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Tuesday, 6 February 2007

**ATTENTION:**

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Hon. Tony Kelly, Minster for Justice, Lvl 34, Gov Macquarie Tower, 1 Farrer Place,  
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Mr Chris Hartcher Shadow Attorney-General Shadow Minister for Industrial Relations  
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Anne Sinclair, Director, Professional Conduct, NSW Bar Association, 174 Phillip Street,  
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June McPhie, President, NSW Law Society, 170 Phillip Street, Sydney. 2000

Tim Bugg, President, Law Council of Australia, GPO Box 1989, Canberra, 2601

Lin Hatfield Dodds, President, ACOSS, Locked Bag 4777, Strawberry Hills, NSW 2012.

## **I, THE UNDERSIGNED, ASK THAT:**

These matters set out below be expedited to ethically and efficiently address them immediately.

The law to be used to its full extent to form criminal charges and prosecute those considered guilty of any punishing, detrimental actions taken against me following my reports under the Protected Disclosures Act in April 1995 and since, and my reports of crime since 1994.

**NOTE:** Substantiating documents and my affidavits are all available to assist in having these matters addressed. They are not only already in the government and politicians' offices and courts, but also published on the Internet especially at WhistleBlowers' Documents Exposed site [HTTP://wbde.org](http://wbde.org), and from me personally.

**FACT 1:** I was duly appointed as a TAFE teacher in 1988 teaching computer and business subjects at Kempsey TAFE.

**FACT 2:** In 1993-1995 reported to TAFE superiors including Managing Director Dr Gregor Ramsey my concerns that another teacher, Ms Rhonda Hayes, had discriminated against or victimised in various ways TAFE students particularly certain women and students of an aboriginal background, had been discriminated against or victimised in various ways and that I and other teachers at Kempsey had also been victimised by Ms Hayes. I reported also that Ms Hayes had awarded herself qualifications. My view was that those responsible for dealing with these complaints refused or failed to act upon them. FOI in 1997 revealed that this view was corroborated in TAFE.

**FACT 3:** I worked as usual on 22 June 1995. TAFE verified in writing that TAFE deem my performance of duties as satisfactory [at all times, in every way]. Around 23 June 1995 TAFE staff [McGregor] informed me "you don't come in any more" and TAFE lawyers including John McDonald, Peter Cribb, Elaine Brus refuse my requests to return to work.

**LAW: The *Industrial Relations Act* provides that:**

### **s.167 Intervention by Minister, ADB and State peak council**

(1) The Minister may intervene at any stage of proceedings before the Commission. The Minister may also initiate any proceedings before the

Commission.

(2) The President of the Anti-Discrimination Board may intervene in any proceedings of the Commission if the President of that Board establishes that the proceedings concern unlawful discrimination under the *Anti-Discrimination Act 1977*.

## **PROCESSES -- ETHICAL or COMPLICIT?**

I believe that:

The following is true to the best of the records I hold:

As all of the damaging decisions and actions against me that were performed without procedural fairness or natural justice, all are **null and void**.

The lawyers and courts involved, and the politicians and ministers and others in power, have received and kept the millions/billions of public monies to act responsibly and in the public interest to maintain law, but have failed so far to do so.

In stark comparison, WhistleBlowers' Documents Exposed, being self-funded and acting with the voluntary work of concerned citizens,

**\*researched,**

[http://www.wbde.org/documents/2005\\_Jul\\_18\\_WBDE\\_Procedural\\_Fairness\\_Panel\\_More\\_Info.php](http://www.wbde.org/documents/2005_Jul_18_WBDE_Procedural_Fairness_Panel_More_Info.php)

**\*investigated**

[http://www.wbde.org/documents/2005\\_Jul\\_18\\_WBDE\\_Procedural\\_Fairness\\_Panel\\_Letter\\_to\\_Key\\_Players.php](http://www.wbde.org/documents/2005_Jul_18_WBDE_Procedural_Fairness_Panel_Letter_to_Key_Players.php)

**\*and judged** the decisions and actions against me null and void due to denial of procedural fairness

[http://www.wbde.org/documents/2005\\_Jul\\_18\\_WBDE\\_Procedural\\_Fairness\\_Panel\\_Documents.php](http://www.wbde.org/documents/2005_Jul_18_WBDE_Procedural_Fairness_Panel_Documents.php).

