

On the fifth day of February 2001, I Valda June Kerrison of 5/71 Probert Street, Newtown, TAFE teacher, say on oath

- 1 On or around 14 May 1995 while I was performing my normal duties teaching at Kempsey TAFE, a clerical officer of my employer, NSW TAFE Commission, told me that I had to go to the NSW Government Medical Office (HealthQuest).
- 2 I did not want to go, and protested.
- 3 TAFE officers told me that I must.
- 4 On 19 May 1995 I duly presented at HealthQuest at Thomas Street Sydney
- 5 A woman was sitting alone at the HealthQuest reception desk.
- 6 I told her my name and she told me to wait on a seat nearby
- 7 I don't recall seeing anyone else in the room other than the woman at the reception desk..
- 8 The woman looked at me from time to time.
- 9 After about 10 minutes the woman came to me and introduced herself as Dr Eva Mandel, psychiatrist.
- 10 Dr Mandel did not tell me what she was doing, or what she proposed to do.
- 11 Dr Mandel did not tell me of any rights I might have.
- 12 Dr Mandel did not give me any alternative.
- 13 Dr Mandel took me to a room nearby.
- 14 I did not want to be there.
- 15 Dr Mandel asked me if I was working, and I replied that I was.
- 16 Dr Mandel asked me personal questions about me and my family.
- 17 I did not want to be there, or answering personal questions, but TAFE officers had told me that I must.
- 18 I told Dr Mandel that a teacher senior to me had turned Aboriginal students away from their legitimate classes at TAFE.
- 19 I showed Dr Mandel documents which I had brought with me to HealthQuest including letters written by TAFE students including the Aboriginal student Mr Michael Smith.
- 20 Dr Mandel sometimes wrote something on paper but did not tell me what she was writing or why.
- 21 Dr Mandel then asked me to sign a form to allow her to contact a psychiatrist, Dr James Holmes, I had spoken to mainly a year before.
- 22 At first I refused. Dr Mandel then repeatedly wheedled/coerced to obtain my signature.
- 23 I was afraid of what she and TAFE might do if I did not do so, so I agreed.
- 24 I did not want Dr Mandel or anyone else to contact Dr Holmes.
- 25 I did not know why anyone would want to contact Dr Holmes.

- 26 Dr Mandel then said some words as if reading from a sheet of paper she held.
- 27 I could not see what was on the paper.
- 28 Dr Mandel passed me the paper, immediately raised herself up and stood over me while I signed it.
- 29 I hurriedly signed the paper and she immediately took it back.
- 30 I did not know what I was signing or why Dr Mandel wanted my signature.
- 31 Dr Mandel did not explain what she was doing, or going to do, and did not give me time to read it.
- 32 After that I returned to Kempsey TAFE and continued performing my duties as required by TAFE.
- 33 On 22 June 1995 on my arrival home from my normal day teaching at TAFE I received in the mail a letter from HealthQuest.
- 34 The 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. Should you require further information please contact your employer.*"
- 35 I felt so shocked and horrified that I almost collapsed, and subsequently did on a number of occasions through subsequent years including 2000.
- 36 I dry-retched and that continued off and on to the present day.
- 37 I moaned from the pain in my chest and that has continued to the present day.
- 38 I was grief-stricken and that continued to the present day.
- 39 I could not sleep. I paced the floor trying to work out what was going on and why anyone would do and write these things about me. That has continued to the present day.
- 40 TAFE admit that my work was satisfactory.
- 41 I believe that as my performance of duties was satisfactory, only I can retire me.
- 42 I had worked after 16 June 1995, and had worked that day (22 June 1995).
- 43 Since that day TAFE managers have not allowed me back to work.
- 44 I was not at patient of any medical practitioner at HealthQuest.
- 45 I did not know that anyone at HealthQuest would write and/or issue something that could be perceived as diagnosis about me.
- 46 Subsequently, after multiple requests including Freedom of Information requests and fees I obtained copies of other documents containing my name that HealthQuest generated and stored and circulated without my knowledge or consent.
- 47 Documents bearing my name, relating to HealthQuest, make allegations about me.
- 48 I wrote to HealthQuest and commenced denying the allegations but to no avail.
- 49 I could barely walk because of the grief and pain
- 50 It felt like I had been thrust into a horror world.

