

**BEFORE THE ADMINISTRATIVE DECISIONS TRIBUNAL
EQUAL OPPORTUNITY DIVISION**

FURTHER CLAIM

NO 40 OF 1998

ISSUED BY

**COMPLAINANT
VALDA JUNE KERRISON**

RESPONDENTS TO NO 40 OF 1998 – s.50 VICTIMISATION

ELIZABETH MCGREGOR
DR GARY WILLMOTT
DR GREGOR RAMSEY
PETER CRIBB
MICHAEL QUINN
GAIL ROBISON
CHRISTOPHER LOCKWOOD
DEPARTMENT EDUCATION & TRAINING/TAFE

**Filed by:
VALDA JUNE KERRISON**

Date: 17 August 2007

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Claim
Victimisation

1. MRS KERRISON'S PERFORMANCE OF DUTIES WAS SATISFACTORY
2. Mrs Kerrison satisfactorily performed her duties in TAFE. This fact has been repeatedly acknowledged by Ms Kerrison's employer and was part of the undisputed evidence in Ms Kerrison's s154 proceedings in the NSW Industrial Relations Commission
 - 2.1. See Kerrison v TAFE Commission (2003) NSW IRComm 79 (6) (*Ms Kerrison worked in Kempsey, at a campus which was a part of TAFE's North Coast Institute, as a teacher of business studies and other subjects. There was no issue that her work performance as a teacher was anything other than satisfactory throughout her employment.*)
 - 2.2. (197) *Ms Kerrison had taken sick leave for a period in 1994 in respect of which worker's compensation liability had been accepted. She had returned to work in July. When she was sent to HealthQuest in May 1995, she was at work and had taken insignificant sick leave in the meantime. There was no question in these proceedings, or otherwise, that her work was other than satisfactory, both before and after her sick leave in 1994.*
3. This fact should have ensured the Mrs Kerrison was treated as a valuable employee by TAFE and its managers; that her career should progress, and that all the facilities and advantages and benefits that are accorded to valuable capable employees, and were available to Mrs Kerrison previously enabling her to rise from part-time casual teacher in 1983, to permanent full-time teacher Administration Services/Business Studies in 1988 and Acting Head Teacher Admin Services December 1993, would continue to be available to Mrs Kerrison..
4. MRS KERRISON LODGES GRIEVANCES AND REPORTS OF RACIAL AND GENDER DISCRIMINATION IN TAFE - TAFE ACKNOWLEDGES RECEIPT OF THEM
 - 4.1. " 1993... **Ms Kerrison made complaints to her superiors** [Elizabeth McGregor, Gregor Ramsey, etc]... **Various concerns were raised, including allegations that certain students, particularly certain [vulnerable] women and students of an aboriginal background, had been discriminated against or victimised in various ways and that she and other teachers [teaching Aborigine students] at Kempsey had also been victimised by the other teacher [Rhonda Hayes].** See Kerrison v TAFE Commission (2003) NSW IRComm 7
 - 4.2. Early 1994 Mrs Kerrison reported to Quinn, Lockwood, Robison; and Gregor Ramsey's Satu Beverley and Geseena Meerman (who reported back to Dr

Ramsey), that Hayes refused to allow 3 newly enrolled Aborigine students (Lardner, Smith, Duke) to join a predominately white TAFE business course. Confirmed Kerrison v TAFE Commission (2003) NSW IRComm Exh 3 (15) dated 27 November 1994 released by TAFE FOI (Possibly Ramsey, Willmott, Walshaw).

- 4.3. “ *On 15 November 1993 Ms Kerrison made allegations that, if proven, arguably would amount to contraventions by employees of TAFE NSW, on the grounds of racial and gender discrimination. ...Loss of employment obviously is a detriment. Ms Kerrison, however, must prove that TAFE NSW subjected her to that detriment because she had made the allegations previously mentioned.*”
TAFE lawyer Peter Cribb

VICTIMISATION

5. : A-D Act - s.50 Victimisation

(1) It is unlawful for a person ("**the discriminator**") to subject another person ("**the person victimised**") to any detriment in any circumstances on the ground that the person victimised has:

- (a) brought proceedings against the discriminator or any other person under this Act,
- (b) given evidence or information in connection with proceedings brought by any person against the discriminator or any other person under this Act,
- (c) alleged that the discriminator or any other person has committed an act which, whether or not the allegation so states, would amount to a contravention of this Act, or
- (d) otherwise done anything under or by reference to this Act in relation to the discriminator or any other person,

or by reason that the discriminator knows that the person victimised intends to do any of those things, or suspects that the person victimised has done, or intends to do, any of them.

(2) Subsection (1) does not apply to the subjecting of a person to a detriment by reason of an allegation made by the person if the allegation was false and not made in good faith.

49C What constitutes unjustifiable hardship

In determining what constitutes unjustifiable hardship for the purposes of this Part, all relevant circumstances of the particular case are to be taken into account including:

- (a) the nature of the benefit or detriment likely to accrue or be suffered by any persons concerned, and
- (b) the effect of the disability of a person concerned, and
- (c) the financial circumstances and the estimated amount of expenditure required

to be made by the person claiming unjustifiable hardship

MRS KERRISON REPORTED AT INCREASINGLY HIGH LEVELS AND TAFE INCREASINGLY VICTIMISED AND SUFFERED UNJUSTIFIABLE HARDSHIP THROUGHOUT TO THE PRESENT DAY

6. TAFE and its staff/personnel unlawfully victimised and penalized Mrs Kerrison they turned a blind eye to her reports in order to cover up the discrimination/victimisation she reported, and victimised and punished Mrs Kerrison for reporting apparent discrimination/victimisation.
7. When TAFE refused to properly investigate and correct its internal discrimination and victimisation Mrs Kerrison repeated her reports of unlawful contraventions of the A-D Act saying that she was taking the evidence to others including lawyers – and TAFE personnel saw that she did take her allegations and evidence to lawyers and the Minister for Education in 1995. and higher ever since.
8. TAFE unlawfully victimised Mrs Kerrison because:
 - 8.1. Mrs Kerrison (a) brought proceedings against TAFE, HealthQuest and MAP under this Act,
 - 8.2. (b) Mrs Kerrison constantly gave evidence or information in connection with proceedings which could be brought against TAFE, Ms Elizabeth McGregor, and Mrs Rhonda Hayes under this Act,
 - 8.3. (c) Mrs Kerrison in report 1993 alleged that TAFE staff, especially Ms Elizabeth McGregor, and Mrs Rhonda Hayes committed acts which, whether or not the allegation so states, would amount to a contravention of this Act, and repeated these and subsequent contraventions of the Act ever since.
 - 8.4. (d) otherwise done anything under or by reference to this Act in relation to the discriminator or any other person,
 - 8.5. TAFE personnel, management, and staff knew Mrs Kerrison intended to and did take her allegations further, and over the years increasingly so.
 - 8.6. Mrs Kerrison informed TAFE that her [still unaddressed] complaints including unlawful contraventions by employees of TAFE NSW, on the grounds of racial and gender discrimination were being continued and increased to higher authorities