But that does not compel the officers and lawyers involved in this to act within the law or stop their actions against me.

Seemingly, it now requires criminal proceedings to address the injustice.

## **BACKGROUND TO CRIMINAL CHARGES:**

1. Apparently, for a number of decades, mismanaged government departments have followed the practice made famous years ago by Soviet Russia who hired psychiatrists to apply psychiatric labels to the names of Russian political dissidents and thus rid themselves of the unwanted dissident.
2. Australian mismanaged government departments have done the same through Comcare, and in NSW the department managers use HealthQuest – NSW Government Health Office. It was useful by the departments’ managers and CEOs as it enabled the process of :
  - a. duping their unwanted staff out of their jobs by obtaining and using a HealthQuest (NSW Government Health Office) document entitled Retirement Certificate (complete with a psychiatric label to provide HealthQuest’s “reason” to ‘medically ‘retire the person) –
  - b. then clerical staff changed the status of the employee and stopped their pay as if there had been a legitimate termination of the employment contract.
  - c. This was all performed without procedural fairness or natural justice.
  - d. The mismanaged government department heads simply wiped the employee from the records leaving the employee to seek information through FOI, a lengthy process at the best of times, and then to take court action --- IF they had the resources with no job, no income for some time, and a psychiatric label newly attached to their name – sufficient in itself to wreck and marriage and isolate the person.

This process is far more damaging and far-reaching than a sacking – and is easily obtained from their ‘provider’ HealthQuest.
3. The unions, particularly Public Service Association and NSW Teachers Federation were responsible for the employees, but failed to act.
4. Similarly, the offices of the:
  - a. Premier;
  - b. Ombudsman;
  - c. Auditor-General;
  - d. Governor; and
  - e. Labor Council

all **failed to act** in the public interest, and in my interest, to address these seemingly illegal and criminal practices. This cost the public purse dearly, and the illegal activities escalated.

5. One such case of the many such instances of fraudulent retirement certificates against whistleblowers was Maori, Pene Loza's case. This is shown:
  - a. her Affidavit [http://www.wbde.org/documents/2001\\_LozaAffidavit.pdf](http://www.wbde.org/documents/2001_LozaAffidavit.pdf)
  - b. and the fraudulent certificate [http://www.wbde.org/documents/1992\\_Oct\\_21\\_HealthQuest\\_RetirementCertificate\\_Loza.pdf](http://www.wbde.org/documents/1992_Oct_21_HealthQuest_RetirementCertificate_Loza.pdf)
  - c. and HealthQuest's letter to Pene, [http://www.wbde.org/documents/1992\\_Oct\\_16\\_HealthQuestToLoza.pdf](http://www.wbde.org/documents/1992_Oct_16_HealthQuestToLoza.pdf)

written by HealthQuest apparently in the full knowledge of both TAFE management and HealthQuest officers that at the time, and even afterwards, Pene was working competently in TAFE many hundreds of kms away.

6. **LAW: The Anti-Discrimination Act 1977 provides for:**

***49A Disability includes past, future and presumed disability***

*A reference in this Part to a person's disability is a reference to a disability:*

- (a) that a person has, or*
- (b) that a person is thought to have (whether or not the person in fact has the disability), or*
- (c) that a person had in the past, or is thought to have had in the past (whether or not the person in fact had the disability), or*
- (d) that a person will have in the future, or that it is thought a person will have in the future (whether or not the person in fact will have the disability).*

***49B What constitutes discrimination on the ground of disability?***

*(1) A person ("the perpetrator") discriminates against another person ("the aggrieved person") on the ground of disability if, on the ground of the aggrieved person's disability or the disability of a relative or associate of the aggrieved person, the perpetrator:*

- (a) treats the aggrieved person less favourably than in the same circumstances, or in circumstances which are not materially different, the perpetrator treats or would treat a person who does not have that disability or who does not have such a relative or associate who has that disability, or*

- (b) requires the aggrieved person to comply with a requirement or condition with which a substantially higher proportion of persons*

*who do not have that disability, or who do not have such a relative or associate who has that disability, comply or are able to comply, being a requirement which is not reasonable having regard to the circumstances of the case and with which the aggrieved person does not or is not able to comply.*

7. HealthQuest purported retirement certificate carries out the steps of discriminating against a person on the presumption that s/he has a disability even though such practices had been outlawed by the AntiDiscrimination Act 1977.
  - i. HealthQuest officer thinks or sees a disability in another person, person B
  - ii. HealthQuest officer presumes that the (real or imagined) disability would render Person B unable to perform his or her duties and therefore should be retired/sacked.

