

SUPPLIED IN CONFIDENCE TO THE NSW I.C.A.C.

[Service NSW 2021 COVID-19 Micro Business Grant] 'Retrospective Clawback and Extortion Scam'

[2022 - present]



Witness Personal Account and Victim Impact Statement [Complainant #19]

The following written evidence received from Steven Ridd by email to steve@naturetrail.com.au .

[Emails (most recent at top)]

START OF EVIDENCE

*

From: [REDACTED]
Sent: Friday, 2 August 2024 4:26 PM
To: [REDACTED]
Subject: Re: 2021 Micro Business Covid 19 Grant Service NSW Clawback ref Ike phone call today



Perfectly OK to send and feel free to use any of the material we have also sent. See attached.

The approach is to be consistent

The Hon Jihad Dib approach (see letter) is to reframe the intention and spirit of the Micro Business Covid 2021 Grant, if you review his letter he conveniently reframes the Terms and Conditions by stating:

"as per the grant's Terms and Conditions, grants that were automatically assessed were later scheduled for manual assessment. These reassessments started in 2022 and are continuing, and customers who missed providing evidence with their initial application are being asked to

substantiate their claims. Service S W conducts these reassessments to confirm that the correct funds were released to customers based on the grant's eligibility criteria..."

The Grants were either approved or disapproved at the application time via the MyService NSW Portal and approval was acknowledged by the parties by paying the grant \$15K.

The subsequent " Robodebt" review, audit, clawback is the approach to date.

Tina Dougherty Dir SNSW Business Bureau , Business Customer Service (see attached email) sent to the Founder of Nature Trail confirmation that:

"Service NSW can confirm your application has been withdrawn from any pending compliance review and note no further action is required by you or your business"

This has created a precedent and shows that sense can prevail at the Minister and Executive level of Service NSW Greg Wells therefore it's important that Michael contacts Greg Wells as well.

We have also attached our email and this letter along with supportive communication and present financial documents which was hand delivered to Service NSW Head Office Attention Greg Wells CEO Service NSW.

■, there is a groundswell of individuals that have been compromised by this " Robodebt" approach, we estimate that a minimum of 1000 Micro Business Soletraders alike are dreading the 08/08/2024 where they have received Pay Now Debt Recovery invoices on behalf of Service NSW collected by Revenue NSW. Its likely in our Northern Beaches area and many other NSW electorates that people are distressed to the point of severe financial burdens and mental implication caused by such trauma.

We are very happy to assist any member in your electorate. We have been able to assist many so far giving the advice about how to raise the issue and provide support where its required. If Michael was to reach out to his community via his weekly newsletter we would anticipate a ground swell of people coming forward.

We are really loving your support and once again happy to assist in any way

Regards

■

From: ■

Sent: Friday, 2 August 2024 3:21 PM

To: ■

Subject: RE: 2021 Micro Business Covid 19 Grant Service NSW Clawback ref Ike phone call today

Hi ■,

I hope you're well. As you may recall, I spoke to you last week about your situation with the Service NSW Micro Business COVID grant.

Since our office has had a few similar cases come through – and several other electorates across NSW have received them as well – I am in the process of writing a letter to the NSW Minister for Customer Service, Jihad Dib, as well as the Minister for Finance, Courtney Houssos, to advocate for those who have recently been audited/had similar experiences. Would you feel comfortable with me attaching to the letter your initial email to our office, so that Ministers Dib and Houssos have an idea of the impact it is causing small business owners like yourselves?

It is completely fine if not, but I thought I would get in touch regardless since I know it is an issue you are both concerned about. Either way, please let me know. Thanks so much!

Kindest regards,

[REDACTED]
[REDACTED]

(for Michael Regan MP, Independent member for Wakehurst (NSW))

*

From: [REDACTED]
Sent: Thursday, 25 July 2024 1:52 PM
To: Service NSW Customer Support <customersupport@service.nsw.gov.au>
Subject: Re: Internal Review Commencement [ref: [REDACTED] ref]

Ellen

Thank you for your response.