MRS KERRISON INCREASING ALLEGES/REPORTS CONTRAVENTIONS OF THE ACT, TO TAFE PERSONNEL

9. Late 1993 Mrs Kerrison's complaints, including contraventions of the Act, reached TAFE Managing Director Dr Gregor Ramsey, and NCI TAFE (managed by Willmott and Walshaw)
10. In February/March 1994 Mrs Kerrison:

- 10.1. reported to Ms Elizabeth McGregor that Ms Hayes attempted to have letters sent out to Aboriginal (but not white) students to dismiss them from their rightful business class.
- 10.2. reported to Ms McGregor and Ms Hoskins that it was illegal for Ms Hayes to propose that TAFE send letters to Aboriginal (but not white) students to dismiss them from their rightful Admin Services business class
- 10.3. reported to Ms McGregor and Ms Hoskins that it was illegal for Ms McGregor to send letters dismissing them from their TAFE classes for missing some lessons to Aboriginal students in the Djigay Centre of Excellence in Aboriginal Education
11. In April 1994 Mrs Kerrison made further allegations of contraventions of the Act to TAFE Robison, Quinn, and Lockwood
12. In April 1994 and onward reported to Dr Ramsey's investigators Meerman and Hartigan (who reported back to Dr Ramsey) that Ms Hayes had turned Aboriginal students Lardner, Duke and Smith away from their class, and Smith told her was no longer in the course for missing some lessons, and apparent discrimination against the aboriginal students in Djigay Centre of Excellence in Aboriginal Education
13. Between March-May 1994 Mrs Kerrison showed Robison her file including racial and gender discrimination, referred particularly to Aboriginal students especially Lardner, Duke and Smith, and said that the general public did not agree with TAFE
14. In late 1994 Mrs Kerrison told Dr Ramsey that she was going "outside TAFE" with the unaddressed grievances/complaints including racial and gender discrimination
15. 27 November 1994 Aboriginal students wrote letters including allegations of racial discrimination/victimisation against them by Rhonda Hayes – sent to Ramsey, Willmott, other/s
16. In April 1995 told Quinn and Robison that her file including racial and gender discrimination was at the lawyers
17. In early 1995 Mrs Kerrison took her file including racial and gender discrimination to lawyers who drafted complaints to Ramsey and later sent it to the Minister for Education Aquilina
18. In April 1995 Mrs Kerrison told TAFE officers Quinn and Robison that she had taken the file including the allegations of racial and gender discrimination and victimisation to lawyers.
19. In April 1995 Mrs Kerrison showed told TAFE officers Quinn and Robison the 27 November 1994 letters by Aboriginal students Wright and Smith with allegations of racial discrimination/victimisation
20. Late 1995 Mrs Kerrison lodged a claim against TAFE in ADB for victimisation under the Act, and informed Ms Walshaw.

DR RAMSEY AND TAFE MANAGEMENT COMMENCES UNLAWFUL DETRIMENTS TO MRS KERRISON

21. Commencing 1994, because Mrs Kerrison lodged grievances and complaints of racial and gender discrimination and victimisation in TAFE, TAFE managers victimised Mrs Kerrison to permanently eliminate out of TAFE both her and her allegations and reports.
22. Throughout, TAFE refused to properly investigate Mrs Kerrison's claims, and this is shown by Mrs Kerrison's testimony that Aboriginal student Smith has still not been contacted by TAFE "investigators".
23. **Failure to Investigate Properly and Withholding Grievance Resolution: Harassment, Victimisation.**
24. Mrs Kerrison's grievances about serious problems at Kempsey College TAFE had been substantiated in a report arising out of the high level investigation referred to by Ms Walshaw in her letter 1/5/95. This report "uncovered a number of serious problems with the leadership of the College including *"a failure to deal with staff grievances."* (Kerrison v TAFE (2003) NSWIRComm 79)
25. Failure to properly investigate Mrs Kerrison's grievances and reports of racial and gender discrimination and victimisation in TAFE constitutes unlawful victimisation of Mrs Kerrison.
 - 25.1. There is a mesh network of TAFE officers interacting with each other, all supporting each other to refuse/fail to perform this fundamental duty which they are obliged to perform under TAFE's anti-discrimination responsibilities, and other policies including its Grievance Policy:
 - 25.2. The repercussions from TAFE's concerted and repeated failure/refusal to investigate is shown in these cases – it is clear to see that the huge issues spelt out to TAFE in 1993 (22 pages) and 1994 more and severer actions of discrimination/victimisation are clear to see especially at the still unaddressed issues reported 1993 and 1994 are still unaddressed and therefore again recorded in detail here and in other mammoth documents to date.
26. **These cases in ADT show a part of 13 years of TAFE's unlawful victimisation of Mrs Kerrison; the unaddressed issues increasing exponentially as the years go by and unaddressed grievances, discrimination and victimisation accumulate unaddressed.**

27. 53 Liability of principals and employers

- (1) An act done by a person as the agent or employee of the person's principal or employer which if done by the principal or employer would be a contravention of this Act is taken to have been done by the principal or employer also unless the principal or employer did not, either before or after the doing of the act, authorise the agent or employee, either expressly or by implication, to do the act.
- (2) If both the principal or employer and the agent or employee who did the act

are subject to any liability arising under this Act in respect of the doing of the act, they are jointly and severally subject to that liability.

(3) Despite subsection (1), a principal or an employer is not liable under that subsection if the principal or employer took all reasonable steps to prevent the agent or employee from contravening the Act.

