

Wednesday, 5th May 2021

The Honourable TF Bathurst
Chief Justice
Supreme Court of NSW
184 Phillip Street
Sydney NSW 2000

Dear Chief Justice

Re: Public mistrust of overseeing institutions

I refer to my letters to your Honour of 5th February, 5th March, and 6th April 2021; with all of same copied to the Law Society of NSW, the Office of the Legal Services Commissioner, and Michael Tidball, CEO of the Law Council of Australia. As envisaged, all parties maintain their silence.

Quite by coincidence and on the date of my last letter, your Honour gave a speech at the District Court of New South Wales Annual Conference 2021. In such speech your Honour is 'troubled' by the weakening of the rule of law, while also stating that no one person is above such. On that last point, I would sincerely have to disagree with your Honour. As we have seen, and seen quite blatantly, the rule of law does not apply to certain individuals within the legal profession itself.

Your Honour is aware of the misconduct of Terence Goldberg of Turner Freeman Lawyers and also of the covering up of such by our supposed overseeing bodies. As your Honour knows, Mr Goldberg claimed in an Application for Assessment of Solicitor/Client Costs to have acted for the sixth defendant in Supreme Court proceedings (2009/00291458), when, in actuality, Mr Goldberg had acted for the four plaintiffs only in the matter. It was a lie with ruinous consequences.

It was on the basis of Mr Goldberg's fraudulent claim that an incorporated association and charity was wound up, with its monies, and other monies besides, flowing into a Trust of Mr Goldberg's making, and where some of those monies still remain.

Mr Christopher Bevan, barrister, was retained by Turner Freeman to act in the aforementioned Supreme Court proceedings, and duly acted for the four plaintiffs. Despite Mr Bevan repeatedly being informed of Terence Goldberg's criminal conduct and of Mr Goldberg's misleading of the Court to obtain monies by deception (relating directly to

the matter at hand), Mr Bevan refuses to inform the Honourable Court of such, despite his overriding duty to the Court to do so.

I **attach** copy of E-mails to Mr Bevan of 14th December 2020, 11th January 2021, and 8th February 2021. As can be seen, all of such E-mails set out in precise detail the fraudulent nature of Terence Goldberg's activities, as well as Mr Bevan's ignoring of same, with such E-mails being copied to Anthony Cheshire SC, Head of Chambers, Eight Wentworth, and also to Ms Jocelyn Sparks, Director of Professional Conduct of the NSW Bar Association.

Despite the gravity of the situation, only one response was received, with Mr Cheshire SC, Mr Bevan's head of chambers, stating, on 16th December 2020, that the matter was "*outside his scope*" and that he was unable to assist. As is seemingly the norm, everybody remains unerringly and totally silent, therefore enabling the criminal conduct to continue unabated.

However, and despite Mr Bevan's reluctance to approach the Court regarding Terence Goldberg's serious misconduct, Mr Bevan himself has a certain predilection for litigation through the Courts involving solicitors who have retained him, with such presumably relating to professional costs and money said to be owed. I list some of those matters at the footnote of this page*. Mr Bevan of counsel is hardly shy of the Court and its processes.

It would seem that officers of the Court only deem their overriding duty to the Court a requirement when and only it actually suits them; otherwise such is simply to be discarded, with self-interest always coming first.

The most shocking aspect of this corrupt activity (and again, let us call it for what it is), is not that nobody knows what is taking place, it is that everybody in fact knows exactly what is taking place, with every single person either turning their head sideways or stating that they are 'unable to assist'. It is truly a web of pretence and deceit, with nil accountability.

How can I or anybody else have faith or trust in a legal system when the rule of law is simply a myth? If our legal system was working properly and correctly, I should have absolutely no reason to write any of the above, and yet I find I have absolutely every reason to do so.

I copy this letter to all concerned.

Yours faithfully

A handwritten signature in blue ink that reads "Symn Waters". The signature is written in a cursive, somewhat stylized font.

Symn Waters

* 2006/00262554 - Christopher John Bevan v John Edward Carmody
2016/00124927 - Evangelos Patakas v Christopher John Bevan
2019/00378863 - Christopher John Bevan v Somerville Legal Pty Ltd ACN 117 159 172
2021/00045279 - Christopher Bevan v John David Bingham

Symn Waters

From: Symn Waters
Sent: Monday, 14 December 2020 8:00 AM
To: 'cjbevan@wentworthchambers.com.au'
Cc: 'acheshire@wentworthchambers.com.au'
Subject: Misconduct of instructing solicitor - barrister's overriding duty to the Court
Attachments: 2009 11 27 - Transcript of proceedings 5454-2009 - BER09T1127JEF.pdf; 2010 06 23 - Application for assessment of costs presented to Supreme Court of NSW.pdf; 2019 11 04 - Letter to Terence Goldberg - excess funds.pdf; 2020 02 12 - Letter to Terence Goldberg - improper conduct.pdf; 2020 06 12 - Letter to Michael Jones, Managing Principal, Jones Partners - fraud and money laundering.pdf

Dear Mr Bevan

On 27 November 2009 you appeared on behalf of all four plaintiffs in Supreme Court proceedings 2009/00291458-001, being Cleary and Ors v Kypri and Ors*. As you know, there were four plaintiffs and six defendants in this matter.

