

## AFFIDAVIT

I, Valda June Kerrison  
of Unit 5 at 71 Probert Street Newtown in the State of NSW, teacher  
duly sworn, say

- 1 I have prepared this affidavit relying on my extensive notes and documents which NSW Technical and Further Education (TAFE) Commission, the NSW Government Medical Office HealthQuest (HealthQuest), NSW Department of Health Medical Appeals Panel (MAP), others and myself have created and kept from 1983 to 2000.
- 2 This affidavit is for my claim Declaration pursuant to s154 Industrial Relations Act 1996.
- 3 The TAFE Commission is now Department of Education and Training TAFE (TAFE)
- 4 Kempsey TAFE is part of the North Coast Institute of TAFE (NCI TAFE).
- 5 Kempsey TAFE is part of the cluster of TAFE colleges comprising Port Macquarie, Kempsey, and Wauchope colleges.
- 6 NCI TAFE was situated in other towns/cities such as Port Macquarie and Lismore. Port Macquarie was some 50 km from Kempsey, and Lismore 300-odd km from Kempsey.
- 7 NCI TAFE is located separate to TAFE colleges.
- 8 Prior to 1983 I had worked extensively in business in the private and public sector for many years. I studied and enrolled in further TAFE courses because my ambition was to become a TAFE teacher and pursue a career in TAFE.
- 9 In 1983 TAFE advertised for applicants to a part-time position at Kempsey TAFE to teach some business studies. When I applied I was the successful applicant and my (then) Head Teacher Mrs Freda Patterson told me that I was selected not only for my qualifications and experience, but for the personal qualities that I displayed especially a sense of humour.
- 10 At first TAFE appointed me to teach only two hours per week.
  - 10.1 I was successful and TAFE quickly asked me to teach in more and more courses and areas.
  - 10.2 Mrs Patterson praised me and my work. Ms Patterson supported me and urged me to study privately specific to my obtaining the qualifications required to be appointed as a permanent full-time TAFE teacher.
  - 10.3 I eagerly did so over the following years and concurrently I branched into more areas of teaching at TAFE particularly the areas of TAFE Equal Employment Opportunity (EEO) commitments.
  - 10.4 I particularly enjoyed furthering the employment prospects of long-term unemployed, women, Aboriginals, disadvantaged etc and combinations of these more needy students with other students such as local business people and public servants and school-leavers doing TAFE courses.
- 11 As part of my duties:
  - 11.1 I taught on TAFE's Office Duties (since named Administration Services) courses.
  - 11.2 I taught business and computing subjects as well as OH&S, EEO, anti-discrimination, industrial relations entitlements to the students.

- 12 Mrs Patterson and other supervisors showed their faith in my abilities by electing that I take on further particular challenges.
  - 12.1 For example when Kempsey TAFE first obtained electronic typewriters Mrs Patterson asked me to take one home over the holiday break, teach myself this new equipment, and commence teaching TAFE students electronic typewriting (now termed word processing) when TAFE resumed. I did so.
  - 12.2 When I taught myself electronic typewriting (and taught the TAFE students) I became expert at it and other TAFE teachers came to me when they wanted instruction on the new equipment.
  - 12.3 I was happy to help anyone who asked me and I gave the other teachers the instruction sheets that I had written for the students.
  - 12.4 I was happy to give my work to help anyone who could benefit from my knowledge and experience.
  - 12.5 The other teachers were in a position to help me also in their particular areas of expertise, and they did so.
- 13 In 1986 and 1987 as well as teaching my general teaching duties, TAFE, through competitive selection process, appointed me as the Kempsey TAFE Participation and Equity Co-ordinator. In this position I formally promoted and applied Kempsey TAFE's EEO responsibilities in education to TAFE students and the wider community.
  - 13.1 I tendered for funding for courses for disadvantaged and EEO category students in the Kempsey area and then when I succeeded in obtaining the funding I appointed teachers, advertised and attracted student enrolments, then I co-ordinated and taught on the courses.
- 14 I promoted TAFE, its courses and students in the local forums, newspaper and radio media
- 15 I developed curriculum and devised and structured courses specific to the local needs
- 16 I interacted extensively with the local businesses and organisations and conducted many Work Experience activities between these organisations and TAFE students and promoted the students and TAFE in the media (in the newspaper and radio).
- 17 In 1988 I bought a personal computer and used it at home to write instructions sheets, exercises, and assessments for the TAFE courses I was teaching. I bought the computing programs which TAFE taught to students and constantly taught myself further and advanced aspects of the programs and my further knowledge was of benefit to the TAFE students that I taught.
  - 17.1 After I bought my own computing equipment Kempsey TAFE students and the wider community frequently telephoned me and came to my home and asked me to help them to write their resumes, apply for work, or to ask me to help them with their TAFE studies.
  - 17.2 I used my own private computer and resources to do this because students and the wider community generally did not have their own private computers in those days.
  - 17.3 I enjoyed helping whomever asked me to help them.

**TAFE Director-General appointed me as a full-time permanent member of TAFE staff**

- 18 In 1987 I applied for the position of TAFE full-time permanent teacher.
  - 18.1 The selection process was very competitive with applicants from at least state-wide.
  - 18.2 My past history of working in the wider community and public enterprise was one of the main selection areas. TAFE required that I had relevant experience in the wider workforce before being appointed as a TAFE teacher (teaching others how to be successful in the workforce).
  - 18.3 My past experience stood me in good stead.