MRS KERRISON WAS TREATED LESS FAVOURABLY THAN OTHER STAFF WHO HAD NOT LODGED COMPLAINTS/GRIEVANCES OF DISCRIMINATION/VICTIMISATION IN TAFE

28. Mrs Kerrison was unlawfully victimised, and treated differently to others in a similar position.
- 28.1. Other TAFE teachers such as Gearen, Kennington, Rouse, Stucke, Wykes, Hayes held similar positions in TAFE, and did not lodge grievances and complaints which included initial and increasing allegations of *contraventions by employees of TAFE NSW, on the grounds of racial and gender discrimination* were not subjected to detriments; they:
- 28.1.1. worked and socialized in a safe workplace free from threats of danger if they lodged grievance/s
 - 28.1.2. were permitted to keep their jobs,
 - 28.1.3. kept their entitlements until they chose to use them: extended leave, accumulated sick leave etc
 - 28.1.4. kept and probably increased their good reputations,
 - 28.1.5. were invited to attend staff development and further training at TAFE expense
 - 28.1.6. were invited to participate in staff social functions, meetings etc
 - 28.1.7. were informed when there were professional opportunities and invited to apply
 - 28.1.8. were encouraged/ supported to help them pursue their careers in TAFE, or elsewhere, if and as they wished.
 - 28.1.9. were not branded with psychiatric labeling to affect their future both personally and professionally
 - 28.1.10. were supported to return to their jobs when they were absent for illness or other reason
- 28.2. By comparison, Mrs Kerrison suffered great unlawful detriment as set out further.
29. The only difference between Mrs Kerrison and these other TAFE staff was that Mrs Kerrison reported complaints/grievances which included allegations of contraventions on the grounds of racial and gender discrimination, spoke directly and gave the evidence to TAFE managers, and named the perceived perpetrator/s.

- 29.1. TAFE personnel repeatedly referred to Mrs Kerrison's complaints/grievances, then failed to investigate (unlawful victimisation and harassment).
- 29.2. Consequently the perpetrator/s have been free to unlawfully discriminate and victimise, and/or cover-up these acts at will for these past years, while Mrs Kerrison has lost practically everything.

Unlawful Detriments/ Victimisation

30. Mrs Kerrison was working to high standards, her work was completely satisfactory throughout her employment, but following her complaints , overnight and without warning TAFE changed its attitude to Mrs Kerrison. TAFE management, directors, and staff together and separately unlawfully victimised Mrs Kerrison by the following, and combinations of the following:
 - 30.1. June 1995 unlawfully took her employment claiming she was "medically retired"
 - 30.2. Unlawfully inserted "medically retired" onto her employment records and employment references
 - 30.3. unlawfully set up and maintained secret files with highly adverse unsubstantiated allegations in 1994, 1995, 1996, and at least 1997
 - 30.4. unlawfully and without her knowledge or rights to rebut, circulated adverse/dangerous allegations about Mrs Kerrison to places where further damage was cause to her
 - 30.5. unlawfully overnight changed her salary to zero dollars in June 1995, again in 1996
 - 30.6. attempted to sever superannuation unlawfully in mid-1995, again in 1996, and yet again in 1998
 - 30.7. unlawfully changed her employment status from "teacher" to "medically retired" in 1995, 1996,
 - 30.8. unlawfully changed her employments status to "Sick Leave Without Pay" in 1996
 - 30.9. In 1998 unlawfully changed her employment status to "Sick Leave Without Pay" and backdated it to 1996
 - 30.10. In 1998 unlawfully changed her employment status to "Leave Without Pay" and backdated it to 1996
 - 30.11. unlawfully induced State Super to accept that Mrs Kerrison's superannuation entitlements were "withdrawn" standing in 1998
 - 30.12. unlawfully repeatedly warned/ threatened her with danger
 - 30.13. unlawfully withheld her right to proper investigation of her grievances
 - 30.14. unlawfully withheld her right to a proper grievance process in accordance with TAFE guidelines.

- 30.15. unlawfully denied her the basic right of procedural fairness and natural justice in their decision making.
- 30.16. unlawfully denied her the basic right to be heard
- 30.17. unlawfully denied her the right to be informed and allowed to refute allegations before they were either acted upon or sent elsewhere to be acted upon.
- 30.18. unlawfully denied her the right to safe workplace.
- 30.19. unlawfully denied her the right to be free from harassment and victimisation
- 30.20. unlawfully denied her the right to teach Aboriginal students without being victimised /harassed for it.
- 30.21. unlawfully denied her the right to teaching equipment necessary for her classes, and available to others.
- 30.22. unlawfully denied her the right to information/files in Kempsey TAFE – requiring instead that she travel to Wauchope to copy their files, when McGregor admits those files were in Kempsey TAFE.
- 30.23. Unlawfully denied her the right to not be forced to submit to psychiatric interrogation against her will
- 30.24. Unlawfully denied her the right to not be forced to submit to and psychiatric or medical process without her informed consent
- 30.25. Unlawfully frightening her to force her to sign a document falsely stating TAFE had addressed all her grievances and acted ethically
- 30.26. Unlawfully breaching Privacy to compile and circulate secret documents and files of highly adverse unsubstantiated allegations
- 30.27. Unlawfully breaching OH&S by causing her stress when it could have been easily avoided by following TAFE Grievance Policy
- 30.28. Unlawfully attempting to induce her to become ill and apply for sickness welfare
- 30.29. Unlawfully attempting to induce her to believe that she was incapable of carrying out the duties of office, and that this purported “condition” was permanent.
- 30.30. Unlawfully attempting to induce others to believe that she was incapable of carrying out the duties of office, and that this purported “condition” was permanent
- 30.31. Unlawfully refusing to make null and void the decisions and actions carried out against her in breach of her unfettered rights to procedural fairness/natural justice.
- 30.32. Unlawfully summarily stood her down from her teaching duties causing her to be isolated, and publicly embarrassed.
- 30.33. Unlawfully duped her into going to HealthQuest

- 30.34. Unlawfully discriminated against her Aboriginal students
- 30.35. unlawfully denied her the right to competent investigators to her grievances/complaints
- 30.36. unlawfully denied her the right to a workplace free of victimisation, vilification, or harassment
- 30.37. unlawfully withheld her right to rehabilitation and return to work
- 30.38. unlawfully caused isolation from TAFE staff-support contact and assistance
- 30.39. unlawfully urged or instructed or coerced to resign or retire
- 30.40. unlawfully duped her into thinking she had been retired
- 30.41. unlawfully withheld her right to a mentor support
- 30.42. unlawfully refused to meet with Mrs Kerrison to arrange a return to work in TAFE
- 30.43. Unlawfully acted as if Mrs Kerrison was not entitled to continue working in the position she was appointed: as a TAFE teacher
- 30.44. Unlawfully fabricated “evidence” in the form of documents suddenly appearing out of thin air to fill the holes in TAFE’s cases in court – to pervert the course of justice.
- 30.45. Unlawfully defamed Mrs Kerrison, personally and professionally
- 30.46. Unlawfully deprived her of money/salary on which to live.
- 30.47. other unlawful acts and detriments.

