

AFFIDAVIT

Date: 20 May 2002

Deponent

VALDA JUNE KERRISON

AMENDMENTS AND CORRECTIONS TO

**Incorrect and misleading records
compiled and issued by**

DOCTOR JAMES HOLMES Kempsey

UNDER PRINCIPLE 7 OF PRIVACY ACT this affidavit, complete with all attachments is to be attached to each and every document pertaining to Valda June Kerrison and/or her family which were ever compiled, stored, issued by Dr James Holmes or anyone else acting for him. This AFFIDAVIT COMPLETE WITH ALL ATTACHMENTS is to be forwarded to wherever Dr Holmes' documents and/or communications re Mrs Kerrison and family have been lodged. All parties are to notify Mrs Kerrison within 14 days of receipt of this AFFIDAVIT AND ATTACHMENTS that it has been attached to their records, and notify Mrs Kerrison; a) identify the record/s to which it is attached; and b) to what other parties they have forwarded documents, and c) the date they have forwarded to those parties this AFFIDAVIT AND ATTACHMENTS AND INSTRUCTIONS under PRINCIPLE 7 PRIVACY ACT

Temporary Address for Mail

Mrs Val Kerrison
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Kempsey NSW 2042

On the twentieth day of May, 2002, I Valda June Kerrison of Unit 5, 71 Probert Street, Newtown, NSW, Dip Teaching (Technical Teacher), Teacher of Word Processing. Appointed MYOB trainer, bookkeeper, TAFE teacher, affirm and declare:

- 1 Dr James Holmes, psychiatrist is a member of the profession to which the Australian Medical Association (AMA) issued guidelines entitled "REFERRALS AT THE INSTIGATION OR INSISTENCE OF THE PATIENT'S EMPLOYER GUIDELINES FOR PSYCHIATRISTS". It included: "ENDORSED BY THE COUNCIL OF NSW BRANCH OF THE AMA TUESDAY 20 APRIL 1993" [**That document is attached and marked 'Attachment 1'**]
- 2 That document: "REFERRALS AT THE INSTIGATION OR INSISTENCE OF THE PATIENT'S EMPLOYER GUIDELINES FOR PSYCHIATRISTS", states in part:

"This issue has become a problem in the context of an employer's response to an employee's "whistleblowing", i.e. where employees have raised concerns over corruption, mismanagement, waste, or practices involving risk to the public occurring with an organisation, or other such matters, and where the employer is reacting adversely to the raising of those concerns. In these circumstances, insistence by the employer on referral to one or more psychiatrists has become a common means of discrediting or getting rid of the employee, in a manner reminiscent of the Soviet use of psychiatry in dealing with political dissidents..."

Re: Employer forcing its employee to submit to one or more psychiatrists

- 3 In British court of law, in *Bliss v South East Thames Regional Health Authority* [1985] it was held that: *"It was an implied term of the plaintiff's [employee Bliss's] contract of employment that the authority would not without reasonable cause conduct itself in a manner calculated, or likely to damage or destroy the relationship of confidence and trust between the contracting parties: that in requiring the plaintiff [employee Bliss] to undergo a psychiatric examination when there was no mental or pathological illness but merely a severe degree of breakdown of personal relationships, and in suspending him when he refused to submit to such an examination, the defendant [employer South East Thames Regional Health Authority] was in breach of that implied term; and that the breach, going to the root of the contract, was so fundamental as to constitute a repudiation of the contract of employment."*
- 4 The AMA are not alone in speaking out against some psychiatrist' behaviour. I have heard public opinion on the HealthQuest "psychiatric" process referring to in various disparaging terms including "meat market", "Chelmsford II" and "Dial-a-Dementia". I have seen newspaper articles and TV programs which censoriously document this same HealthQuest/employers' process.

History of my speaking with Dr Holmes

- 5 As a TAFE teacher, in 1993 and 1994, I filed complaints regarding mistreatment of teachers and of aboriginal and other students. I was then repeatedly denied access to equipment, files and information relevant to my TAFE duties. Denial of access was apparently orchestrated by a member of TAFE. Consistent with my claims, wrongdoing by this staff member was also found by TAFE's own investigation.
- 6 Because of TAFE students' complaints to TAFE Managing Director Dr Gregor Ramsey, Kempsey TAFE Campus Manager, Ms McGregor investigated intimidation and victimisation of teachers and students in Kempsey TAFE and, circa September 1993, reported on fear, general victimisation, concerns regarding staff's safety, and damage to TAFE personnel by its teacher Ms Hayes.
- 7 However, neither Dr Ramsey nor Ms McGregor stopped Ms Hayes' harmful behaviour.
- 8 I was openly supportive of Aboriginals, and Ms Hayes' harmful behaviour was applied specifically to me. In early 1994, through lack of safe workplace, I commenced what I thought might be a few of days stress leave. I had been working in many jobs for about 40 years and had not ever taken stress leave before.
- 9 Instead of rehabilitation and supplying me with a safe work environment TAFE officers did not attempt to rehabilitate me. I felt bewildered.
- 10 I was isolated from my job and this impacted on me. I was at home in isolation waiting week after week. I repeatedly telephoned TAFE managers responsible for my rehabilitation seeking the assistance which TAFE had arranged with me to supply, but to no avail.
- 11 If I had known of incidents such as those referred to in the AMA guidelines previously happening in Australia I could have understood the situation better and taken steps to protect myself.
- 12 I felt bewildered, alone, and worried about my job and income.