- 18.4 Other areas which were applicable to my application were the standard of my qualifications, past work and experience in TAFE, and TAFE supervisors' written references about me.
- 19 My TAFE supervisors supported my application and:
- 19.1 My TAFE Head Teacher Mrs Freda Patterson praised my work and supplied me with a good reference regarding my work in Secretarial Studies section.
- 19.2 The Regional Aboriginal Co-ordinator Aboriginal Education Unit Mr David Kelly praised me and wrote a glowing reference for my work helping the Aboriginal Community of Kempsey to improve their education and training levels. Mr Kelly, who is himself Aboriginal, stated in part: *“There have been many opportunities for me to work with Val. She has impressed me with her desire to help the Aboriginal Community of Kempsey to improve their educational and training levels. Val has been employed by the aboriginal Education as a teacher of Bookkeeping and Office Practice and also as co-ordinator for the Office Administration Course. I have observed Val in these roles and she has displayed a positive attitude in her work and has helped bridge the gap that Aboriginal people suffer in seeking further education...”*
- 19.3 Kempsey TAFE's previous Participation and Equity Program co-ordinator Ms Sue Weingarth wrote about my skills and application and excellent personal qualities. On 24 February 1986 Ms Sue Weingarth reported amongst other things that: *“Mrs Val Kerrison was a highly valued member of the PEP team... she taught on several PEP courses specially targeted for Aboriginal youth and had contact with local Aboriginal groups and organizations... extremely reliable, trustworthy and helpful... Val's excellent personal qualities made her an asset to the PEP team.”*
- 20 The On 16 December 1987 the TAFE Director-General Mr Allan Pattison formally offered me the probationary position of full-time teacher of Office Administration, (later renamed Administration Services) with initial appointment to Kempsey College of TAFE, effective 2 February 1988.
- 20.1 The Director-General TAFE offered me probationary employment commencing at *“7<sup>th</sup> year rate”*.
- 20.2 I compared well with others who were hired at the same time as many of them commenced at *“4<sup>th</sup> year rate”*.
- 21 During 1988 TAFE assessed me in my performance of duties in TAFE.
- 21.1 TAFE appointed officers to assess me.
- 21.2 The TAFE-authorized officers assessed me both in the classroom and in the wider College and reported back to TAFE.
- 22 On or around 28 February 1989
- 22.1 Authorised TAFE officers had used TAFE's TAA2 assessment criteria and had assessed me on my performance of duties in the classroom and in the wider College; and
- 22.2 The Government medical officer had assessed my health in the government medical office premises. The government medical officer found my health to be satisfactory.
- 22.3 These two separate assessments of me were then considered by the authorised TAFE Permanent Appointments clerk who recommended that I be permanently appointed as a TAFE teacher.
- 22.3.1. That document states in part:
- 22.3.1.1 *“Confirmation of Permanent Appointment... Permanency Assessed on TAA2 Form – Satisfactory”*. It was signed by the Teacher Training Clerk on 27 February 89;

22.3.1.2 "*Medical Examination Completed*"

22.3.1.3 "*Confirmation of permanent appointment RECOMMENDED*". It was signed by the Permanent Appointments Clerk on 19 January 1989.

22.3.2. This appointment form was signed by Section Leader Teacher Status and Section Leader Miscellaneous (Educational).

22.4 The confirmation of my appointment as full-time teacher of Office Duties, (later renamed Administration Services) was gazetted in Gazette No 10 dated 15 March 1989

22.5 TAFE's record of my employment status states in part: "*Confirmation of Permanent Appointment Gaz No 10 Dated 15/3/89 Effective date: 2.2.89*".

### **TAFE Form - Application for leave**

23 In 1990 I wished to attend the ceremony to receive my Diploma of Teaching at the formal graduation in Sydney. In order to obtain permission to be absent from my job on graduation day TAFE told me that I must apply to TAFE for leave.

23.1 TAFE gave me its official form to fill in and sign and submit for consideration. The official form was named: "Application for Leave of Absence"

23.2 TAFE told me that I must state on the application the type of leave I requested (e.g. extended, special, sick, leave without pay, other)

23.3 TAFE told me that I must I state on the application the day/s the leave applied applied to

23.4 TAFE told me that I must give my reason for applying for leave.

23.5 TAFE told me that I must sign the form, and submit it for the authorised staff to consider.

23.6 On 9 May 1990 I applied for leave on TAFE's Leave of Absence on TAFE's ST7122 Application for Leave of Absence form

23.6.1. I filled in my name, designation, and Serial Number

23.6.2. I wrote that I requested one day's leave

23.6.3. I asked that the leave start "10 May 1990" and finish "10 May 1990"

23.6.4. I filled in "Special" as being the nature of the leave I requested

23.6.5. I gave the reason as being "Travel to graduation"

23.6.6. I signed the form and gave it to my supervisor

23.7 My supervisor signed the application to signify her compliance in the part in the process she was responsible for.

23.8 Mrs Patterson then gave the form (with 2 signatures at this stage) to whomever else was applicable in TAFE's authorising and/or processing chain.

23.9 Authorised TAFE Officer/s then decided whether or not to authorise my leave.

23.10 After that TAFE told me that the leave was approved. I then attended the graduation.

23.11 When it was duly authorised TAFE staff processed it and noted it on my Leave Record. This entailed more processes and signatures/initials by the authorised TAFE personnel

**I studied and earned qualifications and used these skills for TAFE and its students benefit and to further my career as a TAFE teacher**

- 24 I studied and learnt classroom management and the communication specific to this. I earned a record substantiating this.
- 25 I studied and earned the qualification of Typing Instructor specific to teaching typing (or keyboarding or data input as it is now termed). After I earned that qualification TAFE, the relevant authority, sent me its Statement verifying that I had earned this qualification.
- 26 Through 1989 and 1989 I travelled from Kempsey to Sydney over a period of two years and studied at the (now) University of Technology and earned the qualification of Diploma of Teaching specific to teaching TAFE courses to TAFE students.
- 26.1 TAFE used public monies to achieve this. TAFE did this to enable and ensure that their TAFE permanent teachers had not only their industrial qualifications but also teaching qualifications to teach adults skills to use when teaching other adults and all TAFE students.
- 26.2 TAFE paid me for a considerable time to travel and to be at the university in Sydney for 3 days then return to Kempsey TAFE and teach as required on the other days. When I added up the costs to TAFE they amounted to more than my wages for one year.
- 26.3 I believe that my tutors at the university also recognised my personal qualities because one younger teacher told me that he told our tutor that he was nervous of presenting practice lessons to some of the other members in our class and that the tutor suggested that he join up with "Val and Kerrie" as a group because we were supportive and kindly. He did joined with our group.
- 26.4 After I earned that qualification, the relevant authority (now University of Technology), presented its Diploma to me verifying that I had earned this qualification
- 27 After I commenced teaching in TAFE I studied and learnt different teaching techniques to benefit TAFE, its students, and myself with Communicating Effectively and Resolving Conflict. After I successfully completed those courses the relevant authorities sent me documents verifying that I had undertaken and completed those studies successfully.
- 28 I studied and learnt different techniques for "Identifying and Promoting Your Skills" to benefit TAFE, its students, and myself. After I successfully completed those courses the relevant authorities sent me documents verifying that I had undertaken and completed those studies successfully.
- 29 I studied and obtained the qualification of Teacher specific to Word Processing . After I successfully completed that courses the relevant authorities sent me its Teacher's Certificate certifying that I had obtained the qualification of Teacher and the area it applied to being Word Processing.
- 30 I studied and learnt different teaching techniques to benefit TAFE and its students with Learning to Learn and Open Learning. After I successfully completed those courses the relevant authorities sent me documents verifying that I had undertaken and completed those studies successfully
- 31 I studied, learned, used and taught many different computer programs. NCI TAFE selected me for further training to qualify me to teach other TAFE teachers. After I successfully completed those courses the relevant authorities sent me documents verifying that I had undertaken and completed those studies successfully. The NCI TAFE appointed me as teacher trainer.
- 32 I developed resources for TAFE and its students.
- 32.1 One such resource was a multi-tasked assessment for TAFE to distribute to TAFE colleges Australia-wide for the use of TAFE teachers and students.