INDIVIDUAL PARTICULARS

Dr Gregor Ramsey

- 31. The 1993 22-page complaints and annexures included allegations that, if proven, would amount to contraventions by Ms Hayes on the grounds of racial and gender discrimination. That complaint went to TAFE M-D Dr Gregor Ramsey, who appointed investigators Meerman and Hartigan.
- 32. Following those complaints/grievances Dr Ramsey unlawfully refused/failed to investigate properly and withheld Mrs Kerrison’s right to proper Grievance Resolution.
- 33. The investigators failed to investigate properly. Meerman and Hartigan investigated to Dr Ramsey’s satisfaction; the investigators did not contact key witnesses in April 1994, nor in later 1994, nor in 1995 when they again traveled to North Coast. Dr Ramsey expressed satisfaction with their purported investigation, but they failed/refused to contact either Kerrison or the Aboriginals Mrs Kerrison named and for whom she had supplied addresses.
- 34. Late 1994, despite being told that there were shortcomings in his investigation, instead of properly inquiring and correcting this and addressing Mrs Kerrison’s

grievances including contraventions on grounds of racial and gender discrimination Dr Ramsey named options “Take no action, take action, delegate it to the human resources people to take action, take action at the institute level that would be appropriate” then urged Dr Willmott that the detrimental “HealthQuest” process be carried out against Mrs Kerrison.

35. Late 1994 the 2 Aboriginal students’ letters were posted to people and places including Dr Willmott and Dr Ramsey, and other/s.
36. Those letters were sent to Dr Ramsey and Dr Willmott in subsequent years, and formed part of the IRC where Dr Ramsey was present/participating on a number of days.
37. Dr Ramsey unlawfully victimised Mrs Kerrison by
 - 37.1. failing to properly investigate,
 - 37.2. failing to appoint competent investigators and ensure they investigated properly
 - 37.3. “urging” Dr Willmott to unlawfully victimise Mrs Kerrison, to direct Mrs Kerrison (but not other TAFE teachers) to submit to HealthQuest’s unlawful psychiatric interrogation. Dr Ramsey urged a process which would enable TAFE to obtain a HealthQuest fraudulent “Retirement Certificate” to use against Mrs Kerrison:
 - 37.3.1. to unlawfully dupe her into thinking she had been retired
 - 37.3.2. to unlawfully defame Mrs Kerrison, personally and professionally, with psychiatric labeling paid for by public funds
 - 37.3.3. to unlawfully deprived her of money/salary on which to live through a discriminatory “medical retirement”
 - 37.3.4. other unlawful acts and detriments.
38. Mrs Kerrison’s grievances are still unaddressed. The above unlawful detriments were carried out against Mrs Kerrison, but not other TAFE teachers such as those listed.

Elizabeth McGregor

39. In 1993 Mrs Kerrison reported incidents including *contraventions by TAFE employee Ms Rhonda Hayes, of TAFE NSW, on the grounds of racial and gender discrimination* to Ms McGregor.
40. After that Ms McGregor treated Mrs Kerrison differently to the way she had treated her before, and differently to other staff who had not reported *contraventions by TAFE employee Ms Rhonda Hayes, of TAFE NSW, on the grounds of racial and gender discrimination*
41. Subsequently in February/March 1994 Mrs Kerrison:

- 41.1. reported to Ms Elizabeth McGregor that Ms Hayes attempted to have letters sent out to Aboriginal (but not white) students to dismiss them from their rightful business class.
 - 41.2. argued with Ms McGregor for proposing that TAFE office staff send letters to Aboriginal (but not white) students to dismiss them from their rightful business class
 - 41.3. argued with Ms McGregor claiming it was illegal for Ms McGregor sending letters to Aboriginal students in the Djigay Centre of Excellence in Aboriginal Education, dismissing them from their TAFE classes.
 - 41.4. Ms McGregor failed or refused to correct the occurrences, choosing instead to contrive to get rid of Mrs Kerrison. Ms McGregor failed/refused to investigate.
42. Following these incidents Ms McGregor unlawfully victimised Mrs Kerrison; sMs McGregor:
- 42.1. refused to stop Ms Hayes unlawfully victimizing Mrs Kerrison personally;
 - 42.2. withheld Mrs Kerrison's lawful right to proper grievance processes.
 - 42.3. Repeatedly unlawfully threatened warned her with danger.
 - 42.4. unlawfully fabricated, received, exchanged and broadcast unlawful false unsubstantiated allegations against her.
 - 42.5. unlawfully refused her lawful right to return to work.
 - 42.6. Unlawfully refused to investigate properly
 - 42.7. Unlawfully refused to address issues/grievances as and when they arose, simply accumulated unaddressed pages, forcing Mrs Kerrison to repeat and repeat again her claims as they increased exponentially.
 - 42.8. Unlawfully established secret TAFE files against Mrs Kerrison.
3 February 1997 TAFE Executive Director John Allsopp "... These papers were held by the former College Manager, Kempsey [McGregor], and were not previously identified as they were not held on official files.
See Kerrison v TAFE Commission (2003) NSW IRComm Exh 85 Att 6
 - 42.9. Used "wrong" work schedules to unlawfully attempt to induce GIO to think Mrs Kerrison was mentally incapable
43. On 14/5/95 unlawfully directed and ordered Ms Kerrison to attend an appointment at HealthQuest,
- 43.1. "Ms McGregor informed Ms Kerrison that an appointment had been made for her at HealthQuest. Ms McGregor's note of 14 May records that she had advised Ms Kerrison that the appointment was for "Workers compensation/rehab" She sent a copy of this note to Ms Kerrison. **The advice was plainly untrue.** In fact, arrangements had been made by Ms Walshaw for

Ms Kerrison to be assessed by the Government Medical Officer at HealthQuest for her fitness to continue in employment.” Kerrison v TAFE Commission (2003) NSWIRComm 79 at (121)

43.2. “Ms Kerrison was deliberately deceived as to the reason why she was being sent to HealthQuest.” Kerrison v TAFE Commission (2003) NSWIRComm 79 at (197)

44. In ordering Mrs Kerrison to attend HealthQuest, Ms McGregor treated Mrs Kerrison unlawfully, and differently to other teacher who also taught at Kempsey TAFE. Ms McGregor

44.1. unlawfully, arbitrarily stood Mrs Kerrison down from duties

44.2. unlawfully , denied Mrs Kerrison procedural fairness,

44.3. unlawfully denied her her right to procedural fairness, to be fully informed

44.4. unlawfully denied Mrs Kerrison her right to refuse an illegal order

44.5. unlawfully denied Mrs Kerrison her right to rebut,

44.6. unlawfully denied Mrs Kerrison her right to be informed

44.7. unlawfully deprived Mrs Kerrison of her right to not submit to unlawful psychiatric/medical processes/interrogation..

44.8. unlawfully concealed from Mrs Kerrison the true purpose of the appointment.