Commencement of Meetings with Dr Holmes

- 13 Due to isolation and unresolved TAFE issues I first spoke with Dr Holmes, psychiatrist, in 1994. I had not ever spoken with a psychiatrist before in my 50+ years lifetime. Nor had I ever seen a psychiatrist's 'report'.
- 14 Dr Holmes knew, or should have known of some employers' actions as set out in Attachment 1 because he is a psychiatrist such as those targeted for those guidelines for psychiatrists.
 - 14.1 At no time did Dr Holmes inform me of practices by some employers such as outlined in Attachment 1 Guidelines. If he had done so, I might have been able to protect myself from what followed.

- 14.2 At no time did Dr Holmes warn me of the inherent dangers to me of speaking with him; that he could, and did, write and issue without my knowledge or consent, incorrect, biased, misleading allegations about me and my family.
- 15 If I had been fully informed I would have chosen not to speak with Dr Holmes.
- 15.1 At no time did Dr Holmes explain to me what his 'process' was.
- 15.2 At no time did Dr Holmes explain to me what my options were
- 15.2.1. At law, this can constitute failure to obtain informed consent.
- 15.2.2. Performing a medical process without informed consent can, at law constitute trespass and/or assault.
- 16 In 1994 when I met with Dr Holmes he solicited personal information from me and did not tell me his purpose. Guidelines for this are set out in Privacy Act 1988 Principle 3
- 17 Dr Holmes, when speaking with me, intruded to an unreasonable extent upon the personal affairs of my family and myself and did not tell me his purpose.
- 17.1.1. This can constitute breach of Privacy Principles 3
- 18 Dr Holmes could have checked to ensure that the words he wrote about me and my family were accurate; relevant, up to date, complete and not misleading, but failed to do so.
- 18.1.1. This can constitute breach of Privacy Principle 3
- 19 Mid 1994 TAFE refused me permission to return to my job. I told Dr Holmes. Eventually TAFE allowed me back to my job.
- 20 Mid 1994 I ceased speaking with Dr Holmes.
- 21 Around July 1994 TAFE's insurers GIO accepted liability for my stress leave. I believe that Dr Holmes was paid by GIO at some time and would have known, or should have known that the stress leave I took was accepted by GIO as being caused by TAFE.
- 22 TAFE did not address the issues in my previous grievance; instead, during September 1994 TAFE managers Ms Elizabeth McGregor and Ms Maureen O'Sullivan repeatedly threatened me with danger in relation to my right to lodge legitimate grievances. They told me that this was at the behest of Dr Ramsey.
- 22.1 This can not only constitute breach of TAFE's Enterprise Agreement but as the grievance which I had previously lodged included not only discrimination, victimisation, mismanagement, breaches of OH&S; but also allegations of criminal act/s committed by a TAFE staffmember, this could also be considered to be retaliation in the form of intimidation.
- 23 Ms McGregor's and Ms O'Sullivan's repeated threats of danger to me caused me to feel fear. I felt so frightened and bewildered that I wrote again to Dr Ramsey, TAFE Managing Director.
- 24 In documents I have uncovered since 1995 was TAFE's Managing Director Dr Ramsey's document dated 17 January 1995. **[That document is attached and marked "Attachment 2"]**
- 25 In that document, (Attachment 2) Dr Ramsey acknowledges that my complaints included "irregular student assessment practice at Kempsey TAFE". This referred to my allegation of false entry on public register by Ms Hayes - a crime under s 336 of the Crimes Act and carrying a penalty of imprisonment. Dr Ramsey accepted my allegations as being true.
- 26 Dr Ramsey, in that document (Attachment 2) states in part:
- " As you are aware, the [TAFE] Comprehensive Audit Unit investigated Ms Kerrison's allegations of irregular student enrolment and assessment practices by a teacher, Ms Rhonda Hayes and provided me with a report. I accepted this report and wrote to Ms Hayes informing her that I was satisfied that the allegations were true**

but that in all the circumstances, no further action would be taken with respect to the allegations. I have previously provided you with a copy of my letter to Ms Hayes.