- 32.2 I wrote the assessment tasks knowing that they would be available for classes of Trainees, many of whom were teenagers therefore I wrote material which might be of interest to teenagers - I wrote about the Bridgestone off-road race which Kempsey volunteers ran annually and attracted off-road racing competitors from other countries.
- 32.3 This linked TAFE internal material with possible area of interest to its student, and also promoted Kempsey and the national Bridgestone off-road race Kempsey hosted in the assessment for nation-wide TAFE distribution.
- 32.4 TAFE and Bridgestone praised me and thanked me for my work.
- 33 Commencing 1989 and throughout my time teaching in TAFE I promoted the National Work Skills competition.
- 33.1 I served as Kempsey TAFE co-ordinator for Work Skills, and I served as local and regional judge for the Office Skills WorkSkills competitions.
- 33.2 TAFE thanked me for my work as judge for WorkSkills Australia and TAFE
- 33.3 I promoted Kempsey TAFE student's success in Regional Work Skills competition in the media. To publicise this I worked with the student drafting and re-formulating the press release in the manner which he considered would best promote him to the business community to further his career options. My supervisor praised my work.
- 34 I was involved in the corporate life of TAFE.
- 34.1 I served on the Kempsey TAFE OH&S committee.
- 34.2 I served TAFE as Computer Room Co-ordinator and was responsible for maintaining TAFE computers for the students and teachers. I was responsible for ensuring that upgraded equipment and computer programs were functioning as required by TAFE computing teachers and students.
- 35 I structured and wrote Proposals, Curriculum etc for a variety of Fee-For-Services which TAFE delivered to the wider business community. TAFE gained income from this.
- 36 I served on Careers Markets and promoted TAFE courses and facilities to the community. TAFE wrote and gave me documented recognition for that work.
- 37 I advised and assisted students to develop their educational programs and told them about facilities and courses.
- 37.1 I went into the local schools promoting TAFE and its courses.
- 37.2 I hosted groups of high school students and demonstrated computer programs to the students and supervised them in hands-on use of the TAFE computers.
- 38 I wrote flyers about courses which TAFE offered and then in my own time went around local businesses and organisations including other government departments, library etc asking them to display and advertise the proposed courses to the wider community.
- 38.1 This kept me in touch with the local organisations and the Commonwealth Employment Service considered me so interested in the welfare of unemployed people that when they received notification of jobs they sent them to me at TAFE and asked me to let the students know about them. I did so and after gaining permission I displayed CES's job notices on TAFE noticeboards. Mrs Patterson praised me for this.
- 39 When the Kempsey Police Department had difficulty with a computer program they asked me to come to the Police Department in my own time and help them in this highly sensitive area of police records and equipment. I was glad to do so as part of my community responsibilities as a TAFE teacher, and because of my close working relationship and friendship with officers in Kempsey organisations.

- 40 Telecom (now Telstra) management were also on a friendly and professional basis with me as a TAFE teacher. When Telstra asked me to help their staff (in my own time) work out the functions in the Telstra new computer program I was happy to go to Telstra and do so.
- 40.1 Telstra then contacted TAFE and proposed and contracted TAFE Fee-For-Service courses to teach Telstra managers and others their new computer program.
- 40.2 TAFE asked me to teach myself the program, and structure the course and resources, then deliver the course/s at Telstra on Telstra equipment.
- 40.3 I felt proud to do so.
- 40.4 In my own time at home I used my computer to develop the required materials, handouts, overheads etc, then wrote a report for TAFE and Telstra records.
- 40.5 This benefited TAFE and Telstra. I gained further knowledge and experience for my career as a TAFE teacher.
- 40.6 Telstra sent a letter of appreciation, to the (then) TAFE Principal. Telstra's letter stated in part: *"I refer to the above course conducted for Telecom office staff by your teacher, Mrs Val Kerrison. I realise that Mrs Kerrison spent a lot of time and effort researching the Word 5 package and compiling the course to suit Telecom's needs. The content was very suitable for the pupils and was well received by them. I feel that holding the course on Telecom premises using equipment with which staff were familiar was an excellent arrangement and one which could be considered for future training. Would you please convey Telecom's thanks to your marketing director and Mrs Kerrison for an excellent course."* When my Principal received this she wrote on it *"Congratulations Val!"* and gave me a copy.
- 41 Other local businesses also invited me to come and tell them about possible TAFE Fee-For-Service courses with TAFE. I did so, often in my own time.
- 42 In TAFE I taught effectively and students frequently thanked me for my patience and humour as well as my teaching. I have many records from students also saying this.
- 42.1 Some students showed their appreciation by making a personal acknowledgment for me. They hand-decorated a floral border and used calligraphy writing to personalise the card signed by a whole class of students thanking me for my work.
- 43 Others in the wider community also appreciated my humour and I won Toastmasters International Humorous Speech contest locally and participated in the Toastmasters International Humorous Speech Contest at regional level.
- 43.1 Toastmasters International also used my teaching qualifications and knowledge and asked me to structure a Toastmasters course which they then taught to young people in the Hastings area under the Toastmasters International training. I did so in my own time.
- 44 **"Val Kerrison - Great Ambassador for TAFE"**
- 45 Kempsey TAFE appreciated my work to such the extent that it awarded me a Certificate of Appreciation for "being a great ambassador for TAFE". I did not see or hear of anyone else in Kempsey TAFE receiving this or similar award throughout the time I was teaching there.
- 46 **1988 - 1994 - No sick leave taken**
- 47 From commencement of my full-time employment in TAFE in 1988, until February 1994 (more than 5 years) I had not taken any sick leave.
- 1994**
- 48 In January/early February 1994 I was doing the Acting Head Teacher duties for Administrative Services section. Part of those duties was fulfilling TAFE's EEO policy.

48.1 I was pleased because I promoted TAFE's EEO commitments to the community. I enrolled more local Aboriginal students into the Administrative Services business courses than I had ever seen in those courses before.

48.2 Some of those Aboriginal students already knew me because I had come to know them in other TAFE EEO-type courses which I had previously run. I had met some others through my community interaction and liaison with local Aboriginal organisations as part of promoting TAFE and its courses.

### **1995**

49 In 1995 Kempsey TAFE Manager was Ms Elizabeth McGregor. The Kempsey TAFE Registrar was Ms Gail Robison.

50 Around March - May 1995 I arranged, organised and completed a function to benefit TAFE, its management, and students and to publicise them in the wider community.

50.1 I invited all available classes in Admin Services to a combined get-together to informally 'Meet the Management' of Kempsey TAFE (Ms Robison and Ms McGregor).

