

Independent Commission Against Corruption
GPO Box 500
Sydney, New South Wales, 2001
Australia

Stephen Fitzgerald
Unit 2, 1 Avalon Parade
Avalon Beach NSW 2107
AUSTRALIA
info@hootgallery.com
02 99 732 831
22nd May 2018

Dear ICAC,

RE: CORPORATE CORRUPTION IN THE FAIR WORK COMMISSION

What prompted this letter is the call by prominent judges, within ICAC, for a national corruption watchdog. View the ABC report by Matt Peacock - 3 Nov 2017, 11:50am at this web address:
<http://www.abc.net.au/news/2017-11-02/former-judges-call-for-federal-icac/9112396>

What I have exposed, outlined in the letters to Senator the Hon Michaelia Cash is clear evidence, on the court record, of corporate corruption in the NSW Fair Work Commission. This is not an isolated incident. I also have evidence of others being treated the same way in the QLD Fair Work Commission. So, the culture of corporate corruption, of our federal jurisdictions, is systemic.

In relation to the corruption of NSW Fair Work Commissioner Cambridge, I would like you to take appropriate action and, I would like to be kept fully informed. Could you please acknowledgement receipt of this letter and, I await your early reply...

As vindication, could you also forward this information to the prominent judges referred to in the above-mentioned article. I have also sent you this same correspondence by email today.

FIRST LETTER TO SENATOR CASH – 8th May 2018 – EVIDENCE OF CORRUPTION

Senator the Hon Michaelia Cash
Minister responsible Fair Work Commission
Senate - Parliament House
PO Box 6100
Canberra ACT 2600

Stephen Fitzgerald
Unit 2, 1 Avalon Parade
Avalon Beach NSW 2107
AUSTRALIA
info@hootgallery.com
02 99 732 831
8th May 2018

Dear Senator the Hon Michaelia Cash,

How are you supposed to get a fair go in the Fair Work Commission when the commissioner hearing your case has been corrupted by corporates as proven and on the court record as follows: -

On the Fair Work Commission website, you are invited to challenge unlawful workplace practice, you are advised that legal representation is not required and parties to proceedings bear their own costs. Please keep this firmly in mind...

At the end of the pre-hearing conference U2016/14484, 25th January 2016, Woolworths representative Nicole Barclay was asked by Commissioner Cambridge if Woolworths would be represented by a solicitor or barrister and she distinctly replied "no". This then reaffirms that legal representation is not required and you proceed on that basis.

At the "Hearing" U2016/14484 3rd March 2017, Woolworths were fully represented by Ian Bennett of Sparks Helmore Lawyers. His name appears 3 times in the transcripts and Sparks Helmore billed Woolworths \$30,000 for their preparation and court time.

When I quizzed Commissioner Cambridge about his pre-hearing conference question to Nicole Barclay about whether or not Woolworths would have legal representation he said: (Extracted from the transcripts) {AB} (190) [PN22] *"I don't think I would have asked that question, Mr Fitzgerald"*.

Nicole Barclay also chipped in and denied that Commissioner Cambridge had asked the question. {AB} (190) [PN20] *"I disagree that was said"*.

My response to Commissioner Cambridge {AB} (190) [PN23]. *"No, no – I'm sorry but you did..."* {AB} (190) [PN21]. *"Well, it's on the record so let's go back over the record"...* On my inspection of the "Pre-hearing" conference transcripts it was found that the question as to whether Woolworths would have legal representation or not, had been asked by Commissioner Cambridge "off the record"?

NOTE: Commissioner Cambridge and Nicole Barclay, representing Woolworths, were both fully aware that Woolworths had been denied their request for legal representation. And yet, here they were fully represented with Commissioner Cambridge arguing in their favour. Referring to Woolworths, Commissioner Cambridge said: {AB}(192)[PN35] *"- they could get the Prime Minister here to assist them."*

I did not find out that Woolworths had been denied their request for legal representation until I read about it in the Financial Review article "Shadow lawyers" barred – 2ND November 2017 (Google it). So much for being kept informed of proceedings, and again, as is protocol. In a court of law both parties are kept fully informed or it is a mistrial. So, what's going on in the Fair Work Commission?

