

COMMONWEALTH OF AUSTRALIA  
*Royal Commissions Act 1902*  
ROYAL COMMISSION  
INTO MISCONDUCT IN THE BANKING, SUPERANNUATION  
AND FINANCIAL SERVICES INDUSTRY

**WRITTEN SUBMISSIONS IN RELATION TO THE MATTER OF MR JOHN DOYLE**

1. We act for Mr John Doyle, an individual named in the matter of a Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry (**the Royal Commission**).
2. We are instructed to make the following submissions with respect to the matters raised at the Royal Commission regarding the conduct of our client as a financial adviser while authorised by RI Advice Group Pty Ltd.
3. Mr Doyle sought and was granted leave to appear in the Royal Commission on 13 April 2018. Mr Doyle has sworn the **attached** affidavit to address certain matters raised in Darren Whereat's evidence to the Royal Commission.
4. For the reasons set out in the affidavit, we were unable to obtain instructions in a timely manner to examine or cross-examine any witness that appeared in the Royal Commission.
5. These submissions are made in the Royal Commission specifically in relation to:
  - a. the Witness Statement of Darren John Whereat, General Manager Aligned Licensees and Advice Standards, Australia and New Zealand Banking Group Limited, as it relates to the evidence of Mr John Doyle; and
  - b. the Transcript of Proceedings in the Royal Commission of Friday 20 April 2018, insofar as that transcript relates to the evidence of Mr Whereat regarding Mr John Doyle.
6. On 27 April 2018, Counsel assisting the Royal Commission recommended to the Commissioner that it was open for him to find breaches of the following sections of the *Corporations Act 2001* (Cth) (**Act**) with respect to Mr Doyle's conduct:
  - a. section 946A(1) - the obligation to provide a Statement of Advice;
  - b. section 961B - the obligation to act in a client's best interests; and
  - c. section 961G - the obligation to provide appropriate advice.<sup>1</sup>
7. On the basis of the attached affidavit sworn by Mr Doyle, we submit the following:
  - a. Mr Doyle strenuously denies the allegations that he has in any way contravened the Act or any other law;
  - b. Mr Doyle has provided evidence to contradict the allegations made against him and suggested that there is further evidence available to which he does not currently have access, but which needs to be investigated;
  - c. there has been no proper pleading of any allegation against Mr Doyle by a party having standing to do so;
  - d. without proper examination of the evidence for and against Mr Doyle and giving him a fair hearing in relation to properly pleaded allegations against him, there is

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<sup>1</sup> Transcript of Proceedings in the Matter of a Royal Commission into Misconduct in the Banking, Superannuation and Financial Services Industry, Friday 27 April 2018 at pages 1964 - 1965

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no proper basis for any recommendation to the Commissioner that it was open for him to find that Mr Doyle has breached the Act or any other law;

- e. there is insufficient evidence for the Commissioner to find breaches of the Act by Mr Doyle; and
- f. it would be denial of procedural fairness and natural justice for any finding of breach to be made against Mr Doyle in his absence, without giving him a proper hearing and without considering the evidence that he has given about these matters.

**Ms L J Keily  
Counsel for Mr Doyle**

**Liam Young Legal  
Solicitors for Mr Doyle**

4 May 2018