50.2 I invited Kempsey TAFE Manager Ms McGregor and Kempsey TAFE Registrar Ms Gail Robison to attend and mix and talk with the students

50.3 I arranged for photographic coverage of the event,

50.4 I catered for the function,

50.5 I applied this function specific to the courses the students were studying. Some students were studying how to organise such functions and they assisted me to organise and run the function as part of their TAFE studies.

50.6 Afterwards I drafted the press release for Ms McGregor's approval, arranged for the photographs to be developed and got them ready for possible publication in the newspaper.

50.7 I gave the surplus photos of the function to the students who helped run the activity so that they could put them in their employment folders as evidence of their work assisting to organise and deliver the function.

50.7.1. I had not seen that happen before nor have I heard of it happening since in that Section.

### **May 1995 - HealthQuest assessment**

51 On or about 14 May 1995 while I was working at TAFE one of its office clerks told me that I must go to a place called HealthQuest for a medical assessment. I did not know who or what HealthQuest was.

52 The same day, 14 May 1995 Ms Elizabeth McGregor Kempsey TAFE manager gave me a note telling me that it was a Workers Compensation/Rehabilitation appointment. Someone told me by telephone the address that HealthQuest was located and described to me where it was in Sydney.

53 On 19 May 1995 I travelled to Sydney and went to HealthQuest for what I thought was a "Workers Compensation/Rehabilitation" assessment.

53.1 I did not know why TAFE sent me to HealthQuest, nor did I know what I was being assessed for. I did as TAFE told me and went.

53.2 When I arrived at HealthQuest a woman met me and told me that she was Dr Mandel and that she was a psychiatrist. Dr Mandel took me to a room and asked me questions.

54 After I met and spoke with Dr Mandel at HealthQuest in Sydney I travelled back to Kempsey TAFE and continued teaching.

### **23 May 1995 I sent media release and photograph to local paper and publicise TAFE, its management, its students and its courses to the wider community**

55 On 23 May 1995 I was performing my duties at TAFE. As part of my duties I promoted TAFE operations to the wider community.

56 On 23 May 1995 after authorisation by my manager Ms McGregor asked the local newspaper *The Macleay Argus* journalist/editor to publish a report and photograph of the activity mentioned above. This was to promote Kempsey TAFE, its students, Management, and courses.

56.1 The journalist/editor asked me to submit the article and photograph for consideration and I did so.

57 On 26 May 1995 *The Macleay Argus* published the article and photograph under a large heading TAFE TALK.

58 I continued teaching.

59 On 22 June 1995 I taught my usual classes at Kempsey TAFE.

59.1 It was the final lesson for some courses.

59.2 I was happy with the progress the students had made and with their assessment results.

59.3 The students told me that they had particularly enjoyed the course and praised me and thanked me.

59.4 They particularly thanked me for kindness, patience, and making learning fun and the class mutually supportive.

59.5 A high percentage of the students asked me what I was going to be teaching next Semester and said that they wanted to enrol in whatever I was going to be teaching.

59.6 Even when I explained that the following course was going to be quite similar to the one which they had just completed with me they insisted that they wanted to enrol in whatever I was going to teach.

59.7 I agreed and commenced planning and preparing advanced material so the course would be applicable to their existing skills.

### **HealthQuest "retirement"**

60 That same evening, on 22 June 1995 I arrived home from teaching and administrative work specific to my duties at Kempsey TAFE.

60.1 I opened my mail and I read a letter dated 16 June 1995 from Dr Jagger of the government medical office HealthQuest. Dr Jagger's HealthQuest letter stated in part: *"I wish to inform you that a certificate dated 16.6.95 for your retirement on medical grounds of personality disorder has been issued to your employer."* [NCI TAFE]

61 I was working as required by TAFE on and after HealthQuest's "certificate" "16.6.95" "retirement".

### **TAFE - "retired" - "You don't come in any more"**

62 I telephoned Ms Elizabeth my manager at Kempsey TAFE.

62.1 Ms McGregor said to me on the telephone something like:

62.1.1. "you are medically retired"

62.1.2. "you don't come in any more".

### **Kempsey - TAFE - Students**

63 Kempsey has a population of approximately 10,000 people.

64 Many people asked me what was going on.

65 TAFE had publicly removed me from my position

66 My students from previous courses spoke to me.

66.1 They said to me something like: "I went up to TAFE and asked to be enrolled in the course that you were teaching" and "the woman at TAFE wouldn't tell me why you weren't there" and "She was vague and hedged around it" and "What is going on?"

66.2 The students said to me something like: "I saw your stuff on your desk" and "Your photos were on your noticeboard".

#### **TAFE - My rights and entitlements - Not supplied**

67 On or about 27 June 1995 I received in the mail a letter from Ms Kerrie Walshaw A/Manager, Human Resources NCI TAFE.

67.1 TAFE ensured that I received this letter by sending it Certified Mail.

67.2 That letter states in part: "I realise that by now you have received your notification of retirement ..."

67.2.1. I had not written a request to retire.

67.2.2. I had not received a TAFE notification that it had dismissed me or had "retired" me.

67.3 The letter also stated in part: "...if you would like the opportunity to be briefed on your rights and entitlements could you please ring me on ..."

67.4 I telephoned Ms Walshaw to find out my rights.

67.4.1. During the conversation Ms Walshaw said to me some things like:

67.4.1.1 "There was no complaint about your work."

67.4.1.2 "HealthQuest medically retired you"

67.4.1.3 "In a week or so you will get a Waiver to Appeal form from Medical Appeals Tribunal (MAP). When you get it sign the form and send it to ... Send me a copy straight away so I can finalise your employment ."

67.4.2. I did not agree to this.

67.4.3. Ms Walshaw did not tell me my rights.

68 I protested and asked Ms Walshaw questions and asked for assistance.

69 **TAFE refuse me sick leave - "Sick Leave is an entitlement of employment"**

70 During this telephone conversation I told Ms Walshaw how I felt from the HealthQuest letter and asked could I take some of my 100+ accrued sick leave.

71 Ms Walshaw, NCI TAFE Acting Manager Human Resources, said to me something that I took to be: No you can't have sick leave. You are medically retired. You aren't employed.

72 Some days later I received a further letter from Ms Walshaw dated 30 June 1995 which states in part:

72.1 "I am responding to a number of questions which you raised in our discussion on Tuesday. After receipt of the notice for medical retirement you have 30 days to either accept or lodge an appeal."

72.1.1. I did not accept "retirement"

72.2 " If you wish to accept the medical retirement notice you should complete a "Waive of Right of Appeal" form, which will be sent to you by the Medical Appeals Tribunal (sic read MAP), and return it to the Tribunal. Could you also send a copy to the Staff Officer in this office so that we can commence the preparation of final monies..."