"I have enclosed a copy of a further letter I have received from Mrs Kerrison, together with my reply. I would 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. "

- 27 Dr Ramsey knew, or should have known from TAFE's records that on 17 January 1995 I was not on sick leave, nor had I claimed any sick leave whatsoever for more than 6 months --- but I had lodged a complaint with Dr Ramsey, and Dr Ramsey had appointed investigators, and Dr Ramsey acknowledged my allegation to be true (false entry on TAFE's public registers; s337 Crimes Act).
- 28 Around April 1995, TAFE negotiated with its agent Commonwealth Rehabilitation Services (CRS) and I was required to submit to a psychiatrist again.
- 29 I did not want to go to any psychiatrist but I complied because it appeared to be required. I again went to Dr Holmes but did not know the purpose or the 'process'.
 - 29.1 Dr Holmes asked questions about the situation in TAFE.
 - 29.2 I told Dr Holmes that I was currently working in TAFE and of Ms McGregor's words to me.
 - 29.3 Dr Holmes documents indicate that he believed that I spoke truthfully.
- 30 As I had not taken excessive sick leave I believe that this can be taken as fitting within the AMA Guidelines to Psychiatrists regarding "*insistence by the employer on referral to one or more psychiatrists*".
- 31 Around mid May 1995, TAFE summarily stood me down from my regular teaching duties ordering me to travel to Sydney to attend NSW Government Medical Office (operating under the title "HealthQuest"). Dr Ramsey had, without my knowledge or consent, authorised this (See Attachment 2)
 - 31.1 TAFE officers did not tell me why.
 - 31.2 TAFE officers also did not tell me that they had written and sent documents with grossly false and misleading allegations about me to HealthQuest.
 - 31.3 When I attended HealthQuest I was surprised to discover that the HealthQuest officer was a psychiatrist.
 - 31.4 I did not give informed consent to any HealthQuest 'medical' process.
 - 31.5 HealthQuest psychiatrist Dr Eva Mandel asked for permission to contact Dr Holmes but did not tell me why. When I demurred Dr Mandel persisted until I gave in. Dr Mandel gave me a document to sign but did not allow me to read it. Dr Mandel stood over me while I signed it. Dr Mandel did not tell me why she wanted my signature or the purpose of her request. I was completely in the dark about HealthQuest's, Dr Holmes' and TAFE's 'process'.
- 32 I then returned to Kempsey TAFE and continued working, still unaware and uninformed. I had no idea of the further actions being carried out against me by TAFE managers, HealthQuest medical practitioners, and Dr Holmes.
- 33 Freedom of Information requests have subsequently uncovered that Dr Holmes, TAFE, HealthQuest, and CRS were freely writing, circulating and compiling files of offensive personal allegations against me and/or my dear family without my knowledge or consent.
 - 33.1 When I finally accessed some records I felt horror and grief to read their writings of false/misleading, inaccurate, unfair allegations against my family's good name and me.

- 33.2 While I was working to my usual high standard, Dr Holmes, TAFE officers, and HealthQuest officers were communicating with each other by telephone or documents, suggesting, deciding, recording the employment status of "*retire* (or its derivative) against me. This appears to be consistent with the AMA's circumstances of "*getting rid of the employee [Kerrison]*" through retirement. Yet TAFE themselves admit my work to be satisfactory.
- 34 While I was working unaware, and performing my duties as TAFE teacher, Dr Holmes, TAFE officers, and HealthQuest officers, without my knowledge or right of input and rebuttal, communicated and recorded false, misleading allegations against me; seemingly as their means of discrediting me personally and my allegations of discrimination, victimisation, damaging work practices and crimes being committed in TAFE i.e. consistent with the AMA's circumstances of "*where employees have raised concerns over corruption, mismanagement, waste, or practices involving risk to the public occurring with an organisation, or other such matters*".
- 35 I did not at any time give informed consent to attend Dr Holmes or HealthQuest psychiatrists for either their or TAFE's machinations, and indeed I believe that none of these three parties (TAFE, HealthQuest, and Dr Holmes) could honestly believe that they obtained my informed consent because TAFE, Dr Holmes and HealthQuest knew that they were performing a 'process' which they had not informed me of, wrote and stored adverse material against me and did not inform me, did not explain their 'process', did not warn me of the inherent danger, and did not give me options.
- 36 Dr Holmes and HealthQuest made decisions to select or ignore material. Dr Holmes selected some of the false and damaging allegations he had compiled without my rights of rebuttal and used them. Dr Holmes chose to not tell me before he did this and therefore failed to allow me to protect my family and myself.
- 37 When I eventually uncovered some of the morass of "misinformation", I was so shocked and horrified that I collapsed and an electrocardiograph was administered. Further similar shocks and horror documents have caused further collapses.
- 38 TAFE have increased the level of their attacks on my reputation as TAFE teacher. This is still at odds with the actual situation because when Australians for Reconciliation questioned TAFE, TAFE admitted that: "**There is no report on Ms Kerrison's personnel file that indicates that her services were other than satisfactory**"
- 39 The agony, grief, and horror that the original and ongoing writings and actions of the psychiatrist Dr Holmes, TAFE officers, and HealthQuest medical practitioners have caused me and my husband and children cannot be measured. Through fears for my safety my beloved husband of 40+ years (Don Kerrison) and I agreed that we temporarily live apart, Don maintaining the home in Kempsey and I in Sydney attempting to have these matters addressed. Professional advice concurred. I am living alone in a small room, working in jobs requiring high levels of kindness, integrity, honesty, and expertise. I am barely surviving but we cannot find an alternative in order to right the matters. Seemingly this was the danger threatened by TAFE. The morass of falsity written by Dr Holmes, HealthQuest officers, and TAFE officers summarily deprived me of my previous safety and job; and have drove me out of my home and Kempsey. They cause my husband and I immeasurable grief, suffering and deprivation.
- 40 Those writings were and are relied on by TAFE to summarily, without my right of knowledge and input, remove me from my job and deny me my job and income. My financial losses have been huge and I have lost title to my home. In court, TAFE and HealthQuest rely on and use against me document/s bought from Dr Holmes.
- 41 Dr Holmes chose to write insinuations of insanity against me seemingly in an attempt to validate his choice of retirement for me. Dr Holmes sold his documents on a fee-for-