Your instructing solicitor in such was Terence Goldberg of Turner Freeman Lawyers, with, quite obviously, the four plaintiffs being Turner Freeman's four clients. The first to fifth defendants were represented by Pigott Stinson Lawyers. The sixth defendant, an incorporated association, was unrepresented. As you would know, the said incorporated association was named as the sixth defendant as doing so would bind the association into any decision made by the Court. One Order only was made in those proceedings, being that each party was to pay their own costs. Importantly, the sixth defendant had accrued no costs.

On 23 June 2010, and in relation to the above, Terence Goldberg filed with the Court an Application for Assessment of Solicitor/Client Costs, and in such Application makes the false claim that there were five plaintiffs and five defendants, while also making the further false claim that Turner Freeman acted for the incorporated association. These claims on the part of Terence Goldberg are fraudulent. Mr Goldberg in that same document also claimed that her Honour made 11 Orders. That claim is also false. Pursuant to same, Terence Goldberg obtained a judgment debt against the sixth defendant in the amount of \$124,661.90.

You have been made aware of the above on a large number of occasions and, for reasons known only to yourself, you have declined to bring that same information to the attention of the Court or any other regulatory body or authority.

You are also aware that in the intervening period of the above fraudulent acts, that Terence Goldberg conspired with Michael Jones of Jones Partners and a Mr Jon Lindsay to take by further deceptive and improper means all remaining monies as owned by the above said incorporated association, with Terence Goldberg and Michael Jones clandestinely creating a Trust and separate incorporated association (and registering both as charities) to receive all funds as owned by the original association, being the aforesaid sixth defendant.

While there is no suggestion or evidence you had any part to play in any of the fraudulent activities as laid out above, it is safe to say that you have not fulfilled your overriding duty to the Court to act with independence in the interests of the administration of justice. I am left wondering if your reluctance to bring the said matter to the attention of any authority is because you have a longstanding history with those concerned, being Messrs Goldberg, Jones and Lindsay (as in *McCarthy v Murphy* (Supreme Court of NSW, SC 1913/1999**), and *Ren Nominees Pty Ltd v MS Cognosis Pty Limited (No 1)* (Federal Court of Australia, NSD 330 of 2013), among others).

I **attach** the transcript of Supreme Court proceedings 2009/00291458-001 (then known as 5454/2009 before change in Court system), which clearly illustrates not only the parties involved, but also who acted for whom and also the Order made and agreements reached. I further **attach** copy of the Application for Assessment of Solicitor/Client Costs as filed by Terence Goldberg on 23 June 2010 carrying the said fraudulent statements.

I also **attach** letters to Terence Goldberg of Turner Freeman Lawyers of 4 November 2019 and 12 February 2020, and letter to Michael Jones of Jones Partners of 12 June 2020, which together describe in succinct detail the abovementioned unlawful behaviours, as well as additional criminal activities on the part of Messrs Goldberg and Jones. None of those letters have received any form of acknowledgment or response.

It too is of note that no response has ever been received from yourself in relation to the above information having been brought to your attention; as has been done so on multiple occasions. Given your position, your silence and inaction are difficult if not impossible to comprehend.

Due to your continued silence on the matter, I copy this E-mail to Mr Anthony Cheshire SC, your Head of Chambers.

I await your comment.

Yours faithfully

Symn Waters
20 Newman Street
Newtown NSW 2042

Tel: 02 9557 2885
Mob: 0435 222 456

*&** Miranda McCarthy was also both a plaintiff and represented by yourself in the two Supreme Court proceedings Cleary and Ors v Kypri and Ors and McCarthy v Murphy. Miranda McCarthy is also the ex-wife of Jon Lindsay.

Symn Waters

From: Symn Waters
Sent: Monday, 11 January 2021 8:00 AM
To: 'cjbevan@wentworthchambers.com.au'
Cc: 'jsparks@nswbar.asn.au'; 'acheshire@wentworthchambers.com.au'; 'gmcgrath@8wentworth.com.au'; 'paulmenzies@8wentworth.com.au'; 'raoulwilson@8wentworth.com.au'
Subject: Misconduct of instructing solicitor - barrister's overriding duty to the Court
Attachments: 2017 12 06 - Notification of final meeting convened by liquidator.pdf

Dear Mr Bevan

It is four weeks since my E-mail to you of 14 December 2020 (as below) and you are yet to make comment. Clearly, you have no intention of offering any form of response. Clearly, also, you continue to decline to take any corrective action regarding the criminal behaviours of your acquaintances, being Terence Goldberg of Turner Freeman Lawyers, Michael Jones of Jones Partners (liquidator), and Mr Jon Lindsay.