Sparks Helmore lawyers proceeded to corrupt the case with the full support of Commissioner Cambridge. They even fabricated a defamation of my character with the support of Commissioner Cambridge. Appendix "A" Supreme Court representations at this web address: <https://www.hootgallery.com/testing-the-system> Normally this would have been buried in the transcripts but, I went to appeal and that exposed what had been going on.

At the "Appeal" C2017/2237 pre-hearing conference Nicole Barclay openly admitted to the Full Bench, of the Fair Work Commission, that Commissioner Cambridge had indeed asked her if Woolworths would be represented by a solicitor or barrister at the hearing. So, this is clear evidence that I was intentionally misled and clear evidence that both Nicole Barclay and Commissioner Cambridge had lied to me during the hearing. From the transcripts: {AB} (190) [PN20] and {AB} (190) [PN22] above.

All the evidence points to Woolworths guilt so, the only way Commissioner Cambridge could get them off the hook was to create a jurisdictional objection which he then used to dismiss the matter. A jurisdictional objection that could not be heard at the beginning of the case, as is protocol, because it did not exist until Commissioner Cambridge created it. Don't be diverted here because it's not the point – The point is I was misled and then lied to by the commissioner hearing the matter.

Clearly, the outcome of this case had already been pre-determined and, in light of Nicole Barclay and Commissioner Cambridge working together, as proven here, that's called collusion and corruption.

Also, the decision of Commissioner Cambridge, in this matter, sets a precedent in favour of corporates? It's called corrupting the law but, that's another aspect.

Of the 300 hundred cases that have come before Commissioner Cambridge very few have ever been won by the worker. The innocent worker was abused and victimised by the corporate and then abused and victimised a second time, and threatened with a \$30,000 cost order and bankruptcy, for seeking justice in the Fair Work Commission.

The Commonwealth Ombudsman has refused to investigate the matter or refer the case to the relevant law enforcement authority and, you can draw your own conclusions on that one. Their reply dated 21st March 2018 can be viewed on page 4 below. As a result, I would also like to know who investigates corrupted Fair Work Commissioners? Who is the corruption watchdog? Who protects us and society from the corporate corruption of our government?

When you are abused by the corporate and then abused a second time for seeking justice it adds insult to injury and there is no resolution. As there are two political appointments in the FWC what does that do for public perception? To protect government integrity, it would be appropriate to suspend Commissioner Cambridge, pending investigation.

In view of the applicant, myself, being denied relevant information in relation to Woolworths being denied their request for legal representation and the case being corrupted, as proven here, I believe a re-hearing would be in order irrespective of the findings of the Full Bench. The Full Bench overlooked the collusion between Commissioner Cambridge and Woolworths as outlined.

Please also keep in mind that unlawful workplace practice, by Woolworths, was proven with evidence and signed witness statements and, it doesn't matter which way you spin this, you can't turn the clock back on that. Since the Fair Work Commission are the policing authority in relation to unlawful workplace practice – Do the policing...

Again, this is about protecting the government from corporate corruption and protecting government integrity. Our two-party preferred political system is worth fighting for and pandering to corporates, in the Fair Work Commission, at the expense of the workforce, is threatening that stability.

In addition, I have also been personally threatened by Commissioner Cambridge as outlined in my second letter to you dated 9th May 2018, attached. View the email from the office of Commissioner Cambridge dated 8th May 2018, attached.

This information has been sent to you by email and registered post on 9th May 2018. I would like the matter investigated and I await your early reply.

For all the evidence view the Appeal Book {AB} transcripts:

<https://www.hootgallery.com/testing-the-system>

Yours Faithfully



Stephen Fitzgerald

As I am deaf please reply by mail or email: info@hootgallery.com

Our ref: 2018-301013

21 March 2018

Mr Stephen Fitzgerald
U2 1 Avalon Parade
AVALON NSW 2107

By email only: info@hootgallery.com

Dear Mr Fitzgerald

Thank you for your email of 16 March 2018 about the Fair Work Commission (FWC).

I have treated your email as a request for reconsideration of my decision not to investigate your complaint.