72.2.1. I did not wish to accept "retirement"

72.3 *"If you intend to lodge an appeal then you will need to contact ...at the Medical Appeals Tribunal (sic read MAP) within the specified time."*

72.4 *"If you appeal and the decision to medically retire you is overturned you will resume duties at Kempsey Campus."*

72.5 *"Sick Leave is an entitlement of employment."*

72.6 *"I am still following up on a number of other issues that you raised and shall write again next week"*

73 I did not receive a further letter from Ms Walshaw next week.

74 I wanted to resume my duties at Kempsey TAFE.

75 I applied for a form to complete in order to appeal the HealthQuest "retirement".

76 I did not know my rights - or if I had further rights.

**I appealed "retirement..."**

77 I lodged an appeal with an organisation under NSW Department of Health called Medical Appeals Panel.

78 I appealed "retirement" "on medical grounds"

**TAFE stopped my pay - I was without livelihood - TAFE telephoned its payroll section and paid my withheld wages**

79 Some time later I noticed that my regular fortnightly payments from TAFE were not appearing in my bank account.

79.1 I did not have income or livelihood.

79.2 I repeatedly sought my income to no avail.

80 In September 1995 I was in Sydney fighting against HealthQuest's "retirement" and fighting for my job.

81 My daughter telephoned Ms Walshaw and protested that I had no income.

82 My daughter told me that Ms Walshaw said that I should go to Social Security.

83 On 5 September 1995 after further telephone contact, Ms Walshaw arranged with TAFE payroll in North Sydney that I could go there that afternoon and pick up a cheque for my past wages. I did so.

83.1 I was not aware at that time, but FOI documents released by TAFE show TAFE "Stop/Release Pay Advice" form dated 5 September 1995. This record states in part: "Kerrison... Remaining on paid leave pending outcome of medical appeal..."

83.2 After I picked up the cheque TAFE recommenced paying my wages fortnightly into my bank account.

84 I was still not in my job at Kempsey TAFE.

85 I wanted to be allowed to resume my job and career in TAFE.

#### **The Minister Mr John Aquilina - Kerrison "retired"**

86 After my regular wages recommenced in September 1995, the Minister for Education and Training Mr John Aquilina wrote to solicitors who had contacted him on my behalf.

87 Mr Aquilina's letter to Stacks the Law Firm dated 7 September 1995 states in part: "The NSW TAFE Commission has provided advice which indicates that Ms Kerrison was medically retired on June 22, 1995."

#### **TAFE pay me "ordinary" pay**

88 Subsequently for some time TAFE deposited fortnightly wages in my bank account.

89 TAFE payslips to me stated that this was "ordinary" pay.

#### **Kempsey business people and my ex-students tried to help me resume my TAFE position**

90 In October 1995 some of my ex-students and other Kempsey business people wrote letters of reference and support for me and they were forwarded to me in Sydney.

91 Some of the documents are:

91.1 Talie Mackeen, ex-student: *"I am a past student of Mrs Val Kerrison. I was fortunate enough to have the opportunity to attend the TAFE College, but very fortunate to have a teacher such as Mrs Val Kerrison. Her devoted attention to each and every student and to the solving of their small and large problems whilst learning Computer Keyboarding was quite amazing. Her never ending efforts to see that each student, irrespective of who they were, received an overwhelming amount of her attention. My heartfelt thanks for the confidence she has instilled in me"*

91.2 K Evill plumbing contractors: *"I have known Val Kerrison to be an honest, reliable and cheerful person at all times. Having attended Kempsey TAFE with Val as a teacher, I could only say that she was an able and diligent teacher, showing great concern and patience for her students. Lessons were well prepared, and presented with enthusiasm and great encouragement. Many people that have been associated with Val hold the same opinion."*

91.3 B R & T R Everingham Painting Contractors business: *"We have known Val Kerrison since 1978 in both business and in a social capacities. During this time we found her to be honest, trustworthy and conscientious in everything she does and in which she takes part. Val is very respected and liked socially as well as at TAFE, if you mention her to any of the expupils you would hear they have nothing but admiration and respect for her. She is an exceptional person who takes great delight in teaching people how to use a computer and also typing skills, also she gives her pupils self-confidence and self esteem. While Val was at Kempsey TAFE she taught two of our children typing and secretarial skills, when we purchased a computer for our business Val gave us basic lessons for book and record keeping to assist with our business. Our whole family has nothing but praise and admiration for her. If our business was larger we would*

*employ her without any hesitation. We feel she would be a valuable asset to any company or business."*

91.4 Jock Mackeen building contractor and Kasa Mackeen Aboriginal rehabilitation centre Benelong Haven employee: *"My wife and I first met Val Kerrison when our children attended Kempsey TAFE College to learn Computer Keyboarding. We found that she has a good understanding of the students individuality and different needs in learning, and this contributed greatly to the success in completing and passing their course. So much so that two of our children now hold responsible positions with the banking corporations and the third one Val taught is on her way to Business College. My wife and I are very grateful for the persistence and courageous efforts that Val applied to her work, when training these young people." ...*

92 Around this time a TAFE teacher telephoned me in Sydney and asked if she could use the resources which I had written. She explained that they were still sitting in the TAFE classrooms.

92.1 TAFE/HealthQuest actions had, without adequate explanation, publicly excluded me from my position overnight.

### **Freedom of Information requests**

93 When I questioned HealthQuest and TAFE they did not supply answers to my questions.

94 I lodged Freedom of Information requests.

94.1 When, under FOI I received some of their documents I felt sickened and frightened by the concepts they portrayed about me.

94.2 The pains in my chest were severe. Eventually I collapsed in Marrickville. When I was taken to a nearby medical centre they administered an electrocardiograph.

95 The concepts that HealthQuest and TAFE had written and exchanged about me while I was working unaware in TAFE were severely false and misleading.

96 I wrote and protested but this was in vain.

97 At that time I wished that TAFE or HealthQuest had asked me for my side of their stories before they did anything but they did not even attempt to do so.

98 Now I was suffering because of it all.

### **Val Kerrison - "honesty and integrity are beyond reproach"**

99 In December 1995 received in the mail a reference from a Kempsey solicitor Mr L Melville. The reference states in part: *"Val and her family have been personally known to me for a period of approximately eighteen (18) years. During that time I have always found Val to be a person of pleasant disposition whose honesty and integrity are beyond reproach."*

### **FOI - TAFE records missing**

100 When TAFE gave me copies of documents they held I noticed that some documents were missing.

100.1 Some documents which TAFE had given me in the past praising me were not supplied to me under FOI. Some of those missing documents are:

100.1.1. TAFE manager Ms Elizabeth McGregor's official TAFE Internal Memorandum dated 7 December 1993 which states in part: *"Val, Thank you for your perseverance this Semester. I have appreciated your determination to see that students 'get what they come for' and I look forward to watching you and your section 'bloom' in '94..."*

100.1.2. And similar TAFE manager Ms Elizabeth McGregor's official TAFE Internal Memorandum dated 6 December 1994 which states in part: "*Val*" "...one of the strongest memories I have, is of the way you handled the student feedback in relation to the demands of the Word Processing Certificate. I was impressed with your openness, and with the professionalism you displayed, particularly in the way you put the needs of the students so clearly at the fore. Thanks for this, and all your contributions to your section and the college."