HealthQuest and TAFE would be aware, or **should** be aware that HealthQuest personnel do not have the special qualifications of TAFE teachers are not trained to assess TAFE teachers' performance of duties, that requires on-the-job observable measurable criteria according to the employee's List of Duties.

HealthQuest and TAFE would be aware, or **should** be aware that even if there was some disability it may not affect the performance of duties, or with some adjustment in the workplace the person can still perform duties. In fact, this is specifically legislated for, and both HealthQuest and TAFE as employers should know this as part of their employer responsibilities.

8. In 1993-94 as a duly appointed full-time TAFE teacher in Kempsey, part of North Coast Institute of TAFE, I made complaints formally to TAFE managers that reached as high as TAFE Managing Director (M-D) Dr Gregor Ramsey.
9. The complaints included allegations that TAFE teacher Rhonda Hayes
  - b. made false entry on public register (*Crimes Act 336 (2)*)
  - c. discriminated against Aboriginal students (*Anti-Discrimination Act s 17 Racial Discrimination*)
  - d. caused me stress resulting in a commensurable injury (*OH&S Act*).
10. In September 1994 TAFE managers Maureen O'Sullivan and Elizabeth McGregor ordered me to go to a private motel room alone where they together warned/threatened me with danger in relation to my making complaints. The managers said that this had come from Dr Gregor Ramsey.

11. At this time TAFE managers and M-D knew, or **should** have known that I was either a witness or potential witness to court action for the incidents that I had reported.

**12. LAW: The Crimes Act 1900 provides that:**

*Threatening or intimidating judges, witnesses, jurors etc.*

322. A person who threatens to do or cause, or who does or causes, any injury or detriment to any person:

(a) *intending to influence a person called or to be called as a witness in any judicial proceeding to give false evidence or withhold true evidence or to not attend as a witness or not produce anything in evidence pursuant to a summons or subpoena; or*

(b) *intending to influence any person (whether or not a particular person) in the person's conduct as a juror in any judicial proceeding or to not attend as a juror in any judicial proceeding, whether he or she has been sworn as a juror or not; or*

(c) *intending to influence any person in the person's conduct as a judicial officer; or*

(d) *intending to influence any person in the person's conduct as a public justice official in or in connection with any judicial proceeding, is liable to penal servitude for 10 years.*

13. Dr Ramsey set in motion the 'Healthquesting' process that was to take my job, income and good name.

[http://www.wbde.org/documents/pf\\_nj\\_panels/1995\\_Jan\\_23\\_TAFE\\_Smoking\\_Gun\\_Memo\\_3\\_Null\\_Void.gif](http://www.wbde.org/documents/pf_nj_panels/1995_Jan_23_TAFE_Smoking_Gun_Memo_3_Null_Void.gif)

14. In April 1995 I made complaints under the *Protected Disclosures Act*.

15. During May-June 1995, while I was working, unaware of a facility to force retirement, TAFE engaged the services of HealthQuest (NSW Government Medical Office) and for a fee of around \$800 HealthQuest wrote, signed and issued:

e. a fraudulent retirement certificate against my good name

[http://www.wbde.org/documents/2000\\_Oct20\\_Salpeter\\_HQ%20RetirementCertificate.pdf](http://www.wbde.org/documents/2000_Oct20_Salpeter_HQ%20RetirementCertificate.pdf) and sent it to TAFE to use at will

f. a letter which duped me into thinking that somehow, my employment contract had been terminated without my knowledge or input by a forced retirement somehow certified on 16 June 1995. I felt huge shock and horror at this.

