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PROTECTING SOCIETY – CORRUPTION OF OUR LEGAL SYSTEM

In relation to matters in the Fair Work Commission – Hearing: U2016/14484 - 3rd March 2017 & Appeal: C2017/2237 - 28th August 2017 - Stephen Fitzgerald v Woolworths Ltd.

There are two political appointments in the Fair Work Commission – And, it's not about the facts, it's public perception that wins and loses elections. After reading my representations to the Supreme Court you can make up your own mind about what the workforce may think about how they will be treated if they enter the Fair Work Commission seeking justice? And, this has been going on for how long? The Fair Work Act 2009 – So, 8 years.

You see, this is not just an attack on the workforce, by Woolworths and their shonky lawyers, it's also an attack on Government integrity and, that threatens to undermine our two-party preferred political system. It's not perfect but it's the best political system there is and it's worth protecting.

So, what we have, to this point, is Sparks Helmore lawyer Ian Bennett fabricating a defamation to gain the upper hand in proceedings. Sparks Helmore lawyer Rolland Hassall involving himself in a criminal conspiracy to interfere with witnesses and, at the appeal, top defence lawyer Mr Shariff fell well short of convincing the Full Bench that Woolworths did not need approval to have legal representation at the hearing.

So, this lovely little law firm, on behalf of Woolworths, has been undermining public confidence in the system and threatens the stability of the Government. In light of the Governments tenuous one seat majority, how do you think that could play out at the next election if the full Bench had not taken immediate action as outlined in the "FINANCIAL REVIEW" article dated 2nd November 2017.

The decision of the Full Bench to ban "Shadow Lawyers" can now be fully understood. It's not just to protect the workforce from corrupt corporations and the lawyers who drive that corruption it's also about protecting the Government from the public backlash as a result of the actions of corrupt corporations and their lawyers. Clearly, Woolworths, their lawyers and a corrupted public servant involved have abused the workforce in a Federal jurisdiction. This could influence voters and has the potential to undermine the Government and, for a buck, Woolworths and their lawyers don't care.

Again, it's not the facts that count, it's public perception and, the Full Bench have done their job in protecting the workforce and standing up to protect the integrity of the Federal Government. Clearly, from this case, it's not just the workforce that has been abused and threatened, it's also our elected representatives and they also need protecting.

The Government are unable to do that so, it's up to us to force the point – And, that's what I have done by exposing what's been going on in the Fair Work Commission driven by unscrupulous corporations and their unscrupulous defence lawyers. It's a nice little hornets' nest of corruption to interfere with due process of law and protect corporates so they can continue with unlawful workplace practice unabated.

What has also come to light, in this matter, is apparent corruption and collusion between a public servant and Woolworths defence lawyers Sparks Helmore. Please keep in mind that Woolworths were denied their request for legal representation at the hearing. Commissioner Cambridge was aware of this but ushered them into proceedings anyway and argued strongly in their favour. He also said: - From the transcripts {AB}(192)[PN35] “- *they could get the Prime Minister here to assist them.*”

There was an abundance of familiarity between Commissioner Cambridge and Woolworths representatives, during the hearing. He played right into their hands and he went along with every bit of corrupt practice they came up with. Even to the point of creating the jurisdictional objection that had the case dismissed for them. You see, the jurisdictional objection could not be heard at the beginning of the case, as is protocol, because it did not exist yet. The jurisdictional objection only triggers if the employee leaves his employment of his own accord as in “he left” rather than being “forced to leave” as a result of the actions of the employer.

Here's the disturbing bit - The injustice here is that the jurisdictional objection only comes into play at the discretion of Commissioner Cambridge as a result of his decision, if he dismisses the case. Which he did. So, how can you put forward a jurisdictional objection that does not exist and it follows, how can Commissioner Cambridge dismiss the case based on that jurisdictional objection when he is the one creating it? The evidence was all in favour of the worker seeking justice and the jurisdictional objection was all they could come up with to dismiss the matter.