100.1.3. I remembered noticing on 6 December 1994 when I received that Memorandum that Ms McGregor had seemingly singled me out for a personal approbation.

### **HealthQuest "Retirement Certificate"**

101 Late 1995 in response to my FOI request, TAFE had given me a bundle of TAFE records.

101.1 Amongst the bundle was a document on HealthQuest letterhead.

101.2 This document was much different to the letter I had received on 22 June.

101.3 The HealthQuest document was dated 16 June 1995 and had a main heading "RETIREMENT CERTIFICATE"

101.4 It looked authoritative, but:

101.4.1. I was not retired on 16 June 1995 - I was working up to and including 22 June 1995.

101.4.2. I had heard Ms Walshaw on about 27 June 1995 tell me that there was no complaint about my work.

101.5 I was still in employment limbo.

### **1996**

102 I had lodged an appeal against the HealthQuest "retirement...".

103 I was not retired either on 16 June 1995 when HealthQuest "certified" this.

104 I was not "retired" in February 1996 because TAFE were paying me wages each fortnight.

### **I asked TAFE to allow me to return to my job**

105 On or around 23 February 1996 I again telephoned Ms Walshaw at NCI TAFE.

105.1 I asked Ms Walshaw to be allowed to return to my position.

105.2 Ms Walshaw did not allow me to return to my position.

106 I was not "retired"

107 TAFE still kept me in employment limbo.

### **TAFE stopped my wages**

108 On or about 5 April 1995 TAFE stopped my pay again.

109 I was again without livelihood and still in employment limbo.

### **TAFE place me on Sick Leave Without Pay**

110 On or about 24 April 1996 I received a letter dated 22 April 1996 from Ms Walshaw. The letter stated in part: "...from 15 April until the outcome of the appeal you will remain on Sick Leave Without Pay

111 I had not submitted a current medical certificate to say that I was sick.

112 I had recently asked again to be allowed to return to my position.

**TAFE claim: "used" all my available accrued sick and extended leave**

113 Ms Walshaw's letter dated 22 April 1996 further claimed that TAFE had somehow "used" all my accrued sick and extended leave.

113.1 That letter stated in part: "*Following the HealthQuest decision to medically retire you, all available accrued sick and extended leave has been used so that you could remain on full pay pending the outcome of your appeal. However, as of 4 April 1996 all available accrued sick and extended leave has been exhausted and therefore from this date your pay has been stopped...*

114 I had not filled in and signed an application for leave form as described above.

115 I did not authorise TAFE to use my accrued leave.

116 TAFE were not authorised to touch my accrued leave.

**TAFE - "you...claim the Commonwealth Government Sickness Benefit"**

117 Ms Walshaw's letter dated 22 April 1996 (TAB ??) further stated in part: "While you remain on Sick Leave Without Pay you may be entitled to claim the Commonwealth Government Sickness Benefit. To assist you to obtain this benefit I have attached a statement from the TAFE Commission which you should take to the nearest Department of Social Security Office."

117.1 I had recently asked Ms Walshaw to allow me to return to my TAFE position.

117.2 I was not sick .

117.3 I was not going to defraud the government by claiming that I was sick.

117.4 TAFE had not terminated my employment - I did not have a letter of dismissal/termination

117.5 I could not apply for unemployment benefits because I was not terminated.

**"...no administrative action based on [HealthQuest] assessment is to be taken until the ...appeal is determined..."**

118 Around 14 June 1996 I obtained a copy of a Public Service notice re Medical Appeals "Panel". It stated in part: "

118.1 "*Departments should note that in any case where a right of appeal exists against the assessment of the Medical Examination and Immunization Centre, no administrative action based on that assessment is to be taken until the period for lodgement of appeal has elapsed or until any appeal lodged within that time is determined, whichever is the latter*"

119 At some time I also obtained a copy of TAFE's own guidelines which repeat my right to have been this right that TAFE were not . TAFE Commission Gazette No 42 of 1993 5.2.5 refers to HealthQuest recommendation: "*Where a staff member appeals no action is to be taken to implement the Medical Director's recommendation until the results of the appeal are known. "*

## **1996 - I worked**

120 In the latter half of 1996 I did not have income because TAFE had suddenly stopped my pay, and had seemingly arbitrarily placed me on "Sick Leave Without Pay" while I was capable of working and had asked TAFE to be allowed to return to work..

121 TAFE had made things very difficult for me in Kempsey.

122 To get away from this I again left my husband and friends in Kempsey and went to Sydney. I did casual part-time work to obtain income.

## **State Super - "Your employer has advised that you left work due to illness or injury..."**

123 While I was working, on or around 20 December 1996 I received a letter from State Super the superannuation authority which administered the compulsory superannuation payments from TAFE and me.

124 State Super's letter to me dated 25 November 1996 stated in part: "Your employer has advised that you left work due to illness or injury and you may be eligible for payment of an invalidity benefit...The completed exit form together with...should be forwarded to the Board as soon as possible."

125 I wrote to State Super and disputed that. The last notification I had received from TAFE was back in April when Ms Walshaw told me that TAFE had placed me on "Sick Leave Without Pay".

126 I attached Ms Walshaw's letter about this to my letter to State Super, and also asked for a copy of whatever TAFE had sent them.

127 State Super sent me a copy of 2 TAFE notices to State Super "Notification of Exit - Invalidity" dated October and November 1996 both saying that I was "medically retired" September 1996.

## **I applied again to resume my position - reinstatement**

128 On 30 January 1997 I again wrote to TAFE and stated in part:

128.1 "Since 22 June 1995 TAFE management, overnight, excluded me from my teaching position. I believe this to be victimisation and harassment as a result of lodging complaints" and

128.2 " I have yet to receive notification from Ms Kerrie Walshaw of NCI TAFE regarding the present status of my employment. TAFE's letters are attached." These letters showed discrepancies in information on employment status and entitlements of Val Kerrison." And

128.3 "I am seeking: \*The HealthQuest appointment of 19 May 1995 be declared null and void and that all related records be destroyed." And

128.4 "I am seeking

128.4.1. \*My immediate reinstatement in TAFE" and

128.4.2. "A complete, independent, publicly accessible inquiry into all aspects of this case - to ensure that such bullying behaviour never happens to anyone else in Department of Education, TAFE..." and

128.4.3. "TAFE's resources to be applied to rectifying the damage TAFE have caused to myself and others."