[http://www.wbde.org/documents/pf\\_nj\\_panels/1995\\_Jun\\_16\\_HealthQuest\\_Letter\\_Certificate\\_15.gif](http://www.wbde.org/documents/pf_nj_panels/1995_Jun_16_HealthQuest_Letter_Certificate_15.gif)

16. **NOTE:** the web copy of the letter from HealthQuest mentioned above, as with other unprocedural decisions and actions listed at [http://www.wbde.org/documents/2005\\_Jul\\_18\\_WBDE\\_Procedural\\_Fairness\\_Panel\\_Documents.php](http://www.wbde.org/documents/2005_Jul_18_WBDE_Procedural_Fairness_Panel_Documents.php) has now been judged to be null and void by panels of concerned citizens acting, in the public interest.

The panels stamped the documents ‘*null and void*’ due to proven lack of procedural fairness and natural justice in making those decisions and actions set out on the documents.

This service was performed by the WhistleBlowers’ Documents Exposed (WBDE) panels around mid-2005. <http://www.wbde.org/about.php> in their actions to assist me. <http://www.wbde.org/actions.php>.

This also negated the politically motivated, offensive, psychiatric label which HealthQuest applied to my good name – this was consistent with the findings of Schmidt J:

From Schmidt J. judgement Para 211

*Here, the evidence showed that the diagnosis rested upon an inaccurate and one-sided account of Ms Kerrison's conduct at work, from a person who herself, in fact, was not in possession of all of the relevant facts. When they were revealed in these proceedings, these facts vindicated Ms Kerrison's concerns and complaints about her treatment by TAFE, so as to remove the foundation for Dr Jagger's opinions.*

17. **LAW: The Crimes Act 1900 provides that:**

***Damaging data in computer***

*310. A person who intentionally and without authority or lawful excuse:*

*(a) destroys, erases or alters data stored in or inserts data into a computer; or*

*(b) interferes with, or interrupts or obstructs the lawful use of a computer, is liable to penal servitude for 10 years, or to a fine of 1,000 penalty units, or both.*

18. In late June or early July 1995 when TAFE HR manager Kerrie Walshaw received the fraudulent retirement certificate, it is not known exactly who ordered and who acted, however it appears that it was Ms Walshaw and/or Dr Gary Willmott (North Coast Institute of TAFE Director) who either altered or authorised that my employment



status was changed on TAFE computers from “teacher” to “medically retired” without my knowledge or consent.

19. I was suddenly in employment limbo.
20. On or around early July 1995 someone with the seniority of Dr Willmott or Ms Walshaw authorised that the payroll program on computer be altered to stop my salary payments without my knowledge or consent. That authorization is an accountable document but has never been revealed to me, seemingly destroyed.
21. I had no income.
22. I was now suffering financially, and emotionally, as well as dealing with the genuine fear already associated which the McGregor/O’Sullivan/Ramsey oft-repeated threats and warnings directed at me since September 1994.
23. In early September 1995 my daughter, phoned Ms Walshaw demanding that TAFE pay me my wages. Ms Walshaw quickly acceded to this and told my daughter to tell me to go to the pay office that afternoon that there would be a cheque for my back-pay ready for me. Ms Walshaw knew I was not retired.
24. The TAFE computer was altered again and my usual fortnightly salary was deposited in my bank account.  
[http://www.wbde.org/documents/pf\\_nj\\_panels/1995\\_Sep\\_5\\_TAFE\\_PayRelease\\_19.gif](http://www.wbde.org/documents/pf_nj_panels/1995_Sep_5_TAFE_PayRelease_19.gif)

Whomsoever authorised this knew I was not retired. I was again receiving money, but in limbo as to my employment status.

**25. LAW: The Crimes Act provides that:**

*False accusations etc.*

*314. A person who makes an accusation intending a person to be the subject of an investigation of an offence, knowing that other person to be innocent of the offence, is liable to penal servitude for 7 years.*

26. Both TAFE and HealthQuest refused to tell me what they were doing, and what they had already done. Consequently, I lodged FOI requests. When I received the previously hidden documents secreted in HealthQuest I was so shocked, frightened

and horrified that I collapsed.