In relation to the above allegations of criminal conduct and also in relation to the enclosures of my previous E-mail to you, find **attached** 'Notification of Final Meeting Convened by Liquidator' (ASIC form 523) of 6 December 2017. You will note that Michael Jones in such declaration to ASIC states that the sum of \$500,000.00 was placed into a Trust of his and Terence Goldberg's making, whereas, in fact, such Trust received an amount in the region of \$985,447.00. As you already know, a sum of \$492,307.00 then left the said Trust marked simply as 'expenses', leaving behind the figure of \$493,140.00.

As can be seen, a rather sizeable excess of funds entered the said Trust, with a near identical sum then leaving such simultaneously. The origin of this excess as well as its ultimate destination are yet to be established. As you would be well aware, the creating of a charitable Trust to use as a pass-through for monies as obtained by fraudulent means is termed as money laundering.

It is also of note that Michael Jones in his declaration to ASIC states that he paid \$242,179.10 to unsecured creditors. As you know, the Enmore Spiritualist Church Incorporated (the sixth defendant in proceedings 2009/00291458-001) had one creditor only, being CBC Partners in the amount of \$3,514.50, which the church had the means to pay. As can be seen, there is a rather large disparity.

Further, it has been reported to me (on more than one occasion) that you are spreading unfounded and baseless rumours, with you stating to others within the legal fraternity that I am a Comanchero 'bikie'*. Normally, this sort of conduct would be surprising, however, such is also a similar tactic as used by Terence Goldberg, Michael Jones and Jon Lindsay. Of course, the motives of Terence Goldberg, Michael Jones and Jon Lindsay in attempting to discredit are rather obvious. Yours, however, are a little more oblique.

Your silence as well as your efforts to besmirch my good name are clear attempts to protect the above named individuals. Without question, your condoning of the criminality as laid out before you on numerous occasions undermines the rule of law and does little to fulfil the oath of office that you took when called to the bar.

Despite your best efforts, and also of those close to you, wrongdoing of this magnitude will not be contained.

I copy this E-mail to Ms Jocelyn Sparks, Director of Professional Standards at the Bar Association of NSW.

Yours faithfully

Symn Waters
20 Newman Street

Newtown NSW 2042

Tel: 02 9557 2885

Mob: 0435 222 456

* I am not a member of any organisation involving two wheel vehicles, motorised or otherwise. I cycle to and from work every day, with my bicycle being the only means of transport I use or own.

Symn Waters

From: Symn Waters
Sent: Monday, 8 February 2021 7:59 AM
To: 'cjbevan@wentworthchambers.com.au'
Cc: 'jspark@nswbar.asn.au'; 'raoulwilson@8wentworth.com.au'; 'paulmenzies@8wentworth.com.au'; 'gmcgrath@8wentworth.com.au'
Subject: Misconduct of instructing solicitor - barrister's overriding duty to the Court
Attachments: 2021 01 18 - Letter to the Australian Federal Police - E-mails to Christopher Bevan, barrister, 8 Wentworth Chambers.pdf; 2020 03 30 - Letter to Michael Jones - excess funds.pdf

Dear Mr Bevan

It is now four weeks since my E-mail to you of 11 January 2021 and eight weeks since my E-mail of 14 December 2020 (both below). You have responded to neither.

As can be seen, there is no question as to the criminal behaviours of your acquaintances, nor is there any question to your protection of same; with such raising serious concerns as to why you are beholden to those carrying out criminal activities.

Further, as a barrister-at-law, you would be more than familiar with section 316(1) of the *Crimes Act 1900* (NSW), and your protection of the said individuals places you in breach of such, with such breach being in itself a criminal offence.

You would no doubt be aware that the above has now been raised with the Australian Federal Police as part of their consideration of the unlawful behaviours of Terence Goldberg, Michael Jones and Jon Lindsay. As you probably know, and given the movement of monies as obtained by fraudulent means on the part of the aforesaid persons, a detailed submission was made to the AFP in 2020. Find **attached** copy of letter to the Australian Federal Police of 18 January 2021.

In relation to the said movement of monies on the part of Michael Jones and Terence Goldberg, I **attach** copy of correspondence to Michael Jones of 30 March 2020. Like yourself, both Michael Jones and Terence Goldberg refuse to respond to any communication as sent regarding the wrongdoing that is taking place.

I copy this E-mail to Ms Jocelyn Sparks, Director of Professional Standards at the Bar Association of NSW, among others.

Yours faithfully

Symn Waters
20 Newman Street
Newtown NSW 2042

Tel: 02 9557 2885
Mob: 0435 222 456