45. Ms Kerrison was, prior to and on 14/5/95 and for more than 5 weeks later when TAFE used HealthQuest’s documents to exclude her from her lawful position teaching, satisfactorily performing her duties as a TAFE teacher and there was no lawful basis to direct her to attend HealthQuest. Ms McGregor on 14/5/95 unlawfully discriminated against Ms Kerrison on the ground of a presumed disability and/or victimised her for reporting racial discrimination by

45.1. deceiving her about HealthQuest and thereby subjecting her to a detriment in breach of sec 49 D (2) (d) of the AD Act.

45.2. directing her to attend HealthQuest when she was satisfactorily performing her duties as a TAFE teacher.

45.3. other

46. On or around 15/5/95 Ms McGregor did not order to HealthQuest any other staff who were also currently teaching at Kempsey TAFE, but who had not reported *contraventions by TAFE employee Ms Rhonda Hayes, of TAFE NSW, on the grounds of racial and gender discrimination*

47. In private, when Mrs Kerrison raised the issues of in these claims including *contraventions by TAFE employee Ms Rhonda Hayes, of TAFE NSW, on the grounds of racial and gender discrimination* to Ms McGregor, Ms McGregor “looked censoring”. In usual college activities Ms McGregor addressed issues as and when they occurred – as is required in the successful management and day-to-day responsibilities in running a TAFE campus.
48. When both Ms McGregor and Mrs Kerrison were working for the welfare of the students it is likely that few if any people (staff, students) knew that in private regarding *contraventions by TAFE employee Ms Rhonda Haye on the grounds of racial and gender discrimination*, Ms McGregor acted differently towards Mrs Kerrison.

49. Gail Robison

50. In March - May 1994 Mrs Kerrison reported to Gail Robison of *contraventions by TAFE employee Ms Rhonda Haye on the grounds of racial and gender discrimination*. Mrs Kerrison reported that
- 50.1. Ms Hayes had unlawfully turned 3 Aboriginal students, Lardner, Smith, and Duke away from their rightful class.
- 50.2. Ms Hayes unlawfully tried to have letters sent to Aboriginal (but not white) students dismissing them from their business classes.
- 50.3. Ms McGregor had indicated Aboriginal students in the Djigay Aboriginal Centre were unlawfully being sent letters to dismiss them out of their classes.
51. Ms Robison acknowledged the complaints but refused or failed to investigate, choosing instead to
- 51.1. unlawfully withhold rehabilitation from Mrs Kerrison.
- 51.2. unlawfully attached “wrong” work schedules to attempt to induce GIO to think Mrs Kerrison was mentally incapable
- 51.3. unlawfully secretly fabricate “reports” of guns, potential suicide, killing etc about Mrs Kerrison and issue them the to places which could cause Mrs Kerrison damage to her personal and professional reputation.
52. Ms Robison had not ever done that to Mrs Kerrison before, and it was not her usual style in TAFE. Ms Robison is capable and efficient as one needs to be to win and hold the position of campus Kempsey TAFE Registrar and Rehabilitation and OH&S Officer.
53. Under normal circumstances, and through the years, Ms Robison acted competently visibly performing her duties in TAFE and earned promotions for doing so.
54. Ms Robison acted differently to Mrs Kerrison after she lodged complaints/grievances including *contraventions by TAFE employee Ms Rhonda Hayes, on the grounds of racial and gender discrimination*. Ms Robison acted deaf/dumb/incapable in

rehabilitating Mrs Kerrison or investigating the grievances she raised to Ms Robison, Kempsey TAFE Registrar and Rehabilitation Officer..

55. Mike Quinn and Chris Lockwood

56. In April 1994 Mrs Kerrison reported to Mike Quinn and Chris Lockwood (TAFE officers for rehabilitation and staff matters) *contraventions by TAFE employee Ms Rhonda Hays on the grounds of racial and gender discrimination* Mrs Kerrison reported that:

56.1. Ms Hays had turned 3 Aboriginal students, Lardner, Smith, and Duke away from their rightful class; and.

56.2. Ms Hays tried to have letters sent to other Aboriginal (but not white) students dismissing them from their rightful classes.

57. Mr Quinn and Mr Lockwood refused/failed to investigate.

58. Instead, Mr Quinn and Mr Lockwood spoke of the complaints then Mr Lockwood, watched by Mr Quinn unlawfully advised Mrs Kerrison that her only options were to resign or retire.

59. Following that Quinn unlawfully victimised Mrs Kerrison by :

59.1. unlawfully contrived to keep Mrs Kerrison out of TAFE.

59.2. unlawfully withheld her rehabilitation entitlements

59.3. unlawfully withheld her right to proper grievance processes and resolution

59.4. unlawfully kept Mrs Kerrison isolated away from TAFE to impact on her

59.5. Mr Quinn unlawfully put forward his preferred options for Mrs Kerrison – Resign or retire.

59.6. Mr Quinn unlawfully attempted to coerce Mrs Kerrison into leaving TAFE to go to CRS and retrain to work elsewhere.

59.7. unlawfully denied her right to support in return to work and support of a mentor

59.8. other unlawful act/s

60. This was not normal behaviour for Mr Lockwood and Mr Quinn,

60.1. normally Mr Lockwood supplied information and assistance to TAFE staff, including Mrs Kerrison as and when requested.

60.2. normally Mr Quinn supplied rehabilitation support to other TAFE staff as and when requested.

61. Mr Lockwood and Mr Quinn unlawfully treated Mrs Kerrison differently when she became a potential source of embarrassment; i.e. after Mrs Kerrison lodged grievances complaints to them which included *contraventions by TAFE employee Ms Rhonda Hays, on the grounds of racial and gender discrimination*.

62. Gesina Meerman and Sue Hartigan

- 62.1. In April 1994 Mrs Kerrison reported to Dr Ramsey's investigators Meerman and Hartigan *contraventions by TAFE employee Ms Rhonda Hayes on the grounds of racial and gender discrimination*; Mrs Kerrison reported that Ms Hayes had turned 3 Aboriginal students, Lardner, Smith, and Duke away from their rightful class.
- 62.2. The investigators refused/failed to investigate. Instead they contrived to keep Mrs Kerrison out of TAFE. Dr Ramsey advised Mrs Kerrison in August 1994 to the effect that that his investigators Meerman and Hartigan had "reported back to him after speaking with" Mrs Kerrison.
- 62.3. By that time Meerman and Hartigan held 3 TAFE forms showing the names and contact addresses for Aboriginal students Duke, Lardner and Smith, and would have, or should have either supplied them to Dr Ramsey to investigate, or investigated and addressed the issues themselves..
63. After Mrs Kerrison reported *contraventions by TAFE employee Ms Rhonda Hayes on the grounds of racial and gender discrimination* Ms Meerman and Ms Hartigan unlawfully failed to properly investigate.