[http://www.wbde.org/documents/pf\\_nj\\_panels/1995\\_May\\_1\\_Walshaw\\_to\\_HealthQuest\\_6.gif](http://www.wbde.org/documents/pf_nj_panels/1995_May_1_Walshaw_to_HealthQuest_6.gif)

27. Late 1995 I informed Ms Walshaw that:

- g. I had lodged a complaint against TAFE with the Anti-Discrimination Board.
- h. I had seen some documents by TAFE to HealthQuest and had collapsed.

Under FOI TAFE sent more documents to my home documenting the false allegations they had leveled against me. I had no way of protecting myself.

[http://www.wbde.org/documents/pf\\_nj\\_panels/1995\\_Apr\\_19\\_Quinn\\_To\\_Scuglia\\_5.gif](http://www.wbde.org/documents/pf_nj_panels/1995_Apr_19_Quinn_To_Scuglia_5.gif)

29. Early 1996 TAFE officer Gail Robison wrote more, worse false statements, undated but termed in a way to imply they were written months before when I was in TAFE. She has since admitted they were written in January 1996 and supplied to Mary Dale of TAFE's legal department at that time.

30. In March/April 1996 TAFE management at around Ms Walshaw's or Chris Lockwood's, or Dr Gary Willmott's level authorised that my salary rate on the computer be reduced to \$0. (zero dollars) per annum.

[http://www.wbde.org/documents/pf\\_nj\\_panels/1996\\_Apr\\_18\\_TAFE\\_Nil\\_Salary\\_Advice\\_27.gif](http://www.wbde.org/documents/pf_nj_panels/1996_Apr_18_TAFE_Nil_Salary_Advice_27.gif)

31. I was again without income and in some sort of employment limbo. When I protested Ms Walshaw applied, without my knowledge or application an offensive status "Sick Leave Without Pay".

32. Around April 1996 TAFE management at around Ms Kerrie Walshaw's or Chris Lockwood's, or Dr Gary Willmott's level authorised that all of my accumulated extended leave and sick leave be deducted in a journal entry.

[http://www.wbde.org/documents/pf\\_nj\\_panels/1996\\_Apr\\_18\\_TAFE\\_Payroll\\_Record\\_28.gif](http://www.wbde.org/documents/pf_nj_panels/1996_Apr_18_TAFE_Payroll_Record_28.gif)

I was defrauded of my entitlements. I had no income or my accumulated extended leave on which to support myself. When I protested Ms Walshaw wrote a letter to Social Security suggesting I go on sickness welfare (remarkably consistent with the fraudulent HealthQuest retirement certificate). I refused. I was capable of working, but felt that if I stayed within 100 kms of those writing false statements against my good name, they would write more. I went to Sydney and worked to support myself, knowing that this was a sackable offense to do so without TAFE's permission.

33. In 1997 the Anti-Discrimination Board summonsed TAFE to attend a conciliation conference. At that conference TAFE lawyer Peter Cribb suggested that I lodge a written grievance and specifically suggested that I use their new grievance policy. Mr Cribb would be aware that this is a facility for TAFE employees. Mr Cribb evidently knew I was still a TAFE employee, that my employment had not been terminated.
34. Around late 1997 TAFE drafted a Voluntary Redundancy package for me. [http://www.wbde.org/documents/pf\\_nj\\_panels/1997\\_Jul\\_TAFE\\_VoluntaryRedundancy\\_32a.gif](http://www.wbde.org/documents/pf_nj_panels/1997_Jul_TAFE_VoluntaryRedundancy_32a.gif) Mr Cribb may have requested it for the conference at the ADB. In the Industrial Relations Commission TAFE's QC Mr Richard Kenzie told Justice Schmidt that it was written by TAFE clerk Sharon Scuglia. That admission has now been removed from the transcript.
35. In 1998 Mr Cribb and Mr Lockwood's emails joked over my plight and pleadings for help from TAFE.. [http://www.wbde.org/documents/pf\\_nj\\_panels/1998\\_Jan\\_13\\_TAFE\\_Lawyer\\_Cribb\\_to\\_Lockwood\\_35.gif](http://www.wbde.org/documents/pf_nj_panels/1998_Jan_13_TAFE_Lawyer_Cribb_to_Lockwood_35.gif)
36. In 1998 TAFE changed my employment status using "Leave Without Pay" and "Sick Leave Without Pay" in further efforts to sever my employment by severing their compulsory superannuation payments.
37. Around 1999 I personally applied to Peter Cribb to access some of my extended leave. I specifically informed him that I had never previously applied for it, and no-one had authority from me to take it. To my knowledge Mr Cribb ignored all of this.
38. By the year 2000 my evidence and documents had been sent to many places, and people became convinced that the "Retirement Certificate" was not as it seemed. That it did not certify that a retirement had occurred.