- 51 I was weak, but felt I had to fight to clear my name, not only for myself and my husband, but especially for my children's and grandchildren's sake.
- 52 I have written thousands of pages and provided substantiation since 1995, but to date no person or authority has commenced to address the issues.
- 53 I have denied things to HealthQuest and Dr Mandel but they have not acted.
- 54 I was further shocked and horrified as more documents containing false allegations about me were obtained from HealthQuest.
- 55 One such further document is a sheet of paper which HealthQuest headed "RETIREMENT CERTIFICATE".
- 56 It was dated 16 June 1995 while I was employed and working at Kempsey TAFE.
- 57 It is signed by Dr Eva Mandel and Dr H Jagger.
- 58 I have never been a patient of either of these two medical practitioners
- 59 I have never given my informed consent to either Dr Eva Mandel or Dr H Jagger for any medical process. Indeed in May and June 1995 I was never informed.
- 60 On 16 June 1995 and afterwards, my employer was TAFE Commission.
- 61 After 22 June 1995 TAFE clerical staff wrote "medically retired" about me.
- 62 I continue to suffer tremendous grief and sorrow at the loss of my previously good name.
- 63 I continue to suffer nightmares about the false statements in purported medical files about me.
- 64 I have never been in a medical doctor/patient situation with any medical practitioner connected with HealthQuest or its sister organisation NSW Department of Health Medical Appeals Panel.
- 65 I have suffered great financial loss.
- 66 My options for work are now severely restricted.
- 67 My personal and professional reputation is drastically diminished.
- 68 I do not now fit within the same social and family and work society which I did before the HealthQuest documents were circulated.
- 69 I was recently told that no HealthQuest medical practitioner has statutory authority or power to issue a legitimate retirement certificate about me.
- 70 At some stage I was given a copy of AMA Guidelines which state:

AMA NSW

REFERRALS AT THE INSTIGATION OR INSISTENCE OF THE PATIENT'S EMPLOYER

GUIDELINES FOR PSYCHIATRISTS

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.

"Whistleblowing" aside, it is accepted that an employer's insistence on referral, where the employee may indeed be suffering from a psychiatric illness, or is in difficulty with alcohol or other drug abuse, can be very much in the employee's interest, as well as benefiting the employing organisation. These guidelines have been drawn up to guide practitioners both in accepting such referrals where this will benefit the patients, and in resisting pressure to co-operate in referrals which are patently not in the patient's interest.

When an employer forces an employee to see a psychiatrist, on threat of dismissal or other disciplinary or detrimental action:

- 1 The psychiatrist must be freely chosen by the patient, in consultation with the patient's own general practitioner, in the usual way. In general, it is unethical for a psychiatrist chosen by the employer to accept such a referral.
- 2 It may sometimes be in an employee's interest to see a psychiatrist recommended by the employer, eg., if that psychiatrist has previous experience of the organisation, and knows relevant personnel, and could therefore assist in resolving the situation better than a complete outsider. The psychiatrist in this case must accept the referral only if the patient has given genuine consent. That is, the patient must have the right to refuse the consultation without fear of reprisal; and the guidelines below regarding information given to the employer must apply. Consent given under duress, to a report being sent to the employer (e.g. threat of disciplinary action) must not be regarded as valid. An accredited interpreter must be present for the interview if the patient has any difficulties with communication.
- 3 The normal ethical rules of confidentiality apply to the interview and to any information supplied by the patient. The only exception is where, in the psychiatrist's opinion, the patient poses a significant danger to specific people or to the community at large.
- 4 Any report or correspondence arising from the consultation should go only to the patient's general practitioner in the usual way, subject to the consent of the patient. The communication which can be provided to the employer is restricted to a formal certificate stating fitness or non-fitness for work. However, at the request of the patient, further details can be made available. Inclusions of the diagnosis in a

certificate is not recommended, although this might be a statutory requirement for the payment of sick leave by some employers, such as state instrumentalities.

**ENDORSED BY THE COUNCIL OF NSW BRANCH OF THE AMA TUESDAY 20 APRIL
1993**

SWORN By Valda June Kerrison)
At Sydney)
Before me:)

On the fifth day of February in the year two thousand and one.

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Solicitor/Justice of the Peace

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Deponent