64. Mike Quinn and Gail Robison

65. On 10 April 1995 Mrs Kerrison reported *contraventions by TAFE employee Ms Rhonda Hayes on the grounds of racial and gender discrimination*; Mrs Kerrison described the actions against Aboriginal students and showed Quinn and Robison the letters in Mrs Kerrison's file – letters from the 2 Aboriginal students Smith and Wright. The letters included *contraventions by TAFE employee Ms Rhonda Hayes on the grounds of racial and gender discrimination*, TAFE's failure to address her grievances which included *contraventions by TAFE employee Ms Rhonda Hayes on the grounds of racial and gender discrimination*
66. Mrs Kerrison gave them her report (Protected Disclosure) which included contraventions on the ground of racial discrimination, and Mrs Kerrison mentioned issues concerning Aboriginals and Ms Hayes' actions
67. They discussed the issue that key witness from Mrs Kerrison's complaint 1993 onwards had unlawfully not been contacted, then Quinn and Robison refused/failed to investigate properly
68. the grievances have still not been addressed.
69. Within hours Quinn victimised Mrs Kerrison by unlawfully, secretly commencing the unlawful HealthQuest process against Mrs Kerrison and making unfounded harmful statements to CRS that Mrs Kerrison had "aggressive tendencies" followed by worse and more damaging secret untrue statements to Ms Walshaw to initiate the HealthQuest action to victimise Mrs Kerrison and get rid of her permanently out of TAFE.

For confirmation see factual findings of Schmidt J in Kerrison v TAFE (2003) NSWIRComm 79 at (140) not challenged or overturned on appeal:

“It was obvious from Dr Jagger’s explanations that in coming to their diagnosis of Ms Kerrison , account had been taken by Dr Mandell and Dr Jagger of the information which Ms Walshaw had volunteered inb her various phone calls. None of this information was checked with Ms Kerrison who was kept entirely ignorant of Ms Walshaws approaches to HealthQuest or the purpose of her reference there. The information provided was plainly inaccurate in a number of important respects , and the evidence in these proceedings has shown.”

70. performed other unlawful acts to victimise Mrs Kerrison.

71. Peter Cribb and Ros Williamson and Elizabeth McGregor

72. Peter Cribb administered TAFE’s FOI and as FOI officer physically held TAFE documents including her complaints re *contraventions by TAFE employee Ms Rhonda Hayes on the grounds of racial and gender discrimination.*

73. 8 October 1997 Peter Cribb wrote in part *“From documents on the Legal Services Unit file it is not possible to give a definitive answer as to Ms Kerrison’s employment status. It has been assumed that Ms Kerrison’s employment has been terminated for the purposes of the Anti-Discrimination Board “*

74. 21 October 1997 peter Cribb wrote *“assuming that Ms Kerrison’s employment was terminated on 13 September 1996...”*

74.1. These concepts are not Mr Cribb’s normal behaviour. As a lawyer Mr Cribb would know that an employment contract must be clearly visible by both parties and have valid start/finish dates – Mr Cribb states the date Mrs Kerrison commenced employment – then inserts the day that someone far away, not authorised to hire or fire TAFE employees, simply pulls out of thin air.

74.2. Mr Cribb held TAFE documents dated 1998 changing and backdating Mrs Kerrison’s employment status.

74.3. Mr Cribb held and SEEMINLY instigated the Voluntary Redundancy calculations in Mrs Kerrison’s name.

75. In late 1997 Mrs Kerrison again gave copies of the Aboriginals students’ letters to Peter Cribb, Ros Williamson and Elizabeth McGregor. They all read them – Cribb and McGregor probably already had copies. The letters included contraventions on grounds of racial discrimination.

76. Those grievances have unlawfully still not been addressed.

77. These 3 people Cribb, and McGregor are generally efficient and capable as befits people who hold management level in TAFE..

78. Mr Cribb unlawfully victimised Mrs Kerrison by:

78.1. refusing her the right to work,

- 78.2. refusing her the right to work and her right to a safe workplace free of threats and breaches of legislation e.g. Protected Disclosures Act, Privacy Act, OH&S Act, TAFE Act, othr/s
 - 78.3. refusing her the right to the protections inbuilt in TAFE policies including Privacy, Grievance Resolution, OH&S
 - 78.4. writing , circulating, and storing on official files derisive comments about Mrs Kerrison
 - 78.5. condoning other staff to victimise and generate false allegations and claims against her
 - 78.6. other unlawful act/s
79. Mr Cribb, with his legal knowledge and knowledge that Mrs Kerrison had lodged grievances and complaints including *contraventions by TAFE employee Ms Rhonda Hayes on the grounds of racial and gender discrimination*, did this in order to silence Mrs Kerrisons unaddressed reports, and to permanently dispense with Mrs Kerrison (and her reports) out of TAFE.

80. Dr Gary Willmott

- 81. North Coast Institute of TAFE, of which Dr Willmott was Director held its own copy of Mrs Kerrison's original complaints dated 1993 and it included *allegations that, if proven, would amount to unlawful contraventions by Ms Hayes on the grounds of racial and gender discrimination*. That complaint went to TAFE M-D Dr Gregor Ramsey, who appointed investigators Meerman and Hartigan
- 82. Late 1994 the letters by the 2 Aboriginal students Smith and Wright were posted or given to people/organizations including Dr Willmott and then repeatedly through the years 1994 to the present day.
- 83. Dr Willmott became Direction NCI TAFE, and Mrs Kerrison's complaints and grievance 1993 continued to be unaddressed. It was identified as a grievance in TAFE NCI files.
- 84. TAFE Grievance Policy states:

4.2.13 Victimisation of any staff member as a result of using this policy is totally unacceptable and could lead to formal discipline action.

5.1.4 Supervisors will address the matter within 5 working days, either by way of resolving the grievance or negotiating an agreed method and time-frame of proceeding

3.1 This policy aims to create and maintain a productive and positive, non discriminatory and harassment free work environment.

3.2 The Commission's management has a responsibility to prevent, identify and resolve problems in the workplace

3.3 Every staff member has a responsibility to treat other staff in a way which will not cause distress.

5.1.4 Supervisors will address the matter within 5 working days, either by way of resolving the grievance or negotiating an agreed method and time-frame of proceeding.

4.2.9 **A grievance is considered concluded, although not necessarily resolved, when a person with a grievance chooses to withdraw.** The grievant should advise the person handling the grievance either in writing or verbally.

4.2.10 Wherever possible grievances should be resolved in a way that is satisfactory to all those involved. Grievances are usually only considered resolved when the cause of the grievance has been removed or dealt with, and when arrangements have been made to repair and make good any damage and distress suffered by the grievant and/or respondent.