Service NSW are obliged to provide the information requested in regard to the Micro Business Covid 2021 application initiated by me on the.

Service NSW (I believe) reviewed my application including all the questions submitted which included aggregated turnover and decline in turnover etc.

Given the application was reviewed by Service NSW under the auspice of "MY Service NSW Business" portal login and the application taking into consideration my answers the application review should have taken into consideration my answers and to uploaded supportive documents as required. **Are you telling me that my 2021 application was not reviewed and it is only no being reviewed in 2023 & 2024? Please answer.**

It is Service NSW contractual responsibility to assure that the application was vetted at the time of the application and not subsequently, therefore if my application was not eligible at the application time, the review should have rejected the application on the grounds of this current rejection and it wasn't.

The subsequent review (audit) process in fact is an illegal act by Service NSW, associated Service NSW offices and officers of Service NSW. My contract is with Service NSW, the application submitted by me is the "Offer" the application was "Accepted" and the "Consideration" by the nature that \$15K was

granted to me defines that I have a legal contract (offer, acceptance & consideration) with Service NSW a NSW Government entity.

Further to your email comments below please see my comments and required actions for you Ellen.

1. *"I have contacted Revenue NSW and all action will be suspended on your file until this review has been completed".*

Comment & Action. Provide letter(s) addressed to me on letter head from the offices of Service NSW and Revenue NSW duly signed by an officer(s) that this matter has been suspended. In addition direct me to the Service NSW or Revenue NSW where I can online view this suspended invoice.

2. *"I have lodged a request for someone from our Customer Service team to contact you in regards to your request for access to your information"*

Comment & Action. Are you saying that you didn't action this request before ?

3. *"The documents provided by yourself during compliance checks appear to show that your total business income for the year 2019-2020 was below \$30,000.00, which is part of the eligibility criteria for the Micro Business Support Grant 2021"*

Comment & Action. I have not disputed the fact however as stated it forms part of the eligibility test. I believe I submitted NO at the time of the application however I believe that Service NSW reviewed my application in regards to the aggregated turnover question and information uploaded. The application was approved and I received payments based on my application which ones assumes was reviewed. Service NSW at the time of the application never stated that this was a self assessment and would them be reviewed later based on a self assessment.

4. *"If you have any additional information or evidence that you would like to be considered in this independent internal review, please provide via return email by close of business Monday 29 July 2024, to be considered during your Internal Review"*

Comment & Action. You have all the information and I am awaiting Service NSW to provide the questions and the answers that were provided in my application, you are required to provide me this information(date and time stamped) by close of business Monday 29th July, 2024.

5. *"Please be advised that the outcome of your Dispute will be final and there will be no further avenue for review by Service NSW".*

Comment & Action. If the resolution to the dispute is that NO Further Action is taken and that all actions associated with Service NSW & Revenue NSW are retracted in this matter then closure can be considered, however I continue to reserve the right for potential and the ongoing legal action for compensation for mental trauma associated with this failed Service NSW scheme and subsequent failed audit process.

6. "Please wait until the 28 calendar days from the date of this email has expired before you contact us for information regarding your review"

Comment & Action. Given that you have actions on your side I expect to receive contact from Service NSW in regards my review before 28 calendar days from the date of this email 25th July 2024.

Regards

[REDACTED]

From: Service NSW Customer Support <customersupport@service.nsw.gov.au>

Sent: Thursday, 25 July 2024 10:48 AM

To: [REDACTED]

Subject: Internal Review Commencement [ref [REDACTED]:ref]



Dear [REDACTED] [REDACTED]

Thank you for your email

I have contacted Revenue NSW and all action will be suspended on your file until this review has been completed

I have lodged a request for someone from our Customer Service team to contact you in regards to your request for access to your information. I have also included details on how to lodge a GIPA request, to find out more about this please click on the link below:

<https://www.nsw.gov.au/nsw-government/access-nsw-government-information/request-access-to-information>

The documents provided by yourself during compliance checks appear to show that your total business income for the year 2019-2020 was below \$30,000.00, which is part of the eligibility criteria for the Micro Business Support Grant 2021.