You have asked that we investigate your complaint because you consider the Office of the Commonwealth Ombudsman has an obligation to safeguard the community in its dealings with government agencies including the FWC, that the Fair Work Commissioner was corrupt in allowing Woolworths to be legally represented and that the Fair Work Commissioner allowed a jurisdictional objection at the end of the hearing rather than at the commencement of the hearing. You also consider that the Full Bench of the FWC in accepting the jurisdictional objection argument and dismissing your appeal, was protecting the Fair Work Commissioner.

I consider that the issues you have raised have previously been considered by the Full Bench of the FWC. As advised on 20 January and 2 March 2018, pursuant to section 5(2) of the *Ombudsman Act 1976*, our Office is not authorised to investigate actions taken by judicial officers. This includes actions taken by Fair Work Commissioners.

As your complaint remains outside of our Office's jurisdiction I will not be investigating your complaint and your complaint record remains closed with our Office.

If you disagree with my final decision, you may request an internal review within our office. Information on how to request an internal review can be found here:
<http://www.ombudsman.gov.au/making-a-complaint/review-of-our-decisions>

Yours sincerely

By email

Anne-Marie Tucker
Senior Investigation Officer

SECOND LETTER TO SENATOR CASH - 9th May 2018 – BEING THREATENED BY THE FWC

Senator the Hon Michaelia Cash
Minister responsible Fair Work Commission
Senate - Parliament House
PO Box 6100
Canberra ACT 2600

Dear Senator, the Hon Michaelia Cash,

In relation to my correspondence to you dated 8th May 2018 outlined above. In the matter referred to, Woolworths were denied their request for legal representation and were found by the Full Bench of the Fair Work Commission to have violated that order and subsequently defence lawyers have been barred from future proceedings.

Since Woolworths were denied their request for legal representation, they have no claim for legal costs against me. I would now like to bring your attention to the email from the office of Commissioner Cambridge, attached. I have once again been threatened with a \$30,000 cost order and the ensuing bankruptcy for seeking justice in the Fair Work Commission?

I have a sense of fairness and justice and that drove me to the Fair Work Commission in the first place. What has unfolded far outweighs one person's quest for justice... I have a social conscience and what I am trying to do, from this point, is protect society from corporate corruption and that includes protecting our elected representatives and public service. This can only be achieved if corruption is exposed. Behaviour is then modified and hopefully the foundation stone of our country – The Australian workforce, will get a fair go.

Please keep in mind that the threat in relation to the \$30,000 cost order did not come from Woolworths but was initiated from the office of Commissioner Cambridge and was sent to Woolworths representative Nicole Barclay and also to my email address info@hootgallery.com dated 8th May 2018. I have been directly threatened by Commissioner Cambridge, on behalf of Woolworths, and this requires urgent action.

Forwarded for your information

Yours Faithfully



Stephen Fitzgerald
As I am deaf please reply by mail or email
info@hootgallery.com
Unit 2, 1 Avalon Parade
Avalon Beach NSW 2107
9th May 2018

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RE: U2016/14484 Fitzgerald v Woolworths - Application for Costs



Chambers - Cambridge <Chambers.Cambridge.c@fwc.gov.au>

8/05/2018 5:17 PM



To: nbarclay@woolworths.com.au Cc: info@hootgallery.com

Dear Ms Barclay,

I refer to the Form F6 – *Application for Costs* filed by Woolworths Limited on Wednesday, 19 April 2017.

It has now been more than 12 months since this application was filed. Could you please provide an update on the status of the application.

Thank you.

Regards,
Lidia Susac
Associate to Commissioner Cambridge

FAIR WORK COMMISSION

Tel: [02_9308_1825](tel:02_9308_1825)

Fax: [02_9380_6990](tel:02_9380_6990)

Chambers: chambers.cambridge.c@fwc.gov.au

Level 10, Terrace Towers, 80 William Street, East Sydney NSW 2011

www.fwc.gov.au

From: Sydney Registry

Sent: Wednesday, 19 April 2017 2:32 PM

To: Chambers - Cambridge

Subject: FW: U2016/14484 Fitzgerald v Woolworths - Application for Costs

GAIL RUTLEDGE

Team Leader, NSW Registry