32.9.3 *" all staff should be afforded 'natural justice' insofar as they should know what has been alleged, have the right to seek advice, reply to allegations and the right to be heard by an unbiased person"*

32.13.4 Nothing contained in this procedure shall prevent ...the Managing Director or his/her nominee from entering into negotiations at any level. This may be at the request of a member/s or on their own initiative.

33.6 The parties agree that, while the [grievance] procedure is being followed, the status quo will remain.

85. The investigators Meerman and Hartigan failed to investigate properly. Meerman and Hartigan investigated to Dr Ramsey's satisfaction; they did not contact key witnesses in April 1994, nor in later 1994, nor in 1995 when they again travelled to North Coast Institute of TAFE, but failed/refused to contact:

85.1. Mrs Kerrison; or

85.2. the Aboriginals Mrs Kerrison named and for whom she supplied addresses etc, or

85.3. the Aboriginals Wright and Smith, whose letters were sent to Dr Willmott and sent to Dr Willmott on other occasions as well.

86. Following those complaints/grievances Dr Ramsey unlawfully refused/failed to investigate properly and withheld Mrs Kerrison's right to proper Grievance Resolution.

87. Dr Willmott was in contact with Dr Gregor Ramsey. In September 1994 Ms Maureen O'Sullivan, in the company of Ms McGregor stood over Mrs Kerrison and loudly and threateningly warned/threatened Mrs Kerrison with danger to her if she used again the TAFE Grievance Policy. Ms O'Sullivan said "The Managing Director will not allow it [another grievance by Mrs Kerrison] to happen again. Ms O'Sullivan then attempted to obtain Mrs Kerrison's signature on a paper to say TAFE had addressed all the issues in the grievance. When Mrs Kerrison refused, and later attempted to have her grievances addressed, Ms McGregor, apparently through Dr Willmott's direction, repeated Dr Ramsey's threat.
88. This is completely against TAFE Grievance Policy and victimisation under **4.2.13 Victimisation of any staff member as a result of using this policy is totally unacceptable and could lead to formal discipline action**
89. Late 1994, despite being told that there were shortcomings in his investigation, instead of properly inquiring and correcting this and addressing Mrs Kerrison's grievances including contraventions on grounds of racial and gender discrimination Dr Ramsey named options "Take no action, take action, delegate it to the human resources people to take action, take action at the institute level that would be appropriate" then urged Dr Willmott that the detrimental "HealthQuest" process be carried out against Mrs Kerrison.
- 89.1. Dr Ramsey had "urged" Dr Willmott to unlawfully victimise Mrs Kerrison; to direct Mrs Kerrison (but not other TAFE teachers) to submit to HealthQuest's unlawful psychiatric interrogation. Dr Ramsey urged a process which would enable TAFE to obtain an unlawful HealthQuest fraudulent "Retirement Certificate" to use against Mrs Kerrison:
- 89.1.1. to unlawfully dupe her into thinking she had been retired
- 89.1.2. to unlawfully defame Mrs Kerrison, personally and professionally, with psychiatric labeling paid for by public funds
- 89.1.3. to unlawfully deprived her of money/salary on which to live through a discriminatory "medical retirement"
- 89.1.4. other unlawful acts and detriments.
90. Mrs Kerrison's grievances are still unaddressed.
91. TAFE's and Dr Ramsey's Grievance Policy states: **33.6 The parties agree that, while the [grievance] procedure is being followed, the status quo will remain.**
92. Dr Willmott condoned that his staff discrimination against Mrs Kerrison on the grounds of a presumed disability despite Mrs Kerrison's grievances still all being on foot and she being entitled to maintain the status quo of TAFE teacher today still.
93. The above unlawful detriments were carried out against Mrs Kerrison, but not other TAFE teachers such as those listed.

TAFE OFFICERS WILLMOTT, CRIBB, LOCKWOOD AND/OR INSTRUCTING SCUGLIA UNLAWFULLY VICTIMISE MRS KERRISON BY ALTERING COMPUTER RECORDS DEPRIVING MRS KERRISON OF SALARY, EXTENDED LEAVE, SICK LEAVE ENTITLEMENTS AND CONDONING IT THROUGH THE YEARS.

94. From mid 1995 Mrs Kerrison has not signed any request to either access or allow any other person to access, alter, deduct her WILLMOTT, CRIBB, LOCKWOOD have not put in evidence a legal authority which requests/authorised them to access her entitlements. There is no request signed by Mrs Kerrison.

94.1. They would be aware, or should be aware that Mrs Kerrison's payslips state specifically that through the dates Mr Lockwood swears that he/TAFE officials were paying her sick leave and extended leave, the official payslips refute this.

94.2. The payslips clearly show "Ordinary Pay",

94.3. Payslip for the fortnight 4/4/96 shows Mrs Kerrison's Salary \$43850 per annum, it pay Ordinary Pay \$1680.77 for the fortnight. The accrued extended leave is 57.14 days

94.4. The next fortnight's TAFE official payslip shows that apparently an unlawful decision was made by, perhaps by Mr Lockwood, Willmott, Walshaw, Cribb or some other; this was the last pay received by Mrs Kerrison and it is dated 18/4/96 . it shows that the Salary rate was changed to \$0.0 per annum, resulting in Ordinary Pay of \$0.00. And the accrued extended leave has accrued to 57.59.

95. Normally TAFE staff must sign a request to access their own entitlements: extended leave etc accruals – and office staff and management are prohibited at all times to take any other person's entitlements. After Mrs Kerrison lodged complaints which included *contraventions by TAFE employee Ms Rhonda Hayes on the grounds of racial and gender discrimination* some combination of officers Willmott, Walshaw, Cribb, Lockwood, Scuglia acted differently to Mrs Kerrison to how they acted to other TAFE staff – seemingly individual/s or a combination of Willmott, Walshaw, Cribb, Lockwood, Scuglia unlawfully stole or defrauded all of Mrs Kerrison's accrued entitlements.

96. None of these officers have put in evidence that they accorded procedural fairness in their decisions for these actions:

97. In later years and on 22 March 2001 Mrs Kerrison signed TAFE's Application for Extended Leave form delivered it to Mr Cribb's office, stating that she had not claimed or authorised anyone else to access it previously. Mr Cribb failed to respond, and Mrs Kerrison has now reported it to Police Department.

98. TAFE's Obligations

98.1.1. [THE NSW Ombudsmans Good Conduct and Administrative Practice Guidelines \(2nd Ed\) state](#)

98.1.2. “1. Compliance, 1.1 Complying with the law.

1.1.1 The principle A fundamental principle of good public administration is that public officials comply with **both the letter and spirit** of applicable law (be it statutory or common law). No public official has an unfettered power or discretion.