1. Aggregated Annual Turnover

As the evidence you provided does not establish that your business had an aggregated annual turnover between \$30,000.00 and \$75,000.00(inclusive) for the year ended 30 June 2020, please provide evidence that the business has an aggregated annual turnover of more than \$30,000 and less than \$75,000 for the year ended 30 June 2020 by providing one of the following documents:

- letter from a qualified accountant, registered tax agent or registered BAS agent
- Business Activity Statement (BAS)
- business bank account statement (separate from any personal accounts)
- Australian tax return (businesses can choose to redact their tax file number)
- a profit and loss statement from an accounting software for a minimum three-month period during the 2019-20 financial year, **AND:**
- an annotated personal bank statement for the same minimum three-month period, OR
- a 2019-20 personal income tax return. (Note: there is no requirement to disclose tax file numbers and businesses should redact their tax file number where possible.)

If you have any additional information or evidence that you would like to be considered in this independent internal review, please provide via return email by close of business Monday 29 July 2024, to be considered during your Internal Review

Please be advised that the outcome of your Dispute will be final and there will be no further avenue for review by Service NSW.

Please wait until the 28 calendar days from the date of this email has expired before you contact us for information regarding your review.

Sincerely,

Ellen

Customer Payments Support team - Internal Reviews

On behalf of Director of Customer Payments

Service NSW

T 13 77 88



----- Original Message -----

From: [REDACTED]
Sent: 24/7/2024, 12:31 pm
To: customersupport@service.nsw.gov.au
Subject: Re: Dispute - Unable to Contact [ref: [REDACTED]:ref]

[CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.]

Ellen

As you can imagine with the amount of scams I am reluctant to take unscheduled calls.

In particular my complaint with Service NSW is now with my legal team and Federal Members of Parliament, Ombudsman etc, I intend to fight this gross misjustice.

In regards to your comment below

"I can see that the Customer Payment Assessment team have sent you through all the documents you provided during the audit process, do you have any additional documents that you would like considered during the Internal Review Process?..." **No they haven't**

Service NSW Customer Support and numerous other divisions fail to provide the information that I have requested. I have stated as part of the Audit process I require a copy of the questions and answers I submitted **Confirmation: Ref: [REDACTED] - your 2021 COVID-19 micro-business grant application. 27/07/21 in the web portal MyService NSW.**

I enclose as a matter of record the entire timeline from initial application, approval, transfer of monies totally \$15K which confirms that my application was accepted based on the information that was provided and reviewed by Service NSW.

It is incorrigible that I have now received an invoice from Service NSW due 08/08/24 for \$15K which indicates that the entire reviews process (that you are involved) is a sham and my dispute has already been reviewed, pre judged and determined an outcome.

I represent that I diligently completed the Micro Business Grant Covid 2021 application process, answered the questions asked and uploaded ID and business information pertaining to my aggregated revenues and other relevant and required documents.

Service NSW clearly have been negligent in reviewing my application and are now deeming that I am not eligible based on the aggregated turnover test \$35-70K however in the terms and conditions (Service NSW) a Micro Business is defined to have an aggregated turnover less than \$70K and no minimum.

These facts and determination are being escalated to the head of Service NSW which is where my member of parliament will taking my case.

So in summary you are obliged to provide me with a date and time stamp copy of the application on line that was uplaoaded on the 27/07/21 at 8.12AM.

Please provide this information requested previously and acknowledged by Service NSW that they have been unable to provide this information.