## **Member for Oxley - the Minister Mr Aquilina**

129 On or about 14 March 1997 my local member Mr Jeffery MP wrote on my behalf to the Hon John J Aquilina MP stating in part: "*The current situation is that she remains on sick leave without pay...*"

130 On 19 March 1997 Mr Aquilina replied to Mr Jeffery stating in part: "*I note your concerns and am having the matters you have raised investigated. As soon as these investigations are completed, I shall write to you again with a detailed response.*"

131 On 16 May 1997 I wrote again to the Minister Mr Aquilina and also to TAFE Managing Director at that time. To no avail.

132 On 6 June 1997 the Hon Ms Elisabeth Kirkby MLC wrote to the Minister Mr Aquilina stating in part: "Enclosed are a number of pieces on correspondence from Mrs Val Kerrison...Ms Kerrison raises serious allegations of victimisation at Kempsey TAFE. She also provides considerable evidence to substantiate her claims. I would appreciate your attention to Ms Kerrison's claims as soon as possible."

133 On 21 July 1997 my local member Mr Jeffery MP again wrote to Mr Aquilina stating in part: "I refer to the attached correspondence and seek your early reply to my representations dated 14 March 1997 on behalf of Mrs Kerrison."

134 On 29 July 1997 Mr Aquilina responded to Ms Kirkby, Mr Jeffery and me with similar paragraphs. Mr Aquilina's letter to me stated in part:

134.1 "*I refer to your letter concerning your claims of alleged discrimination and victimisation by staff of the NSW TAFE Commission. I note that you have also written to Ms J Diplock, Managing Director, NSW TAFE Commission regarding this matter.*"

134.2 "*As the matters you have raised are currently before the Anti-Discrimination Board, it is inappropriate for me to comment at this stage.*"

134.3 "*I am sure you will be given every opportunity to pursue your claims in the conciliation conference that will be arranged by the Anti-Discrimination Board.*"

135 Mr Aquilina had been first contacted by my then solicitors 6 June 1995 before the HealthQuest emission.

136 Mr Aquilina's letter of reply was dated 7 September 1995. Mr Aquilina's letter stated in part: "*The NSW TAFE Commission has provided advice which indicates that Ms Kerrison was medically retired on June 22 1995*"

136.1 After that through 1995 and onwards others and I had repeatedly contacted Mr Aquilina.

137 I had been in limbo for more than two years and was still in limbo, without income.

138 TAFE had not terminated my employment - TAFE did not issue to me a valid retirement certificate relevant to s20 of the TAFE Act or a TAFE letter of termination or TAFE notice of dismissal/termination

#### **Mr John Aquilina MP, Hon J W Shaw: Questions asked in Parliament about employment status**

139 On 24 September 1997 the Hon Elisabeth Kirkby asked: "*My question without notice is directed to the Attorney General, representing the Minister for Education and Training (Mr Aquilina). Will the Minister provide details about the current employment status of Ms Val Kerrison with her employer Kempsey TAFE? Is Ms Kerrison still employed at Kempsey TAFE? Has Ms Kerrison's employment with Kempsey TAFE been terminated?*"

#### **8 October 1997 " you accepted 'medical retirement' so I put it through"**

140 On 8 October 1997 I telephoned the NCI TAFE Human Resources Manager.

141 I spoke with Ms Ros Williamson who told me that she had recently been appointed. Ms Williamson replaced Ms Kerrie Walshaw.

142 I was seeking a form to apply for some of my accrued extended leave.

143 Ms Williamson said to me on the telephone something like: "*They told me that you had accepted medical retirement so I put it through*".

144 I disputed that I had "accepted" medical retirement, and told her that I had previously denied and disputed this.

#### **20 October 1997 TAFE propose I lodge a grievance in accordance with TAFE's Grievance Policy**

145 On 20 October 1997 at the AntiDiscrimination Board I met with TAFE officers TAFE Senior Legal Officer Mr Peter Cribb, NCI TAFE Human Resources Ms Ros Williamson. I asked among other things to be allowed to continue in my TAFE position.

146 These officers also undertook to the ADB that they would conduct an investigation and that I would be asked to participate in the investigation. TAFE undertook to report back to the ADB by 12 December 1997.

147 I did not receive anything further about this from TAFE re my input into "investigation" or my requests.

#### **11 November 1997 - Mr Aquilina, The Hon J W Shaw: " Ms Kerrison's medical retirement took effect from 13 September 1996"**

148 In 1997 the Minister Mr John Aquilina, with full and factual brief from TAFE, TAFE Managing Director Ms Jane Diplock and all other relevant managers showed that the minister was not in the position to produce a valid and lawful TAFE retirement certificate under s 20 of the Technical and Further Education Act 1990

148.1 On 11 November 1997, Mr Aquilina's reply to Parliament through Hon Jeff Shaw to Legislative Council, Elisabeth Kirkby re question to Hon J W Shaw on 24 September 1997. Response:

*"the Minister for Education and Training has provided the following response:*

*"Ms Valda June Kerrison's employment status with the NSW TAFE Commission is that of former employee.*

*" Ms Kerrison is not currently employed by the NSW TAFE Commission. On 16 June 1995, the NSW Government Medical Officer issued a Retirement Certificate in respect of Ms Kerrison. Ms Kerrison appealed to the Medical Appeals Panel of the NSW Health Department against the assessment made in the Retirement Certificate. Ms Kerrison's appeal was disallowed, notice of which was given in a letter from the Chairman of the Medical Appeals Panel to Ms Kerrison dated 13 September 1996. Ms Kerrison's medical retirement took effect from 13 September 1996 and her employment with the NSW TAFE commission has been terminated.. Hansard 51<sup>st</sup> Parl/ 513gco14/44".*

149 TAFE have not carried out termination with me

150 TAFE have not issued me with at TAFE retirement certificate under Technical and Further Education Act 1990 s20

#### **FOI requests reveal further documents**

151 When I lodged FOI requests some more documents were supplied.

**18 November 1997 NCI TAFE internal document names the people who had medically retired for 1997**

152 TAFE officers Ms Thurston Employee Services Team Leader to Mr Brian Mortimer DTEC listed employees who had medically retired during 1997.

**19 November 1997 TAFE internal document "MEDICAL RETIREMENTS 'phone conversation this afternoon...Kerrison..Medical Retirement**

153 On 19 November 1997, the day following TAFE's list of people who had medically retired in 1997, TAFE officer Ms Thurston wrote in part: "In response to our phone conversation this afternoon, I wish to confirm the details for the following Medical Retirement: Valda Kerrison...Last Day of Service 13/9/96"

**In 1998 TAFE applied SLWOP and LWOP to my 1996 employment status - SASS Retrospective**

154 On 26 March 1998 TAFE to State Authorities Superannuation Board (SASS) states in part: " Valda Kerrison from 15.4.96 to 13.9.96 Sick Leave Without Pay. Medical Retirement from 13.9.96"

155 Then, on 26 March 1998 TAFE to SASS states in part: V Kerrison - Exit/ LWOP (Leave Without Pay) Please see following SASS 10 forms...Could you arrange processing ASAP.