**39. LAW: The *Crimes Act* provides that:**

***Making or using copies of false instruments***

*301. (1) A person who makes a copy of an instrument which is, and which the person knows to be, a false instrument, with the intention that he or she, or another person, will use it to induce another person:*

*(a) to accept the copy as a copy of a genuine instrument; and*

(b) because of that acceptance, to do or not do some act to that other person's, or to another person's, prejudice, is liable to penal servitude for 10 years.

(2) A person who uses a copy of an instrument which is, and which he or she knows to be a false instrument, with the intention of inducing another person:

(a) to accept the copy as a copy of a genuine instrument; and

(b) because of that acceptance, to do or not do some act to that other person's, or to another person's, prejudice,

(c) is liable to penal servitude for 10 years.

***Custody of false instruments etc.***

302. A person who has in his or her custody, or under his or her control, an instrument which is false, and which he or she knows to be false, with the intention that the person or another person will use it to induce another person:

(a) to accept the instrument as genuine; and

(b) because of that acceptance, to do or not do some act to that other person's, or to another person's, prejudice,

(c) is liable to penal servitude for 10 years.

40. In late 2000 Crown Solicitor's Office lawyer Raoul Salpeter wrote over his signature that HealthQuest had "... issued a certificate recommending the retirement of..." I believe this to be a knowingly false statement because a certificate is issued after a fact, and a recommendation is issued before a fact; i.e. the document cannot be both.

41. . During around 1998 through to 2002 I formulated criminal charges in relation to the purported retirement certificate, seemingly manufactured by HealthQuest personnel, doctors Helia Gapper, Helen Jagger and Eva Mandel to aid and abet their client TAFE managers to discredit me and my reports of crime and discrimination unaddressed in TAFE, and dupe me out of my employment rights.

**42. LAW: The Crimes Act 1900 provides that:**

***Making or using false instruments***

300. (1) A person who makes a false instrument, with the intention that he or she, or another person, will use it to induce another person:

(a) to accept the instrument as genuine; and

(b) because of that acceptance, to do or not do some act to that other person's, or to another person's, prejudice, is liable to penal servitude for 10 years.

(2) A person who uses an instrument which is, and which the person knows to be, false, with the intention of inducing another person:

(a) to accept the instrument as genuine; and

(b) because of that acceptance, to do or not do some act to that other person's, or to another person's, prejudice, is liable to penal servitude for 10 years

**43. LAW: The Crimes Act 1900 provides that:**

***False instruments issued by public officers***

*337. A public officer who, being authorised or required to issue an instrument whereby any person may be prejudicially affected, issues the instrument for an improper purpose knowing it to be false in a material particular is liable to imprisonment for 5 years*

44. On 30 August 1999 Mr John Harrington, barrister-at-Law read the charges agreed with my claims and wrote over his name:

*“ To Chamber Magistrate Newtown Court House, Newtown, Dear Sir. Having considered all the documents in a bound file prepared by Mrs Kerrison and the 4 reports subsequently handed to me I am satisfied that Mrs Kerrison is justified in taking action against each doctor under Section 337 of the Crimes Act 1900”*

45. With Mr Harrington's legal advice I lodged with files with the Police Department on a number of occasions and Department of Public Prosecutions. I charged the doctors individually that they knew at the time they authorised, wrote, signed, and issued the fraudulent retirement certificate and letter that they were false instruments, false in particulars, and compiled for TAFE for an improper purpose - to discredit, harm, silence a whistleblower].