Regards

■

From: Service NSW Customer Support <customersupport@service.nsw.gov.au>

Sent: Wednesday, 24 July 2024 11:12 AM

To: ■

Subject: Dispute - Unable to Contact [ref: ■ :ref]



Dear ■, ■,

We attempted to contact you via telephone today at 11:06am to discuss your dispute for Micro Business Support Grant 2021.

I have requested that the Business Concierge team reach out to you in regards for your request for further information on you application.

I can see that the Customer Payment Assessment team have sent you through all the documents you provided during the audit process, do you have any additional documents that you would like considered during the Internal Review Process?

An extension has been granted for you to supply any additional documents you wish considered as part of your review. Can you please supply any further supporting evidence/documents you would like to be considered as part of this internal review by close of business Monday 29 July 2024

Next Steps

Please contact me by replying directly to this email to arrange a convenient time to call you if you wish to discuss your Internal Review

Please submit by replying to this or our previous email if you have any further supporting evidence/ documents you would like to be considered in this internal review.

Kind regards

Ellen
Service NSW
T 13 77 88



ref: [REDACTED]:ref

*

From: [REDACTED]
Sent: Monday, 22 July 2024 5:01 PM
To: manly@parliament.nsw.gov.au <manly@parliament.nsw.gov.au>
Cc: [REDACTED]
Subject: Fw: 2021 Micro Business Covid 19 Grant Service NSW Clawback ref Chester call today

James

I attach a letter that Trish Doyle MP State Member For the Blue Mountains sent to Treasurer & Minister.

You may not be aware that the NSW Government under the offices of Service NSW and various other government departments are attempting to claw back grants given to applicants for the Micro Business Covid 2021 grant based on an audit.

I also direct you to one of the constituents Steven Ridd from Nature Trail Blue Mountains who has led the way and won his case against Service NSW. <https://naturetrail.com.au/blog-category/government-indian-givers/>

In my situation as a sole trader I focus on the travel business and I was severely impacted by Covid and my business decimated, I still struggle today to recover.

In 2021, I completed the online “MyService NSW” application Micro Business Grant, subsequently approved and received \$15K which was reinvested into [REDACTED] as a pivot to [REDACTED]

I completed an audit last year with Service NSW and provided additional information.

In my case I did not meet the “aggregated turnover \$35k-\$70k however I did meet the eligibility of 30 % diminished turnover in prior periods.

I have requested Service NSW to provide me with the questions and the answers that I submitted at the time of the application and they have failed to provide this information.

During the 2021 online application I provided Yes /NO in answer to questions (I recall) and uploaded ID and various financial documents like bank statements, tax returns etc., this information one assumes was looked at by Service NSW and surely if my application failed to meet the eligibility requirements my application would not have been approved. The approval was confirmed by the fact that I received fortnightly payment totalling \$15K.

This audit/clawback approach by Service NSW has the footprints and tactics of another “ Robodebt” disaster in the making, the financial and mental implications are comparable.

I would imagine that many of your Micro Business constituents are silently fearing the 8th August, 2024 when they have been threatened to pay the Service NSW Invoice.

Feel free to discuss with me and as a side note Trish and her constituent were successful in halting the claw back and I believe with your candid approach and support your constituents will also be protected.

I have enclosed three pieces of information; Trish Doyle letter, my timeline of interaction with Service NSW showing the applications date, verification and payment and the link to “Nature Trail” (see above) who have led the way with Trish.

Today Steve is being interviewed by “ A Current Affair” to bring this matter out in the open, and we are in discussion with Channel 9, Sheri Mimis, Associate Producer.

My husband [REDACTED] will lead much of the communication as the mental load of trying to run the business and worry about this is intolerable, he has my full authority to represent me.

Kind Regards

[REDACTED]
[REDACTED]
[REDACTED]

*

From: [REDACTED]
Sent: Sunday, 21 July 2024 3:34 PM
To: steve@naturetrail.com.au
Subject: [REDACTED] 2021 Covid 19 Micro Business Grant

Hi Steve

Wonderful chatting with you yesterday, it was like having an echo experience.