155.1 I had disputed TAFE's "retirement" of me to State Super. In 1998 TAFE changed my employment status again without my knowledge. I was in limbo and unaware.

156 TAFE had arbitrarily changed my employment status without my knowledge or signature in:

156.1 1995, (purported medical retirement)

156.2 1996, (Purported SLWOP)

156.3 1996 (Purported medical retirement)

156.4 1997 (Purported medical retirement "effective from" a year previously).

156.5 1997 (Purported "terminated" without carrying out termination with me)

156.6 1998 (Purported retrospective SLWOP)

156.7 1998 (Purported LWOP "respective" to 1996)

157 All these were done without my knowledge and it is only through paying hundreds of dollars for FOI requests that I accessed these documents.

**HealthQuest - purported "Retirement Certificate" while I was working**

158 I noticed that documents I recently received under FOI are different to documents I obtained under FOI in 1995.

159 The note attached to the originally released HealthQuest "retirement" has been removed.

160 When I compared the handwriting on the originally released HealthQuest "retirement" I believe that it is Dr Gary Willmott's writing.

160.1 The HealthQuest "retirement" document dated 16 June 1995 states "*Kerry URGENT need to terminate her as at close of business today!!*" TAFE

**TAFE Managing Director Dr Gregor Ramsey -> NCI TAFE Director Dr Gary Willmott -> Kerrie Walshaw "HealthQuest"**

161 Through FOI I obtained a further comprehensive TAFE record. On or about 17 January 1995 TAFE Managing Director (MD) Dr Gregor Ramsey wrote to NCI TAFE Director Dr Gary Willmott who referred it "*For attention Kerrie Walshaw*"

161.1 This letter acknowledges that my allegations (complaints) were true but that the MD was not going to take further action against Ms Hayes, the subject of my allegations but stated "I (Dr Ramsey) *have enclosed a copy of a further letter I have received from Ms Kerrison, ... I urge you to continue to provide support to Ms Kerrison. In this context, it may be appropriate for North Coast Institute to make arrangements to have Ms Kerrison medically examined by HealthQuest to determine her fitness to continue in employment.*" This letter bears handwritten note in what I believe is Dr Willmott's handwriting "*Noted 25/1/95 For attention Kerrie Walshaw*"

162 At that time, 17 January 1995, I had not claimed any sick leave for more than 6 months. TAFE MD "*urged*" HealthQuest medical examination when he acknowledged that my allegations were true.

**TAFE - HealthQuest**

163 I honestly believe that:

163.1 On objective standards there was no reasonable concern regarding me at any time.

163.2 Dr Ramsey proposed an assessment of me which was not lawful - it was a fraudulent medical assessment.

163.3 TAFE did not have statutory power to send me for fraudulent medical assessment

163.4 At all relevant times there was no negative assessment of the performance of my teaching duties

163.5 When Dr Ramsey suggested to Dr Willmott to have me fraudulently assessed he knew that the inevitable result would be detrimental to society in losing my expertise and my exemplary delivery of vocational instruction.

163.6 Under the Directorship of Dr Willmott, TAFE contracted HealthQuest to perform and unlawful assessment of me

163.7 HealthQuest complied with that unlawful request

163.8 HealthQuest performed an unlawful assessment of me

163.9 HealthQuest documents issued from the unlawful assessment were used by TAFE to bluff me out of my permanent appointment

164 I honestly and sincerely believe that if TAFE and HealthQuest acted within the law TAFE's request for unlawful assessment had to be rejected by HealthQuest.

165 I honestly and sincerely believe that if TAFE knew that HealthQuest would only perform lawful medical assessments TAFE would not have sent me to be fraudulently assessed

**The Minister Mr Aquilina**

166 All circumstances and material things being known to TAFE at the time when the minister requested briefings the circumstances and material things were set aside and the minister was briefed that my employment was technically terminated in 1996.

167 After TAFE briefed the minister that my employment was terminated "effective from" 13 September 1996 TAFE deposed on oath for purpose of court proceedings that my employment was terminated in 1995.

### **Intervention Requests**

168 From 1995 to the present time I notified relevant people and authorities of the situation and supplied documents verifying my statements, asked questions, and asked for intervention and assistance. I notified and asked:

168.1 Mr Bob Carr as The Premier from 1995 to the present

168.2 Mr John Aquilina as The Minister from 1995 to the present

168.3 Ms Irene Moss and Mr Bruce Barbour and Mr Chris Wheeler as The Ombudsman from 1995 to the present

168.4 Hon J Shaw as The Attorney-General during the past 2-3 years

168.5 Mr John Howard as The Prime Minister during the past 2-3 years

168.6 Mr K Beazley MP during the past 2-3 years

168.7 Mr S O'Doherty MP from 1995

168.8 Mr Barry O'Keefe as ICAC Commissioner

168.9 Health Care Complaints Commission

168.10 Mr Chris Puplick as AntiDiscrimination Board and Privacy Committee during 1995 to the present

168.11 Mr John Hennessey as NSW Teachers Federation 1995 to the present

168.12 Mr Paul MacMahon, MacMahon Associates (union lawyers) 1994 to the present

168.13 State Superannuation from 1996 to the present

168.14 Mr Graham Hawking NSW Department of Health 1996

168.15 Dr John Harley NSW Department of Health' Medical Appeals Panel 1996

168.16 Ms K Chikarovski MP 1999

168.17 Others

### **Lawful retirement certificate - TAFE Act s20 - separation certificate**

169 I continued to ask for a lawful documentation. TAFE did not supply me with a retirement certificate in the meaning of the Technical and Further Education Act 1990 s20.

169.1 Despite my asking and despite intermittent court orders TAFE did not produce a lawful retirement certificate as per s20 of the TAFE Act.

170 At all relevant times since September 1995 I was aware that the HealthQuest doctors Dr Jagger and Dr Mandel did not have statutory power to issue a retirement certificate.

170.1 In approximately 1996 I became aware of the TAFE Act and after that, at all relevant times I was aware that the HealthQuest doctors Dr Jagger and Dr Mandel did not have

statutory power to issue a lawful retirement certificate in the meaning of the TAFE Act s20.

171 It follows that everything that I have said above about a lawful retirement certificate issued by TAFE goes for a lawful separation certificate which TAFE never issued to me.

172 This has caused me serious prejudice on the job market.

**SWORN** By the Deponent     )  
At Sydney                     )  
Before me:                    )

On the NINTH DAY OF AUGUST IN THE YEAR TWO THOUSAND

.....  
Solicitor/Justice of the Peace

.....  
Deponent