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Your ref: 2018-500647

CORRUPTION OF OUR LEGAL SYSTEM – Revised 15th February 2018

In relation to your reply letter dated 20th January 2018 copy attached.

This is about restoring justice to a system that has been corrupted to the detriment of the Australian workforce – Up to date workers seeking justice, for unlawful workplace practice perpetrated against them, have been misled and denied any form of justice in the Fair Work Commission (FWC). In fact, they have been crushed under foot.

In relation to FWC Matter: U2016/14484 - 3rd March 2017 & Appeal: C2017/2237 - 28th August 2017 - Stephen Fitzgerald v Woolworths Ltd. There are three points to consider as follows: -

(1) As a result of the decision of the Full Bench of the FWC to ban defence lawyers. Copy attached... Woolworths are forced to modify their behaviours because the big stick has been taken off them. This relates to the way Woolworths have been abusing their staff in the past. Problem now solved. The other issues with Woolworths are being dealt with in the Supreme Court of NSW and, the Government does not need to be involved in that.

(2) Regarding the unscrupulous behaviour of Woolworths defence lawyers Sparks Helmore Lawyers – That has also been resolved with the decision of the Full Bench of the Fair Work Commission to ban defence lawyers from future proceedings – So again, Government involvement is no longer required. Two problems solved.

(3) Here is the critical point for the Commonwealth Ombudsman. Of the 300 cases that have come before Commissioner Cambridge, in the Fair Work Commission, very few have ever been won by the worker seeking justice. Up to this point, including my case, the innocent worker has been seriously misled and then abused by the decisions of Commissioner Cambridge favouring the defence lawyers. In fact, manipulating the case in favour of the corporate. There is clear evidence of that before you from my previous correspondence and outlined in my representations to the Supreme Court copy attached.

I know what the considerations were for Commissioner Cambridge, I was there, and I know exactly what happened including me being misled and lied to so, please consider this:

(1) There is clear evidence of unlawful workplace practice by Woolworths. Evidenced in the witness statements of Ray Plater, Cheryl Wilesmith and myself – Clear and irrefutable proof of Woolworths intention to get rid of staff unlawfully.

(2) Woolworths interfering with witnesses, so they could not verify their witness statements – Proven and on the court record. It was a criminal conspiracy between Woolworths staff and Sparks Helmore Lawyers.

(3) Woolworths undermining the unfair dismissal laws Fair Work Act 2009 s386 and s394 so they could continue with unlawful workplace practice unabated – Proven with evidence and on the court record.

(4) Perjury and contempt by a Woolworths manager - Proven with evidence and on the court record.

(5) Fabricated defamation of character by Woolworths – Proven. My representations to the Supreme Court in relation to that premeditated defamation are attached.

(6) I was misled, by Commissioner Cambridge, about not requiring legal representation. Paragraph [15] to [17] on the attached representation to the Supreme Court.

(7) Woolworths were denied their request for legal representation but, Commissioner Cambridge ushered Woolworths lawyers into proceedings anyway and gave them everything they wanted. Again, this included lying to me during the proceedings – It's on the court record.

(8) Woolworths defence layers, who should not have been at the hearing, came up with a shonky jurisdictional objection that did not exist at the beginning of the case so could not be heard, in advance, as is protocol. The jurisdictional objection triggered on the decision of Commissioner Cambridge which he then used to dismiss the case in favour of Woolworths.

In light of the above, this shows bias by Commissioner Cambridge and, may explain why very few cases have ever been won by the worker. Look at the statistics and look at his previous decisions.

As there are two political appointments in the Fair Work Commission the public perception is that there is government influence. My case suggests pandering to corporates at the expense of the workforce. You see, it's not about the facts it's about public perception. How do you think that might pan out at the next election in view of the government's tenuous one seat majority? If the workforce thinks they are being abused by the government?

Woolworths has clearly been involved in unlawful workplace practice and the decision of Commissioner Cambridge, to dismiss the matter, gives Woolworths the green light to continue unlawful activity and again, the innocent worker doesn't just lose the case, they are driven into bankruptcy and crushed under foot. Please feel for those poor people.

The actions of Commissioner Cambridge interfere with our justice system and have the potential to undermine the integrity of the Federal Government. It's extremely serious and, there is a very simple solution for the Commonwealth Ombudsman as follows:

(1) Refer the matter to the Full Bench of the Fair Work Commission. That would be Vice President Hatcher, Deputy President Dean and Commissioner Wilson. For investigation of the jurisdictional objection being created by Commissioner Cambridge to dismiss matters.

(2) Very few cases have ever been won by the workers before Commissioner Cambridge – Why? Look at the decisions of Commissioner Cambridge over the past 8 years – Since the inception of the Fair Work Commission.

(3) Let Commissioner Cambridge know that he is under the spotlight and that in itself should help modify, at least, his behaviour. He lied to me during proceedings, and that's on the record and proven. When I pointed this out to him, what do you think my chances were of winning the case?

His intention from that point was to crush me, serve a \$30,000 cost order against me and have me driven into bankruptcy as he had done to so many innocent workers in the past. In light of this, personally, I believe he should be suspended pending full investigation.

After reading the article: *Financial Review 'Shadow lawyers' bared* – (Google it) The Law Society would have us believe that “justice system” and “legal system” are the same thing. They are not! It’s a deception – Justice is the result of a healthy legal system and does not happen if the legal system has been manipulated and corrupted. Banning defence lawyers from proceedings in the FWC supports this argument but in no way resolves the issue.

Since they have no real defence these unscrupulous lawyers use trickery, deception and theatre to protect their cosy little nest of clover worth \$475 an hour. They have no shame, and no excuse, as they destroy the innocent for a hand full of money from the guilty who employ them. What is truly disturbing is that this goes a lot deeper...

The corruption of our legal system being condoned by those in authority, is a shameful disgrace and, is the worst possible form of social oppression. A legal system that shows bias encourages criminal abuse of the innocent victims. That’s you and me and, is detrimental to society. The Australian public expect high standards from their elected representatives.

Also, we demand even higher standards again in our state and federal jurisdictions and from our career public servants! We pay their way, we put a roof over their heads and we feed their children... It’s our right and their obligation to protect our legal system so that we not only have justice but also, that justice is seen to be served.

Again, the issue I see that threatens justice and our legal system, and my case prove that, is unscrupulous defence lawyers and cohort magistrates or commissioners. We need everyone to become involved in restoring justice to Australian society – This is a chance, and it won’t happen if you block it. There’s an opportunity here, please don’t bury it.

If necessary, I have the capacity to take this up directly with the Prime Minister and, I know what his reaction will be to being insulted by Commissioner Cambridge (Paragraph [16] Supreme Court action attached) and government integrity being undermined in an election year. You see, this is about protecting our elected government and, if you do nothing – That is then threatened. Again, this comes back to restoring justice for the workforce in what my case clearly shows is a system that has been manipulated by unscrupulous defence lawyers and the bias of a commissioner to favour corporates.

This is not about crucifying anybody – This is about behaviour modification. What has been going on, to date, is a threat to our society and needs to be acted on with authority.

Since I am hard of hearing, I can’t respond to the phone. Can you please keep me informed, of your progress, by mail or email and advise me of a time frame? I await your early reply.

Yours Faithfully



Stephen Fitzgerald