Unfortunately, the only information that we did not capture was the application online, we had naively assumed that we would (as was represented) have access via the "MyService NSW Account Business Page", it was represented that we could track progress and therefore the application would remain on file in perpetuity.

We reviewed the questions that you shared, and we believe that we would have answered NO to the question; Was your business national aggregated annual turnover between \$ 30,000 and \$75,0000 for the year ended 30th June 2020 and answered YES to the rest of the questions and uploaded the required information which has been confirmed. Service NSW have failed to provide a copy of the questions and the answers that we provide on the application 27/07/2021. On the 08/08/2021 we submitted the Request to Proceed and on the 10/08/2021 we received our first payment which confirmed the application had been approved. As you say Offer, Acceptance and Consideration between the parties forming the contract between [REDACTED] Pty Ltd Sole trader and Service NSW.

We have provided you with some documents that mirrors yours and no doubt other experiences, communications, these will be replicated by all others that are being audited ..

Our view is that an audit relies on (in the first instance) establishing the following: What was asked? What was answered? What was supplied? What was received? What was the timeline for the key events? ..

In summary we believe we would have answered NO to the aggregated turnover 2020 question and Yes to the rest and that our application was confirmed by the notion that we received monies form the initial payment.

They have issued the Tax Invoice Pay Now see non redacted for your information due 08/08/2024.

The questions to consider at the "Current Affair" program: Why does the applicant not have access to the initial questions and answers that they supplied in the application in our case 27/07/2021. Who are they targeting i.e. submissions by individuals without using qualified accountants as in our case we complete our own account, same as in your case. Why is it that the Pay Now invoice have been issued to those who are still in dispute ?g

Look forward to your helping other Micro Business

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Instagram: www.instagram.com/stevenaturetrail

*

From: [REDACTED]
Sent: Saturday, 20 July 2024 1:06 PM
To: steve@naturetrail.com.au
Subject: Re: Contact Form. [REDACTED]

Hi Steve

Thanks for following up.

We operate [REDACTED] [REDACTED] [REDACTED]
which as you can imagine as a travel worldwide business was decimated during Covid.

We applied for the "2021 Covid Micro Business Grant" and were successful in our application, we were audited last year, we did not at that stage have to show that we met the revenue greater than \$35-70K and only had to show 30% or more deduction from prior years revenue, which we were able to do.

Service NSW have now issued a debt recovery for \$15K,

We have in recent months challenged the most recent audit. We asked Service NSW to provide us with the questions that would have been asked and replied by us (via the online portal request) at the time no record of the upload was given and we unfortunately didn't keep a record.

We received confirmation that the application was successful and over the next few periods we had to confirm that we still had a reduction of revenue which was easy to do and we received the grant accordingly.

Our view matches yours and in particular an audit should commence at the beginning i.e. What were the questions? , what was the reply, what documents were sent initially to support the application and what information was subsequently asked and or supplied over the period.

We can see the information we supplied during the first and subsequent audits **however have not received the initial questions** and Service NSW are unable to find them which in our view means they are not able to comply with an end-to-end audit.

Questions:

Did you pay the debt as per the recovery.

Have you lodged a complaint with the Ombudsman?

Have you reached out to local members of state parliament.

Do you know of any "grass root" groups that are challenging the government process aka Robo Debt etc.

Look forward to your initial response if you would be kind enough

[REDACTED]

P.S would love to chat about your business ... !!

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

*

End of supplied evidence

This document submitted by Steven Ridd, Managing Director, Wistmans Wood Holdings Pty Limited [ACN 600 331 931] as trustee for Wistmans Wood Trust [ABN 51 965 308 493] trading as Nature Trail. Registered Address: 5 Kundibar Street KATOOMBA NSW 2780.]

By email icac@icac.nsw.gov.au



INDEPENDENT COMMISSION
AGAINST CORRUPTION

Level 7, 255 Elizabeth Street
Sydney, New South Wales
Australia