98.2. “4.8.1 Any person detrimentally affected by maladministration should , wherever practicable , be put back in the position that they would have been in had the maladministration not occurred.

98.3. 4.8.2 Agencies have a duty to provide appropriate redress where members of the public have been detrimentally affected by maladministration. This duty is owed to all persons affected by maladministration whether or not they have complained to the agency, to the Ombudsman, or other relevant watchdog agency, or have any legal entitlement to redress.

98.4. Maladministration under the Ombudsman’s Act and the NSW Protected Disclosures Act 1994 is defined to include action or inaction of a serious nature that is :

99. Contrary to law

100. Improperly discriminatory

100.1. TAFE Commission, HEALTHQUEST and the MAP have a duty to provide full redress for their maladministration against Ms Kerrison by returning her as much as possible to the position she would have been in prior to the maladministration as if it had not occurred.

4B References to certain employers

- (1) A reference in this Act to an employer:
 - (a) in relation to employment in a Department, is a reference to the relevant Department Head, and
 - (b) in relation to employment in the Police Service, is a reference to the Commissioner of Police, and
 - (c) in relation to employment in the Teaching Service, is a reference to the Director-General of the Department of Education and Training.
- (2) Anything determined or done with respect to any matter concerning any such employment by an officer or employee in any Department, in the Police Service or in the Teaching Service who is authorised to determine and do things in that respect is taken to have been determined or done by the Department Head, Commissioner of Police or Director-General of the Department of Education and Training, respectively.
- (3) Subsection (2) includes anything determined or done with respect to:
 - (a) any offer of employment, or
 - (b) the terms and conditions on which employment is offered, or
 - (c) the opportunity afforded for promotion, transfer, training or other benefits associated with employment, or
 - (d) dismissal from employment.

5 Act binds Crown

This Act binds the Crown not only in right of New South Wales but also, so far as the legislative power of Parliament permits, the Crown in all its other capacities.

Part 5 – Other unlawful acts

101. SECRET FILES –

PRIVACY ACT EXCERPT - PRIVACY PRINCIPLES

Principle 1 - Manner and purpose of collection of personal information

1. Personal information shall not be collected by a collector for inclusion in a record or in a generally available publication unless:

- (a) the information is collected for a **purpose** that is a lawful purpose directly related to a function or activity of the collector; and
- (b) the collection of the information is necessary for or directly related to that purpose.

2. Personal information shall not be collected by a collector by unlawful or unfair means.

Principle 3 - Solicitation of personal information generally

Where:

- (a) a collector collects personal information for inclusion in a record or in a generally available publication; and
- (b) the information is solicited by the collector:
the collector shall take such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is collected:
- (c) the information collected is relevant to that purpose and is up to date and complete; and
- (d) the collection of the information does not intrude to an unreasonable extent upon the personal affairs of the individual concerned.

Principle 8 - Record-keeper to check accuracy etc of personal information before use

A record-keeper who has possession or control of a record that contains personal information shall not use that information without taking such steps (if any) as are, in the circumstances, reasonable to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, up to date and complete.

Principle 9 - Personal information to be used only for relevant purposes

A record-keeper who has possession or control of a record that contains personal information shall not use the information except for a purpose to which the information is relevant.

Principle 10 - Limits on use of personal information

1. A record-keeper who has possession or control of a record that contains personal information that was obtained for a particular purpose shall not use the information for any other purpose unless:
- (a) the individual concerned has consented to use of the information for that other purpose;
 - (b) the record-keeper believes on reasonable grounds that use of the information for that other purpose is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person;
 - (c) use of the information for that other purpose is required or authorised by or under law;
 - (d) use of the information for that other purpose is reasonably necessary for enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue; or
 - (e) the purpose for which the information is used is directly related to the purpose for which the information was obtained.

Principle 11 - Limits on disclosure of personal information

1. A record-keeper who has possession or control of a record that contains personal information shall not disclose the information to a person, body or agency (other than the individual concerned) unless:

- (a) the individual concerned is reasonably likely to have been aware, or made aware under Principle 2, that information of that kind is usually passed to that person, body or agency;
- (b) the individual concerned has consented to the disclosure;
- (c) the record-keeper believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or of another person;
- (d) the disclosure is required or authorised by or under law; or
- (e) the disclosure is reasonably necessary for the enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the protection of the public revenue.

2. Where personal information is disclosed for the purposes of enforcement of the criminal law or of a law imposing a pecuniary penalty, or for the purpose of the protection of the public revenue, the record-keeper shall include in the record containing that information a note of the disclosure.

3. A person, body or agency to whom personal information is disclosed under clause 1 of this Principle shall not use or disclose the information for a purpose other than the purpose for which the information was given to the person, body or agency.

102. 105 Interim orders

(1) The Tribunal may, on the application of the President after a complaint is made and before the complaint is declined, terminated or otherwise resolved by the President, or referred to the Tribunal, or on the application of a complainant or respondent at any time, make an interim order:

- (a) to preserve the status quo between the parties to the complaint, or
- (b) to preserve the rights of the parties to the complaint, or
- (c) to return the parties to the complaint to the circumstances they were in before the contravention of this Act or the regulations alleged in the complaint occurred,

pending determination of the matter the subject of the complaint.

(2) Section 89 of the *Administrative Decisions Tribunal Act 1997* applies to an interim order of the Tribunal in the same way as it applies to an original decision of the Tribunal.

103. CONCLUSION:

TAFE, HealthQuest, and MAP personnel were given public funds to administer their agencies within the law, efficiently and effectively. At any time in the past decades they could have corrected themselves and, with the stroke of a pen or phone call addressed everything in Mrs Kerrison's grievances and complaints – if they had done so using an

efficient ethical process such as that written in the TAFE Grievance Policy these issues would have been addressed cheaply and in a timely manner. Instead TAFE and their lawyers and service providers (HealthQuest, MAP and their lawyers) apply to the ADT to uphold their behaviour and find and award against Mrs Kerrison.

Public comment on this is now published world-wide on the web, and has been forwarded to the United Nations under their treaty United Nations Convention Against Corruption.

TAFE Commission, HEALTHQUEST and the MAP have a duty to provide full redress for their maladministration against Ms Kerrison by returning her as much as possible to the position she would have been in prior to the maladministration as if it had not occurred.

ORDERS

The Applicant seeks the following orders:

1. That the Respondents' defense be dismissed
2. That the Respondent abide by Ombudsman's Office guidelines and perform their duty to provide full redress for their maladministration against Ms Kerrison by returning her as much as possible to the position she would have been in prior to the maladministration as if it had not occurred.
3. Costs