

WhistleBlowers' Documents Exposed

WBDE Human Rights and Ethics Panel
PO Box 140
NEWTOWN NSW 2204

6 March 2006

Web: <http://www.wbde.org>

NOTICE MADE AND ISSUED IN THE PUBLIC INTEREST.
REQUEST FOR JUSTICE FOR MRS KERRISON

For the personal attention of:

Mr Stepan Kerkyasharian
President of the NSW Anti-Discrimination Board
PO Box A2122
Sydney South 1235

Fax: 9268 5500

**Re: New South Wales Technical and Further Education Commission v Valda June Kerrison
[2004] NSWIRComm 369**

Who We Are:

WhistleBlowers Documents Exposed (WBDE) is a self-funded people's initiative arising from our dissatisfaction with the performance of some existing funded organizations and personnel, who are considered to have failed to perform their duties effectively, within the law, and in the public interest. More information is available on our WhistleBlowers' Documents Exposed site: <http://www.wbde.org/>

We have been asked to assist TAFE Teacher Mrs Val Kerrison obtain justice in the form of her right to her job and income as a duly appointed full-time permanent Teacher in TAFE.

ADB's Responsibility to advise to Government

As already reported to the AntiDiscrimination Board: the Industrial Relations Commission, together with Crown Solicitors Office lawyers and its barristers, and TAFE' lawyers and managers, have claimed to have applied a forced retirement against Mrs Kerrison. They intend to force this further by furthering this precedent on 24 March 2006.

It is presumed that you are already aware of the issues, including the applicable documents, many of which are on our web site including WBDE application in the public interest
http://www.wbde.org/documents/2006_Jan_25_NoReplyToApplicationForExDebitoJustitiae_8Jan2006.pdf

This application includes:

“It is noted that the Industrial Relations Act at s169, states that the Commission MUST take into account discrimination principles. s **169, Anti-discrimination matters.** (1) The Commission must, in the exercise of its functions, take into account the principles contained in the [Anti-Discrimination Act 1977](#).”

“We consider that the IRC should have spoken out against discrimination practices such as the HealthQuest and TAFE “medical retirement” machinations, and not sought to either inflict a discriminatory retirement or uphold TAFE to apply a discriminatory retirement.

“Failure to set aside this judgement sets the precedent for allowing further detrimental acts which were previously legislated against in the AntiDiscrimination Act.

“This judgement 2004 has effectively negated the AntiDiscrimination Act, complete with its human rights entitlements. By so doing, the IRC has taken away the power of the AntiDiscrimination Board and the Administrative Decisions Tribunal EEO Division to address the wrongs committed on the grounds of discrimination categories.

It is a serious concern that as the ADB and other parties such as Crown Solicitor’s Office, judicial appointments and promotions, etc, operate under the Attorney General’s Department and there may be conflict of interest.

As previous notification/s to the ADB were ignored it generates an impression of complicity with the Attorneys General and their department who has been party to the actions against Mrs Kerrison since 1997.

In order to retain credibility the ADB actions alone should demonstrate their ability to act independently from these other interested parties.

It is our opinion that to fail to do so would bring the ADB into disrepute and make a mockery of the AntiDiscrimination Act.

It has already been commented elsewhere by the public that the purported and undated forced “medical retirement” perpetrated by IRC, Crown Sol and TAFE against Val Kerrison has set the precedent which negates discrimination under A-D Act.

Similarly it renders EEO Division of the Administrative Decisions Tribunal worthless in discrimination matters.

It is also necessary for the ADB to educate the unions including NSW Teachers Federation and Public Service Association against the forced retirements (purported medical retirements) they have condoned for years. It may be appropriate that the ADB clearly point out the offensive discrimination of HealthQuests’ “Retirement Certificates”, and report their fraudulent nature to the police and DPP.

The public are entitled to only have competent people appointed to public office. We recall that a previous ADB president appeared to be either incompetent or worse. We trust that the standards

have improved since then because we rely on the ADB to lead, educate, and uphold and administer our basic Human Rights.

If you need further explanations and material please do not hesitate to contact us. Additionally you may obtain further information re Mrs Kerrison's case and the inherent discrimination through her husband:

Don Kerrison, 12 Alverton Street, Kempsey NSW 2440.

We ask that, within 7 days, you:

1. advise us how you will address the issues, and
2. proceed to do so as soon as possible.

Yours faithfully

WHISTLEBLOWERS' DOCUMENTS EXPOSED
Human Rights and Ethics Panel

c.c.