46. Around August 2001, and in follow-up phone discussions and faxes I provided further information to the Police.

[http://www.wbde.org/documents/2001\\_Oct\\_31\\_KettisonFolowupREportToPoliceFax\\_Police\\_Officer\\_Mr\\_John\\_Whitehall\\_31October2001001.pdf](http://www.wbde.org/documents/2001_Oct_31_KettisonFolowupREportToPoliceFax_Police_Officer_Mr_John_Whitehall_31October2001001.pdf)

47. Apparently instead of addressing the charges, on instructions to the Police my charges were simply offloaded into ICAC where they remained unaddressed as if forgiven.

48. In 2003 I won my case in Industrial Relations Commission and it was confirmed that I was still a TAFE employee. I applied to Dr Willmott to be allowed to return to

work. TAFE lawyers Peter Cribb, John McDonnell and barrister Elaine Brus refused me permission.

49. This left me in employment but without income to live. I wrote again to Dr Willmott and asked TAFE to grant me permission to work elsewhere as I needed to earn money. It was ignored.
50. I was without income for about 10 weeks then Peter Cribb commenced drawing down from TAFE funds and putting my approximate salary, less PAYG, into my bank account.
51. Mr Cribb did not have to do this, he or Dr Willmott could have granted me permission to earn income elsewhere, but neither did, choosing instead to pay me out of TAFE funds.
52. Seemingly Mr Cribb, Dr Willmott, Mr McDonnell all knew I was not retired and was entitled to monies.
53. Later TAFE lodged an appeal in the Industrial Relations Commission.
54. Around this time I was informed by TAFE union representative Malcolm Ogg that at a meeting in TAFE a witness reported

“... The conversation continued with more laughter about an email Sharon Scuglia received from another staff member (who I think she called Chris [Lockwood?]) stating ‘ *it would be cheaper to all chip in and buy a bullet*’” regarding me.

Mr Ogg expressed fear for my safety in Kempsey.
55. In the Appeals court before StauntonJ, WaltonJ, and StaffJ TAFE’s legal representatives made statements that were discriminatory against me. TAFE’s lawyers, from recollection: Peter Cribb, John McDonnell, Amanda Lye, barrister Mr Menzies assisted by Ms Brus and Ms Burton, other/s were fully aware and held the confirmation written by TAFE that I at all times had performed my duties in TAFE satisfactorily. This notwithstanding, they prepared the case, then repeatedly entered into evidence the fraudulent retirement certificate to imply that I had a disability and was therefore incapable.  
[http://www.wbde.org/documents/11March04Transcript\\_to\\_Barnes\\_FCB\\_11\\_with\\_Rebuttals\\_to.doc](http://www.wbde.org/documents/11March04Transcript_to_Barnes_FCB_11_with_Rebuttals_to.doc)

**56. LAW: The *Industrial Relations Act* provides that:**

*Section 3 Objects of the Industrial Relations Act 1996 ... (f) to prevent and eliminate discrimination in the workplace; and*

***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*

**57. LAW: The *Industrial Relations Act* provides that:**

***s.167 Intervention by Minister, ADB and State peak council***

*(1) The Minister may intervene at any stage of proceedings before the Commission. The Minister may also initiate any proceedings before the Commission.*

*(2) The President of the Anti-Discrimination Board may intervene in any proceedings of the Commission if the President of that Board establishes that the proceedings concern unlawful discrimination under the Anti-Discrimination Act 1977.*

58. TAFE and Crown Solicitor's Office legal representatives seemingly misled the IRC Appeals Bench judges into believing that TAFE, HealthQuest, and the IRC Appeal judges were entitled to use the purported retirement certificate and:

- i. Presume I had a disability, although there was no evidence to see, only the utterances from the minds of HealthQuest personnel/doctors
- ii. Presume I failed to carry out my duties of office, although there was no evidence of failing to perform even one task – in fact TAFE gave evidence that I at all times performed all my duties satisfactorily.
- iii. Presume that TAFE or IRC had the power to force me into the detriment of forced retirement (See above, AntiDiscrimination Act s.49B(1) (a) and (b) without any evidence of procedural fairness or natural justice in HealthQuest's and TAFE's decision making.

59. Now, in the IRC Appeals court TAFE lawyers seek to "claw back" the money TAFE had chosen to pay me since the Judgement of Schmidt J. and probably massive costs for their law teams for 7 years of 'not understanding this'.

-ooOoo-

Val Kerrison