also provided the *Australian Crime Commission* with a copy of a purported schedule of "*Rules*" that has been provided by a subsidiary of *NAB Wealth*, PFS Nominees Pty Ltd, that has been prepared using the "*Jarrett Deed*" as one of its source documents.

Other source documents bear the signature of Geoffrey Cohen, the disgraced former Chairman of *HIH Insurance Ltd* when it collapsed in 2001, who was also Chairman of this fund.

A copy of this purported schedule of "*Rules*" has been posted on the *ACC FOI Disclosure Log* as ID 15-3. { <https://www.crimecommission.gov.au/publications/freedom-information/disclosure-log> }

15-03 23 Correspondence received by ACC on 2
February 2015 June 2014 in relation to Carlton & United
Breweries Superannuation Plan
Participation Schedule

-  Copy of a letter from Mr Phillip Sweeney in relation to Elders IXL Limited received by ACC on 2 June 2014

To obtain a copy of these documents in an alternate format please contact the FOI coordinator at foi@crimecommission.gov.au

The media has reported the practice of the production of fraudulent documents in an attempt to cover-up the misconduct of Financial Planners employed by **NAB Wealth** and this purported set of "**Rules**" for the "**Carlton & United Breweries Superannuation Plan participation Schedule**" is another such fraudulent document.

In essence **NAB Wealth** has produced a new fraudulent document by "*cutting and pasting*" provisions from several other earlier fraudulent documents.

No mention is made of the genuine provisions that have never been repealed.

Genuine Provisions

The genuine provisions of an occupational pension trust established on the 23 December 1913 in the State of South Australia as lawfully amended provide a pension for life for a qualifying male officer who has completed at least 15 years of service {**Regulation 29**} and a survivorship pension for widows {**Regulation 30A**}.

Neither of these provisions has been repealed by subsequent Deeds of Variation executed in accordance with the provisions of the **Power of Amendment (Regulation 50)** {as reference in the **Elder Smith & Co Limited provident Funds Act 1963 (SA)**}.

The Defined Benefits section of this occupational pension trust was purportedly closed to new members on 1 December 1997 after legal proceedings against the purported sole corporate Trustee were commenced by a former member-elected Director of the corporate Trustee.

Fraudulent Documents

Provision for a purported Accumulation sub-fund were purported added to the provisions of the trust established on the 23 December 1913 by a document described on its face as a "**Resolution**" dated 18 June 1998 and executed by the legal person {The Principal Employer} and by the purported corporate Trustee.

Neither of these parties is an authorised party in **Regulation 50**.

The natural person Directors hold the **Power of Amendment**, subject to the consent of a majority of the natural person trustees [**Exhibit A**].

The Key Source Fraudulent Documents are:

- Purported Deed of Variation dated 26 August 1986 {"**The Jarrett Deed**"}
- Purported "**Resolution**" dated 26 October 1993
- Purported "**Resolution**" dated 18 June 1998 {"**The Cohen Resolution**"}

The Jarrett Deed purports pursuant to an added Section 2.3 {Rules 2.3.1 to 2.3.8} to provide a lump-sum benefit based on the formula

$$15\% \text{ times [Years of Fund Membership] times [Final Average Salary]}$$

The purported "**Resolution**" dated 27 October 1993 purports to amend the lump sum formula so that the 15% applies to fund membership occurring before 1 July 1993 and is then 17.75% thereafter.

The **Cohen Resolution** purports to close the **Defined Benefit** Fund to new members effective 1 December 1997 and to add a sub-fund which is an accumulation fund for new members {Division 5}.

Carlton & United Breweries Superannuation Plan Participation Schedule

This is a purported sub-plan of the **Plum Superannuation Fund** administered by a subsidiary company of **NAB Wealth**, PFS Nominees Pty Ltd.

Key sections of the sub-plan are as follows:

Part 2 – Accumulation Members

Section 1 applies to Division 5 Accumulation Members

Part 3 – Defined benefit members

3.1.3 Member's Benefit Multiple

3.4 Benefits

The connection between fraudulent source documents and the fraudulent "**Carlton & United Breweries Superannuation Plan Participation Schedule**" is illustrated in the following diagram.

Fraudulent Documents

Source Documents

The Plum Superannuation Fund

Carlton & United Breweries
Superannuation Plan Participation
Schedule

"The Cohen Resolution"



Part 2 -- Accumulation Members

*"The Jarrett Deed" +
"Resolution" – 26 Oct 1993*



Part 3 – Defined Benefit Members

Summary

When PFS Nominees Pty Ltd gained control of the Trust Estate of the occupational pension trust established on 23 December 1913 in the State of South Australia, instead of seeking the advice and directions of a Court of competent jurisdiction to determine a **"true construction"** of the terms of this trust, PFS Nominees Pty Ltd simply created a new fraudulent document by **"cutting and pasting"** provisions from several earlier fraudulent documents, that were not executed in accordance with the provisions of the **Power of Amendment (Regulation 50) [Exhibit A]**.

Regulation 50 is reference by the **Elder Smith & Co Limited Provident Funds Act 1963 (SA)**.

Yours Sincerely

Phillip Sweeney

{**NAB Wealth** Whistleblower}

Cc Andrew Thorburn – CEO **National Australia Bank**

Senator Dastryari – Chair Senate **Economic Reference Committee**

[Exhibit A]

The Power of Amendment – Regulation 50