At the beginning of proceedings, as I am not a lawyer, I asked Commissioner Cambridge that I be kept fully informed and I was not – The consequences of the jurisdictional objection were hidden from me exposing me to a \$30,000 cost order after I was told on the FWC website that parties bear their own costs. In the past, the workers trapped by this were driven into bankruptcy and crushed under foot. I feel for those people and so would any human being.

I think we need to have a closer look at Commissioner Cambridge – Draw your own conclusion after you read “TESTING THE SYSTEM” (www.hootgallery.com) with all the evidence in the transcripts and on the public record for all time to prove it.

Keep in mind, this is not about my innocuous unfair dismissal remedy claim. This is about how it was managed by Commissioner Cambridge and Sparks Helmore on behalf of Woolworths and, what the workforce would think if it had not been for the decision of the Full Bench to ban “Shadow Lawyers” from future proceedings. The Full Bench have protected the workforce and the integrity of the Government in one brilliant move.

They have taken the big stick off Woolworths and, for that they need to be commended. The Law Society can spew all they like and, have no one to blame but Sparks Helmore who have exposed what unscrupulous defence lawyers get up to.

That doesn't save the 300 odd workers abused in the past by Commissioner Cambridge and, certainly doesn't let Commissioner C or Woolworths and their unscrupulous legal team off the hook. Laws have been manipulated and/or corrupted and society has been threatened by Woolworths, driven by defence lawyers so they can protect their cosy little nest of clover worth \$475 an hour? The driving force behind all of this!

Think about it? Our legal system is being corrupted so a few people can make money out of it! Defence lawyers thrive on unlawful and illegal activity so, they protect it. In the process they are undermining our legal system and damaging our society. And there goes justice...

It should be noted that I did a bit of pushing with the Woolworths integrity test. Woolworths could have settled this matter for \$16,500 but instead, they instructed their lawyers to go after me and drive me into bankruptcy. That threat was a bad move. The case cost Woolworths \$60,000 in legal fees to expose themselves, their lawyers and the commissioner hearing the matter.

It may also be worth noting that, during the appeal, I advised the Full Bench that the case was currently running at about 3.5 on the Richter scale and I could push that to 8.5 and the earth would rumble for all in the quake zone. All they had to do was dismiss the case – Which they did. So, inadvertently or otherwise, the Full Bench gave me the green light to go after Woolworths, their lawyers and the commissioner to expose the corruption.

To bring closure, I will be going after Woolworths, in the Supreme Court, for the fabricated defamation of my character, as proven in the transcripts, to have that stricken from the Fair Work Commission record – By court order and, I will seek damages.

That in no way resolves the issue of the corruption of our legal system. Both the hearing and the appeal decisions were found in favour of Woolworths to the detriment of the innocent worker seeking justice for unlawful workplace practice, perpetrated by Woolworths, against their own staff – As proven by this case but, then dismissed out of hand in the hearing and the appeal? Once again, one may ask – So where is the justice?

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 problem.

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 and undermine our legal system for a hand full of dollars 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 our 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 to be protected that supersedes all else and, their obligation to protect our legal system so that we not only have justice but also, that justice is seen to be served!

Don't get me wrong, people are entitled to defence but, it's not defence if it corrupts our law, compromises our legal system and persecutes the innocent. Then it becomes a vicious attack on the individual and on society. All those people abused by our legal system please come forward and let me explain once more: It's the shonky defence lawyers driving this, for money, together with the bias of those in authority who are impressed by the theatre they dish up.

In addition to Supreme Court action for defamation, the matter has been taken up with the Commonwealth Ombudsman in relation to the activity in the Fair Work Commission and the bias of Commissioner Cambridge. Also, the matter has been referred to the Legal Services Commissioner in relation to the unscrupulous activity of Sparke Helmore Lawyers, for investigation. We shall see what unfolds from there.

One small step for the worker, for the Government and for society - And, let's hope this echoes.

Stephen Fitzgerald
20th January 2018