service basis to various third parties. By doing so, Dr Holmes has procured monies for himself over years selling his words.

OTHERS' ACTIONS RE HUMAN RIGHTS IN PSYCHIATRY

- 42 I believe that the practice of humans being forced to submit to psychiatric "process" is questioned on the international level because of the following:
- 43 The United Nations High Commissioner for Human Rights, Mary Robinson supports the Russell Tribunal's ongoing actions regarding Human Rights in Psychiatry. Attached and marked "**Attachment 3**" is the two-page summary of the Accusation of the Russell Tribunal on Human Rights in Psychiatry.
- 44 That Accusation states in part: g) "[Psychiatry] stigmatizes those identified as mentally ill, providing opportunity to those who would discredit their political views, deny them employment, or mistreat them in other ways;
- 45 Also, attached and marked "**Attachment 4**" is the Russell Tribunal's letter to the World Psychiatric Association (WPA).
- 46 On the website of <http://www.freedom-of-thought.de/rt/verdict.htm> is the verdict of the 2001 session, and information on further sessions.
- 47 As Australian authorities seemingly routinely breach Human Rights with politically motivated forced psychiatric referrals of its political dissidents, I and a number of other similarly treated dissidents have submitted our cases to the ongoing Russell Tribunal.

48 CORRECTIONS AND AMENDMENTS TO ALL ALLEGATIONS WRITTEN AND/OR STORED BY DR HOLMES (AND ANYONE ACTING FOR HIM) ABOUT MRS VALDA JUNE KERRISON AND/OR HER FAMILY

ALL derogatory allegations deleted and replaced with:

- "Valda June Kerrison was hired by the NSW TAFE Commission as a teacher
- "Dr Holmes has probably not met or had any contact with Valda June Kerrison's family.
- "Valda June Kerrison denies derogatory allegations and inferences written by Dr Holmes about her and her family.
- "Valda June Kerrison states under oath that both she and her family are and were an exemplary family, loving and supportive to each other, productive and kindly in the community in which they live/d, and whose honesty and integrity are and were above reproach."

This complete affidavit attached to all records.

AFFIRMED by Val Kerrison at Kempsey on 20 May 2002

Before me: Don Kerrison, husband of Val Kerrison, and son-in-law and brother-in-law of Val's immediate family members

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UNDER PRINCIPLE 7 OF PRIVACY ACT this affidavit, complete with all attachments is to be attached to each and every document pertaining to Valda June Kerrison and/or her family which were ever compiled, stored, issued by Dr James Holmes or anyone else acting for him. **This AFFIDAVIT COMPLETE WITH ALL ATTACHMENTS** is to be forwarded to wherever Dr Holmes' documents and/or communications re Mrs Kerrison and family have been lodged. All parties are to notify Mrs Kerrison within 14 days of receipt of this AFFIDAVIT AND ATTACHMENTS that it has been attached to their records, and notify Mrs Kerrison; a) identify the record/s to which it is attached; and b) to what other parties they have forwarded documents, and c) the date they have forwarded to those parties this **AFFIDAVIT AND ATTACHMENTS AND INSTRUCTIONS** under **PRINCIPLE 7 PRIVACY ACT**.